

# Caselex - Researching EU law Interpretation Across Europe Made Easy

**Abstract:** This article by Stig Marthinsen describes the background to the establishment of the Caselex database and outlines how it is being currently developed and the plans for its future.

**Keywords:** online sources; law reports; European Union; member states

## Introduction

Solicitors, barristers, judges and other legal professionals confronted with practical EU law questions frequently face the challenge of interpreting issues not dealt with by either national courts, the European Court of Justice or the Court of First Instance. The online service Caselex helps fill this gap, by reporting on important cases dealing solely with EU law by courts in 25 European countries. Covering 11 commercial law areas, it represents a unique research and monitoring tool to any law library.



Stig Marthinsen

Every month around 100 important national cases are digested by a European-wide network of legal correspondents and reviewers. Next to the bi-weekly publishing of those national cases, the service also offers access to “Caselex-styled” digests of the judgments of the European Court of Justice. Next it is building up its archive of the Court of First Instance’s cases, allowing its users to benefit from a single entry point to all important national and supranational cases interpreting EU law.

## The Caselex database

The first European legal publisher to systematically report on the important national case law interpreting EU law, Caselex complements national sources EUR-Lex and Curia. Its co-founders Stig Marthinsen and Marc de Vries established the contours of the service in 2003 and 2004, before developing the pilot within a private-public alliance supported by the European Commission.

The result of the 2005–2006 pilot phase was made public during the second half of 2007, with cases offering substantial value added in the form of clear and concise headnotes and summaries in English, plus full texts of the original cases in their native languages, which can be translated on demand.

### 2,600 national cases

Since September 2007, when Caselex offered 500 cases within five areas of law, the service has grown to offer three service modules, with cases in 11 areas of law from 25 European countries. At the end of March 2009 almost 3,000 cases were on the service, 2,600 of which were national cases – an increase of 2,500 cases since its launch.

## Why and how to use Caselex in your daily work

Today many of the cases Caselex offers are freely available on the web, but it takes time, dedication, rich language skills, legal insight in each jurisdiction and a good systematic approach to build up an equivalent knowledge library. For most libraries working under time and resource constraints, own sourcing is not a viable option, especially when considering that Caselex offers a cost effective solution with annual licences starting below one euro per new case introduced under an annual subscription.

As a legal information specialist you can avoid the hassle of sourcing 25 countries individually. Caselex allows you to:

### Monitor new national EU-related case law

with the *Caselex Law Reporter* e-mail service, which allows you to subscribe to alerts by area of law. Each lawyer can receive alerts directly or via a central e-mail to the law library, which can then redistribute internally to the various practice groups. Consequently each lawyer can benefit from Caselex without having to visit the service;

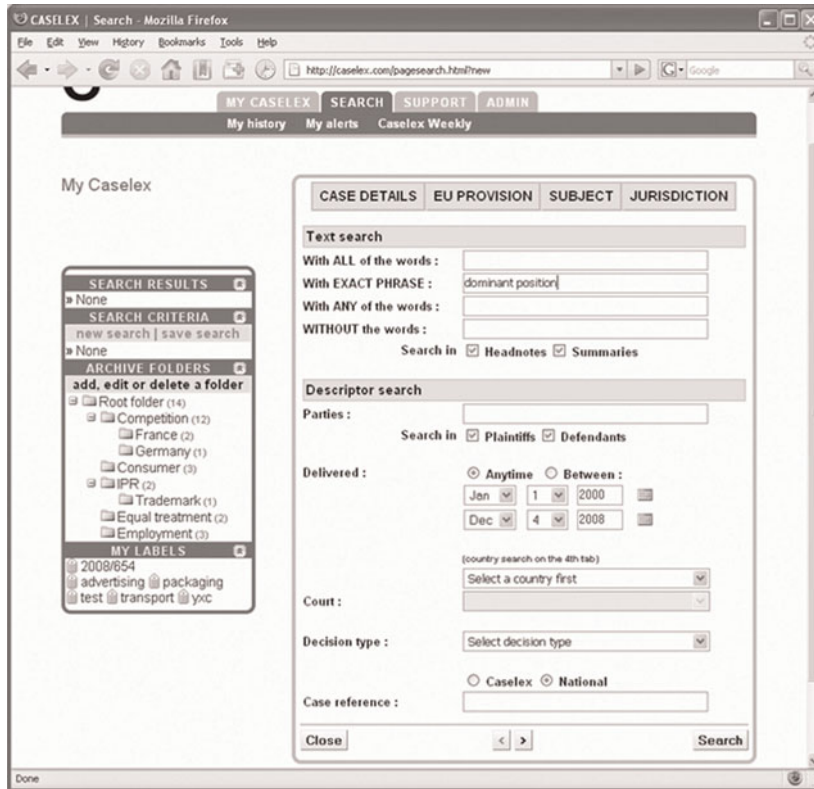


Figure 1: Caselex search screen

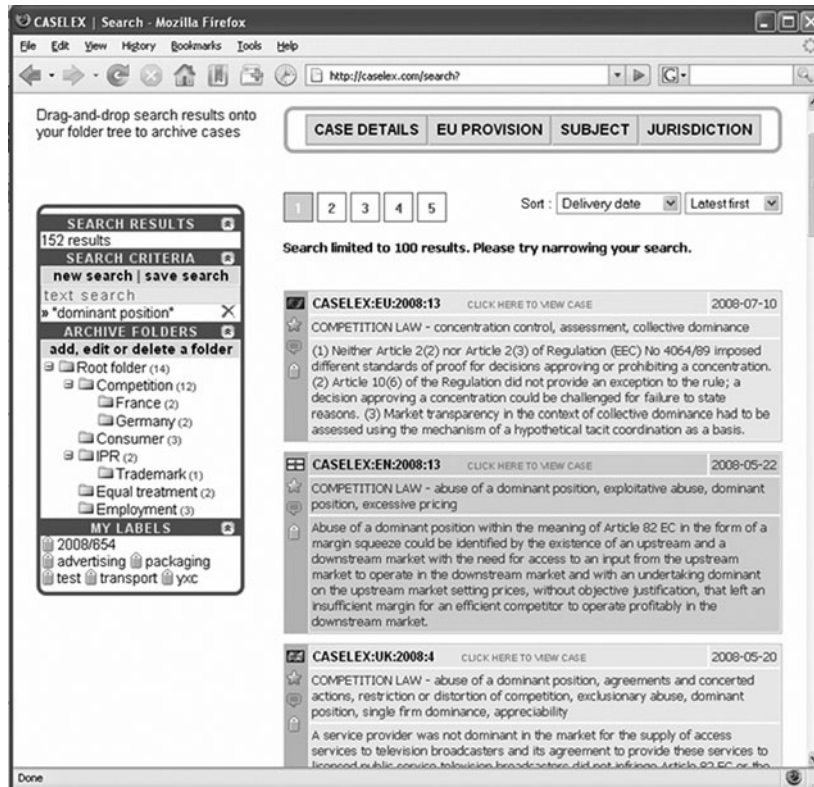


Figure 2: Caselex search results screen

**Support legal research** for litigation, compliance and other research purposes with structured searches in one database. Cases can be printed or stored in your personal archive within the Caselex service;

**Manage the knowledge** of the cases inside Caselex by maintaining your own archive with self-defined folders, adding notes and labels to cases next to saving searches for future reuse, and setting up e-mail alerts based on those; and

**Translate** full texts of interesting cases with Caselex's translation on demand service (an add-on feature).

### Uncomplicated search and browse

The user interface of Caselex allows you to search and browse by:

- Free text of headnotes and summaries in English;
- EU provision – even at article level;
- Subject;
- Jurisdiction;
- Combinations of the above.

After the first session it should be possible to utilise fully the rich features of Caselex, benefiting the hunt for decisive interpretations of EU law that are of practical use in the lawyer's work.

### Caselex's three service modules and practice areas

1. **Supreme Court Module** holding supreme court cases within:
  - Company Law
  - Competition Law
  - Consumer Protection Law
  - Employment Law
  - Environmental Law
  - Freedom of Movement Law
  - ICT and Media Law

- Intellectual Property Law
- Public Procurement Law
- Social Security Law

2. **Competition law module** holding important case law from any national court
3. **Private international law** holding important case law from any national court

### Why do you need foreign case law?

#### Omnipresence of EU law

The Europeanisation of law has led to radical changes to the sources of law in national legal systems. Additionally legal systems converge, with supranational European law often taking precedence over national law, thereby broadening its scope step by step. In the landmark case of *Van Gend & Loos* in 1962 (Case 26-62), the European Court of Justice ruled that the European Community, through the will of Member States expressed in the Treaty of Rome, "constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights albeit within limited fields."

#### National knowledge sourcing insufficient

Consequently, the implications on sourcing of legal knowledge to solve practical law issues are profound. Historically, legal information managers across Europe worked with national law content. With the advent of the EU and clients working across borders, the legal information provided through EUR-Lex and Curia have become prominent sources to legal information specialists across the continent. But those sources do not cover all relevant case law on EU matters. Inside foreign national courts, significant interpretations of EU law are offered through the court decisions rendered by these courts. From an information specialist's perspective it is increasingly important to access and make use of foreign legal material as the supranational EU law dimension makes such knowledge relevant across borders.

### Biography

Stig Marthinsen is the founder, with Marc de Vries, of Caselex and is currently Chairman of the company. He previously worked with Yellow Perfection, a management consultancy operating in the fields of eLearning, eBusiness and eGovernment. He is based in Luxembourg.

#### Editor Note

Caselex can be offered free for a month to see how easy it is to source EU law practice from all over Europe. The offer is valid till 31 July 2009.

Go to <http://www.caselex.com/pageregistration.html> and use the following promo code **FREE30LEGALIJ**