



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.



**ACA-Europe**

**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)

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Member State: SPAIN

Court: TRIBUNAL SUPREMO

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

Yes, the Supreme Court of Spain uses the ECLI system. The system was introduced by the Judicial Documentation Centre (CENDOJ) that it has sent representatives to work as members of the group of technical experts on the European e-Justice Portal and they participated at the 1<sup>st</sup> meeting of the subgroup on the ECLI (Brussels – 3 May 2011).

According to the Spanish law, the CENDOJ is the competent body for the case-law publishing so it has developed our own Case Law Identifier what makes easier to evolve toward a European system as the ECLI involves.

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.

No, everything included in this document is clear enough for us, as the Supreme Court has already working in its implementation.

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. There are not included in the data-bases the names of the affected people. But all the judicial decisions (nearly 5.000.000 cases) are opened to the public through our website

(<http://www.poderjudicial.es>) and each of them, include a single identifier. In fact, the Spanish identifier –the ROJ (Repertorio Oficial de Jurisprudencia)- is adapted to the ECLI requirements.

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

All we need to do, is that the CENDOJ just to add the ECLI code to the already existing Spanish ROJ. The Courts themselves don't need to do an extra work for that as the CENDOJ publish their decisions in our database. The main technical issue involved is the need of establishing some security levels to avoid an unlimited access to the content of the decisions. Spain has an specific rule for the re-use of this kind of PSI, approved by Agreement of the General Council of the Judiciary (Regulation 3/2010 on case law reuse).

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)?

The Spanish case law identifier and the ECLI include the same kind of metadata, so all the metadata required by the ROJ can be used also to build the ECLI.

ECLI / Country Code (ES) / Court Code / Year / Number.

- ECLI: to identify the identifier as being a European Case law Identifier
- EU country code
- Year the judgement was rendered
- Number decided by the Member State:

This can be some samples of the ECLI in Spain and the relation with the existing ROJ :

ECLI:ES:TS:2011:3837A	ROJ: ATS 3837/2011
ECLI:ES:AN:2011:1949	ROJ: SAN 1949/2011
ECLI:ES:AP Z: 2011:160	ROJ: SAP Z 160/2011

The Spanish ROJ is disposable under a public web search interface.

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

No, we can provide the case law identifier for all the Spanish Courts.

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?

Yes, the CENDOJ is the national coordinating authority for this. It is a technical body of the General Council of the Judiciary and its competences include the official publishing of the Spanish Case law (art. 107.10 of the Ley Orgánica del Poder Judicial)

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

All the technical implementation of the ECLI is part of the treatment of the case law electronic files. So, at least for the implementation of the standard, there is not a special need for this kind of cooperation. Nevertheless, the Legal Advisers of the Supreme Court take part in the treatment of the judgements. However, for the effective use of this standard for citation this cooperation is highly relevant.

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?

From the Spanish perspective, we have a direct relation between the Spanish identifier and the terms of the CENDOJ Thesaurus. This tool has been identified positively as one of the sources that can be used for the future version of EUROVOC, so we can take part of the initiatives that can be followed to reach this target. For example, the common interface to search for ECLI can also direct queries based on the Spanish terms to enable the semantic web research.

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:

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

We can apply the ECLI to all the case law, including our historical funds –more than 5.000.000 judgments-. That will allow to make links with present and older judicial decisions.

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:

We are changing our XML schema to include the elements and attributes needed to assume the ECLI and country codes. All the other meta-data are already available.

Timetable:

During 2011-2012. If required, we can prioritize this project and reduce this time to 6 months. For this purpose, we will start as soon as it is absolutely clear the scope and final version of the ECLI.

Financial costs:

Under study.

Other resources:

Difficulties encountered:

If the ECLI includes a specific search interface we can have some difficulties to allow the recovering of a important number of judgments as we have adopted several limits to avoid illegal downloads against the re-use policy.

Other information:

The CENDOJ applies a strict data protection policy so all the judgements include no personal data at the public level.