



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2012

16580/12

**EJUSTICE 82
JUSTCIV 340
COPEN 257
JAI 825**

REVISED NOTE

from:	The Presidency
to:	Coreper/Council
No prev.doc.	13946/1/12 REV 1 EJUSTICE 57 JUSTCIV 276 COPEN 196 JAI 624
Subject:	Implementation of the European e-Justice action plan - State of play of the revised roadmap

I. INTRODUCTION

1. The European e-Justice action plan¹ sets out some objectives in its annexes together with a timeframe within which those objectives are to be met². The Working Party on e-Law (e-Justice) prepared a roadmap, as set out in 9714/1/10, which was endorsed by the JHA Council in June 2010. During the discussions in the working party it was also agreed that the roadmap would have to be regularly revised due to the evolving nature of e-Justice.

¹ 15315/08 JURINFO 71 JAI 612 JUSTCIV 239 COPEN 216, OJ C 75, 31.3. 2009.

² As indicated in the Action Plan, implementation of the roadmap has to comply with the legislative instruments adopted by the EU, including those which have a direct impact on IT standards in the area of e-Justice.

2. Accordingly, a revised roadmap prepared by the working party, as set out in 10331/11, was endorsed by the JHA Council in June 2011. Since then, two reports on progress made in the area of European e-justice in the second half of 2011¹ and in the first half of 2012² have been presented to Coreper and the Council.
3. This note presents the current state of play of work in the area of e-justice compared to the action plan objectives and deadlines as set out in the revised roadmap of June 2011. Eight days of meetings (5 October 2011, 16 November 2011, 6 February 2012, 16 April 2012, 3-4 October 2012 and 19-20 November 2012) have been held and have enabled the working party to make progress on the European e-Justice action plan.

II. STATE OF PLAY

(1) European e-Justice Portal

a) Second and third release of the Portal

4. The second release of the Portal took place in November 2011. This release introduced several new features: a new taxonomy menu and revamp of the Portal's home page and the integration of an advanced search facility (based on IDOL 7). The third release, which has been under preparation since August 2011, went live on 23 October 2012.
5. This release introduced new forms for the European Payment Order and an improved back office content management system. With this new system, the Member States will become responsible for managing their links and will be able to update their content more easily.

¹ 16312/1/11 REV 1 EJUSTICE 83 JURINFO 61 JUSTCIV 308 JUSTPEN 10 COPEN 314 DROIPEN 138 FREMP 103

² 10120/12 EJUSTICE 42 JURINFO 22 JUSTCIV 192 JUSTPEN 1 COPEN 119 DROIPEN 61 FREMP 76

6. The third release also provides the technical framework necessary for the full migration of the content pages of the European Judicial Network in civil and commercial matters (EJN civil) which is planned for January/February 2013.

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

7. Work on new content for the Member States' factsheets on defendants' rights, victims' rights and fundamental rights, as well as on judicial training and videoconferencing facilities available in the Member States, has been continued by the Commission in collaboration with the Member States' contact points.

8. The need for regular updates of the Portal content was highlighted. The new content management system introduced by the Commission would make it easier. A specific content update exercise is scheduled to take place before the end of November 2012. After this update, there will be regular checks on the information available on the Portal for each Member State.

c) Promotion of the Portal

9. In order to increase the visibility of the Portal, a communication strategy has been adopted in full agreement with the Commission and a dedicated promotion campaign will be launched when the content of the Portal is up-to-date. The promotion activities will include an advertisement campaign in law reviews and periodicals as well as more strategic promotion activities for the Portal to be launched by the Commission, such as advertisements in social media platforms and audiovisual materials.

10. A video on e-Justice by the General Secretariat is also planned with a view to a wider diffusion to legal practitioners, national administrations including staff dealing in particular with training, universities and other educational establishments. In addition, a possibility to create a communication kit to be used by the Member States will be examined.

(2) e-CODEX

11. The work of the project partners continued in the second half of 2012 on the four pilot cases (European Payment Order, Small Claims, European Arrest Warrant, secure exchange of data). The project is well on track, with the pilots scheduled for the beginning of 2013 and planned to run 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 July 2013. Negotiations on the extension phase of the e-CODEX project are currently on-going with the Commission.

(3) Integration of the EJM website

a) The website of the European Judicial Network in civil and commercial matters

12. Work on the migration of the EJM website content to the European e-Justice Portal is carried out by the Commission in close cooperation with the EJM contact points. Once the EJM contact points have updated the content, migration of the website is scheduled for January/February 2013.

b) The website of the European Judicial Network in criminal matters

13. The Presidency, the General Secretariat of the Council, the Commission and the representatives of the EJM in criminal matters have continued discussions on possible future cooperation. During an informal meeting on 6 November 2012 between the General Secretariat of the Council, the Commission and the representatives of the EJM in criminal matters, an agreement was reached on this issue.
14. A first exchange of views on this issue took place at the Working Party meeting on 19 November 2012. The Member States were asked to consult their EJM contact points and, if necessary, to send their comments on this matter by mid-December 2012 to the General Secretariat.

(4) Integration of the Judicial Atlas in civil matters

15. Some of the dynamic forms contained in the Judicial Atlas have already been revamped and included in the European e-Justice Portal (European Payment Order, Legal Aid, Taking of Evidence and Small Claims). It is envisaged that the integration of the remaining dynamic forms, such as those for the Regulation on maintenance obligations, will be covered in one of the upcoming releases of the Portal. The aim is to have all forms available in the Portal by the end of the first half of 2013.
16. Regarding the migration of the court database, an agreement was reached on the need to re-design the existing court database. In the first phase, the database and search functions would be limited to existing EU instruments. A translation/transliteration tool for court names, and, if possible, information on the availability of videoconferencing equipment, will be included within the first phase. The first phase is expected to be completed in 2013, depending upon Member States' involvement in the updating of the database.

(5) European Order for Payment Procedure

17. The second release of the e-Justice Portal introduced a tool (wizard) to allow users to find out if the European Payment Order is applicable to their claims. The third release of the Portal contains revised forms for the European Payment Order. The e-CODEX pilot case will be implemented in the e-Justice Portal in 2013.

(6) Legal aid

18. Factsheets on defendants' and victims' rights addressing the issue of legal aid have been published in the second release of the e-Justice Portal. Dynamic forms have also been added to the Portal. The possibility of a feasibility study and an online application could be considered no sooner than early 2014, owing to reliance on e-CODEX.

(7) European Small Claims Procedure

19. The second release of the e-Justice Portal introduced the online dynamic forms for the European Small Claims Procedure as well as a tool (wizard) to allow users to find out if the Small Claims Procedure is applicable to their claims. The e-CODEX pilot case will be implemented in the e-Justice Portal in 2013.

(8) Translators' and interpreters' databases

20. This issue was discussed at the Working Party on 3 October 2012, where it was concluded that for Member States where official LIT databases exist, the interconnection of these databases should be pursued on a voluntary basis, preferably based on the same (technical) principles as the interconnection of insolvency databases, and in close cooperation with EULITA. As decided at the Working Party meeting on 3 October, those Member States which had a contact point for a database of translators and interpreters have been requested to forward this information to the General Secretariat which in turn will send the information to EULITA.

(9) Electronic Apostille (e-Apostille)

21. The Working Party should follow to the extent possible the work on e-Apostille carried out in the context of the Hague Conference. This issue should be followed up in the near future, taking into account the draft proposal on the abolition of legalisation of certain documents expected from the Commission in 2013.

(10) Legal glossaries / semantic tables

22. The development of legal glossaries has been continued in the framework of the Legivoc project. The aim is to find a technical solution for interconnection between the Member States databases in the near future. The project will begin in January 2013 and will consist of three parts.

23. The objective is, on one hand, to group and make available in electronic form the legal vocabularies of the EU Member States and, on the other, to achieve technical harmonisation of these vocabularies under the control of a group of experts composed of European experts (Publications Office and Directorate-General for Translation of the EU Court of Justice) and national experts. The intention is also to associate the representatives of other European institutions to this work.
24. A technical solution needs to be found for the linkage of national vocabularies between each other through computer processing, via an experimental phase based on exchanges between the correspondents of the network for the legislative cooperation between the Ministries of Justice of the European Union (RCLUE). Exchange of information within the RCLUE website around a common question of law will serve as a bridge between the terms of each national legal vocabulary thus connecting legal concepts and functional equivalents. If the experiment is successful, it could be reproduced in other places of exchange concerning similar legal information.

(11) Videoconferencing

a) Booklet and manual

25. The booklet and manual have been revised and a new updated version of the Guide on Videoconferencing in cross-border proceedings may be available in the near future.

b) Information on videoconferencing facilities

26. Information on videoconferencing facilities in the Member States was included in the first release of the Portal. The Commission updates this information regularly with the Member States.

c) Booking system

27. It is suggested to revert to this issue at the end of the first half of 2013.

d) Transnational videoconferencing

28. The project Implementing Transnational Videoconferencing, financed by the European Commission, shows that many of the participating Member States are not using videoconferencing facilities as much in cross border cases as would be expected. The working party will analyse the situation in all Member States, in order to see to what extent they are able to do cross border videoconferences with a view to encouraging the use of this facility between the Member States.

(12) Alternative Dispute Resolution/Online Dispute Resolution

29. Two legislative proposals, namely a proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) and a proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR) are currently under discussion. These proposals are expected to be finalised at the end of 2012. The Working Party on e-Law (e-Justice) will examine the issue of incorporation of these matters in the e-Justice Portal in 2013.

(13) Service of documents

30. The Commission is expected to present a proposal at the end of 2013 amending Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. The e-CODEX project will be addressing the issue of cross-border electronic service of documents in the extension phase of the project with a special focus on criminal cases. Further work in the area of e-Justice will also depend on the feasibility study that may be launched post-2013.

(14) Online payment of procedural costs

31. The action plan foresees that work should commence in 2011-2013 on enabling procedural costs to be paid online. Payment of procedural costs is also one of the work packages of the e-CODEX project. A procedure for the pre-payment of procedural costs has been found and will be used as part of the civil claims package (EPO and Small Claims). This procedure foresees corresponding information on the MS specific court fees of the underlying civil claim proceedings to be applied at the e-Justice Portal and a possible re-direction to a national payment system for the case the MS provides this. No further developments towards a more centralised payment system for full court fees is envisaged.

(15) Interconnection of insolvency registers

32. Work on the interconnection of insolvency registers was continued by the Commission in close cooperation with the seven Member States which are currently taking part in the project. The insolvency registers' subgroup of the European Commission's expert group met on 12 October 2012. Technical work was completed and the go-live of the system is planned for January 2013. The functionalities of the system include a multilingual search interface, a central access for searches and a single tool for searches in several registries. The remaining Member States were encouraged to join as well.

(16) Interconnection of business registers

33. On 10 May 2012, the Council adopted a Directive setting up a system for the interconnection of central, commercial and companies' registers aimed at improving access to up-to-date and trustworthy information on companies. Under the new directive, all EU Member States engage in enabling electronic communication between registers and transmitting information to individual users in a standardised way, by means of identical minimum content and interoperable technologies, throughout the Union.

34. The interoperability of registers should be ensured through the Member States' delivery of information from and between their registers, by providing services which will constitute interfaces to a European central platform. This platform will be a centralised set of information technology tools and services, used by all domestic registers. The European e-Justice Portal will serve as one of the electronic access points.
35. Detailed rules on the operational management of the platform, the technical specifications and the harmonised criteria for the search service to be provided on the portal are to be adopted by means of implementing acts within three years of the entry into force of the Directive. The system of interconnection of registers requires the Member States to make the necessary adaptations, and in particular to develop an interface linking the national registers to the central platform (to make the system operational).

(17) Interconnection of land registers

36. The objective of the LINE project (Land Register Information for Europe) of EULIS was to develop a new platform for the interconnection of Member States' land registers. One of the main results of LINE has been the new EULIS web portal, which has been operational since September 2012 and offers extensive information on land registry, mapping and cadastre organisations throughout Europe (link to national websites, contact persons, etc).
37. Another result was the introduction of more detailed reference information and a multilingual glossary, which enabled a better comprehension of the information provided by the EULIS-portal. The technical architecture was also improved to provide better connections to the European e-Justice Portal. It also provided easier links to the national portals of the EULIS members.

38. As not all Member States were part of the LINE Project or the new EULIS-portal, the Working Party agreed to examine alternative solutions to allowing access to the land registry information via the e-Justice Portal to those interested Member States not participating in the LINE Project. The interconnection of business registers could serve as an example of the way forward. This matter will continue to be examined in the future within the e-Law (e-Justice) Working Party.

(18) Registers of wills

39. The Portal currently provides a link to the ENRWA website which provides information sheets on how to register and find a will in each Member State and in Croatia..

40. In accordance with the adoption of the Succession Regulation, the Commission has been invited by the Council to carry out a feasibility study on an electronic register for European Certificates of Succession.

(19) Automated translations

41. This issue has been under consideration in the Working Party on E-law (e-Law), but is also of interest to the Working Party on e-Justice. The following areas of work have been identified :

- Developing a specialised legal thesaurus (EUROVOC +)
- Increasing the number of language combinations available, taking due account of the financial resources available and of practical needs.
- Using machine translation to translate the free-flow content of the automated multilingual forms in the context of cross-border proceedings.

In addition, the question of automated translation tools in N-Lex has been raised, in particular as regards the cost of such tools and the legal conditions under which they could be provided to legal professionals and to the general public.

42. The development of automated translation tools by the Commission has progressed well. Machine translation engines for 52 language pairs have been available to all DGT staff since July 2011 in a Real-Life Trial. Of these, 17 language pairs have been considered mature enough to be included in automatic pre-processing provided to professional translators. Work on quality intensified in 2012, and a new generation of engines is currently being tested. Basic components of the service infrastructure, including the web client for submitting translation requests, have been developed and a prototype was ready for testing by a number of Commission departments in July 2012.
43. Work until mid-2013, when the service will be ready for users, will include improvement of the quality and speed of translation engines, scaling up of infrastructure, improvement of the efficiency of servers and of connections to other translation services, processing of user feedback and extensive functional and non-functional tests. It is expected that the system should be available for use within the Portal in 2013. Further usage of the automated translation tools will be discussed in 2013, and will include usage in the context of the ECLI search interface.
44. The possibility to set up appropriate web tools in the e-Justice Portal in order to provide a correct translation/transliteration of names of places in order to improve the search functionalities of the Portal has been discussed. A phonetic search should also be set up (see 10096/12).
45. The Working Party agreed to the use of automated translation in the context of e-Justice,. It was also important to indicate clearly if a translation was generated by automated translation and in any case to give a priority to non-automated translations. The Commission and Member States will continue to examine certain technical aspects (such as the issue of quality standards). The Working Party will revert at a later stage to this issue to decide the exact date of implementation of automated translations in the framework of e-Justice.

(20) Secure paperless communication

46. The e-CODEX project is currently focusing on finding the necessary technical solutions to enable the use of e-Signature and e-ID in conjunction with the STORK project. This functionality will only be in place post-2013 at the earliest.

(21) ECLI

47. The ECLI subgroup of the European Commission's expert group met on 15 June 2012 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 on 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. The integration of ECLI in the e-Justice Portal is expected by the end of 2013.

(22) Find a lawyer / Find a notary / Find a judicial officer

48. The objective is to provide users with an interface in the e-Justice Portal to enabling them to perform a single, Europe-wide search for lawyers and notaries based on search criteria defined by the respective legal professions. The work was continuing and this tool was expected to be ready within the first half of 2013.
49. Judicial officers have also created a directory in the framework of the EJE¹ Project. This could in the future be integrated in the e-Justice Portal.

(23) ECRIS (European Criminal Records Information System)

50. The computerised system ECRIS was established in April 2012 to achieve an efficient exchange of information on criminal convictions between EU countries. It establishes an electronic tool to ensure that information from criminal records databases on convictions is exchanged between EU countries in a uniform, speedy and easily computer-transferable way. So far 20 Member States have implemented the system.

¹ European Judicial Enforcement

51. ECRIS is based on a decentralised IT architecture: criminal records data is stored solely in national databases and exchanged electronically between the central authorities of EU countries upon request. The transmission of information on convictions is made through a standardised European format, using two reference tables listing categories of offences and penalties. These tables facilitate automatic translation and enhance mutual understanding of the information transmitted.
52. Since ECRIS concerns only EU nationals, it is currently not possible to determine whether third country nationals were previously convicted in other EU countries without consulting all of them. A solution which would allow for the detection of convicted third-country nationals in all EU countries is under consideration.

III. CONCLUSIONS

53. At its meeting on 19-20 November 2012 the Working Party on e-Law(e-Justice) is invited to:
- a) take note of the content of the information in points 4-52 and
 - b) to submit this document to take note to the December JHA Council.
