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NOTE

from:	The Working Party on e-Law (e-Justice)
to:	Coreper/Council
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Subject:	Report from the Working Party on e-Law (e-Justice) to Coreper/Council

I. INTRODUCTION

1. At its meeting on 6 and 7 June 2013 the JHA Council took note of the report[1] from the Working Party on e-Law (e-Justice) concerning work carried out in the first half of 2013 and invited the Working Party to submit a report to Coreper/Council by the end of the second half of 2013 on progress made in the area of European e-Justice, in consultation, as appropriate, with the relevant working parties.

[1] 9870/13 EJUSTICE 48 JURINFO 18 JUSTCIV 126 JUSTPEN 6 COPEN 82 DROIPEN 60 FREMP 66

2. During the second half of 2013, the Working Party on e-Law (e-Justice) met on 26 September, 14 October and 7-8 November. The work has been focused on two main sectors, namely the new Strategy on European e-Justice 2014-2018 and the regular follow-up activities on the basis of the revised 2011 roadmap as set out in the Annex. As a result of these discussions, the final version of the new Strategy on European e-Justice 2014-2018 will be presented to the JHA Council in December 2013 for adoption.

3. In the light of the above, it is proposed that Coreper/Council take note of the work completed in the second half of 2013 as set out in the Annex.

ANNEX

II. REPORT ON CURRENT ACTIVITIES OF THE WORKING PARTY ON E-LAW (E-JUSTICE)

1. During the second half of 2013, work on e-Justice continued based on the revised roadmap set out in 10331/11 and endorsed by the JHA Council in June 2011 and on the basis of 16580/12 containing the state of play of the revised roadmap, which was presented to the JHA Council in December 2012. Three and a half days of meetings (on 26 September, 14 October and 7-8 November) were held which enabled the Working Party to make progress in accordance with the European e-Justice Action Plan.[1]

(1) European e-Justice Portal

a) New content and updating of the Portal's existing information content

2. A new release of the Portal took place in September 2013. This release included a large number of improvements to the application and to the functionalities relating to e-CODEX. As regards the European Judicial Atlas, its migration to the Portal is making good progress. In this context, it was decided that the Member States would update their communications in future directly via the Portal's content management system. The Commission was also planning to use a responsive web design in the Portal to accommodate mobile devices by the end of 2013. In addition, the Portal was made available in Croatian in November.

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

3. Analysis of the integration of the automated translation engine into the Portal was under way. Implementation of the Directive on cookies[1], under which consent to the use of cookies in specific scenarios would be required before accessing the Portal, was currently planned for early 2014.

(2) e-CODEX

4. The Working Party regularly follows the work undertaken in the context of the large-scale ICT project e-Justice Communication via Online Data Exchange (e-CODEX)[2].

5. Cooperation between the e-CODEX consortium and the e-Justice Portal was well under way. The project partners continued to work on the four pilot cases (European Payment Order, Small Claims, European Arrest Warrant, secure exchange of data) in the second half of 2013. The integration of the available e-CODEX solutions into the e-Justice Portal had been delayed due to the need to make the technical adaptations required by the Commission's data centre. For the time being, testing was rescheduled to start in January 2014 with a view towards making a functional solution available in the e-Justice Portal around March/April 2014. The Digital Signature Standard (DSS) Applet that would be used for signing claims electronically for submission to courts via the e-CODEX network was completed by the Commission's contractor in October 2013 and is currently undergoing internal testing.

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1 Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

2 The aim of the e-CODEX project, co-funded under the European Commission's Information and Communication Policy Support Programme (ICT-PSP), is to enhance the cross-border access of citizens and businesses to legal means in Europe, as well as to improve interoperability between legal authorities within the EU. 19 EU Member States, Norway, Turkey and two European associations of legal professionals are partners in the project.

6. Given the significant impact which the results of the e-CODEX project will have on the progress of several other projects in the field of European e-Justice, the Working Party will continue to follow the progress of e-CODEX closely in view of the need to develop interoperable e-Justice solutions within the EU.

(3) ECLI

7. On 22 December 2010 the Council adopted conclusions recommending the introduction of the European Case Law Identifier (ECLI) on a voluntary basis and a minimum set of uniform metadata for case law[1]. Several international organisations, Member States, the European Court of Justice, the ECHR and the network of Supreme Courts are currently participating in this project. The Working Party keeps track of progress in the implementation of ECLI. ECLI is already used on public judicial websites in Germany, Czech Republic, the Netherlands, France and Slovenia, while several others are preparing for such implementation.

8. The ECLI subgroup of the European Commission's expert group met on 5 June 2013, on 25 September and on 20 November 2013 to prepare for the implementation of the ECLI search engine on the European e-Justice Portal and to take stock of the developments at national level and of the state of play of the technical work needed to incorporate the ECLI search engine within the European e-Justice Portal. The integration of the ECLI search engine into the e-Justice Portal is expected by the first quarter of 2014. The Commission was urged to complete its pending internal procedures regarding the Data Protection decision as soon as possible, because otherwise the go-live of the ECLI search engine would not be possible.

[1] 16871/10 EJUSTICE 133 JURINFO 61, OJ C 127 29.4.2011, p. 1-7.

(4) Videoconferencing

a) Guide on videoconferencing in cross-border proceedings

9. A new version of the guide on videoconferencing in cross-border proceedings was now available in 22 languages in both PDF and e-Book versions. A limited number of paper booklets had been sent by the General Secretariat to the Permanent Representations of the Member States in Brussels with a view to their wider distribution.

b) The Netherlands' projects on transnational videoconferencing

10. The NL delegation gave a presentation of its projects on implementing transnational videoconferencing. Together with participants from 11 other Member States, quality criteria for using videoconferencing in judicial proceedings were discussed. These"True-to-Life" principles should make legal professionals and others feel as comfortable using videoconferencing as they would in a face-to-face hearing. In three participating Member States, videoconferencing facilities were installed following these requirements. Discussion on quality criteria and working together with other Member States in a very practical way stimulates the use of videoconferencing in cross-border cases.

c) Booking system

11. The AT delegation gave a presentation of its videoconferencing booking system, with a view to launching a new pilot project on the use of a booking system for videoconferencing in cross-border proceedings and further stimulating the use of videoconferencing in cross-border situations. An informal working group to look at this and other broader aspects that support the use of cross-border videoconferencing will be convened and should report to the Working Party on e-Law (e-Justice) in the course of 2014.

(5) Integration of the website of the European Judicial Network in civil and commercial matters

12. The migration of the content from the website of the EJN in civil and commercial matters was ongoing and should be completed by the end of 2013, in cooperation with the EJN contact points. This matter could be reviewed by the Working Party on e-Law (e-Justice) at an appropriate juncture.

(6) Migration of the Competent Court Database from the European Judicial Atlas in Civil Matters to the European e-Justice Portal

13. The first phase of the project (implementation analysis) relating to the migration of the database into the Portal had been completed and the development of the technical solutions started in November 2013. The Court Database functionality was expected to be launched by mid-2014.

(7) Cooperation with the European Judicial Network in criminal matters

14. An agreement (in principle) on the integration of the EJN website into the e-Justice Portal was reached at the plenary meeting of the EJN on 19 June 2013. The JHA Council endorsed this agreement on 7 October 2013. The aim was now to establish an informal working group for continuing the practical discussions on this issue with the EJN. Some informal contacts had already taken place between the Commission and the technical experts of the EJN to map out the technical requirements for this work.

15. The Working Party on e-Law (e-Justice) was informed about the developments on this issue at its meetings on 26 September and 7-8 November 2013 and would return to the matter at one of its future meetings. The first meeting of the informal e-group should take place during the first half of 2014 to initiate the discussions on the practical implementation of the future integration of this website into the e-Justice Portal.

(8) Interconnection of insolvency registers

16. The Working Party noted that work in this area was being carried out by the Working Party on Civil Law Matters (insolvency), with a view to creating insolvency registers in all Member States, which should be interconnected through the e-Justice Portal.

17. During the meetings of the Working Party on e-Law (e-Justice), delegations urged the Commission to complete its pending internal procedures regarding the Data Protection decision as soon as possible so that the go-live of the pilot project on the interconnection of the insolvency registers of certain Member States could take place without any further delay.

(9) Interconnection of land registers

18. The Commission submitted to the Working Party the terms of reference for a feasibility study and an implementation analysis on the interconnection of land registers, with a view to launching work on this issue in November 2013. The final results of this study were expected to be available around the end of April 2014 and would subsequently be presented to the Working Party. The Working Party on e-Law (e-Justice) would return to this matter at a later date depending on the progress made in the feasibility study.

(10) e-Justice static content work plan

19. The e-Justice static content work plan presented by the Commission, as agreed earlier within the e-Law (e-Justice) Working Party, was discussed at the meetings of the Working Party on 26 September and agreed on 7-8 November 2013. The Commission would provide an updated version of this work plan at the beginning of each Presidency.

(11) Find a lawyer/Find a notary project

20. Good progress had been made on this project, which was one of the priorities for the Working Party and the e-Justice Portal. The objective was to provide users with an interface in the e-Justice Portal enabling them to perform a single, Europe-wide search for lawyers and notaries based on search criteria defined by the respective legal professions.

21. As regards the Find a Lawyer functionality, 16 different bar associations were participating in the CCBE pilot project and six of them were now connected. The project had been completed and the platform was technically functional. The Commission has sent a letter to those bar associations which were not yet connected to encourage them to join the project. The project could possibly be integrated into the Portal in early 2014. The Commission should, however, complete its pending internal procedures regarding the Data Protection decision to make this possible.

22. As regards the Find a Notary functionality, the work done by the CNUE was at an advanced stage and could be integrated into the Portal in early 2014. Representatives of the profession from the UK and Ireland were now also involved in this work.

(12) European Chamber of Judicial Officers (CEHJ)

23. The President and other representatives of the European Chamber of Judicial Officers gave a presentation of their ongoing work in the area of e-Justice. The European directory of judicial officers ("Find a judicial officer") had been functional since 2012. New partner countries were being sought for this project. The EJS-project (e-Justice signification) and the EJL-project (European judicial officers' e-learning) were still ongoing. Information sheets in seven languages on enforcement procedures regarding court decisions were also now available on the website of the European Chamber of Judicial Officers.

(13) Online Dispute Resolution (ODR)

24. The Commission presented the latest developments regarding the creation of a new ODR platform for the implementation of the recent ODR Regulation and ADR Directive. A first test platform should be available by mid-2015. The issue of integrating the platform into the e-Justice Portal still had to be discussed. As a follow-up to the conclusions of the latest state of play on e-Justice implementation (see 16580/12), the Working Party on e-Law (e-Justice) would continue to monitor developments on this matter.

(14) Pilot project on case illustrations by Eurojust

25. The representative of Eurojust presented the pilot project on case illustrations, based on the experience gained by Eurojust in the application of the EU legal instruments in the area of judicial cooperation in criminal matters. The aim of these case illustrations was to make available the operational knowledge and expertise achieved by Eurojust in cooperation with the national authorities of the Member States in conducting investigations into and prosecutions against serious cross-border crime.

26. The aim was to increase the visibility of these case illustrations for practitioners, EU institutions and bodies and citizens. The Working Party on e-Law (e-Justice) would return to this matter at a later date.

(15) Multi-channel strategy on e-Justice

27. The NL delegation gave a presentation of its ongoing work relating to the development of a multi-channel strategy for e-justice procedures.