



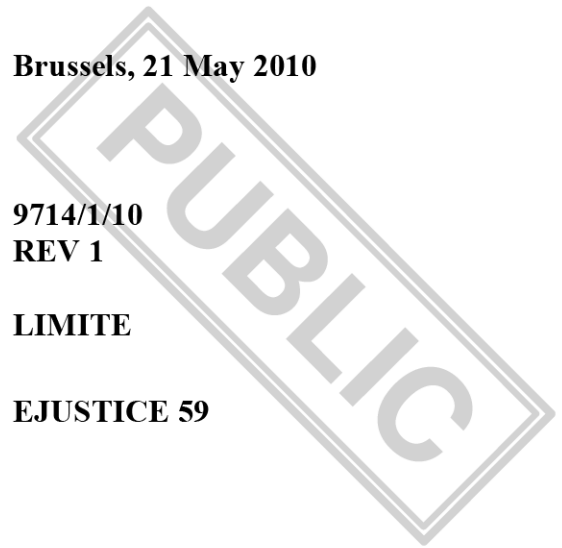
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 May 2010

**9714/1/10
REV 1**

LIMITE

EJUSTICE 59



NOTE

from:	Presidency
to:	Coreper/Council
No. Prev. doc.:	7350/1/10 EJUSTICE 25
Subject:	Implementation of the European e-Justice action plan - Roadmap

I. INTRODUCTION

1. The framework for e-Justice activities at the EU level is the European e-Justice action plan (further referred to as "action plan"),¹ which in its Annex provides clear objectives and timeframe in which these objectives have to be met.
2. In addition the Working Party on e-Justice (further referred to as "Working Party") has held an in-depth discussion on a number of projects with separate deadlines for sub-projects of certain larger projects. These should be taken into account as well.
3. In this context the Working Party has been engaged in drafting a roadmap from now until 2013 based on the actual state of play. This exercise has provided an opportunity to assess the implementation of the action plan.

¹ 15315/08 JURINFO 71 JAI 612 JUSTCIV 239 COPEN 216, OJ C 75 31.3.2009.

4. The aim of the current paper is to set out the actual state of play as compared to the action plan deadlines and objectives. A roadmap reflecting the state of play and estimated progress of work is set out in the Annex.

II. STATE OF PLAY

1) European order for payment procedure

5. The action plan provides that in 2009-2011 a group of Member States and then the Commission should continue work and discussions on the prototype, create dynamic forms and introduce the e-application. The Commission is required to launch a feasibility study.
6. The feasibility study launched by the Commission was finalised at the end of 2009 and its results have been communicated to all delegations.
7. Currently there is a pilot project between Germany, Austria and France on the e-application for the European order for payment procedure. Work is continuing on that as a matter of priority.
8. Dynamic forms will be placed on the portal by the Commission in the second release (presumably by the end of 2010). In the second half of 2010 work should be launched on a multilingual glossary in the field of European order for payment procedure.
9. Since a full e-application in the portal depends on work on e-ID (STORK), e-signature, potential Pilot A on e-Justice, e-payment and cross-border electronic service of documents it would not be functional until 2013 at the soonest. In the meantime it has been agreed to take stock of national electronic payment order procedures where they also cater for the cross-border cases and to plan work further on that basis in close cooperation with the pilot project.

2) Legal aid

10. According to the action plan, in the timeframe 2009-2013 the Commission should add information relating to legal aid to the portal and launch a feasibility study on requesting and obtaining legal aid.
11. The Working Party examined legal aid in 2008. The outcome of these discussions is set out in 14374/1/08. It was agreed that the portal should contain a section on legal aid building upon the existing legislative framework and without prejudice to the national systems in place.
12. Furthermore by the end of 2010 the Commission was invited to submit a feasibility study on the development of a system for online transmission and processing of legal aid applications with a possible automated translation tool in this system and to consult bodies that manage legal aid in the Member States. It is understood that this feasibility study should cover legal aid in civil and in criminal matters.
13. The Commission has informed the Working Party that the study would start in October 2010 with the results available one year later. Preparatory work would continue on the basis of the outcome of the feasibility with a possible application online in 2013 at the soonest due to potential dependencies on e-ID (STORK), e-signature and potential Pilot A on e-Justice. Feasibility study would focus on online transmission of legal aid applications and would not include automated translation since this is a horizontal topic.
14. Dynamic forms would be prepared for the second release in the second half of 2010. In addition by the beginning of 2011 the Commission will prepare fiches on legal aid in criminal matters.

3) European small claims procedure

15. According to the action plan in 2009-2013 the Commission is supposed to launch a feasibility study. In the same time-frame a group of Member States and the Commission are supposed to create dynamic forms and to introduce the e-application.
16. At this stage it is not yet known which Member States would be working on an e-application for the European small claims procedure.
17. The Commission has agreed that the dynamic forms would be made available in the third release of the portal in 2011. In addition, the Commission has informed the Working Party that the feasibility study would probably start in November 2010 with the results available one year later. In the second half of 2010 work should start on a glossary for the European small claims procedure.
18. Since a full e-application in the portal depends on work on e-ID (STORK), e-signature, potential Pilot A on e-Justice, e-payment and cross-border electronic service of documents it would not be functional until 2013 at the soonest.

4) Translators and interpreters databases

19. One of the actions to be taken in 2009-2013 according to the action plan is the interconnection of legal translators and interpreters databases.
20. The Working Party discussed in 2009 interconnection of legal translators and interpreters databases and videoconference-based interpretation system and reached a common understanding as set out in 7625/09.

21. Currently there is a pilot project between Germany, Austria and the Czech Republic. Work should continue on that pilot project with a view to its possible integration to the portal as from 2012. Additional preparatory work will be needed in this context, in particular as regards data protection aspects, the legal framework and creation of databases in different Member States and technical work by the Commission on the portal side.

5) Legal glossaries/semantic tables

22. The action plan foresees the creation of a legal glossary by the Commission and the Member States and the elaboration of semantic concordance tables in different fields together with SEMIC.EU.
23. Shortly work should start on legal glossaries in accordance with the approach defined in 5332/10 in three fields: insolvency registers, European order for payment procedure and European small claims procedure. Integration of the glossary data to the portal would be done by the Commission as a part of technical implementation as from 2012 subject to estimating the workload after delivering the glossaries.

6) Videoconferencing

24. One of the priorities of the European e-Justice action plan² is better use of videoconferencing technology. In this context several aspects need to be considered.

a) Booklet and manual

25. The booklet and manual have been prepared and will be included in the first release of the portal.

² 15315/08 JURINFO 71 JAI 612 JUSTCIV 239 COPEN 216, OJ C 75 31.3.2009.

b) Information on videoconferencing facilities

26. Information on videoconferencing facilities in the Member States will be included in the first release of the portal. Member States were encouraged to set up functional mailboxes to facilitate contacts between authorities.

c) Booking system

27. The action plan refers to evaluating the feasibility and relevance of a reservation system and to devising an online reservation system. Responsibility for action is for the Commission in cooperation with the Member States and work was to be launched in 2009.

28. In the course of discussions in the Working Party on e-Justice on 29 January 2010 it appeared that work had not yet been launched at EU level. Furthermore some delegations considered that it was necessary to assess the need for a booking system and to carry out a cost-benefit analysis.

29. The Presidency launched this exercise by preliminarily consulting the delegations about their positions on the need for an EU-wide booking system.³ In this light it should be assessed whether and when the booking system could come into being.

7) Mediation

30. The action plan states that in 2011-2013 Commission should add information relating to mediation to the portal and launch a feasibility study, specifying that the timetable depends on the date of the transposition of the Directive.

³ 7045/10 EJUSTICE 15

31. The Working Party examined mediation and online mediation in 2008-2009. The outcome of these discussions is set out in 11557/1/09 and 14666/1/08. The Working Party invited the Commission to present by the end of 2010 a feasibility study on the use of modern communication technologies in the mediation process and on online mediation, possibly in combination with online interpretation.
32. The Commission has informed the Working Party that the feasibility study will start in June 2011 with results available one year afterwards. Further work will depend on the outcome of the feasibility study.

8) Service of documents

33. The action plan requires the Commission to launch a feasibility study on the service of judicial and extrajudicial documents by electronic means in 2010-2011.
34. The Commission has informed the Working Party that the study should start on 1 January 2011 with the results available one year afterwards. Further work will depend on the outcome of the feasibility study.
35. In the meantime, the Presidency has devoted a part of the Working Party on 29-30 March 2010 solely to electronic service of documents.⁴

9) Online payment of procedural costs

36. The action plan foresees that in 2011-2013 work should commence on enabling procedural costs to be paid online.

⁴ See 7355/10 EJUSTICE 28 JUSTCIV 43 , 7048/10 EJUSTICE 17 JUSTCIV 36, 7051/10 EJUSTICE 18 JUSTCIV 37, 7052/10 EJUSTICE 19 JUSTCIV 38, 7356/10 EJUSTICE 29 JUSTCIV 44 and 7053/10 EJUSTICE 20 JUSTCIV 39 for further information.

37. Currently there is a project coordinated by Germany that involves 6 other Member States (AT, CZ, EE, IT, SI, SK). The results are expected by the end of the first semester of 2011, as a result of which decisions will be taken on next steps.

10) Interconnection of insolvency registers

38. The action plan foresees that a group of Member States should continue work on a prototype covering data from the insolvency registers of certain Member States with the objective of incorporation in the portal. Actions to be taken as from 2009 include adding data from the insolvency registers of other Member States, creating a multilingual interface and creating a legal and semantic glossary.

39. The Working Party debated the way forward of this project at the end of 2009. The outcome is set out in 15513/09. On that basis an informal group was convened at the beginning of 2010 to work on all the issues relevant for the integration of the project to the portal. The Commission has agreed to be in charge of the technical work from the portal side, on condition that the glossary is finalised and work on the side of the group of Member States is completed.

40. The Commission is preparing a Commission decision that would cover its responsibility in terms of its role as partial data controller for the use of the European e-Justice portal. The decision is expected to be adopted by the end of October 2010.

41. The group should prepare a detailed report by June 2010 regarding solutions or possible solutions to all outstanding issues in order to complete the integration of the project to the portal, on the basis of the report the further course of work will be determined.

11) EBR

42. The action plan foresees that in the first phase the portal would include a link to EBR and in the second phase the Commission would reflect on the possibility for partial integration of EBR into the portal.⁵ Reference is also made to the authentication of the user via the portal. Timeframe for such work is 2009-2010 and a link is made with work in other Council configurations.
43. Several delegations have highlighted the Commission Green Paper on the interconnection of business registers (COM(2009) 614 final) and the need to consider the outcome of that consultation process.
44. The Commission would carry out integration analysis as from the second half of 2010 and depending on the outcome possible integration would be considered as from the second half of 2011.

12) EULIS

45. The action plan foresees that in the first phase the portal would include a link to EULIS and in the second phase the Commission would reflect on the possibility for partial integration of EULIS into the portal. Reference is also made to the authentication of the user via the portal. Timeframe for such work is 2009-2010 and a link is made with work in other Council configurations.
46. Since EULIS is developing a new platform that is expected to be operational by the beginning of 2012, possible integration would be considered as from 2012.

⁵ See also 9659/09 JURINFO 72

13) Register of wills

47. The action plan mentions the possibilities for cooperation with ENRWA (CNUE)⁶ and foresees that the Commission should carry out a feasibility study.
48. The Working Party examined the question of interconnection of registers of wills and agreed on a common approach as set out in 14376/1/08.
49. A link should also be made with the draft Regulation on succession currently under examination in the Council.⁷

14) Criminal records

50. Paragraph 27 of the action plan states that "European e-Justice will also provide access via interconnections to the information managed by the Member States in the framework of public administration of justice (for instance, and without prejudice to the functioning rules of this project, the interconnection of the databases of Member States' criminal records)." The Annex of the action plan also includes this project.
51. It was decided in June 2009⁸ that the Working Party on Cooperation in Criminal Matters (COPEN) should deal with the implementing measures referred to in Article 6(2) of the ECRIS Decision⁹ in a composition which involves criminal law as well as IT experts and that the Working Party on e-Justice should be kept regularly informed of the technical developments in order to ensure a consistent approach to IT in the sphere of justice.

15) Automated legal translations

52. The success of a multilingual portal also depends on the translation facilities available. In addition to multilingual dynamic forms a solution needs to be found for translating free-flow text of such forms.¹⁰

⁶ 14606/07 JURINFO 64

⁷ 14722/09 JUSTCIV 210 CODEC 1209

⁸ 10725/09 JURINFO 86 COPEN 108 CATS 65 CRIMORG 92 ENFOPOL 164

⁹ OJ L 93, 7.4.2009, p. 33

¹⁰ Until such a solution is found, Member States should consider ways of making available the

53. In 2009-2013 according to the action plan the Commission translation services should find financing for legal translation tools in all EU language pairs.
54. This issue has been under consideration in the Working Party on e-Law.¹¹ In particular, with regard to the future e-Justice portal the following lines of work were envisaged:
- Developing a specialised legal thesaurus (EUROVOC +)
 - Increasing the number of language combinations available, taking due account of the financial resources available and of practical needs.
 - Using machine translation to translate the free-flow content of the automated multilingual forms in the context of cross-border proceedings.¹²
55. In addition the question of automated translation tools in N-Lex was raised, in particular as regards the cost of such tools and the legal conditions under which they could be provided to legal professionals and to the general public.¹³

16) Secure paperless communication

56. In accordance with the action plan in 2009-2011 the Commission is expected to launch a feasibility study on paperless communication between judicial authorities via a secure network. The Commission has agreed that the study would start in 2011 with the results available 18 months later. Since this project bears dependencies on e-ID (STORK), e-signature and potential Pilot A on e-Justice, it is unlikely that there would be a functionality in place by 2013 at the soonest or even later.

texts of their legislation that have already been translated into one or more foreign languages.

¹¹ 9885/08 JURINFO 44, 11558/08 JURINFO 56, 15796/09 JURINFO 140

¹² 11558/09 OJ/CRP2 25

¹³ 15796/09 JURINFO 140

17) Access to case-law

57. According to the action plan (see paragraph 26) one of the basic functions of European e-Justice is access to law and case-law.
58. With the adoption of Council conclusions on 22 December 2009¹⁴ work has been launched on access to case-law at EU level. Depending on the advancement of preparatory work in the course of 2010, it is possible that the European Case Law Identifier (ECLI) and common metadata could already be implemented in certain Member States as from 2011.

18) Access to law

59. According to the action plan (see paragraph 26) one of the basic functions of European e-Justice is access to law and case-law.
60. The action plan specifies that the portal will be linked with EUR-Lex and N-Lex.

19) Legal practitioners

61. The action plan states in paragraph 22 that European e-Justice should serve as a tool for use by legal practitioners and judicial authorities by providing a platform and individual functionalities for effective and secure exchanges of information. Paragraph 32 further specifies that "it will permit by means of a uniform authentication procedure to open up for members of the legal professions the various functionalities reserved for them to which they shall have differentiated access rights."
62. In this spirit, the Working Party discussed the question of legal practitioners. The outcome of that discussion is set out in 5332/10, in particular as regards lawyers and notaries. Contacts with other professions, such as bailiffs and mediators, will be taken subsequently.

¹⁴ 17377/09 JURINFO 158 JUSTCIV 253 JUSTPEN 23

(a) Information to the citizen

63. For the first release, the portal will provide the information sent by Member States on their legal professions as well as a general EU page on legal professions.
64. For the future releases of the portal the Working Party should reflect on how the content and presentation of information on the various legal professions could be made more complete and more consistent from one Member State to another and from one profession to another.

(b) How to find a...

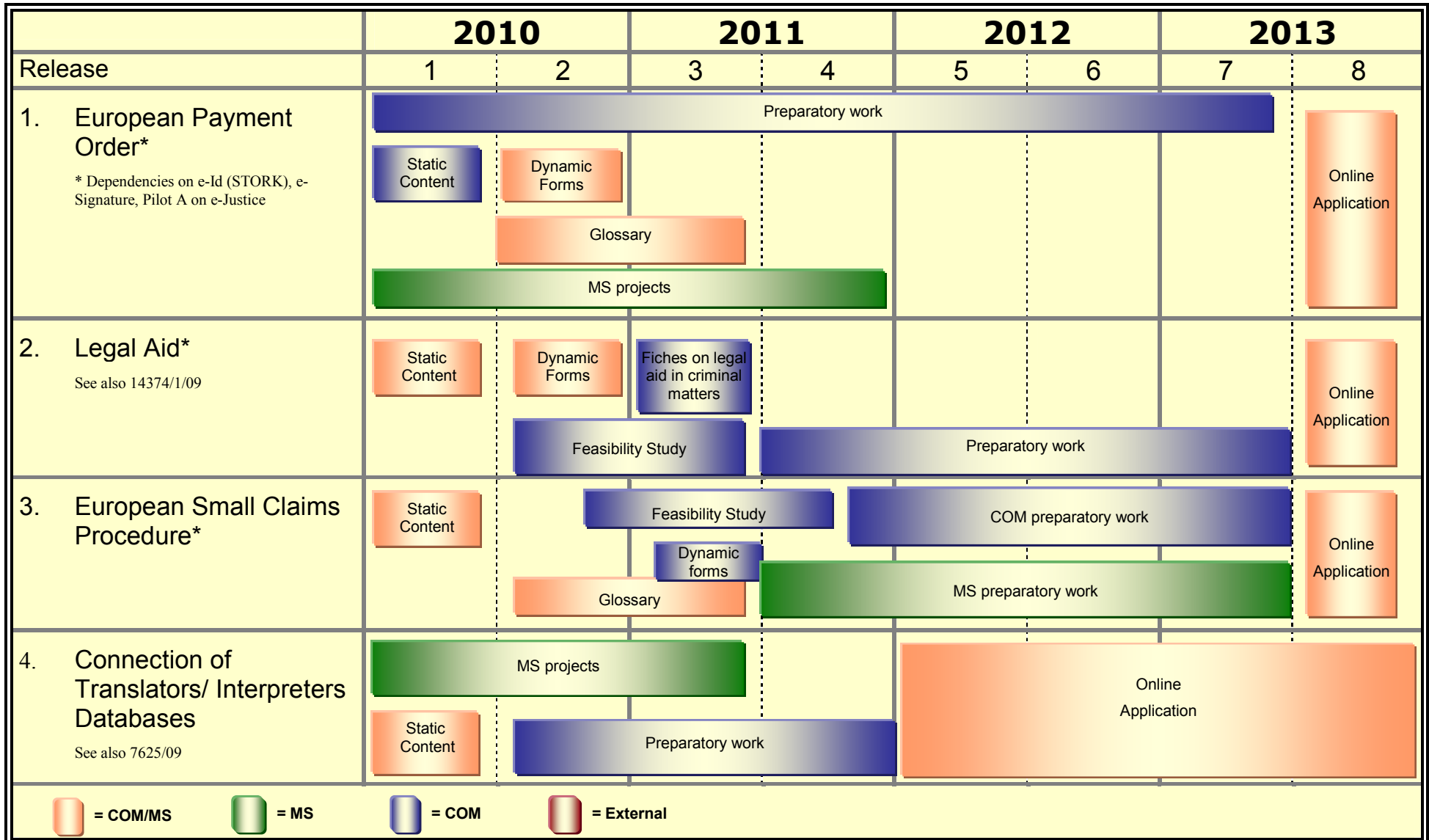
65. As regards notaries and lawyers, it has been agreed that in the first phase the portal will provide a link to the national and local directories through a link. In the second phase and depending on the outcome of pilot projects national and local directories could be interconnected within the portal.

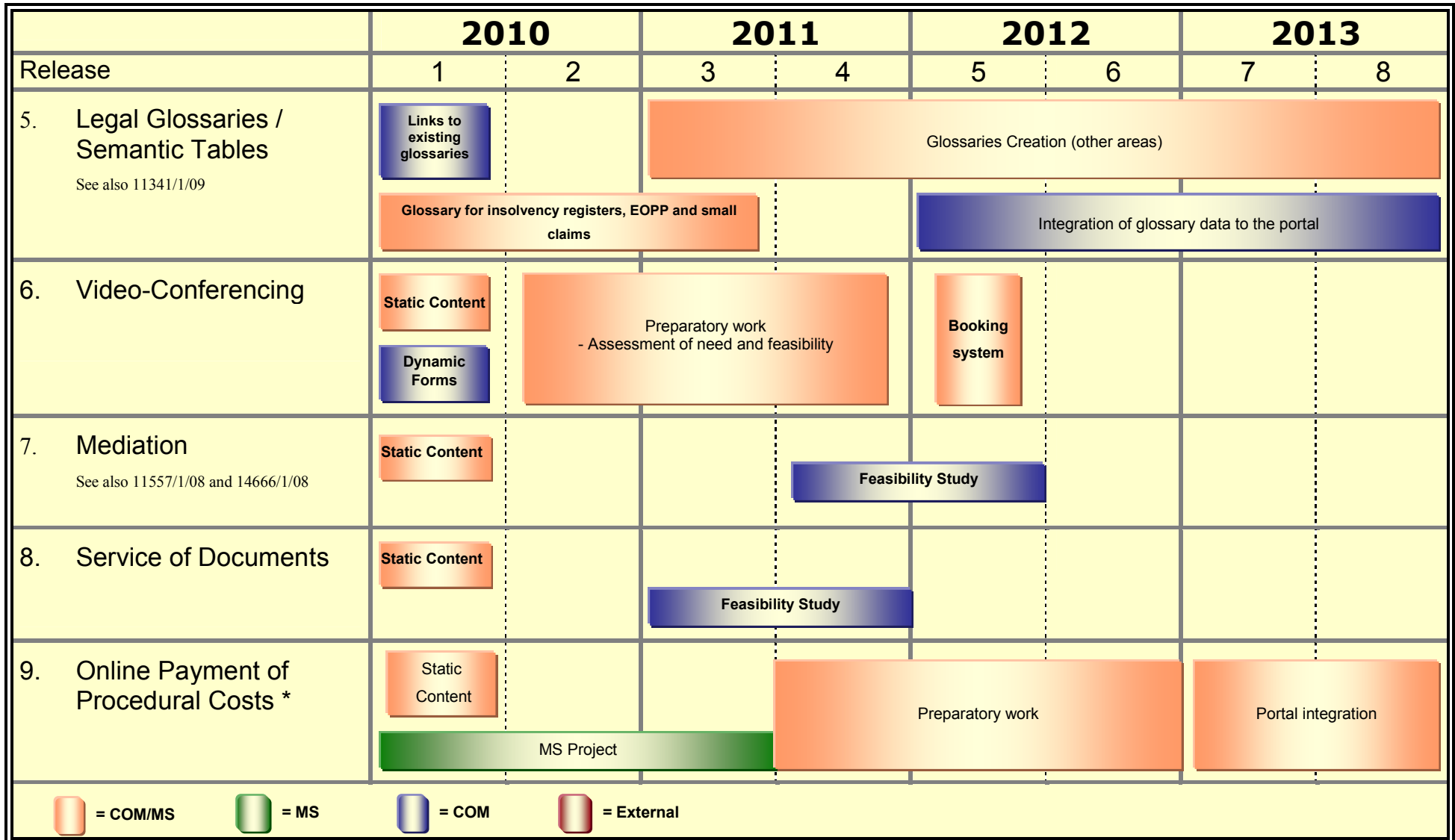
(c) Training of legal practitioners

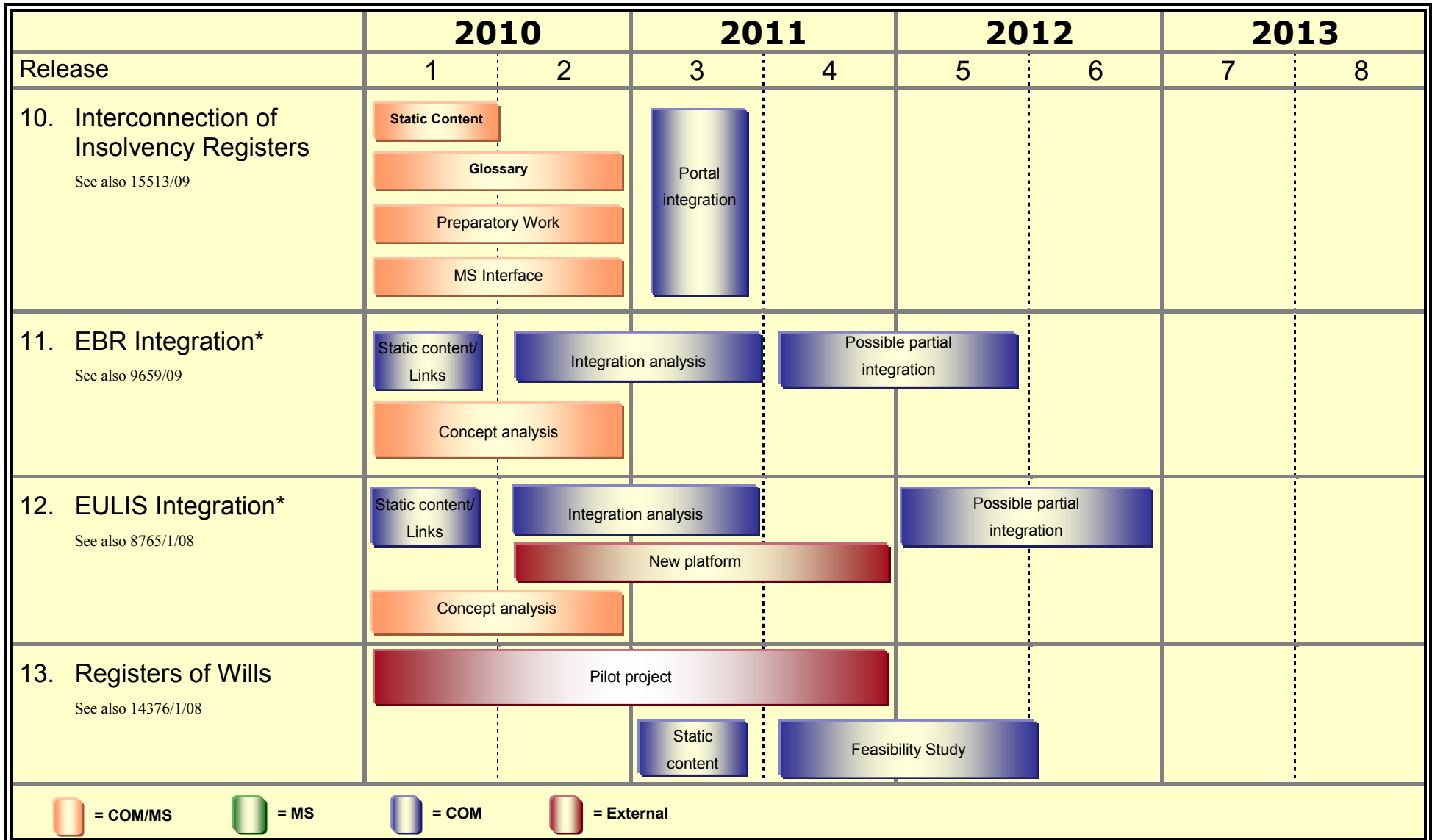
66. The action plan contains a section "Training of legal practitioners". In 2010-2012 the European Judicial Training Network should develop e-learning tools and, if appropriate, organise training in the use of videoconferencing at European level, the Commission is required to organise annual Justice Forum meetings on e-Justice and the Member States should organise training in the use of videoconferencing at national level.
67. In the second half of 2010 the Commission is planning to launch a collaborative e-application on the Justice Forum.

III. CONCLUSIONS

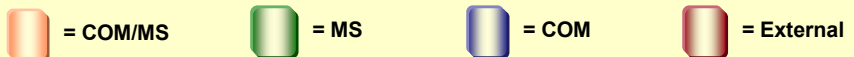
68. On the basis of the information set out above Coreper/Council is invited to endorse the roadmap set out in the Annex.
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	2010		2011		2012		2013	
Release	1	2	3	4	5	6	7	8
14. Criminal Records*			Concept analysis					
15. Automated Legal Translations	Alternative to SYSTRAN solution integration							
16. Secure paperless communication*			Feasibility Study					
17. European Case Law Identifier (ECLI) and common metadata <small>See also 17377/09</small>	Concept analysis		Development and implementation					
18. Access to law	Static content and links to databases							

	2010		2011		2012		2013	
Release	1	2	3	4	5	6	7	8
19. Legal practitioners 19a. Information to the citizen <small>See also 5331/10</small>	Links and static content Concept analysis	Improving the information per legal profession and per MS						
19. Legal practitioners 19b. How to find a ... <small>See also 5331/10</small>	Static Content Concept analysis	Pilot projects		COM preparatory work		Interconnection of directories (where available)		
20. Justice Forum	Static Content	Collaborative e-Application						
								

* means dependencies on e-Id (STORK), e-Signature, Pilot A on e-Justice