

1. JUDCOOP DATABASE

Presentation and Purposes

The **Database** gathers all the **case-law selected during the project** by the CJC' expert team in collaboration with the national contact points in the participating Member States. It contains cases originating from over 19 jurisdictions, both from the project partner organisations as well as other EU jurisdictions. For each selected case, the project team prepared a **case-note**, whose format ensures that the Database can:

- ***act as a practical tool able to improve the understanding and use of Judicial Interaction Techniques ('JITs');***
- ***encourage the cooperation between the project participants after the end of the Project*** –this will be possible, in particular, thanks to the connection between the Database and Blog (see details below);
- ***extend cooperation to judges and academics that did not take part to the Project's activities.***

Access

The Database is **freely accessible. Thus anyone interested can easily access it.**

It can easily be accessed

- from the **webpage of the Centre for Judicial Cooperation**, following this path: from the red menu on the right side of the main page, choose European Judicial Cooperation in FR practice → Database

http://www.google.co.uk/url?url=http://www.eui.eu/Projects/CentreForJudicialCooperation/Home.aspx&rct=j&frm=1&q=&esrc=s&sa=U&ei=pmixU9j0E4Lk4QTamIHAAw&ved=0CBUQFjAA&usg=AFQjCNHJ525Rm6BQ9RRc-sUkbuY4zfjy_Q

- from **the websites of the partner organisations (in the process of uploading).**

Those who participated to the activities undertaken in the context of the Project will also receive a dedicated address to the Database.

What can be found in the Database

On the right side of the page, one can see the list of case-notes that are uploaded in the Database, whereas on the left side a **research-key** menu may be found. All cases in the Database are clustered according to the relevant research keys.

Search by keywords:

See all

Browse by:

Judicial interaction techniques

- ▶ Interpretative techniques (10)
- ▶ Interaction between provisions (4)
- ▶ Interaction between rights (3)
- ▶ Interaction between courts (8)
 - ▶ Preliminary ruling (3)
 - ▶ Deferential approach (1)
 - ▶ Mutual recognition (3)
 - ▶ Mutual adaptation of jurisprudence (4)
 - ▶ Dissenting judicial interpretation (3)

Judicial interaction type

Austrian Constitutional Court, U466/11 and others

Conflict: Conflict of competence - Conflict of interpretation -

Judicial interaction techniques: Interpretative techniques - Consistent interpretation - Interaction between courts - Mutual recognition - Mutual adaptation of jurisprudence -

Judicial interaction type: Horizontal interaction - External - Supra-national level - Vertical interaction - External -

Categories: Austria - Constitutional Court - Migration / asylum - Fair trial - Art. 47 - Right to an effective remedy and to a fair trial - Art.51 - Field of application - Art. 53 - Level of protection - Art. 13 - Right to an effective remedy - ECHR - EU law - Treaty - National law -

“European standards” and the free legal aid – the Croatian Constitutional Court

Conflict: Conflict of interpretation -

Judicial interaction techniques: Interpretative techniques - Consistent interpretation - Comparative reasoning - Interaction between provisions - Disapplication - Interaction between courts - Mutual adaptation of jurisprudence -

Judicial interaction type: Horizontal interaction - External - National level - Vertical interaction - External - Spill-over dimension -

Categories: Croatia - Constitutional Court - Other public entities - Civil / regulatory law - Fair trial - Art. 6 - Right to a fair trial - ECHR - National law -

See all

Browse by:

Judicial interaction techniques

- ▶ Interpretative techniques (10)
- ▶ Interaction between provisions (4)
- ▶ Interaction between rights (3)
- ▶ Interaction between courts (8)
 - ▶ Preliminary ruling (3)
 - ▶ Deferential approach (1)
 - ▶ Mutual recognition (3)
 - ▶ Mutual adaptation of jurisprudence (4)
 - ▶ Dissenting judicial interpretation (3)

The first three keys reflect the peculiar focus of the Project: *Judicial interaction techniques/Judicial interaction type/ (type of) conflict*. Additionally, the cases are clustered by: *country, deciding body, entities involved in the dispute, area of law, fundamental right, article(s) of the Charter and or the ECHR, legal sources*. Moreover, under each research-key there is the possibility search a case according to second-level and third-level research-keys. For instance, clicking on the research key *Judicial interaction techniques*, a menu appears with the following second-level research keys: *interpretative techniques, interaction between provisions, interaction between rights, interaction between courts*. In this case, also third-level research keys are available, such as *consistent interpretation* and *comparative reasoning* under the second-level research-key *interpretative techniques*.

On the top left, a **general google search engine** is also available.

Search by keywords:

The research keys reflect the structure of each case-note included in the Database. However, the case-notes provide also additional information, and notably:

- a short explanation of the judicial interaction technique(s) used (on the top of each case-note);
- a graphic representation of the form(s) of judicial cooperation involved in the case, with a short explanation;
- references to national and supranational case-law quoted in the judgment(s) discussed in the case-note;
- a summary of the facts of the case;
- when available, information on the decision taken by the national judge that made a reference to the CJUE (follow-up), and/or information on the impact of the case on the case law of other national courts, or on legislation
- a short comment focussed on the use of the judicial interaction technique(s) involved in the case;
- references to a selection of connected cases that might also be of interest;
- the pdf of the judgment in the original language

All case-notes can be printed or downloaded in pdf format.



The Database as a “living instrument”

In this phase, the implementation of the Database is still on-going. The uploading of all the cases selected throughout the Project will be finalised by the end of September. The Database is meant to be a “living instrument”. Those who participated to the Project are therefore invited to tell us – through the Blog:

- If the information is provided in a sufficiently clear and exhaustive manner
- If there is additional information we should provide
- If there are other cases that should be addressed in a separate case-note

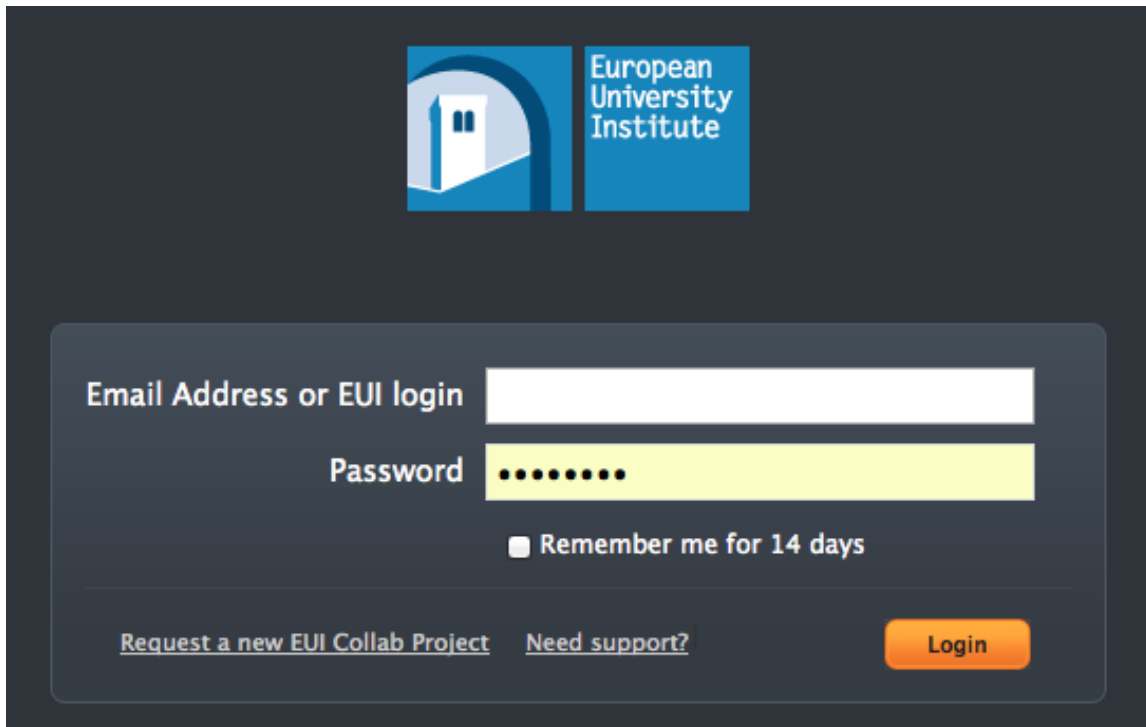
1. DISCUSSION FORUM- BLOG

The Project expert team set up the Discussion Forum as an additional tool aimed to ensure the continuity of the Project.

Unlike the Database, the Blog is **open only to the Project participants**.

It can be easily accessed from the **webpage of the Centre for Judicial Cooperation**, following this path: from the red menu on the right side of the main page, choose European Judicial Cooperation in FR practice → Blog → insert username and password

<http://www.eui.eu/Projects/CentreForJudicialCooperation/Projects/EuropeanJudicialCooperationinFR/Discussionforum.aspx>



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It provides a **«private» and friendly platform for further discussion**, with a view to:

- «cultivate» the cooperative relationship between the CJC's team and the participants of the Project, and between the participants
- improve and constantly update the content of the Database (through suggestions, references to new/additional cases, comments, etc.);
- underline the ongoing judicial adjudication developments of the 3 fundamental rights addressed by the Project (principle of non-discrimination, right to a fair trial, and freedom of expression);

By discussing cases and new developments on the private access Blog we intend to offer the possibility to achieve a better understanding of the specific context where a decision was made, the rationale behind the choice/strategic use of certain Judicial interaction techniques, and other issues that can further the comprehension of a specific case, in a professional and peer-to-peer environment.