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NOTE

from:	The Presidency
to:	Coreper/Council
Subject:	Multiannual European e-Justice Action Plan 2014-2018

1. The draft multiannual European e-Justice Action Plan 2014-2018 was discussed at the meetings of the Working Party on e-Law (e-Justice) on 24 and 25 February, 4 April and 6 May 2014. This final version has been produced on the basis of the results of these meetings and taking into account the written comments received from the Member States.

2. Coreper/Council is invited to adopt this Action Plan and to decide on its publication in the Official Journal C-series.

I. INTRODUCTION

1. On 6 December 2013, the JHA Council adopted the new Strategy on European e-Justice 2014-2018¹. This Strategy defines the general principles and objectives of European e-Justice and sets out general guidelines for the establishment of a corresponding new multiannual European Action Plan on e-Justice during the first half of 2014.
2. This Action Plan, as set out in the Annex, contains a list of the projects considered for implementation in the 2014-2018 period, with an indication of the participants, actions for their practical implementation and an indicative timetable, where possible, with a view to allowing a concrete follow-up of the Action Plan by the Working Party on e-Law (e-Justice).
3. This second multiannual European Action Plan on e-Justice aims to build upon the work already undertaken and to continue this positive development at national and European level. This work should also be seen as part of a broader evolution towards a European area of justice in the context of ongoing discussions on the future development of the Justice and Home Affairs area.
4. During the discussions held under the Lithuanian Presidency in autumn 2013 and continued under the Hellenic Presidency in the first half of 2014, there has been substantial consensus among Member States regarding further development of e-Justice as one of the cornerstones of the efficient functioning of justice in the Member States and at European level.

¹ Published in the Official Journal on 21 December 2013 (2013/C 376/06)

II. ACTION PLAN

5. The implementation of the Strategy requires a comprehensive Action Plan designed to improve the overall functioning of e-Justice systems in the Member States and at European level.
6. With regard to the Strategy on European e-Justice (2014-2018)¹, and without prejudice to national projects and developments in the area of e-Justice, the European e-Justice Portal, hosted and operated by the Commission in line with the Council guidelines, is key to the delivery of e-Justice at European level.
7. This objective is reflected in the annexed list of projects in the area of access to information in the field of justice, access to courts and extrajudicial procedures in cross-border situations, and communication between judicial authorities.

Projects

8. The development of European e-Justice should include actions at both European and national level in the area of e-Justice.
9. For all new and existing e-Justice projects, special attention should be paid to achieving the broadest possible participation base, in order to ensure meeting users' expectations, long-term viability and cost-efficiency of those projects. New projects developed under European e-Justice must therefore have the potential to involve all the Member States of the European Union, and all Member States should be encouraged to participate in all projects on a voluntary basis.

¹ It should be noted that paragraph 17 of the European Strategy on e-Justice 2014-2018 indicates that "European e-Justice should strive for further consistency with the general framework of e-Government, [...]."

10. To achieve this, new projects with a possible impact on European e-Justice planned by the Member States and not included in the Annex should, to the extent possible, be discussed first within the Working Party on e-Law (e-Justice) for an overall assessment of the practical and other relevant aspects of the project. This would also ensure that the needs and views of other Member States and the Commission are properly taken into account and avoid duplication.
11. In the planning of future work, an adequate balance between innovation and consolidation should be sought. For reasons of cost-efficiency and taking into account the limited resources available, existing projects should be continued and expanded to include a maximum number of Member States before starting any new ones. The considerable developments which have taken place in the Member States in this area in recent years, however, show that new emerging and innovative projects in the area of justice should be encouraged.

Project financing

12. The Member States should cooperate among themselves on a voluntary basis to ensure financing of the proposed projects.

13. The Commission will continue to finance the development, operation and translations of the European e-Justice Portal and to provide funding opportunities for e-Justice projects of added value, for example under the Justice Programme (2014-2020)¹ or under other programmes such as the Connecting Europe Facility² or ISA³ or its successor programme.

A. Access to information in the field of justice

1. Information through the e-Justice Portal

14. To ensure a coordinated approach, a regular work plan should continue to be presented by the Commission at the beginning of each six-month period.
15. The e-Justice Portal should continue to provide general information to citizens, businesses, legal practitioners and the administration of justice about EU and Member State legislation and case law, as well as providing access to EUR-Lex and N-Lex.
16. The Portal should also be a means of offering access to specific information in the field of justice at national, European and international level.

¹ Regulation (EU) No 1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020.

² Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010.

³ Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA).

17. Moreover, to improve the efficiency of the e-Justice Portal, a survey on user needs will be carried out. Additional activities aimed at making the Portal more user-friendly should also be undertaken.
18. Information on or interconnection with systems developed as part of initiatives undertaken by members of the legal professions, such as lawyers, notaries and judicial officers, should continue to be considered for inclusion in the e-Justice Portal in consultation with the relevant stakeholders. Initiatives by other relevant stakeholders, such as mediators or judicial experts, could also be taken into account in the future.
19. As regards the information content of the Portal, content providers, including in particular the Member States and the Commission, are responsible for the accuracy and updating of the information on their respective content pages. At least once per year, content providers should review and, if necessary, update the information they have provided.

2. Registers

20. The European e-Justice Portal should also provide a single access point via interconnections to the information in national registers with relevance in the area of justice managed by national public or professional bodies facilitating the administration of and access to justice, provided that the necessary technical and legal preconditions for such interconnections exist in the Member States.
21. Action in this area should be focused in particular on the interconnection of registers which are of interest to citizens, businesses, legal practitioners and the judiciary.

3. Semantic web

22. The development of effective means for the exchange of legal information across borders, and in particular data relating to European or national legislation, case law and legal glossaries (such as Legivoc) should be continued.
23. Different projects can address this issue and increase the exchange and semantic interoperability of legal data throughout Europe and beyond. Unique identification, common metadata and ontologies of legal information are the basic building blocks of the European legal semantic web.

B. Access to courts and extrajudicial procedures in cross-border situations

1. General aspects

24. Going to court and initiating extrajudicial proceedings in particular in cross-border situations should be facilitated through the availability of communication by electronic means between courts and parties to proceedings, as well as witnesses, experts and other participants.
25. Furthermore, the use of video conferencing, tele-conferencing or other appropriate means of long-distance communication for oral hearings, where appropriate, should be extended in order to remove the need to travel to court to take part in judicial proceedings, in particular in cross-border cases.

2. Cooperation with the judiciary and legal practitioners

26. The Member States' judiciary and relevant legal practitioners (such as lawyers, notaries and judicial officers) should be involved in future discussions in the area of e-Justice to ensure that the solutions developed correspond to the actual needs of their possible target groups.
27. Such an arrangement would allow direct contact with these professional sectors, at which e-Justice is basically targeted, to discuss issues of common interest and to raise awareness of the latest developments in the area of e-Justice.
28. The Strategy on European e-Justice provides for the establishment of a cooperation mechanism with the judiciary and legal practitioners. In this context, an annual meeting with representatives of the judiciary and legal practitioners (such as lawyers, notaries and judicial officers) will be organised to allow a regular exchange of views with these target groups of professionals¹. These meetings will be organised in the form of specific items on the agenda for the regular meetings of the Working Party on e-Law (e-Justice).
29. Representatives of the judiciary and legal practitioners should be associated as much as possible with the work of the informal groups and the expert groups at the Commission as regards those projects which are of direct interest to them.
30. The European Judicial Networks in civil and commercial as well as in criminal matters play an important role in the development of e-Justice and the close collaboration with both networks should be continued.

¹ The Working Party should prepare such meetings in advance, in particular by defining the target groups of professionals that should participate in these meetings. As regards representatives of the judiciary, it should be up to each Member State to indicate the representative for such meetings.

C. Communication between judicial authorities

31. Development of electronic communication between the judicial authorities of the Member States, more specifically in the framework of instruments adopted in the European judicial area in the field of civil, criminal and administrative law, should be continued further (e.g. via videoconferencing or secure electronic data exchange).
32. In this context, the e-Justice Portal should continue to be developed as an efficient tool for use by legal practitioners and judicial authorities by providing a platform and individual functionalities for effective and secure exchange of information, including via the e-CODEX network.

D. Horizontal issues

1. General aspects

33. Certain aspects relating to future action are of a more general nature and cover different domains in the area of e-Justice. Development of large-scale IT projects, such as e-CODEX, has been successful, and the integration and follow-up of the results of the e-CODEX project into the e-Justice Portal should be ensured. ¹

2. Prioritisation of work

34. The projects to be included in the Action Plan as set out in the Annex have been divided into two different categories - "A" and "B" projects²:

¹ These themes could be further explored under the Connecting Europe Facility (CEF).

² The Working Party on e-Law (e-Justice) also considered other projects of interest which were not retained as A or B projects, but which could be reconsidered at a later stage by the Working Party.

35. The list of "A" projects has the first priority. These are projects that meet one of the following criteria:
- a) projects which arise out of an obligation established by a European Union legal instrument¹; or
 - b) ongoing projects based on the Action Plan 2008-2013 which have been accepted by the Working Party on e-Law (e-Justice)².
36. "B" Projects are projects which do not fall within category "A", but which
- a) meet the objectives defined in the European Strategy on e-Justice for the period 2014-2018; and
 - b) were considered to be of particular importance by the Working Party on e-Law (e-Justice), taking into account the subject matter, in order to achieve the objectives defined in the European Strategy on e-Justice.
37. During the follow-up monitoring of the implementation of this Action Plan, the Working Party on e-Law (e-Justice) will establish which of the "B" projects included under paragraph 36 should be implemented as a priority, taking into account the available human and financial resources and also the principles of action as set out in paragraph 9.

¹ Time limits fixed by such instruments must be respected in the context of implementation.

² To the extent that the results of such projects are to be integrated into the e-Justice Portal, a decision on their priority for integration will be taken by the e-Law (e-Justice) Working Party after considering their added value in view of other initiatives and the available resources.

38. To allow for the necessary flexibility in the implementation of this Action Plan, the Working Party on e-Law (e-Justice) may also decide to introduce new initiatives or to move projects from one category to another in the light of new developments.

3. Screening of legislative proposals

39. In order to ensure consistent use of modern information and communication technology in the implementation of new EU legislation in the area of justice, e-Justice should be mainstreamed into all future legislative instruments adopted in that area, without affecting the remit of the relevant Council Working Party. For this purpose, all future legislative instruments should be screened before their adoption and the Working Party should be able to give advice, if necessary, in order to ensure that the possible use of e-Justice systems is always taken into account.

E. External relations

40. Cooperation with non-EU countries in the area of e-Justice should be continued, with due regard for the institutional rules established at EU level. Non-EU countries should be encouraged to adopt technological solutions and information models comparable to those used within the EU in this area, so as to create an interoperable environment for future voluntary cooperation.

41. Acceding countries and other interested non-EU states could also be involved as regards specific items to be defined in the context of e-Justice, such as videoconferencing and discussions in the context of e-CODEX.

42. The Working Party on e-Law (e-Justice) should examine what kind of contacts should be established with specific non-EU countries.

F. Governance structure

43. A solution for the consolidation of the results of implementation of this Action Plan, such as the results of the e-CODEX project, should be further explored. It is also noted that the overall working structure put in place in the multiannual European e-Justice Action Plan 2009-2013 (paragraphs 57-63) shall be applicable in the context of the implementation of this second Action Plan.

G. FOLLOW UP

44. At least once a year the Working Party will monitor the implementation of the Action Plan, which should be adapted, if required, in the light of future needs and developments. It should be borne in mind that the implementation of the actions as set out in the Annex will involve considerable cost and/or an increase in the administrative burden both for the Member States and for the Commission. There should therefore be careful prioritisation of the projects by the Working Party on e-Law (e-Justice).
45. Informal groups of the Member States involved in specific projects can meet in order to make progress in those areas of work. The details of organisation of the work of these informal groups are set out in a separate document.
46. The Council will assess the implementation activities in the first half of 2016 and will suggest any action to improve the functioning of e-Justice.

III. CONCLUSIONS

47. Coreper/Council is invited to endorse this Action Plan at its meeting on 6 June 2014.

A. Access to information in the field of justice

1. Information through the e-Justice Portal

Project	Responsibility for action	Actions to be taken	Timetable	Category
1. European e-Justice Portal (General aspects)	<ul style="list-style-type: none"> - Commission and Member States - Working Party on e-Law (e-Justice) where required 	<ul style="list-style-type: none"> a) updates of the static content¹ b) expansion of the static content (as per half-yearly content work plans) c) inclusion of functionalities defined in this Action Plan 	2014 to 2018 (ongoing)	A
2. European e-Justice Portal Information relating to minors (collecting information relating to minors in respect of judicial procedures)	<ul style="list-style-type: none"> - Member States and Commission 	<ul style="list-style-type: none"> - informal group 		B

¹ This will include the completion of information on victims of crime.

3. Penitentiary establishments (information on competence and location of penitentiary establishments)	- Member States - Commission	- informal group		B
4. European e-Justice Portal ¹ e-Justice for practitioners in criminal matters: collecting and ensuring availability of practical experiences of judicial authorities in the area of EU criminal justice (Knowledge Management initiative on criminal matters)	- Member States, Commission, EUROJUST, EJM members, prosecutors and other representatives of the Member States - Commission	- informal group		B (non-priority for translation by the Commission)
5. European e-Justice Portal Open data on justice	- Member States - Commission	- informal group		B

¹ Collecting and ensuring the availability of updated information in the area of international judicial cooperation in criminal matters.

6. European e-Justice Portal Information and assistance for citizens to resolve fundamental rights problems (guidelines for citizens in order to solve legal problems)	- Member States and Commission	- informal group	2014 to 2015	B (see also action 36)
7. European e-Justice Portal Judicial auctions Information on judicial auctions	- Member States and Commission	- informal group		B - limited to links
8. European e-Justice Portal Judicial official announcements	- Member States and the Commission			B - limited to links
9. Consumer law database	- Member States and the Commission	- implementation by the Commission in consultation with the Member States		B

2. Registers

Project	Responsibility for action	Actions to be taken	Timetable	Category
10.a) interconnection of available insolvency registers (currently limited to certain Member States) b) interconnection of the insolvency registers of all Member States as a result of the future amendment of the Insolvency Regulation (legal obligation)	- Member States and the Commission - Member States and the Commission	- setting-up electronic national registers - interconnection of national registers	2014 2017 to 2018	A
11. Business registers (legal obligation)	- Commission and the Member States	- committee procedure	2015	A ¹
12. Land registers	- Commission	- feasibility study	2014	A
13. Interpreters' and translators' Databases	- Member States ² and the Commission in cooperation with EULITA	- ongoing project ³	2016	B

¹ A solution still needs to be found as to how this will be implemented in practice.

² Not all Member States recognise the category of legal interpreters or translators at national level.

³ Concerns certain Member States.

14. Help for the translation of judicial acts ¹	- Member States	- ongoing project ²	2014 to 2016	B
15. Registers of judicial experts	- Member States	- ongoing pilot project ³	2016	B
16. Find a Judicial Expert	- Member States and then the Commission	- informal group ⁴		B
17. Interconnection of registers of wills ⁵	- Member States in cooperation with notaries	- informal group		B
18. Electronic European Certificate of Succession	- Commission	[- feasibility study]		A

¹ This item relates to the BABELLEX project, which aims at making available existing databases of legal translators/interpreters as well as offering access to existing translations of legal texts.

² Concerns certain Member States.

³ Concerns certain Member States.

⁴ Ongoing pilot project concerning certain Member States

⁵ Ongoing pilot project by notaries

19. Register of representation rights and powers of legal representatives ¹	- Member States	- informal group		B
20. Find a Judicial Officer	- Member States and the Commission in cooperation with judicial officers	- informal group		A

3. Semantic Web

Project	Responsibility for action	Actions to be taken	Timetable	Category
21. ECLI - introduction of ECLI, development and extension of the ECLI interface - automatic extraction from legal acts - improving accessibility of legal open data	- Member States and Commission	Working Party on e-Justice and Commission expert group	2014 to 2018 (ongoing)	A (B if there is an extension of the functionalities to include automatic extraction from legal acts)

¹ This project should provide information on representation rights, e.g. in cases of custody (for example concerning minors).

22. ELI (this project falls under the remit of e-Law)				A
23. Semantic interoperability (glossaries, such as LEGIVOC)	- Member States, Commission and LEGICOOP	follow-up by the Working Party on e-Justice	2014 (ongoing project)	A

B. Access to courts and extrajudicial procedures in cross-border situations

24. Court database				
- unique identification of entities within the judicial domain	- Member States and Commission	- ongoing project	2014	A
- improving the content and functioning of the court database (extension of the scope by coverage of European and national instruments)	- the Member States and the Commission	- Commission expert group		B
- service interfaces which allow automatic searching of the court database by national and European e-Justice applications	- Member States and the Commission	- ongoing project	2014	A

25. Dynamic forms (EPO, Small Claims and Taking of evidence)	- Commission and Member States/e-CODEX	- Commission expert group	2014	A
26. ODR (On-line dispute resolution]	- Commission and Member States	- implementation and go-live	2015	A
27. Find a mediator	- Commission and Member States	- informal group		B
28. e-Service of documents ¹	- European Chamber of Judicial Officers and the Member States	- ongoing project	2015 to 2016	A
29. European Investigation Order ²	- Member States and the Commission	- informal group/e-CODEX pilot project ongoing since March 2014 between certain Member States		A

¹ A possible extension of the scope of this project to be considered and decided by the Working Party at a later stage.

² Developing technical solutions for electronic exchange of EIOs between Member States' authorities.

C. Communication between judicial authorities

Project	Responsibility for action	Actions to be taken	Timetable	Category
<p>30. Videoconference</p> <ul style="list-style-type: none"> - Organising and running cross-border videoconferences (in all MS) - IT tools helping to support and organise videoconferences - enhancing interoperability for videoconferencing - form for requesting/confirming a cross-border videoconference - Network for exchange of experience and sharing best practice on videoconferencing, including training <p>(participation of legal practitioners: judges, public prosecutors, lawyers, mediators, legal interpreters)</p>	<p>- Member States and the Commission</p>	<p>- informal group</p>	<p>2014 to 2016</p>	<p>A</p>

31. e-APP (Electronic Apostille programme) (including e-Registers of Apostilles)	- Member States and Commission in consultation with the Hague Conference on Private International Law	- informal group		B
32. i-Support (maintenance obligations)	- the Hague Conference on Private International Law in consultation with Member States and the Commission	- ongoing project (pilot scheme in the context of e-SENS)	2014 to 2016	A - not to be integrated in the e-Justice Portal
33. Cooperation with the website of the European Judicial Network in criminal matters	- Council, Commission, Judicial Network and EUROJUST	- ongoing project	2014 to 2016	A

D. Horizontal issues

Project	Responsibility for action	Actions to be taken	Timetable	Category
34. Automated machine translation	- Commission	1) first inclusion in the e-Justice Portal 2) - improve the quality of translation - introduce machine translations in other potential areas (e.g. non-structured data information received by national registers)	2014 and ongoing 2014 and ongoing	A A
35. Promotion of e-Justice (the Portal and e-Justice in general)	- Member States, Council and Commission	- Working Party on e-Justice	2014 and ongoing	A

36. European e-Justice Portal - Making the Portal more user-friendly ¹ - Survey on user needs	- Commission	- Commission expert group		A B
37. Multi-channel strategy ²	- Member States and the Commission	- informal group		B
38. e-Delivery (transporting information securely between the Member States)	- e-Codex/e-SENS - Member States [and Commission]	- preparatory work and implementation	2014 to [...]	A

¹ This will include interactive and dynamic search modules.

² Developing device-independent communication solutions for cross-border civil procedures.

39. e-Signature (signing of documents; checking the validity of incoming signed documents)	- e-Codex/e-SENS - Member States and Commission	- preparatory work and implementation	2014 to [...]	A
40. e-Payment (payment of fees on-line) ¹	- Commission/e-CODEX - Member States and Commission	a) feasibility study b) preparatory work and implementation	2014 to [...]	A
41. e-ID (differentiated access to the e-Justice portal by authentication through the use of national identity solutions.)	- STORK 2.0/e-SENS - Member States and Commission	- preparatory work and implementation	2014 to [...]	A
42. e-Document (conversion and semantics. Common standards for documents exchanged in cross-border systems.)	- e-Codex/e-SENS - Member States and Commission	- preparatory work and implementation	2014 to [...]	A

¹ Fees to be paid in relation to legal proceedings or fees for access to registers.