

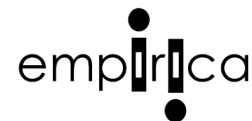


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FP7-ICT-2013-SME-DCA



## The market for EUCases linked legal open data services

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# User Needs Survey



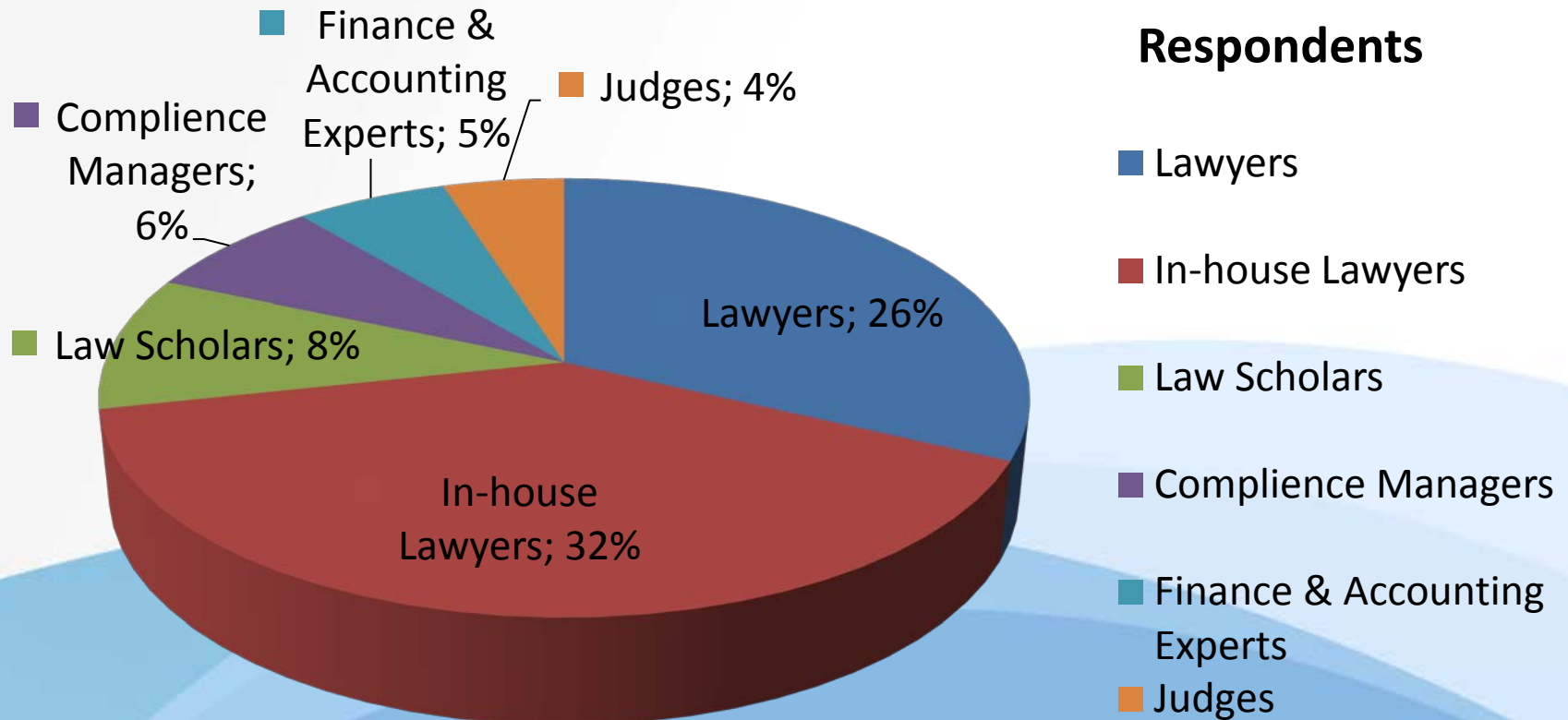
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# Survey Overview

- **Objective:** to examine the needs for cross-border legal information services in Europe – frequency of use, currently used information sources, priority legal areas of interest, degree of interest in case law, importance of functionalities ensuring links between national and EU legal resources
- **Type:** quantitative survey
- **Form:** online questionnaire
- **Time frame:** conducted between 15.11.2013 and 09.01.2014
- **Target group:** legal and other professionals who use or might use such kind of services
- **Respondents:** 95 from 5 countries – Bulgaria, France, Germany, Italy, United Kingdom

# Respondents profile

- Legal professionals working with cross-border legal information
- Having good command of at least one foreign language of another EU MS



# Questions & Answers: a Few Examples (1)

Question	Answers	%
What kind of legal information do you need in your work?	<b>Legislation</b>	<b>93 %</b>
	<b>Case-law</b>	<b>91 %</b>
	Doctrinal writings	63 %
	Other	14 %
How often do you use legal information services and tools to find legal information from other EU countries?	One-two times per year	19 %
	Several times per year	27 %
	One-two times per month	18 %
	<b>Several times per month</b>	<b>25 %</b>
	Daily	3 %
	Never	6 %
	Other	1 %

# Questions & Answers: a Few Examples (2)

Question	Answers	%
From which EU countries do you use legal information most often?	United Kingdom	35 %
	France	33 %
	Germany	34 %
	Italy	13 %
	Austria	19 %
	Other	24 %
Is such legal information from other EU countries always connected with the application of EU law?	Yes, until now it has always been connected	34 %
	No, in some cases it was not connected	54 %
	No, until now it was never connected	12%

# Questions & Answers: a Few Examples (3)

Question	Answers	%
In this situation (where legal information from other EU countries is used), how often do you search case law?	More than 75 %	13 %
	50 % -75 %	12 %
	25 % - 50 %	25 %
	Less than 25 %	40 %
	Never	5 %
	Other	5 %
Do you use such legal information in case it is available in a foreign language only?	No, I use it only if it is officially translated	18 %
	Yes, I use it by translating its text with Google Translate or other machine translation tools	19 %
	Yes, but I use it only if I have a good command of the language in which the legal document is drafted	64 %



# Questions & Answers: a Few Examples (4)

Question	Answers	%
<b>EUCases is focusing on consumer protection law. In which other areas of EU law do you need legal information from other EU countries?</b>	Private international law	49 %
	Human rights law	33 %
	Competition law	34 %
	Tax law	41 %
	Judicial cooperation in civil and commercial matters	45 %
	Judicial cooperation in criminal matters	19 %
	Other areas	21 %

# Questions & Answers: a Few Examples (5)

Question	Answers	Score	%
<b>Which of the following functionalities would you recommend to be integrated within the EUCases services, applications and tools?</b>	Simultaneous search in EU and national legislation and case law by using automated translation of the search query in the language of the documents	6	24 %
		5	14 %
	Links from EU directives to the full texts of the “National execution measures” and vice versa	6	48 %
		5	26 %
	Links from national legal instruments and case law to the cited full texts and concrete provisions of the EU legislative and judicial acts	6	56 %
		5	21 %
	For each cited EU provision or decision of the EU Court of Justice – links to all referring national legislative or judicial acts	6	51%
		5	19 %

# Conclusions from the Survey (1)

- **Case-law** is as important source of legal information as legislation, but it is used not so often
- **Legal (predominantly commercial) databases** remain the main source of legal information services for two thirds of the respondents
- The **frequency of use of cross-border legal information is relatively high** – one in four respondents use legal information from other EU countries several times per month and 3% on a daily basis
- The **use of cross-border legal information is often**, but not necessarily **connected with the application of EU law**
- **Cross-border legal information is sought mainly for the largest EU Member States** (United Kingdom, Germany, France and Italy) plus Austria

# Conclusions from the Survey (2)

- **Legal professionals do not trust machine translation** for doing legal research. Almost two thirds of the respondents use cross-border legal information from other EU countries only if they have **good command of the language in which the legal document is drafted**
- The **most interesting areas of law** for the users of cross-border legal information services are:
  - private international law
  - tax law
  - judicial cooperation in civil and commercial matters
  - competition law, and
  - human rights law
- Functionalities ensuring **links from national to EU legal documents and vice versa** are considered crucial for the majority of users of cross-border legal information services

# Prototypes of EUCases end-user applications



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# ConsumerCases Application (1)

- **Domain specific online legal information system**
- **Cross-border legal contents from the EU and six project Member States – Austria, Bulgaria, France, Germany, Italy and United Kingdom:**
  - ***EU legislation*** – consolidated legal instruments in force as well as historic (point-in-time) version, incl. repealed acts
  - ***EU case-law*** – decisions of the EU Court of Justice
  - ***National legislation*** – national legal instruments implementing EU directives
  - ***National case-law*** – decisions of the national courts on the application of EU and national legislation in the area of consumer law

# ConsumerCases Application (2)

- **The main functionalities to be offered are:**
  - ***Browsing EU and national legislation and case-law***
    - **By subject** – using the Syllabus ontology or Eurovoc thesaurus
    - **By documents' type** – legislative and judicial acts, legal doctrine articles, etc.
    - **By jurisdiction and institution**
  - ***Searching EU and national legislation and case-law*** – simple and advanced search options. The advanced search will allow users to execute complex search queries, based on various search criteria:
    - **Metadata criteria** – language, type of the act, country, court, case number, national or ELI/ECLI identifier, date, etc.
    - **Linked data criteria** – structural links between documents based on legal citations or semantic links based on relations to concepts from the legal ontologies and thesauri
  - ***Viewing legal documents and extracting knowledge*** – users will benefit from the well-structured and interlinked texts which allow them, for instance, easily to get a list of all referring court decisions to a given provision without losing the context

# EULinksChecker (1)

- **Series of installable add-in applications which will be integrated in the most popular text editors, browsers and PDF-viewers:**
  - MS Word
  - Open Office Writer
  - Internet Explorer
  - Mozilla Firefox
  - Google Chrome
  - Adobe Reader
- **Connected via the internet to the EUCases Linking Platform in order interactively to assist legal professionals in their research by identifying and establishing links between EU and national legislation and case-law within the texts that are edited, browsed or viewed**



# EULinksChecker (2)

- **The EULinksChecker will offer the following valuable features to its users when viewing, browsing or writing legal texts:**
  - checking for legal citations to EU and national legislation and case law and establishing links to the cited legal documents and to terms in Eurovoc taxonomy or Syllabus ontology
  - providing a list of legal instruments, court decisions and other legal documents citing the same legal act or the same provisions of the act
  - providing a list of other relevant documents which have been classified with the same terms in the Eurovoc taxonomy or Syllabus ontology
  - saving in XML file the browsed, viewed or written legal text together with the established links to free legal resources
- **These functionalities will be provided by a web service, which uses the linked data stored in the EUCases Linking Platform**

# Face-to-face discussions and interviews with legal experts



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# Objectives

- **The main objectives of the discussions and interviews were:**
  - to "prove the concept" – whether and to what extent the planned EUCases services will be of benefit of the targeted user group
  - to learn more about the needs related to cross-border legal information and how such information is obtained today
  - to receive feedback and advice about the functionality and user interface of the prototypes of the two end-user applications as well as about their future legal contents.
- **To achieve these objectives EUCases partners approached experienced legal professionals in Bulgaria, Germany and Italy having extensive experience with cross-border legal research in the field of EU and international law**

# Review of Responses (1)

- **What is your opinion about the concept of the ConsumerCases application?**
  - ***Bulgarian respondents R1, R2, R3 and R5:*** this service will be much more useful if it will include contents also from other legal areas, such as competition law, tax law and others
  - ***Italian respondent R1:*** ConsumerCases could be interesting service if including other topics, such as commercial practices and competition law
  - ***Italian respondent R2:*** Lawyers are interested in contract law, tort law, etc. Consumer law is a sociological theme
- **What is your opinion about the concept of the EULinksChecker?**
  - ***Bulgarian respondent R1:*** This tool will not be much useful if it recognises only links to EU legislation and case law. In most legal documents the links to national legislation and case law do prevail which means that the usefulness of the add-in will be limited to a significant extent
  - ***Italian respondent R2:*** It is distant from what a lawyer needs

# Review of Responses (2)

- In what kind of legal information from other EU member states you are interested – legislation, case-law or both?
  - **Bulgarian respondents R1 - R5:** Both
  - **German respondents R1 – R3:** Mainly in legislation as case law in Germany has not the same legal value as the case law in the common law countries
  - **Italian respondent R1:** Moderate interest in foreign case law (not only from European countries) in order to obtain reasons for similar suits in which I am involved
  - **Italian respondent R2:** The question is meaningless. Actual interest is linked to transnational controversies in which a lawyer is involved. Any other interest is merely cultural, especially in civil law countries where it is not useful to quote foreign authorities

# Review of Responses (3)

- When speaking for the possible content scope of the EUCases service what is in your opinion more appropriate:
  - a) To provide only this part of the legislation and case law of other EU member states which is related to the application of EU law, or
  - b) To provide all the available legislation and case law of other EU member states irrespective of the fact whether they are related to the application of EU law or not?
    - **Bulgarian respondents R1 – R5:** To provide all available legislation and case law. **R2:** The service will be more saleable if its content is more complete. Otherwise you have always to explain what you have and why you do not have other legal resources
    - **German respondents R1 – R3:** All available legislation and case law for comparative reasons
    - **Italian respondent R1 – R3:** Only the legislation and case law of other EU member states which is related to the application of EU law

# Review of Responses (4)

- **A legal case you are trying to solve is governed by a regulation of the EU which is directly applicable in all EU Member States. Would you be interested in case law of other EU Member States on the application of this particular regulation, if till the present moment there is no case law of the courts of your own Member State?**
  - **Bulgarian respondents R1, R3, R5:** Yes. **R2:** Yes, but only in case that there is no case law of the Court of Justice of the EU. **R4:** Absolutely, I am interested. Case law of the other EU Member States in such situations is crucial for several reasons: (1) in these countries most regulations and directives have had legal effect from many years in comparison with Bulgaria which is a Member State as of 2007; (2) in other Member States due to the long period of membership there is much more scientific analysis of the provisions of EU law and much more case law on the interpretation and application of the basic principles of EU legislation
  - **German respondents R1 – R3:** No, because foreign case law is not applicable in Germany
  - **Italian respondent R1:** Only to have more reasons to defend clients. **R2:** That is impossible because European law has to implemented by the means of national ways to interpret law (even if in accordance with the overall principles of EU law). **R3:** The question is misleading: this situation is governed by Art. 267 TFEU and the related ECJ decisions about the dialogue between national judges and EU courts



# Review of Responses (5)

- If a decision of the Court of Justice in Luxembourg is relevant to a legal case you are dealing with, would you be interested to see also decisions of the courts of other EU member states, citing this decision of the Court of Justice?
  - **Bulgarian respondents R1, R3, R5:** No, it is not necessary. **R2:** It depends on the specific case. Perhaps, I will search for German case law. **R4:** Definitely, yes. As far as the transposition of the directives is a matter of different approaches in the Member States, such legal information is always useful, because the national courts, depending on the details of the specific case, focus on different details and this is very important for both theory and rulemaking and enforcement
  - **German respondents R1 – R3:** Yes, it will be useful
  - **Italian respondent R1, R2:** Absolutely, no. **R3:** It could be interesting for national judges in giving a decision that implies the ECJ *ratio decidendi* or for jurists in writing comments for issues about the effect of ECJ decisions in the national jurisdiction



# The Potential Market for EUCases services



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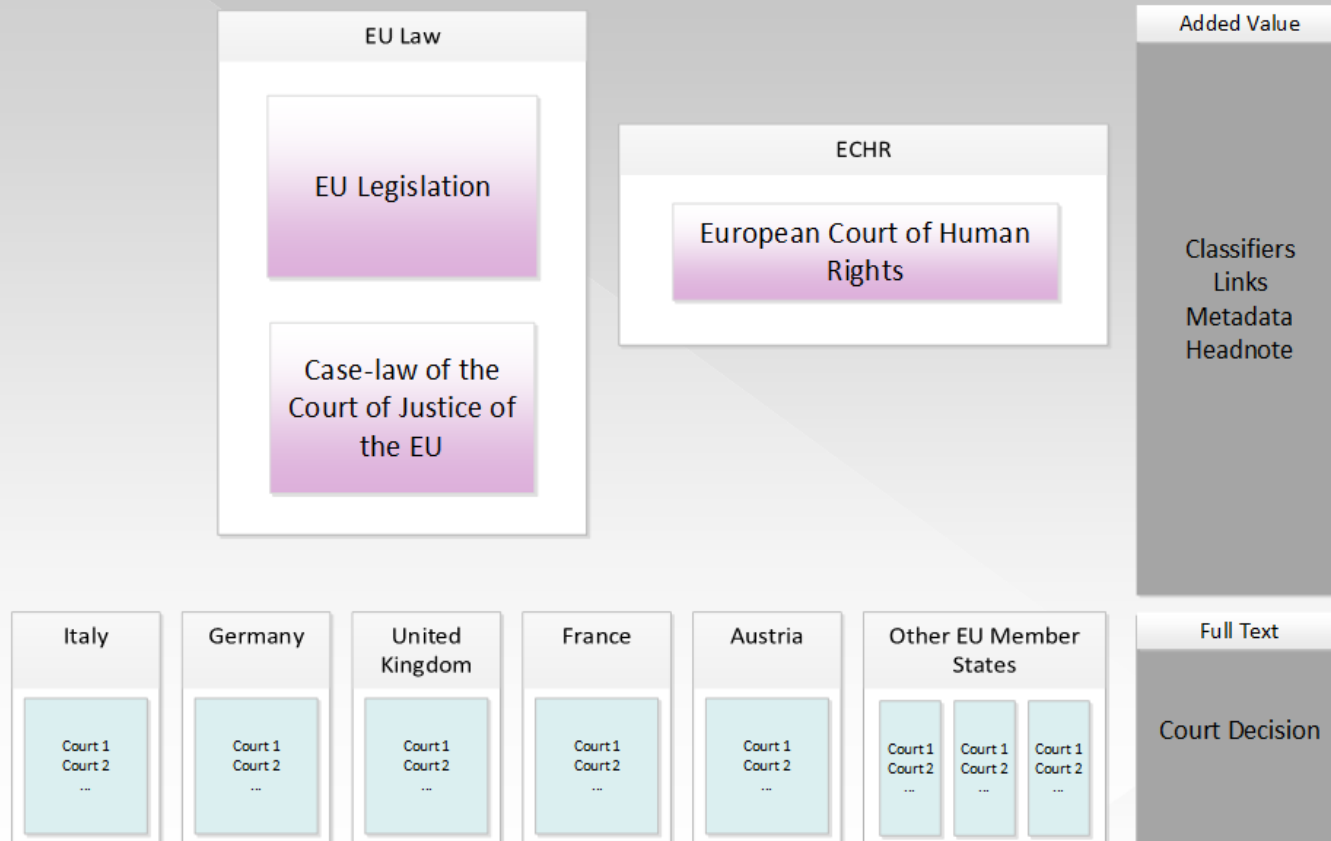
# The Main Outcomes of EUCases Project

- EUCases legal linked open dataset
  - Snapshot publication of the EUCases data collection
- EUCases Linking Platform
  - Web interface querying the Platform
- ConsumerCases Web Application
- EULinksChecker Add-in Tools

# Definition of the Service

- **Content scope determining the main value proposition:**
  - National case-law related to the application of EU law
  - All areas of EU law should be covered
  - National legislation should be excluded, because it is not fully available as open data in some EU countries (e.g. Germany)
  - EU legislation should be available in full text to support extensive search facilities and to help users to easily and quickly consult the text of EU provisions cited in case-law
- **Value added features:**
  - Each court decision should be supplied by metadata, links to relevant EU provisions, a headnote (summary) produced by a legal expert and classified from him/her according to a common classification scheme

# Content Scope of the Service



# Potential customers (1) - overview

- **Legal professionals**
  - Lawyers
  - Judges
  - Other legal professionals
  - Legal and related associate professionals
- **Organisations**
  - Public bodies in Member States
  - EU institutions
  - International organisations
  - Private corporations
  - Non-governmental organisations

# Potential customers (2)

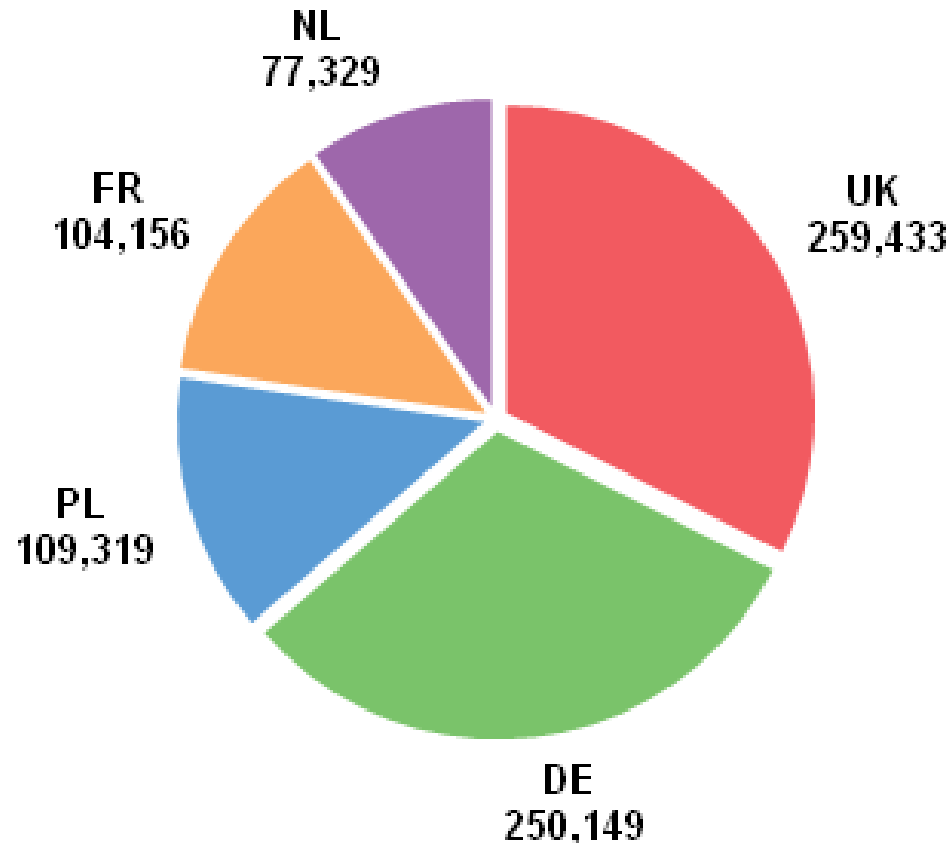
- **Legal professionals**

- Dealing with **cases and** rendering consulting **services of cross-border nature**
- Having **good command of one or more languages** of another EU Member State
- Such as:
  - **Lawyers** – attorney, barrister, lawyer, prosecutor, solicitor, ...
  - **Judges** – chief justice, judge, magistrate
  - **Other legal professionals** – coroner, jurist, notary
  - **Legal and related associate professionals** – bailiff, conveyance clerk, court clerk, judge's clerk, justice of the peace, law clerk, legal assistant, paralegal, ...

# Basic statistics about legal professionals in Europe (Source Eurostat)

Country	Lawyers	Judges	Other legal professionals	Legal & related Associate Professionals	Total
	(in 1000s)	(in 1000s)	(in 1000s)	(in 1000s)	
<b>FR</b>	63.7	13.2	27.2		<b>104,156</b>
<b>AT</b>	9.8	2.4	17.5	5.2	<b>34,847</b>
<b>BE</b>	16.3	3.4	9.6	12.7	<b>42,058</b>
<b>CZ</b>	13.1	3.3	13.7	8.0	<b>37,980</b>
<b>DE</b>	132.6	22.7	58.5	36.3	<b>250,149</b>
<b>HU</b>	10.9	1.8	18.0	1.9	<b>32,601</b>
<b>NL</b>	16.4	2.4	51.9	6.7	<b>77,329</b>
<b>PL</b>	61.0	10.9	31.2	6.3	<b>109,319</b>
<b>RO</b>	33.8	4.1	25.8	6.8	<b>70,421</b>
<b>SE</b>	5.6	4.7	18.8	3.5	<b>32,594</b>
<b>UK</b>	199.5			59.9	<b>259,433</b>
<b>EU-28</b>	598.3	74.0	295.8	159.8	<b>1,127,934</b>

# Top 5 European countries - based on number of legal professionals



- ***BUT*** how many & how often do deal with legal information from other countries?



# Potential customers (3)

- **Organisations**

- **Public bodies in Member States**

- Ministries and State Agencies
    - Public sector bodies independent from the executive
      - National Social Security Institute
      - National Health Insurance Fund
      - National Bank
      - Commission for Protection of Competition
      - Patent Office, etc.
    - Regional and Local Administrations and Municipalities (NUTS I, II, III)
    - Courts
    - Prosecutor Offices
    - Academic Institutions

# Potential customers (4)

- **Organisations – cont.**

- **EU institutions**

- Main institutions and bodies – 14 (incl. EU Council, Parliament, Commission and Court of Justice) and their subdivisions
    - Agencies (currently 45 in total)

- **International Organisations**

- OECD
    - International Criminal Court
    - European Court of Human Rights
    - Council of Europe, etc.

- **Private Corporations**

- Law Firms, Other consulting firms, Private enterprises engaged in cross-border business within the EU
    - Target groups - Legal Information Managers and Compliance Managers

- **Non-Governmental Organisations**