

ASSOCIATION OF THE COUNCILS OF STATE AND SUPREME ADMINISTRATIVE JURISDICTIONS OF THE EUROPEAN UNION (ACA-EUROPE)

PRESENTATION OF THE JURIFAST PROJECT

1. Background to the project

1.1. Project description

European law is increasingly affecting the legislations of the Union's member states. Both lawmakers and private individuals or courts at every level are today finding themselves faced with this law in one way or another.

The objective is to inform all parties concerned of the most effective ways to apply and interpret this law.

The institutions comprising ACA-Europe are involved in the issuing of final judgments, whether directly in the issuing of legal decisions or in a consultative role. Their access to, their understanding of, and their application of European law are vital to ensuring uniform application of this law. Knowledge of this law via the experiences of the other members of ACA-Europe provides a major source of inspiration for each institution's work.

1.2. Objectives of the project

In addition to the judgements from the European Court of Justice, there are also numerous national decisions which clarify the application and interpretation of Union law. Due to the fact that this law is constantly evolving, it is a good idea to provide wide scale and rapid access to the decisions, (especially those from the higher courts as they are the ones issuing final rulings). Decisions issued by courts other than those included in the ACA member institutions can also be added to the database (including the Constitutional Court and the Court of Cassation, etc.).

The method best meeting these requirements is a suitable database accessible to the Association's member institutions and to any interested persons.

This database is initially comprised of information supplied by the association's member courts.

1.3. Possible links to other projects

A close link exists with the DECNAT project, which is also being developed by ACA-Europe. DECNAT is a database derived from the documentary services of the Court of Justice of the European Union.

It includes national decisions (hence its name) concerning the application of EU law by the courts of the member states of the EU regardless of the levels of the courts concerned. The database is compiled in French (the working language of the CJEU).

ACA-Europe provides public access to this database in the association's languages, i.e. French and English.

1.4. Target groups

Courts, lawmakers, researchers and practitioners concerned with the application or interpretation of European law, in addition to any interested parties.

More specifically, in view of the above, it is intended that the ACA's institutions should chiefly benefit from this pooling of legal decisions concerning the application of EU law by the other Councils of State and supreme administrative courts.

2. Project stages and project planning

2.1. Planning

The project seeks to ensure the continuity and further development of the existing JURIFAST database. As the database seeks to provide information concerning the current state of case law, which is constantly changing, there is no deadline for the completion of the project.

2.2. Phases

The project began in November 2003. It was drafted in 2003 by the general secretariat of ACA-Europe and has been operational since February 1, 2004.

<http://www.aca-europe.eu/index.php/fr/JURIFAST-fr>

Since then, it has undergone continuous development and case law-related decisions have been added regularly. Modifications (particularly concerning the interface) have been made on a regular basis by the general secretariat and more are to come. However,

it is not possible to provide a timetable for future upgrades as these may be dependent on external service providers.

2.3. Key factors for success

The value of this project can be measured by the number of visits to the database. This indicator is showing increasing interest in JURIFAST, which is a major asset for the Association.

Table of visits

<u>Year</u>	<u>Adresses</u>	<u>Pages vues</u>	<u>Entrées</u>
2014 (EN)	/index.php/en/jurifast-en	4231	773
15 september 2014	/en/jurisprudence/jurifast_en.html	1996	1123
	/en/jurisprudence/jurifast/jurifast_en.php	1459	604
2014 (FR)	/index.php/fr/jurifast-fr	2921	300
September, 15th	/fr/jurisprudence/jurifast/jurifast_fr.php	437	229
	/fr/jurisprudence/jurifast_fr.html	182	40
	Total 2014	11226	3069
2013 (EN)	/en/jurisprudence/jurifast/jurifast_en.php	3408	1024
	/index.php/en/jurifast-en	2519	360
	/en/jurisprudence/jurifast_en.html	2007	832
2013 (FR)	/index.php/fr/jurifast-fr	1978	86
	/index.php/fr/jurifast	691	59
	/fr/jurisprudence/jurifast/jurifast_fr.php	562	305
	/fr/jurisprudence/jurifast_fr.html	439	32
	Total 2013	11604	2698
2012 (EN)	/en/jurisprudence/jurifast/jurifast_en.php	3842	1327
	/en/jurisprudence/jurifast_en.html	1945	382
2012 (FR)	/fr/jurisprudence/jurifast/jurifast_fr.php	1541	443
	/fr/jurisprudence/jurifast_fr.html	985	71
	Total 2012	8313	2223

The key factors for success are chiefly the following:

- The case law database is directly fed with information from the member courts of ACA-Europe. These courts (Councils of State or supreme administrative courts) in addition to the Court of Justice of the European Union are best placed to assess the relevance of the decisions, particularly with regard to European law;
- Reasonable timescales: the inclusion of the contributions by the above-mentioned courts generally takes place within a reasonably short timescale following the issuing of the decision, which allows for faster access to the information than by traditional means;
- Direct access by users, not only to the actual decisions in the form of a full text (the original version, please see below) but also to a summary drafted by the courts themselves, both in English and French and relevant provisions of Union law, regarding the judgements and orders of the CJEU;
- For cases involving referral for a preliminary decision, the final decision is published, making it possible to find out how the judgements from the CJEU were subsequently applied;
- When the decision is also included in the DECNAT database, a link is included to this, further widening the scope for analysis;

2.4. Roles and responsibilities

The creation of the JURIFAST database results directly from the tasks assigned to ACA-Europe under the terms of article 3 of its articles of association.

The project supervisors are the general secretary and assistant general secretary.

The persons responsible for day-to-day management (updating, quality control, contacts with correspondents from the member courts and translations are Robert Quintin (robert.quintin@aca-europe.eu) and Frédéric Quintin (frederic.quintin@aca-europe.eu).

The person responsible for managing access rights, technical and miscellaneous work, improvements and corrections, the integration and extension of ECLI and the maintenance of the application is Chr. Stassart (christophe.stassart@aca-europe.eu).

The Webmaster is Bart Vandeloock (bart.vandeloock@aca-europe.eu).

As mentioned above, the contributions to the database are mainly the responsibility of the member courts of ACA-Europe who are best placed to assess the value of including the decisions in the database.

2.5. Follow-up

The modifications made to JURIFAST are the subject of e-mails and RSS feeds. It is therefore possible for members of the Association and also registered users to constantly track updates.

Furthermore, various informal contacts within ACA-Europe allow for the formal upgrading of this database.

2.6. Communication plan

Access to JURIFAST is initially achieved via links included on various legal sites and particularly those of the member courts. On this point, you are asked to check that your websites include a link both to the ACA-Europe website and to its JURIFAST database : <http://www.aca-europe.eu/index.php/fr/JURIFAST-fr> .

Furthermore, the "full text" indexing of the decisions and summaries provides access to JURIFAST data from a general search using search engines such as Google.

JURIFAST decisions which include an ECLI will shortly be accessible via the European Union's e-Justice portal.

The general secretariat has continued the development of the module making it possible to automatically add decisions from JURIFAST to the ECLI register of the European Commission's DG Justice. In May 2014, the ACA extended the use of ECLI to JURIFAST's final decisions. These are also now available to the DG Justice. The JURIFAST interface has been modified to display the ECLI number of the decisions and to carry out a search based on this criterion.

3. JURIFAST IN 2014 - CURRENT SITUATION AND PROPOSALS

3.1. Initial objectives and current situation

We set JURIFAST (which began in February 2004) the target of around 100 decisions per year. This target has been largely exceeded, particularly due to the major membership increases on May 1, 2004.

The database has undergone major changes where its interface is concerned, thanks in particular to the excellent work carried out over the years by Chr. Stassart, which has increased its search possibilities and in particular greatly facilitated users' tasks.

Currently, the database contains 1700 case files referring back to an even larger number of case law references.

3.2. Factors with the potential to compromise the satisfactory development of the database

This success in numerical terms should not however obscure a number of areas of concern.

3.2.1. Lack of contributions

There is a **distinct lack of contributions** from certain courts. Everything depends on the people in charge of the JURIFAST contributions (please see the table). Continual input is necessary to ensure credibility. A database which appears relatively inactive, even for two or three weeks, results in users losing interest and drifting away.

TABLE OF JURIFAST CONTRIBUTIONS OVER THE LAST FIVE YEARS

2010		2011		2012		2013		2014	
Germany	3 4	Germany	5 8	France	3 6	Spain	4 5	Spain	2 0
Spain	2 5	Czech Rep.	4 4	Germany	3 5	France	4 3	France	1 8
Portugal	2 0	France	3 6	Czech Rep.	3 5	German y	2 6	Czech Rep	1 5
Czech Rep.	1 7	Spain	2 0	Spain	3 0	Czech Rep.	2 1	Finland	4
France	1 4	Finland	1 7	Austria	1 1	Finland	1 6	Belgium	3
Finland	1 0	Portugal	1 2	Latvia	8	Latvia	1 6	Portugal	0
Poland	1 0	Netherland s	9	Portugal	4	Belgium	1 4	Germany	7
Austria	8	Poland	8	U K.	3	Hungary	1 2	Hungary	5

2010		2011		2012		2013		2014	
U.K.	7	Austria	6	Hungary	3	Poland	1 1	Latvia	4
Latvia	7	Denmark	6	Slovak Rep.	3	Portugal	1 1	Italy	3
Netherlands	7	Sweden	5	Lithuania	2	Lithuania	6	Lithuania	3
Belgium	5	Greece	4	Norway	2	Sweden	6	Netherlands	3
Italy	4	Italy	4	Sweden	2	Bulgaria	4	Slovak Rep.	1
Slovak Rep.	4	Belgium	3	Greece	1	Slovak Rep.	4	Sweden	1
Estonia	3	U.K.	3	Italy	1	Estonia	2		
Greece	2	Estonia	2	Netherlands	1	Cyprus	1		
Hungary	2	Lithuania	1			Norway	1		
Denmark	1								
Lithuania	1								
Total : 261		Total : 190		Total : 177		Total : 239		Total : 117	

We see that two courts have not yet submitted any data: the High Court of Cassation and Justice of Romania and the Supreme Administrative Court of Croatia.

TOTAL NUMBER OF DECISIONS SUBMITTED BY EACH COUNTRY SINCE 2004

Germany	295	Sweden	61	Slovak Rep.	16
Spain	232	Poland	39	Denmark	12
France	198	Latvia	35	Norway	6
Czech Rep.	194	Italy	32	Bulgaria	4
Portugal	116	Greece	28	Irland	3
Netherlands	91	United Kingdom	27	Slovenia	3
Finland	80	Hungary	23	Cyprus	2
Belgium	75	Lithuania	22	Luxembourg	2
Austria	72	Estonia	20	Malta	2

Concerning the type of decisions, some 77% of decisions are without referral and 23% concern preliminary questions.

The lack of contributions is particularly evident with regard to final decisions following a judgment by the CJEU after a referral for a preliminary decision.

What really matters on this point is suitable motivation by the presidents of the courts and the JURIFAST correspondents. Although the size and number of cases dealt with by the member institutions of the ACA naturally vary, it is hard to understand why there are not at least 10 cases per year and per court involving EU law.

3.2.2. Quality problems

There is a **problem of quality** in certain courts.

Most of the active courts present decisions and summaries worthy of interest, in line with the philosophy behind the database. Despite this, JURIFAST is faced with a number of **quality problems**. Some member institutions supply texts which are unusable.

The instructions issued for the drafting and presentation of summaries must be followed (please see the appendix). Rules concerning the presentation and content of the summaries have been drawn up by the Association. Indeed, it was difficult to regularly and consistently translate summaries of more than three A4 pages. For this reason the courts were asked to limit themselves to summaries not exceeding 300 words (except for a possible preliminary question). Concerning the translations from English into French, for which there are fewer budgetary constraints, this rule is applied flexibly and longer summaries (500-600 words) are regularly translated without problem.

3.2.3. The problem of the list of domains

Progress with the interface have made it easy to carry out **searches**, which is a good thing in view of the high number of decisions included. Nevertheless, we are seeing a lack of uniformity concerning the description of subjects.

The list of domains is obsolete: as an example, the "telecommunications" or "health" sections do not exist, and questions concerning the environment can only be found under this section whereas agriculture has 27 sub-sections. Although action concerning the subject can be taken within the association, the problem of the list of domains is outside our control as this is handled by the CJEU: we must maintain uniformity on this point between JURIFAST and DecNat. This is a pity, particularly as an updated list is used within this court.

3.3. Propositions

To inject new life into JURIFAST, the ACA's general secretariat has undertaken the following actions:

- Efforts to motivate and build awareness among JURIFAST correspondents;

- Translation of the summaries: the courts can now add a summary of the national decision implementing EU law in the decision's language. The general secretariat then organises its translation into English by a translation agency and arranges for the translations into French. A special field has been introduced for this purpose.

4. JURIFAST IN LATE 2014 AND IN 2015

I hope that when you return to your institutions you will implement the recommendations contained in this document and that the database will receive regular contributions.