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European Union

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**“I/A” ITEM NOTE**

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From: The Presidency  
To: Coreper/Council  
Subject: Implementation of the Multiannual European e-Justice Action Plan 2014-2018

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1. As a follow-up to the Multiannual European e-Justice Action Plan 2014-2018, adopted in June 2014, the Working Party on e-Law (e-Justice) examined the concrete follow-up measures needed to transform this second e-Justice Action Plan to a concrete work programme.
2. As a result of discussions held during the meetings on 24 and 25 September, 21 October and 17 November 2014, the Working Party on e-Law (e-Justice) has agreed on the guidelines as set out in the Annex.
3. Coreper/Council is invited to endorse these guidelines as an I/A item.

## **I. INTRODUCTION**

1. The multiannual European e-Justice Action Plan 2014-2018 was adopted by the JHA Council on 6 June 2014. It is now necessary to begin reflecting on its practical implementation.

## **II. IMPLEMENTATION**

### *a) Priorities*

2. The Annex to the Action Plan contains a list of the projects considered for implementation in the 2014-2018 period, with an indication of the participants, actions for their implementation and an indicative timetable, where possible, so that the Working Party on e-Law (e-Justice) can monitor the Action Plan in terms of specific steps.
3. The projects in the Action Plan as set out in the Annex have been divided into two different categories: A and B projects <sup>1</sup>.
4. As agreed by the Working Party on e-Law (e-Justice), the list of A projects has the first priority.
5. It was also agreed that during the follow-up monitoring of the implementation of this Action Plan, the Working Party on e-Law (e-Justice) would establish which of the B projects should be implemented as priorities, taking into account the available human and financial resources and also the principles of action as set out in paragraph 9 of the Action Plan.
6. As a first step, this document aims at setting up a framework for the actual implementation of the list of B projects as set out in the Annex to the Action Plan.

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<sup>1</sup> 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.

7. In order to implement those B projects involving an informal group, the Working Party on e-Law (e-Justice) is invited to reflect on an indicative timetable for launching the work of the specific informal groups (see Annex to this document). This timetable should be flexible and endeavour to take into account the available resources of the Member States.
8. For each informal group a designated Member State should also act as a "team leader" according to the principles set out in document 5859/14 REV2. The General Secretariat of the Council will if necessary offer assistance with the organisation of the meetings, within the limits of available resources.
9. Also, as stated in paragraph 10 of the Action Plan, in addition to the B projects as set out in the Annex to the Action Plan, new projects that could have an impact on European e-Justice planned by the Member States and not included in the Annex should, as far as possible, be discussed first within the Working Party on e-Law (e-Justice). Member States wishing to initiate such projects on a voluntary basis in the future are invited to present these initiatives to the Working Party in the manner agreed in the Action Plan.

*b) Cooperation mechanism*

10. It is suggested that the first annual meeting with representatives of the judiciary and legal practitioners, as set out in paragraph 28 of the Action Plan, be held if possible towards the end of the first half of 2015 and that the preparations for that meeting begin early in 2015.
11. For the first meeting, the following three topics are suggested:
  - a) future organisation of the meetings of the cooperation mechanism (practical aspects);
  - b) e-Communications between practitioners and the courts;
  - c) videoconferencing;
  - d) certificate on succession; and
  - e) static information content of the e-Justice Portal.

12. As regards the representatives of the judiciary, it is suggested that each Member State designate, if possible, two contact points representing the judiciary and send the names and functions of these people to the General Secretariat by mid-December 2014.
13. In addition, representatives of the network of the Presidents of the Supreme Judicial Courts of the European Union, the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, the European Court of Justice and the European Network of Councils of the Judiciary (maximum three representatives from each network) will be invited to participate.
14. Similarly, representatives of the Council of Bars and Law Societies of Europe (CCBE), the Council of the Notariats of the European Union (CNUE), European Chamber of Judicial Officers and mediators (maximum three representatives from each association) will be invited to participate at this meeting.
15. The representatives of the European Judicial Network in civil and commercial matters as well as the representatives of the European Judicial Network in criminal matters will also be invited.

*c) External relations*

16. As regards external relations, the issue of videoconferencing and e-CODEX, as mentioned in paragraph 41 of the Action Plan, could be addressed as a priority in 2014 and during the first half of 2015 with the Lugano states (Iceland, Norway and Switzerland) and with the candidate countries as a first step towards developing further cooperation in the area of e-Justice.

*d) Governance structure of e-Justice*

17. As agreed in the Action Plan (paragraph 43), a discussion on the future governance structure in the area of e-Justice, in particular as regards the consolidation of the results achieved in the e-CODEX project, should be initiated by the Working Party on e-Law (e-Justice). The Working Party is therefore invited to examine documents 12993/14 and 14418/14 and to consider possible ways forward.

*e) Screening of legislative proposals*

18. The Working Party on e-Law (e-Justice) should be actively involved in the screening of ongoing and future legislative proposals in the area of justice to ensure consistent use of modern communication and information technology in the implementation of new EU legislation. The Working Party on e-Law (e-Justice) should consider how best to carry out this exercise without affecting the remits of the relevant Council Working Parties.
19. One suggested option could be that in addition to the regular analysis performed by the General Secretariat in cooperation with the Commission, a more in-depth examination on a case-by-case basis - if considered necessary by the Working Party on e-Law (e-Justice) - is carried out in cooperation with the interested Member States and the Commission with a view to presenting the results to the Working Party on e-Law (e-Justice) and then submitting them to the relevant Council Working Party.

*f) Promotion of e-Justice*

20. The Working Party on e-Law (e-Justice) is also invited to consider how best to increase the visibility of e-Justice and the e-Justice Portal amongst legal practitioners and the public at large. Possibilities of using all available user-friendly and easily accessible modern communication tools should be considered.

21. Suggestions for promotion activities are set out below:

- a) the Member States are invited to send information about the latest developments in the area of e-Justice to be published in the e-Justice Portal;
- b) possible uses of social media (such as Facebook and Twitter) should be further considered by the Commission and the Member States;
- c) possible synergies with projects like e-CODEX and other projects financed by the Union should be used when applicable;
- d) The Council Secretariat could explore the possibility of regularly producing short video clips on e-Justice (a video clip on EPO is suggested as a first possibility).

22. Such promotional activities addressed to a wider public could be initiated e.g. in the area of small claims, European payment order, insolvency registers etc. Information relating to the European payment order could be e.g. targeted at legal practitioners. More reflection is needed about how to inform businesses about the information and functionalities available via the e-Justice Portal.

**List of projects to be implemented by the informal groups**

| <b>Project</b>   | <b>Indicative Kick-off Timetable</b> | <b>Leader of the informal group</b> |
|--|--------------------------------------|-------------------------------------|
| - Videoconferencing (30)   | 2014-2015                            | Austria                             |
| - Knowledge management initiative on criminal matters (4 <sup>1</sup> )              | autumn 2014                          | Spain                               |
| - Interconnection of registers of wills (17)   | autumn 2014                          | Estonia                             |
| - Open data on justice (5)   | spring 2015                          | The Netherlands                     |
| - Information and assistance for citizens to resolve fundamental rights problems (6) | spring 2015                          | Finland                             |
| - Judicial official announcements (8)  | spring 2015                          | Estonia                             |
| - Information relating to minors (2)   | autumn 2015                          | France                              |
| - Judicial auctions (7)  | autumn 2015                          | Italy                               |
| - e-Service of documents (27)  | autumn 2015 / 2016                   | France                              |
| - Multi-channel strategy (37)  | 2015                                 | The Netherlands                     |
| - Penitentiary establishments (3)  | autumn 2015/spring 2016              | Hungary                             |
| - Register of representation rights and powers of legal representatives (19)         | autumn 2016/spring 2017              | Estonia                             |

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<sup>1</sup> The number in parenthesis refers to the numbering in the Action Plan.