



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	The Polish delegation
to:	Working Party on e-Law (e-Justice)
No prev. doc:	6104/1/13 REV 1 EJUSTICE 75
Subject:	Policy discussion on the content and governance of the e-Justice Portal
	- Comments from the Polish delegation

Following the debate on points 13-16 of the document 6104/13 and with a view to prepare the next meeting Polish delegation would like to spell out following considerations for the reflection of delegations and the Commission:

1. We remain convinced that EU funds should be spent in the most efficient way possible. Every solution that contributes to this objective is welcome by our delegation.
2. The EU funding, its priorities as well as applicable management of funds (centralized or decentralized) are defined in “*EU financial programs*” by the Council and European Parliament upon Commission proposal. Member States are consulted, within appropriate comitology procedure set up in those programs, on the annual work plans and selection of projects. If necessary, the Commission organizes meetings with prospective applicants and, in case of some programs, operates the websites facilitating the matching of stakeholders in order to present a joint application. We have never been short of COM initiative with regard to possible stakeholder familiarization with the programs. We remain to be convinced about parallel procedure of consultation to be established in the Council, even on voluntary basis.

3. Firstly, we are not persuaded that it will be more binding on the Commission than the existing ones (comitology). Secondly, we are not sure that the rehearsal by Member States in two separate forums of the same opinions (comitology and Council working party) contributes to better spending from EU budget and reduces translation cost (usually 5-8 languages in the Council WP). Thirdly, as the main role of the Council is to adopt legislative acts and coordinate policies within the powers conferred on the Union upon the Treaties we are doubtful how this project selection and evaluation for the purpose of funding fits the present scope and division of work among EU institutions.
4. Draft description of the selection procedure in the document 6104/13 shifts the main interest of the Council working party from IT projects which implementation stems from EU instruments of law, either adopted (succession regulation, ECRIS, etc.) or to be agreed in the near future (insolvency) towards volitional selection of projects presented randomly by Member States, different EU bodies, professional corporations or nongovernmental associations of different kind regularly invited to the Council working party.

Following above, Polish delegation is persuaded that good solution, respectful of the principle of conferral of competencies on the EU institutions, taking advantage of the role of each of them and their cooperation, financially sound (avoiding redundant meetings with considerable translation cost) may be found, if necessary on the basis of the e-portal Regulation announced year ago by the Commission. The points 13-16 may be other deleted or should be aligned on the best practice. In present form, they twist the otherwise useful operation of the Council working parties (5581/13).

Polish delegation remains pledged to finding the best solution for the smooth cooperation on the joint use of IT technology for better justice in the EU, making full use of the European Union e-government framework.