



Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union i.n.p.a.

Association des Conseils d'Etat et des Juridictions administratives suprêmes de l'Union européenne a.i.s.b.l.

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NACZELNY SĄD ADMINISTRACYJNY

With the collaboration of the Supreme Administrative Court of Poland

And the support of the task group "Access to national Case law" of the Council of the European Union

**European Case Law Identifier (ECLI)
and meta-data: harmonisation of case
law identification in the European
Union**

Questionnaire

Warsaw

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(Simultaneous interpretation English/French/Polish)

Conference organised with the support of the European Commission



Member State: Hungary

Court: Legfelsőbb Bíróság (Supreme Court)

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1. Are you aware of the ECLI system? If yes, how did you hear about it?

It was this questionnaire which, for a first time, called my attention to the existence of the ECLI system.

2. After reading the text of the [Council conclusions](#), are there items you do not understand or on which you would like further information? If so, please specify.

- Further suggestions would be useful on the scheme of the types of documents [Metadata, §2 (2-i)]. Should this be an information on the form (order, judgment etc.) or on the substance (decision on the merits of the case, decision on a procedural question etc.) of a decision, or should this contain preferably both type of the information mentioned?
- Decisions providing abstract guidance or giving opinion on a question of interpretation are sometimes rendered jointly by more than one chamber or division of a court. In that case, should the metadata 'dcterms:creator' contain multiple entries (according to the name of the different chambers of the court in question) or should the national ECLI co-ordinator assign a separate court code and a common 'creator' identity (under a single name) to this joint panel?
- In Hungary, only final decisions on the merits of some types of cases are published on the internet. As regards decisions which are not published, should we assign ECLI number to the decision while leaving the 'dcterms:identifier' empty? Or it is not necessary to assign an ECLI number to a decision which will not be published (e.g. which regulates a procedural question in the course of the litigation)?
- May the ordinal number [§1 (1-e)] contain letters and other characters also, or it should be comprised of numbers only?

3. Are there any barriers to the implementation of such a system in your court (or the courts of your Member State)? Technical? Other? Please specify.

There are no barriers that would make impossible the implementation of such a system in the Hungarian Courts. However, some adaptations are needed, see point 4.

4. What adaptations are needed in your court (or the courts of your Member State) to implement the ECLI system requirements?

The existing database of the national case law is maintained by the National Judicial Council on the basis of the Act n° XC 2005 on the freedom of digital information. It is accessible to the public via the central web page of the judiciary (www.birosag.hu). Once a case is finished by the Supreme Court or by a regional court of appeal with a judgment on the merits, anonymous versions of the first and second instance judgments (as well as a judgment in an extraordinary review procedure, if applicable) are uploaded to the database by judicial staff. An identification code is assigned to each judgment and some metadata are added (see point 5).

As it may be clear from the above, not every judgment is published in the database. E.g. judgments rendered by lower level courts (county courts, district courts) are only published if they are revised by a high level court (a regional court of appeal or the Supreme Court). However, administrative law judgments are uploaded to the database, irrespective of whether they were rendered by the Supreme Court or by a regional court of appeal. With regard to matrimonial cases and cases on personal status, as well as sexual crime cases, the publication depends on the approval of the parties. Apart from judgments on particular lawsuits, uniformity decisions and division opinions on interpretation are also published.

The current identifier of the documents does not fulfil the requirements of an ECLI code and some (required or optional) metadata are also missing.

Therefore, on the one hand, software adaptations are needed in order to an ECLI be assigned to the documents and in order to make possible the entries of another metadata.

On the other hand, court rules have to be modified so that they provide for the obligation

- to use the ECLI on the physical embodiments of the judgments,
- to fill the database with the related metadata.

Metadata that should be published are currently enumerated in the above-mentioned Act n° XC 2005. Although it is presumably not illegal in itself to treat and publish a larger scale of metadata than that enumerated by the law until this treatment does not violate personality rights, perfect implementation of the ECLI would make necessary the amendmend of this piece of legislation.

5. What meta-data (a) required or b) optional) for ECLI are already in place in your court (or the courts of your Member State)?

- dcterms :creator
(The name of the court and the name of the division are contained as now in separate metadata entries.)
- dcterms :date
(Currently, the public database of the national case law contains only the year of the decision.)
- dcterms :type
(The current scheme of the types is as follows : decisions on the merits of a case, uniformity decisions, doctrinally important decisions, division opinions on interpretation)
- dcterms :title
(For the moment, this is a code of the anonymous document, which is different from the number of the decision itself.)

- dcterms :subject
(The present scheme of the values is as follows : criminal law, military criminal law, misdemeanours, civil law, labour law, administrative law, commercial law, judicial enforcement in civil cases, judicial enforcement in criminal cases)
- dcterms :references
(References to other national judgments or administrative decisions, namely to the judgment of the appellate court or to the judgment or decision appealed against ; references to national legal instruments.)
- dcterms :abstract
(The judge has to write a very short (one or two sentences) summary of the case but it is neither published nor uploaded to the database.)

6. Are there any obstacles for your court (or the courts of your Member State) to extend the available metadata?

There isn't any absolute obstacle, the current system can be amended. However, as it was mentioned already in point 4 supra, the amendment of the statutory list of the necessary metadata depends on the legislature and not on the judiciary.

7. Is there a national coordinating authority in your Member State? If yes, please provide coordinating entity's name and contact details. If not, which organisation do you think should play this role?

There is no specific national ECLI co-ordinator in Hungary. The national case law database is maintained currently by the IT Department of the Office of the National Judicial Council. In theory, the National Judicial Council could play the role of the co-ordinating authority.

In practice however, the existence, the status and the role of the National Judicial Council became quite uncertain with the adoption of the new Constitution (Fundamental Law) for Hungary which will enter into force on 1 January 2012. This new Constitution does not provide constitutional guarantee any longer for the existence of a National Judicial Council and it is not clear for the moment whether this institution will continue to function as from 2012.

8. Do judicial institutions in your Member State cooperate on implementation of ECLI standard metadata? Please specify, especially if you have examples of good practice.

The Hungarian judicial institutions did not started as yet to implement ECLI standard metadata.

9. Are there interoperability problems between ECLI and standard metadata on the one hand and European or national semantic web initiatives on the other hand?

For the moment we do not see any interoperability problem.

10. In your Member State, are there already plans to implement ECLI? Please tick the relevant box.

- Implementation already underway (see next questions)
- Implementation to start in the short-term (within 1 year)
- Implementation to start in the medium-term (2-5 years)
- Implementation to start in the long-term (> 5 years)
- No specific plan

Additional comments:

There is a current project undertaken by the National Judicial Council which aims at the digitalization of the exchanges between citizens and judicial administration, the digitalization of documents and the electronic process of some parts of procedures. Up until now, the idea of introducing ECLI was not included in this project, due to lack of information. However, according to our last discussion with the Head of the IT Department of the National Judicial Council, the ECLI implementation could be included within the framework of this project. It is at the planning stage now: the Council is currently identifying precise goals and requirements. So the timing is perfect for the introduction of the idea of ECLI. The next project meeting will be held in some weeks.

11. Are you planning to apply ECLI to all case law, retroactive / legacy, or will you limit its use to the new case law?

There is no decision on this subject for now.

12. In case your court (or the courts of your Member State) is already implementing ECLI, to share information on best practices, please provide additional information on:

Preparations undertaken:

Timetable:

Financial costs:

Other resources:

Difficulties encountered:

Other information: