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# AIDAinformazioni

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«AIDAinformazioni» è una rivista scientifica che pubblica articoli inerenti le Scienze dell'Informazione, la Documentazione, la Gestione Documentale e l'Organizzazione della Conoscenza. È stata fondata nel 1983 quale rivista ufficiale dell'Associazione Italiana di Documentazione Avanzata e nel febbraio 2014 è stata acquisita dal Laboratorio di Documentazione dell'Università della Calabria.

La rivista si propone di promuovere studi interdisciplinari oltre che la cooperazione e il dialogo tra profili professionali aventi competenze diverse, ma interdipendenti. I contributi possono riguardare *topics* quali Documentazione, Scienze dell'informazione e della comunicazione, Scienze del testo e del documento, Organizzazione e Gestione della conoscenza, Terminologia, Statistica testuale e Linguistica computazionale e possono illustrare studi sperimentali in domini specialistici, casi di studio, aspetti e risultati metodologici conseguiti in attività di ricerca applicata, presentazioni dello stato dell'arte, ecc.

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## Editoriale

La “grande bellezza” della conoscenza sia la base per un futuro di pace

FABRIZIA FLAVIA SERNIA\*

«AIDainformazioni» festeggia il suo primo compleanno della nuova serie. L’entusiasmo e la determinazione di Roberto Guarasci e del suo *team* sono stati premiati dai risultati di una rivista impegnata nel rinnovare il prestigio del passato. Per questo, un ringraziamento va a tutti gli studiosi che hanno inviato i loro contributi originali e variegati, in modo del tutto gratuito — va ricordato — a conferma che chi dedica la propria vita alla ricerca di nuove conoscenze, desidera con convinzione che queste si diffondano a platee sempre più ampie, circolando anche fra i non “addetti ai lavori”. Questo è il segno distintivo della rivista che è disponibile anche in formato digitale. Questo è in armonia con la richiesta diffusa di informazioni qualificate in Internet. Sfogliare i *summary* dei lavori dei ricercatori, per chi — come chi scrive — fa il mestiere di giornalista, ogni volta è una sfida e un regalo. Quando ricevo gli abstract dei contributi che saranno pubblicati nel numero di «AIDainformazioni», apro il file con l’aspettativa e la curiosità di chi aspetta una cosa preziosa. Ogni volta, la conferma che il lavoro dello scienziato sia probabilmente il lavoro più affascinante del mondo (forse più del mio!) e che cercare di “raccontare” — in un linguaggio accessibile ai più — il frutto di questo lavoro sia un grande privilegio: perché chi fa ricerca è curioso, e dall’osservazione dei fenomeni del mondo, macro o micro che siano, si pone domande, cerca indefessamente le risposte. Dai ricercatori può giungere un importante messaggio anche per le giovani generazioni: ovvero che entusiasmo, costanza, passione, impegno premiano sempre e generano impatti positivi sulla collettività, che può beneficiare dei risultati di questi sforzi. Sarebbe meraviglioso se nel progetto della “Buona Scuola”, che prevede l’alternanza scuola-lavoro per gli studenti, con 400 ore nell’ultimo triennio degli istituti tecnici e professionali e almeno 200 ore nei licei, oltre alle imprese, agli ordini professionali e agli enti che si occupano di attività culturali, ambientali e sportive, entrassero nell’offerta potenziale per

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l'esperienza *on the job* dei ragazzi, anche i laboratori e i centri di eccellenza delle Università. Sarebbe un modo concreto per far comprendere a tanti potenziali scienziati il lavoro nella ricerca (ma anche per dare una risposta al problema denunciato nell'ultimo *Rapporto Censis sulla Situazione sociale del Paese* riguardo agli studenti del Mezzogiorno, per i quali le imprese disponibili ad accoglierli non sarebbero sufficienti). In questo numero della rivista il lavoro dei ricercatori si traduce in contributi che, come sempre, spaziano in svariati ambiti. Fra questi, spicca per la stringente attualità del tema, lo studio sull'uso della metafora nella comunicazione politica. Il contributo, dedicato all'identificazione dei punti di forza e di debolezza legati all'uso di un linguaggio metaforico, presta particolare attenzione all'esperienza italiana del ventesimo secolo, soprattutto per quanto riguarda il ricorso frequente a metafore nel campo della comunicazione politica da parte del premier Matteo Renzi. Aspetti fondamentali, legati sia al trattamento di dati e informazioni sul web, sia alla diffusione di conoscenze in rete, sono trattati in tre lavori dedicati rispettivamente allo studio dei benefici di *privacy by design* attraverso politiche, sui dati sensibili, tese a eliminare il pericolo di compromettere i diritti fondamentali di ogni persona; al fenomeno del "diluvio dei dati", dovuto all'aumento dei dispositivi collegati alla "rete", che ha generato sia un aumento della quantità di dati prodotta, sia la velocità del loro aggiornamento, con una grande varietà di fonti disponibili, nel cui contesto si è prodotta una vera e propria "rivoluzione dei dati". Infine, l'importanza crescente dell'informazione legale, che svolge un ruolo centrale tra le informazioni del settore pubblico — spinta dalla recente evoluzione delle tecnologie web e dal loro impatto crescente sulla collettività — è al centro della terza ricerca in questo ambito. Completano il quadro degli originali contributi, uno studio di fattibilità per l'esplorazione semantica di collezioni culturali eterogenee — dove si conduce una riflessione sulle ontologie come strumento conoscitivo per la scoperta della conoscenza, rivelando, le possibili "connessioni latenti" fra i dati, attraverso le loro sfaccettature — e uno studio sull'Archivio Storico dell'Arma dei Carabinieri. Ognuno di questi lavori apre una prospettiva. Ognuno è il risultato del lavoro dei ricercatori, che sono uno dei motivi di orgoglio del nostro Paese. Permettetemi di concludere con un pensiero dedicato alla ricercatrice Valeria Solesin e a tutte le vittime delle stragi — di Parigi e nel resto del mondo — che in quest'ultima parte dell'anno hanno colpito le coscienze di tutti. Troppe volte è stato detto che la bellezza della cultura, dell'arte, della conoscenza possono salvare il mondo dalle barbarie. E troppe volte la cultura, l'arte e la ricerca scientifica sono state trattate come Cenerentole. L'augurio per noi, per tutti è che, dopo le recenti misure a sostegno di iniziative culturali per i giovani, si disegni una strategia di *governance* lungo termine su tutto quello che è il nostro patrimonio culturale, capace di ricordare ogni giorno

la grande bellezza della conoscenza, che può contribuire pacificamente a instillare il valore della pace stessa, della libertà, dell'integrazione e della tolleranza. Buon 2016 a tutta la redazione e ai lettori.





## CONTRIBUTI



# Transnational Access to Legal Information Document Identification Standards for Case Law

ENRICO FRANCESCONI\*, GINEVRA PERUGINELLI\*\*

**ABSTRACT:** The recent evolution in web technologies and their increasing impact in social life are giving a growing importance to legal information that plays a central role within the public sector information. Identifiers of legal resources are the fundamental building block for the implementation of an infrastructure that can guarantee interoperability among legal resources.

**Keywords:** Legal informatics, Standards and identification of legislation and case law, Access to law, Transnational access to legal information.

## I. The context

In recent years, the provision of legal information has changed greatly, in connection with the evolution of ICT and in particular thanks to the development of legal informatics.

Legislation, regulations, case law, administrative decisions, contracts, tax information, judicial proceedings are often available in electronic format: the Internet already includes many legal sources and in many areas of law has become the main source of information for lawyers and citizens. Furthermore, Internet is not just the information source of data on relevant legal facts of the real world, it is also a virtual place where legally relevant events find their specific and unique location<sup>1</sup>.

The accessibility of law, case law and doctrine in the European Union (EU) Member States is essential for international business and harmonization of EU law<sup>2</sup>. In particular in Europe lawyers require more knowledge about

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1. *LegislativeXML in the Semantic Web. Principles, Models, Standards for Document Management*, a cura di G. Sartor, M. Palmirani, E. Francesconi, M. Biasiotti, Springer, London New York 2011.

2. COMMISSION OF THE EUROPEAN COMMUNITIES, *Communication from the Commission of 12 February 2003 to the European Parliament and the Council— A more coherent European contract law— An action plan*,

actual jurisprudential developments in other countries. Judges have to be aware of EU related decisions taken by colleagues in other Member States to actively play their role in developing the common legal order. Legal professionals must consider more and more all Member States' national legislation and jurisdiction when searching the context of their causes. As observed by Markesinis<sup>3</sup> as the world becomes smaller and the movement of people and ideas highlights more than ever the mix of habits and practices, the legal convergence in various forms and aspects cannot be made to wait too. In such a world cases of "legal loan" can only multiply. In the EU, the importance of judicial decisions of national courts is even greater. First of all this is clear with regard to decisions having to do with European law (both when European law is applied directly and when it is instead applied the national law transposing European law). The experience of the courts of other member countries in the application of a European provision may be helpful to the judge for a better understanding and a more correct interpretation of the European legislation. The provision and access to judgments of national courts, and the establishment of a kind of "horizontal" dialogue between the judges themselves, strengthens the role of "*juges communautaires de droit commun*" and support the uniform application of the European law in the Member States. However, this context is quite difficult to manage due to the intrinsic diversity of the EU. Legal information is provided by different national and European repositories and the format and the structure of legal documents depend heavily on their origin and often there are no standardized cross-references to the related documents.

To manage these difficulties and obstacles the European Commission has issued a Report on Access to Law<sup>4</sup>. This report discusses major advances in terms of access to European law and national law, as well as the possibility of making the law of third countries accessible, where it is in the interest of the EU itself or its Member States. It provides an extensive description of tools and platforms that have been developed to facilitate and extend access to law for citizens, at Member State and EU level.

At operative level to guarantee a common system for the identification, citations, metadata annotation and publication of national case law, the Council of Ministers has invited the Member States to introduce two specific standards: the European Legislation Identifier (ELI)<sup>5</sup> and the European Case

[COM(2003) 68 final], «Official Journal of the European Union», C 63, 15/3/2003, <[http://www.isda.org/c\\_and\\_a/pdf/com\\_2003\\_68\\_en.pdf](http://www.isda.org/c_and_a/pdf/com_2003_68_en.pdf)>.

3. B. MARKESINIS, *Il metodo della comparazione*, Giuffrè, Milano 2004.

4. *Report on Access to Law (2015/C 97/03)*, in «Official Journal of the European Union», C97/2, 24/3/2015, <[http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2015.097.01.0002.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2015.097.01.0002.01.ENG)>.

5. Council conclusions inviting the introduction of the European Legislation Identifier (ELI),

Law Identifier (ECLI)<sup>6</sup> elaborated by the Working Party on e-Law of the Council of the EU<sup>7</sup>, a preparatory body using ICTs to simplify judicial procedures and to provide European and national information in the field of justice through the e-Justice portal. A European Legal Doctrine Identifier (ELDI) has been proposed to cover legal doctrine too<sup>8</sup>.

Many EU countries are now adopting and implementing the ECLI standard, its syntax and the metadata, even if Council Conclusions do not impose mandatory legal obligations on the Member States, but they call for voluntary action. Actually it is clear the viability and usefulness of the ECLI framework for facilitating cross-border access to national case law. The process standardization and harmonization is fundamentally oriented towards enhancing the usability of the case law as an enriched information source, facilitating the introduction and use of metadata in citations and the searchability of European case law.

This paper tries to underline and stress the need of a common framework for the interoperability among national and European case law. In Section 2 the state of the art about accessibility to judicial decisions is briefly illustrated; in Sections 3 and 4 the specific aspects of standard for legal documents and case law documents identification are respectively addressed; Section 4 in particular presents two main initiatives (URN: LEX and ECLI) for providing persistent identifiers to case law documents; Section 5 illustrates the benefits of metadata for document indexing and drills down to the set of metadata for case law proposed by the ECLI initiative; Section 6 describes the protocol for ECLI metadata harvesting and indexing; finally, Section 7 ends with conclusions.

## 2. The principle of accessibility for the judicial process and judicial decisions

The principle of accessibility and clear publication standards for the judicial process and judicial decisions are expressed in some provisions of the European Convention of Human Rights (ECHR). The ECHR is the basic document of human rights for the 47 States that make up the Council of Europe. The

(2012/C 325/02).

6. Council conclusions inviting the introduction of the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law (2011/C 127/01).

7. Working Party on E-Law, <<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-e-law/>>.

8. M. VAN OPIJNEN, *The European Legal Semantic Web: Completed Building Blocks and Future Work*. European Legal Access Conference, November 2012, <<http://ssrn.com/abstract=2181901>>.

principles set out in Article 6 apply as much to the civil and administrative processes as they do to criminal matters and procedures. Article 6 states:

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
  - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
  - (b) to have adequate time and the facilities for the preparation of his defence;
  - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
  - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

The same core principles are reflected in the EU's Charter of Fundamental Rights, whose principles are binding on the EU's 28 Member States in Articles 47–50<sup>9</sup>.

In the case *Pretto and others v Italy*<sup>10</sup> overlooked. The Court therefore has not felt bound to adopt a literal interpretation stating that in each case the form of publicity to be given to the “judgment” under the domestic law of the respondent State must be assessed in the light of the special features

9. *Charter of fundamental rights of the European Union, 2012/C 326/02*, in «Official Journal of the European Union», C 326/39, 26/10/2012, Title VI Justice, <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>>.

10. *Pretto and others v Italy*, (App. 7984/77), 8 December 1983, <<http://hudoc.echr.coe.int/eng?i=001-57561>>. The Court recognized that whilst the Member States of the Council of Europe all subscribe to the principle of publicity, their legislative systems and judicial practice reveal some diversity as to its scope and manner of implementation, as regards both the holding of hearings and the “pronouncement” of judgments. The Court pointed out that many Member States of the Council of Europe have a long-standing tradition of recourse to other means, besides reading out aloud, for making public the decisions of all or some of their courts, and especially of their courts of cassation, for example deposit in a registry accessible to the public and this is something that the authors of the Convention could not have.

of the proceedings in question and by reference to the object and purpose of Article 6 par. 1. This principle has been confirmed in the subsequent case-law (Ryakib Biryukov v. Russia, par. 32; Fazliyski v. Bulgaria) and has been further elaborated by the Court.

An important document is represented by an informative study on openness and accessibility to the judicial process and judicial decisions prepared by the European Parliament's Citizen's Rights and Constitutional Affairs Department in 2013<sup>11</sup>. The study examines national practices regarding access to court files. After examining national regimes giving the public very broad access to court files (Canada, Finland, Slovenia), the study focuses on the accessibility of court files of the Court of Justice of the European Union (CJEU). Arguments in favour of greater access to the court files of the CJEU are analysed and some recommendations are developed on how to enable more comprehensive access by the general public to be achieved to the court files of the CJEU.

In this line the Open Society Justice Initiative in 2009 has prepared a report on access to judicial information<sup>12</sup>, emphasizing how important was access to judicial records and information about the judiciary. It has analyzed the laws and practices of more than 15 countries and for the most part, courts have been left to create their own policies, rules, and practices related to access to judicial records and information about the judiciary, often without guidance from the legislature.

At operative level, a number of initiatives has been launched to ensure cross-border access to national case law on the application of EU law. The Common Portal of National Case Law of the Network of the Presidents of the Supreme Judicial Courts of the European Union<sup>13</sup> offers a metasearch engine which permits simultaneous searches of almost all the case law databases of the Supreme Courts of the EU. The Association of Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA Europe) provides two databases of Member State case law which deal

11. POLICY DEPARTMENT C – CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS EUROPEAN PARLIAMENT, *National practices with the regard to the accessibility of court documents*, <[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474406/IPOL--JURI\\_ET%282013%29474406\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474406/IPOL--JURI_ET%282013%29474406_EN.pdf)>.

12. OPEN SOCIETY JUSTICE INITIATIVE, *Report on access to judicial information*, March 2009, <<http://www.right2info.org/resources/publications/publications/Access%20to%20Judicial%20Information%20Report%20R-G%203.09.DOC>>.

13. Using the Eurovoc-thesaurus the user-query of the Portal can be translated into the languages of each of the chosen databases. In the public access version the records found can only be accessed in the original language; users having a login code are also offered machine translations in various language pairs. No metadata search is possible, and there no search filters to limit the time range. The Common Portal uses just the identifiers supplied by the connected systems, which makes it hard to cite. <<http://www.reseau-presidents.eu/rpcsjeu>>.

with the application of EU law, called JuriFast<sup>14</sup> and Dec.Nat<sup>15</sup>. Decisions are provided in the original language, with a summary in English and French. The Dec.Nat database also contains references and analyses of national decisions which have been supplied by the Research and Documentation Service of the European Court of Justice.

JURE<sup>16</sup> is a database created by the European Commission, containing case law on jurisdiction in civil and commercial matters and on the recognition and enforcement of judgments in a State other than the one where the judgment was passed. This includes case law on relevant international conventions (i.e. 1968 Brussels Convention, 1988 Lugano Convention) as well as EU and Member State case law).

Furthermore, CODICES<sup>17</sup>, a database created by the so-called Venice Commission at the Council of Europe, contains case law on constitutional matters not only of EU Member States but also of other members of the Council of Europe.

Moreover, the open data movement is radically changing the management, delivery and access to legal information. Some Member States offer free access to the consolidated national legislation through their institutional portals. Judgments, that were previously prerogative of the judges, parties, their lawyers and were occasionally available to major suppliers of legal information, are now freely available on the courts sites. For example, Finland, France and Bulgaria have provided centralized interfaces for access to national case law. In line with the Public Sector Information Directive<sup>18</sup>, the data are reusable for free or at affordable prices.

Despite the increased availability of electronic documents, the difference between national legal systems as well as the variety of storage and legal information retrieval systems are a strong limit to their interoperability<sup>19</sup>. The publication of legal documents is often in plain text and in different formats, no standardized metadata are provided and very few hyperlinks to cited legal resources are added. Many countries are still behind in the

14. <<http://www.aca-europe.eu/index.php/en/jurifast-en>>.

15. <<http://www.aca-europe.eu/index.php/en/dec-nat-en>>.

16. <<http://eur-lex.europa.eu/collection/n-law/jure.html>>.

17. <<http://www.codices.coe.int/NXT/gateway.dll?f=templates&fn=default.htm>>.

18. *Directive 2003/98/EC Council of 17/11/2003 on the re-use of public sector information*, in «Official Journal of the European Union», L 345, 31/12/2003, p. 90–96, <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0098>>.

19. *Report on the state-of-the-art and user needs*, edited by G. Boella, H. Kostantinov, in «Deliverable of the Project EUCASES – European and National Legislation and Case Law Linked in Open Data Stack», 2014, <[http://eucases.eu/fileadmin/EUCases/documents/EUCases\\_Deliverable\\_I\\_I\\_submitted.pdf](http://eucases.eu/fileadmin/EUCases/documents/EUCases_Deliverable_I_I_submitted.pdf)>.



adoption of presentation formats such as XML<sup>20</sup> and RDF<sup>21</sup> for Linked Open Data. Furthermore, the national web sites of the Courts offering case law are not interconnected with each other and they use different identification systems.

In such a context, the process of standardization at different levels is of paramount importance. In particular, the adoption of identification standards is a crucial pillar for the information architecture. A unique identifier for each type of legal information allows the identification of a legal resource at abstract level, regardless of its location and format<sup>22</sup>.

The adoption of shared appropriate open standards promotes technological progress, cooperation and competition in the context of the knowledge society. To achieve such goals, these standards, as well as having a high technical quality, must be non-proprietary, generally accessible, run by impartial bodies<sup>23</sup>.

### 3. Legal documents identification

An identifier for legal documents is an unequivocal label, which depends only on the document itself and is, therefore, independent from its on-line availability, its physical location, and access mode (e.g. on a database).

This identifier will be used as a way to organize references (and more generally, any type of relation) among various legal acts. Moreover the adoption of an ID for a legal act simplifies the representation of relationships among legal documents. Any relationship can be, in fact, easily represented by a triple subject-predicate-object, where subject and object are expressed by the ID of the involved acts and the predicate is the existent relation between them. Such formalization is then in line with the Semantic Web and permits the description of the resource also with these properties. Moreover it is possible to deduce automatically other relationships, as inverse, inherited, transitive, and so on, on the base of the primary property.

A legal document identification system based on unequivocal IDs must foresee:

- a) a scheme for assigning IDs capable of representing unambiguously any legal measure, issued by any authority at any time (past, present and future) included in the specific chosen domain;

20. <<http://www.w3.org/XML/>>.

21. <<http://www.w3.org/RDF/>>.

22. G. SARTOR, *Legislative information and the web*, in «Legislative XML in the Semantic Web. Principles, Models, Standards for Document Management», *op. cit.*

23. Ivi, p. 13.

- b) a resolution mechanism — centralized or distributed — that goes from an ID to the on-line location of the corresponding resources.

Several aspects may influence the choice of a specific ID scheme in a particular domain or environment, as:

- a) value: opaque or transparent, uni- or bi-directional, codified or explicit;
- b) coverage: limited within a specific application or site, valid in a whole country or recognized at international level, as well as the enacting authority (with respect of the jurisdiction — national, federal or local) or the nature of the act (legislative, jurisprudential or administrative);
- c) openness: in particular the neutrality as regards media, providers and countries.

In particular an IDvalue type has to be chosen considering the following set of alternative features:

- a) opaque or transparent: an ID is opaque when its value is independent from the characteristics of the identified document, that is it is not possible to obtain the ID from the document details.
- b) uni- or bi-directional: a transparent ID is uni-directional when, applying the scheme rules to a given act, it is possible to obtain unambiguously its identifier, but the inverse operation is not unequivocal. For example, the Italian fiscal code is a combination of 3 letters of the surname and the name, a code for sex, the date of birth and the birth municipality code codified or explicit: a transparent ID is codified when some of its components are not directly represented, but are transformed through a conversion table. In this case is not sufficient to know the construction rules of an ID, but also a specific code associated to a piece of information is needed.

#### **4. Case law standards identification**

Access to legal information has mainly focused, at least in civil law countries, on legislative materials, such as legal gazettes and consolidated legislation. Today a considerable concern is addressed to access to case law, even in legal traditions which have its origin in Roman law. Within the EU, a strong need is felt to access national case-law from other Member States; this is due to

the deepening of the internal market, the growing number of cross-border procedures and the developing of the common legal order<sup>24</sup>.

In particular, a strong need is felt to meet the following requirements for the publication of judicial decisions<sup>25</sup>:

- a) *Identification*: A case should be cited in such a way that both a judge from abroad, and an automated system can find the same case easily in different databases;
- b) *Metadata*: A judgment is to be indexed with metadata in a way that cross-border search is facilitated;
- c) *Document structure*: The provision of judgments' structures in machine readable format is of paramount importance to allow enhanced search and appropriate display features;
- d) *Multilinguality*: Lawyers and in general citizens from various Member States need to read and fully understand the judgements produced at international level. Therefore, translations services and automatic translation techniques should be made available;
- e) *Techniques to cope with overabundance*: To help users to find the desired information in a world of ever increasing production of case law, techniques such as taxonomies and rating systems must be adopted.

The first and second requirements are of particular relevance to this study.

Case law identifiers differ as to their composition from country to country. In some countries they are completely opaque, in other countries they are composed of meaningful elements. In most cases judicial decisions are identified/ cited using their "attributes" (name of the court, date, case number), which do not have a fixed notation, not being suited to an electronic environment<sup>26</sup>.

But above all, these attributes do not allow locating the resource.

There are numerous specialized databases for cross-border access to national case law<sup>27</sup>. However, these systems use their own identification methodology and apply their own metadata and search criteria.

In such a context a neutral standard is necessary to identify and cite case law in a unique, medium-neutral way. The use of unique identifiers, struc-

24. European Parliament resolution of 9 July 2008 on the role of the national judge in the European judicial system (2007/2027(INI).)

25. M. VAN OPIJNEN, *Identifiers, Metadata and Document Structures: Essential Ingredients for Inter-European Case Law Search*, November 14, 2008, European Legal Access Conference, December 2008, <<http://ssrn.com/abstract=2046294>>.

26. *Ibidem*.

27. *Ibidem*, for an overview of these initiatives.

tured metadata and ontology in referencing national case law would make seeking and exchanging information more effective, more user-friendly and faster, while providing efficient search mechanisms for judges, legal professionals and citizens.

#### 4.1. URN:LEX

Urn:lex is a standard for the identification of sources of law (legislation, case-law and administrative acts), submitted to the IETF as Internet Draft<sup>28</sup> and about to be approved as official standard for the Internet protocol infrastructure: it is based on a URN technique capable of scaling beyond national boundaries as well as on the definition of a namespace convention (LEX) and a structure that will create and manage identifiers for sources of law at international level. Here the URN-based approach is illustrated, even if the current release provides also an http-based implementation<sup>29</sup>.

As usual, the problem is to provide the right amount guidance at the core of the standard while providing sufficient flexibility to cover a wide variety of needs.

The proposed urn:lex identifier standard does this by splitting the identifier into a hierarchy of components. Its main structure is

```
"urn:lex:"<NSS>
```

where “urn:lex” is the Namespace, which represents the domain in which the name has validity, as well as nss is the Namespace Specific String composed as follows:

```
<NSS>::=<country>":"<local-name>
```

where: <country> is the part providing the identification of the country, or the multi-national or international organisation, issuing the source of law ; <local-name> is the uniform name of the source of law itself. It is able to represent all the aspects of an intellectual production, as it is a legal document, from its initial idea, through its evolution during the time, to its realisation by different means (paper, digital, etc.).

The <country> element is composed of two specific fields:

```
<country>::=<country-code>[<;><country-unit>]*
```

28. *A Uniform Resource Name (URN) Namespace for Sources of Law (LEX)*, <<http://datatracker.ietf.org/doc/draft-spinosa-urn-lex/>>.

29. *Ibidem*.