

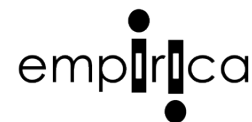


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FP7-ICT-2013-SME-DCA



## Legal Open Data – Overview of the State of the Art

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# Tasks of the Report

## Deliverable 1.1: Report on state-of-the-art and user needs

Published on: [http://eucases.eu/d1\\_1/](http://eucases.eu/d1_1/)

- To summarise the latest technological and scientific developments in the field of **legal open data at EU and international level**
- To explore the main **public legal portals** of the 6 project EU Member States (AT, BG, FR, DE, IT, UK) as sources of open data for the project
- To study the **existing cross-border legal information services** in Europe based on the interplay between EU and national legislation and case law
- To examine the newest methods for structuring legislative and judicial acts, EU and **international standards for Legal XML and legal citations** mark-up
- To analyse of the **state of the art in NLP technologies and legal ontologies**
- To identify **user needs for cross-border legal information services** in Europe and in the 6 project Member States in particular



OPEN DATA

## Legal Open Data in Europe: Background and Perspectives



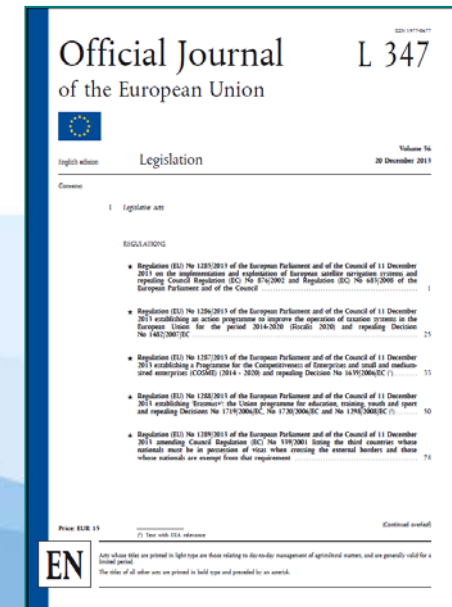
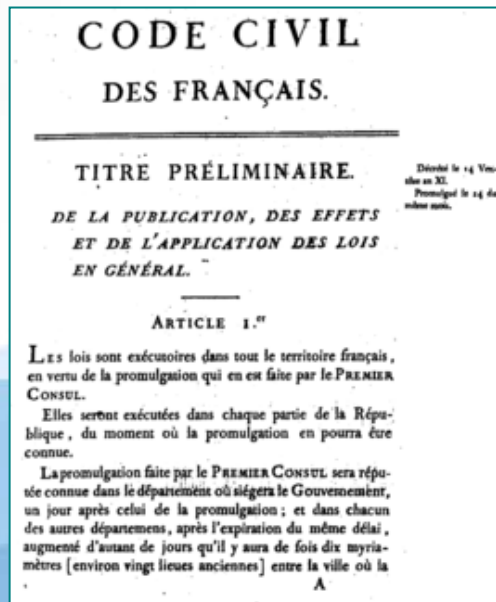
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# The Paradigm of the Past

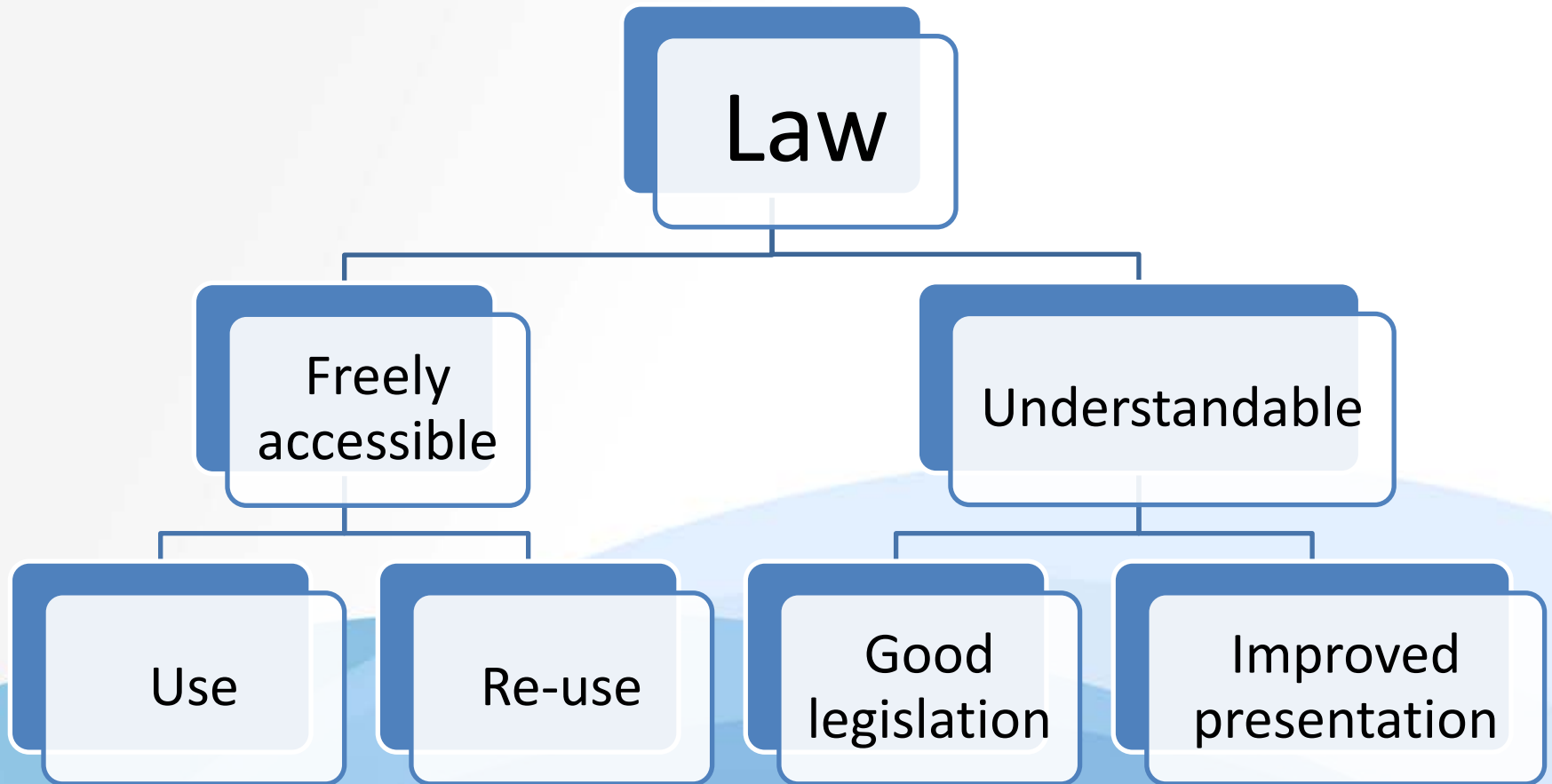
- **Promulgation of law as public task**

- *Ignorantia juris non excusat*

- Official (e-)publications in the State Gazette to ensure enforceability of law



# The Paradigm of the Modern Era



# Ensuring Free Access to Law

- **Free access to Law Declaration (2002)** at the 4th Law via Internet Conference in Montreal
  - Maximising access to public legal information (PLI) promotes justice and the rule of law
  - PLI should be accessible to all on a non-profit basis and free of charge
  - Government bodies should provide access to PLI so that it can be published by independent organisations
- **The Obama's Open Government Directive (2009)**
- **Regulation (EC) No 1049/2001** regarding public access to European Parliament, Council and Commission documents
- **Directive 2003/98/EC** on the re-use of public sector information (PSI Directive)
- **Directive 2013/37/EU** amending the PSI Directive (“Open Data Directive”)
- **The 18 principles for Global Co-operation on the Provision of Online Legal Information** from 2008 formulated by an expert meeting called by the Permanent Bureau of The Hague Conference on Private International Law and restated in February 2012 on an international conference in Brussels organised jointly by the European Commission and the The Hague Conference on Private International Law
  - Free access
  - Neutral citations
  - Re-publication
  - Open formats, metadata and knowledge-based systems
  - Authoritativeness
  - Preservation

# Making Law More Understandable

- The public legal information staircase – from simple official publications to value added public services

## Publication of Legal Documents

- Official Journals
- Case-law Reports

## Legal On-line Databases

- Public Legal Portals
- Value Added Data Resources (consolidated and historic versions, metadata, links, etc.)
- Legal Open Data

## Legal Knowledge Systems

- Linked Legal Data, Big Data
- Legal ontologies, Legal Semantic Web
- Summaries of legislation and case-law summaries
- Crowdsourced law-making
- Social networking
- “Good Law” and Law for “normal” citizens initiatives



# Example for Legal Links

**Article 47.** (1) The contracting authority shall exclude from participation in a public procurement award procedure any candidate or tenderer who or which:

1. has been convicted by an enforceable sentence, unless rehabilitated, of:

(a) a criminal offence against the financial, tax or social security system, including money laundering, under [Articles 253 to 260 of the Criminal Code](#);

(b) bribery under [Articles 301 to 307 of the Criminal Code](#);

.....

(2) The contracting authority may exclude from participation in a public procurement award procedure any candidate or tenderer:

1. which is the subject of pending bankruptcy proceedings, or has made an out-of-court arrangement with the creditors thereof within the meaning given by [Article 740 of the Commerce Act](#) or, in case the candidate or tenderer is a foreign person, is in any analogous situation arising from a similar procedure under national laws and regulations, including where the affairs thereof are being administered by the court, or the candidate or tenderer has suspended the business activities thereof;

2. who has been guilty of non-fulfilment of obligations under a public procurement contract, including obligations regarding security of information or security of supply in procurements under [Article 3 \(2\)](#) herein, proven by the contracting authority by an enforceable judgment;

3. which incurs any obligations to the State or to a municipality within the meaning given by [Item 1 of Article 162 \(2\) of the Tax and Social-Insurance Procedure Code](#), established by an enforceable act of a competent authority, save as where a rescheduling or deferral of the said obligations has been allowed, or incurs any obligations related to the payment of taxes or social insurance contributions according to the legislation of the State in which the candidate or tenderer is established;

# EU Initiatives Towards Linked Legal Open Data

- **EUR-Lex portal**

- Single point of access to all EU legal and judicial materials – provides a comprehensive set of **metadata links** between various legal documents
- Introduction of the **FRBR model** for identification of legal documents
- References to **National Implementing Measures** adopted by the Member States in transposition of the EU directives
- References to **national case-law** on the application of EU law
- The **EUR-Lex data set is available free of charge** for re-use as of 2014
- preparation to publish **EUR-Lex data as linked data** on the EU open data portal

- **ELI and ECLI standards**

- elaborated by the **EU Council** Working Group on e-Law and e-Justice
- to enable **EU and national legislation and case law to be referenced** in a harmonised and stable way by introducing:
  - **unique identifiers** for legislative and judicial acts in order to unequivocally identify, link and access national and EU legislation and case law online
  - a **minimum set of uniform and structured metadata** to ensure a common format for legal data with the aim to facilitate the efficient search, exchange of legal information and interoperability between information systems of national and EU institutions

# Public Legal Portals in the EU and the 6 Project Member States



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# Centralised vs. Decentralised Approach (1)

## 1. Centralised legal portals

Jurisdiction	Legal Information	Public Portal
European Union	Legislation Case-law Other legal resources	EUR-Lex <a href="http://eur-lex.europa.eu">http://eur-lex.europa.eu</a>
Austria	Legislation Case-law Other legal resources	Rechtsinformationssystem <a href="http://www.ris.bka.gv.at">www.ris.bka.gv.at</a>
France	Legislation Case-law Other legal resources	Legifrance <a href="http://www.legifrance.gouv.fr">www.legifrance.gouv.fr</a>
United Kingdom	Legislation	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
	Case-law	<a href="http://supremecourt.uk">http://supremecourt.uk</a>
		<a href="http://www.judiciary.gov.uk">www.judiciary.gov.uk</a>

# Centralised vs. Decentralised Approach (2)

## 2. Decentralised legal portals - Italy

Jurisdiction	Legal Information	Public Portal
Italy	Legislation	<a href="http://www.normattiva.it">www.normattiva.it</a> <a href="http://www.gazzettaufficiale.it">www.gazzettaufficiale.it</a>
	Case-law	Constitutional Court <a href="http://www.cortecostituzionale.it">www.cortecostituzionale.it</a> Consiglio di Stato <a href="http://www.giustizia-amministrativa.it">www.giustizia-amministrativa.it</a> Corte di Cassazione <a href="http://www.cortedicassazione.it">www.cortedicassazione.it</a> Corte dei Conti <a href="http://www.corteconti.it">www.corteconti.it</a>

# Centralised vs. Decentralised Approach (3)

## 2. Decentralised legal portals - Bulgaria

Jurisdiction	Legal Information	Public Portal
Bulgaria	Legislation	State Gazette <a href="http://dv.parliament.bg">http://dv.parliament.bg</a>
	Case-law	Constitutional Court <a href="http://constcourt.bg">http://constcourt.bg</a> Supreme Administrative Court <a href="http://www.sac.government.bg">www.sac.government.bg</a> Supreme Court of Cassation <a href="http://www.vks.bg">www.vks.bg</a> Supreme Judicial Council <a href="http://legalacts.justice.bg">http://legalacts.justice.bg</a>

# Centralised vs. Decentralised Approach (4)

## 2. Decentralised legal portals - Germany

Jurisdiction	Legal Information	Public Portal
Germany	Legislation	<a href="http://www1.bgbli.de">www1.bgbli.de</a> <a href="http://www.gesetze-im-internet.de">www.gesetze-im-internet.de</a> <a href="http://www.verwaltungsvorschriften-im-internet.de">www.verwaltungsvorschriften-im-internet.de</a>
	Case-law	<a href="http://www.bundesverfassungsgericht.de">www.bundesverfassungsgericht.de</a> <a href="http://www.bundesgerichtshof.de">www.bundesgerichtshof.de</a> <a href="http://www.bverwg.de">www.bverwg.de</a> <a href="http://www.bundesarbeitsgericht.de">www.bundesarbeitsgericht.de</a> <a href="http://www.bsg.bund.de">www.bsg.bund.de</a> <a href="http://www.bundesfinanzhof.de">www.bundesfinanzhof.de</a> <a href="http://www.bundespapentgericht.de">www.bundespapentgericht.de</a>

# Criteria for Assessment of the Portals

Criteria	Description
<b>Completeness</b>	Whether the published legal data are complete and fully / almost fully cover the needs of the users or the latter still need to search for other non-official legal information resources in order to have access to the full corpus of legislation and the great mass of the case law available in digital format
<b>Legal added value</b>	Whether the legal data is published “as is” or they are enriched in order to be more understandable (e.g. consolidated and point-in-time versions of legislative acts, case summaries, annotations, editorial notes, classifications, etc.), whether the portal offers satisfactory search facilities, etc.
<b>Legal links</b>	Whether the legal documents are provided with hyperlinks to internal (within the portal) or external legal resources (e.g. in-line or metadata links to the cited legal acts and/or provisions, links between legislation and case law collections or between national and EU legal resources), etc.
<b>Data structure &amp; formats</b>	Whether legal data is well structured and marked-up, in which formats legal documents are available for export/download, are these formats open, etc.
<b>Open data and licensing policy</b>	To what extent published legal resources are freely available for use and re-use, whether they are offered for bulk download in machine-readable format, etc.



# Assessment

Jurisdiction	Completeness		Legal added value		Legal links		Data structure & Formats		Open data & licensing policy	
	L	C	L	C	L	C	L	C	L	C
EU	😊	😊	😊	😊	😊	😊	😊	😊	😊	😊
Austria	😊	😊	😊	😊	😐	😐	😊	😊	😊	😊
Bulgaria	😞	😊	😞	😞	😞	😞	😞	😞	😐	😞
France	😊	😊	😊	😊	😐	😐	😊	😊	😊	😊
Germany	😐	😐	😞	😊	😞	😞	😐	😐	😊	😞
Italy	😊	😊	😐	😐	😐	😐	😊	😐	😐	😞
UK	😊	😞	😊	😞	😐	😞	😊	😐	😊	😊

Legend: 😊 - Very good    😐 - Good    😞 - Fair

# The Best Legal Open Data Portals

- **EUR-Lex (EU)** **15**
- **Rechtsinformationssystem (AT)** **14**
- **Legifrance (FR)** **14**
- **Legislation.gov.uk (UK)** **14**
- **Normattiva (IT)** **10**

# Pan-European Cross-border Legal Information Services



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# Non-commercial Services

- **Dec.Nat Database**

- Online service of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe)
- Collection of metadata and references to more than 27.000 national court decisions of the Member States on the application of EU law

- **JuriFast Database**

- Full text, summaries in French and English and metadata of more than 1500 national court decisions, the greater part of which are the requests for preliminary ruling and the judgments following the ruling of ECJ

- **Jure Database**

- Case law of the Court of Justice of the EU and of the Member States' courts on the interpretation of the EU legislation in the field of international private law: Council Regulation (EC) No 44/2001 (Brussels I Regulation), Regulation (EC) No 2201/2003 (new Brussels II Regulation), Regulation (EC) No 1347/2000 (Brussels II Regulation), the 1968 Brussels Convention and the 1988 Lugano Convention

- **Common Portal on National Case Law**

- Meta-search engine of the Network of the Presidents of the Supreme Judicial Courts which enables users to search in the national case law databases through a common search interface

# Commercial Services

- **EUTracker**

- Web service of LexisNexis that tracks implementation of key EU directives in 12 practice areas

- **Kluwer Law Online Manuals**

- Series of web products with authoritative country-by-country overviews in specific areas of European and international law (European Direct Taxation, Handbook of EU VAT Legislation, European Environmental Law, Customs Law of the EU, IEL Private International Law, IEL Competition Law, IEL Intellectual Property, a.o.)

- **Kluwer Law Online Journals**

- The online journals offer users who are not subscribers quick and easy to browse the journal contents and to purchase individual articles (EC Tax Review, European Company Law, European Energy and Environmental Law Review, European Review of Private Law, a.o.)

- **vLex**

- The online search platform vLex offers legal contents (legislation, case law and expert materials) from more than 130 countries and 1140 publishers around the globe

- **Darts-ip**

- A global intellectual property case law online database offering access to more than 1.350.000 cases from over 2600 courts worldwide

# Summary and Concluding Remarks (1)

- **The transformation of public legal resources into legal open data is irreversible and ascending process in Europe**
  - Prohibitive fees and other impediments for data re-use are gradually overcome
  - Introduction of open data formats and standards has become the prevailing practice for publishing legislation
  - However, free access to and re-use of case-law is still an issue in some EU Member States
- **Governments are making continuous efforts to improve the quality of public legal data in order to ensure that law is becoming more understandable for citizens**
  - Extension of the content scope
  - Consolidated and historic version of legislative acts
  - Introduction of detailed metadata and classification structures
  - The first attempts for conversions of existing legal data into linked data can be observed
  - However, establishment of links between various legal resources is still not recognised as priority
- **With the introduction of the ELI and ECLI standards the EU Council has set the framework for cross-border access to national legislation and case-law and its interconnection with the EU law**

# Summary and Concluding Remarks (2)

- **Conclusions from the point of view of EUCases project:**
  - Nowadays is much more easier and cheaper to collect data from various national and EU sources as before. ***The time for real spread of pan-European cross-border legal information services has come***
  - Despite the fact that there are some commercial and non-commercial cross-border services linking EU and national legislation and case law, we may state with certainty that ***still does not exist a service which fully implements the idea of the EUCases project***