

Colophon

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1. From the Secretary-general's desk

This newsletter is a special one.

Unusually, this edition is devoted to a single subject, namely the association's website, and more specifically the case law databases. The aim is not only to familiarise people with these databases but also, above all, to provide members with as much information as possible about how to use them and how to play an active role in their ongoing development.

The publication of this newsletter also coincides with the enlargement of the European Union and hence *de facto* of our own association. Enlargement heightens the need for the courts applying European law to be better informed in that regard. It also provides additional justification for the role played by an association like ours.

The tools we provide form the pillars of a genuine information network which enables not only our members, but all legal actors and, indeed, all citizens to gain a clearer picture of the application of Community law in the different EU Member States. In so doing they will foster the homogenous application of European law.

Striving for a more uniform application of European law may be an ambitious goal, but it is not an unrealistic one. And chiefly thanks to the fresh resources available to our association, we can help to attain it.

I would like to thank Messrs Robert Quintin and Christophe Stassart at the general secretariat, who are responsible for managing the databases. In less than a year, they have achieved a great deal and earned our association plaudits from the European authorities.

Nonetheless, regardless of the effort they put in, the databases can only be what our members make them. We can only achieve our goal if we all work together.

Yves Kreins

Secretary-General

2. THE ASSOCIATION'S WEBSITE

The association's website was set up in 2001 and has undergone various transformations. Accordingly, it seems appropriate to provide an overview of what the website has to offer and, in particular, to describe how its affiliated courts can play an active role in enriching its contents.

1. HOW TO ACCESS THE SITE

- 1.1. Launch your browser (preferably Internet Explorer 6 configured to accept cookies).
- 1.2. Access the association's homepage from the website of the Belgian Council of State:

<http://www.raadvst-consetat.be>

by clicking on the association's logo:



- 1.3 Access the association's homepage via links from its members' websites¹:

Austria: <http://www.vwgh.gv.at>

France: <http://www.conseil-etat.fr>

Grand Duchy of Luxembourg (Administrative Court): <http://www.etat.lu/JURAD>

The Netherlands: <http://www.raadvanstate.nl>

Portugal: <http://www.sta.mj.pt>

- 1.4. Select your language.



¹ The site is hosted by the Belgian Council of State.

2. GUIDE TO THE CONTENTS OF THE WEBSITE

You can browse the site using 12 buttons, each providing access to an area of information about the association or of general interest. These buttons are accessible on the site at all times.

- **2.1. STRUCTURE**



The association is an international non-profit association and comprises a General Assembly, a Board and a general secretariat; this button shows the composition of each of these three bodies.

- **2.2. HISTORY**



A list of the events from 1963 onwards which led to the association's establishment in May 2000.

- **2.3. ACTIVITIES**



An overview of the various activities carried out by the association each year.

- **2.4. NEWSLETTER**



The newsletter is published regularly in both brochure and electronic form. It provides an insight into what the association does and is also a valuable source of legal information, containing details of the most significant rulings and decisions by its member courts. The present edition, as mentioned in the editorial, is somewhat exceptional in being devoted mainly to the association's website.

- **2.5. COLLOQUIA**



Provides access not only to issues addressed at colloquia held on various themes by courts that became official members of the association in 2000, but also to general and specific reports compiled for these colloquia. In order to provide such comprehensive information, the association has scanned some 10,000 pages of reports, which are now available at the click of a mouse.

- 2.6. CASE LAW

case law

See points 3, 4 and 5 below.

- 2.7. ECJ's REFLETS

ECJ's Reflets

The bulletin entitled *Reflets* is published three times a year by the Court of Justice of the European Communities, the aim being to provide up-to-the-minute information on legal developments of interest to the Community. It can be viewed directly via the website. This button also provides access to further information on the application of Community law by national courts taken from annual reports monitoring the application of Community law.

- 2.8. MEMBERS

members

This button provides the names and addresses of the association's members (and a link to their website if applicable).

- 2.9. OBSERVERS

observers

This button provides the names and addresses of courts with observer status (and a link to their website if they have one).

- 2.10. IASAJ

IASAJ

Link to the website of the International Association of Supreme Administrative Jurisdictions.

- 2.11. STATUTES

statutes

The statutes of the association, which was set up in May 2000 as an international non-profit association.

- 2.12. PHOTOS

photos

3. CASE LAW: GUIDE TO PRELIMINARY RULING PROCEEDINGS BEFORE THE EUROPEAN COURT OF JUSTICE

case law

This guide, which was drawn up under the auspices of the Euro Group in the Netherlands, is a very valuable source of information, especially for magistrates faced with problems concerning the interpretation or validity of standards under Community law.

The guide is split into three main chapters:

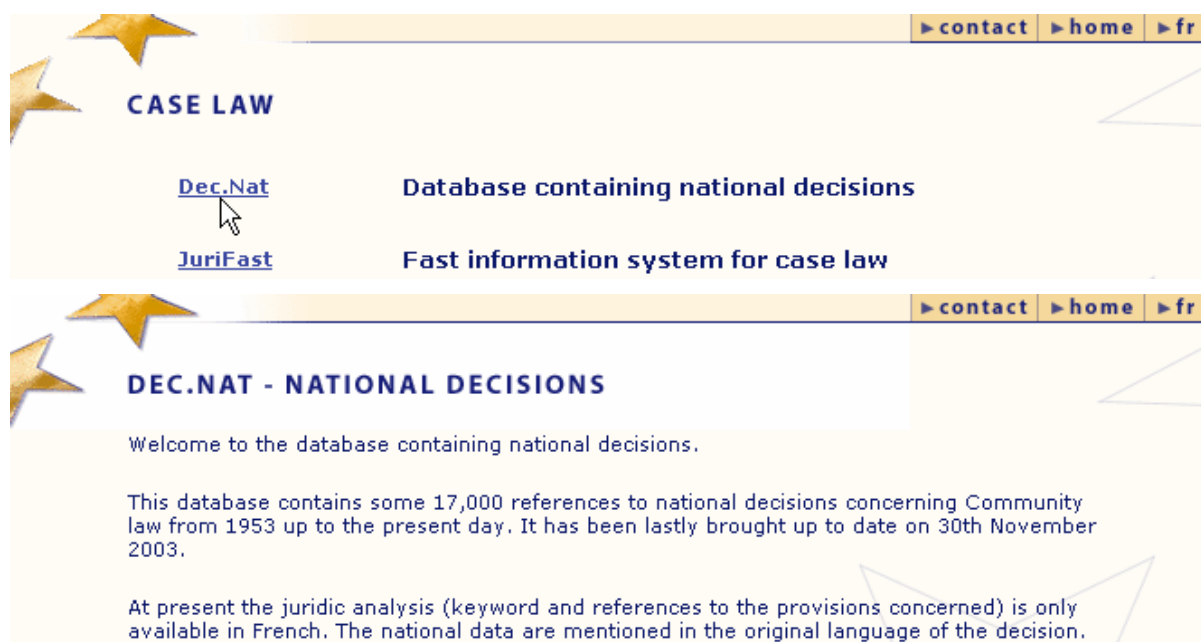
- *General*
- *When to refer?*
- *How to refer?*

These chapters are further subdivided into several sections and subsections each dealing with a more specific aspect. Click on the heading of each of these subdivisions to access the required information. For most aspects covered there are hyperlinks to the relevant treaty provisions, the Court's case law and other useful documentation.

4. CASE LAW: DEC.NAT DATABASE CONTAINING NATIONAL DECISIONS

case law

Following an agreement between the Court of Justice and the association, information of general interest contained in the DEC.NAT database is forwarded to the association, which - since early 2003 - has made this data accessible to the public over the Internet. The interface was designed by the general secretariat.



4.1. Presentation

For many years, the Research and Documentation Department of the Court of Justice of the European Communities has been collecting information on national decisions regarding Community law, either by sifting through specialist reviews and documentation, or by receiving decisions directly from the courts concerned, or via our association, through the general secretariat.

This has led to the creation of the DEC.NAT database, which, at the time of writing, contained some 17,000 references to national decisions and covers over half a century of case law, starting in 1953. In addition to providing references to these decisions, the database also contains notes and doctrinal comments on national decisions and preliminary rulings by the Court of Justice. So it really is a *reference* database, providing the dates of decisions, the courts which took them, details of their publication (if applicable), reviews and reports pertaining to them, and so forth. However, the database does not provide direct access to the documents themselves, which will have to be sought or obtained elsewhere.

At present, the legal analysis (keywords and references to the provisions concerned) is only available in French. National data are provided in the original language of the decision.

The provisions concerned are:

- The EC Treaty (formerly EEC);
- the ECSC Treaty;
- the EAEC Treaty;
- the Treaties common to Belgium's three Communities;
- secondary legislation relating to the scope of these treaties;
- the Treaty on the European Economic Area (EEA).

4.2. Searching in *DEC.NAT*



Click on "Search the database"

Not all components of the database have been set up in a structured manner, since originally it was designed as an internal working tool specifically for tracking down documents within the Court of Justice. Users should bear in mind that in many fields a full text search will have to be performed and that obtaining the desired result may sometimes require several attempts, as is often the case with searches elsewhere. Searches can be performed either within a single field (for example, a general question about a directive) or in several fields combined.

For searches in text fields:

- *The first few letters of a word suffice, e.g. "envi" for "environment";*
- *words that are not signifiers (articles, prepositions, etc.) can be omitted, e.g.: "Council State" for "Council of State";*
- *letters do not require accents and capital letters are not necessary;*
- *words should be separated by a space, not by punctuation (such as a comma).*

Searches may be performed from any field, but will most often be based on a provision of European law or a subject area covered by it. Users can narrow down the number of results by refining any other element. Once the result has been displayed, click on the details of the selected decision.

To refine your search, click the "Back" button or back arrow in your browser to return to the search screen without losing the information already entered there. If you click on "Search" the search string screen will be blank.

○ **SEARCH BY A PROVISION OF EUROPEAN LAW**

- **METHOD 1: PROVISION OF COMMUNITY LAW**

Provision of Community law

(type of document) ▼

Select the type of document

Example: directive

Provision of Community law
Directive 76/207

Then enter the reference *in the current format*, not in the format required for searches in Eur-Lex or Jurifast: e.g. enter "Directive 76/207" rather than "1976/0207".

Articles of a provision may also be specified in this field, but they will not necessarily correspond to the directive in question since this is a full text search based on the entire field.

If you perform a search by selecting 'Directive' and entering "77/388 art. 1" in the text box, some results will pertain to the following provisions of Community law:

Council Directive 67/227, articles 1 and 2

Council Directive 77/388, articles 2, 4 and 17.

Article 1 of directive 77/388 does not appear in these results, so you must continue to search by selecting other results.

- METHOD 2: CELEX FORMAT (TEXT FIELD)**

in CELEX format:

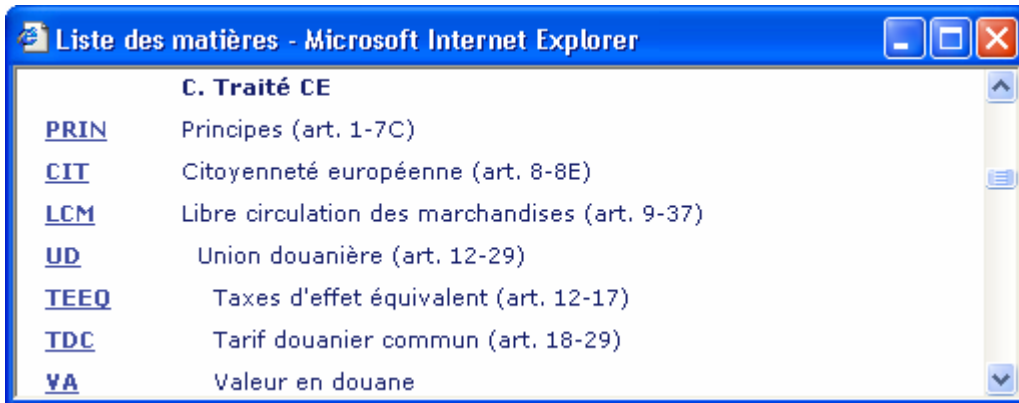
Opt for this kind of search when you know the reference in this format.

○ **SEARCH BY SUBJECT**

• **METHOD 1: CELEX SUBJECT (LIST)**


CELEX matter
 Add a code

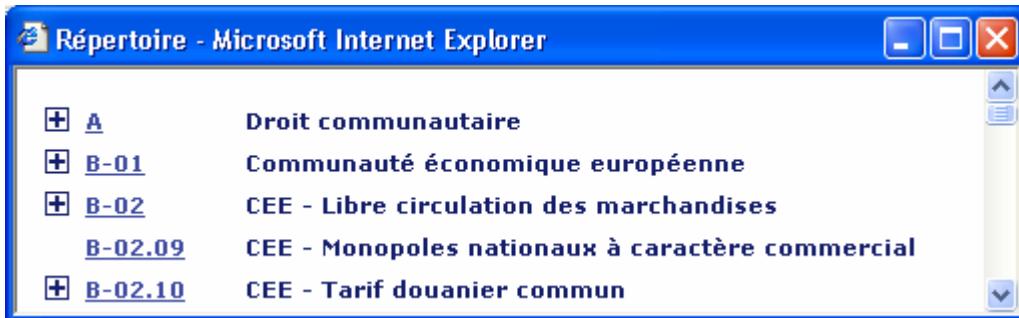
Browse the list of subjects and click on the appropriate one.



• **METHOD 2: INDEX MARK (LIST)**

Index mark
 Add a code

Browse the list for the appropriate keyword and click on  for further details. Choose from the sub-list.



• **METHOD 3: KEYWORDS (TEXT FIELD)**

Keywords

This field provides an analyse by the Court's departments based on strings of keywords referring to the points of law covered by national decisions.

This field can be used to perform the broadest possible search:

Examples: "temps conduite" or "concurrence déloyale"

Keywords

temps conduite

OTHER FIELDS:

Searches can also be performed in other fields; their contents then appear in a number of ways on screen when the result is displayed.

- DATE OF THE DECISION (LIST)

Date of the decision

This field enables you to enter a specific date if you know it, or to specify a particular period by clicking on "until".

- NAME OF PARTIES (TEXT FIELD)

Name of parties or registration number

Depending on current usage in the Member States, the national registration number may be entered instead of the name of the parties.

- TITLE (NAME OF THE COURT, TYPE OF DECISION) (TEXT FIELD)

Title (name of the court, type of decision, ...)

The name of the court is given in the original language of the decision. Other elements identifying the national decision are also listed in this field.

- NATIONAL PROVISION (TEXT FIELD)

National provision

In principle, provisions subject to a national decision should be entered in the original language of the decision according to national usage; they need not always be specified.

- STATE IN WHICH THE DECISION HAS BEEN GIVEN (LIST)

State in which the decision has been given

Click on the list.

- LANGUAGE OF THE ORIGINAL DECISION (LIST)

Language of the original decision

Click on the list.

- TREATY CONCERNED BY THE DECISION (LIST)

Treaty concerned by the decision

Click on the list.

- PROVISIONS OF INTERNATIONAL CONVENTIONS AND TREATIES

Provision of international conventions and treaties

International conventions and treaties other than those of Rome, Brussels and Lugano.

Examples: "droits homme" or "droits enfant"

- JUDGEMENT OF THE COURT

Judgement of the Court

Date or number of the case

Examples: 15/06/1999, C-321/97

- DOCUMENT NUMBER OF THE PRELIMINARY REFERENCE TO THE COURT

Document number of the preliminary reference to the Court

Example:C2001/0261/J

5. CASE LAW: JURIFAST (FAST INFORMATION SYSTEM FOR CASE LAW)

case law

The image shows two screenshots of the JURIFAST website. The top screenshot displays the 'CASE LAW' section with links for 'Dec.Nat' (Database containing national decisions) and 'JuriFast' (Fast information system for case law). The bottom screenshot shows the 'JURIFAST - FAST INFORMATION SYSTEM' home page, which includes a search bar with fields for 'Type of provision', 'Year', 'No', and 'Article', and a 'Words of the title' field. A 'Clear search' button is also visible.

5.1. Presentation

A meeting held on 14 and 15 November 2002 in Trier for the heads of the documentation and research departments of the association's member institutions, saw the launch of the idea of developing an information system based on data submitted by the bodies in question.

The main aim was to provide the members of the association and visitors to the website with a way of gaining a rapid overview of the latest developments in case law closely linked to Community law.

This initiative began to take shape during 2003 and was presented at a subsequent meeting of the documentation and research departments again held in Trier on 15 and 16 December 2003. The system was up and running by 1 February 2004.

The special feature of this system is that members enter information directly into it. Having logged onto the site, members can enter full details of the decision on the site, together with a brief description of the subject and any references to the provisions of Community law concerned. They then submit a summary of the decision in either French or English. The association is responsible for coordinating this input and providing translations of descriptions and summaries.

The information posted on the site mainly takes the form of either preliminary reference files (a question, response from the Court of Justice and subsequent decision) or final decisions. Such information may subsequently also be included in the newsletter.

Further developments have been proposed, but still require detailed consideration: one involves allowing access to opinions issued by members acting in an advisory capacity, and another has to do with setting up a forum – not accessible to the public – where members could exchange their experiences and information regarding the interpretation of Community law.

5.2. CONSULTATION

- 5.2.1. Consult recent decisions

Click on "Consult latest decisions"



Navigate through the list using the "Next page" and "Previous page" buttons.



Click on "Detail"

5.2.1.1. Information displayed for all decisions:

Preliminary question

102.426	08/01/2002
Belgium	
Conseil d'Etat	
Quantitative restrictions - Applicability of the directives in question to alarm systems and response facilities	

 Summary(ies) 

Field 1

- Member State and jurisdiction
- national decision (final decision or submission of a preliminary question): date, reference and link (in blue) – click on the link to access the full text of the decision
- brief description
- summary – choose your language for the summary

Provision(s) of Community law

12002E028	Treaty establishing the European Community (Nice consolidated version) Part Three: Community policies Title I: Free movement of goods Chapter 2: Prohibition of quantitative restrictions between the Member States
Article(s) 28, 30	

Field 2

Provision(s) of Community law: reference and link (in blue) – click on the link to access the full text of the Community provision(s) (choice of languages available)

5.2.1.2. Additional information regarding decisions with a preliminary question

Court of Justice of the European Communities

C-14/02
08/05/2003

Field 3

Decision by the Court of Justice: reference and link (in blue) – click on the link to access the full text of the decision (choice of languages available)

National final decision(s)

125.707	26/11/2003
Belgium - Conseil d'Etat	
Quantitative restrictions - Applicability of the directives in question to alarm systems and response facilities	
	Summary (ies) 

Field 4

Subsequent decision(s):

- Member State and jurisdiction
- national decision: date, reference and link (in blue) – click on the link to access the full text of the decision
- brief description
- summary – choose language

• 5.2.2. Search ("Search" field)

All searches performed within JuriFast must be by provision of Community law.



5.2.2.1. Search based on an article of a Community provision



- click on the list "Type of provision";
- click on the list "Year";
- enter the number: * Enter THREE digits for a treaty article (preceded by one or two zeros if necessary)
* Enter FOUR digits for the reference number of another document (preceded by one, two or three zeros if necessary)
- enter the article number if required.



Click on "Results"

5.2.2.2. Search by one or more terms appearing in the title of a Community provision.

Enter one or more terms in the field "Words of the title"

Words of the title

Click on "Results"



Return to "Latest decisions"


[Last decisions](#)

5.3. ADD A NEW FILE

Full text documents should ideally be entered in PDF format. To avoid generating too many warning messages, users are advised not to save a file until all the available information has been entered.


- 5.3.1. Final decision

A login form with a blue header containing the word "Logon" and a user icon. Below the header are two input fields labeled "Login" and "Password". At the bottom is a blue button with a yellow arrow and the word "Validate".

Logon 

Login

Password

 Validate

Under the section entitled "Logon", enter the following:

- Login;
- password.

Click on "Validate".

If you are not yet on the "Latest decisions" page, go there.

Click on "Add".

[Add](#)

* If necessary, click on "Decision without preliminary reference".

Details of the state and jurisdiction are displayed according to the login.

If these details are not what you wish to enter, click on "State" and enter the appropriate jurisdiction

Enter:

- DATE OF THE DECISION (CLICK ON THE REQUIRED INFORMATION)

Date of the decision

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

- INTERNAL NUMBER

Internal number

- SUBJECT:

Complete the section (50 words maximum) – do not mention reference articles at this stage.

Subject in English

Subject in French
Comments

Follow the same procedure for "COMMENTS", a bilingual field which must be completed in both English and French.

- FULL TEXT:

Click on "Browse" – select the text from your personal data – Click on "Open"

Full text

- **SUMMARY (AS SOON AS IT IS AVAILABLE):**

Click on "Browse" – select the text from your personal data – Click on "Open". If no summary is available, do nothing – the words "no summary at the time being" will appear automatically.

Summary in English

Summary in French

- **PROVISIONS OF COMMUNITY LAW:**

Click on "Add"

Provision(s) of Community law

Click on Add to insert a provision...

[Add](#)



- **TYPE OF PROVISION:**

Scroll down and click on the type of provision.

Type of provision

EC Treaty

- **YEAR:**

Click on the appropriate year.

Year

- **NUMBER:**

Number

Enter THREE digits for a treaty article (preceded by one or two zeros if necessary). *For the Treaty establishing the European Community, reference should be made to the consolidated version adopted in Nice in 2002.*

Enter FOUR digits for the reference number of another document (preceded by one, two or three zeros if necessary).

Click on "Import".



The title of the treaty or document is entered in both languages.

Title of the provision in English

Title of the provision in French

- SAVE



Repeat the procedure if you wish to enter another document of European law and save again.

- SAVE ALL.




- *5.3.2. Preliminary question*

Logon 0-π

Login

Password

A blue button with a yellow play icon and the text "Validate".

In the "Logon" field, enter the following:

- Login; password.

Click on "Validate".

If you are not yet on the "Latest decisions" page, go there.

Click on "Add".

[Add](#)

* Click on "Preliminary decision".

Details of the state and jurisdiction are displayed following login.

If these details are not what you wish to enter, click on "State" and enter the appropriate jurisdiction,

Enter:

- **DATE OF THE DECISION**

(click on the required information)

Date of the decision

▼	▼	▼
---	---	---

- **INTERNAL NUMBER**

Internal number

- **SUBJECT:**

Complete the section (50 words maximum) – do not mention any reference articles at this stage.

Subject in English

Subject in French
Comments

Follow the same procedure for "COMMENTS", a bilingual field which must be completed in both English and French.

- **FULL TEXT:**

Click on "Browse" – select the text from your personal data – Click on "Open".

Full text

- **SUMMARY (AS SOON AS IT IS AVAILABLE):**

Click on "Browse" – select the text from your personal data – Click on "Open". If no summary is available, do nothing – the words "no summary at the time being" will appear automatically.

Summary in English
 Parcourir...

Summary in French
 Parcourir...

- **PROVISIONS OF COMMUNITY LAW:**

Click on "Add".

Provision(s) of Community law

Click on Add to insert a provision...

Add

- **TYPE OF PROVISION:**

Scroll down and click on the type of provision.

Type of provision

EC Treaty

- **YEAR:**

Click on the appropriate year.

Year

- **NUMBER:**

Number

Enter THREE digits for a treaty article (preceded by one or two zeros if necessary). *For the Treaty establishing the European Community, reference should be made to the consolidated version adopted in Nice in 2002.*

Enter FOUR digits for the reference number of another document (preceded by one, two or three zeros if necessary).

Click on "Import".



The title of the treaty or document is entered in both languages.

Title of the provision in English

Title of the provision in French

- SAVE



Repeat the procedure if you wish to consult another document of European law and save again.

- SAVE ALL.



5.4. AMENDMENTS

Logon 0-π

Login

Password

Validate

In the "Logon" field, enter the following:

- Login; password.

Click on "Validate".

If you are not yet on the "Latest decisions" page, go there.


Search for the decision to be amended.

Click on "Detail".

Click on "Modify".

[Modify](#)

Follow the same procedure as under 5.3. "Add a new file" (from the part marked with an asterisk) by amending the appropriate sections and saving the required information.*

To amend a provision of Community law or a subsequent decision, click on the icon next to the appropriate information 

To delete such information, click on the icon 