



E-Law and Free Access to Legislation in Finland and in Europe



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Conference session 129



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SUMMARY OF CONTENTS

- About E-Law and E-Justice in Europe
- Free access to legislation: trends in Europe
- Free access to legislation: the Finnish model
- New developments: Linked Open Data, European Legislative Identifier, authentic electronic legal gazettes



- **E-Law** is a fairly new concept, used in Europe since 2004-2005
- It refers to **electronic legislation** and to the different aspects of **electronic publishing of legislation**, e.g. authenticity of electronic acts, promulgation of electronic legislation and access to electronic legislation
- **E-Justice** is a similar concept, including, in general, the use of electronic technologies in the field of justice, (electronic exchange of court documents, electronic registers, videoconferencing, European E-Justice portal)
- EU Council has a Working Group on E-Law and E-Justice, exchanging information on the experiences of EU Member States and developing policies at the EU level.



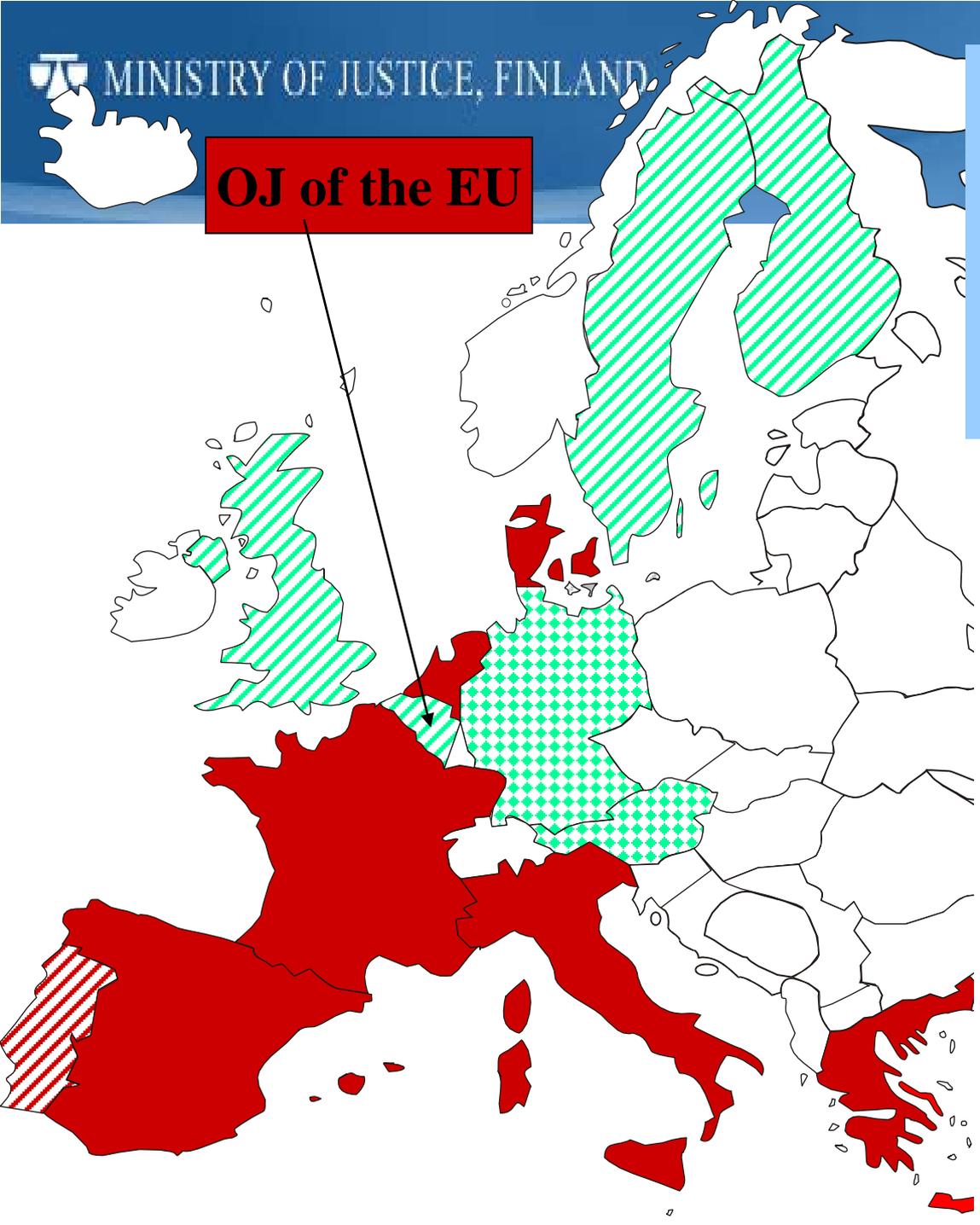
- European Commission has established EUR-Lex as a one stop shop to European legislation
- EUR-Lex includes N-Lex, a common gateway and portal of national legislation in EU Member States
 - http://eur-lex.europa.eu/n-lex/index_en.htm
- New E-Law initiatives include
 - European Legislative Identifier ELI
 - European Case Law Identifier ECLI
 - Linked Open Legal Data (several projects in Europe)

E-Law and Free Access to Legislation in Europe

- Legislation is available in most European countries free of charge
- Nevertheless, there are differences in the way legislation is made available
 - Legislation of limited period (e.g. the last 30 days) vs. all legislation of the last hundred years
 - Legislation is available in non-consolidated form vs. in regularly updated consolidated form with information about amendments
 - Legal Gazettes are available without any search features vs. legislation is available in databases with full search features
 - In some countries, also the original versions of legal acts are available
 - In some countries, also the consolidate versions of legal acts are available

OJ of the EU

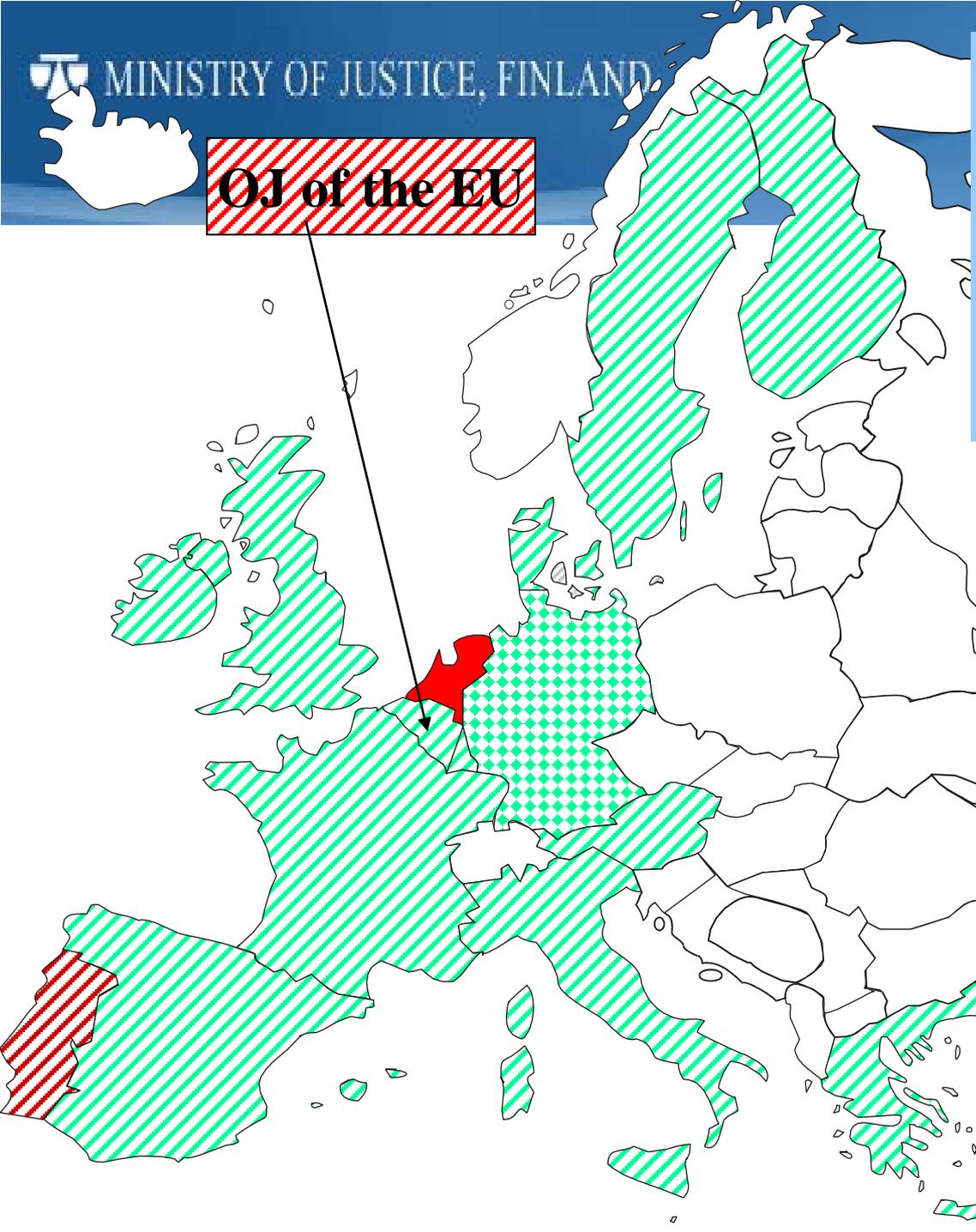
Online access
to the national
legal gazettes
(1997)



- **Free of charge:**
 - entirely free 
 - restrictions in usage 
 - free during a limited period 
- **Paying access:** 

OJ of the EU

Online access to the national legal gazettes (October 2000)



- **Free of charge:**
 - entirely free 
 - restrictions on usage 
 - free during a limited period 
- **Paying access:** 

Online access to law in Europe (2012)

Comparative table : Online access to legislation

	EU law	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
Type of access																													
<i>Database with consolidated texts</i>	•	•		(1) (2)		•	•				•	•		•	•	•	•	•	•	•	•	(1)	•	•	•	•	•	•	(3)
<i>Database with original texts</i>	•				•	•				•	•	•		•	•				•		•	•	•	•	•	•		•	(5)
<i>Legal gazette</i>	•	•	•	•	•	•	•	•	(6)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	(2)	•	•	(6)
Database access conditions																													
<i>Free of charge</i>	•	•		• (2)	•	•	•		•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
<i>Fee based</i>						• (7)						• (7)										• (7)	• (7)	• (7)					
Legal gazette access conditions																													
<i>Free of charge</i>	•	•	•	•	•	•	•	•	(6)	•	•	•	•	•		•	•	•	•	•	•	•		•	•	•	•	•	
<i>Fee based</i>						• (7)						• (8)		•								• (7)	•	• (7)					

(1) Under preparation.

(2) Access to private sector service.

(3) Primary legislation only.

(4) Only parts of the legislation.

(5) Secondary legislation only.

(6) Strictly speaking no legal gazette: collection of acts.

(7) The subscription version offers additional features.

(8) Version without time limitation.

Free Access to Law Movement

- Free Access to Law Movement began in 1992 with the creation of the Cornell Law School Legal Information Institute. Today there are about forty institutions as members in the movement (most of them area Legal Information Institutes). Only seven EU countries are active in this cooperation.
- **Montreal Declaration on Free Access to Law** (2002) states that “public legal information from all countries and international institutions is part of the common heritage of humanity. Maximising access to this information promotes justice and the rule of law.”
“Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge”.

Free Access to Law in Europe

- In Europe there has been no clear policy on Free Access to Law. As could be seen in the map of 1997, access to legislation was free of charge only in some EU Member States. At the EU level, one milestone was the opening of EUR-Lex in 1998, with the free access to the EU Official Journal.
- In EU Member States, a rapid change took place in 1998-2000. One factor behind this change was the pressure from the user of legal information and the “free Internet” philosophy.
- In 2003, the EU adopted the Directive on the re-use of public sector information (PSI Directive). It has introduced a common legislative framework regulating how public sector bodies should make their information available for re-use in order to remove barriers such as discriminatory practices, monopoly markets and a lack of transparency.

Free Access to Law in Finland

- In Finland the reform on Free Access to Law was started in mid-1990's, earlier than elsewhere in Europe. The current thinking on free access to government files and specifically to legislative information is based on one hand **on historical traditions** and on the other hand on recent analysis of **the right to information** by citizens.
- In Finland, a unique concept has been developed concerning the free access to information and especially legal information (not only legislation).
- The tradition of open access to government files in Finland is among the longest in the world. As Finland was a Swedish-governed territory until 1809, the Swedish Royal Act of 1766 on Access to Public Records was applied also in Finland. It was actually drafted and introduced by a Finnish clergyman and scientist and Member of Swedish Parliament Anders Chydenius.

Free Access to Law in Finland (2)

- In Finland, the principles of transparency and right to information are written in the Constitution of 2000 (Section 12): “Documents and recordings in the possession of the authorities are public, (...) Everyone has the right of access to public documents and recordings.”
- With the emergence of the Internet and the new discussion on the access to information, the principles of free access had to be reformulated in the mid-1990s. This was done by a working group set up by the Ministry of Justice, revising the principles of access to legislation.
- A new direction for the dissemination of legislative information was given: it is not sufficient to provide only the material of the Legal Gazette to the citizens, but to provide free access to other legal materials, as well.

Free Access to Law in Finland (3)

The Finnish approach to the free access to legislative materials consists thereby of the following elements:

1. The historical principle of Public Access (since 1766).
2. The right to information as confirmed in the Constitution and in the Act on the Openness of Government Activities
3. The definition of the non-copyright of laws, decrees, decisions and judgments in the Copyright Act.
4. The broad concept of access to legislation by the Constitutional Committee of the Parliament and the Ministry of Justice, including access to consolidated legislation, secondary legislation, government bills, etc.
5. The electronic version of the Finnish Legal Gazette (Statutes of Finland) has been authentic since 2011.

Free Access to Law - FINLEX

FINLEX Legal Data Bank has been available free of charge since 1997. It consists of over thirty databases:

1. Legal Gazette in Finnish, Swedish and Sámi languages
2. Consolidated legislation in Finnish and Swedish languages
3. Index of all legislation since 1734
4. Government bills and parliamentary documents
5. International treaties and conventions
6. Court judgments and references to case-law in legal literature
7. Secondary legislation (norms of ministries and other state authorities)
8. Collective agreements
9. Decisions of the supervisors of legislation (Justice Councillor and Parliamentary Ombudsman)
10. Translations of Finnish legislation

SUOMEN SÄÄDÖSKOKOELMA

Julkaistu Helsingissä 1 päivänä elokuuta 2012

462/2012

Maa- ja metsätalousministeriön asetus

poikkeusluvalla sallittavasta saukon metsästyksestä metsästysvuonna 2012–2013

Annettu Helsingissä 30 päivänä heinäkuuta 2012

Maa- ja metsätalousministeriön päätöksen mukaisesti säädetään metsästyslain (615/1993) 41 §:n 5 momentin nojalla, sellaisena kuin se on laissa 159/2011:

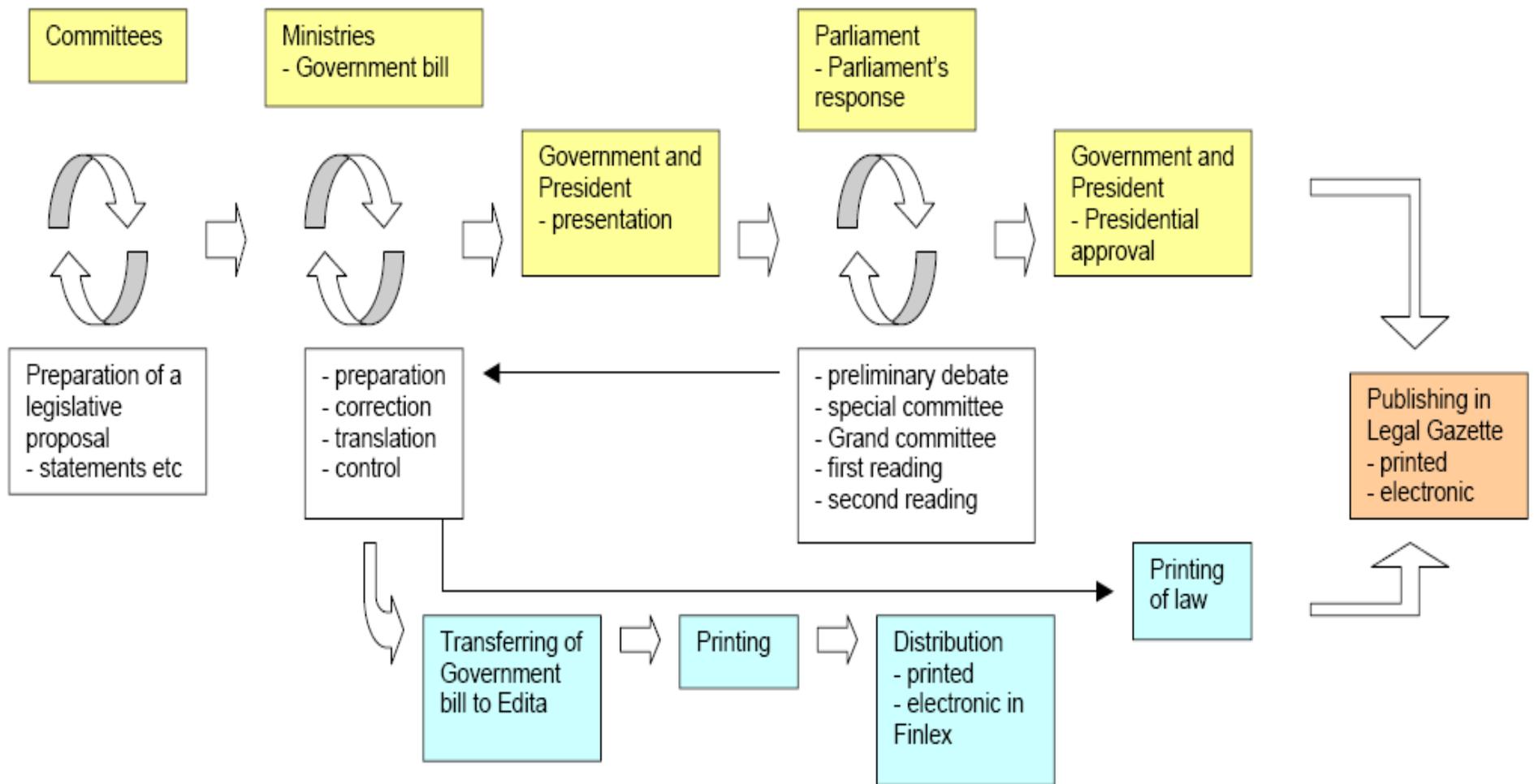
History of the Legal Gazette

- Finland as a part of Sweden → 1809
- Finland as a part of Russia -> 1917
- publishing of statutes started in Finland in 1809
- since year 1860 all statutes published regularly in the Legal Gazette in Finnish and Swedish
“We, Alexander the Second, by the grace of God, Emperor and Autocrat of all the Russias, Czar of Poland, Grand Duke of Finland,…”
- 1902-1905 all statutes in Russian-Finnish-Swedish
- Electronic Legal Gazette in 1995
- Authentic Electronic Legal Gazette in 2011

Information on Legislative Process

- Electronic information is available on the steps of the legislative process
- Information on Finnish legislative projects www.hare.vn.fi and websites of ministries
- Information on Government Bills – Finlex
- Government Decision-Making System PTJ
- Parliament Databases www.eduskunta.fi

LEGISLATIVE PROCESS



Finlex – Case-Law

- The precedents of Supreme Court and Supreme Administrative Court
- Courts of Appeal and Administrative Courts
- Special courts (Labour Court, Market Court, Insurance Court)
- Case Law in Legal Literature – database
- Judgments of the European Court of Human Rights (summaries in Finnish and original judgments concerning Finland)
- "Free Access to Case Law" -principle

Access to Case Law - something special

- Case Law in Legal Literature -database
- A collection of references to court judgments from Finnish legal monographs and articles since 1926
- Appr. 630 000 references to 125 000 court judgments
- Regularly updated by the University of Lapland, under contract with the Ministry of Justice

- Linked Open Data and "Linked Legal Data" projects
- European Forum of Official Gazettes and EU Council have developed **European Legislative Identifier**
- EU Council has published conclusions of European Case Law Identifier (ECLI)

Open Data and Linked Open Data

- Nowadays there is more debate about Open Data than about Free Access.
- Open data is a philosophy and a practice that requires that certain data are of free access to all, with no technical or legal limitations.
- Open data licences and terms of use are subject to laws on the reuse of public sector information. The trend is to open data free of conditions so long as the data are kept intact and not manipulated, the source is cited and the date the data were last updated is indicated.
- The latest feature is Linked Open Data
- Linked Data is about using the Web to connect related data that was not previously linked, or using the Web to lower the barriers to linking data currently linked using other methods.
(<http://linkeddata.org>)

Linked Legal Data Projects in Europe

- **United Kingdom:** Since 2010, the legislation website www.legislation.gov.uk provides an API to give developers full and open access to the underlying data, free for re-use under data.gov.uk licence terms.
- **The Netherlands:** The case-law databases of Rechtspraak.nl are available as linked open data.
- **Germany:** In July 2012, Wolters Kluwer Germany published two legal thesauri as Linked Open Data for free re-use by public administrations, industry and the Open Data community. One thesaurus is covering topics around labor law in German language, while the other one describes German and European courts.
- **Sweden:** Swedish legislation will be available in 2013 also in RDF format (Resource Description Framework) (see rinfo.lagrummet.se)
- **Finland:** Linked Data Finland project was started in 2011, with Legal Linked Data as one sub-project.

New Developments in EU - ELI

- **European Legislative Identifier (ELI)**
 - European Forum of Official Gazettes and EU Council working party on E-Law have developed the European Legislative Identifier ELI
 - ELI is a minimum set of uniform metadata to standardise legislative databases and to prepare the framework for semantic “Official Legal Gazettes”.
 - According to the draft EU council conclusions, EU Member States should provide all pieces of national legislation which are published in national Official Journals and Legal Gazettes with a unique identifier, based on a template using some or all of the components set out in the ELI annex and some of the metadata and ontology as set out in ELI annex.
- ELI) uses Unique Resource Identifiers (URI) and intends to promote the use of URIs for legislation in European Legal Gazettes.
- ELI is already implemented in some EU member states, e.g. in Luxembourg
 - `eli/lu/etat/2010/10/30/law` : reference to all LAWS signed on 30 October 2010
 - `eli/lu/etat/2010/10/30/law/2010-12/` : reference to the law “2010-12” signed on 30 October 2010
 - `eli/lu/etat/2010/10/30/law/2010-12/de` : reference to the law “2010-12” signed on 30 October 2010 German
 - `eli/lu/etat/2010/10/30/law/2010-12/art.8` : reference to article 8 in the law “2010-12” signed on 30 October 2010

New Developments in EU - ELI

The United Kingdom examples using a specific ELI URI Template (www.legislation.gov.uk)

id/{type}/{+year}/{identifier}/{sub-division*} : ELI Template for UK Identifier URIs

{type}/{+year}/{identifier}/{sub-division*}/{version,language} : ELI Template for UK Document URIs

Identifier URIs

id/ukpga/2011/3 : Identifier for United Kingdom Public General Act, 2011, Chapter 3

id/ukpga/Eliz2/10-11/59 : Identifier for United Kingdom Public General Act, 10 and 11 Elizabeth II, Chapter 59 (i.e. using regnal year for UK Acts of Parliament prior to 1963)

id/ukpga/2011/3/section/1/2 : Identifier for United Kingdom Public General Act, 2011, Chapter 3, Section 1, Subsection 2

Document URIs

ukpga/2011/3 : Reference to the current and in force version of United Kingdom Public General Act, 2011, Chapter 3

ukpga/2011/3/enacted : Reference to the enacted (original) version of UnEuropean Forum of Official Gazettes and EU

New Developments in the EU - ECLI

European Case Law Identifier ECLI

- **EU Council working party on E-Law developed in 2009-2010 European Case Law Identifier ECLI**
- **ECLI is used as an identifier for national court judgments and for EU Court of Justice judgments**

ECLI is an identifier consisting of five components:

- (a) the abbreviation 'ECLI';**
- (b) the country code for the country under whose competence the judicial decision is rendered.**
- (c) the abbreviation for the court or tribunal (hereafter: the court code). The court code:**
- (d) the year of the decision, which must be written in four digits;**
- (e) an ordinal number, which must be unique in the sense that there must not be more than one judgment of the same court within the same year with the same ordinal number.**

For the Finnish Supreme Court, ECLI has the following format:

ECLI:FI:KKO:2012:23



- **European Case Law Identifier ECLI**

Example: the French Conseil d'État (judgment 01.08.2012)

- **Références - Conseil d'État**

N° 348113

ECLI:FR:CESSR:2012:348113.20120801

1ère sous-section jugeant seule

M. Denis Piveteau, président

Mme Chrystelle Naudan-Carastro, rapporteur

Mme Claire Landais, rapporteur public

Current work on ECLI

- **The European Commission started in 2011 a project with all EU Member States with the purpose of defining an XML schema definition (XSD) for compliance validation of ECLI metadata by both ECLI suppliers (EU Member States) and ECLI operators (the European Commission).**
- **The project also includes an implementation analysis on the exposure of ECLI metadata for indexation by the European e-Justice Portal.**

- Finlex Legal Data Bank www.finlex.fi
- Courts and Judicial system www.oikeus.fi
- Supreme Court www.kko.fi
- Supreme Administrative Court www.kho.fi
- Finnish Parliament www.eduskunta.fi

- European Forum of Official Gazettes
www.forum-official-gazettes.eu/
- European Case Law Identifier (Official Journal of the EU,
OJ C 127, 29.4.2011, p. 1–7)