

Report of the IC²BE project workshop on the setting up a case law database

MPI Luxembourg, 26 February 2018

The first workshop of the IC²BE research project ("Informed Choices in Cross-Border Enforcement") took place on February 26th at the Max Planck Institute Luxembourg for International, European and Regulatory Procedural law. The aim of the workshop was to explore the organization of existing databases on European civil procedural law and to discuss how a possible future databases created in the context of the IC²BE project could be designed.

The workshop brought together experts from the European Commission and the Court of Justice of the European Union, academics and potential users of the database. The workshop consisted of four main parts. In the first part, already existing databases which came into being as a result of research projects were presented. During the second part several experts from European and national courts as well as European institutions provided input from their side. The third part of the workshop consisted on a discussion and a questions and answers session from the floor.¹ An introduction to the E-Codex project as a possible avenue for furthering cooperation among EU courts in cross-border cases closed the workshop.²

Proceedings of the Workshop

I. Databases set up by academics

Prof. Jan von Hein (Freiburg University) - EUPILLAR

The first presentation was given by Prof. Jan von Hein (Freiburg University), the coordinator of the IC²BE project. Prof. von Hein presented the EUPILLAR database, which is one of the outcomes of a project preceding the ongoing IC²BE project. For the purposes of the EUPILLAR project data were collected on the practical experiences with the application of the Regulations Brussels I (and its amendments), Brussels IIa, Maintenance, Rome I and II, and the Hague Maintenance Protocol. The time period covered in the database is 1st March 2002 until 31st December 2015. The case law corresponds to the CJEU and national courts in Belgium, Germany, England and Wales, Italy, Poland, Scotland and Spain.

Prof. von Hein presented the design and functioning of the database to the workshop participants stressing its main benefit, which lies with the collection of the national jurisprudence, as the case

¹ NoA: spontaneous questions and comments were addressed to the speakers at the end of each presentation. For reporting purposes they have all been grouped under the "Q&A" section.

² NoA: a presentation of the e-Codex Project on the occasion of the database workshop was considered an added value to the extent that its aims at enabling cross border judicial cooperation by facilitating the digital exchange of case related data. In this sense it provides an essential complement to the uniform procedural rules created at the EU level, such as the ones under exam in the IC²BE Project. The e-Codex shows as well how IT can be exploited to promote intra-EU communication among national courts.

law from the CJEU is at any rate easily accessible online at curia.eu. He further outlined that national jurisprudence can be searched for based on the different regulations, but that it is also possible to retrieve it using certain provisions or paragraphs of the regulation as search references. The database provides the customer with a short English summary of the facts of the case and of the court's ruling; judgements by the CJEU cited by the national court are highlighted. Prof. von Hein underlined the importance of this function, which allows the user to see how the CJEU judgements are received, understood and implemented in national court practice. The link between CJEU and national case law established by the database is particularly useful for practitioners, and creates an added value.

Despite this, Prof. von Hein admitted to some drawbacks of the database, the main flaw of which is that there is no link to the full, original text of the case even if it is available online elsewhere. He noted that it would probably be no big problem to insert such link. From his point of view, this would be worthwhile doing as practitioners and academics might want to know more about a case than what is provided in the summary when it proves to be of interest for them.

Prof. Ilaria Viarengo (University of Milano) – EUFam's

The second presentation was given by Prof. Ilaria Viarengo from the University of Milano. She introduced the EUFam's project, co-funded by the European Commission and focused on the currently in-force EU regulations on family law and succession. The project, finalized last December, aimed at identifying the difficulties faced by courts and practitioners regarding the EU instruments, at developing uniform best practices and at formulating policy guidelines for further improvement of existing regulations. As part of the project national case law from 2004-2017 has been collected, analysed, stored and made publicly available on the dedicated EUFam's website.

The EUFam's database contains key facts, summaries, and a brief critical analysis in English for the case law of a number of countries (Bulgaria, Croatia, Czech Republic, France, Germany, Greece, Italy, Slovakia, and Spain). Prof. Viarengo explained that an online input data form was created as a private area only for the partners on the project's website providing for a user-friendly tool for the submission of national case law. At the end of the project, 780 cases from the participating countries had been collected.

Due to budget restrictions the EUFam's database is shaped as an excel file containing filters to navigate through the collected case law. Despite the database appearing not to be very user-friendly, it offers important insights as it provides for a lot of searchable data.

Prof. Marie Élodie Ancel (University of Paris-Est Créteil) – Lynxlex

Prof. Marie Élodie Ancel introduced the Lynxlex database, which covers all European instruments on private international law and the related case law from the CJEU and from French courts, above all the French Court de Cassation.

She explained that Lynxlex is primarily a website in French set up five years ago, and freely accessible. The project of establishing this database is supported by a research centre at the University Paris Pantheon Assas (Paris II) and two academic programs from Paris Est-Créteil.

Lynxley is also a company because in order to be able to embody a website, a legal body had to be registered. A small team of academics helps to feed the database.

Prof. Ancel explained that currently Lynxlex is focused on French law, but that they are trying to extent the database to Belgian case law as well. At the moment more than 500 entries from France, more than 500 from the CJEU, as well as some from Belgium and one from the UK, are stored in the base.

Despite of its limited content the website has a large audience in France. Prof. Ancel argued that the database's popularity among users is due to the fact that it is for free, and user-friendly since it is shaped in a way that fits the needs of both academics and practitioners: instead of looking like a classic database it rather looks like a code, which continental lawyers are more familiar with. She added that another advantage of Lynxlex is that the user can extract all content which is related to a specific regulation from the website (e.g. bibliography, text of the regulation, excerpts of the ruling) and print it out.

II. The expert's input

Mr. Alexander Ivantchev (Head of Sector "e-Justice Policy and Grants Management", Unit B4 of DG Justice and Consumers of the European Commission)

The first speaker of the second part of the workshop was Alexander Ivantchev from the European Commission. His presentation focused on three elements.

First, he shared his experience regarding access to justice and case law, national and European jurisprudence. In this context, he outlined which bodies are responsible for publishing case law. He summarises that these bodies can be the judiciary, European, international or Member State courts, independent bodies, Ministries of Justice (in some countries), agencies, publication offices, regulatory bodies, private and commercial entities, associations, universities and foundations. However, he pointed out that a distinction must be made between an authoritative source and a re-publisher. He stressed that this distinction is often relevant for practitioners.

In this regard, Mr. Ivantchev proceeded by outlining challenges and considerations concerning case law databases. He pointed out that national practices regarding aspects such as publication rules, quality, accessibility, and anonymization differ between Member States (i.e. how is it published, when, is it all made public, what is the review process, what is the accompanying information etc.). Next, Mr. Ivantchev highlighted aspects relating to participation and collaboration. He stressed that there is a need to reflect on who will be involved in the collection of case law from the Member States, how to do this (i.e. how to access and publish it), and how reliable this collaboration could be. Further, he mentioned that the willingness to publish case law is important and drew attention to the fact that although some Member States are obliged to publish it they do not do it on a regular basis. Mr. Ivantchev referred as well to classification schemes and stressed that for a long time there has been no uniform identifier or a common set of metadata for case law. Standardisation, he argued, would however be important for the technical inter-operability on cross-border matters. He emphasised languages issues, which have

a twofold impact, namely the availability of full texts and the 'findability'. He argued that national publishing bodies do not publish national rulings in other languages and that it is not realistic to expect that this will happen in the future. Mr. Ivantchev suggested that a possible solution would be to use keywords or controlled vocabulary. Lastly, he pointed to the fact that to sustain databases in the future, continued investment is needed. Hence, questions arise as to how the databases are kept alive.

Second, Mr. Ivantchev introduced the European Case Law Identifier (ECLI). He explained that the identifier comprises five parts: A self-identifier, a country/institutional code, a court code, the year of decision, and the ordinal number of the decision (the usage of the latter depending on specific practices of adopting Member States). He pointed out that Member States are free to maintain their existing identifiers, although the ECLI allows for common references.

Mr- Ivantchev continued to explain that the metadata of the ECLI are defined in Council Conclusions and that there are mandatory and optional parts (e.g. the name of the issuing court, the date of decision, the field of law etc.), but that this is hard to standardise. Yet, he expressed that he considers the possibility to cross-reference preceding decisions or related decisions or regulations a powerful tool, which enables the user to trace the evolution of each court case. Despite this, Mr. Ivantchev concluded by saying that this tool is underutilised.

Finally, Mr. Ivantchev presented the ECLI search engine. He began by pointing out that ECLI is a search engine and not a database, and that it is limited to case law. He outlined that the search engine was launched on the e-Justice Portal in May 2016, that all decisions, metadata and texts are indexed, that the search engine provides access to decisions to the CJEU, boards of appeal and others, and that a summary of all decisions is available in English. Further, he said that he is not sure about the number of people visiting the website.

Approaching the end of his presentation, Mr. Ivantchev summarised what action is needed in the future. He said that the aim is to extend and complete the adoption of the ECLI with funding from the EU. Moreover, he pointed out that improved (cross-) references between case law decisions and legislation are necessary and that the automatic generation of references is desirable. In addition, he stated that despite the risk of a lack of quality, it could be considered to use machine translations. To maximise the search scope, Mr. Ivantchev pointed to the use of controlled vocabulary or thesaurus. Finally, he said that the creation of a 2.0 version of the ECLI standard could potentially be envisaged.

Dr. Sabine Hackspiel (Director of the Research and Documentation Directorate, Court of Justice of the European Union)

In the following expert presentation, Dr. Hackspiel shared the experience the Research and Documentation Directorate of the CJEU has gained with reference to information exchange on the 1988 Lugano Convention. Dr. Hackspiel described that this further resulted in the so-called D-Series ("Digest of European Community Case Law"), which contains cases and metadata for ECJ cases between 1973 and 1991. She outlined which provisions of the Lugano Convention laid the foundation for information exchange, and which actors were involved in it. Accordingly, the competent authorities in the contracting states were supposed to submit decisions to a central

body (the registrar of the ECJ). The latter was supposed to classify the decisions and to draw up a publication and translations. The registrar then transmitted this to the competent authorities of the Member States.

Dr. Hackspiel explained that a package for each year had to be prepared including a selection of the most important decisions, a classification, key words and abstracts. This information was then poured into an internal database, based on which data sheets were first prepared in French and later translated into English. However, she mentioned that the transmission by the competent authorities has not always been successful.

Subsequently, Dr. Hackspiel presented an example of how the database looks like. She showed that it comprises information on the court, data, parties involved, keywords, and classification. She explained that different data types were used to establish the classification, such as tables of articles, a systematic classification scheme (based on the D-Series, articles of the Brussels I and Lugano I Conventions, keywords, and other indicators.

Dr. Hackspiel outlined how the database was disseminated. She explained that every year, a “package” containing data sheets and summaries of ECJ decisions, the full text of all preliminary rulings of the respective year, the decisions following the preliminary ruling and the full text of national decisions were provided. This was then sent to the Swiss Justice Department which distributed it to the competent authorities. Dr. Hackspiel said that, since 2005, the data is available on a website which was created in cooperation with the University of Saarbrücken, as well as on Curia, EUR-lex and the ACA website.

In addition, she summarised that 20 annual “packages” were created between 1992 and 2011, including 105 ECJ judgements, 801 court decisions, 130 requests for preliminary rulings, and 31 follow up decisions by national courts. The large majority of the decisions concerned the Brussels Convention.

Further, she explained that although the 2007 Lugano Convention did no longer provide for this information exchange by the CJEU, it is still subject to interpretation by the CJEU because it is an EU act. To ensure uniform interpretation, there is a protocol to the Convention requiring deference to the Community Acquis and non-EU contracting states are allowed to submit written observations in cases before the CJEU. The information exchange is to be continued, but is now a responsibility of the EU commission performed through the Jure database. The CJEU does still have a role to play by selecting and presenting case law of particular interest to a periodically convened expert group.

Dr. Hackspiel concluded that in her experience, it is difficult to get all required information if you have to rely on input coming from elsewhere.

Ms. Maria Westermann (Head of Unit, Directorate C – Dissemination and Reuse. C.4 – Documentary Management and Metadata)

Ms. Westermann started her presentation by providing an insight into the publication office’s coverage. She explained that the office is working with all different types of EU publications. In her presentation, she mainly spoke about the JURE collection, which she said followed the

Brussels and Lugano Convention collections introduced by Dr. Hackspiel. She explained that for establishing the JURE collection, judgements are delivered by the national courts of the Member States and by the CJEU, covering the Brussels Convention, the old and new Lugano Convention, as well as Brussels I and II. She stated that the collection is available on EUR-lex since 2014.

Ms. Westermann outlined that the legal basis for this collection is Art. 3 of Protocol 2 of the 2007 Lugano Convention, which stipulates that there should be an exchange of information of relevant judgements among the contracting States. Although national authorities are duty bound to send information to the Commission, this is not always done in practice. Thus, there is no complete picture covering judgements from all Member States yet. In theory, she explains, the judgements have to be accompanied by metadata and they should be publicly accessible.

Ms. Westermann explained the workflow of the JURE collection, which starts with the Member States' judgements being delivered to the Commission through the "JURE input form". Member States insert the necessary metadata (country, court name, references of which instruments are interpreted or cited in the case law). The information is sent to a contractor who collects metadata and checks the validity of the data. The contractor then produces summaries of up to one page for each judgement (in English, French and German), which is made available on EUR-lex after being validated by the Publications Office.

Mrs. Westermann showed the JURE input form, which is accessible on the EUR-lex website. She noted that compared to the total visits on the EUR-lex website, a relatively low number of people visit the JURE website. She added that the Publications office has only received 443 judgements via the JURE input form, which is why they are working on a campaign to promote its use. Concluding her presentation, Ms. Westermann stressed that it is important to note the Publications office does not decide on the relevance of the judgements but that this is determined by what they receive from the Member States. Ms. Westermann highlighted that the Publications Office needs to look for ways of retrieving judgements, maybe from other organisations and not only from the Member States.

Mr. Stefano Palermi (Head of the HUDOC Unit, Case-Law Information and Publications Division, European Court of Human Rights)

Mr. Palermi began his presentation by explaining that the HUDOC database has more than 4 million visitors per year and that nearly 150.000 documents are available on the website. He noted that also non-official languages translations are available. In total, the database covers 31 languages. Mr. Palermi stated that the goal is to extend the non-official languages interfaces. At the moment, he said, the exercise is to create a unified search that enables a search across all HUDOC collections. He mentioned that the tasks of improving the spell check methodology and of establishing improved filters has already been completed. He also pointed out that the ECHR is using a Twitter account.

Subsequently, Mr. Palermi outlined the characteristics of the HUDOC database. He explained that the aim is to establish a database which is easy and intuitive for the user; in order to do so it comprises a collection of documents and provides for a search engine accepting a number of

filters, such as language, importance, country, ECHR provisions, violation/non-violation, keywords, and even the judge.

Mr. Palermi further described the characteristics of the database. Besides a basic search function the HUDOC provides for an advanced search function. The search engine shows all translations available for one particular judgement. He noted that these can be downloaded, that there is information on all metadata available and that the main judgements already have an ECLI code.

Mr. Pedro Félix Alvarez de Benito (senior Judge, Head of Department, International Relations Department, Consejo Gernal del Poder Judicial, Spain)/ Mr. Ignacio Vicuña Nicolás (Director del Centro de Documentación Judicial, Consejo General de Poder Judicial, Spain)

The presentation regarding the Centro de Documentación Judicial, Consejo General de Poder Judicial (CENDOJ), by Mr. Ignacio Vicuña was preceded by a short introduction on the International Relations Department by Judge Álvarez de Benito, setting the context.

Judge Álvarez explained that the Spanish judiciary get support from the Department in the course of their daily functions on the bases of a personal interaction. There are three ways with regard to cross border cases. The first is a council internal to the judiciary, to which the judges can address questions in relation to the management of international cases. The second is a 'network' of experts all over Spain, regionally organized, who similarly answer questions from judges and advices on how to proceed in international cases. If the case involves issues out of the EU, there is also a possibility available of international correspondence with experts abroad. There is some overlap as to the nature of the questions asked and answered between the two. Thirdly, there is also a network of 'specialists in European Law', which provides selections of noteworthy cases to the judiciary with abstracts and commentaries.

Annual statistics are kept on the nature of the questions and their frequency. With this system, which receives about 2000 questions per year from Spanish judges related to various issues concerning the administration of international cases, the council provides a direct service to the judiciary.

Mr. Vicuña Nicolás explained the functioning of the Center of Judicial Documentation, which operates on four core principles: transparency, access to justice and jurisprudence, the protection of personal information and privacy, automatic methods of processing data such a 'big data' and artificial intelligence. Mr. Vicuña identified the developments in the latter as one of the main challenges for the coming years.

The Center comprises a publicly available case law database, and also manages a website and an intra-net for magistrates.

The case law database at the Center of Judicial Documentation gathers all the Spanish judgments of the superior courts; it contains aprox. 6.450.000 judgments for the benefit of the judiciary and the public. Annually, 124 magistrates-analysts are employed at the Center for Judicial Documentation; the annual workload is of aprox. 300.000 cases. 53 of these 124 focus specifically

on the Supreme Court. There are approximately 14.000 visits to the database per day, which shows that this judicial database is very well integrated in the daily functioning of the legal professions and magistrates.

The cases are collected from all over Spain in different layouts; this entails that the judgments must first be formatted in a uniform way. Then they are fully anonymized, classified and inserted into a thesaurus, provided with meta-data for the database and completed with hyperlinks to other information, such as other relevant case law and legislation. Magistrates' access to the data is broader than public access: for instance, they can see the non-anonymized personal information in a given case.

Mr. Nicolas continued to provide a demonstration of a search in the website by showing a Barcelona Court judgment as an example for the workshop participants. He showed and explained the workings of the search functions and the meta-data for each of the results.

Mr. Helmut Klein (Leiter Content-Produktion, Juris GmbH, Germany)

Mr. Klein presented the Juris GmbH, a closed company in which the German State is the largest shareholder and which provides digital legal information in Germany. He explained that amongst other things the company has established a database comprising around 1.5 million court decisions of EU Courts, German upper courts, and the courts of the German federal states. After explaining in more detail which other products and services the Juris GmbH offers, he highlighted that the company has concluded partnership agreements with relevant publishers in the German legal market, as well as contracts with the state and federal state, and that it cooperates closely with courts and their documentation centres. Further Mr. Klein noted that the company is applying a quality management system according to the ISO9001:2015 standard and that there is continuous technical development.

Subsequently, Mr. Klein outlined the company's documentation infrastructure. He explained that the supreme and federal courts have their own documentation centres and that the data goes from them to Juris GmbH. Then, he said, Juris puts the data into a contents database.

Mr. Klein continued by demonstrating the functioning of the database. He mentioned that the database comprises a very restrictive google-like search, where search hits can be sorted by relevance. Further, he emphasised that the available information comprises metadata, as well as amendments and citations of the documents.

III. Q&A Session

(Addressing national case law databases in general)

During the Q&A slots attendants to the workshop expressed opinions both welcoming the efforts of creating publicly available databases on national case law, and regretting their plurality and lack of uniformity. In this regard the situation was described as a "patchwork" of different regulations and databases covering different countries, with different methodologies being

applied to the collection and the presentation of the case law to the public. Overlap with curia.eu was criticised as well. The transfer of European sources to the national level was deemed not useless, but it was recalled that the real issue is to make the case law of Member States available to users of other MS. A reflection was made as well as to who the users are: whether practitioners need and resort to case law from other countries raised some scepticism. In this context it was argued that lawyers do not need big case law databases for their everyday practice, and that their practical difficulties to quickly obtain information lay somewhere else: logistical and administrative hurdles and language barriers are the actual hindrances to their effective work.

An attendant claimed that in general databases should be more practice-oriented. In this regard, he stressed the fact that practitioners have to find critical case law within a limited time. Sorting judgements by relevance would therefore be helpful, despite the fact that relevance is determined subjectively. He proposed to adopt criteria such as the number of times a case has been quoted; or whether a case brings about changes in the current case law. The intervention prompted a reaction from another attendant in the sense that the identification of the criteria is not what matters, but rather to provide for functionalities allowing a lawyer to search in a smart way, so as to find what he is looking for.

Collaboration with external actors such as universities, or other databases such as HUDOC, and normalization of the technical standards was highlighted as one of the most important challenges for the coming future, in order to avoid a plurality of projects operating in isolation parallel to each other.

A final comment stressed the importance of making databases attractive for practitioners through various means such as translations, workshops, conferences and the like. It was pointed out that practitioners may need help to get familiar with the databases.

(On specific databases)

The **Lynxlex** database prompted several questions from the floor regarding its financial support and its popularity. To the latter, Prof. Ancel answered that the Commission has supported another endeavour which can be regarded as the preceding step of the Lynxlex project. Prof. Ancel noted that they indeed considered asking for funding for the Lynxlex project too, but that it has been difficult to combine the bureaucracies of all different universities involved. In practice this entails that Lynxlex relies on the work of volunteers.

To the question how they know that Lynxlex is so popular, Prof. Ancel referred to a Google analytic system which assesses how frequently the database is being visited, as well as the origins of the users.

Finally, Prof. Ancel was asked how the team raises awareness about the website. She answered that she mentions the existence of the website to her students and uses the database for teaching. So do their colleagues; besides, the website has been recommended in a text book.

The collection of cases regarding the **Lugano Convention** was addressed in order to find out to what extent updating was a concern once the “packages” had been prepared in the form of bound volumes. Dr. Hackspiel confirmed the difficulties of doing so, but added that the online database

is kept up to date. Besides, she said that follow up judgements could also be included in the “package” of the following year.

Some surprise was shown regarding the management of the databases for which the EU are responsible, in particular **Jure**. An attendant stressed the number of judgements provided by Germany to Jure - only 16-, and asked whether they were sent in by the Bundesamt für Justiz. Mrs. Westermann said that this was probably the case. The contribution was deemed quite weak.

To a question on to the identity of the contractor, Ms. Westermann revealed it is a Czech company. She added there finding a contractor provide to be hard, due to the fact that the judgements it would have to deal with are drafted in more than 24 languages and need to be translated into English, German and French. Besides, the contractor is also entrusted with a first legal analysis of the cases.

Several questions from the floor related to how the contractor organises its work and more specifically, how it processes the information received. Ms. Westermann explained that the contractor has contact points in all Member States, whose identity is unknown to the Publications Office. The point was raised whether the contractor is required to exercise a quality control on the input from the Member States, to which Westermann replied affirmatively, asserting that the contractor has to validate and check the correctness of the information. A further question related to the staff the contractor is equipped with, to which Ms. Westermann answered that they have people speaking all the required languages, e.g. lawyers and proof-readers. She noted that the Publications Office is satisfied with the quality of the contractor’s work although they do not exactly monitor how he is working.

A further question to Ms. Westermann addressed who the national contact points of the contractor are, and whether better links could be established between them and other actors such as academics. Ms. Westermann replied that the information of the contact points cannot be transmitted without their consent.

Regarding the **HUDOC** database, an attendant recalled the ECHR had a previous one and asked about the background for the changes. Mr. Palermi alluded to the negative feedback received from the users; he admitted himself that the previous version, dating from 1997, was obsolete. The interface launched in 2012 has been quite well received. Additionally, the website is periodically updated according to user feedback and to incorporate new features.

An assistant to the workshop observed that while practitioners can indeed explore the HUDOC database in order to find private national law cases, these are not intellectually repertorialized, thus the search for national law developments is very difficult in the absence of a previous knowledge of specific cases by the user. In this context, the attendant asked about the incorporation of artificial intelligence technology and whether it is likely that it will address this kind of flaws. Mr. Palermi responded that the AI discussed is only a proof of concept version of which two prior version were tested last year, but which did not provide the desired results; a third version will probably be tested but for budgetary reasons the timeframe remains unclear.

Regarding the **CENDOJ** database, a first question was addressed to Mr. Vicuña Nicolás on why the decisions of the inferior courts are not included therein (it was nevertheless acknowledged that the situation is similar in other countries); from the academic perspective this is to be regretted, for the information displayed at this level of a dispute is usually of the outmost relevance for research purposes. Mr. Vicuña replied that the reason is essentially economical, since it would require too many resources. Although Mr. Nicolas would like for the database to encompass all jurisprudence, this is not possible at present. However, he added that this is exactly one challenge that the future use of artificial intelligence to process this kind of data could solve.

It was also asked whether hyperlinks to international conventions are inserted in the text of the case law reported at the CENDOJ. Mr. Vicuña responded that they generally are, although possibly not always due to various technical and non-technical limitations.

Prof. Requejo Isidro closed the Q&A session at this point due to time constraints, and suggested that more questions could be raised in the questionnaire which will be disseminated to all participants via e-mail.

IV. Closing presentation. The e-Codex project: Dr. Marco Velicogna (Consiglio Nazionale delle Ricerche IRSIG-CNR)

Dr. Velicogna opening words explained that his work focuses on cross-border litigation in the EU and the legal instruments on cross-border procedures from the front-end perspective - how those are produced-, rather than on the end product examined at the workshop - databases.

The e-Codex project's purpose is to build an EU judgments infrastructure which allows the communication across borders while preserving the investments made by the MS in their national systems. Problems arise from the many differences among the latter: even where standardised procedures have been established, national (procedural) rules on e-signature, on signification and on filing documents to the courts still diverge. Hence, another goal of the project is to create a methodology for a mutual equal interpretation of the data. In this context, he noted that an underlying question is whether instead of humans, a machine can take over this task.

The e-Codex methodology is based on reusability of technology, transportation and semantic interoperability. Dr. Velicogna noted that these components are not only used for e-justice, but are common to other areas such as e-health or e-procurement. A relevant characteristic is the operation on an open source, which works as a bridge between different national solutions so that stakeholders can continue to use their national systems with which they are familiar: outgoing documents from a MS are translated into a European standard, and then back to a national standard in the receiving MS. Dr. Velicogna stressed as well the relevance of the semantic interoperability, which seeks to protect the usefulness of the data throughout multiple documents: an example would be the anonymization of first instance and appeal judgments in the same case, which would otherwise become very difficult to read sensibly.

At the moment, 21 Member States and European organisations of legal professionals are actively involved in the e-Codex project's development. E-codex has been tested in regard to EU regulations -the EU Order for Payment, Small Claims Regulation- , and is becoming more active in criminal procedures, for instance in relation to exchange of evidence. The available infrastructure is maintained and new services are explored.

Dr. Velicogna noted that the e-CODEX infrastructure is not only technically performative, but also legally: in other words, the documents which are exchanged are legally valid. Also, the structured information mapped within the system is part of the legally valid document in e-CODEX, so that judges are always aware of the legal status of the document they get to see.

Finally, Dr. Velicogna reflected on how the e-CODEX project could contribute to the idea of an EU case law database. In this regard, he suggested that it is able to produce structured data which can, for example, be anonymised. But he added that something even smarter could be developed. He raised as well the question how access to data could be secured, and how to manage request authorisations. In addition, he argued that other tools, such as smart searches, could be more useful because they could facilitate searches from citizens.

Luxembourg, 13 March 2018