ECLI-BG Project
and the introduction of ECLI in Bulgaria

Workshop “The introduction of ECLI in Bulgaria in the context of the implementation of e-Justice”, Sofia, 4 October 2017

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Project Manager
Presentation Plan

• What is ECLI?
• Benefits of introducing ECLI in Bulgaria
• The ECLI-BG project
  o Objectives and planned activities
  o First results
  o Upcoming tasks
What is ECLI?

- ECLI = European Case Law Identifier
- Semantic web standard
  - Voluntary European standard
  - Specification of the technical description of a court decision in Internet – identifier and metadata
- EU Policy
  - Initiative of the EU Council – Council conclusions on ECLI
  - Aimed at facilitating cross-border access to Member States' case law
Knowledge on the substance and application of European Union law cannot be solely acquired from EU legal sources, but also the case law of national courts has to be taken into account, both decisions asking for a preliminary ruling, as well as decisions following a preliminary ruling and those applying EU law on its own.
Council Conclusions on ECLI

- Published in OJ C 127 of 29.04.2011
- The EU Council invites Member States to introduce ECLI on a voluntary basis
- Defines the 5 structural elements (parts) of ECLI:
  - ECLI identifier
  - Metadata
  - National coordinator
  - ECLI website
  - ECLI search engine
ECLI Identifier

- Identifies the judgment, not the case
- Not replacing existing national identifiers
- Has a fixed format, consisting of 5 elements:
  - ECLI
  - Country
  - Court
  - Year of judgment
  - Unique number of judgment

ECLI:country:court:year:number
Examples for ECLI Identifier

• EU Court of Justice

• European Court of Human Rights
  o ECLI:CE:ECHR:2010:0916JUD000041203 – Judgment in case of „Holy Synod of the Bulgarian Orthodox Church (Metropolitan Inokentiy) v. Bulgaria“

• Audiencia Nacional (Spain)

The “Bulgarian” ECLI identifier as specified in Chapter 7 of Ordinance 4 of 16.3.2017

Judgment’s Metadata

<table>
<thead>
<tr>
<th>Mandatory</th>
<th>Optional</th>
</tr>
</thead>
<tbody>
<tr>
<td>URL/URI</td>
<td>Title</td>
</tr>
<tr>
<td>ECLI identifier</td>
<td>Subject field</td>
</tr>
<tr>
<td>Court</td>
<td>Abstract</td>
</tr>
<tr>
<td>Country</td>
<td>Description (keywords or headnotes)</td>
</tr>
<tr>
<td>Year</td>
<td>Contributor</td>
</tr>
<tr>
<td>Language</td>
<td>Date of publication</td>
</tr>
<tr>
<td>Publisher</td>
<td>References (legal citations)</td>
</tr>
<tr>
<td>Access rights</td>
<td>New ECLI identifier</td>
</tr>
<tr>
<td>Type of judgment</td>
<td></td>
</tr>
</tbody>
</table>
National ECLI Coordinator

- Defines on court codes
- Decides / coordinates the fifth part of ECLI
- Carries out (the coordination of) the national technical and organisational implementation of ECLI
- Maintains information on ECLI website
- Establishes the connection with the ECLI search engine

National ECLI coordinator for Bulgaria is the Supreme Judicial Council
What is ECLI?

The European Case Law Identifier (ECLI) has been developed to facilitate the correct and unequivocal citation of judgments from European and national courts. A set of uniform metadata will help to improve search facilities for case law.

Before ECLI, it was difficult and time-consuming to find relevant case law. Take, for example, a case where a ruling of the Supreme Court of Member State A was known to be of interest for a specific legal debate. The case was registered in various national and cross-border case law databases, but in each database, the ruling had a different identifier. All these identifiers – known at all – had to be cited to enable readers of the citation to find the case in the database of their preference. Different citation rules and styles complicated the search. Moreover, users had to go to all the databases to find out whether this Supreme Court case was available – summarised, translated or annotated. With the ECLI system, one search via one search interface using just one identifier will suffice to find all occurrences of the ruling in all participating national and cross-border databases.

Easy access to judicial decisions of other Member States is of growing importance in reinforcing the role of the national judge in applying and upholding EU law. Searching for, and citation of judgments from other Member States is seriously hampered by differences in national case law identification systems, citation rules and technical fields describing the characteristics of a judgment.

To overcome these differences and to facilitate easy access to – and citation of – national, foreign and European case law, the Council of the European Union invited Member States and EU institutions to introduce the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law.

Main characteristics of ECLI

ECLI is a uniform identifier that has the same recognizable format for all Member States and EU courts. It is composed of five mandatory elements:

- 'ECLI' to identify the identifier as being a European Case Law Identifier;
- the country code;
- the code of the court that rendered the judgment;
- the year the judgment was rendered.
What is ECLI?
Benefits of Introducing ECLI in Bulgaria

• ECLI will become the national identifier of judgments in Bulgaria

• Bulgarian lawyers will more often use the case law of other EU Member States through the ECLI Search Interface of the European e-Justice Portal

• Bulgarian case law will be made available to European lawyers through the ECLI Search Interface
National Identifiers

• Germany
  o  5 StR 99/17 – Judgment of the Federal Court of Justice
  o  10 C 2.16 – Judgment of the Federal Administrative Court
  o  30 W (pat) 517/14 – Judgment of the Federal Patent Court

• The Netherlands
  o  201406582/1/A3 – Judgment of the Council of State

• The United Kingdom
  o  [2015] UKSC 52 – Judgment of the Supreme Court

• Spain
  o  SAN 5129/2014 – Judgment of Audiencia Nacional

• Austria
  o  8Ob64/17w – Judgment of the Supreme Court

• Bulgaria
  o  Решение № 103 от 29.08.2017 г. на ВКС по гр. д. № 4266/2016 г., III г. о. – Judgment of the Supreme Court of Cassation
The ECLI-BG Project: Key Facts

- **Acronym:** ECLI-BG
- **Full Title:** Implementation of ECLI Identifier in Bulgaria and interconnection with the e-Justice Portal
- **Duration:** 18 months – from 1.7.2017 to 31.12.2018
- **Funding:** € 130 900 by the EU Justice Programme (80% of project’s budget)
- **Partners:** The project is implemented by
  - Apis Europe JSC and
  - The Union of Bulgarian Jurists
  with the support of the Bulgarian ECLI coordinator
The ECLI-BG Project: Main Objectives

- To introduce ECLI into the Bulgarian national case law database - the CUBIPSA portal
- To establish interconnection between the CUBIPSA portal and the ECLI Search Engine on the European e-Justice portal
- To promote functionalities and user benefits and raise awareness of ECLI, the ECLI Search Engine and other cross-border legal information services maintained or supported by the EU institutions
The ECLI-BG Project: Centralised Approach for the Implementation of ECLI in Bulgaria

- ECLI will be introduced in CUBIPSA – the Centralised web based interface for publication of judicial acts, developed and maintained by the Supreme Judicial Council as a single entry point for accessing the case law of Bulgarian courts

- Advantages of the centralised approach:
  - Maximum scope - the CUBIPSA portal contains the acts of all courts in Bulgaria except for the Constitutional court, the Supreme Court of Cassation and the Supreme Administrative Court
  - Integration of the historical collection of judgments issued since 2009 (about 2 million judicial acts)
  - Simultaneous implementation
  - It is not necessary to redesign the existing court case management systems
The ECLI-BG Project: Planned Activities

ECLI-BG: Project Overview

<table>
<thead>
<tr>
<th>Target Groups</th>
<th>Project Activities</th>
<th>Key Outputs</th>
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<tr>
<td><strong>Direct beneficiaries:</strong> Legal professionals</td>
<td><strong>Management activities</strong>&lt;br&gt;WP1 – Management and Coordination of the Project</td>
<td>WP1:&lt;br&gt;Project management plan</td>
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<td>♦ Judges&lt;br&gt;♦ Court staff&lt;br&gt;♦ Prosecutors&lt;br&gt;♦ Lawyers&lt;br&gt;♦ In-house lawyers&lt;br&gt;♦ Other legal professionals</td>
<td><strong>Technological activities</strong>&lt;br&gt;WP2 – Technical Specification and Software Requirements</td>
<td>WP2:&lt;br&gt;State of play report&lt;br&gt;ECLI specification</td>
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<td><strong>Indirect beneficiaries:</strong>&lt;br&gt;1) Non-legal professionals&lt;br&gt;✓ Accountants&lt;br&gt;✓ Auditors&lt;br&gt;✓ Tax advisors&lt;br&gt;✓ Business consultants</td>
<td><strong>Promotional activities</strong>&lt;br&gt;WP3 – ECLI Implementation and Interconnection with the e-Justice Portal</td>
<td>WP3:&lt;br&gt;ECLI implementation on the Centralised Web Interface&lt;br&gt;Interconnection with the e-Justice Portal</td>
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<tr>
<td>2) Public institutions, businesses, citizens</td>
<td><strong>WP4 – Promotion of ECLI and EU online legal resources</strong>&lt;br&gt;WP5 – Dissemination and Communication</td>
<td>WP4:&lt;br&gt;Promotional &amp; training materials (lecture kit, slides, brochure, web pages)&lt;br&gt;28 promotional &amp; training seminars</td>
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<td>WP5:&lt;br&gt;Dissemination &amp; communication materials&lt;br&gt;3 public events (workshop, conference, round table)</td>
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With the support of Bulgarian ECLI Coordinator
The ECLI-BG Project: Website ecli-bg.eu
Main conclusions:

• Bulgaria is one of the few EU Member States that apply the principle of negative selection in the publication of judicial acts.

• Publication of case law in Bulgaria is characterised by the completeness and comprehensiveness of the information, but also by a certain complexity for users in dealing with multiple sites and platforms.

• The CUBIPSA portal, developed by the Supreme Judicial Council, is crucial to ensuring free access to the case law of Bulgarian courts from a single entry point.
The ECLI-BG Project: Report on the Publication of Case Law in Bulgaria – Recommendations

• Judgments of the Supreme Court of Cassation and the Supreme Administrative Court shall be published in the CUBIPSA portal

• Regularity of the publication of judicial acts

• Improvement of the functionality of CUBIPSA portal:
  o Simultaneous selection of several options from the classifiers in the search interface (e.g., choice of two or more courts)
  o Adding new search criteria (e.g., by legal basis of the claim, by cited normative acts, by subject area, etc.)
  o Highlighting of the occurrences in the text of the judgment after performing a search query
  o Links between judicial acts in order to track the instances of court proceedings

• Introducing uniform rules for the deletion of personal data

• Introducing uniform guidance rules for citing regulatory and judicial acts

• Provision of the case law published in the CUBIPSA portal for re-use as "open data"
## The ECLI-BG Project: Upcoming Tasks

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<tr>
<th>Task</th>
<th>Deadline</th>
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<tbody>
<tr>
<td>Elaboration of Specification of the requirements for ECLI implementation</td>
<td>November 2017</td>
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<tr>
<td>Organisation of an international conference on ECLI</td>
<td>April 2018</td>
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<tr>
<td>Implementation of ECLI within the CUBIPSA portal</td>
<td>June 2018</td>
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<tr>
<td>Interconnection of CUBIPSA with the ECLI search engine of the e-Justice portal</td>
<td>July 2018</td>
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<td>Conducting 28 promotional and training seminars: 2 in Sofia and 26 in the regional centers in the country</td>
<td>September – November 2018</td>
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<tr>
<td>Organisation of a round table on ECLI</td>
<td>November 2018</td>
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<tr>
<td>Drafting project final report</td>
<td>December 2018</td>
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Thank You for Your Attention!

The ECLI-BG project:

http://ecli-bg.eu

ecli-bg@apis.bg