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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 December 2012 the JHA Council took note of the report¹ from the Working Party on e-Law (e-Justice) concerning work carried out in the second half of 2012 and invited the Working Party to submit a report to Coreper/Council by the end of the first half of 2013 on progress made in the area of European e-Justice, in consultation, as appropriate, with the relevant working parties.

¹ 16575/12 EJUSTICE 81 JURINFO 47 JUSTCIV 339 JUSTPEN 3 COPEN 256 DROIPEN 168
FREMP 144 + COR 1.

II. REPORT

2. During the first 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 days of meetings (25 February, 19 March and 7 May) 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

3. A new release of the Portal took place in May 2013. This release provided migration of the dynamic forms contained in the EJM Judicial ATLAS website as well as many enhancements to the application. Work on new content for the Member States' factsheets on victims' rights has been continued by the Commission in collaboration with the Member States' contact points. New Member State pages concerning criminal records were published in the e-Justice Portal. The Commission was also planning to employ a responsive web design in the Portal to accommodate mobile devices.
4. The need for regular updates to the Portal content was highlighted. A specific content update exercise, which was started at the end of 2012, was completed by the majority of the Member States in May 2013. After this update, each Member State will need to carry out annual checks and revisions, as required, to ensure that their respective content sections on the Portal are up to date.

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

b) Promotion of the Portal

5. In order to increase the visibility of the Portal, a dedicated promotion campaign was launched by the Commission in January 2013, including an advertisement campaign in law reviews and periodicals. More strategic promotion activities, such as advertisements in social media platforms and audio-visual materials, are also foreseen by the Commission.
6. A video on e-Justice was presented to the Working Party on e-Law (e-Justice) by the General Secretariat with a view to distributing it more widely among legal practitioners, including lawyers and notaries, and national administrations, including staff dealing in particular with training, universities and other educational establishments. The video is publicly available on YouTube with subtitles in 23 languages.

(2) e-CODEX

7. The Working Party regularly follows the important work undertaken in the context of the large-scale ICT project e-Justice Communication via Online Data Exchange (e-CODEX)¹.
8. Cooperation between the e-CODEX network and e-Justice Portal was well underway. The project partners² continued to work on the four pilot cases (European Payment Order, Small Claims, European Arrest Warrant, secure exchange of data) in the first half of 2013. The project was well on track, with the pilots scheduled to start in 2013 and last for 12 months. The pilot cases on European payment orders and small claims will be implemented in the e-Justice Portal with the go-live planned for September 2013, provided that the integration testing planned for the summer is successful.

¹ 14896/10 EJUSTICE 93

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. Fourteen EU Member States, one candidate country and two European associations of legal professionals are partners in the project.

² The project partners are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Italy, Jersey, Lithuania, Malta, the Netherlands, Norway, Poland, Portugal, Spain, Romania, Turkey and the UK, together with the CCBE, the CNUE and OASIS.

9. Existing standard forms were being adapted to suit the requirements of these two pilots. In cooperation with e-CODEX and the Member States, testing of the digital signature applet that would be used for signing claims electronically was ongoing. Extension of the e-CODEX project via additional co-funding was envisaged, but required more partners and new pilot use cases.
10. Given that the work done within the e-CODEX project is an important part of the European e-Justice Action Plan and in the light of 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 closely follow the progress of e-CODEX, taking note of the need to develop interoperable e-Justice solutions within the EU.

(3) Policy discussion on the e-Justice Portal

11. The Working Party agreed on a set of principles regarding the content and governance of the e-Justice Portal, as set out in 8137/13. The outcome of the discussion would be presented to the June JHA Council for information and endorsement.

(4) ECLI

12. 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 law¹. Several international organisations, Member States and the European Court of Justice in particular are currently working on implementation of the ECLI. The Working Party is keeping track of progress in implementation of this project.

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

13. The ECLI subgroup of the European Commission's expert group met on 29 April 2013 and further meetings are planned for May and June 2013 to prepare the implementation of the ECLI pages on the European e-Justice Portal, as required by the Council conclusions, and to initiate the technical work necessary for the implementation of the ECLI search engine as part of the European e-Justice Portal. In future work, consideration should be given to when courts in Member States envisage introducing the ECLI system at national level. A contract with the service provider for the implementation of the ECLI search interface was signed in April 2013. The integration of ECLI in the e-Justice Portal is expected by the first quarter of 2014.

(5) Videoconferencing and remote interpretation

a) Guide on videoconferencing in cross-border proceedings

14. An updated version of the guide on videoconferencing in cross-border proceedings, as adopted by the JHA Council in June 2012 in 10097/12, was introduced in the e-Justice Portal including the necessary changes in the section on video-mediated interpreting in court proceedings.

15. The issue of introducing a standard form for a request for a videoconference in the context of mutual legal assistance in criminal matters was discussed in the Working Party on e-Law (e-Justice), which decided to refer the matter to the relevant Working Party in criminal matters (COPEN).

b) Booking system

16. The Working Party discussed the possibility of introducing an electronic booking system in the e-Justice Portal. This issue will be revisited during the second half of 2013.

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

17. A new release of the e-Justice Portal in May 2013 provided migration of the dynamic forms contained in the Judicial ATLAS website as well as many enhancements to the application. The partial migration of the content pages of the European Judicial Network in civil and commercial matters (EJN civil) took place in May 2013. Further work on migration of the EJN website (EJN civil) content to the European e-Justice Portal is being conducted by the Commission in close cooperation with the EJN contact points. This issue could be revisited when appropriate by the Working Party on e-Law (e-Justice).

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

18. The Commission signed a contract for an implementation analysis of the migration of the database in March 2013. The contract is foreseen to last five months. The Member States have been asked to provide a contact point for the contractor for technical and legal questions which might arise.

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

19. The Presidency, the General Secretariat of the Council, the Commission and the representatives of the EJN in criminal matters continued discussions on possible future cooperation during the plenary meeting of the EJN correspondents on 26 February 2013. Internal consultations within the EJN were continuing, with a view to reaching an agreement on this issue in June 2013.

20. The Working Party on e-Law (e-Justice) took note of the state of play on this issue at its meeting on 7 May 2013. Two technical modifications were suggested to document 8823/13, which would be conveyed to the EJN. It was agreed to present the final agreement on this cooperation, after endorsement by the EJN, to the Council at a date to be confirmed later.

(9) Interconnection of insolvency registers

21. Technical work on the interconnection of insolvency registers was completed by the Commission in close cooperation with the seven Member States which are currently taking part in the project. The functionalities of the system include a multilingual search interface, central access for searches and a single tool for searches in several registries. The Working Party urged the Commission to complete its pending internal procedures as soon as possible to allow the go-live of the system without any further delay, respecting the necessary data protection requirements.

(10) Interconnection of land registers

22. The Working Party examined alternative solutions to allowing access to the land registry information via the e-Justice Portal. The Commission submitted the terms of reference for a feasibility study and an implementation analysis on land registers' interconnection to the Working Party with a view to launching work on this issue as soon as possible. This matter will continue to be examined in the future within the e-Law (e-Justice) Working Party.

(11) ELRA - ELRN Project

23. The representative of European Land Registry Association (ELRA) gave a presentation on the current work of the European Land Registry Network (ELRN). The ELRN is in the process of creating its own website to provide both public information for citizens and a private area for internal cooperation between registrars. Future work envisaged includes the development of a Single European Land Registry identifier and a European Land Registry Information Standard Form.

(12) Find a lawyer/Find a notary-project

24. The Find a lawyer/Find a notary-project 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. Work has continued and the tool is expected to go live in September 2013.

(13) Automated translations

25. The Commission presented the latest developments in the field of automated translation tools to the Working Party on e-Law (e-Justice). Work in this area had progressed well overall. The system should be available by the end of 2013.
26. The Working Party agreed to the use of automated translation in the context of e-Justice on the basis of 9871/13 to offer on-demand provisional translations of content pages of the e-Justice Portal. It would be clearly indicated with a specific disclaimer if a temporary translation had been generated by an automated translation tool whilst awaiting an updated human translation.
27. The Working Party took note of the concerns related to the output of the automated translation engine and of the need to improve the quality of translations as regards certain language pairs in particular. Given the quality concerns raised by certain Member States, the Commission should report as appropriate to the Working Party on its efforts to improve the quality of the engine's output with respect to certain languages.

(14) Factsheets on succession (CNUE)

28. The Working Party noted that the issue of inclusion of the notaries' factsheets on succession had been discussed with the EJN in civil and commercial matters. It had been agreed that they would be included in the e-Justice Portal in cooperation with the EJN contact points.

(15) Feasibility study on the creation of an electronic European Certificate of Succession

29. The Commission informed the Working Party that the finalisation of the terms of reference for the service provider had taken place in May 2013. Discussions on the contract were continuing. The Working Party would revert to this issue at a later stage, taking into account that the Succession Regulation would be applicable from 2015 onwards.

(16) Directory on mediation

30. The Working Party on e-Law (e-Justice) discussed the possibility of creating a directory on mediation in the e-Justice Portal, but it was concluded not to initiate any work on this issue at this stage.

(17) Screening of EU legislation and initiatives from the perspective of e-Justice

31. The Working Party took note of a screening exercise in the area of civil law and IT matters, as set out in 7271/13 and 7271/1/13 REV 1. It was concluded that cooperation between the relevant working parties was important to allow the coherent mainstreaming of the concept of e-Justice in on-going legislative proposals and to keep the Working Party on e-Law (e-Justice) informed of developments which were likely to have an impact in the field of e-Justice as well.

(18) Information by the Commission on the preparations for the legislative proposal on e-Justice

32. The Working Party was briefed by the Commission on the future legislative instrument on e-Justice. Internal discussions are still ongoing. At the moment it is not possible to give an exact date for when the proposal will be presented to the Council.

(19) Questionnaire on the state of play of e-Justice in the Member States

33. A questionnaire was addressed to the Member States to collect information on current progress in implementation of issues related to e-Justice in the Member States as set out in 15690/1/13 REV 1. A synthesis and a compilation of the answers was presented to the Working Party in May 2013. The results of this work would feed into the new Action Plan on e-Justice to be prepared and finalised during the second half of 2013.

(20) Electronic Apostille Program (e-APP) - presentation by the Permanent Bureau of the Hague Conference

34. The representative of the Permanent Bureau of the Hague Conference on Private International Law gave a presentation on the two components of the e-APP, e-Apostilles and e-Registers. The advantages of the e-APP were that it offered a more secure, efficient and flexible solution for the legalisation chain for a public document abroad.

**(21) Factsheets on specific areas of non-contractual obligations
- information by the British Institute**

35. The representative of the British Institute of International and Comparative Law gave a presentation on its Product Liability database, which contained information on legislation and case law in the EU Member States in this area. For the time being, access to this database was restricted to members only, but the aim of the British Institute was to be able to allow free access to this database in the future. Another future project of the Institute was to create a similar database on road traffic accidents.

III. CONCLUSIONS

36. In the light of the report, it is proposed that Coreper/Council:

- a) Take note of the work completed in the first half of 2013;
- b) Endorse the conclusions of the Working Party on e-Law (e-Justice) on policy discussion on the content and governance of the e-Justice Portal as set out in 8137/13;
- c) Endorse the conclusions of the Working Party on e-Law (e-Justice) on the use of the automated translation tool in the e-Justice Portal as set out in 9871/13;
- d) Invite 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.