

Association des Conseils d'Etat et des Juridictions administratives
suprêmes de l'Union européenne a.i.s.b.l.



Association of the Councils of State and Supreme Administrative
Jurisdictions of the European Union i.n.p.a.

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Database Support Committee

Istanbul – 30 September 2009

Council of State of Turkey



DEC.NAT 2009 - Statistics

The database contains some 20,300 references to national decisions concerning Community law from 1959 up to the present day.

It was recently brought up to date on 17th June 2009.

Translation into English of the 2007 data began in late 2008. They had not been translated prior to this time due to difficulties securing the 2008 grant. The first translations were received on 30 April 2009 and all data were incorporated into the database during the course of July.

A - Project for the connection between DEC.NAT's references and national databases

An extract from the preliminary report from the seminar in Brno in October 2007 is provided below as a reminder of the context:

A major improvement to the content offered by DEC.NAT would be to set up direct links to the texts of the national decisions in question. Indeed this criticism has often been made, and rightly so, in relation to the database.

With ever greater access to decision texts on the national court sites, the creation of such links can be automated, at a reasonable cost, due to the fact that DEC.NAT has an area where each national decision can be identified individually.

This project could nevertheless, in some cases, require minor modifications to existing systems on national sites or to the data catalogued by the Court and therefore requires all parties to participate actively.

In some Member States, it may also be necessary to take account of copyright in connection with any publications by private companies.

It should be noted that this system will also offer national courts the opportunity to easily create a link in the other direction, i.e. from their own decisions to the DEC.NAT database.

It is therefore proposed that the Support Committee (see below) set up pilot projects with a view to establishing bilateral contacts between the technical managers of the General Secretariat and those of the courts which can currently access their decisions directly via the Internet and are motivated to take part.

In Lisbon in 2008, the General Secretariat demonstrated the link system set up between the database and the full-text rulings of the Constitutional Court of Belgium.

Two pilot projects had been set up with the Netherlands and Portugal with a view to achieving the same results for the courts of those two Member States.

The Council of State of the Netherlands had already provided the data needed to consult full-text versions of rulings for the period 2005-2008, and the links to the latter's website via the Association's own site were working for that period.

The data sets available on <http://www.rechtspraak.nl> should enable access to be provided to data dating back to the year 2000.

In September, the Netherlands provided updated links to be used for the period 2005-2009. Over the coming weeks, the General Secretariat will incorporate this data to ensure that all rulings by national courts in the Netherlands are accessible in full-text format via Dec.Nat.

Portugal, which hosted the Support Committee meeting, had invited to the event the various parties involved in the publication of national case law on the internet, including the Ministry of Justice, and the contacts made should mean that links to the full-text version of their rulings would be available soon.

If the national website coordinators so wish, pilot projects could also be launched to create a mirror link, i.e. from the national site to the DEC.NAT database.

Other member courts could be contacted during the course of 2010 so as to gradually extend the system to include as many national courts as possible.

B - Point of situation referring to the negotiations with ECJ and the Publication's Office for the access to DEC.NAT through EUR-Lex

An extract from the preliminary report from the seminar in Brno in October 2007 is provided below as a reminder of the context:

On 24 July 2007, a meeting was held between the General Secretariat of the Association and Mr C. Kohler, Director of the research and documentation department of the Court of Justice of the European Communities and Ms P. Berteloot, EUR-Lex Director at the Office for Official Publications of the European Communities.

This meeting took place at the request of the General Secretariat, after it had consulted the memo distributed at the 22 June 2007 sitting of the JURINFO working group in the framework of the Council of the European Union (see Annex).

This memo in fact presented the imminent integration of the data in the Court of Justice's DEC.NAT database within sector 8 of EUR-Lex and it therefore seemed important to place the future role of the Association in this new context.

The meeting proceeded in a very constructive atmosphere of collaboration between the three actors (the Court, the Office and the Association), and the following decisions were taken:

- *In future, the version of DEC.NAT provided by the Association will be maintained and developed further. The target audience of the respective sites being different, as well as the presentation of the data and the search interface, providing access to the database from the Association's site was no longer considered to be useful. The links to JuriFast that have been created and the progressive incorporation of links to the decision texts (see next point) also constitute an added value created by the Association;*
- *Every effort will be made to achieve close, three-way cooperation between the Court, the Office and the Association and to develop synergies by making the most of each party's relevant experience;*
- *The Office will benefit from the data translations into English already completed by the Association;*
- *The Office will acknowledge the Association's contribution on the EUR-Lex site and in the information bulletin it publishes.*

A meeting will be organised at the end of September 2007 between the technical supervisors of the Office and of the Association in order to work out how to most effectively implement this collaboration in practice.

The Court also confirmed that its own community case law portal, which focuses on the preliminary questions it receives, will be going on line shortly. The Court also proposes including the English translations already completed by the Association.

The meeting planned with officials from the Office and the Court finally took place on 8 November 2007. The proposed collaboration was confirmed and it was decided that a study should be carried out into the feasibility of three-way cooperation:

- The Court of Justice sends regular updates of its data to the Association which then automatically incorporates this data into the database. This will initially happen on a monthly basis and later on a weekly basis.
- The Association develops a web service that will respond to requests submitted by the Publications Office; in practice, this means that when a user runs a search on sector 8 of EUR-Lex on the European Union website, the system will search the data gathered by the Office on the Association's website;
- The Office develops an interface for searching and consulting national case law that will be integrated into the current EUR-Lex.

The Court of Justice, working with the Association, has finalised a weekly updating system for data being sent to the Office. Each week, the Court will place Dec.Nat data that has been added or modified on the Association's servers, and these data are automatically incorporated into the database the next day.

A web service was developed in late 2008 to allow the Publications Office to connect to the Association's servers at any time to extract data that have been modified or added since a certain date.

Following a change of technology requested by the Office, an additional development comprising a CGI application and an RSS feed was completed in the first months of 2009.

This gives the Office extensive access to Dec.Nat data provided by the Court and updated each week, and to the English translations produced by the Association.

The system is in the process of being approved by the Office, which is currently performing its final analyses.

On 12 June 2009, the Office contacted us requesting a draft text outlining the role played by the Association in disseminating national rulings via EUR-Lex.

The progress made with the various techniques means it is likely that dissemination of national rulings could begin in September 2009.

JURIFAST 2009 - Statistics

As at 15 September 2009, JuriFast contained 692 national decisions (plus subsequent decisions relating to preliminary questions) communicated by 24 member courts.

Break-down per year of decisions submitted

2005		2006		2007		2008		2009 (→ 15/09)	
Netherlands	19	Portugal	18	Germany	20	Germany	34	Germany	49
Austria	12	Germany	8	Spain	19	Spain	25	Czech Rep.	24
Belgium	9	Austria	7	Austria	11	Portugal	20	Spain	17
France	9	Gr.-Britain	6	Belgium	8	Czech Rep.	17	France	12
Greece	6	Belgium	5	Gr.-Britain	7	France	14	Netherlands	8
Portugal	5	Estonia	5	Portugal	7	Finland	10	Poland	8
Finland	4	Greece	5	Czech Rep.	7	Poland	10	Denmark	6
Sweden	4	Czech Rep.	5	Netherlands	6	Austria	8	Portugal	6
Germany	2	France	4	Estonia	5	Gr.-Britain	7	Austria	5
Gr.-Britain	2	Lithuania	3	Poland	4	Latvia	7	Sweden	5
Italy	2	Malta	2	Italy	3	Netherlands	7	Italy	4
Poland	2	Netherlands	2	Slovak Rep.	3	Belgium	5	Gr.-Britain	3
Ireland	1	Poland	2	France	2	Italy	4	Belgium	2
Luxembourg	1	Cyprus	1	Greece	2	Slovak Rep.	4	Estonia	2
Czech Rep.	1	Hungary	1	Finland	1	Estonia	3	Finland	1
		Ireland	1	Lithuania	1	Greece	2		
		Sweden	1	Luxembourg	1	Hungary	2		
						Denmark	1		
						Lithuania	1		
Total : 79		Total : 76		Total : 107		Total : 181		Total : 152	

Total: **692 decisions**

Three courts had not yet submitted any data: one court from Member States that joined the European Union in 2004: the Supreme Court of Slovenia, as well as the two courts of the Member States which joined the European Union in 2007, the Supreme Administrative Court of Bulgaria and the High Court of Cassation and Justice of Romania.

As regards the type of decisions, around 71 % are decisions without preliminary reference and 29 % relate to preliminary questions.

A - Elaboration of procedural rules concerning the introduction of Court's decisions and summary's presentation
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RECOMMENDATIONS ON SUMMARIES

1. FORMAT

Summaries must be presented in a **uniform** way for ease of reading.

1.1. The following layout must be used:

[Member State] – [Court] – [Decision reference] – [Date of decision] [Subject (must be the same as in the 'subject' field)] Optional: [<i>identification of parties</i>] [Text of the summary]

1.2. Summaries should be written in a commonly-used **font**, preferably Times New Roman.

1.3. Documents should be submitted in **PDF format**, ensuring that the document protection options allow copies to be made and content to be extracted¹. Documents in *Word* format cannot be read by all users, whereas *PDF* documents can be read using *Acrobat Reader*, which can be downloaded free of charge. However, to facilitate the translation process, a *Word* version of the document should also be sent to the following address: robert.quintin@juradmin.eu.

2. CONTENT

The summary's content should take account of its **target readers**. The following guidelines should therefore be followed:

¹ If you have any questions on printing *PDF* documents, please contact: christophe.stassart@juradmin.eu

2.1. Keep the texts **as short as possible**.

- Put yourself in your reader's place as you write: readers will ignore information if a text is too long.
- Do not report on previous decisions by appeal or other courts unless this is absolutely necessary for understanding the case: the point of interest is the decision of last instance, not the entire national appeal route.
- Do not report on aspects of the decision that have very little or no connection with European law, whether or not they were important for the case.
- Do not report on issues raised legitimately by the court as part of the case but which have no educational value for the site's visitors, e.g. cases in which a preliminary question can or must be put forward.

Existing JuriFast summaries show that it is perfectly possible to keep to a limit of **300 words**², unless there are exceptional circumstances. Indeed, some summaries provide enough information in 100 or so words.

2.2. Ensure that you use **simple language**.

Only 22% of the European Union's inhabitants are native speakers of English or French. In other words, the summaries are written in languages that most readers only know as a second language.

You should therefore try to use **everyday language** and **short sentences**, even if this means departing from the wording used by the court in question.

For similar reasons, you should also **avoid abbreviations** unless they are explained in the summary itself. Abbreviations commonly used in the European Union (such as ECJ and EU) are an exception to this rule.

B - Motivating the least active contacts

Total number of decisions submitted by each country since 2004.

Germany	128	Poland	26	Latvia	7
Spain	69	Great-Britain	25	Slovak Republic	7
The Netherlands	62	Greece	22	Lithuania	6
Portugal	61	Finland	19	Hungary	3
Czech Republic	54	Italy	16	Ireland	3
Austria	49	Sweden	16	Luxembourg	2
France	48	Estonia	15	Malta	2
Belgium	44	Denmark	7	Cyprus	1

² Not including the preliminary question (if there is one).

In 2008 in Lisbon, the importance of the selections made by the research and documentation departments of each member court was highlighted. Although the number of rulings forwarded has increased substantially over the years, the Support Committee felt it necessary to remind those less-active member courts just how crucial their involvement was and suggested sending out a fresh circular to this end to the Presidents of the courts concerned.

Other suggestions from members of the Support Committee on how to encourage less active correspondents are welcome.

C – Other developments

The members of the Support Committee had discussed allocating index marks to decisions to enable more structured thematic access to the database. A range of options were considered, with the Court of Justice's Community case law indexing system emerging as probably the most suitable choice.

The main problem lay in selecting the appropriate keywords and adopting a consistent format. It was already difficult for the JuriFast correspondents to enter up-to-date data into the system and as such, would they have the time to familiarise themselves with and learn to use a classification system? The General Secretariat, meanwhile, had already had to increase its resources to cope with the influx of rulings and would find it difficult to coordinate such an operation centrally.

To promote the opening of JuriFast to other supreme courts, the members of the Support Committee had agreed to contact their counterparts in the research and documentation departments.

Extending JuriFast's search options was also an issue which should be discussed given the ever-growing number of rulings.

Our colleague Johan van Haersolte recently made the following suggestion on the subject:

"... One very practical way of extending the search options would be to enable users to search by application of ECJ rulings. In other words, enabling someone interested in, for example, the application of Rush Portuguesa to locate the Vicoplus ruling. There are many key rulings by the ECJ to which national courts refer on a regular basis because they contain information on complex and recurring legal situations."

The issue of enabling users to run searches on words contained in summaries had also been raised on a number of occasions but implementing it was not a straightforward task from a technical standpoint and it was important to be sure that such an option would truly provide users with added value.

Any further suggestions from members of the Support Committee as to how to extend JuriFast's search options would be gratefully received.

FORUM 2009 - Statistics

As at 15 September 2009, the forum comprised 226 members, divided up as follows:

Registered institutions (34)

1. Members

Netherlands – Council of State (36) **(+3)**
Czech Republic – Supreme administrative Court (17) (+8)
France – Council of State (16) **(+7)**
Sweden – Supreme administrative Court (14) **(+14)**
Germany – Federal administrative Court (13) **(+10)**
Belgium – Council of State (13)
Austria – Administrative Court (11)
Latvia – Supreme Court (9) (+2)
Poland – Supreme administrative Court (9)
Lithuania – Supreme administrative Court (8)
Spain – Supreme Court (7) **(+3)**
Estonia – Supreme Court (7)
Romania – Legislative council (6)
Finland – Supreme administrative Court (5)
Greece – Council of State (5)
Hungary – Supreme Court (4)
Ireland – Supreme Court (4)
Slovak Republic – Supreme Court (4) (+1)
Slovenia – Supreme Court (4) (+1)
Denmark – Supreme Court (3)
Italy – Council of State (3)
Luxembourg – Council of State (3)
Malta – Court of appeal (3)
Portugal – Supreme administrative Court (3)
Court of Justice of the E.U. (2)
Great-Britain – Royal Courts of Justice (2)
Bulgaria – Supreme administrative Court (1) (+1)
Cyprus – Supreme Court (1)
Luxembourg – Administrative Court (1)
Romania – High Court of cassation and justice justice (1)

2. Observers (2 institutions)

Turkey – Council of State (2)
Croatia – Administrative Court (1)

3. Others

General Secretary (7)
ERA – Trier (1)

Good practices

The Supreme Administrative Court of Sweden has signed up 14 new participants in the forum, which has pushed it up the table in terms of member numbers. The Czech Republic and France have added eight and seven new members respectively and now occupy second and third places in the table.

Germany also increased its involvement in the forum by signing up representatives from the Federal Finance Court and the Federal Social Court, which is another channel via which to expand the network.

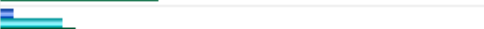
Suggestions from the Support Committee on how to develop other resources to enrich the forum are welcome.

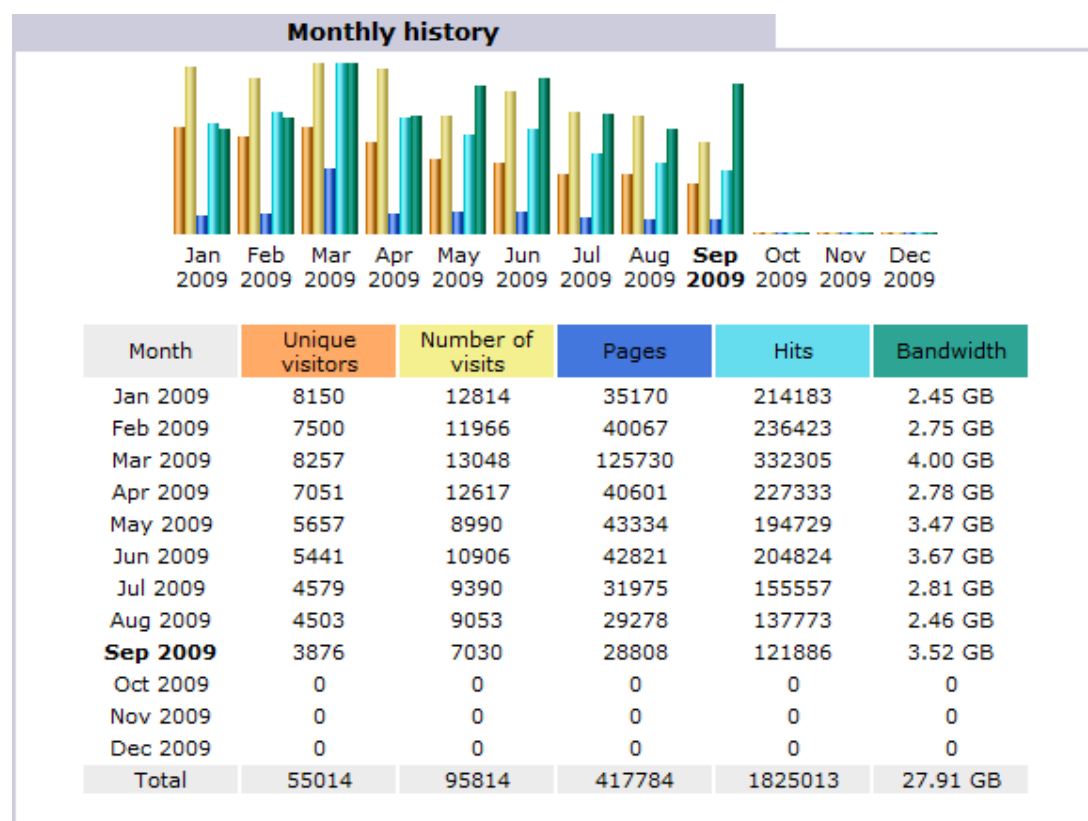
As noted in Lisbon in 2008, more active participation of committee members on the forum could also help to improve the tool. One possibility could be for members to systematically disseminate any useful information that they come across and to contribute to open subjects to encourage other participants to respond.

Website 2009 - Statistics

Summary					
Reported period	Year 2009				
First visit	01 Jan 2009 - 00:04				
Last visit	19 Sep 2009 - 21:48				
	Unique visitors	Number of visits	Pages	Hits	Bandwidth
Viewed traffic *	<= 55014 Exact value not available in 'Year' view	95814 (1.74 visits/visitor)	417784 (4.36 pages/visit)	1825013 (19.04 hits/visit)	27.91 GB (305.44 KB/visit)
Not viewed traffic *			791496	1040509	114.53 GB

* Not viewed traffic includes traffic generated by robots, worms, or replies with special HTTP status codes.

Countries (Top 10) - Full list					
Countries		Pages	Hits	Bandwidth	
	Netherlands nl	74033	138124	2.70 GB	
	Unknown unknown	65973	416173	4.02 GB	
	United States us	51209	112986	5.90 GB	
	Germany de	30197	74263	715.19 MB	
	France fr	25810	201631	3.21 GB	
	Italy it	25197	67085	982.40 MB	
	Romania ro	21072	38938	1.57 GB	
	Belgium be	19056	136912	1.89 GB	
	Luxembourg lu	10576	52536	915.58 MB	
	Great Britain gb	7218	69029	462.02 MB	
Others		87443	517336	5.63 GB	



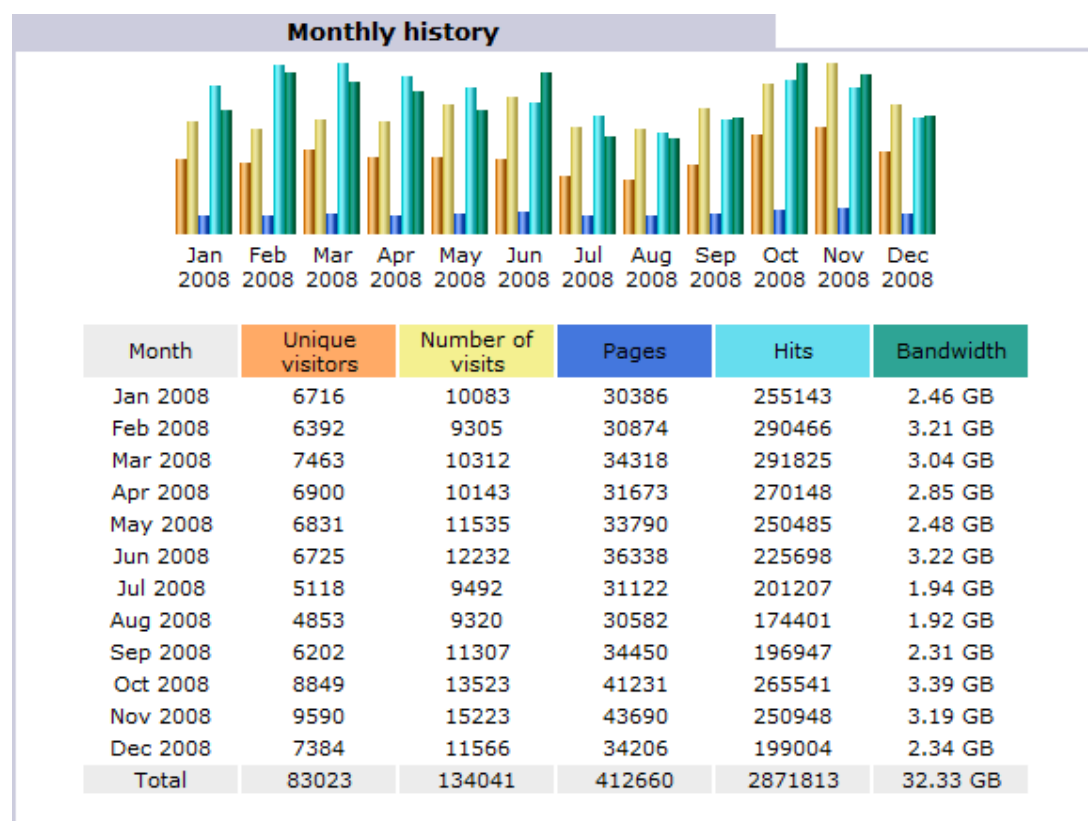
Pages-URL (Top 10) - Full list - Entry - Exit					
3177 different pages-url	Viewed	Average size	Entry	Exit	
/en/jurisprudence/jurisprudence_en.lasso	83882	13.54 KB	6273	5402	
/forum/ucp.php	41239	9.71 KB	3001	7072	
/en/jurisprudence/jurifast/jurifast_en.php	23560	31.72 KB	1306	922	
/forum/index.php	21603	9.75 KB	9192	4560	
/fr/eurtour/eurtour_fr.lasso	20821	212.97 KB	12153	3046	
/nlex_wwwconnector_web/fr/notices.awp	17994	38.00 KB	6	38	
/en/eurtour/eurtour_en.lasso	17424	211.30 KB	8700	1855	
/fr/jurisprudence/jurifast/jurifast_fr.php	12182	34.67 KB	1175	677	
/home.html	12010	3.72 KB	8771	5998	
/fr/eurtour/app/courtsystem.lasso	11200	654 Bytes	92	9130	
Others	155869	60.84 KB	45145	57106	

Website 2008 - Statistics

Summary					
Reported period	Year 2008				
First visit	01 Jan 2008 - 00:05				
Last visit	31 Dec 2008 - 23:59				
	Unique visitors	Number of visits	Pages	Hits	Bandwidth
Viewed traffic *	<= 83023 Exact value not available in 'Year' view	134041 (1.61 visits/visitor)	412660 (3.07 pages/visit)	2871813 (21.42 hits/visit)	32.33 GB (252.92 KB/visit)
Not viewed traffic *			1012297	1362989	133.33 GB

* Not viewed traffic includes traffic generated by robots, worms, or replies with special HTTP status codes.

Countries (Top 10) - Full list					
Countries		Pages	Hits	Bandwidth	
? Unknown	unknown	67907	541813	5.38 GB	
United States	us	64844	399171	5.69 GB	
France	fr	45191	364534	5.42 GB	
Belgium	be	30107	203239	3.25 GB	
Germany	de	18761	106501	804.78 MB	
Netherlands	nl	14188	131002	1.06 GB	
Luxembourg	lu	13898	72935	942.59 MB	
Great Britain	gb	12744	129649	761.37 MB	
Spain	es	10765	63374	948.16 MB	
Poland	pl	9662	87318	779.53 MB	
Others		124593	772277	7.39 GB	



Pages-URL (Top 10) - Full list - Entry - Exit					
2477 different pages-url	Viewed	Average size	Entry	Exit	
/en/jurisprudence/jurisprudence_en.lasso	44371	22.38 KB	12551	10381	
/forum/profile.php	42697	16.76 KB	9507	10483	
/fr/eurtour/eurtour_fr.lasso	24786	204.16 KB	15295	2094	
/forum/index.php	22321	15.06 KB	8719	8057	
/fr/jurisprudence/jurisprudence_fr.lasso	20195	21.15 KB	5238	4516	
/fr/eurtour/app/courtsystem.lasso	15994	653 Bytes	122	13173	
/en/jurisprudence/jurifast/jurifast_en.php	15557	32.46 KB	1446	1345	
/fr/jurisprudence/jurifast/jurifast_fr.php	15098	33.31 KB	1121	862	
/home.html	13146	3.68 KB	9852	5411	
/en/eurtour/eurtour_en.lasso	12146	187.78 KB	6962	682	
Others	186349	72.63 KB	63228	77037	

Portal of the Network of the Presidents of the Supreme Judicial Courts

An extract from the preliminary report from the seminar in Brno in October 2007 is provided below as a reminder of the context:

The Network of the Presidents of the Supreme Judicial Courts is setting up a portal that will offer access to supreme court case law (see Annex).

*Setting up a portal is a highly ambitious project: it would entail giving judges from the supreme judicial courts access **in their own language** to judgments by other supreme courts. The system is based on a keyword-search method, with the judge entering a keyword in his or her own language. The keyword is then translated into all other languages by an automated translation system. All the national decisions in which the relevant keyword appears are then translated back into the search language by the automated translation system – where appropriate via a relay language – and the judge can then consult them in detail.*

At the moment, the project is in the experimental stage and five supreme courts are involved. It would appear that at present, the system is encountering difficulties relating to the translation of legal texts. This is exacerbated by the fact that as things stand, the text must be translated automatically - sometimes not just once, but twice.

The Network proposes the following cooperation initiatives with our Association:

- *Initially, judges in the Association's courts will have access to the portal free of charge.*
- *Later, the Association member courts will gradually be able to participate actively in the portal, by making databases relating to their own courts available to the portal.*

As planned, the Network offered Association members access to its portal. Login information is as follows:

<http://www.reseau-presidents.eu/rpcsjeu>

username: councils.state

password: juradmin

At the end of March 2008, the Network also sent its members an e-mail informing them of the possibility of entering decisions directly into JuriFast.

To date, only the Supreme Administrative Court of the Czech Republic has made use of this facility.

An agreement has been reached with the Association on integrating the search engines of those Councils of State and supreme administrative courts not belonging to the Network into the portal. Initially, the Councils of State of Belgium, Greece and Italy will be involved together with the Supreme Administrative Courts of the Czech Republic, Austria, Poland and Portugal.

On 18 September 2009, the Network reported that it had successfully integrated the search engine for the Council of State of Belgium.

New abbreviation for the Association

The difficulty lies in making reference to the Association using its full name, i.e. "The Association of Councils of State and Supreme Administrative Jurisdictions of the European Union". Not only would the abbreviation "ACSSAJEU" be far too long and impossible to pronounce, it would also be completely different in the Association's other official language, French (*Association des Conseils d'Etat et des Juridictions administratives suprêmes de l'Union européenne*, giving the abbreviation "ACEJASUE"). In the absence of a suitable abbreviation, the Association is frequently referred to as just that – "the Association" – or, on occasions, "our Association" when members are talking amongst themselves. Of course, this is not a satisfactory arrangement since not only does the generic term "association" fail to reflect the specific nature of the specific Association in question, but it also gives it somewhat of a mysterious air as if akin to a secret society reluctant to reveal its full name.

As such, the Association itself remains somewhat obscure and a short abbreviation which is simple to pronounce would boost its profile significantly.

Various considerations should be factored in when endeavouring to come up with a suitable abbreviation. The abbreviation should:

- be short;
- be easy to pronounce;
- be the same in French and English;
- make reference to the following:
 - "association"
 - "Councils of State"
 - "Jurisdictions"
 - "administrative"
 - "European Union"

Looking at the Association's full names in both French and English and at the word order within those names, there are a number of common elements. These are highlighted below and, indeed, are the only ones shared by both language versions:

A	ssociation of the	C	ouncils of State and Supreme	A	dministrative Jurisdictions of the European Union
A	ssociation des	C	onseils d'Etat et des Juridictions	a	dministratives suprêmes de l'Union européenne

This would therefore point to the following abbreviation:

"ACA"

Benefits:

- Short
- Easy to pronounce in both languages
- Contains the words "Association/Association", "Council (of State)/Conseil (d'Etat)" and "administrative/administratif".

Drawbacks:

- The word "Jurisdiction/*Juridiction*" does not appear despite the fact that both words appear in the Association's full English and French names. However, combined with "administrative/*administratif*", the word order in the full names in the two languages is different, i.e. "Administrative Jurisdictions" in English and "*Juridictions administratives*" in French, producing the abbreviations "AJ" and "JA" respectively. This would, in turn, give the abbreviation "ACAJ" in English and "ACJA" in French and there would therefore be no common abbreviation in both languages. Omitting the "J" would not appear to be a major problem since the letter "C" could also refer to "(Supreme) Court/*Cour (suprême)*" and would get across the idea of 'jurisdiction'.
- The main drawback is that no reference is made to Europe or the European Union.
 - Adding the two letters "EU" is not an option since this would change to "UE" in French and the abbreviation would therefore be different in the two language versions. Such an addition would also make the abbreviation impossible to pronounce.
 - One option would be to add the letter "E" alone to indicate "Europe", which would give the abbreviation "ACAE". This is certainly one potential solution, the main drawback, though, being that such an abbreviation would be difficult to pronounce in both English and French.
 - Another alternative would be to adopt the hybrid solution

"ACA Europe"

which would emphasise the European nature of the association and would mean that the overall abbreviation would be the same in both languages.