

Database Wishlist

with regard to the EU's
PILOT and Infringement Procedures

Justice and Environment 2013

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On J&E

Justice and Environment (J&E) is a European Network of Environmental Law Organizations.

J&E works in Europe and consists of NGOs from twelve different countries dealing with environmental law solely or as one of their activities. J&E aims for a better legislation and implementation of environmental law on the national and European Union (EU) level to protect the environment, people and nature. J&E does this by enhancing the enforcement of EU legislation through the use of European law and exchange of information on the national, cross-border and wider European level. All J&E activities are based on the expertise, knowledge and experience of its member organizations. The members contribute with their legal know-how to and are instrumental in the initiation, design and implementation of the J&E work program.

Introduction

A constant aim of J&E is to make sure environmental decision-making processes are transparent and inclusive. The processes running before the EU institutions are no exception. For this reason, the attention of J&E in 2013 turned to the so-called EU PILOT procedures and adjacent infringement procedures.

We tried to collect **all those information that we would find useful and we would like to see as accessible during an EU PILOT procedure and an infringement procedure**. This set of demands will feed into a proposal of J&E aiming at the adoption of an EU level regulation on the transparency and inclusiveness of the EU infringement procedures.

EU PILOT Database Wish List

The Database should include enough information so that the public can see and understand the logic behind why some files are closed and others proceed to an infringement hearing. The Commission should look at PILOT as developing a sort of case law that can be analyzed and understood by the public. When the public can understand why certain decisions are made and can follow the logic that leads to decisions, there will be more trust in EU decisions and application of EU law.

What Documents Should Be Included?

- The original complaint
 - Should protect the identity of the complainant
- The Member State response
- The Commission decision with a written explanation of the decision
- The database should include as up to date information as possible, including information about ongoing investigations. The public, in general, should be able to track complaints as they move through the system.
 - There might need to be some sort of approval process to protect the personal information of the complainant, but the system should still strive to keep the public up-to-date on information related to ongoing investigations. This will allow the public to inform the Commission on whether a complaint actually pertains to a more widespread problem.

How Should the Database be Sorted?

- Each file should include a number of searchable labels. These labels should include topical labels such as 'environment', 'trade', or 'finance'. Each file should be sorted under every topic that is applicable to the complaint. Additionally, topic should also include increasing specific labels, so, for example, a case pertaining to air quality controls might be sorted and labels under both 'environment', 'air quality', and 'member state enforcement'. For this purpose the existing labeling regime of the EurLex database is sufficient.
- Files should also be sorted by more quantitative categories such as date and decision type.

How should be able to search?

- Keyword
 - primarily within text searching
- Topic search
 - You should be able to pull up all files under a particular topic without having to run a textual search
 - The current EU case law search engine does a feature similar to this. It is a drop down menu with a list of various topics. However, I think the ideal database would allow a researcher to select more than one topic at a time, and complete a text-based search that allows for a wider range of results.
 - If the drop-down topic menu was used, it would be useful to have the option to open multiple drop-down menus to further narrow your search. For example, the first drop-down would allow you to select 'environment'. From there, a second drop-down would open, allowing you to narrow the search of environment cases to 'water' or 'air quality', etc.

- Date
- Member State
- An advanced search function that allows you to narrow a search based on all possible search options
- Document number or citation

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