CEN

WORKSHOP

AGREEMENT

CWA 15710

February 2010

English version

Metalex (Open XML Interchange Format for Legal and Legislative Resources)

This CEN Workshop Agreement has been drafted and approved by a Workshop of representatives of interested parties, the constitution of which is indicated in the foreword of this Workshop Agreement.

The formal process followed by the Workshop in the development of this Workshop Agreement has been endorsed by the National Members of CEN but neither the National Members of CEN nor the CEN Management Centre can be held accountable for the technical content of this CEN Workshop Agreement or possible conflicts with standards or legislation.

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COMITÉ EUROPÉEN DE NORMALISATION
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Contents

Abstract

This document defines the MetaLex XML standard for sources of law, as established by the CEN Workshop on an Open XML Interchange Format for Legal and Legislative Resources (MetaLex).

This Version

`http://www.metalex.eu/WA/2010/final`

Latest Version

`http://www.metalex.eu/WA/proposal`

- Experts from the following organizations have approved this document: -University of Amsterdam, The Netherlands

- University of Bologna, Italy

- Carneades, Hungary

- eLabor sc, Italy

Status

This is a CEN Workshop Agreement based on the September 2008 Workshop proposal, and the decisions made in the September 2008 meeting.

 A pre-final draft of this document has been made available by the Workshop for comments to the registered Workshop participants and interested parties outside the Workshop from 2009-11-17 to 2010-01-17, and this document has been recorded by the CEN as a 2010 agreement.

This CEN Workshop Agreement is publicly available as a reference document from the National Members of CEN: AENOR, AFNOR, BSI, CSNI, CYS, DIN, DS, ELOT, EVS, HZN, IBN, IPQ, IST, LVS, LST, MSA, MSZT, NEN, NSAI, ON, PKN, SEE, SIS, SIST, SFS, SN, SNV, SUTN and UNI.

Comments or suggestions from the users of the CEN Workshop Agreement are welcome and should be addressed to the CEN Management Centre."

1 Status of this Document

Revision

This document supersedes CWA 15710:2007.

Summary of Changes

The partial agreement of December 2006 was adopted by the workshop in the understanding that it will be augmented with additional agreements on ontological formalization, citation and reference, time and versioning, and components and component inclusion.

The CEN MetaLex workshop requested more rigorous formalization of the four ontological levels (work, expression, manifestation, item) at which a bibliographic entity exists, and what properties belong to which level. The technical committee committed itself to providing a list of properties of expressions that distinguishes version, variant, consolidation, original, translation, etc.

This document includes the partial agreement of December 2006, and extends it and clarifies terminology. It is a new agreement based on the September 2008 meeting proposal, and introduces a new, more flexible, approach to the naming convention and to extracting metadata, as well as basic clarification of terms, systematic use of normative specifications such as MUST, MUST NOT etc, as per RFC 2119, and a general reorganization of content.

Versions

The latest version of this document can be downloaded at:

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http://www.metalex.eu/WA/proposal
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Previous versions of this document can be found from the CEN MetaLex website:

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http://www.metalex.eu
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The latest version of schema files, existing translators and schema extensions, and examples are always found at:

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http://svn.metalex.eu/svn/MetaLexWS/branches/latest/
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2 Introduction

This document defines the MetaLex XML standard for sources of law, as established by the CEN Workshop on an Open XML Interchange Format for Legal and Legislative Resources (MetaLex). MetaLex prescribes syntactic restrictions on XML documents and schemas, as defined by an XML Schema specification (section 3), defines a semantics for XML document

metadata (section 4), defines a semantics for reference, citation, and document component inclusion (section 5), and defines MetaLex conformance of naming conventions (section 6).

The official name of this standard agreement is CEN MetaLex. Wherever this document uses the term MetaLex it refers to CEN MetaLex.

Conformance to this standard is defined inline, global conformance constraints are iterated in section 7.

The italicized keywords MUST, MUST NOT, SHOULD, SHOULD NOT, and MAY are used to specify normative features of MetaLex documents, of implementations of the MetaLex standard, and of tools offering specific functionality for MetaLex, and are interpreted as specified in RFC 2119.

2.1 Scope of the Agreement

The CEN Workshop on an Open XML Interchange Format for Legal and Legislative Resources (MetaLex), declares, by way of its title, an interest in legal and legislative resources. This workshop agreement limits the applicability of the proposed XML standard to sources of law and references to sources of law.

Source of Law

A **source of law** is a writing that can be, is, was, or presumably will be used to back an argument concerning the existence of a constitutive or institutional rule in a certain legal system, or, alternatively, a writing used by a competent legislator to communicate the existence of a constitutive or institutional rule to a certain group of addressees. Because the CEN Workshop is concerned only with an XML standard, it chooses not to appeal to other common ingredients of definitions of law that have no relevant counterpart in the information dimension.

Source of law is a familiar concept in law schools, and may be used to refer to both legislators (*fonti delle leggi*, *sources des lois*), legislation and case law (*fonti del diritto*, *sources du droit*), custom, etc. It should be noted that many romance languages make a distinction between the legislator as source of law, by way of speaking or writing, and the law as source of right(s), which is presumably what the existence of the law brings about. In its broadest sense, the source of law is anything that can be conceived of as the originator of legal rules. In the context of MetaLex it strictly refers to communication in writing, and in a sense covers the *fonti del diritto* in Italian and *sources du droit* in French. There are two main categories of source of law in writing: **legislation** and **case law**.

Legislation

The notion of a **legislative resource** includes legislation, and all writings produced by the legislator explaining and justifying legislation. The legislator is a legal person: it exists separately from any natural persons and organizations involved in the process of drafting and evaluating legislation. It is the formally correct completion of certain processes, usually dictated by law, that makes the legislator the formal author of a writing, and at the same time