



Bundesverwaltungsgericht

ACA-Europe Seminar
Harmonising Administrative Legal Documentation in Europe?

Leipzig, Germany

General Report

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I. Introduction

In information driven societies, judges, legal practitioners, decision makers in governments and citizens alike need to have access to judgments and other legal information. In times of information overload, fake news and deliberate misinformation, it is no longer sufficient for courts to publish the full text of their judgments on a website. It is also necessary to ensure that the document is authentic, provided in an accessible form and that the user is aware of the possibility to access it and to use it. Furthermore, it must be ensured that **preservation of the authentic document** is taken care of for future use. Today, courts need to be the guardians of the information they produce.

Court libraries provide a formidable knowledge base for their mostly in-house customers and play an important role in giving access to legal information as well as preserving it. However, behind the scenes so to speak, it is the far less known court **documentation departments**, which are feeding legal information systems with judgments and decisions. They assign identifiers, formal and content-related metadata, provide summaries and write headnotes in order to make the user aware of the existence of a document and to make its content accessible.

Within the scope of administrative jurisdictions of the European Union, who performs this task - the so called "**documentation**" or "**indexing**" - and how is it executed? This report describes the results of a comprehensive questionnaire addressing this issue. Twenty-seven Councils of State and Supreme Administrative Courts located in Europe answered the respective "Questionnaire on documentation by ACA members".

The objective of the survey was to find out if and how documentation units of ACA Europe members can **work together more closely** in order to achieve a **better content-based indexing of judgments** and of other legal information. The questionnaire contained ten sections, covering general questions like for example the structure of documentation units within the Supreme administrative courts, questions on external and internal legal information systems, questions on documentation methods and more specific questions concerning the cooperation with the Court of

Justice of the European Union ("CJEU" as follows) and possible improvements of ACA Europe's own data base "JuriFast".

The first insight obtained from the evaluation of the survey is who assigns the metadata: **Judgments are largely indexed internally** (external service providers are the exception) and mostly by legally trained employees. Often the judges or senates determine or select these judgments. As regards legal literature, the choice of what is to be catalogued and indexed, is also made within the Supreme courts, e.g. by the head of the documentation department, the documentalist or the library, often on recommendation or request of the judges.

The second insight obtained is that **in most courts both formal and content-based metadata are assigned**. The most common metadata assigned for decisions are keywords, summaries, national and European provisions from the decision, headnotes and cited case law. As regards legal literature, most courts give priority to keywords. The selection of what is to be documented is generally based on the importance of the document for the judges. The catalogued articles and monographs are mainly published in internal library catalogues and internal legal information systems. Interesting enough, legislation is cited manually in most of the courts; only few have automated processes.

The third insight obtained is that the vast majority of external legal information systems in Europe **sort by document type**, not by area of law. Decisions, opinions of Councils of State ("advice/recommendations" as follows), official journals and legal provisions are mainly provided in full text. The full text of legal magazines and articles, monographs, commemorative publications and compilations is usually subject to a fee. Survey participants describe the access to external legal information systems as more or less balanced between free of charge or subject to a fee. The majority of these systems are run by or on behalf of the state, but there are nearly as many private operators.

To come back to the starting question whether and how documentation units of ACA Europe members can work together more closely it can be concluded from the survey that harmonising administrative legal documentation in the sense of achieving a better content-based indexing of judgments and of other legal information is possible. There is huge

potential for more cooperation between documentation departments of ACA Europe member courts and the CJEU. The survey has produced enough data to support different strategies. There is potential for synergies, for optimisation, for change and for development. However, one first bold step by ACA Europe is necessary to improve the European documentation landscape in administrative law. The perception of documentation departments must change. Their status as a department with a purely institutional anchoring should be up-graded to a status with external visibility. This requires a professional representation of documentation units within ACA Europe. A permanent ACA Documentation Steering Committee that is rooted in ACA Europe's organisational structure should be set up. This Committee of legal information professionals from ACA Europe's member courts can be the driving force for organising and coordinating common projects of all documentation departments willing to share ideas and resources for the common benefit of all member courts.

Apart from organisational changes, it has to be discussed how to develop sustainable and fruitful working-relationships among documentation departments. The survey participants put forward many different ideas and suggestions.

The most promising proposals from the survey for future cooperation among documentation departments will be selected and presented for discussion in a webinar that will be up-loaded on the ACA Europe website in January 2021. In March 2021, a virtual documentation seminar will provide an opportunity to discuss some of the proposals with interested ACA Europe members and experts.

II. Summary of the evaluation

1. Section I “General Questions”

All ACA member courts that replied to the questionnaire have final jurisdiction in administrative law. The majority are also responsible for tax law (21) and social law (17). Seven courts are Councils of State and advise the government within their jurisdiction.

The documentation activities of the ACA member courts focus on the documentation of judgments/decisions (24) and literature (20). Only a few courts also document other works/documents/publications (8).

All courts agree with the proposed definition of metadata¹. The majority of courts state that they distinguish between formal and content-based metadata (18) and document both (24 courts assign formal metadata, 20 courts also assign content-based metadata). Most courts treat the following metadata as “formal metadata”: date, identifier, type of document, publisher, author, title.

Metadata are mainly collected in-house in the courts, not by external parties, both formal (in 24 courts by own staff) and content-based (in 23 courts by own staff).

Interesting: No court collects metadata exclusively by automated means. Up to now, automated collection has only been used in a supporting role.

Interesting: Five courts indicated that they already had experience with the automated collection of metadata (Sweden, Luxembourg, Lithuania, Germany, Bulgaria).

The number of staff responsible for documentation varies considerably between ACA member courts.

Interesting: Most courts employ expert lawyers for documentation. Judges are responsible for documentation in five courts (Belgium, Hungary, Italy, Ireland, Luxembourg).

¹ “Metadata are structured data that provide information about other data. They can be used to describe the content and/or form of the other data.”

Nine courts demand (sometimes several) foreign languages from their documentalists.

2. Section II “Documentation of Decisions”

The ACA member courts issue between 230 and 20,000 decisions (judgments and other decisions) per year. Fifteen courts publish all decisions, eleven a selection and five could not provide information on the extent of their publication. The vast majority of decisions are published on the courts’ websites and in internal LIS.

In most cases, published decisions are also documented. The selection of the decisions to be documented is usually made by the judges or senates of the courts.

Interesting: Two courts (Belgium², Hungary) must follow legal requirements when selecting the decisions to be documented.

It is rather unusual for decisions of other courts to be documented. Only eight courts claim to document decisions of other courts (e.g. national courts of instance or international courts).

The documentation method varies from court to court:

- Most courts assign keywords (21), summarise the decisions (16), quote national and European provisions from the decision (15), give a headnote (12) and cite case law (11).
- It is not very common to quote older provisions, to give the decision a title or to link within the decision and within the database.

Interesting: Eleven courts³ use a keyword index or a terminology database. Five courts use their own thesaurus

² Comment (Belgium): “According to Section 28 of the Act on the Council of State, judgments and decisions denying the admissibility of an appeal in cassation are accessible to the public. As this provision does not provide for the publication of decisions admitting an appeal in cassation, such decisions are never published. Moreover, these decisions are never documented.”

³ Belgium, Croatia, Greece, Luxembourg, Netherlands, Poland, Portugal, Republic of Serbia, Slovak Republic, Slovenia, Sweden.

(France, Austria, Poland, Slovenia, Spain). No court uses Eurovoc when documenting decisions.

Interesting: Legislation is largely cited manually (11). Only four courts have an automated process (Italy, Lithuania, Poland, Slovenia).

Only a few courts provided information on who imposes the documentation requirements. These are usually specified in-house, e.g. by the head of the documentation department.

Interesting: Nine courts⁴ state that they have uniform written rules under which their highest courts document.

Only a few courts have their decisions translated (9), always into English, some even into other languages.

Interesting: Three courts use a terminology database for translations (Germany, Norway, Hungary).

3. Section III “Documentation of Advice/Recommendations (Councils of State)”

The documentation of advice/recommendations by the Councils of State concerned is essentially the same as the documentation of decisions (see Section II).

Three Councils of State (France, Romania, Spain) use a thesaurus. The Councils of State of Belgium and the Netherlands use a keyword index or a terminology database.

Interesting: The Romanian Legislative Council uses both its own thesaurus and Eurovoc.

Interesting: The French Conseil d’Etat indicated that the operator of the external legal information system in which the

⁴ Croatia, Cyprus, Estonia, Hungary, Latvia, Lithuania, Portugal, Spain, Slovenia (partly written, partly unwritten rules).

opinions (advice/recommendations) are uploaded provides documentation requirements.

4. Section IV “Documentation of Legal Literature”

Nineteen courts state that they also document literature.

Based on the answers, the task of the documentation centres as a service unit for the judges becomes clear, especially with regard to the selection criteria for the literature to be documented (free text field in the survey). In all courts, the selection is done according to whether a document could be important/relevant/interesting for the administrative judges (and, where applicable, research staff). The documents are mainly published in the internal library catalogue (11) and internal legal information system (10).

Interesting: With regard to the way in which literature is documented, it is noticeable that the assignment of keywords is most widespread (13).

Other metadata are less frequently used: citing national and European provisions from the document (6), creating a summary (4), tracking when and where the document is cited (4), linking within the document (3).

Six courts use a keyword index or a terminology database. Four courts use their own thesaurus. The Supreme Administrative Court of Finland uses both.

Almost all courts cite provisions manually, only in Slovenia are they cited automatically.

Only a few courts state, who sets documentation rules for literature. In all courts except the German Federal Administrative Court, this is done in the court itself, mainly by the documentation department or the documentalists. When documenting literature, the German Federal Administrative Court follows the guidelines set by the operator of the external legal information system into which the literature is uploaded.

5. Section V “Documentation, Miscellaneous”

Some courts claim to document content beyond the above categories. The following comments are made in this regard:

- **Belgium:** The Belgian Council of State has extensive documentation tasks that, in addition to decisions and literature, include legislation, parliamentary documents and submissions to the highest national courts (Council of State and Constitutional Court).
- **Estonia:** In Estonia, the Parliament or a minister can call the Supreme Court to give its opinion on important or new laws. This is documented as well as official letters from international organisations to the Court and from private individuals who have no pending cases but who request, for example, information from the Court.
- **Poland:** The Supreme Administrative Court also documents opinions and newsletters.
- **Slovenia:** In the Supreme Court, the analysis and research department newly established in 2018 analyses foreign (mainly EU) legislation, case law and literature, prepares comparative studies and documents and publishes them in the internal legal information system.

6. Section VI “External Legal Information Systems”

Most of the countries of the participating courts have several external legal information systems (LIS)⁵. Spain is an exception - there is a centralised, State-run and free legal information system (CENDOJ - Consejo General del Poder Judicial).

⁵ For the purpose of this survey, an “external legal information system” was defined as an information system that provides legal information (such as decisions of the national courts, legal essays/articles and/or national legal provisions), that primarily relates to national law, that is accessible (also) from outside the institution and is intended for use by external persons.

External LIS are usually comprehensive databases covering different types of documents and areas of law. The vast majority of systems contain decisions (72). Many of them also contain literature and/or other content. But there are also exclusive systems that, for example, contain only decisions (29), opinions of Councils of State (1) or reports and other opinions (2).

Interesting: There is no exclusive LIS for literature. It is always provided together with other content.

Overall, there are almost as many paid (33) as free (43) external LIS. Eight external LIS offer both a free and a paid service.

The scope of the publication depends on the type of document. Judgments, opinions of Councils of State, official gazettes and legislation are almost always published in full text. Legal articles, monographs, legal journals, memoranda and compilations are usually only available in excerpts and as full text against payment.

The majority of external LIS described by the participating courts are operated by the State (38) or on behalf of the State (5). However, there are almost as many privately operated LIS (39).

Interesting: Most widely used in external LIS is the full text search. The “Pendency” search function is the least common.

In addition, external LIS offer the following search functions:

- decision date (73)
- date of issue (70)
- court (66)
- document type (61)
- subject area, time range (58)
- legal norm (57)
- file reference (54)
- author (49)
- title (e.g. of a legal magazine, a legal essay/article) (47)

- citation of case law (42)
- search within important components of a decision (e.g. headnote, guiding principles) (38)
- document reference of the information system (32)
- decision name (28)
- ECLI (27)

Interesting: Very few courts can influence the search functions offered in external LIS. Only 13 courts claim to have a say in this. These systems are mainly operated by or on behalf of the State. Only one of the systems with participation rights is operated by a private operator.

Most external LIS (67) include a filter function to sort the hits of a search, e.g. by topicality or decision date.

Interesting: Cyprus will soon join the ECLI community and plans to complete this process during 2020. All future and past case law should be provided with an ECLI.

7. Section VII “Internal Legal Information Systems”

All participating courts except the Slovak Republic have internal legal information systems (LIS)⁶. The systems contain mainly own judgments and decisions. Around half of the internal LIS also contain other documents/information such as articles (14), judgments of other courts (13), journals (11), legislation (10), official gazettes (10) and similar.

Most documents are made available in full text, with the exception of journals, articles and monographs, only about half of which are made available in full text.

⁶ “Internal legal information systems” refers to information systems in which legal information is made available to the judges and staff of the institution which cannot normally be used by external persons and whose content mainly covers the areas of law for which the respective institution is ultimately responsible. If there is more than one internal information system (e.g. decision database, library catalogue) the answers should cover all systems in summary.

Almost all internal LIS have a search function. The most widely used search function is the publication date (24). The following search functions are also common:

- author, decision date, document type (e.g. judgment, legal essay/article), subject area (22)
- court, file reference, full text (20)
- title (e.g. of a legal magazine, a legal essay/article) (18)
- legal norm, time range (17)

Around half of the courts offer the following search functions:

- search within important components of a decision (e.g. headnote, guiding principles) (14)
- citation of case law, document reference of the information system (13)

Around one third of the courts offer the following search functions:

- pendency (9)
- ECLI (European Case Law Identifier) (7)

Not surprisingly, in internal LIS, which are mainly a source of information for a court's own judges and staff, the name of a decision is the least frequently offered as a search function (6). The other search terms mentioned above seem to be more relevant for expert users.

In the majority of courts, internal LIS have a search function (23) and a filter function (18). Six institutions indicate that their search functions are (at least partly) defined by the IT. In all other institutions, the specialist department (e.g. Publications Department, Case Law Department) or a higher-level department (e.g. President of the Court, General Affairs Department) determines the search functions.

8. Section VIII “Judicial Cooperation”

This section asks how cooperation between ACA member courts and with the CJEU in the documentation of court decisions can be improved.

Nineteen courts make suggestions on how the CJEU can better assist them in disseminating CJEU judgments and important national judgments through their national systems/platforms. In broad terms, they propose measures that would give national judges a better overview and knowledge of CJEU case law, make it easier to deal with the EU Judicial Network (JNEU) and technically simplify the exchange of information:

- **Labelling of key decisions:** By far the most common proposal is that the significance of CJEU judgments should be highlighted. This is expected to provide a better overview and promote knowledge of important decisions. For example, colour coding is proposed, or an “A” (for landmark decisions), “B” (for decisions on certain/specific legal problems) and “C” (for application of existing case law) classification. In a similar vein is the proposal to identify references to existing case law and to highlight changes in case law.
- **Make CJEU rulings easier to understand:** Several courts make suggestions on how to make CJEU judgments easier to understand. For example, important aspects in the judgments could be highlighted (highlight the key points of the decision), judgments could be summarised with regard to specific areas of law (making more case law summaries/compilations in specific subjects, for example, data protection, private life, access to information, environment etc.) or more fact sheets could be provided (more fact sheets would help).
- **E-mail alert:** Some courts suggest that the CJEU should inform them more quickly about the latest case law, for example by means of a (monthly) newsletter with the latest leading decisions.
- **Provide training:** Some courts would like support from the CJEU for the publication of decisions on their national platforms. For

example, they suggest seminars/training courses. Both the publishing process (assistance in publishing) and CJEU case law itself (better background and knowledge) are of interest.

- **Further improvements of the JNEU:** Various proposals are made to improve the JNEU:
 - make JNEU database more user-friendly
 - open JNEU for every interested person
 - make data available in XML format for national courts (makes it much easier for national courts to process CJEU data according to their needs)
 - put in place a support team for users
 - evaluate the database for content and technology
 - provide a language translator in the database

Nineteen courts also suggest what information they could in turn provide to the CJEU to assist it in publishing decisions in the JNEU:

- **JuriFast information:** Several courts suggest that they could provide the CJEU with the information they also provide to JuriFast, e.g. summaries of decisions, metadata entered into JuriFast when uploading, national final decision following a referral.
- **Information concerning CJEU rulings and the application of EU law:** Some courts suggest providing the CJEU with further information on how to deal with CJEU judgments at national level, such as literature on CJEU judgments, interpretation and application of CJEU case law. It is also proposed to inform the CJEU of decisions without preliminary rulings in which EU law is applied - in summary or extract form where appropriate - and of any changes in the national interpretation of an EU directive.
- **Information concerning important national rulings or other:** Some courts suggest informing the CJEU of significant national decisions. Various formats are proposed, such as a summary of the most important decisions taken in recent months,

transmission of individual decisions with an indication of their significance, transmission of the main points arising from decisions affecting EU law (whether or not following a referral procedure). It is also proposed that the CJEU could be informed about important national laws, administrative decisions and specific important issues in a Member State. One court suggests providing the CJEU with the link to the website of the Supreme Court(s) and other documents (e.g. internal newsletters, reports) dealing with the most important national decisions.

- **Create subject areas in the field of administrative law:** Another suggestion is that ACA member courts could jointly develop subject areas specifically for administrative law, which could then be used by both the CJEU and ACA courts in the documentation of judgments.

Half of the participating courts (14) indicate that they would be willing to assign uniform metadata according to the ECLI XL standard. However, when asked what specific metadata of this standard they would assign, significantly more courts replied. One possible explanation for this is that many courts have not yet dealt with the content of the ECLI XL standard.

- **More than half of the courts** indicate that they would assign the following metadata from the above standard: date of judgment (20), case number (19), description (18), creator - name of the rendering Court (17), type of document (17), coverage (16), subject (15), title (14)
- **More than one third of the courts** indicate that they would assign the following metadata from the above standard: ECLI identifier (13), official language (13), abstract (12), division (12), party (11), importance level (10), judge (10)
- **Fewer than one third of the courts** indicate that they would assign the following metadata from the above standard: reference (8), date of deposit (7), global alias (7), replaces - the replaced decision (7), replaced by (6), fixed alias (5), neutral citation (4), contributor (3), preferred form of ECLI (1), ProfNonJudge - involved professionals, other than judges (1)

As reasons for not wanting to assign ECLI XL metadata, the refusing courts mainly mention the workload, the fact that they are not familiar with ECLI XL and that the metadata provided do not fit into their national systems/documentation traditions:

- additional workload, too time-consuming
- ECLI and/or ECLI XL is not applied (in general)
- standard is not widely known yet/lack of knowledge/educated personnel - need for information sessions
- standard does not fit all court systems/national diversities/proposed metadata cannot be applied/national tradition
- translation problems

The majority of the participating courts can well imagine a closer cooperation in the documentation of judgments and decisions: 17 courts for translation (e.g. use of a common terminology database) and 18 courts for metadata (e.g. use of a common thesaurus). In addition, the following areas for cooperation are proposed:

- common thesaurus (other than Eurovoc)
- common subject areas (other than EUR-Lex)
- legal provisions
- guiding principles
- common keywords
- common template/model for abstract/headnote of decisions

9. Section IX “JuriFast”

Of the 27 participating courts, 19 indicate that they publish decisions in JuriFast. Of these, twelve courts upload both preliminary rulings, national final rulings and other decisions of importance for the European Union. The other courts upload only some of these documents.

The ACA member courts of the following countries do not upload decisions:

- Italy
- Croatia
- Norway
- Austria
- Romania
- Sweden
- Serbia
- Spain

Twelve courts state that they publicise JuriFast inside and outside their institution:

- **Internally:** Within the courts, JuriFast is mainly publicised by informing judges and, where appropriate, research assistants by e-mail about JuriFast itself and/or about the latest decisions in the database, and by linking JuriFast to the intranet site. One court states that it has also run workshops on JuriFast in the past, but has now stopped.
- **Externally:** Several courts indicate that they publicise JuriFast to other courts, for example by sending them information about JuriFast or informing them about the latest decisions in the database. The addressees of this information are, for example, lower administrative courts, the administrative branch of a Supreme Court

or an inter-institutional network. One court publicises JuriFast in the bulletin of the Supreme Court. In part, the (public) court homepage provides information about the JuriFast database and links to it.

According to at least one third of the courts, data entry in JuriFast could be improved and simplified by the following measures:

- Add the possibility of saving a draft of the entered data (12)
- Add the possibility of sorting by case number when setting and updating national decisions (11)
- Increase session time to avoid disconnections (9)

Less than one third of the courts are in favour of the following changes in data entry:

- Improve the quality of links with EUR-Lex (7)
- Check the consistency of languages (to avoid unexpected switch to French) (6)
- Use only national flags (and not the EU flag) (3)

A large majority of the participating courts (19) indicate that the 300 words limit for JuriFast summaries should remain in place. Two courts suggest that exceptions should nevertheless be allowed, but do not specify the criteria.

The questionnaire also asks the courts about the suggestions for improvement developed by the ACA's Database Working Group. More than half of the courts advocate the following improvements:

- Provide an indication that case law has changed in the meantime (15)
- Provide a link to an automatic translation application to translate the judgment in its entirety (14)

A good third or more of the courts also advocate the following improvements:

- Develop topics of particular interest as selection criteria for JuriFast (e.g. data communication, technology & law, ACA seminars) (12)
- Provide an explanatory video for those who draft the summaries (11)
- Improve interconnection with other databases (JuriFast, Dec.Nat., JNEU) (11)
- Create FAQ for JuriFast users (9)
- Create a webinar for JuriFast users (9)
- Add “national number of the decision” as an additional search criterion (8)
- Delete decisions that are too old (8)

Less than a third of the courts support the following proposals:

- Implement a simplified search function alongside the current search functions (6)
- Create a mobile application for JuriFast (6)
- Revise the document indicating how to write a JuriFast summary (5)
- Publish JuriFast banners on the websites of various national and international associations (5)
- Introduce a minimum number of decisions per year to be introduced per ACA-Europe member court (4)

In addition, the courts also make their own suggestions for improvement. Many useful suggestions concern the **instructions for writing JuriFast summaries** (e.g. that the document is not available on the JuriFast website or that there should be standardised templates), the **introduction of a “simplified search” function** (e.g. a Google-like or keyword-based search) and **possible advertising with the JuriFast banner on external websites** (e.g. from learning institutions such as universities or training institutions for judges, the rest of the judiciary or (other) international legal networks).

However, most of the proposals concern **better links between JuriFast and other databases**. Several courts would like to be able to search information from different databases with less effort than at present, for example to determine whether there is additional or different information on a decision in another database. Databases should be complementary, not competing, said one participant. This could be achieved, for example, by automatically linking a decision posted in JuriFast to the JNEU (or vice versa) if it has also been uploaded there. To make uploading easier, it is also proposed that you only need to upload in one database (e.g. JNEU) and the decision is automatically uploaded in other databases (e.g. JuriFast or Dec.Nat). However, this should only be possible insofar as both databases contain identical metadata and documents. Probably the most far-reaching proposal is to bring all databases into a common database. This would be helpful for courts that have jurisdiction not only for administrative law - but is difficult to imagine in practice.

Finally, the courts are asked whether contacts and meetings of JuriFast contact persons should be increased. After all, 11 courts are in favour of this. The majority of the courts (15) consider one meeting per year to be sufficient.

10. Section X “JNEU”

This section of the questionnaire aims to determine how judges of ACA member courts use the JNEU. On a positive note, the majority of courts also answered these questions. However, it is not possible to verify whether the questions were actually answered by judges.

Overall, the judges of the ACA member courts rarely use the JNEU. Of the 23 courts that answered the respective question, almost one third said they never use the JNEU (7), almost half less than once a month (11). Three courts indicate that their judges use it monthly; only two courts use it weekly.



The majority of courts are satisfied with the JNEU user interface (19). The functions “subject area”, “list by courts” and “text search” are also mostly well to very well received by users (“OK” to “very satisfied”).

There is less satisfaction with the “advanced search”. More than half of the ratings given here were only “rather OK”, “rather dissatisfied” and “dissatisfied”. This function received the most suggestions for improvement. All suggestions for improvement of the above-mentioned functions of the JNEU are listed in the annex (see analysis of section 10). The majority of courts (15) also agree that it should be possible to save a search query in the JNEU in the future.

Information from the JNEU is transmitted directly to the judges in the majority of courts (10). It is prepared beforehand in six courts, either by research assistants or the documentation unit.

In most courts, access to the JNEU is granted individually via the JNEU administrator and then the JNEU login. Three courts have linked the JNEU directly on their intranet site.



Annex: Evaluation of sections

1. **General Questions (Documentation of administrative case law, literature and other documents or pieces of information)**
 - Ultimate responsibility for
 - Administrative law: all
 - Constitutional law: 9
 - Tax law: 21
 - Social law: 17
 - Other: 9
 - 7 institutions advise the government (Council of State)
 - 24 institutions document decisions in court proceedings (judgments and decisions that are not judgments),
 - 7 institutions document advice/recommendations
 - 20 institutions document literature⁷
 - 8 institutions document "Other"
 - All institutions agree with the following definition of "metadata": *Metadata is structured data that provides information about other data. They can be used to describe the content and/or form of the other data.*
 - 18 institutions distinguish between formal and content metadata in their documentation system

⁷ In the first section, 16 institutions indicated that they document legal literature. However, later on in the survey 20 institutions answered the questions concerning legal literature. It is therefore assumed, that 20 is the correct number.

- The pieces of information that were most defined as formal metadata are:
 - Date (e.g. decision or publishing date) (21)
 - Identifier (e.g. ECLI, file number, document ID) (21)
 - Type of document (21)
 - Publisher (e.g. court or publishing house) (17)
 - Author (16)
 - Title (16)
- 24 institutions assign formal metadata, 20 institutions also assign content-related metadata
- The Supreme Court of Ireland further explained that there is no documentation department or similar unit in the Court. Rather, a judge writes a judgment, which includes the decision itself and other data, such as the title of the proceedings and the date of the delivery of the judgment. The Supreme Court Office, which is effectively the registry of the Supreme Court then inserts a title page, which includes: the record number of the case; the title; the neutral citation; the date of the delivery of the judgment; the Court (i.e. the Supreme Court); the composition of the Court, the name of the judge who delivered the judgment in question; the status of the judgment (approved or unapproved); and the result. The judgment is then published on the website of the Courts Service, www.courts.ie. A similar process applies in respect of written determinations of the Court either granting or refusing applications for leave to appeal to the Supreme Court
- In the vast majority, staff of the institution assigns **formal metadata** (24); 3 institutions⁸ also use external agent(s). One institution (Spanish Supreme Court) works with external agents only, who work for another public institution (e.g. library, Ministry of Justice, public agency).

⁸ Belgium, Italy, Sweden.

- 11 institutions assign formal metadata manually, 11 both manually and on an automated basis. The reasons for using both methods are organisational reasons (9⁹), reasons of control or quality assurance (9) and that automated recording is not yet completely possible (8).
- In the vast majority, staff of the institution assigns **content metadata** (23); 3 institutions¹⁰ also use external agent(s). One institution (Spanish Supreme Court) works with external agents only, who work for another public institution (e.g. library, Ministry of Justice, public agency).
- 5 institutions have experience with automated assignment of content metadata.

- 20 institutions use trained lawyers for documentation. In 12 of them, also non-lawyers perform documentation activities. These people...
 - ...have a higher education degree in: Administration; Foreign languages; History and Law; Library school (polytechnic); Documentary science, information management or archival studies; Diploma (University of Applied Sciences) in information retrieval; Librarian/archive science.
 - ...are trained in: public/administrative services (2); secondary specialised education or higher degree in different fields; using the IT- system; administrative and technical tasks of the case law; specific tasks related to documentary work; internal system; trained as a paralegal.
- In 4 institutions, judges perform documentation activities (Hungary, Italy, Luxembourg, Belgium)
- As for the Supreme Court of Ireland, the only form of documentation of court decisions is the assignment of the Supreme Court Office (the registry) of a title page on judgments and determinations of the

⁹ Ireland indicated that they record formal metadata only manually - however, they answered this question (which was a follow up question for those who record both manually and on an automated basis). Their answer to this question was therefore not taken into account which Ireland consented.

¹⁰ Cyprus, Italy, Sweden.

Court before they are published on the Court's website. The Registrar and staff of the Supreme Court Office are civil servants, albeit the Registrar and some of the staff have legal qualifications.

- The number of persons who perform documentation activities varies considerably from 2 (Greece, Romania, Republic of Serbia, Republic of Croatia) to 110 (Belgium), 120 (Poland) and 450 (Italy). In 12 institutions, the number of persons performing documentation activities is equivalent to the number of full-time posts.¹¹
- 9 institutions have made foreign language skills *compulsory* for their documentalists.
- 7 institutions require *one* foreign language, mostly English.
- 4 institutions require *two* foreign languages, mostly English, French and German.
- 2 institutions (Slovak Republic, Republic of Slovenia) require *three* foreign languages (English and German as well as French (Slovak Republic) or Croatian-Serbian (Republic of Slovenia)).
- There are no useful results concerning the annual budget for external agent(s) who perform documentation activities on behalf of the institutions. Only 2 institutions answered the question, one indicated 1 €, the other 30 €.¹²

Comments

- 8 institutions made further comments on the first block of questions:

Belgium	1) You indicated that trained lawyers perform documentation activities in your institution. Are they judges? Yes, partially. 2) We mentioned that 110 people have documentary activities. This high number can be explained by the fact that it includes all the auditors (judges), i.e. 80 people
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¹¹ Italy stated, that 450 persons perform documentation activities and that this number would correspond to 450 full-time posts. It is not very likely that this number refers to the Italian State Council but rather to the Administrative Justice altogether.

¹² These numbers are not very likely and were therefore not taken into account.

	because they all participate in the work of documenting judgments.
Cyprus	As of the year of 2019, three Legal Officers of the Supreme Court have been assigned documentation activities and in particular, the documentation of judgments (content metadata). Prior to that, documentation was carried out by external agents (contracted practising lawyers). The annual amount of approximately €30.000 mentioned above, relates to the external agents' overall remuneration. Legal Officers, on the other hand, are permanent Civil Servants.
France	Concerning the persons with a law degree, some are judges some are not.
Greece	Formal metadata are produced automatically by the IT system
Republic of Serbia	Administrative and technical tasks in the Case-Law Department, including record-keeping of all the cases forwarded to the Case-Law Department, recording of the date the case is returned to the chamber of judges and the date the case is forwarded for the purpose of replication of written copies of judgements, processing of data related to the number of reviewed decisions, preparation and replication of the material upon the request of the head of department, keeping of the registry of decisions related to the preliminary legal remedies stated against court decisions, keeping of general and specialized case-law registry, providing help to the judges and judge's associates in the Case-Law Department, filing of all the decisions into the decision database and anonymization of decisions which are consequently published on the Court's website. There are also other tasks that are performed

	upon the request of the head of the Case-Law Department or other authorized person, and also preparation of the necessary reports.
Netherlands	In the near future, our information and documentation service will change. With regard to the judgments and other decisions, more work will be done by the lawyers (clerks) that support our judges. The library will not change. We will start working more digital.
Norway	Most questions do not apply
Slovak republic	The Department of Documentation, Research and Comparative Law was established 3 years ago. By far the most important goal of the Department is to create an internal legal information system. The Department gathers the decisions of the Supreme Court in the transitional database. For this reason, we do many activities manually. The department temporarily works with external legal information system.
Republic of Slovenia	We do not have external agents to perform documentation activities for our institution.

2. External legal information systems

For the purpose of this survey, an "external legal information system" was defined as an information system that provides legal information (such as decisions of the national courts, legal essays/articles and/or national legal provisions), that primarily relates to national law, that is accessible (also) from outside the institution and is intended for use by external persons.

a. Single External Information System

- One institution indicated that they have only one external information system in their country (Spanish Supreme Court). All other 26 participating institutions indicated that there are several external information systems. They chose the most important ones (listed in Annex 1) and answered the questions below under II. for up to 5 different systems.
- The Spanish external information system (CENDOJ - Consejo General del Poder Judicial) is run by the state and provided free of charge.
- It contains court decisions in full text and uses metadata assigned by the Spanish Supreme Court for the whole content. It provides a search function that allows searching for full text, author and decision name (e.g. "Cassis de Dijon" for the ECJ).

b. Several External Information Systems

- The majority of external legal information systems that the participating institutions described are comprehensive databases that contain all sorts of legal information (e.g. court rulings, legal magazines, legal articles) and cover different fields of law. As far as the structure of the systems is concerned, it is more common that they are subdivided by type of document/information (e.g. court rulings, legal literature parliamentary documents) (13) than by

jurisdiction/field of law (e.g. public law, criminal law) (3). In one country, both subdivisions apply.

- The participants described the contents of the external legal information systems as follows:
 - A total of 72 contain judgements and decisions. 29 of them contain no other legal information than judgements and decisions.
 - Advice/recommendations by Councils of state are almost always provided together with other legal information in one database. Only in one case there is an exclusive legal information system for advice/recommendations by a Council of state (*Concilia Web*, France).
 - A total of 39 legal information systems contain literature (e.g. legal articles, monographs, commemorative publications). Among the systems described by the survey participants, there is no exclusive database for legal literature.
 - Statements or reports by associations, national parliaments or other are almost always provided together with judgements/decisions and/or literature. However, two survey participants described exclusive databases for statements and reports: the website of the Austrian Parliament and the Hungarian Official Gazette ("*Magyar Közlöny*").
- It was also asked which documents are available in full text. The evaluation of all answers led to the following result:
 - Four types of documents are mostly provided in full text: court decisions, advice/recommendations of Councils of State, Official Journals and legal provisions.
 - In contrast, the external legal information systems mostly only provide extracts or full text against payment of legal articles, monographs, legal magazines, commemorative publications and compilations.

- Interestingly enough, opinions and reports (e.g. from associations, parliaments) are offered almost as often in full text as only extracts or full text against payment.
- Whether access to the legal information systems is free of charge or subject to a fee is more or less balanced among the systems described by the survey participants:
 - free of charge: 43
 - fee-based: 33
 - both: 8
- The majority of legal information systems described by the survey participants are run by the state (38) or on behalf of the state (5). Private operators run 39 systems. In some cases, the respondents were unsure who operates the system.
- The most common search functions among the external legal information systems described by the survey participants are
 - full text (81)
 - decision date (73)
 - date of issue (70)
 - court (66)
 - document type (61)
 - subject area, time range (58)
 - legal norm (57)
 - file reference (54)
 - author (49)
 - title (e.g. of a legal magazine, a legal essay/article) (47)
 - citation of case-law (42)

Also quite common search function are:

- search within important components of a decision (e.g. headnote, guiding principles) (38)

- document reference of the information system (32)
- decision name (28)
- ECLI (27)

The search functions "pendency" is the least common (13).

- The vast majority of external legal information systems offer a sorting function for the hits, e.g. by topicality or decision date.
- In most systems (57), the participating institutions do not have a say in the search functions. Only in 13 cases, either the Court itself or the documentation unit/department can have a say in the search functions. In one case, there is a co-determination in some cases.

Those institutions who have a say in the search functions left the following comments:

Belgium	System 1: Yes, the Council of State itself via The Auditor's Office and the Coordination Office. System 5: Yes, the Council of State itself via The Auditor's Office and the documentation unit.
Estonia	System 2: The Supreme Court determines which search functions are available.
France	System 2: The legal research and dissemination centre has editorial responsibility for the databases and participates in determining the needs in terms of search functionalities System 3: The report and studies section has editorial responsibility for the database.
Germany	System 1: The documentation unit makes suggestions, which the Court's President submits to the operator.
Greece	System 4: IT-Committee of the Court
Hungary	System 1: The decisions of the courts are documented.

Ireland	Judgments of the Supreme Court are published on the website of the Courts Service, which is operated by staff of the Courts Service, which is the organisation that supports the Judiciary and the management of all courts. The Courts Service consults with the judges in relation to developments regarding the website, which may include matters such as search functions.
Italy	System 1: The Administrative Justice influences the search function of the system by its decisions
Latvia	Systems 1 and 2: As it was mentioned before, it is matter of programming databases. Leader of the institution can suggest to introduce new search functions.
Republic of Slovenia	System 1: The documentation department and the IT centre of the Supreme Court.
Spain	No, that´s the responsibility of the CENDOJ

Comments

- 4 institutions commented further on this block of questions:

Cyprus	Cyprus will soon join the ECLI Community. The implementation of ECLI is well underway and full implementation is expected within 2020. It has been initiated via an EU co-funded project and a number of organisations in the legal domain cooperate, including Cylaw, the national legal information system which makes all national Cypriot information resources available for free. ECLI will be introduced to new case law as well as old one (the entire legacy) with both compulsory and optional metadata being included.
France	As regards databases containing legal articles, these are only databases offered by private publishers. They were not mentioned in this questionnaire.



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Netherlands	In the Netherlands there exist more commercial information and documentation systems than I mentioned. I mentioned the ones that are the most used by us.
Slovak republic	Some of the systems we use at work have several platforms (e. g. desktop, online). We described the one we commonly use.





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Annex 1 - List of the most important legal information systems in each country

The colour in the background indicates who operates the legal information system:

- Blue: run by the state
- Pink: private operator on behalf of the State
- Green: private supplier - freely active in the market
- Blue/grey: unsure/not applicable

Home state of the institution	1 st System	2 nd System	3 rd System	4 th System	5 th System
Austria	RIS (Rechtsinformationssystem des Bundes)	RDB (Rechtsdatenbank)	LexisNexis	Website of the Austrian Parliament	RIDAonline



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Belgium	Jura : databases covering legislation, case law and doctrine: https://jura.kluwer.be/beforelogin.aspx	refLex : the databases of the Council of State covering legislation and case law (see the more precise description given in the part "Documentation of Other") : http://www.raadvst-consetat.be/?page=reflex&lang=fr	Databases of the Constitutional Court : https://www.const-court.be/fr/common/home.html	Justel : database of federal legislation and federated entities: http://www.ejustice.just.fgov.be/cgi_loi/loi.pl	juriDict : databases of the Council of State with its judgements and decisions of non-admission of an appeal in cassation: http://juridict.raadvst-consetat.be/index.php?lang=fr
Bulgaria	Apis	Ciela			
Cyprus	Cylaw	Leginet			
Czech Republic	ASPI	Beck online	Codexis		
Estonia	Riigi Teataja (www.riigiteataja.ee)	Riigikohus (www.riigikohus.ee)			
Finland	Finlex	Edilex	Suomen Laki		
France	Légifrance	Ariane Web	Concilia Web		



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Germany	juris	Beck-Online	dejure.org		
Greece	Nomos data base https://lawdb.intra.softnet.com/nomos/nomos_frame.html	Hellenic parliament http://www.parliament.gr	Athens bar association data base http://www.dsanet.gr/1024x768.htm	Administrative justice data base https://www.adjustice.gr	Supreme court data base www.areiospagos.gr
Hungary	Bírósági Határozatok Gyűjteménye	Complex Jogtár	Nemzeti Jogszabálytár	Opten-OptiJus	Magyar Közlöny
Ireland	Courts Service website (www.courts.ie)	Irish Statute Book (www.irishstatutebook.ie)	Justis (www.justis.com)	Westlaw (www.westlaw.ie)	Bailii (British and Irish Legal Information Institute, www.bailii.org)
Italy	SIGA – Sistema informativo della Giustizia Amministrativa for the administrative justice	Normattiva (public and open information system on laws and regulations)	DeAgostini giuridica (private system of legal, administrative and jurisdictional information – available against payment)	Juris data – Giuffré (private system of legal, administrative and jurisdictional information – available against payment)	Il Sole-24 Ore (private system of legal, administrative and jurisdictional information – available against payment)



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Latvia	Court Information System https://tis.ta.gov.lv/	https://manas.tiesas.lv/ / (External version of the Court Information System)			
Lithuania	INFOLEX	LITEKO	E-TAR		
Luxembourg	PASICIRISIE	LEX NOVA	STRADA LUXEMBOURG	LEX JUDOC	
Netherlands	Rechtspraak.nl	Legal intelligence	Overheid.nl		
Norway	Lovdata	Rettsdata	Juridika		
Poland	LEX	LEGALIS	Lex Polonica (Polonier)		
Portugal	Databases of the Ministry of Justice- www.dgsi.pt	Information System of the Administrative and Fiscal Courts- www.taf.pt	Official Journal of the Republic- www.dre.pt	DataJuris www.datajuris.pt ;	- Prosecutor's Information System- www.pgdlisboa.pt
Republic of Croatia	SUPRANOVA	IUS - INFO			
Republic of Serbia	Legal and Information System of the Republic of Serbia	Paragraf Lex	Intermex (IndOK)		



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Republic of Slovenia	Case law browser (iskalnik sodne prakse - www.sodnapraksa.si)	Ius - info (www.iusinfo.si)	Tax-fin-lex (www.tax-fin-lex.si)	Legal information system (pravno - informacijski sistem - www.pisrs.si)	
Romania	The Senate of Romania - legislative procedure database (https://www.senat.ro/legis/lista.aspx)	The Chamber of Deputies - legislative procedure database (http://www.cdep.ro/pls/proiecte/upl_pck2015.home)	The Ministry of Justice - legislative portal (http://legislatie.just.ro/). PPP (run by a private company)	The Official Journal of Romania - legislation (http://www.monitoruloficial.ro/article--e-Monitor--339.html)	
Slovak republic	ASPI	Beck - online	Slov - lex		
Spain	CENDOJ (Consejo General del Poder Judicial)				
Sweden	JUNO	InfoTorg			



3. Internal legal information systems

a. General questions

- 26 institutions have an internal legal information system¹³ ("ILIS" as follows). The Supreme Court of the Slovak Republic does not provide an ILIS.
- 18 institutions indicated that all staff members could use the ILIS. In 3 institutions other users also have access to the ILIS:

Italy	Lawyers and citizens
Finland	Referendaries
Republic of Serbia	Staff at the Case-Law Department

- The ILIS predominantly contain judgements and decisions of the institution, which answered the questionnaire. But many institutions provide other content through their ILIS:

Content	Number of institutions that provide this content...	
	... in full text	... partially/ extracts only
Judgments and other decisions of your institution	20	3
Judgments and other decisions of other institutions	10	3
Legal provisions	9	1
Official journals	8	2

¹³ For the purposes of this survey, "internal information systems" was defined as an information system in which legal information is made available to the judges and staff of the institution, which cannot normally be used by external persons and whose content mainly covers the areas of law, which the institution is ultimately responsible for. If one institution has more than one internal information system (e.g. decision database, library catalogue), it was asked to answer for all systems in summary.

Legal essays/articles	8	6
Advice/recommendations (Council of State)	6	0
Compilations	6	1
Legal magazines	6	5
Opinions and reports (e.g. from associations, parliament)	6	1
Commemorative publications	5	2
Monographs	5	5

b. Documentation methods

- 21 institutions provide metadata for their ILIS users.
- In 23 institutions, the ILIS provides for a search function. The following search criteria are the most common (the number of institutions offering the respective criteria in full or partially is indicated in brackets):
 - Date of issue (24)
 - Author, Decision date, Document type (e.g. judgment, legal essay/article), Subject Area (22)
 - Court, File Reference, Full text (20)

A little less common are the following search criteria:

- Title (e.g. of a legal magazine, a legal essay/article) (18)
- Legal norm, Time range (17)
- Search within important components of a decision (e.g. headnote, guiding principles) (14)
- Citation of case-law, Document reference of the information system (13)

Few institutions also provide the following search criteria in their ILIS:

- Pendency (9)

- ECLI (European Case Law Identifier) (7)
 - Decision name (e.g. for the ECJ: "Cassis de Dijon") (6)
- In 23 institutions, the ILIS provides a search function. 22 of them explained who defines the search function as follows:

Austria	IT-Department
Belgium	The Auditor's Office and the Coordination Office
Cyprus	With respect to the internal system, the Legal Publications Department of the Supreme Court is the responsible unit. The Department operates under the guidance of two Supreme Court Justices. With respect to the library catalogue, all arrangements in relation to it are conducted through and by the Cultural Services of the Ministry of Education, Culture, Sport and Youth.
Czech Republic	The search engine was set up by external agents. However, all the judges and judicial clerks were able to discuss and comment on the search functions.
Estonia	The General Affairs Department together with the Information Technology Department.
France	Needs are determined by the legal research and dissemination centre and technical feasibility is studied by the information systems department (IT).
Germany	The documentation unit in consultation with the users
Greece	IT Committee of the Court
Ireland	IT unit
Italy	General Secretary of Administrative Italian Justice and the Information System Department called "Servizio per l'Informatica"
Lithuania	The court does not define the search function (See answer below).

Netherlands	Staff of our communication department / staff of the administrative law division / information specialist of the advisory division / information specialist of the European law and constitutional law division.
Norway	The Norwegian Court Administration in collaboration with the courts.
Poland	Court's Information Division
Portugal	The search function is provided by the Court's manager under the supervision of the President of the Court.
Republic of Croatia	Department for judicial practice (case law) ordered by annual schedule
Republic of Serbia	President of the Court
Republic of Slovenia	The Case Law Department and the IT Centre of the Supreme Court.
Romania	Library and documentation staff.
Spain	CENDOJ (Consejo General del Poder Judicial) - Center for Judicial Documentation
Sweden	External provider.

- In 18 institutions, the ILIS also provides a sorting function (e.g. by actuality/date).

c. Comments

- 5 institutions made further comments on this block of questions:

Cyprus	Cyprus will soon join the ECLI Community. The implementation of ECLI is well underway and full implementation is expected within 2020. It has been initiated via an EU co-funded project and a number of organisations in the legal domain cooperate, including Cylaw, the national legal information system which makes all national Cypriot information resources available for free. ECLI will be introduced to new case law as well as old one (the entire legacy) with both compulsory and optional metadata being included.
France	Other documents are also made available, such as the decision analysis sheets and the conclusions of the public rapporteurs.
Lithuania	The Supreme Administrative Court of Lithuania does not have a separate internal legal information system, as defined in this section's introduction. The Court uses a unified semi-internal legal information system that operates throughout the counties courts (LITEKO). This system essentially covers all cases and any decision made herein, so there is no need for any other internal legal information system.
Netherlands	As I mentioned earlier, at the moment a new system for information and documentation is being developed. This new system will cover all areas. There are several commissions active within our organization involved in defining search functions etc.

Republic of Slovenia

1. Described Internal Information System (krn.sodisce.si) provides internal and external links to contents in full text.

2. E-Session

E-session (e-seja) is an internal legal information system, which is available to the judges and court staff. The aim of E-session is not only to provide digital statements of the case and other digital documentation needed for the session of the panel of the supreme court judges, but also to ensure availability of the session documentation in future.

4. Documentation of Decisions

a. General Questions

- 22 institutions indicated that they issue between 230 and 20.000 decisions¹⁴ (judgments and decisions that are not judgments) each year, largely depending on the size and jurisdiction of the institution.
- 15 institutions document *all* decisions. 11 institutions document a selection, the assessment rate varying from 2,5 % to 70%.

5 institutions could not specify their assessment rate and explained as follows:

Greece	We document formal metadata of all decisions but content metadata only of important decisions.
Netherlands	Most judgements are documented.
Republic of Serbia	The court publishes a certain amount of anonymized decisions on its website in order to facilitate public access to the case-law database and make the prediction of the administrative dispute outcome easier.
Slovak Republic	We do not have detailed statistics.
Spain	Not available at this moment.

- If ACA members publish their decisions, they also largely document them and vice versa. This applies both to institutions that document all decisions and to those who document a selection. There are two exceptions that stand out in the survey results:
 - 15 institutions publish all decisions suspending the proceedings and transferring them to a higher instance court (e.g. submissions to higher national courts, preliminary

¹⁴ Italy indicated that its Administrative Justice issues 200.000 decisions each year. However, it was not indicated how many decisions the State Council as the judge of second and last instance in administrative matters issues. Therefore, the answer could not be taken into account.

proceedings before the ECJ, submissions to other higher international courts) but only 12 document those decisions.

- 8 institutions publish and 5 institutions document only a selection of dismissals.
- The choice, which decisions to document is largely made by the courts themselves. In the majority of institutions, the judge or court panel decides which decisions to document. Only in two institutions, there are external specifications stemming directly or indirectly from a law.
- In the majority of institutions (18), a decision that has not been documented immediately after promulgation can be documented retrospectively. 5 institutions do this for content-related reasons (Croatia, Germany, Netherlands, Portugal, Slovenia), 10 institutions for formal reasons. 10 institutions indicate at the place of publication if a decision already published is amended or corrected (e.g. on the website of the court or in the legal information system).
- 8 institutions document decisions that have been issued by other institutions:
 - 5x National courts of instance
 - 4x European Court of Human Rights with reference to administrative law
 - 3x General Court of the European Union with reference to administrative law
 - 3x Court of Justice of the European Union with reference to administrative law
 - 3x Other national supreme courts (e.g. Constitutional Courts, Supreme Court of Cassation, Court of Audit)

No institution documents decisions of international supreme courts.

- Decisions are largely published on the institutions' homepages (23) and in internal information systems or databases (21). Less frequently, they are published in free and fee-based external legal information systems, in collections of legal decisions and in legal journals (9-14). 4 institutions indicated that they publish decisions in the official journal.

b. Documentation methods

- The way in which decisions are documented varies from institution to institution:
 - The vast majority assigns keywords (21), provides a summary or abstract of the decision (16) and cites national and European provisions referred to in the decision (15).
 - Some institutions write a headnote (brief summary of a particular point of law) (12)¹⁵ and document case law referred to in the decision (11).
 - Less frequently, institutions cite older versions of legal provisions referred to in the decision (8), assign a headline for decisions (7) and set direct links within the decision, e.g. link in the headnote to relevant paragraphs, link from footnote to relevant recital (6).
 - It is not very common to refer actively to other content in the respective database and to record when and where a decision is cited (4).

Four institutions left the following comments in this matter:

Ireland	There is no facility for documenting decisions of the Supreme Court in the ways listed in this question. The only type of documentation is the assignment by the Supreme
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¹⁵ Austria commented that they also document "legal rules" = excerpts of key parts of the reasoning. This is very similar to a "headnote" as defined in the questionnaire. Therefore the Austrian answer was counted as a "yes" for the answering option "headnote".

	Court Office of metadata in the form of a title page on judgments and determinations of the Court.
Lithuania	The court only uploads decisions into the system; any other actions mentioned above are automated.
Portugal	We document doctrine and cite foreign case law.
Republic of Serbia	We document legal opinions and sentences of the Administrative Court, as well as decisions referring to decisions made by the European Court of Human Rights in the headnote.

- Less than half of the participating Courts use a keyword index or a list of controlled terms (11). 5 institutions use their own thesaurus. 3 institutions extract keywords from the text. One Court commented that they assign keywords manually.
- The majority of institutions (18) cite legal provisions of the decisions manually. Only in 4 institutions provisions are documented on an automated basis.

c. Who sets the rules?

- Only a small number of institutions indicated who sets the rules on documentation and recording of decisions. In most cases, the rules are set inside the Court, either by the head of the documentation unit/department (7), by all documentalists of the documentation unit/department together (6), by a central body within the institution (6) and/or in collaboration with the President of the Court. Only in 2 institutions the individual documentalist decides which decision to document.

In less than 6 institutions, external rules apply, either set by the Highest Court (5), by the operator of the information system where the decision will be uploaded (3), by a central body outside the institution (2) and/or an external agent(1).

- 9 institutions have a written set of rules according to which their supreme/highest courts document decisions (in one of the cases the rules are only partly written).
- It is very uncommon that the Courts consult with the courts of instance regarding the documentation of decisions (18 "No" answers). Only 3 Courts (Estonia, Hungary, Lithuania) have a set of written guidelines which all courts follow. 2 Courts indicated that they meet with colleagues from other documentation units/departments regularly, 2 other courts commented that they consult with other courts when necessary.
- 3 of the 5 institutions¹⁶ that work together with external agents apply their documentation rules to the external agent(s) who enter metadata on their behalf (Cyprus, Italy, Spain). One of them checks all the work, one of them random samples and one does not check the work of the external agent(s).
- One Court (Supreme Court of Ireland) indicated that there are no particular rules in relation to documentation and recording of decisions other than the activities of the Supreme Court Office (registry) in assigning cover pages, recording and filing the decisions.

d. Translation

- Translation is not very common among the participating institutions. 9 institutions indicated that they translate decisions or summaries. In most cases, only a selection (e.g. most important judgment) is translated. All of the 9 institutions translate into English, one also translates into French.
- The Supreme Court of Ireland gave another answer, indicating that (only) occasionally a decision is translated into Irish.
- Only 3 institutions use a terminology database for the translation. 2 of them developed the database themselves (Hungary, Norway), one

¹⁶ Cyprus, Belgium, Italy, Spain, Sweden.



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uses a common system that other public institutions also use and
which it feeds with its own terminology (Germany).

e. Comments

- 5 institutions made further comments on this block of questions:

Croatia	We also document judgements that are passed down by the European Court of Human Rights or the Court of Justice of European Union related to administrative law, especially related to requests for preliminary ruling made by national courts. Selection criteria is that they relate to administrative law; we do not document judgements that are related to other branches of law.
France	We also make translated decisions available to the public in specific databases accessible via our website.
Ireland	While it does not do so on behalf of the Supreme Court, the Irish Council for Law Reporting is an a legal charity established by the Irish legal profession, which publishes decisions of the Irish Reports and Digests and other materials intended to help promote the best practice of Irish law. The Irish Reports are considered to be an authoritative report of legal decisions and are frequently cited in court decisions. The reporters compile data on each decision, which includes content metadata, such as a headnote summaries the decision. A Supreme Court judge sits on the Committee of the Council.
Netherlands	Our judgments and decisions are published on our intranet website
Portugal	The database of the Supreme Administrative Court, in its "Case Law" option, provides users with a set of search tools. These search tools provide access to information on judgements rendered by the Court since 1950 (for Litigation by the Administrative full collegiate panel of judges) and since 1963 (for Tax and Customs Litigation). A "User Manual" option in the database also allows for more complete and specific results.





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	The Supreme Administrative Court provides a manual with instructions (accessible online) to help users work with the database.
Romania	The Legislative Council has only a consultative function



5. Documentation of advice/recommendations of a Council of State

a. General Questions

- Among the participating institutions, there are 7 Councils of State¹⁷ that - in addition to their judicial activities - advise the Government (Belgium, France, Greece, Italy, Netherlands, Norway, Romania). Norway indicated that their function as Council was not used since 1945.
- The remaining 6 Councils of State indicated that they issue between 200 and 2.500 advices/recommendations ("statements" as follows) each year.
- 4 Councils of State document all their statements. 2 institutions document a selection. Those two could not indicate the assessment rate (ratio of documented statements to all statements).
- In the 2 institutions who make a selection, it is the judicial panel/judge (1) and the President of the Court (1) who chose.¹⁸ The selection criteria are
 - the complexity of the matters regulated by the draft legislation (Romania)
 - the importance of the advice and its legal interest (France)
- Only the Supreme Court of Norway documents statements from another institution, namely the EFTA Court.

¹⁷ The Supreme Court of Cyprus answered "no" to the question, if they have the task of advising the Government. However, they indicated that they provide "not more than 10 [advices/recommendations] each year" in the further course of the questionnaire. It is clear from the Court's website and the "Tour of Europe" on the ACA website, that they do not have the task of a Council of State in administrative matters. Their answers are therefore not included in the following evaluation.

¹⁸ The Italian Council of State indicated that they document all their advices/statements. However, in the further course of the questionnaire they also answered the question who would *select* the statements to be documented. This does not make sense if all statements are documented. Their further answers were therefore not taken into account.

- Statements are largely published on Councils' homepages (5) and in internal information systems (5). 3 Councils of State also publish statements in external legal information systems/databases which are free of charge. One Council publishes them in the official journal, one other Council in its annual report.

b. Documentation methods

- The most common documentation methods among the Councils of State are:
 - assigning keywords (5)
 - providing a summary (4)
 - writing a headnote (a brief summary of a particular point of law in the advice/recommendation) (4).

3 Councils also refer actively to other content in the respective database and award a headline. 2 Councils cite national and European provisions referred to in the advice/recommendation.

Only one Council each replied that it also:

- sets direct links within the advice/recommendation
- cites older versions of legal provisions referred to
- cites (only) national provisions referred to in the advice/recommendation.
- 2 Councils of State use a thesaurus (France, Romania). The Romanian Council uses both its own thesaurus and Eurovoc. The Belgian and Dutch Councils use a keyword index or list of controlled terms.
- The majority of Councils (5) cite legal provisions of their statements manually.

c. Who sets the rules?

- All but one Councils set the rules on documentation and recording of decisions internally. The French Council of State indicated that in their case the operator of the legal information system where statements will be uploaded sets the rules.

d. Translation

- None of the Councils of State translates its statements. Only the Supreme Court of Norway indicated that the statements they document (EFTA Court) *may* be translated into English. To this end, they use the same terminology database as for the translation of decisions.

6. Documentation of legal literature (articles, monographs, commemorative publications, etc.)

a. General Questions

- 19 institutions indicated that they document legal literature.¹⁹
- In the vast majority of institutions, the selection of the documents is done internally by:
 - the management of the documentation department/unit (8)
 - the documentalist (4)
 - the library/librarian/library board (4)
 - the information specialist Europe and constitution
 - the Secretariat General and the Bureau for Studies and Documentation
 - the President of the Court (1)
 - the Chief specialist of the Division of Legal Cooperation and Communication
 - a documentation commission (includes 2 representatives of the Court, 2 representatives of the Auditor's Office and 1 representative of the Coordination Office)

One institution indicated that the selection is also based on recommendations/ requests by judges.

¹⁹ Even though Finland first answered "no", they were included, further on in the survey they answered questions concerning the documentation of legal literature. Ireland explained that there is not a methodical system of documentation of legal literature within its competence.

- 15 institutions explained their selection criteria as follows:

Austria	Whether judgments of our Supreme Administrative Court are published / commented upon
Belgium	The selection criteria are : 1) domestic and international public law 2) matters falling within the advisory competence of the Legislation Section 3) domestic and international jurisprudence
Czech Republic	We document all the literature, which is included in the court's library.
France	The interest of the subject in relation to the fields of competence of administrative judges
Germany	Possible relevance in the area of administrative law for legal professionals
Greece	We document all the books and all the scholar articles found in the legal literature that is purchased by the court
Hungary	In the library of the Curia of Hungary (Highest Court of Hungary) the most important contemporary legal literature of all fields of law can be found and it is available for those who work at the Court.
Italy	An author can submit to the Secretariat General an article to be published on the Website of the Administrative Justice. Furthermore, each month the Bureau for Studies and Documentation makes a selection of articles that can be particularly interesting for the judges and the lawyers
Lithuania	We document all incoming documents except periodicals, i.e. newspapers, magazines etc. So the key criteria is the importance of the document.

Luxembourg	1) relevant literature 2) new articles 3) updated materials
Netherlands	The selection has to have relevance for our work. Not just administrative law. Because we also have an advisory function the collection is very broad.
Norway	- Selection criteria are not documented - Guidelines for Collection Development are given by the Library committee. Primary emphasis on the materials from Norway, followed by literature related to EU and human rights.
Portugal	The selection criteria takes into account the utility of the information for the staff and the judges.
Republic of slovenia	Importance (legal) for the users.
Sweden	All legal literature is documented.

- The documented legal literature is largely published in the internal library catalogue (11) and in internal information systems (10). Some Courts also publish literature on their homepage (4) and in external legal information systems - either fee-based and/or free of charge (4). External library catalogue (2) and legal journal (1) are very rarely chosen as publication medium.

b. Documentation methods

- Assigning keywords is by far the most common documentation method for legal literature (13).

Other documentation methods for legal literature are:

- to cite national and European provisions referred to (6)
- to provide a summary or abstract of the document (4)

- to record when and where the piece of literature is cited (4)
- to set direct links within the piece of literature (3)

Only 2 institutions each indicated that they refer actively to other content in the respective database, cite also older versions of legal provisions referred to and document case law referred to.

Three institutions indicated that they also use other methods namely:

Austria	Reference to decisions of the Supreme Administrative Court
Lithuania	The vast majority of documents are catalogued by title and inventory number.
Republic of Serbia	Legal literature in printed form is kept in the library, while the electronic copies are kept in folders of the Case-Law Department, which are available to all the judges and judge's associates of Administrative Court.

- 6 Courts use a keyword index or a list of controlled terms. 4 Courts use their own thesaurus. One among them uses both (Supreme Administrative Court of Finland).
- The majority of Courts (11) cite legal provisions manually. Only the Supreme Court of the Republic of Slovenia cites them on an automated basis.

c. Who sets the rules?

- Only a small number of institutions indicated who sets the rules on documentation and recording of legal literature. In most cases, the rules are set inside the Court, either by the head of the documentation unit/department (8), the documentalist individually (6) or all documentalists of the documentation unit/department together (3), the librarian(s) (3), the Chancellor (1) or the President of the Court himself (1). Only Germany indicated, that the operator



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of the legal information system where the pieces of literature will be
uploaded, sets rules on documentation and recording.

d. Comments

- 2 institutions made further comments on this block of questions:

Ireland	There is no unit or department which documents legal literature within the definition provided. However, there is a judicial researcher's office, which is a very small pool of judicial assistants that assists all levels of court jurisdiction, and who are generally recent law graduates. They gather articles and publications, which may be of interest to judges. They upload material to an internal information system (called Alfresco) which is effectively an intranet. This may include literature in the area of administrative law. However, it is not a methodical system of documentation.
Netherlands	We also use external databases (e.g. Legal intelligence). As mentioned before, in the near future we will change our documentation, information and 'knowledge' policies. New automated systems are being developed.



7. Documentation of Other

a. General Questions

- 8 institutions²⁰ indicated that they document other legal documents/information that relate/s to administrative law but did not fit any of the other categories.
- 5 institutions specified which other documents/information they document and which selection criteria they apply:

Belgium	<p>Recording changes in legislation and making this documentation available to the Council of State and the public are among the legal tasks of the Coordination Office of the Council of State.</p> <p>That is why the Coordination Office daily registers in its databases most of the acts of domestic law of general application that are published in the Belgian Official Journal (Moniteur belge). Indeed, these acts are supposed to be useful texts for the work of one of the two sections of the Council of State. The acts thus registered are mainly the following:</p> <ul style="list-style-type: none"> – the Belgian Constitution; – almost all legislative acts (federal laws and laws of the federated entities); – the majority of decrees of general application of the federal authority and of the federated entities. 	<p>The main criterion for the selection of an act of domestic law published in the Moniteur belge is its general scope. Indeed, in this case, the act is liable to be applied repeatedly over time.</p>
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²⁰ Belgium, Estonia, Finland, Luxembourg, Norway, Poland, Republic of Serbia, Republic of Slovenia.

	<p>The Coordination Office also records daily in its databases:</p> <ul style="list-style-type: none"> – the parliamentary documents; – the treaties binding Belgium; – acts of European Union law or Benelux law referred to by registered acts of domestic law; – appeals before the Council of State against registered decrees and its judgements of suspension and annulment; – concerning registered legislative acts, appeals and preliminary questions to the Constitutional Court and its judgments. 	
Estonia	<p>The Supreme Court documents also opinions given by the Court to draft legislations or acts. The Estonian Parliament or a Ministry (e.g. the Ministry of Justice) may ask the opinion of the Supreme Court on some relevant or new legislation. Letters from international institutions to our Court are also being documented, in addition to before mentioned opinions and letters from people, who want information from the Court (related to previous proceedings or something similar).²¹</p>	<p>All opinions and incoming formal letters from international institutions are being documented. Additionally all letters from people, who do not have an actual proceeding at the Supreme Court, are also being documented separately.</p>
Poland	Opinions, Newsletter	

²¹ The Estonian Supreme Court also commented that it does not formally have the task to advise the Government. However, the judgments may be seen as guidelines. For further information go to [ACA Homepage - Tour of Europe - Estonia](#).

<p>Republic of Slovenia</p>	<p>As a part of the case law department of the supreme court of the republic of Slovenia, the analysis and research office has been established in 2018.</p> <p>It analyses foreign (mainly EU) legislation, case-law and literature. It covers all legal fields, including administrative law (e.g. asylum law, election law).</p> <p>The comparative studies are published in the internal legal information system - (krn.sodisce.si).</p>	<p>All of them are documented and published.</p>
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- Only three institutions indicated who selects the other documents/information to be documented. In all three of them, the head of the documentation unit/department selects, either alone (1) or together with the documentalist (1) or together with the Highest Court (1). The Supreme Administrative Court of Poland indicated that the "Judicial Decisions Bureau" makes the selection.
- 3 institutions indicated how they document changes to other documents/information that have/has already been published:

<p>Belgium</p>	<p>Any change shall be linked between the amending unit of a registered act and the amended unit of another registered act. The amending unit and the amended unit are usually a section of an Act or by-law. Each change is managed using the functionalities developed in our databases.</p> <p>This method has a double purpose:</p> <ul style="list-style-type: none"> - to list all the amendments made to an act, specifying their nature (replacement, insertion, repeal, withdrawal, amendment, renumbering, interpretation, annulment, suspension, etc.); - allow the content of any changes to be viewed, at
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	least indirectly through full text access to the amending text and the amended text.
Estonia	The Court makes correction of mistakes in judgement.
Republic of Slovenia	With references to the older versions.

- Other documents/information are/is predominantly published in internal information systems (4). One Court published them also on its homepage and in external legal information systems/databases.

b. Documentation methods

- Documentation methods for other documents/information are:
 - to assign keywords (3)
 - to refer actively to other content in the respective database (3)
 - to cite national and European provisions referred to (2)
 - to cite also older versions of legal provisions referred to (2)
 - to provide a summary or abstract of the document (1)
 - to document case law referred to (1)
 - to set direct links within the document/information (1)
- One Court indicated that it uses its own thesaurus and a keyword index or a list of controlled terms. One other court indicated that keywords are being extracted from the text.
- The Courts cite legal provisions in the documented other documents/literature only manually (4).

c. Who sets the rules?

- In 3 of the institutions that document other documents/information the head of the documentation unit/department sets the rules on documentation and recording. In one institution in addition all the



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documentalists together have a say, in one other institution there is a central body composed of the Chief Justice, Chairmen of the Chambers (Criminal, Administrative and Civil Law chambers) and the Director of the Court who co-sets the rules. The Supreme Administrative Court of Poland indicated that the "Judicial Decisions Bureau" sets the rules.



8. Judicial cooperation

1. **19 institutions** commented on **how the ECJ could assist ACA member courts in the further dissemination** of ECJ rulings and important national case law in national legal information systems (e.g. labelling of key decisions):

Belgium	It would be easier if you organised sessions with members to explain that.
France	<p>It might be interesting to use the same principle as the European Court of Human Rights, which indicates, in the HUDOC database, the “flagship cases” in order to better distinguish important cases from those that are more specific.</p> <p>Or some other system that makes it possible to identify the importance of this decision at a glance. For example, in the French Conseil d’État, decisions are classified according to their importance using the following code: “A” for the most important decisions (question of new law, reversal of case law), “B” for decisions that clarify certain points of law and “C” for decisions that apply to the case in question.</p>
Germany	<p>The ECJ should make data in XML-format available for National Courts. This would help National Courts to process ECJ-data according to local needs. ECJ data could then easily be integrated into a newsletter, for example. The ECJ could indicate, if there is a difference in legal interpretation of a specific regulation compared to similar cases the ECJ dealt with before. The ECJ could indicate the importance it assigns to a judgment by introducing a colour scheme (as an example). All of these suggestions are meant to take effect with the JNEU platform and are only meant for the use of National Courts (not for use on Curia or for the general public). - The ECJ should put in place a support team for JNEU to help staff of ACA Member Courts (and other users) when</p>

	working with JNEU. The JNEU platform should be evaluated for content and technology: some categories need to be rephrased, the technology needs to be improved. We need 30 minutes on average to upload one national decision, this is far too long. The ECJ could work out more precise subject areas in administrative law.
Greece	Further improvement of the JNEU
Hungary	Indicating key decisions
Ireland	Perhaps an email alert could be circulated to ACA correspondents with key decisions every month.
Italy	Labelling of key decisions could help national judges to better know the jurisprudence of the ECJ
Latvia	Making more case law summaries / compilations in specific subjects, for example, data protection, private life, access to information, environment etc.
Lithuania	For example, highlight the key points of the decision.
Luxembourg	By sending a newsletter
Netherlands	Labelling of key decisions would be helpful. More Fact sheets would help. The speed of dissemination of rulings etc.
Norway	Clarification of realm of relevance Clarification of how the ruling relates to other case law
Poland	Making JNEU database more user-friendly, open it for every interested person.
Portugal	Perhaps by providing assistance in publishing important national case law on national information channels.
Republic of Serbia	Considering the fact that the Republic of Serbia is not an EU Member State, case-law in the Republic of Serbia cannot be distributed within the EU yet.
Republic of Slovenia	With providing language translator in the JNEU platform.

Slovak republic	Labelling of key decisions with abstract, legal norm and subject area
Spain	Providing a better background and knowledge in ECJ rulings
Sweden	External actors provide us with information about ECJ rulings. We can't contribute with further input in this matter.

2. 19 institutions indicated which information an ACA member court could provide to the ECJ in order to assist with the publication of decisions in the Judicial Network of the European Union (JNEU):

Belgium	The same information as that given to JuriFast.
Cyprus	Information such as case summaries (abstract), headnotes, ECLI, legal provisions (national and EU), subject-matter, judgment date and coverage would be useful information for the publication of decisions in the JNEU. As a matter of fact, most if not all of the above, are already provided to a contributing court uploading a national decision.
Czech Republic	The court could provide information on how it used ECJ's opinion in its reasoning.
Germany	ACA Member Courts could work on detailed subject areas for the field of administrative law in cooperation with the ECJ. The new subject areas could be used by the ECJ and the ACA Member Courts. ACA could provide summaries for some of the JNEU judgments, but ACA should get some service provisions from the ECJ in return. National Courts could also indicate through metadata, if there has been a change in legal interpretation of a specific EU regulation.

Greece	Judgements of national courts after the ECJ's rulings on preliminary references Legal literature on ECJ's judgements National judgments that construe EU law
Hungary	Chosen commun topics ²²
Ireland	Apart from uploading the decisions themselves to the JNEU intranet site, member courts could provide Member courts could provide a link to the website of the Supreme Court, and any documents, such as internal newsletters, reports or booklets containing key decisions of the national courts. Alternatively, a system similar to the Venice Commission's Joint Council on Constitutional Justice could be used, under which the member Courts submit summaries of key decisions from a certain period of time (in the case of the JCCJ, three times a year) rather than leaving it to the Member Court to upload random decisions in a non-methodical way.
Italy	Key information about decisions concerning the application of EU Law (not only preliminary referrals to the ECJ)
Lithuania	Any necessary information.
Luxembourg	By informing the ECJ of a specific and important topic existing in the member state
Netherlands	Decisions of importance with regard to European Law and Summaries of preliminary cases and end decisions.
Norway	See above
Poland	Information about key decisions, about decisions after preliminary ruling.
Portugal	Information on relevant national legislation and on important national decisions.
Republic of Slovenia	By marking reference level of the decisions (key decisions).

²² Actual meaning probably "choose common topics".

Slovak republic	National administrative decisions
Spain	Decisions in which the European Union Law is involved
Sweden	We can provide information about our rulings.

3. **14 institutions** can imagine ACA member courts **assigning uniform metadata according to ECLI 2.0 standards** in the future. 3 institutions answered no, 10 did not reply to this question

4. The participating institutions indicated which metadata listed in ECLI 2.0 they would assign to judgments and to decisions that are not judgments (multiple answers possible):

20x	Date of judgment
19x	Case number
18x	Description (descriptive elements, be it in the form of keywords or headnotes)
17x	Creator (name of the rendering court)
	Type of document (type of decision)
16x	Coverage
15x	Subject
14x	Title

13x	The ECLI identifier [Contains both the colon variant (in the preferred casing) and the slash variant (lowercased, as a relative URI)]
	Official Language
12x	Abstract
	Division (name of the chamber or division within the court that rendered the decision)
11x	Party
10x	Importance level (low, medium, high - this is a lowest common denominator for any kind of (legal) importance classification)
	Judge
8x	Reference
7x	Date of deposit
	Global alias (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)
	Replaces (the replaced decision)
6x	Replaced by (is used for specific situations only - another decision)
5x	Fixed alias (This contains the absolute URI work identifier at http(s)://ecli.eu .)

4x	Neutral citation (in some (common law) countries a 'neutral citation' is used for vendor and medium neutral identification of a court decision, e.g. https://libanswers.liverpool.ac.uk/faq/49340)
3x	Contributor (not party, judge or other professionals - can be used if no distinction can be made)
1x	Preferred Form (of ECLI - uppercase, lowercase, mixedcase) ProfNonJudge (involved professionals, other than judges)

5. 12 institutions gave the following **reasons against ACA member courts assigning uniform metadata according to ECLI 2.0:**

Belgium	ECLI 2.0 is still not applied in Belgium. Here also it would be great to have information sessions.
Germany	<ul style="list-style-type: none"> - ECLI XL or 2.0 is not widely known, yet. - There is little communication amongst ACA Member Courts when documentation is concerned, because ACA is at the moment primarily a forum for judges and not for legal documentalists.
Ireland	Whilst it might be possible for all or most courts to assign uniform metadata according to ECLI 2.0, a variation in legal systems means that not all of the metadata categories applies to all courts. For example, there are no divisions in the Supreme Court of Ireland. In addition, the practices of assigning metadata vary from Court to Court. For example, although the Supreme Court of Ireland summaries many of its decisions in an annual report, not every decision is summarised. Further, it may be difficult to assign levels of importance to decisions in a jurisdiction such as Ireland,

	where the threshold for a case to be granted leave to appeal to the Supreme Court is that the decision under appeal must involve an issue of public importance or it must be in the interests of justice that there be an appeal.
Italy	None
Lithuania	It is too detailed and it is too time consuming.
Luxembourg	- National tradition - National diversities between the jurisdictions (no unified approach) - Translation problems
Netherlands	There is no reason why they could not. Perhaps they don't see the benefits of it. They don't know it exists. Lack of time.
Portugal	Portugal does not use the ECLI referencing system.
Republic of Croatia	Lack of time and educated employees due to importance of gaining possibility to access court decisions faster and easier
Republic of Serbia	We believe that there is no reason against ACA member courts assigning uniform metadata according to ECLI 2.0.
Spain	Diversity
Sweden	Additional workload.

6. The participating institutions indicated that they could envisage the following **common documentation rules** that ACA member courts could agree on:

- 17x Cooperation on translations (e.g. use a common database for terminology)
- 16x Cooperation in the assignment of content metadata of documents (e.g. use a common thesaurus)
- 1x Other (Germany): ECLI XL

They gave the following **examples of common rules for the assignment of content metadata:**

Cyprus	Legal provisions, guiding principles and common keywords.
Germany	At present, the EUROVOC-Thesaurus is not suitable for Administrative Law. More key terms will need to be developed. Subject Areas taken from EURLEX are also not very suitable, at present. They are meant for an economic context and lack specific terms taken from Administrative Law.
Greece	Common template/model for abstract/headnote of a decision New structure of common subject areas Common thesaurus
Hungary	Common subjects areas
Ireland	Given the variance in the jurisdiction of ACA member courts with, for example, the Supreme Court of Ireland having jurisdiction in all areas of law, it may be different [difficult] to assign uniform metadata for ACA member courts, without defining the terms very broadly. For example, categories such as review of planning decision and or review of immigration or asylum decision may be used.
Italy	In particular can be useful: common thesaurus and common subject areas
Republic of Croatia	Common thesaurus

9. JuriFast

1. In total, 19 (of 27) institutions indicated that they publish decisions in JuriFast. They **publish their decisions in JuriFast according to the following criteria** (multiple responses possible):

- 15x We upload national decisions following preliminary rulings of the ECJ.
- 15x We upload references for a preliminary ruling.
- 14x We upload purely national decisions of relevance to other members of the EU.

5 institutions left the following comments:

Austria	Currently no upload
Italy	Currently, decisions are not published in JuriFast, though it is planned to start publishing decisions shortly.
Portugal	We upload decisions that apply EU Legislation.
Serbia	We don't publish decisions in JuriFast.
Sweden	We have not been able to keep up with uploading our decisions.

2. 12 institutions indicated that they **actively promote JuriFast** within and outside the institution.

3. 11 institutions commented on **where and how they actively promote JuriFast**:

Belgium	A councillor is working on it. It will be soon updated.
Cyprus	The competent ACA-correspondent actively promotes JuriFast within the institution as well as to lower courts, especially to the Administrative Court, to make use of the opportunities offered by the database. Since JuriFast is a publicly accessible database containing rulings by its

	members, a link is available on the Supreme Court's website to facilitate and promote its use.
Czech Republic	JuriFast is promoted within the court. Judges were given information concerning JuriFast via email.
Germany	At present, we provide a link to the JuriFast database in our intranet. We also provide a link to JuriFast from our website (https://www.bverwg.de/das-gericht/internationale-beziehungen/aca-europe). When JuriFast was introduced, we had workshops for the members of the court to learn how to handle JuriFast. We have never tried to promote JuriFast outside the court though.
Hungary	It could be promoted more, mostly in conversations and presentations.
Latvia	Information is given to other administrative courts - administrative courts of first instance and appeal.
Luxembourg	We promote JuriFast within our institution by sending relevant information to all the judges
Netherlands	Only within our institution. I point colleagues to the existence of JuriFast. I make selections of JuriFast items that I send to a group of interested colleagues by e-mail (only if the item has a summary in English, and has relevance for us).
Portugal	JuriFast is promoted within inter-institutional networks.
Republic of Slovenia	JuriFast contact point for Slovenia promotes JuriFast by forwarding recent decisions posted by other JuriFast members to judges and judicial assistants of the Administrative Court and administrative department of the Supreme Court.
Slovak Republic	Bulletin of the Supreme Court

4. The participating institutions would like to see the following **improvements to be implemented** (multiple responses possible):

- Great approval:
 - 15x Provide an indication that case law has changed in the meantime
 - 14x Provide a link to an automatic translation application to translate the judgment in its entirety
 - 12x Develop topics of particular interest as selection criteria for JuriFast (e.g. data communication, technology & law, ACA seminars)
 - 11x Provide an explanatory video for those who draft the summaries.
 - 11x Improve interconnection with other databases (JuriFast, Dec.Nat., JNEU)

- Average approval:
 - 9x Create FAQ for JuriFast users
 - 9x Create a webinar for JuriFast users
 - 8x Add “national number of the decision” as an additional search criterion.
 - 6x Delete decisions that are too old
 - 6x Implement a simplified search function alongside the current search functions
 - 6x Create a mobile application for JuriFast

- Little approval:
 - 5x Revise the document indicating how to write a JuriFast summary
 - 5x Publish JuriFast banners on the websites of various national and international associations
 - 4x Introduce a minimum number of decisions per year to be introduced per ACA Europe Member Court

Other:

Belgium	Information sessions
Estonia	Create a network of keywords to simplify work for specific topics; use full CELEX numbers (down to article subsections) for European Union law provisions interpreted.
Luxembourg	Refuse the publication of national decisions where the summary has not been translated either in French or English
Sweden	We don't use JuriFast in our everyday work and can't provide any input in this matter.

4a. Institutions that selected "**Revise the document indicating how to write a JuriFast summary.**" suggested the following improvements:

Belgium	The document was not found on the website.
France	It might be useful to think about the form and content of the summary, in particular the elements useful for understanding the decision..
Germany	The ACA Secretariat should provide a template for Member Courts to use for writing summaries. The template should be divided up in sections and there should be mandatory sections. The number of words used for the summary should be limited. ACA Member Courts should have the possibility to upload decisions by themselves or send the template to ACA for uploading. The summary should be accompanied by the description of precise subject areas which still need to be developed by ACA Member Courts.
Netherlands	I suggest to use a template with different mandatory fields. By doing so there will be more unity in summaries.

Portugal	We follow the nomenclature and drafting of the judge rapporteur assigned to the case.
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4b. Institutions that selected "**Implement a simplified search function.**" considered the following criteria as necessary:

Belgium	A keyword search.
Netherlands	A 'Google-like' search function will be more appealing for most users. Everybody is used to Google nowadays
Portugal	Process number EU Legislation Description

4c. Institutions that selected "**Improve interconnection with other databases.**" suggested the following improvements:

Cyprus	Since the 1st of November, 2019 the upload interface of national decisions of interest to the Union of the JNEU website, has been adapted to allow contributing courts to expressly specify, for each decision they are uploading, whether they want it to be disclosed to the public on the Curia website. Likewise, a potential cooperation between JuriFast and Dec. Nat. of ACA-Europe with the JNEU, with similar arrangements, would be beneficial.
Estonia	Automatic links to the same judgement in the JNEU database, possibly even transfer of the same data (to avoid entering the same judgement to both databases).
France	In order to check whether there is any additional information on other bases that could be useful for searches.
Germany	Interconnection between databases is basically a positive thing. However, both JuriFast and Dec.nat. have unique selling points (JuriFast: summaries; Dec. nat.: contains judgments from the 1950ies up to now).

	As long as the content of the Judicial network (JNEU) is not pinpointed, the ACA-Databases are independent and important providers of information.
Ireland	It would be particularly helpful to courts with jurisdiction in many areas of law if all databases could be somehow integrated into one database.
Netherlands	We have to continue to work together (ACA and the ECJ). Parts of the databases could be complementary. It is best to learn from each other and not to compete.
Portugal	There could be an improvement in the interconnection between the Dec.Nat and JuriFast databases, in an effort to promote transparency and coherence of the information.
Republic of Serbia	It would be very useful to connect the case-law database of national courts with JuriFast database.

4d. Institutions that selected "**Publish JuriFast banners on various Websites.**" suggested the following websites:

Estonia	(Supreme) courts, universities.
Ireland	If a banner was provided, it could be published on national websites of judicial training organisations or international judicial training network websites, such as the EJTN. It could also be published on the websites of other international networks affiliated with EU membership, such as the Network of the Presidents of the Supreme Judicial Courts of the European Union. As some member courts of ACA are also constitutional courts, a banner promoting JuriFast could be published on the website of organisations such as the Conference of European Constitutional Courts and the Venice Commission's Joint Council on Constitutional Justice.
Netherlands	There are several Dutch juridical journals with websites which are specialized in European Law.

Poland	ACA-Europe members' websites
Republic of Serbia	We believe that it would be advisable to publish JuriFast banners on the websites of Administrative Court, Supreme Court of Cassation, Ministry of Justice and Judicial Academy.

5. **Data input** for those who upload decisions to JuriFast could be improved and facilitated as follows (multiple responses possible):

- Great approval:
 - 12x Add the possibility to save a draft of the entered data
 - 11x Add the possibility to sort by case number when setting and updating national decisions
 - 9x Increase session time to avoid disconnections
- Average approval:
 - 7x Improve the quality of links with EUR-Lex
 - 6x Check the consistency of languages (to avoid unexpected switch to French)
- Little approval:
 - 3x Use only national flags (and not the EU flag)

Comments:

Belgium	Information sessions
Germany	The JuriFast search function does not offer the possibility to search for any file reference, neither national nor ECJ file references. This is very important when searching for a specific decision, not only for the user but also for the person who uploads.

6. Referring to 19 institutions, the **limit of 300 words** for summaries in JuriFast should be maintained.

Comments of those who selected "Yes":

Cyprus		The advantage of case summaries is that they offer a key insight into the case since they provide a summary of the relevant facts and applicable legal principles and provisions. Having the word limit extended might defeat that purpose.
Luxembourg		If the limit of 300 words for the summaries is not maintained the summaries risk to be too long and the decisions will finally be less consulted
Portugal		The current limit is ideal.
Republic of Croatia	of	If summaries contain up to 300 words it is easier for the reader to get a general idea on the decisions on a shorter notice.
Republic of Serbia	of	300-word limit would contribute to more concise and better information exchange.
Republic of Slovenia	of	Summary is there to create interest of the reader. To achieve this purpose the limit of 300 words is suitable. If the content of the summary is relevant to reader's interest, he or she can find further details in the full text decision.

Comments of those who selected "No":

Estonia		It is very difficult to maintain the word limit in complex cases, and especially references for preliminary ruling with long questions. Perhaps 500 could be the absolute minimum?
France		It is difficult to stay within this limit for decisions that are particularly technical or that touch several interesting aspects of European Union law or subjects of interest.
Ireland		It is suggested that a greater word limit of, for example, 800-1000 words would allow States with courts that

	deliver longer judgments the opportunity to provide more detail in the summaries.
Netherlands	The summaries shouldn't be too long. However, exceptions must be possible.
Poland	Sometimes it's really difficult to summarise the decision in 300 words, maybe the limit could be changed a little: up to 500

7. 11 institutions are of the opinion that **contact and meetings with and between contact persons of JuriFast** in ACA member courts should be increased.

Comment of those who selected "Yes":

Belgium	Contacts and meetings facilitate understanding.
Bulgaria	Meetings, exchange views and experience
France	It would be interesting to improve contacts via the ACA forum in particular, which allows to ask member courts questions.
Germany	There should be an autonomous exchange between members of documentation units and not only contacts between ACA correspondents. The quality of the exchange could be substantially improved, if actually members of documentation units attended the seminars on documentation.
Hungary	Intensified cooperation needs more personal contacts, meetings.
Ireland	It is always useful to have some element of face-to-face contact between people exchanging information in a network as it encourages participants to engage with one another. In addition, it might be useful to choose a theme, such as an area of law for which case summaries have been provided for discussion at each meeting.
Netherlands	If we meet more often this could have a stimulating effect. Perhaps once a year?

	A short meeting with a dinner / lunch afterwards would help. If the correspondents know each other it would make it easier to ask questions etc.
Poland	If we want to create a common data sharing system (base, platform) it is necessary to create first common goals, rules and best practise - it could be done through meetings and contacts
Portugal	Contact and meetings should take place on a more regular basis.
Republic of Serbia	Cooperation in terms of translations, forms and other elements of judgments, along with the exchange of experiences with other users of JuriFast database would be very useful.

Other comments:

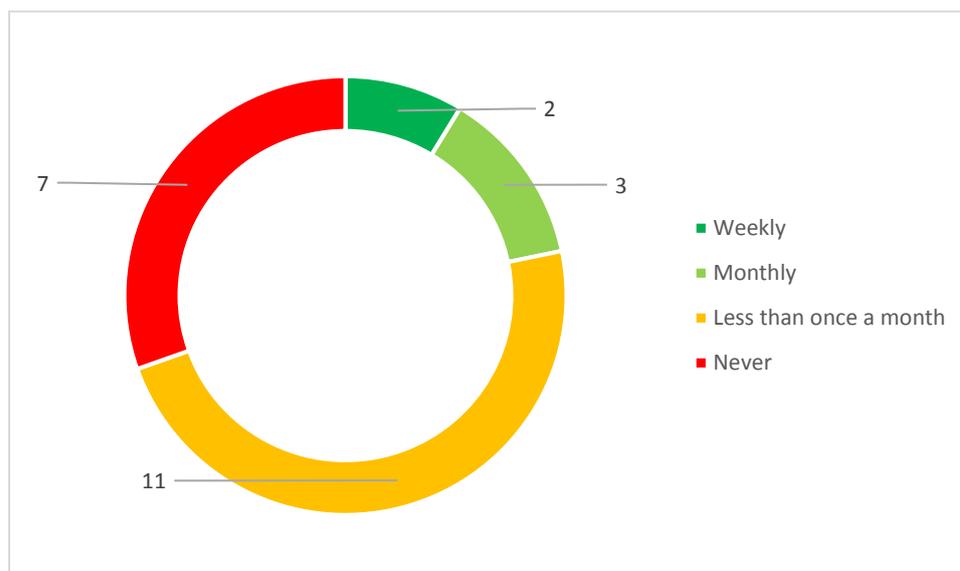
Luxembourg	Our answer is no. We think that the current 3 to 4 events (seminars and general assembly) are sufficient for informal meetings between the national contact persons of JuriFast
Republic of Slovenia	Contacts between contact persons of JuriFast can always be established via ACA forum.

8. Concerning **meeting intervals**, the majority of institutions consider one meeting (of the contact persons of JuriFast in ACA member courts) per year to be necessary (15). Only 2 institutions are in favour of meeting every two years.

10. Evaluation of JNEU section

This section of the questionnaire addressed the users of JNEU, i.e. essentially the judges as well as other trained lawyers working at the participating institutions (e.g. research assistants of the chambers/panels, legal clerks). The participants were asked to have the following questions answered by a judge/lawyer if possible or answer them from their point of view.

1. To what extent do the **judges** of the participating institutions **use JNEU**? (23 answers)



2. 19 participants find the **user interface sufficiently user-friendly**. One participant (Poland) disagreed and stated the following "For me, it is too complicated, often problems with login (procedure), also lack of translations is a problem."

3. Participants were asked to rate on a scale from 1 (very satisfied) to 10 (very dissatisfied) how satisfied they are with the following JNEU features. (21 answers).

Subject areas:

Very satisfied (1)	= 6	}	13
Satisfied (2)	= 2		
Rather satisfied (3)	= 1		
Ok (5)	= 4		
Rather ok (7)	= 3		
Rather Dissatisfied (8)	= 5		

List by courts:

Very satisfied (1)	= 6	}	13
Satisfied (2)	= 3		
Rather satisfied (3)	= 2		
Ok (5)	= 2		
Rather ok (7)	= 1		
Rather Dissatisfied (8)	= 5		
Dissatisfied (9)	= 1		
Very dissatisfied (10)	= 1		

Text search:

Very satisfied (1)	= 5	}	12
Satisfied (2)	= 3		
Rather satisfied (3)	= 2		
Ok (5)	= 2		
Rather ok (7)	= 5		
Rather Dissatisfied (8)	= 4		

Advanced search:

Very satisfied (1)	= 5	} 10
Satisfied (2)	= 1	
Rather satisfied (3)	= 2	
Very ok (4)	= 1	
Ok (5)	= 1	
Rather ok (7)	= 4	
Rather Dissatisfied (8)	= 6	
Dissatisfied (9)	= 1	

4. Participants were asked if **operation and usability of JNEU could be improved** (26 answers):

Suggested improvement	Yes	No
Classification by subject areas	8	18
Classification by courts	4	22
Text Search	6	20
Advanced Search	9	17
Other	1	/

Comments of those who chose "*yes, classification by subject areas could improve JNEU*"

Germany	For the purposes of administrative law, the drop-down menu that is being offered in JNEU, is too coarse (e.g. "Asylum" is not being offered, for data protection there is only one term).
Greece	New structure (i.e. new typology) is needed

Republic of Serbia	It is necessary to classify different fields of law thematically, as well as on the basis of types of administrative law matter.
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Comments of those who chose "*yes, classification by courts could improve JNEU*"

Germany	For large members states with many courts the drop down menu is cumbersome. Often there are even several jurisdictions in one city which is difficult to filter at the moment. Once a court has been chosen, you cannot easily discard it.
Republic of Serbia	Apart from classification per geographical regions, it would be useful to provide the search function based on the type of court.

Comments of those who chose "*yes, text search could improve JNEU*"

Germany	The hit list of a search does not offer a short preview, where the text that is being searched is highlighted. This would make it much easier for users to assess the relevance of the results.
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Comments of those who chose "*yes, advanced search could improve JNEU*"

Belgium	Offer the possibility to search with keywords
Cyprus	Might be helpful to add 'national number of the decision' as an additional search criterion
Greece	Search with legal provision(s)/ Boolean search
Hungary	More specified search option always helps the user

Comments of those who chose "Other"

Germany	For those decisions, that the member states have to upload themselves (decisions without preliminary ruling), it takes 35 minutes to upload the decision. That is unbearable. The upload function does not offer enough technical support. Each step has to be completed manually which is very time consuming.
Ireland	The JNEU website, including the search functionality is simple to use and the interface is very user friendly. However, as it is the practice in some courts, including the Supreme Court of Ireland, not to anonymise judgments and such courts may not therefore be in a position to upload judgments to the public JNEU website, it would be useful to have the option of linking to the judgments database of such courts via the JNEU public website so that judgments can be accessible to the public via the national website of the court, if not available on the public JNEU site.

5. 15 participants supported the idea that **saving a search request** should be possible in the future. 3 participants disagreed, 9 did not reply to this question.

6. In 10 institutions **content from JNEU is directly channelled to the practitioners** (e.g. judges). In 3 institutions each, it is prepared by legal clerks/lawyer and by the documentation unit/department before being channelled to the practitioners.

Comments of those who chose "Other"

Greece	There is currently no structure within the Court that channels the content. Every judge has direct access on his own motion.
Ireland	Judicial Assistants can access content on the JNEU website.



Republic of Serbia	So far there haven't been any requests to forward JNEU contents to the judges of the Administrative Court.
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7. In most institutions (18) access to JNEU is provided through the JNEU administrator and then via the JNEU login page. 3 institutions provide a link on the intranet.

Comments of those who chose "*Other*"

Estonia	All judges and legal clerks can login with their e-mail address and password.
Netherlands	The ECJ is providing access to the JNEU itself via 'Curia'. In the future we may add a link to our intranet.
Republic of Serbia	Access to the Judicial Network of the EU is not possible at the moment.

