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European Union**

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NOTE

From:	Delegation of the Netherlands
To:	Working Party on e-Law (e-Law)
Subject:	Draft Council Conclusions on ECLI - Explanatory document

1.   The Council adopted the 'Conclusions inviting the introduction of the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law' in December 2010.

2.   Since then, ECLI has been implemented by 17 Member States and three European courts, while the ECLI Search Engine was developed by the European Commission as part of the European e-Justice portal.

3.   Meanwhile, various shortcomings in the standard have been brought to the attention and some wishes for extended functionalities have been formulated.

4.   To develop a renewed version of the standard, work has been initiated within the EU co-funded project Building on the European Case Law Identifier.

5.   Work on the progress of this 'ECLI 2.0' has been reported to the Working Party on e-Law of 13 December 2016, 8 May 2017 and 17 October 2017. The leading principles for a new version of the standard were also discussed in a meeting of the ECLI Expert group of the European Commission on 3 March 2017.

6.   In the meeting of 14 November 2017 of the Working Party on e-Law (e-Justice), with written procedure for the e-Law formation, it was proposed (and later decided) to discuss further work in an ECLI Expert group.

7.   In the meeting of the ECLI Expert group on 31 May 2018 a first draft of the new conclusions was discussed. A revised draft was discussed in the meeting of 12 December 2018. Minor amendments were made in written procedure.

8.   The proposal as presented in the accompanying document is agreed upon by the Expert Group.

9.   The most important changes regard the introduction an http-uri variant of the ECLI identifier, the introduction of extended metadata as well as the ECLI extension language ('ECLI-XL'), that enables referring to specific linguistic, temporal or editorial versions as well as to specific parts of a judicial decision. Also a section on the use of ECLI and ECLI-XL in legal texts has been added.

10.   To avoid confusion the name 'ECLI 2.0' has been dropped. The new version, including ECLI-XL, is fully compatible with the first version, and there is no obligation for Member States to introduce ECLI or – if ECLI is already implemented - to also use the new features.

11.   The Working Party is invited to discuss this document in its meeting of 22 May 2019.

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