An Ontological Representation of EU Consular Law

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1. CHALLENGES OF EU CONSULAR LAW

Article 23 of the Treaty on the Functioning of the European Union (TFEU) gives every citizen of the Union the right to consular and diplomatic protection if his or her Member State is not represented in a specific third country. Whichever mission (of another EU member state) the EU citizen ends up asking for support, the mission has to provide support on the same conditions as for their own nationals.

Article 46 of the Charta on Human Rights lays down the same right. The Green Paper "Diplomatic and consular protection of Union citizens in third countries", presented by the Commission in 2006, focuses on strengthening this right: In it, the European Commission points out that European citizens are not fully aware of this right, and that the legal consequences of it are far from being fully implemented by the Member States. After the consultation phase of the Green Paper, the Action Plan 2007-2009 "Effective consular protection in third countries: the contribution of the European Union" was adopted. One important measure is the examination of Member States’ legislations and practices on consular protection and the assessment of the extent and nature of the observed discrepancies between Member States.

The CARE - Citizens Consular Assistance Regulation in Europe project (http://www.careproject.eu) aims at offering tools to the Commission which support the European Commission in performing this examination. The CARE database collects relevant legal materials on diplomatic and consular protection adopted in each EU Member State. Various types of documents are collected: legislation, case law, administrative directives and guidelines, and also other informative materials made available by national governments

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for their citizens. The database contains full text documents in their original language, enriched by a metadata set, i.e. information about the documents. Metadata are translated into English and French. Texts of the most relevant documents are translated into English and French as well. The database is accessible by all European citizens via the Internet (http://www.careproject.eu/database). A comprehensive report analyzes the legal framework in the EU Member States based on assessments of 27 national correspondents.

From a legal point of view, significant insufficiencies of implementation of Article 23 TFEU exist, in particular concerning legal framework, standards of legal rules, reimbursement etc. These problems are solved in practice with a pragmatic implementation.

An ontological analysis shows that conceptualisation of consular law remains sketchy. Neither international treaties nor national laws have developed a strong terminology on consular law. Even a lexical ontology may provide important assistance.

Further, an ontology can be considered as an approach for solving the problem of multilingual (e.g. in 23 Community languages) handling of consular cases (see for the long list of functions Article 5 of the Vienna Convention on Consular Relations), taking into account the 27 different consular protection laws and policies. The ontology can provide required equivalence of concepts but can be linked also to a dialogue system.

For these reasons, experimental research on legal ontologies and dialogue systems has been undertaken. The remainder of this paper is organized as follows: Section 2 describes the consular law legal information system, Section 3 the ontology of EU consular law, Section 4 the dynamic legal electronic commentary, Section 5 first experiments and, last but not least, in Section 6, tentative conclusions are presented.

2. LEGAL INFORMATION SYSTEM CONSUL

Handbooks in paper have long ceased to constitute best practice for dissemination of information. Websites and information systems are able to very nicely present the complex knowledge while coping very efficiently with often daily updates (e.g. travel recommendations). For finding materials, legal search constitutes an indispensable tool. Legal retrieval remains the best solution for determining the similarity between documents and

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