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Jurisprudența națională

Instanțele statelor membre ale Uniunii Europene (UE) aplică și interpretează dreptul național, precum și dreptul UE. În consecință, este în interesul cetățenilor și al practicienilor din domeniul juridic să aibă acces nu numai la jurisprudența propriului stat membru, ci și la jurisprudența celorlalte state membre ale UE.

Majoritatea statelor membre au una sau mai multe baze de date de hotărâri și avize ale instanțelor lor - cu privire la dreptul UE, dreptul național și, de asemenea, dreptul regional și/sau local. Uneori, informațiile disponibile pe site se pot limita la anumite instanțe (de exemplu, instanțe supreme) sau la anumite tipuri de hotărâri.

Puteți căuta jurisprudența unui stat membru fie prin intermediul unei baze de date a acestuia, **prin selectarea unuia din steagurile care figurează în partea dreaptă (veți fi direcționat către pagina națională relevantă)**, fie puteți utiliza una dintre bazele de date europene (este posibil ca lista de mai jos să nu fie exhaustivă):

JURE, o bază de date creată de Comisia Europeană, conține jurisprudența privind competența judiciară în materie civilă și comercială și privind recunoașterea și executarea hotărârilor într-un alt stat decât cel în care au fost pronunțate. Aceasta conține și jurisprudența privind convențiile internaționale relevante (și anume Convenția de la Bruxelles din 1968, Convenția de la Lugano din 1988), precum și jurisprudența UE și a statelor membre;

Asociația Consiliilor de Stat și a jurisdicțiilor administrative supreme ale Uniunii Europene (**ACA Europa**) pune la dispoziție două baze de date de jurisprudență a statelor membre care vizează aplicarea dreptului UE, intitulate „**JuriFast**” și „**Dec.Nat**”. Hotărârile sunt publicate în limba originală, cu un rezumat în engleză și franceză. De asemenea, baza de date „Dec.Nat” conține referințe și analize ale hotărârilor naționale care au fost furnizate de către Direcția cercetare și documentare a Curții Europene de Justiție;

prin intermediul **Rețelei europene a președinților Curților Supreme de Justiție** puteți găsi site-urile mai multor baze de date naționale (și, de asemenea, baze de date ale unor țări candidate) care conțin jurisprudența instanțelor supreme ale acestor state membre;

portalul de informare al **Agenției pentru Drepturi Fundamentale** a UE include o bază de date de hotărâri naționale pronunțate de instanțe și de organisme specializate în materie de combatere a discriminării;

CODICES, o bază de date creată de așa-numita **Comisie de la Veneția** în cadrul **Consiliului Europei**, conține jurisprudența în materie de drept constituțional a statelor membre ale UE, precum și a altor state membre ale Consiliului Europei;

În plus, și portalul european e-Justice furnizează informații cu privire la diferitele **instanțe ale statelor membre**. Multe dintre aceste instanțe au un site cu o bază de date de jurisprudență națională.

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Member State case law - Belgium

This section presents an overview of the sources of case-law and their content, together with cross-references to corresponding databases.

Available websites

 **The JURIDAT Internet site** makes it possible to search Belgian case-law.

Presentation of decisions, summaries

In general, decisions are introduced by a list of keywords or 'abstract', followed by a summary of the most important points of law and references to the law or to earlier judgments.

Example:

List of keywords or 'abstract': Sporting competitions – Football matches - Safety - Offence – Administrative penalty – Action before the police court – Rights of the defence – Failure to observe - Objection – Rejection of the application – Reopening of the proceedings – Role of the judge

Summary: The judge must order reopening of the proceedings before dismissing, in full or in part, an application based on an objection that the parties did not raise before him or her, such as failure to observe the rights of the defence in proceedings to impose an administrative penalty under the Law of 21 December 1998 on safety at football matches (1) (2). (1) See Cass., 26 December 1986, RG 5176, Pas., 1987, No 258; Cass., 3 April 1998, RG C.97.0087. F, Pas., 1998, No 191 and Cass., 17 May 2002, RG C.01.0330.F, Pas., 2002, No 303. (2) Article 26(1) and (2) of the Act of 21 December 1998, as in force before its amendment by the Act of 25 April 2007.

Courts whose case-law is covered

Supreme Court

Ordinary courts

Specialised courts

Monitoring of ongoing proceedings

	Supreme Court	Other courts
Is information provided on:		
The existence of an action?	Yes	Yes
The fact that the case is still pending	Yes	No
The outcome of an action	Yes	No
The irrevocable and final nature of a judgment	No	No
The fact that proceedings may take place before	Yes	Yes/No
Another court (e.g. Constitutional Court)?	Yes	Yes/No
The European Court of Justice?	Yes/No	Yes/No
The European Court of Human Rights?		

	At national level?	For judgments of some courts?
Are there mandatory rules concerning publication of court judgments?	No	No

There are non-binding rules of conduct.

	Supreme Court	Other courts
Is the full text published or selected parts?	Selected parts	Selected parts
If selected parts are published, what are the criteria?	Societal and legal interest	Societal and legal interest

Related Links

[Juridat](#)

[Federal Public Service Justice](#)

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Member State case law - Bulgaria

This section provides you with an overview of Bulgarian case law as well as a description and links to relevant case law databases.

The Supreme Administrative Court (SAC) has overall supervision of the accurate and equitable enactment of laws in administrative justice.

The SAC deals with appeals and protestations against acts of the Council of Ministers, the prime minister, the deputy prime ministers, ministers, heads of other institutions that are directly subordinate to the Council of Ministers, acts of the Supreme Judicial Council, acts of the Bulgarian National Bank, acts of the district governors, as well as other acts specified in law. The court renders decisions on disputes about the lawfulness of delegated legislative instruments. As a cassation instance, it examines court decisions on administrative cases and deals with requests to reverse effective court decisions in administrative cases.

The Supreme Court of Cassation (VKS) is the supreme judicial instance in criminal, commercial and civil cases. Its jurisdiction covers the entire territory of the Republic of Bulgaria. Justice is administered by a Supreme Court of Cassation, a Supreme Administrative Court, appellate courts, district courts, military courts and regional courts. Judgements and decisions are stored in information databases of the respective courts, in both paper and electronic versions.

Case-law made available on a website

The [Supreme Administrative Court](#) has had a website since the beginning of the year 2002. The site was created in order to meet the needs of individuals, legal entities and administrative bodies requiring easy access to information on the judicial activities of the court.

The case law is available on the court's website. Access to the database is subject to registration, which is standard and free (username and password).

The [Supreme Court of Cassation](#) has a website that provides direct access to the information database of the Supreme Court.

Presentation of decisions / Headlines

The Supreme Administrative Court

There is no title or headline introducing decisions or other activities of the Supreme Administrative Court available on the web. An Act appears with its number, date of issue and the number of the case it refers to, for example:

"Решение №5908 от 23.06.2005 по Дело №4242/2005"

The Supreme Court of Cassation

Judgements are issued as paper copies and are published in the bulletin, yearbook and internet site of the [Supreme Court of Cassation](#) of the Republic of Bulgaria.

Search options are as follows: **by data at court and names of parties to the case; by case number as registered with the Supreme Court of Cassation; by case number at the division of the Supreme Court of Cassation.**

Complete versions of judgements (with deleted personal data) delivered after 1st October 2008 are accessible via the link at the bottom of the 'search result' page.

News and press releases by the Supreme Court of Cassation of the Republic of Bulgaria are regularly published in the press office section of the web site of the Supreme Court. **Judgements in cases of high public interest** are published in this section and also in the information database of the Supreme Court of Cassation.

Formats

The Supreme Administrative Court

Case-law is available on SAC website in HTML format.

The Supreme Court of Cassation

Case-law is available on VKS website in PDF format.

Courts concerned

The [Supreme Administrative Court](#)

The [Supreme Court of Cassation](#)

Further proceedings

	Supreme Courts – SAC & VKS	Other courts
Is information available: as to appeals?	Yes	Yes
as to whether a case is still pending?	Yes	Yes
as to the result of appeals?	Yes	Yes

as to the irrevocability of the decision?	Yes	Yes
as to further proceedings before: another internal court (Constitutional Court...)? the European Court of Justice? the Court of Human Rights?	N/A	N/A

Publication rules

	At the national level?	At the level of courts?
Are there binding rules for the publication of case law:	Yes – Art.64, paragraph 1 Judiciary System Act	Yes

	Supreme courts	Other courts
Is full case law published or only a selection?	SAC & VKS – full case law	Full case law/only a selection
If a selection is done, what are the criteria applied?	N/A	N/A

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Member State case law - Czech Republic

This section provides an overview of the case law in the Czech Republic as well as a description of and links to relevant case law databases.

Case law available on the Internet

Case law is accessible to the public on the website of the Ministry of Justice <https://www.justice.cz/>, (reference 'Judikatura' (case law)).

Each of the following courts maintains a database of its own case law:

the Constitutional Court (*Ústavní soud*)

the Supreme Court (*Nejvyšší soud*)

the Supreme Administrative Court (SAC) (*Nejvyšší správní soud*).

Summaries of all decisions made by the SAC are published, in anonymised form, on the [SAC's website](#). Some of the SAC's decisions, as well as some made by lower administrative courts and selected by the plenum of all SAC judges according to the importance of the decisions, are treated in greater detail.

Presentation of decisions / headline

Judgments are made available on the websites of the relevant supreme courts.

Formats

Case law is available in html format.

Courts concerned

The following courts are concerned:

the Constitutional Court ([CC database](#))

the Supreme Court ([SC database](#))

the Supreme Administrative Court ([SAC database](#))

Further proceedings

	Supreme Court	Other courts
Is information available as to:		
appeals?	No	Yes (https://www.justice.cz/ , reference InfoSoud)
whether a case is still in progress?	No	Yes (InfoSoud)
the result of appeals?	No	Yes (InfoSoud)
the irrevocability of the decision?	No	No
on further proceedings before:	No	No
another domestic court (e.g. Constitutional Court)?	No	No
the European Court of Justice?	No	No
the European Court of Human Rights?	No	No

Publication rules

	at national level?	at court level?
Are there binding rules for the publication of case law	Yes	Yes
	Supreme Court	Other courts
Is full case law published or only a selection?	Fully anonymised	Fully anonymised
If a selection is done what criteria are applied?		Protection of personal data

Legal databases

Name and URL of the database

[Portal of the public administration](#)

Is access to the database free of charge?

Yes, access to the database is free of charge.

Brief description of content

The database contains legislation of the Czech Republic in Czech.

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Member State case law - Denmark

No case law database exists in Denmark.

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Member State case law - Germany

This page provides you with an overview of case law in Germany.

Case-law made available on a website

Presentation of decisions / Headlines

	Supreme courts	Other courts
Case-law presented with headlines	Federal Supreme Court of Justice: No Federal Administrative Court: Yes, in special judgements Federal Finance Court: Yes Federal Labour Court: Yes Federal Social Court: Yes	Federal Patents Court: No

Important judgements of the **Federal Administrative Court** have headlines as titles, which helps the user to identify them easily.

Judgements of the **Federal Finance Court** have a kind of headline, giving the core thrust of the judgment.

Judgements of the **Federal Labour Court** show the division, date and reference number.

Example of headline/s

In the **Federal Administrative Court**: declaring the costs of potency-enhancing medicines ineligible for support contravenes Art. 3(1) of the Basic Law.

In the **Federal Finance Court**: no reduced tax rate for management and administrative services of a registered company for affiliated associations of members – scope of §68(2)(b) Fiscal Code – competition within the meaning of §65(3) of the Fiscal Code.

In the **Federal Labour Court**: 10., 11.2.2009, 10 AZR 222/08, special payment – with reference to a unilateral set of rules of employers – subject to modification.

Formats

	Supreme courts		Other courts	
	document	metadata	document	metadata
What formats are used?	Federal Supreme Court of Justice: pdf Federal Administrative Court: html Federal Finance Court: html Federal Labour Court: xhtml 1	Federal Supreme Court of Justice: pdf Federal Administrative Court: pdf Federal Finance Court: html	Federal Patents Court: pdf	Federal Patents Court: none

Further proceedings

	Supreme courts	Other courts
Is information available on appeals?	Federal Supreme Court of Justice: no Federal Administrative Court: Yes Federal Labour Court: no Federal Social Court: no	Federal Patents Court: no
on whether a case is still pending?	Federal Supreme Court of Justice: no Federal Administrative Court: no Federal Finance Court: yes Federal Labour Court: no Federal Social Court: no	Federal Patents Court: no
on the results of appeals?	Federal Supreme Court of Justice: no Federal Administrative Court: yes Federal Finance Court: yes	Federal Patents Court: no

	Federal Labour Court: no Federal Social Court: no	
as to the irrevocability of the decision?	Federal Supreme Court of Justice: yes Federal Administrative Court: no Federal Finance Court: no Federal Labour Court: no Federal Social Court: no	Federal Patents Court: no
as to further proceedings before another internal court (Constitutional court...)? the European Court of Justice? the Court of Human Rights?	Federal Supreme Court of Justice: no Federal Administrative Court: no Federal Finance Court: yes Federal Labour Court: yes Federal Social Court: no Federal Supreme Court of Justice: no Federal Administrative Court: yes, in some cases Federal Finance Court: yes Federal Labour Court: yes Federal Social Court: no Federal Supreme Court of Justice: no Federal Administrative Court: no Federal Finance Court: no Federal Social Court: no	Federal Patents Court: no Federal Patents Court: no Federal Patents Court: no

The **Federal Patents Court** communicates this information only when it is quoted in the complete text of the judgement.

The **Federal Administrative Court** publishes preliminary ruling proceedings before the European Court of Justice on the Internet.

Publication rules

	At the national level?	At the level of courts?
Are there binding rules for the publication of caselaw?	Federal Supreme Court of Justice: no Federal Patents Court: no Federal Administrative Court: yes Federal Labour Court: no	Federal Patents Court: no Federal Administrative Court: yes Federal Finance Court: yes Federal Labour Court: yes

For the **Federal Administrative Court**, rules are laid down in §55 of the Rules of the Administrative Court in conjunction with §§169 and 173 of the Law on Constitution of Courts and §1 of the Law on Freedom of Information.

For the **Federal Finance Court**, the principle of equal treatment generally applies; i.e. the Federal Finance Court must take into consideration the right of the press to equal treatment of the media. Accordingly, a release date applies to Federal Finance Court judgements. On that date, the press is informed about judgements, judgements are published on the Internet and judgment subscriptions are honoured, etc.

	Supreme Courts	Other courts
Is full case law published or only a selection?	Federal Supreme Court of Justice: only a selection Federal Administrative Court: only a selection Federal Finance Court: only a selection Federal Labour Court: full publication Federal Social Court: full publication	Federal Patents Court: full publication
	Federal Supreme Court of Justice: all judgments with grounds ('opinions') Federal Administrative Court: yes, in the case of fundamental judgments Federal Finance Court: All judgments of the Federal Finance Court are on the internet and are also published in the juris database: i.e. all judgments	

If a selection is done, what are the criteria applied?	whose substance merits documentation (no information on, for example, judgements not accompanied by grounds) Judgements remain accessible on the internet for a period of 4 years. They are then deleted. The Federal Finance Court also provides for electronic despatch (individual judgments can be ordered using the specific reference number.	
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For the **Federal Social Court**, a selection of published judgments is published in full.

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Member State case law - Estonia

This section provides you with an overview of the Estonian case law, as well as a description of relevant case-law databases.

Case law available on the internet

Case law of courts of first and second instance has been available on the internet since 2001. Case law of the Supreme Court has been available since the court system was reorganised in 1993 and is published in the electronic edition of [Riigi Teataja](#) (the Estonian State Gazette) and on the [Supreme Court](#) website. Case law of courts of first and second instance is available in the [electronic Riigi Teataja](#).

The obligation to make case law available is laid down in the Public Information Act, with more specific rules given in the various codes of court procedure. Usually all final judgments are published. Exemptions are provided for in civil and administrative court proceedings, whereby courts do not disclose in their judgments, either on their own initiative or at the request of the individual in question, the name of the individual (replacing it with initials or other characters), their personal identification number, date of birth or address. Courts may also decide in civil and administrative court proceedings, either on their own initiative or at the request of the individual in question, to publish only the operative part of a judgment containing sensitive personal data or not to publish it at all, if replacing the name of the individual with initials or other characters might prejudice his or her privacy. Courts may also publish only the operative part of a judgement if the judgment contains information legally subject to some other access restriction.

All finalised judgments in criminal proceedings are published, but only the personal details of the defendant (name and personal identification code or date of birth) are made public. As a general rule, the personal details of under-age defendants are not disclosed (their name and personal identification code or date of birth are replaced by initials or other characters). At the request of an individual or on their own initiative, courts may, in criminal proceedings, publish only the introduction and operative part or the final part of a given judgment, if the judgment contains sensitive personal data. The same applies if the judgment contains personal data legally subject to some other access restriction and enables the individual in question to be identified, despite the fact that names and other personal details have been replaced by initials or other characters.

Publishing case law is deemed to be a part of the administration of justice and the publication of specific data may be contested. Courts must therefore consider how judgments are to be published.

Presentation of judgments and titles

	Supreme Court	Other courts
Case law presented with titles?	Yes	No

Case law of the Supreme Court can be searched in *Riigi Teataja* and on the Supreme Court's website by year, type of case, case number, date of judgment, court composition, type of proceeding, type of offence, annotation and content. On the Supreme Court's website case law can also be searched by keyword. Judgments of courts of first and second instance can be searched under the appropriate type of procedure and, depending on the type of procedure, cases can also be searched using a range of criteria. In all types of procedures, judgments can be searched by case number, courthouse, judgment type and date, the date of the proceedings and the content of the ruling. In criminal cases judgments can also be searched by the number of the pre-trial proceedings, case and judgment type, type of claim, type of sentence or, for example, by grounds for acquittal. Judgments in civil and administrative cases can also be searched by category and type of case, type of claim and case resolution.

Example of title

Constitutional review of the second sentence of Section 71(2) of the Aviation Act.

Formats

	Supreme Court		Other courts	
	Document	Metadata	Document	Metadata
Is case law available in XML?	No	No	No	No
What other formats are used?	HTML	HTML	PDF	HTML

Further proceedings

	Supreme Court	Other courts
Is information available: on appeals?	-	No
on whether a case is still pending?	Yes	No
on the result of appeals?	-	Yes
on the irrevocability of the judgment?	Yes	Yes
on further proceedings before: another domestic court (e.g. Constitutional Court)?	No	No
the European Court of Justice?	No	No
the European Court of Human Rights?	No	No

Publication rules

	At national level	At court level
Are there binding rules for the publication of case law?	Yes	-

Rules about publishing case law are laid down in the relevant codes of procedure. There are different rules for criminal and civil procedures.

	Supreme Court	Other courts
Is full case law published or only a selection?	Only a selection.	Only a selection.
What criteria are used to make the selection?	<p>The selection is made on the basis of the following:</p> <p>1) the judgment must have entered into force;</p> <p>2) the judgment may be published if:</p> <p>a) (in civil and administrative cases) it contains no sensitive personal data; the judgment is published with names replaced by initials or other characters and in such a way as not to prejudice the privacy of the individual in question; the judgment contains no information legally subject to some other access restriction;</p> <p>b) (in criminal cases) it does not contain sensitive personal data or personal data legally subject to some other access restriction, or if names and other personal details are replaced in the judgment with initials and other characters, such that the individual in question cannot be identified; the judgment contains no information legally subject to some other access restriction.</p>	<p>The selection is made on the basis of the following:</p> <p>1) the judgment must have entered into force;</p> <p>2) the judgment may be published if:</p> <p>a) (in civil and administrative cases) it contains no sensitive personal data; the judgment is published with names replaced by initials or other characters and in such a way as not to prejudice the privacy of the individual in question; the judgment contains no information legally subject to some other access restriction;</p> <p>b) (in criminal cases) it does not contain sensitive personal data or personal data legally subject to some other access restriction, or if names and other personal details are replaced in the judgment with initials and other characters, such that the individual in question cannot be identified; the judgment contains no information legally subject to some other access restriction.</p>

Legal databases

Name and URL of the database

Published case law of the Supreme Court can be found on the website of the [Supreme Court](#) and in [Riigi Teataja](#).

Case law of courts of first and second instance that has entered into force and has been published can be found by [searching](#) case law in [Riigi Teataja](#).

Applications from Estonian courts to the European Court of Justice for a preliminary ruling are available via the Supreme Court [website](#). Here you will see the name of the court applying for the preliminary ruling, the date of submission and a description of the content of the application, and the Estonian and ECJ case numbers.

Summaries of the case law of the European Court of Human Rights are available in [Riigi Teataja](#).

The Courts [website](#) gives statistics on proceedings in courts of first and second instance since 1996. Supreme Court statistics are available on the Supreme Court [website](#). Statistics on constitutional review have been available since 1993, while statistics on administrative, civil, criminal and misdemeanour cases have been available since 2002.

The Supreme Court [website](#) also gives case law analyses of selected topics since 2006.

Is access to the databases free of charge?

Yes, access to the databases is free of charge.

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Member State case law - Ireland

This section provides you with an overview of the Irish case law as well as a description and links to relevant case-law databases.

Case law has been built up out of precedents or previous decisions of courts. In certain circumstances those decisions may be binding on another court, if the facts of the case are similar. It is usually the case that lower courts make decisions consistent with decisions of higher courts. Case law is based on two doctrines the doctrine of stare decisis and the doctrine of res judicata. The doctrine of stare decisis means the doctrine of binding precedent. The doctrine of res judicata means the matter has already been adjudicated upon.

Case Law made available on a website

Presentation of decisions

Much of the case law from Irish courts is available to the public.

Case law is available free on the [Courts Service of Ireland](#) website for the Supreme Court, the Court of Appeal (since November 2014), the Court of Criminal Appeal (now the Court of Appeal) and the High Court. Case law for the Supreme Court is also available on the Supreme Court of Ireland website (<http://www.supremecourt.ie>).

Case law for the Supreme Court is available since 2001; and for the Court of Criminal Appeal and the High Court since 2004, and for the Court of Appeal since 2014.

Case law for the Supreme Court, the Court of Criminal Appeal and the High Court is also available free on the [BAILII](#) (British and Irish Legal Information Institute) database and the [IRLII](#) (Irish Legal Information Initiative) database.

The following collections are available through the BAILII website:

Supreme Court of Ireland Decisions

Irish Court of Criminal Appeal Decisions

High Court of Ireland Decisions

Irish Competition Authority Decisions

Irish Competition Authority Decisions (Notice Decisions)

[Irish Information Commissioner's Decisions](#)

[Irish Data Protection Commission Case Studies](#)

Publication rules

There are no binding rules for the publication of case law on a national or court level. All reserved judgments from the Supreme Courts are published. (These are cases where the judge/ court adjourned for a period of time to consider and write the judgment.) Judgments delivered ex tempore, when the court does not adjourn before handing down the judgment, are only published if they contain a particular point of law, or if the court delivering them specifically so directs.

Content made available on the web about court decisions is not anonymised unless so required by statute or directed by the court. Certain cases are required by law to be heard other than in public, and certain statutory provisions require that the name of the victim may not be disclosed. In such judgments, names are anonymous. All decisions tried in camera or in which the judgment contains sensitive personal data about a party or witness are also anonymised. Before they are published on the website, judgments are issued in hard copy to:

All judges

The libraries of the legal professions:

the Attorney General,

the Chief State Solicitor and

A range of government departments.

Related Links

[Courts Service of Ireland](#)

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Member State case law - Greece

Case law made available on a website

Presentation of decisions / Headlines

	Council of State (<i>Συμβούλιο της Επικρατείας</i>)	Supreme Court (<i>Άρειος Πάγος</i>) (civil and criminal court of cassation)	Other courts
Case law presented with headlines	No	Yes (from 2008 to 2011 all criminal judgments)	No

At the [Supreme Court](#), criminal judgments have been categorised by title since 2008 (full series until 2011). Judgments may therefore be accessed by title. Civil and criminal judgments may be accessed by publication number.

For judgments of the Council of State and the [Athens Administrative Court of Appeal](#) (*Διοικητικό Εφετείο Αθηνών*), case law with headlines is available only to judges.

The [Athens Court of Appeal](#) (*Εφετείο Αθηνών*) does not post civil or criminal judgments online. Civil judgments are posted on the corresponding administrative websites with numbers and summaries, but are not categorised. Neither the numbers nor the results of criminal judgments are posted.

Examples of headline/s

Fraud, Rape, Late alimony, Bribery

Formats

	Council of State and Supreme Court		Other courts			
	Document	Metadata	Document		Metadata	
What other formats are used?	HTML, TXT	HTML, TXT	HTML (Administrative courts)	No (Other courts)	HTML (Administrative courts)	No (Other courts)

Further proceedings

	Council of State	Supreme Court	Administrative Courts	Other courts
Is information available as to appeals?	Yes	No	Yes	Yes
as to whether a case is still pending?	Yes	No	Yes	Yes
as to the result of appeals?	Yes	No	Yes	- No - Athens Court of First Instance (<i>Πρωτοδικείο Αθηνών</i>): Yes (for appeals to lower courts)
as to the irrevocability of the decision?	Yes	No	- Athens Administrative Court of	No

			Appeal: Yes, if not appealed	
as to further proceedings before another internal court (Constitutional Court...)?	Yes	No	No	No
the European Court of Justice?	Yes	No	No	No
the Court of Human Rights?	Yes	No	No	No

Publication rules

	At the national level?	At the level of courts?		
Are there binding rules for the publication of case law?	Yes (personal data – Law 2472/97, Opinion No 2/2006 of the Personal Data Protection Authority)	No (if for administrative use)		
	Council of State and Supreme Court	Other courts		
Is full case law published or only a selection?	- Council of State: Selection - The Supreme Court publishes full case law for criminal and civil decisions, except decisions under the procedure in Article 565 of the Code of Civil Procedure	Athens Administrative Court of Appeal: Selection		
If a selection is done, what are the criteria applied?	Council of State: Significance of the case	Athens Administrative Court of Appeal: Significance of the case		
	Council of State	Supreme Court	Other courts	
Are court decisions made available on the web anonymised (names removed)?	No	Yes	No	
If yes, all decisions?		Yes - except decisions under the procedure in Article 565 of the Code of Civil Procedure		
decisions since		2007		

Related links

- [🔗 Supreme Court](#)
- [🔗 Council of State](#)
- [🔗 Athens Court of Appeal](#)
- [🔗 Athens Administrative Court of Appeal](#)
- [🔗 Athens Administrative Court of First Instance](#)
- [🔗 Athens Court of First Instance](#)

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Pagina este deja disponibilă în următoarele limbi.

Member State case law - Spain

In Spain, caselaw is not considered to be a source of law since Article 1.1 of the Civil Code states such sources to be the law, custom and the general principles of law (Art. 1.1 CC).

Nevertheless, Article 1.6 of the Civil Code states that caselaw 'shall complement the legal system with the doctrine which is repeatedly established by the Tribunal Supremo (Supreme Court) when interpreting and applying the law, custom and the general principles of law'.

Access to CaseLaw

Article 560.1.10 of the Ley Orgánica del Poder Judicial ('LOPJ') (Organic Law on the Judiciary) states the areas of jurisdiction of the Governing Council of the Judiciary as 'the official publication of sentences and other decisions handed down by the Supreme Court and other legal bodies.

To this end, the Governing Council of the Judiciary, after receiving advice from the relevant Administrations, sets out regulations regarding the manner in which the electronic records of sentences are to be drawn up, how the sentences are to be reported, handled, announced and certified, in order to ensure the integrity and authenticity thereof and access thereto, as well as to ensure compliance with legislation on the protection of personal data'.

In order to comply with the provisions set out in the law, in 1997 the Governing Council of the Judiciary created the Centro de Documentación Judicial (legal documentation centre), CENDOJ, based in San Sebastián.

The configuration of this new public service providing access to the caselaw produced in the various judicial bodies in the best possible technical conditions, as well as with special protection for people with regard to the handling of automated data, is based on the mandates and opinion generated by various plans, planning declarations of a political nature and rules generated in various spheres.

The database of the Official State Gazette, which contains information about constitutional caselaw, must be added to the CENDOJ database.

There are also private databases, with restricted access in return for payment of a fee.

Presentation of CaseLaw

As regards the caselaw of the Supreme Court, CENDOJ has created a technological platform which is structured around a navigation system based on tabs. When a search is carried out, a tab opens entitled RESULTS (which collates the results obtained) and another tab entitled SEARCH (which enables you to go to the form at any time)

The searcher is able to access all court decisions from the Supreme Court quickly and securely. The search for decisions can be carried out by means of selection fields which identify or classify the said decisions, and/or by means of empty text fields.

You also have the option of directly accessing the last 50 decisions of each court, by clicking on the buttons which appear in the lower part of the screen. In this way you are able to access the most recent decisions to have been received and incorporated into the database which constitutes the corpus of caselaw.

Searches by selection fields

Some information fields for the decisions can be limited by a set of possible values. For example:

'Jurisdiction' box: select the area of interest: civil, criminal, contentious administrative, employment, military.

'Type of Decision' box: enables you to select either Sentences, Orders or Agreements of the Supreme Court

Date of Decision: the 'Calendar' button enables you to limit the search between dates

Language: movable button which enables you to select the language of the decisions which you want to access.

Searches by free text fields

In addition to selection fields, there are also other fields in the decisions which do not have set values but rather can contain any text string, with which we have to carry out free searches.

RESULTS

Once a search has been made, the default presentation for the results is in pages of 10 by 10.

The results are presented as follows:

RELATED TERMS, the system automatically offers terms associated with the search made.

TITLE, the ROJ number of the recovered caselaw is shown.

SUBTITLES, the following data fields are shown:

Type of Body: for example, Supreme Court. Military Division

Municipality: for example, Madrid -- Section: 1

Rapporteur: for example, ANGEL JUANES PECES

Appeal No.: for example 88/2007 -- Date: 26/06/2008

Type of Decision: for example Sentence

Body, alphabetical order

Finally, if you click on the title of the result you want, a new page opens showing the full contents of the document obtained. This document opens in PDF format.

Format

The sentences are usually available on the databases in PDF, RTM and HTML formats

Sentences and orders available

Supreme Court

Supreme Court: Its CaseLaw is published in full online and free of charge for you to read. The full texts are available, with personal data removed and with an efficient search engine which works on the texts of all decisions. You can access this database at [CENDOJ TS](#).

Other Courts

The CENDOJ database provides the public, free of charge, with the orders and sentences issued by the Audiencia Nacional (National High Court), the Tribunales Superiores de Justicia (High Courts of Justice) and the Audiencias Provinciales (Provincial Courts).

Further proceedings

Is information available?

On appeals?

On whether the case has been resolved?

On the outcome of appeals?

On the irrevocability of the decision?

On other proceedings?

No. The only information available is the full text of the sentences. Information about the continuation of the process comes from the sentence itself, not the database.

Publication rules

Are there any rules governing the publication of caselaw at national level or depending on the type of Court?

Article 107 of the LOPJ states that the General Council of the Judiciary is responsible for the official publication of sentences and other decisions issued by the Supreme Court and other judicial bodies.

There are also publication rules in the Regulation which creates the Centro de Documentación Judicial (legal documentation centre).

Is the whole sentence published or just a selection? In the case of the latter, what criteria are applied?

Sentences are published in full.

Related Links

[Legal Documentation Centre's caselaw search engine](#)

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Member State case law - France

In this section you will find an overview of case-law sources and what they contain, as well as links to the relevant databases.

Websites available

1. Global official portal: [Legifrance](#)

[Judicial Case Law](#)

[Administrative Case Law](#)

[Constitutional Case Law](#)

2. Websites for the courts:

[Court of Cassation](#)

[State Council](#)

[Constitutional Council](#)

Presentation of Decisions / Summaries

In general, decisions begin with a list of keywords or an 'abstract' followed by a summary (résumé) of the most important points of law and references to statutes or to previous decisions.

Example

For the Court of Cassation, in addition to identification references, documents contain elements of analysis. The **summary**, drafted by a magistrate of the court that gave the decision, is a résumé of the legal question addressed. The title, created from the decision's summary, is a succession of **keywords** presented in order of importance. The keywords used are taken from the Court of Cassation's nomenclature, as provided in the annual published tables of the Court's Bulletin, available under the heading 'Titrage'. They can be accessed by clicking [titrage](#) in the judicial case-law advanced search form.

For example: [Court of Cassation, Civil chamber 2, Public session of Thursday 18 December 2008, Appeal no. 07-20238, Appeal from the decision of:](#) Appeal Court of Basse-Terre of 23 April 2007

Titles and résumés: CIVIL PROCEDURE – Conclusions – Appeal Conclusions – Final pleadings – Field of application

The court of appeal has breached Article 954, paragraph 2, of the Civil Procedure Code by ruling that claims and grounds not repeated in the final pleadings were abandoned, whereas they did not determine the subject matter of the proceedings and did not raise a point of law capable of bringing the proceeding to an end.

CIVIL PROCEDURE – Conclusions – Appeal conclusions – Final pleadings – Compliance with the provisions of Article 954, paragraph 2, of the new Civil Procedure Code – Fault – Scope

CIVIL PROCEDURE – Conclusions – Appeal conclusions – Final pleadings – Definition – Exclusion – Case – Conclusions requiring inquiry procedure

JUDGMENTS AND DECISIONS – Conclusions – Appeal Conclusions – Final pleadings – Field of application

Case-law precedents: On the notion of final pleadings in the context of Article 954, paragraph 2, of the Civil Procedure Code, see Civil 2, 3 May 2001, no. 99-16.293, Bull. 2001, II, no. 87 (rejected), and the opinion quoted; Civil 2, 20 January 2005, no. 03-12.834, Bull. 2005, II, no. 20 (quashed), and the decisions quoted

Law applied: Article 954, paragraph 2, of the Civil Procedure Code

Formats

Case-law is available in the following formats: (e.g. PDF, html and XML)? XML for decisions of the supreme courts, otherwise html.

Courts whose case-law is covered

Supreme court

The Court of Cassation, State Council and Constitutional Council

Ordinary courts

Judicial and administrative appeal courts

Specialised courts

Audit Office

Tracking of proceedings in progress

	Supreme court	Other courts
Is information provided on: The existence of an appeal?	Yes for the Constitutional Council Being implemented for the Court of Cassation Reserved to the parties for the State Council	No
The fact that the case is still pending	No	No
The result of an appeal	Yes	No
Whether a decision is irrevocable and definitive	Yes	Yes
The fact that the proceedings may be pursued in Another court (Constitutional Court)?	No Yes	Yes Yes
The European Court of Justice? The European Court of Human Rights?	Yes Yes	Yes Yes

Publication rules

	At a national level?	For decisions of certain courts?
Are there any binding rules on the publication of court decisions?	Yes	No

Court of Cassation

[According to Article R433-3](#) of the French Code of Judicial Organisation, the documentation and analysis service has a **database** containing, under the same nomenclature:

firstly, the **decisions and opinions of the Court of Cassation** and of the courts or court commissions attached to it, published or not in the monthly bulletins referenced in [Article R433-4](#); and

secondly, the decisions of particular interest given by **other judicial courts**.

For that purpose, judicial decisions of particular interest are sent to the service, under the conditions fixed by an order of the French minister of justice, by the chief justices of the appeal courts or directly by the presiding justices or the judges presiding over the first level courts.

The database is **accessible to the public** under the conditions applicable to the public service for legal publishing on the Internet.

The documentation and analysis service has a **separate database** containing all the **decisions pronounced by the appeal courts** and the judicial decisions made by the chief justices of these courts or their delegates. The conditions under which these orders and decisions are sent to the service and used by the service are fixed by a minister of justice order.

According to [Article R433-4](#), the documentation and analysis service produces **two monthly bulletins**, one for the **civil chambers**, the other for the **criminal chamber**, which refer to the **decisions and opinions** that are to be published by decision of the presiding judge of the court that pronounced them. The service produces schedules.

State Council

According to Article L10 of the [Code of Administrative Justice](#), judgments are **public**. They include the name of the judges that pronounce them.

	Supreme court	Other courts
Is the entire text published, or a selected part?	Entire text of all decisions in the online databases. Selection of entire decisions on paper (Court of Cassation and State Council) and résumés for another selection of decisions.	Publication of grounds for a selection of decisions of the appeal courts
If a selection is published, what are the criteria?	Court's choice	Court's choice

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Member State case law - Croatia

Database of the Supreme Court of the Republic of Croatia

'**SuPra**' contains all the decisions of the Supreme Court since 1 January 1990. In addition to those decisions, it contains the most significant decisions of the other courts in the Republic of Croatia.

A more recent database of case law, entitled '**SupraNova**', contains the decisions of municipal courts, county courts, commercial courts, the High Commercial Court, the High Misdemeanour Court and the Supreme Court of the Republic of Croatia.

The following information is accessible for each decision: the name of the court that adopted the decision, the name of the department, the type of case, the date of the decision and the date of publication, together with the full text in doc, pdf and html format. All decisions that have been adopted since 1 January 2004 have the relevant index information as well as the full text.

The legal positions are published for particularly important and interesting decisions.

The full text that is published for the general public differs from the original text in order to protect the privacy of the parties to the proceedings. This is done by expunging all information on the identity of natural and legal persons in accordance with the [Rules on ensuring anonymity of court decisions and Instructions on how to ensure anonymity of court decisions](#) of the President of the Supreme Court of the Republic of Croatia.

The rules adopted on the publication of court decisions state that:

the courts themselves are to select the most significant decisions to make public, and

the decisions of lower courts that are referred to by the Supreme Court of the Republic of Croatia are to be published, in accordance with Article 396a of the Civil Procedure Act

The **High Administrative Court of the Republic of Croatia** currently has two departments (the Pension-Invalidity-Health Department and the Financial-Labour Law and Property Law Department) and the Council for the Assessment of the Legality of General Acts.

The Service for Monitoring and Examining the Case Law of each of those departments chooses, together with the Head of Department concerned, the relevant decisions to have emerged from the work of those departments over the month. At the end of the year the Heads of Department and the Service for Monitoring and Examining Case Law meet to choose the most important decisions to have been adopted in the Court's work, which are prepared for the bulletin which the High Administrative Court of the Republic of Croatia issues regularly every year.

The legal positions of the decisions which the bulletin contains are also published on the website of the High Administrative Court of the Republic of Croatia under the relevant heading.

All the decisions of the Council for the Assessment of the Legality of General Acts are published on the website of the High Administrative Court of the Republic of Croatia.

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Member State case law - Italy

This section provides you with an overview of the Italian case law, as well as a description of and links to relevant case law databases.

Case law online

The Italian judicial system provides information on case law on various websites.

The Supreme Court of Cassation ([Corte Suprema di Cassazione](#)), is the highest court in the Italian judicial system. Its portal is rich in content and includes two main sections.

One is dedicated to current civil and criminal cases. Access is reserved to identified and authorised lawyers participating in specific cases, in line with Italian law on data protection. Access is via a valid digital certificate attached to a smart card.

The other is the [Italggiure DB](#) system, which is accessible through the same portal. This contains millions of documents about past proceedings (mainly judgments) in both civil and criminal matters. These data are accessible free of charge to operators of the judicial system (judges, public prosecutors, court administrators) and can also be accessed by lawyers, universities and other interested parties on payment of a modest subscription fee.

Information recorded in court registries, as well as registers of case law and digital documents in computerised civil law case files, can be found online at all courts and appeal courts.

Access is granted to lawyers and court-appointed experts with strong authentication (smart card compatible with the *Carta Nazionale dei Servizi*) on the [IT Services Portal \(Portale dei Servizi Telematici\)](#).

Information recorded in the court registries of the 'justice of the peace' (*giudice di pace*) can also be found via this portal.

Anonymised information from court registry records can be viewed via this portal without authentication.

Presentation of decisions/Details

Current proceedings on authorised subjects are classified by the names of the parties or by case number, as listed in the general register of the Supreme Court or the court concerned.

Judgments on completed cases can also be found by using text searches, or searching by subject or specific details (date of the action, name of a party).

Formats

Case law documents and information are available in PDF and html formats.

Courts

Supreme Court

Information is available on the website of the [Supreme Court of Cassation](#).

Ordinary courts

An up-to-date list of links to ordinary courts can be found on the website of the [Ministry of Justice](#).

Further proceedings

	Supreme Court	Other courts
Information available		
on whether a case is ongoing	yes	yes
on the results of appeals	yes	no
on whether a decision is irrevocable	yes	yes

When an individual court or court of appeal has a website, this will frequently provide information on how to take legal action, institute proceedings or appeal against a decision.

Legal databases

[Italgjure DB](#) provides access to a database containing details of numerous court decisions, in particular those of the Supreme Court. The website contains more than 35 million documents (including laws and regulations, as well as references to specialist literature).

Access to the databases is restricted, as explained above

A large part of the case law of the appeal courts and other courts is available through the [IT Services Portal](#), as explained above.

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Member State case law - Cyprus

Case-law made available on a website

There is no official website on which judgments are published. A selection of recent judgments is published on the website of the [Supreme Court](#) (Ανώτατο Δικαστήριο).

A number of private websites offer access to case-law either for a fee or free of charge.

Related Links

[Selection of recent judgments](#)

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Member State case law - Latvia

This section provides you with information about Latvia's case law.

Case-law available online

[The case-law database](#) is an essential part of the [National Courts Portal](#) (*Latvijas Tiesu portāls*). It contains the judgments of the Supreme Court classified by area of case-law.

As of 1 January 2007, **all the judgments of Latvian administrative courts** are published online on the National Courts Portal.

A selection of **judgments** of all courts **in civil and criminal cases** is also published (particularly if they are of potential public interest). The site of publication is the National Courts Portal. Judgments of the Supreme Court are also available on the [Supreme Court](#) website.

Presentation of rulings/titles

[Case-law database](#)

Case number (<i>Lietas numurs</i>)	Case type (<i>Lietas veids</i>)	Date (<i>Datums</i>)	Access record (<i>Atvērt kartīti</i>)
CXXXXXXXX	Civil cases (<i>Civillietas</i>)	XXXX-XX-XX	
1. Title of abstract (<i>Tēzes virsraksts</i>): 2. (Main argument) (<i>Galvenā tēze</i>) 3. (Additional legal information) (<i>Papildu tiesiskā informācija</i>)			

Click on 'Atvērt kartīti' to access the court case record, which is made up of two parts: basic information and additional information. Among the pieces of additional information are:

the title of the abstract of the judgment;

the main argument of the judgment (usually 2-3 arguments);

information on the legal acts, legal principles, case-law and legal doctrine used to formulate the judgment;

a summary of the judgment.

Formats

The judgments in the [case-law database](#) of the National Courts Portal are available in HTML format.

The judgments published in the [National Courts Portal](#) are available in PDF or DOC format.

Relevant courts

Supreme Court

Judgments of the Supreme Court are available in the [case-law database](#) and on the [Supreme Court website](#).

Ordinary courts

Judgments of ordinary courts are available on the [National Courts Portal](#) website.

Follow-up procedures

Information on follow-up procedures is available on the [National Courts Portal](#) by using the option 'Progress of proceedings' (*Tiesvedības gaita*) in the 'E-services' (*E-pakalpojumi*) section.

By entering the case number, information can be obtained on the relevant court, the judge assigned to the case, the calendar of hearings, any appeals received, the results of any appeals, and any annulment of any ruling.

Rules on publication

If a case is heard in open court, the court ruling or judgment (comprising an introductory part, descriptive part, grounds and operative part) becomes generally accessible information from the date on which it is delivered.

If no ruling or judgment is delivered in court (if a case is considered only by written procedure, for instance), the decision is considered generally accessible from the date on which it is received.

If a case is heard in closed session, and if the introductory and operative parts of the court ruling or judgment are read out in open session, those parts of the respective court ruling or judgment are considered generally accessible information and may be published.

[Cabinet Regulation No 123](#) (adopted on 10 February 2009 and entered into force on 18 February 2009) states that before a court ruling or judgment is published, some data belonging to natural persons is to be erased and replaced by an appropriate indicator:

a person's name and surname are replaced by the person's initials;

a person's personal identification number is replaced by the words 'personal identification number';

a person's home address is replaced by the words 'place of residence';

the address of a person's immovable property is replaced by the word 'address';

the reference number of any immovable property in the property register is replaced by the words 'register reference number';

and a vehicle registration number is replaced by the words 'registration number'.

The details given in court rulings and judgments of judges, prosecutors, certified lawyers, certified notaries and certified bailiffs must be published.

The judgments and decisions that are to be published (in the relevant circumstances) are selected by the Case-law Department of the Supreme Court, which selects the most important and topical judgments.

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Member State case law - Lithuania

Case-law made available on a website

Presentation of decisions / Headline

After completed search the results are presented in the following way:

No.	Court	Year	Case type	Case number	Judge	Date of decision	Result of case hearing	
			Civil, criminal or administrative		Name, last name and code			Link to decision file in DOC format

Formats

Case-law is available in the following format:

*.doc

Courts concerned

The following courts are represented in the database:

[Supreme Court](#) (Aukščiausiasis Teismas)

[Court of Appeal](#) (Apeliacinis teismas)

[Vilnius district court](#) (Vilniaus apygardos teismas)

[Kaunas district court](#) (Kauno apygardos teismas)

[Klaipeda district court](#) (Klaipėdos apygardos teismas)

[Panevezys district court](#) (Panevėžio apygardos teismas)

[Siauliai district court](#) (Šiaulių apygardos teismas)

[The Supreme Administrative Court](#) (Vyriausiasis administracinis teismas)

[Vilnius regional administrative court](#) (Vilniaus apygardos administracinis teismas)

[Kaunas regional administrative court](#) (Kauno apygardos administracinis teismas)

[Klaipeda regional administrative court](#) (Klaipėdos apygardos administracinis teismas)

[Siauliai regional administrative court](#) (Šiaulių apygardos administracinis teismas)

[Panevezys regional administrative court](#) (Panevėžio apygardos administracinis teismas)

Further proceedings

	Supreme Courts	Other courts
Is information available:		
as to appeals?	No	No
as to whether a case is still pending?	No	No
as to the result of appeals?	No	No

as to the irrevocability of the decision?	No	No
as to further proceedings before: another internal court (Constitutional Court...)? the European Court of Justice? the Court of Human Rights?	No	No

Publication rules

Courts' decisions are published according to Court Council's 2005 regulation No. 13P-378 (148 Kb) [It](#).

Full impersonalised decision is published.

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Member State case law - Luxembourg

This page provides you with information on Luxembourg's case law.

Online database of case-law

Presentation of judgments/titles

Judgments are presented online by date or number

Formats

Case law is available in Word or pdf format.

Courts concerned

The website of the Ministry of Justice has a section dedicated to the [Constitutional Court](#) where a list of the Court's decisions can be accessed.

The website of the [Administrative Court and Tribunal of Luxembourg](#) also contains a database of the decisions of these two courts.

Judgments of the Constitutional Court, the Court of Cassation and the Administrative Courts (rendered anonymous) can be consulted on the website of the judicial administration.

Other procedures

Information is also available on:

appeals;

the status of a case (e.g. pending);

the results of appeals;

the irrevocability of judgments;

other proceedings before the Constitutional Court and the Administrative Courts.

The case law of the Supreme Court, the Constitutional Court and the Administrative Court and Tribunal is published on [Luxembourg's Justice Portal](#) and on the website of the [administrative courts](#).

Publication rules

Constitutional cases must be published in Luxembourg's [Official Journal](#) (Mémorial).

Related links

[Administrative Courts](#)

[Ministry of Justice](#)

[Luxembourg's Justice Portal](#)

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Pagina este deja disponibilă în următoarele limbi.

Member State case law - Hungary

This section provides an overview of Hungarian case-law as well as a description of and links to case law databases.

Case-law published on Internet websites

Act CLXI of 2011 on the organisation and administration of courts provides that from 1 January 2012 the Curia (Hungary's supreme court), the five regional courts of appeal and the administrative and labour courts (the latter only where an administrative decision under review in an administrative case was issued in first-instance proceedings, and the court's decision is not subject to ordinary appeal) are required to publish the decision on the merits of the case in digital form in the collection of Hungarian court decisions (Bírószági Határozatok Gyűjtemény). At present, the collection of Hungarian court decisions is accessible on the website of the register of anonymous decisions (Anonim Határozatok Tára - link: <http://birosag.hu/ugyfelkapcsolati-portal/anonim-hatarozatok-tara>). (In the past, the Supreme Court and the five regional courts of appeal were required under Act XC of 2005 on the freedom of electronic information to publish all their decisions on merit from 1 July 2007.)

Decisions given in the following proceedings are an exception, and therefore do not have to be published in the collection of court decisions:

court decisions given in order-for-payment, enforcement, company-court, bankruptcy and winding-up proceedings, as well as proceedings involving registers kept by the court;

decisions given in matrimonial proceedings, proceedings aimed at determining paternity and origin, proceedings on the termination of parental responsibility as well as guardianship proceedings may not be published if either party so requests;

decisions given in proceedings involving alleged sex offences may not be published without the victim's consent.

Moreover, the Curia is required to publish judicial uniformity decisions (link: <https://kuria-birosag.hu/hu/jogegysegi-hatarozatok>), judicial judgments of principle (link: <http://www.kuria-birosag.hu/hu/elvi-birosagi-hatarozatok>) and judicial decisions of principle (<http://www.kuria-birosag.hu/hu/elvi-birosagi-dontesek>). These are also available on the website of the register of anonymous decisions (link: <http://birosag.hu/ugyfelkapcsolati-portal/anonym-hatarozatok-tara>).

The decision and the name of the president of the court that gave the decision must be published in the collection of court decisions within 30 days of the decision being recorded in writing.

The description of the published decision must include the name of the court and of the legislative area, the year in which the decision was given, the reference number, as well as the provisions on the basis of which the decision was given by the court.

As a rule, all the parties' personal data must be deleted from the decisions ('anonymous decision'), and the parties must be identified according to the role played by them in the proceedings.

Presentation of decisions / Titles

There are no specific titles, because the search engine gives all relevant data of the results. In the results list, there is an identification number referring to data that is also highlighted in the results list (court, type of procedure).

(The detailed rules for indicating decisions published in the collection of court decisions are laid down in Decree No 29/2007 of 31 May 2007 of the Minister for Justice and Law Enforcement.)

Formats

Case-law is available in .rtf format.

Courts concerned

The Curia and regional courts of appeal are required to publish all decisions on merit. All decisions of lower courts directly connected to these decisions are also to be published.

Administrative and labour courts are required to publish their decisions on merit only where they were issued in first-instance administrative proceedings, and the court's decision is not subject to ordinary appeal.

Furthermore, the presidents of the courts can decide whether they intend to publish other decisions on merit.

Central website: [Court](#).

Further proceedings

	Curia	Other courts
Is information available as to appeals?	No	No
whether a case is still in progress?	No	No
the result of appeals?	No	No
the irrevocability of the decision?	Yes	Yes
further proceedings before another Hungarian court (Constitutional Court...)?	No	No
the European Court of Justice?	No	No
the Court of Human Rights?	No	No

Publication rules

	at national level?	at court level?
Are there binding rules for the publication of case-law?	Yes	Yes

	Curia	Other courts
Is all case-law published or only a selection?	All case-law	Only a selection
If a selection is made what are the criteria applied?		The five courts of appeal publish all decisions on merit. All decisions of lower courts directly connected to these decisions are also to be published. Furthermore, the presidents of the courts can decide whether they intend to publish other decisions on merit. As of 1 July 2007.

Legal databases

Name and URL of the database

[Hungarian courts portal](#)

Is access to the database free of charge?

Yes, access to the database is **free of charge**.

Brief description of content

Since 1 July 2007 all decisions on merit of the Curia (known before 1 January 2012 as the Supreme Court) and the five regional courts of appeal, and since 1 January 2012 decisions on merit of the administrative and labour courts in administrative cases (where an administrative decision under review was issued in first-instance proceedings, and the court's decision is not subject to ordinary appeal).

All decisions of lower courts directly connected to these decisions.

Other decisions given by the court president.

All the parties' personal data must be deleted from the decisions, and the parties must be identified according to the role played by them in the proceedings.

However, the following information must not be deleted:

the name of a body performing state or local governmental functions, or any other public functions laid down in legislation and - unless otherwise provided by law - the first name and surname or names (collectively known as 'name') and position of a person acting in that capacity, where the person in question was involved in the proceedings by virtue of his or her public function;

the name of the lawyer acting as authorised representative or defending counsel;

the name of the natural person losing the case as defendant, as well as the name and registered address of legal persons or bodies without legal personality, if the decision was given in proceedings in which there is a right by law to assert claims of public interest;

the name and registered address of business organisations or foundations, as well as the name of their representative;

data accessible on grounds of public interest.

Related links

 [Search in the collection of Hungarian court decisions](#)

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Member State case law - Malta

This page provides you with information on Maltese case law.

Case-law

Presentation of decisions / Headline

Although keywords do not feature as a headline in the case law, there is a function in the national judgments application (part of the Legal Case Management system used at the Courts of Justice) whereby certain judgments deemed to be of interest are indexed. For example, a set of keywords together with a summary of the judgment is linked to the record.

One specific template is used for all court decisions, comprising the national coat of arms, court, judiciary name, sitting date, case reference number, litigants involved in the case (A vs B) followed by the actual text of the court judgment. The font, header and footer are also set within the template.

Formats

Case law is available in PDF format.

Further proceedings

	Supreme Courts	Other courts
Is information available: as to appeals?	Yes	Yes
as to whether a case is still pending?	Yes	Yes
as to the result of appeals?	Yes	Yes
as to the irrevocability of the decision?	Yes	Yes
as to further proceedings before - another internal court (Constitutional Court...)?	- -	- -
- the European Court of Justice?	Yes	Yes
- the Court of Human Rights?	No No	No No

Publication rules

	on the national level?	on the level of courts?
Are there binding rules for the publication of case law	Yes	Yes


Current rules state that the judgment has to be made public without indicating through which medium.

Full case law is published in Malta.

All Family Court judgments are anonymised. Moreover, if the presiding judge orders the non-publication of the name of anyone of the litigants involved or accused, the judgment in this case is also anonymised.

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Member State case law - Netherlands

Case law made available on a website

Presentation of decisions / Headline

The headline is called an 'indication of content', and may consist of a head note (one sentence), a short or long summary, some keywords, a paragraph summarising the law the case is about, or a literal citation of the most important dictum of the decision.

Example of headline/s

Law applicable to renting: cancellation of the rental contract of an office space (Huurrecht; ontbinding van huurovereenkomst kantooruimte (81 RO).

Formats

Case law is available on the website in HTML format. Professional (re-)users can download it in XML.

Courts concerned

Judgements of all courts can be found on the website using the  [Search facility, Dutch judiciary and the Supreme Court of the Netherlands](#). These are:

Supreme Court (*Hoge Raad der Nederlanden*)

The Administrative Jurisdiction Division of the Council of State (*Afdeling Bestuursrechtspraak van de Raad van State*)

Central Appeals Tribunal (*Centrale Raad van Beroep*)

Trade and Industry Appeals Tribunal (*College van Beroep voor het bedrijfsleven*)

Four courts of appeal (*Gerechtshoven*)

11 district courts (*Rechtbanken*)

Further proceedings

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	Supreme Courts	Other courts
Is information available		
– as to appeals?	No	No
– as to whether a case is still pending?	No	No
– as to the result of appeals?	No	No
– as to the irrevocability of the decision?	No	No
– as to further proceedings before	No	No
– another internal court (Constitutional Court...)?		
– the European Court of Justice?		
– the Court of Human Rights?		

Publication rules

The courts themselves have developed two guidelines on the publication of case law. One guideline is on **anonymisation** (removing personal details), and the other one on **selection**.

This guideline is based on recommendation R (95) 11 'Concerning the selection, processing, presentation and archiving of court decisions in legal information retrieval systems' of the Council of Europe: the **highest jurisdictions** publish all cases, unless they are clearly not of legal or societal interest, but **other courts** only publish those cases that are of clear legal or societal interest.

Links

[🔍 Search facility, Dutch judiciary and the Supreme Court of the Netherlands](#)

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Member State case law - Austria

This section provides you with an overview of the Austrian case law as well as a description and links to relevant case-law databases.

Online database of case law

Judgments made by Austrian courts are published in the Legal Information System of the Republic of Austria and can be found at [🔍 http://www.ris.bka.gv.at/](http://www.ris.bka.gv.at/). The Legal Information System (Rechtsinformationssystem – RIS) is an electronic database coordinated and operated by the Austrian Federal Chancellery. It announces in particular legislation published in the Bundesgesetzblatt (Austrian federal law gazette) and provides information about the law in the Federal Republic of Austria.

The RIS offers good web accessibility (WAI-A in accordance with WCAG 1.0).

Presentation of decisions/headlines

	Supreme courts	Other courts
Case law presented with headlines	Yes	Yes

Example of headline/s:

Serial number RS0127077

Reference number 11 Os 87/11w

Date of judgment 25.8.2011

Text of the headline

Generally a headline is composed of the following elements: number of the division: 11, procedure type reference: Os, running number: 87, and year: 11.

Then the date of judgment is added: 25.8.2011.

European Case Law Identifier (ECLI)

The European Case Law Identifier (ECLI) can be found under this heading. It is a unique identifier for court judgments within the EU Member States.

Formats

Judgments are available in the following formats: XML, RTF, PDF and HTML.

Courts and other institutions concerned

Supreme courts

Supreme Court (*Oberster Gerichtshof*)

Constitutional Court (*Verfassungsgerichtshof*)

Administrative Court (*Verwaltungsgerichtshof*)

Asylum Tribunal (*Asylgerichtshof*)

Courts and other institutions

Higher regional courts (*Oberlandesgerichte*) and other courts (civil and criminal cases)

Federal Administrative Court (*Bundesverwaltungsgericht*) (BVwG)

Regional Administrative Courts (*Landesverwaltungsgerichte*) (LVwG)

Federal Finance Court (*Bundesfinanzgericht*) (external)

Data Protection Authority (*Datenschutzbehörde*) (pre-2014: Data Protection Commission (*Datenschutzkommission*))

Disciplinary Commissions (*Disziplinarkommissionen*), Supreme Disciplinary Commission (*Disziplinaroberkommission*), Appeals Tribunal (*Berufungskommission*)

Supervisory Authority for Employee Representation (*Personalvertretungsaufsichtsbehörde*) (pre-2014: Supervisory Commission for Employee Representation (*Personalvertretungs-Aufsichtskommission*))

Equal Treatment Commissions (*Gleichbehandlungskommissionen*) from 2014

Equal Treatment Commissions (*Gleichbehandlungskommissionen*) from 2008 (external)

Independent administrative tribunals

Financial Documentation (*Finanzdokumentation*), Independent Finance Tribunal (*Unabhängiger Finanzsenat*) (external), Court of Asylum (*Asylgerichtshof*) (AsylGH)

Independent Federal Asylum Tribunal (*Unabhängiger Bundesasylsenat*)

Environmental Tribunal (*Umweltsenat*)

Federal Communications Board (*Bundeskommunikationssenat*)

Public Procurement Review Authorities (*Vergabekontrollbehörden*)

NB: Not all the answers below are applicable to all the above courts and tribunals

Further proceedings

	Supreme courts	Other courts
Is information available on:		
appeals?	No	No
whether a case is still pending?	No	No
the outcome of appeals?	No	No
the irrevocability of the judgment?	Only irrevocable judgments are published.	Only irrevocable judgments are published.
Further proceedings before:	Yes	No
another national court (Constitutional Court, etc.)?	Yes	No
the European Court of Justice?	Yes	No
the European Court of Human Rights?		
Special summaries of the Supreme Court's judgment indicate that proceedings before another national or international high court are pending.		

Publication Rules

	At national level?	At the level of courts?
Are there binding rules for the publication of judgments?	Yes	Yes

Sections 15 and 15a, Supreme Court Act (OGH Act), section 48a Court Organisation Act (GOG), section 19 Asylum Tribunal Act (AsylgerichtshofG)

	Supreme courts	Other courts
Are all judgments published or only a selection?	Only a selection	Only a selection
If a selection is made, what criteria are applied?	Judgments are published in full together with a summary. Supreme Court judgments which reject an appeal without substantial reasoning are not published. Judgments by other courts are published if their significance extends beyond the individual case.	Judgments are published in full together with a summary. Supreme Court judgments which reject an appeal without substantial reasoning are not published. Judgments by other courts are published if their significance extends beyond the individual case.

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Member State case law - Poland

Case law made available on a website

Presentation of decisions / Headlines

	Supreme courts	Other courts
Case law presented with headlines	Constitutional Tribunal (Trybunał Konstytucyjny) Supreme Administrative Court (Naczelny Sąd Administracyjny) Supreme Court (Sąd Najwyższy) (the judgements of four chambers): Criminal Law Chamber, Civil Law Chamber, Labour Law, Social Security and Public Affairs Chamber Military Chamber	No

Example of headline/s

Constitutional Tribunal – Community's subvention in the activities of a non-public nursery school.

	Explanation
The ruling of 2008-12-18, number K 19/07	Type of decision (judgement/ decision/...), date and file reference number of case.
Community subvention in the activities of a non-public nursery school.	Headline
Z.U. 2008 / 10A / 182	Published in the official collection of the Constitutional Tribunal's jurisdiction, issued by the Office of Tribunal
Dz. U. 2008.235.1618 of 2008-12-30	Published in the official journal

Supreme Administrative Court

	2009-04-07 Judgement is irrevocable
Date of receipt	2007-09-10
Name of the court	Supreme Administrative Court (Naczelny Sąd Administracyjny)
Names of judges	Janusz Zubrzycki Marek Kołaczek Tomasz Kolanowski
Symbol with a description:	6110 VAT
Key words:	Taxation procedure VAT
Other related cases:	I SA/Lu 454/05 - Wyrok WSA w Lublinie z 2007-05-09 I FZ 201/06 - Postanowienie NSA z 2006-07-17
Against:	Director of Fiscal Chamber
Content:	Appealed judgement has been annulled, and case has been transferred to the district administrative court for re-examination
Reference to the law:	Dz.U. 2005 nr 8 poz 60 art. 70 par. 1, art. 108 par. 2 pkt 2 lit a, art. 116 par. 1, art. 118 par. 1, art. 127, art. 151, art. 152, art. 187, art. 188, art. 191 Act of 29 August 1997 on taxation procedure (ustawa z dnia 29 sierpnia 1997 r. Ordynacja podatkowa) Dz.U. 2002 nr 153 poz 1270 art. 141 par. 4, art. 145 par. 1 pkt 1 lit. a, art. 151 Act of 30 August 2002 concerning the procedure of administrative courts (ustawa z dnia 30 sierpnia 2002 r. Prawo o postępowaniu przed sądami administracyjnymi) Dz.U. 1934 nr 93 poz 836 art. 1, art. 2, art. 4, art. 20. Regulation of President of Republic of Poland of 24 October 1934 on the composition of a proceeding (rozporządzenie Prezydenta Rzeczypospolitej z dnia 24 października 1934 r. Prawo o postępowaniu układowem).

Formats

Constitutional Tribunal (Trybunał Konstytucyjny)– DOC, PDF

Supreme Administrative Court (Naczelny Sąd Administracyjny) – HTML

Supreme Court (Sąd Najwyższy) – PDF

Further proceedings

	Supreme Courts	Other courts
– Is information available on appeal?	Yes, by a constitutional tribunal. All supreme court judgements are the result of an appeal.	Data not available
– Is the case still pending?	Yes, in the constitutional tribunal. Supreme Court appeal will be made depending on contents of the judgement.	Data not available
– The result of appeals?	Yes	Data not available
– Is the decision irrevocable?	Yes, at the constitutional tribunal Yes, where the case was brought in the Supreme Administrative Court Decision will be made depending on contents of the judgement.	Data not available
Were there earlier proceedings before another internal court: – Constitutional Court? – An external court: – European Court of Justice? – Court of Human Rights?	No	Data not available

There are provincial administrative courts (first instance) as well as the Supreme Administrative Court (second instance) for which judgements are available on the website. There is also a link between the relevant judgements.

Publication rules

There are binding rules for the publication of case law in Poland. They apply to:

The Constitutional Tribunal (Trybunał Konstytucyjny), for which full case law is published

The Supreme Administrative Court (Naczelny Sąd Administracyjny) , for which full case law is published

The Supreme Court (Sąd Najwyższy), for which only selected case law is published

The publishing responsibilities of the **Supreme Court (Sąd Najwyższy)** are set out in Article 7 of the Act on the Supreme Court (23rd November 2002) (ustawa z dnia 23 listopada 2002 r. o Sądzie Najwyższym). According to the **book of instructions of the Supreme Court**, the press spokesperson and judge's assistants are in charge of the publication service.

Case law publication of the **Constitutional Tribunal (Trybunał Konstytucyjny)** is envisaged in Article 190 of the Polish Constitution.

A full version of a judgement is published on the website as soon as the judges have signed the justification.

Article 42 of the Act on the Organisation of Administrative Courts (Prawo o ustroju sądów administracyjnych) also imposes an obligation to publish on the **President of Supreme Administrative Court (Prezes Naczelnego Sądu Administracyjnego)**. More detailed rules are specified by the Ordinance of the

President of the Supreme Administrative Court, with a requirement to establish a central database of judgements and Information in administrative court cases, and on providing access to these judgements on the website.

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Member State case law - Portugal

This page provides you with information on Portuguese case law.

In Portugal the right to information on the justice system is a fundamental right of citizens expressly provided for in Article 20(2) of Portugal's Constitution and implemented by Law No 34/2004 of 29 July 2004, as amended by Law No 47/2007 of 28 August 2007 establishing the rules for access to justice and to the courts.

According to Article 4 of this law, it is the duty of the government to take steps to make known the law and the legal system, the Ministry of Justice being responsible for providing legal information, either through publications or any other form of communication, with a view to ensuring a better exercise of rights and fulfilment of the obligations laid down in law.

Publicising judicial decisions is an international principle enshrined in both Article 10 of the Universal Declaration of Human Rights and Article 6 of the European Convention on Human Rights. This principle is laid down first in Article 206 of the Constitution (also in relation to court hearings) and in various laws governing different jurisdictions, namely:

Articles 167 and 656 of the Code of Civil Procedure

Articles 86(1), 87 and 321(3) of the Code of Civil Procedure

Articles 3 and 115 of the law governing the organization, functioning and procedure of the Constitutional Court.

Article 30 of the Code of Administrative Court Procedure

The Ministry manages a number of data bases of legal documents that can be found at <http://www.dgsi.pt/>. They are also published in the Official Gazette and available at <https://dre.pt/>:

Decisions and pronouncements of the Constitutional Court on the unconstitutionality or illegality of a law or on the unconstitutionality of an omission

Decisions of the Supreme Court of Justice and the Court of Auditors to harmonise case-law and the decisions of the Supreme Administrative Court that by law are generally binding

Decisions of other courts that are generally binding

Presentation of decisions/headings

The website <http://www.dgsi.pt/> provides access to a set of databases of precedents and to the bibliographic reference libraries of the Ministry of Justice.

In visiting any of these bases you see the most recent documents entered and a navigation bar that give access to the various types of search allowed (free search by term, by field and by descriptor).

The entry page or results page shows documents by title, content and the following information:

Case Number

Date of case

Judge delivering opinion of the court

Descriptor

Example of headings

[Decisions of the Supreme Court of Justice](#)

DATE OF HEARING	CASE IDENTIFICATION	JUDGE DELIVERING OPINION OF THE COURT	DESCRIPTOR
25.3.2009	08S2592	BRAVO SERRA	END OF EMPLOYMENT CONTRACT

Formats

The full text of the judgment is available (subject to personal data protection rules) in html format.

Courts concerned

The data bases available at <http://www.dgsi.pt/> contain case-law of the following courts/entities:

Supreme Court of Justice

Courts of Appeal (Coimbra, Évora, Lisbon, Porto and Guimarães)

Constitutional Court

Supreme Administrative Court

Central Administrative Courts (North and South)

Court of Conflicts of Jurisdiction

Opinions of the Public Prosecutor's Office

Justices of the Peace

Other proceedings

In Portugal, information is available on a number of cases, as shown in the table below.

Information is available about:	Supreme Courts	Other courts
Appeals?	Yes	Yes
Is a case is still pending?	No	No
Result of appeals?	Yes	Yes
Irrevocability of the decision?	No	No
Other cases		
before another Portuguese court (Constitutional Court, etc.)?	Yes	Yes
before the Court of Justice of the European Union?	Yes	Yes

before the Court of Human Rights?

Yes

Yes

Publication rules

At national level there are no binding rules on the publication of case-law. However, there are binding rules in Portugal concerning publication by courts. Only selected case-law is published in Portugal. The criteria applied are importance and relevance.

Useful links

[Data bases of legal documents](#)

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Member State case law - Romania

This page provides an overview of case law in Romania.

Case law available online

Romanian case law is available on the website of the [Supreme Court \(High Court of Cassation and Justice\)](#).

Presentation of judgments / Headers

Two types of decision are published on the website of the High Court of Cassation and Justice:

1. [Summaries of judgments](#), and their headers. The template contains the following information:

keywords;

summary of legal areas;

alphabetical index;

legislation applied in the judgment (number and year of the act, articles);

abstract of the judgment (personal data are not made available: names and personal details of the parties are not displayed and the names of the judges are not mentioned).

2. Anonymised judgments without headers (different from summaries of judgments). The [search interface](#) allows searches using seven different criteria:

individual keywords;

expression;

section;

number of the judgment;

year of the judgment;

number of the case;

year of the case.

Headers in the civil section

Below is an example of a header from the [Civil section](#):

Withdrawal of trademark rights. Calculation of the period of five years of non-use of the trademark. Objection regarding the premature character of this action.

Table of contents by area: Civil law. Intellectual property law. Trademarks.

Alphabetical index: Withdrawal of trademark rights.

Time limit for withdrawal.

Premature withdrawal.

Act No 84/1998: Article 45(1)(a).

Headers in the criminal section

Below is a header from the [Criminal section](#):

Jurisdiction of the High Court of Cassation and Justice. Jurisdiction based on the person's status. Jurisdiction in the event of a change in the defendant's status.

Table of contents by area: Procedural criminal law. General part. Jurisdiction. Jurisdiction based on the case matter and the person's status

Alphabetical index: Procedural criminal law.

Jurisdiction of the High Court of Cassation and Justice.

Jurisdiction in the event of a change in the defendant's status.

Code of Criminal Procedure, Article 29(1) and Article 40.

Headers on the Courts' Portal

Below is a header from the Romanian [Courts' Portal](#):

Title: Provisional detention. Legal termination of the defendant's provisional detention.

Case type: Judgment

Case number: 55

Case date: 1/7/2004

Related area: Criminal and civil procedure (appeals, jurisdiction, etc.)

Institution (specific court): Alba Iulia Court of Appeal - Criminal section

Formats

Documents provided by the High Court of Cassation and Justice and other courts are available in html format.

Courts concerned

The courts concerned include the High Court of Cassation and Justice and ordinary courts.

Subsequent proceedings

	Supreme Courts	Other courts

Is there information available as to: appeals?	-	Yes
pending cases?	-	Yes
outcomes of appeals?	-	Indirectly Requires a search for the case specifying the type of trial stage as being 'appeal'.
the irrevocable character of the judgment?	Is there information available as to: the irrevocable character of judgments of the High Court of Cassation and Justice?	Yes
subsequent proceedings before: other national courts (Constitutional Court, etc.)? the Court of Justice of the European Union? the European Court of Human Rights?	-	Yes

In the case of ordinary courts, there is case information available on the [Courts' Portal](#), referring to cases (files): procedural stage (substantive, appeal, etc.), parties, hearings, lodged appeals and published summons (this is a newly-added functionality). A case can be accessed by using the general search engine on the Courts' Portal (this is a newly-added functionality). The published summaries of judgments may include information regarding the irrevocable character of the judgment and subsequent proceedings before other national courts (Constitutional Court).

Publication rules

High Court of Cassation and Justice

Given the significance and specific nature of the cases and the corresponding judgments, only a selection of the case law of the Romanian High Court of Cassation and Justice is published.

The publications of the High Court of Cassation and Justice are updated on a monthly basis and are available from 2002 onwards.

Other Romanian courts

In the case of other Romanian courts, only a selection of judgments is published, depending on the significance and unique nature of the cases concerned. The selection takes place at each individual court.

The publications of other Romanian courts are updated on a monthly basis and are available from 2004 onwards.

Last update: 04/11/2013

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Pagina este deja disponibilă în următoarele limbi.

Member State case law - Slovenia

This section provides you with information on Slovenian case law.

Case law available online

Presentation of decisions / Headlines

The full text of judgments of the Supreme Court of the Republic of Slovenia, all four higher courts of general jurisdiction, the Higher Labour and Social Court and the Administrative Court of the Republic of Slovenia are available free-of-charge on the website of [the Slovenian judiciary](#). The names of parties are not given, as the judgments are redacted before publication. As well as the original text and keywords, detailed information is provided on the legal basis for a decision and a summary of the judgment. Keywords are given to help the user identify the applicable legal concepts and the area of law to which a judgment relates. The summary contains the main points of the grounds for the court's judgment in 10 to 100 words.

A selection of the most important decisions of the Supreme Court is also available in English at [Supreme Court Key Decisions](#).

Judgments are also available that relate to financial compensation for non-material (non-pecuniary) damage awarded in civil disputes via the [special search engine](#), which helps the user to search for similar case law by damage type and by date.

A new test version of the upgraded case-law search engine is available at <http://novo.sodisce.si.arctur.net/search.php>

After 8 February 2013 this will be available at <http://www.sodnapraksa.si/>.

All the published decisions of the [Constitutional Court of the Republic of Slovenia](#) are available on the court's website. The text of majority and separate (dissenting and concurring) opinions is given in full and free-of-charge, together with keywords, detailed information on the legal basis for the decision, and a summary. Selected important decisions have also been translated into English. All important majority decisions of the Constitutional Court (excluding separate opinions) are also available in Slovenian in the Official Gazette of the Republic of Slovenia.

Example of headlines

Example 1: Decision of the Supreme Court of the Republic of Slovenia

(translation from [the Slovenian text](#))

Document No VS1011121

Reference number: Decision I Up 44/2009

Panel: Administrative law

Date of session: 12 March 2009

Domain: VISA, ASYLUM AND IMMIGRATION LAW – (General Administrative Procedure Act – ZUP)

Legal concepts: asylum – hearing – international protection – repeat application – minor asylum seeker – procedural capacity to act of a minor

Legal basis: International Protection Act (ZMZ): Articles 42, 42/2, 42/3, 56, 119; General Administrative Procedure Act (ZUP): Articles 46, 237, 237/1-3; Marriage and Family Relations Act (ZZZDR): Articles 107, 108; Civil Procedure Act (ZPP): Article 409; Administrative Disputes Act (ZUS-1): Articles 27, 27/3, 64, 64/1-3, 77.

Summary: A child under the age of 15 does not have capacity to act in legal proceedings, so the administrative body has not breached procedural rules if it does not offer a child the opportunity to make a statement on the facts and circumstances on which the administrative decision is based.

EXAMPLE 2: Decision of the Constitutional Court of the Republic of Slovenia, reference No: U-I-425/06

(available in [English](#))

Note: Some data from the Slovenian version is sometimes omitted from the English version of a published document, but at least the summary of the judgment is always retained.

Legal act: Act on the Registration of Same-Sex Partnerships (Official Gazette of the Republic of Slovenia, No 65/05) (ZRIPS), Article 22.

Operative provisions: Article 22 of the Act on the Registration of Same-Sex Partnerships (OGRS, No 65/05) (ZRIPS) is unconstitutional. The National Assembly must remedy this inconsistency within six months of the decision being published in the Official Gazette of the Republic of Slovenia. Until the unconstitutional provision on inheritance between partners in a registered same-sex partnership is remedied, the same rules apply as apply to inheritance between spouses pursuant to the Inheritance Act (Official Gazette of the Socialist Republic of Slovenia, Nos 15/76 and 23/78 and Official Gazette of the Republic of Slovenia, No 67/01).

Summary: In terms of the right of inheritance following the death of a partner, the status of partners in registered same-sex partnerships (Article 22 of the Act on the Registration of Same-Sex Partnerships) is comparable to the status of spouses in the essential elements of law and fact. Differences in the regulation of inheritance between spouses and partners in a registered same-sex partnership are not based on objective, non-personal distinguishing circumstances, but on sexual orientation. Sexual orientation is one of the personal circumstances referred to in Article 14(1) of the Constitution. Since there is no constitutionally permissible reason for the differentiation, the challenged regulation is not consistent with Article 14(1) of the Constitution.

Descriptors: 1.5.51.1.15.1 – Constitutional justice – Decisions – Type of Constitutional Court decision – Theoretical review procedure – Finding that a regulation is not consistent with the Constitution. 1.5.51.1.16 – Constitutional justice – Decisions – Type of Constitutional Court decision – Theoretical review procedure – Call on the legislator to harmonise a regulation with the Constitution/law. 5.2.2.1 – Fundamental rights – Equality (14.2) – Criteria for differentiation (14.1) – Sex.

Legal basis: Constitution of the Republic of Slovenia (URS): Articles 14.1, 14.2; Convention on the Protection of Human Rights and Fundamental Freedoms (EKČP): Article 14; Constitutional Court Act (ZUstS): Articles 40.2, 48.

Formats

The [case law of the Supreme Court and other general and specialised courts](#) is available in HTML format. The case law of the [Constitutional Court of the Republic of Slovenia](#) is always available in HTML format and sometimes also in PDF format.

Further proceedings

The information available on [judgments](#) does not include whether they are still pending, whether a decision is irrevocable, and whether there will be further proceedings.

However, the Constitutional Court website does offer basic information on pending cases such as the reference numbers and the date of application. A separate weekly work schedule is also posted – listing the cases that will be heard in the regular Thursday plenary session – on a weekly basis.

Publication rules

The courts select appropriate case law for publication. The main criterion is the level of a case's importance to the development of case law in the lower courts. Judgments and decisions of interest to the general media are usually published together with a press release.

Related links

[Constitutional Court case law](#), [case law](#)

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NOTĂ: Versiunea în limba originală a acestei pagini [sk](#) a fost modificată recent. Versiunea lingvistică pe care o consultați acum este în lucru la traducătorii noștri.

Member State case law - Slovakia

This page provides you with information on Slovakia's case law.

Case-law available online

Ordinary courts' case law

[Case law of all courts of the Slovak justice system](#) can be accessed, in Slovak language, from the online legal database JASPI.

The Supreme Court's case law

[The Supreme Court's case law](#) can be accessed, in Slovak language, from the website of the Supreme Court.

Formats

Ordinary courts' case-law is available in html format whereas the Supreme Court's case law is available in pdf format.

Further proceedings

Information is available:

the outcome of appeals

the irrevocability of the decision

Publication rules

Court judgments in Slovakia **do not have general legally binding force**. They are not a source of law. However, judgments made by the courts respect rulings of the Slovak Supreme Court, which, de facto, are sources of law.

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Member State case law - Finland

This page provides you with an overview of Finland's case law.

Case law made available on a website

Presentation of decisions / Headline

For Supreme Courts and most other courts, keywords and headline are shown together with dates, registration number.

Example of headline/s

Finnish Supreme Court

keyword	Employment contract - Transfer of undertaking - EU law - Impact of interpretation of the directive Registration number: S2006/340 Date of presentation: 29.1.2009 Date of judgment: 23.4.2009 File: 835
brief summary	Case concerns the right of an employee who has resigned during the transfer of an undertaking to receive compensation from the transferee, on the basis of Section 6 of Chapter 7 of the Employment Contracts Act, taking into account the paragraph 2 of article 4 in the Directive of the EU Council 2001/23/EC.
legislation	Employment Contracts Act 55/2001, Chapter 7 Section 6 EU Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, Article 4 Paragraph 2

The above table shows the information available on Supreme Court judgements. The keywords section includes the keywords and the date of the judgement; the brief summary describes the key content of the judgement, and the references to legislation contain information on relevant national and EU legislation.

Formats

Case law in Finland is available in HTML format.

Further proceedings

Information is available on further proceedings in the following courts:

General information on appeals is available from the Supreme Court and other courts

Information on cases pending is available from both the Supreme Court and other courts

The results of appeals are available from the Supreme Court and other courts

Information about the irrevocability of a decision is available from the Supreme Court and other courts

Information before another court (such as the Constitutional Court) is not available from the Supreme Court or other courts

Information about further proceedings before the European Court of Justice is available from the Supreme Court but not from other courts.

Publication rules

There are binding rules for the publication of case law at the national level and at the level of courts.

Full case law is published by the Supreme Courts and special courts. In other courts, only a selection of the case law is published, depending on the importance of the case, the implementation of new or changes to legislation, and the need to harmonise implementation.

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Member State case law - Sweden

This section provides you with an overview of the Swedish case law, as well as a description of relevant case-law databases.

Case law made available on a website

Presentation of decisions / Headline

	Supreme courts	Other courts
Case law presented with headlines	Yes	Yes

The headlines are in the form of a sentence, or a few sentences, describing the core of the case.

Example of headline/s

"Question concerning the buyers of a property return; errors of the property within a reasonable time after they noticed or should have noticed the error."

Formats

Case law is available in HTML format.

Further proceedings

	Supreme Courts	Other courts
Is information available		
as to appeals?	No	No
as to whether a case is still pending?	No	No
as to the result of appeals?	No	No
as to the irrevocability of the decision?	No	No
as to further proceedings before another internal court (Constitutional Court...)? the European Court of Justice? the Court of Human Rights?	No	No

The system contains only judgements which have entered into legal force.

Publication rules

	on the national level?	on the level of courts?
Are there binding rules for the publication of case law	Yes	Yes

There is a governmental ordinance regulating, among other things, how to publish personal data on the case law database.

	Supreme Courts	Other courts
Is full case law published or only a selection?	only a selection	only a selection

The same ordinance also states that the court itself decides which decisions should be recognised as guiding and published in the database.

	Supreme Courts	Other courts
Are court decisions made available on the web anonymised?	Yes	Yes
If yes, all decisions?	Yes	Yes

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Member State case law - England and Wales

This section provides you with a description of UK case law, focusing on the jurisdiction of England and Wales. The description concentrates on case law from databases that are freely available to the public.

Case-law available in England and Wales

Much of the case law from courts in the England and Wales jurisdiction of the UK is accessible to the public.

All Supreme Court cases and all substantive Civil Court of Appeal judgments are reported. All Administrative Court judgments, and a selection of High Court judgments that are of particular legal or public interest, are published. Judgments of the criminal division of the Court of Appeal are published if they are of legal or public interest. Decisions from family and some criminal cases may be anonymised. Decisions of the First-tier Tribunal and the Upper Tribunal are published when they are of legal or public interest.

Once a judgment is given, it is usually published between 24 hours and 2 weeks afterwards. If the judgment is given in writing, it is usually published on the same day.

Legal databases

[House of Lords judgements](#): archive. The House of Lords was the UK's highest Court of Appeal until 30 July 2009. All judgments of the Law Lords from 14 November 1996 to 30 July 2009 are available on the Parliament website.

[Parliamentary Archives](#). Access to House of Lords judgments prior to 1996 can be arranged through the Parliamentary Archives. The Archives holds appeal cases and other records of the House of Lords acting in its judicial capacity, dating from 1621

[Supreme Court website](#). From 1 October 2009, the Supreme Court of the United Kingdom assumed jurisdiction on points of law for all civil law cases in the UK and all criminal cases in England and Wales and Northern Ireland. All judgments are available from the Supreme Court website.

[The Incorporated Council of Law Reporting \(ICLR\)](#) is a legal charity that was set up in 1865. They publish law reports of the judicial decisions of the Superior and Appellate Courts in England and Wales. Most of their products are only provided by subscription but they do also produce a free [Case Search](#) facility.

BAILII, the British and Irish Legal Information Institute provides free online access to a very comprehensive set of British and Irish primary legal materials including case law. The search facility allows users to search for cases in specific courts or across multiple jurisdictions.

Through the [Open Law Project](#), BAILII is also identifying leading cases from the past and making these freely and openly available on the internet to support legal education.

BAILII has recently collaborated with ICLR and now provides links to the [ICLR summaries](#) of judgments (where one exists) with an option to purchase the authorised case report from ICLR in PDF format.

The following **collections** are available through the [BAILII website](#):

- [England and Wales Court of Appeal \(Civil Division\) Decisions](#)
- [England and Wales Court of Appeal \(Criminal Division\) Decisions](#)
- [England and Wales High Court \(Administrative Court\) Decisions](#)
- [England and Wales High Court \(Admiralty Division\) Decisions](#)
- [England and Wales High Court \(Chancery Division\) Decisions](#)
- [England and Wales High Court \(Commercial Court\) Decisions](#)
- [England and Wales High Court \(Court of Protection\) Decisions](#)
- [England and Wales High Court \(Senior Court Costs Office\) Decisions](#)
- [England and Wales High Court \(Exchequer Court\) Decisions](#)
- [England and Wales High Court \(Family Division\) Decisions](#)
- [England and Wales High Court \(King's Bench Division\) Decisions](#)
- [England and Wales High Court \(Mercantile Court\) Decisions](#)
- [England and Wales High Court \(Patents Court\) Decisions](#)
- [England and Wales High Court \(Queen's Bench Division\) Decisions](#)
- [England and Wales High Court \(Technology and Construction Court\) Decisions](#)
- [England and Wales Patents County Court Decisions](#),
- [Intellectual Property Enterprise Court decisions \(from 2013\)](#)
- [England and Wales Magistrates' Court \(Family\)](#)
- [England and Wales County Court \(Family\)](#)

The English Reports (1220 to 1873) are available on [CommonLII](#)

Tribunals

[England and Wales Care Standards Tribunal Decisions](#)

[England and Wales Lands Tribunal](#)

BAIIII also contains details of decisions from various United Kingdom tribunals:

[Upper Tribunal \(Administrative Appeals Chamber\)](#)

[Upper Tribunal \(Tax and Chancery Chamber\)](#)

[Upper Tribunal \(Immigration and Asylum Chamber\)](#)

[Upper Tribunal \(Lands Chamber\)](#)

[First-tier Tribunal \(General Regulatory Chamber\)](#)

[First-tier Tribunal \(Health Education and Social Care Chamber\)](#)

[First-tier Tribunal \(Tax\)](#)

[United Kingdom Competition Appeals Tribunal](#)

[Nominet UK Dispute Resolution Service](#)

[Special Immigrations Appeals Commission](#)

[United Kingdom Employment Appeal Tribunal](#)

[United Kingdom Financial Services and Markets Tribunals Decisions](#)

[United Kingdom Asylum and Immigration Tribunal](#)

[United Kingdom Information Tribunal including the National Security Appeals Panel](#)

[United Kingdom Special Commissioners of Income Tax Decisions](#)

[UK Social Security and Child Support Commissioners' Decisions](#)

[United Kingdom VAT & Duties Tribunals Decisions](#)

[United Kingdom VAT & Duties Tribunals \(Customs\) Decisions](#)

[United Kingdom VAT & Duties Tribunals \(Excise\) Decisions](#)

[United Kingdom VAT & Duties Tribunals \(Insurance Premium Tax\) Decisions](#)

[United Kingdom VAT & Duties Tribunals \(Landfill Tax\) Decisions](#)

Related Links

[BAIIII](#) [House of Lords](#) [Supreme Court website](#) [ICLR](#)

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Member State case law - Northern Ireland

This section provides you with a description of UK case law, focusing on the Northern Ireland jurisdiction. The description concentrates on the case law that is available in databases that are accessible to the public.

Case-law available in Northern Ireland

Much of the case law from courts in the Northern Ireland jurisdiction of the UK is available to the public.

Case law is published for the Crown Court, High Court, the Court of Appeal and the Supreme Court of the United Kingdom.

Decisions from family and some criminal cases may be anonymous.

Case law has been **published since 1999** in Northern Ireland. Once a judgment is given, case law is usually published between 24 hours or 2 weeks afterwards.

Legal databases

<https://www.judiciary-ni.gov.uk> has published the judgments of **the Crown Court, High Court and the Court of Appeal on its website since 1999**. Access to these judgments is **free of charge**.

Judgments are available from the Appellate Committee of the [House of Lords](#) from 14 November 1996 to 30 July 2009. In October 2009 the Supreme Court replaced the Appellate Committee of the House of Lords and its Judgments are available on the Supreme Court website. Access to these judgments is free of charge.

There are a number of national legal repositories and legal databases available.

The ["Bailli"](#) (British and Irish Legal Information Institute) database contains decisions from the Crown Court, High Court Chancery Division, High Court Family Decision, High Court Queen's Bench, High Court Master's Decisions, Court of Appeal since November 1998, the [House of Lords](#) since 1838, and the judgments of the Supreme Court since October 2009. Access to these judgments is free of charge.

The [Bailli website](#) also contains details of decisions from **various United Kingdom tribunals**:

Upper Tribunal (Administrative Appeals Chamber)

Upper Tribunal (Finance and Tax)

Upper Tribunal (Lands Chamber)

First-tier Tribunal (Health Education and Social Care Chamber)

First-tier Tribunal (Tax)

United Kingdom Competition Appeals Tribunal

Nominet UK Dispute Resolution Service

Special Immigrations Appeals Commission

United Kingdom Employment Appeal Tribunal

United Kingdom Financial Services and Markets Tribunals Decisions

United Kingdom Asylum and Immigration Tribunal

United Kingdom Information Tribunal including the National Security Appeals Panel

United Kingdom Special Commissioners of Income Tax Decisions

UK Social Security and Child Support Commissioners' Decisions

United Kingdom VAT & Duties Tribunals Decisions

1. United Kingdom VAT & Duties Tribunals (Customs) Decisions
2. United Kingdom VAT & Duties Tribunals (Excise) Decisions
3. United Kingdom VAT & Duties Tribunals (Insurance Premium Tax) Decisions
4. United Kingdom VAT & Duties Tribunals (Landfill Tax) Decisions

Related Links

- [Baillii](#)
- [House of Lords](#)
- [Baillii website](#)
- [House of Lords](#)
- [Supreme Court website](#)
- [Northern Ireland Courts and Tribunals Service](#)

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Member State case law - Scotland

This section provides you with a description of UK case law, focusing on the Scotland jurisdiction. The description concentrates on the case law that is available in databases that are accessible to the public.

Case law available in Scotland

Much of the case law from courts in the Scottish jurisdiction of the UK is available to the public.

Civil courts

Case law is published for the **Court of Session and the Appellate Committee of the House of Lords**, which will be replaced on 1 October 2009 by the new Supreme Court of the United Kingdom. Judgments of particular interest from the Sheriff Courts are also published.

Criminal courts

Only judgments of significant points of law are published for the **Sheriff Courts and the High Court of Justiciary**, which is the Supreme Criminal Court for Scotland.

Decisions from family and some criminal cases may be made anonymous.

Case law has been published since 1998. Once a judgement is given, case law is usually published between 24 hours and 2 weeks later.

Legal databases

The [Scottish Courts and Tribunals Service](#) has published **judgments of the Sheriff Courts, Court of Session and the High Court of Justiciary** on its website since September 1998. Two separate searches are available covering the [Court of Session and the High Court of Justiciary](#) and the [Sheriff Courts](#). Access to these judgments is **free of charge**.

Judgments are available from the **Appellate Committee of the House of Lords** from 14th November 1996 to 30 July 2009. Access to these judgments is **free of charge**. In October 2009 the Supreme Court replaced the Appellate Committee of the House of Lords and its judgments are available on the [Supreme Court](#) website. Access to these judgments is **free of charge**.

There are also a number of national legal repositories and legal databases available.

The [Baillii \(British and Irish Legal Information Institute\)](#) database contains a collection of the decisions from the Court of Session since 1879, the High Court of Justiciary since 1914, the Sheriff Court since 1998 and the [House of Lords](#) since 1838. Access to these judgments is **free of charge**.

Decisions from the following Scottish Tribunals are available by following the links on the 'About Scottish Tribunals' page of the Scottish Courts and Tribunals Service website below:

- The Additional Support Needs Tribunal for Scotland
- The First Tier Tribunal Housing and Property Chamber
- The Lands Tribunal for Scotland
- The Mental Health Tribunal for Scotland
- The Scottish Charity Appeals Panel
- The Tax Tribunals for Scotland

[Scottish Courts and Tribunals Service](#)

Decisions from the NHS Tribunal and National Appeals Panel are available on their individual websites:

- [NHS Tribunal](#)
- [NHS Appeal Panel](#)

The [Baillii website](#) also contains details of **decisions from various United Kingdom tribunals**:

- Upper Tribunal (Administrative Appeals Chamber)
- Upper Tribunal (Tax and Chancery Chamber)
- Upper Tribunal (Immigration and Asylum Chamber)
- Upper Tribunal (Lands Chamber)
- First-tier Tribunal (General Regulatory Chamber)
- First-tier Tribunal (Health Education and Social Care Chamber)
- First-tier Tribunal (Tax)
- United Kingdom Competition Appeals Tribunal
- Nominet UK Dispute Resolution Service
- Special Immigrations Appeals Commission
- United Kingdom Employment Appeal Tribunal
- United Kingdom Financial Services and Markets Tribunals Decisions
- United Kingdom Asylum and Immigration Tribunal
- United Kingdom Information Tribunal including the National Security Appeals Panel
- United Kingdom Special Commissioners of Income Tax Decisions
- UK Social Security and Child Support Commissioners' Decisions

United Kingdom VAT & Duties Tribunals Decisions

United Kingdom VAT & Duties Tribunals (Customs) Decisions

United Kingdom VAT & Duties Tribunals (Excise) Decisions

United Kingdom VAT & Duties Tribunals (Insurance Premium Tax) Decisions

United Kingdom VAT & Duties Tribunals (Landfill Tax) Decisions

Related Links

 [Bailii](#)

 [House of Lords](#)

 [Bailii website](#)

 [Supreme Court website](#)

 [House of Lords](#)

 [Scottish Court and Tribunals Service](#)

 [Court of Session and the High Court of Justiciary](#)

 [Sheriff Courts](#)

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