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NOTE

From: European Judicial Network in Civil and Commercial Matters
To: Working Party on e-Law

Subject: The European e-Justice Portal's Court Database
- a key tool to operate EU judicial cooperation

Delegations will find attached a document from the European Judicial Network in Civil and Commercial Matters, in view of the Cooperation Mechanism meeting on 30 June 2017.



**EUROPEAN JUDICIAL NETWORK
IN CIVIL AND COMMERCIAL MATTERS**

EJN meeting on 12 and 13 June 2017

**The European e-Justice Portal's Court Database
- a key tool to operate EU judicial cooperation**

Let's make it happen now!

The European Judicial Atlas in Civil matters has been developed by the European Commission in 2004 to help legal practitioners and citizens to find relevant information for judicial cooperation in civil and commercial matters (e.g. finding the address of a competent court in another Member State).

After more than 13 years of operations, the website European Judicial Atlas in Civil matters is currently migrated to the European e-Justice Portal ("the Portal") and it is planned that the **Atlas website will end operating as of 30 September 2017**. Therefore, it needs to be ensured that the tools replacing and modernising the functionalities of the Atlas in the Portal will be fully operational at that moment.

In that context it should be noted that the Atlas section of the European e-Justice Portal will take over features from the old Atlas website by improving them and expanding their functionalities.

1. The importance for judicial cooperation between the Member States

It must be stressed that the Atlas website is not just a tool to facilitate the daily work of judicial practitioners or to support citizens but that the court data contained in the Atlas are essential for the functioning of judicial cooperation between the Member States.

It is the achievement of the EU that the legal instruments in the civil justice area provide for direct contact between the Member State's courts without involvement of any coordinating authority as it is the case outside the EU. The direct contact is one of the core benefits of EU-Regulations (in particular in the areas of service of documents and taking of evidence) ensuring faster and more efficient cross-border cooperation and therefore speeding up court proceedings with cross-border elements.

These benefits are in danger when relevant search functions on the court database are no longer or only partially available. When court data cannot be found easily for each EU instrument, it is to be estimated that courts will start sending their requests via central authorities or Ministries of Justice thus falling back to the situation as it used to be before entering into force of the relevant EU Regulations.

2. The new Court Database

In particular, the Court Database project of the Portal allows users of the Portal to easily find a competent court for a wide range of European legal instruments, thus significantly enhancing access of citizens to justice and facilitating the work of all legal professionals. This project is a significant building block for the operational judicial cooperation between the Member States and is inter-linked with other high-practical projects, such as e-CODEX, which enables secure cross-border electronic communication, and Fundamental Rights Interactive Wizard, that assists citizens in finding the right organisation to help them in fundamental rights issues.

The Court Database became publicly available to all users of the Portal in March 2016.

3. Implementing the Court Database project

Despite the importance for the functioning of judicial cooperation, some Member States¹ did not yet provide any information and a number of other Member States have not finalised work on their data. As a consequence, the data of these Member States is not available at all or is not up-to-date and therefore potentially incorrect. As a direct result, citizens, legal practitioners and courts are currently unable to properly identify competent courts for their cases. An appropriate warning had to be placed in the Portal to inform the users about the fact that such a data may be wrong and/or incomplete.

¹ Bulgaria, Czech Republic, Cyprus, Germany, Finland, Ireland, Lithuania and Romania

4. Conclusion

As the Portal's Court Database will be an indispensable work tool for all members of the European Judicial Network in civil and commercial matters involved in judicial cooperation, it needs to be fully reliable and Member State data need to be made available and up to date. To this end the commitment of Member States and the assistance of the European Commission are of major importance.

For all authorities involved in judicial cooperation in civil matters, including the contact points of the Network, this search tool for identifying competent courts is essential for their daily work.

To strengthen the Network's objective to play a key role in the facilitation of cross-border access to justice and to ensure a fully functioning operational judicial cooperation in civil and commercial matters, the European Judicial Network in civil and commercial matters calls upon Member States which have not yet migrated the court data to implement their updated data in the Court Database, at the latest before the closure of the old Judicial Atlas website on 30 September 2017.