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NOTE

from:	The Presidency
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 7 and 8 June 2012 the JHA Council took note of the report¹ from the Working Party on e-Law (e-Justice) concerning work carried out in the first half of 2012 and invited the Working Party to submit a report to Coreper/Council by the end of the second half of 2012 on progress made in the area of European e-Justice in consultation, as appropriate, with the relevant working parties.

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

II. REPORT

2. During the second half of 2012, work on e-Justice continued based on the revised roadmap set out in 10331/11 and endorsed by the JHA Council in June 2011. Four days of meetings (3-4 October and 19-20 November) 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) Third release of the Portal

3. The third release of the Portal, which had been under preparation since August 2011, went live on 23 October 2012. This release introduced new forms for the European Payment Order and an improved back office content management system. With this system, the Member States will become responsible for managing their links and will be able to update their content more easily.
4. This 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

5. 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.

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

6. 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

7. 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.

8. 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.

d) State-of-play of the revised roadmap on e-Justice implementation

9. A document setting out the current state-of-play of the implementation of the revised roadmap on e-Justice has been prepared by the Working Party on e-Law (e-Justice)¹ during the second half of 2012 (see also under 45.b).

¹ 16580/12 EJUSTICE 82 JUSTCIV 340 COPEN 257 JAI 825

(2) e-CODEX

10. 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.
11. 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 second half of 2012. 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. Extension of the e-CODEX project via additional co-funding is envisaged, but requires more partners and new pilot use cases.
12. Given that the 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 an interoperable technical framework within the EU.

¹ 14896/10 EJUSTICE 93

The aim of the e-CODEX project, co-funded under the Information and Communication Policy Support Programme (ICT-PSP) of the European Commission, is to enhance the cross-border access of citizens and businesses to legal means in Europe, as well as to improve the 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 Project partners are Belgium, Estonia, Germany, France, Greece, Italy, Malta, the Netherlands, Austria, Portugal, Spain, Romania, the Czech Republic, Hungary and Turkey, together with the CCBE and the CNUE.

(3) ECLI

13. 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 ECLI. The Working Party is keeping track of progress in implementation of this project.
14. The ECLI subgroup of the European Commission's expert group met on 15 June 2012 and 2 October 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 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.

(4) Videoconferencing and remote interpretation

15. The updating of the guide on videoconferencing in cross-border proceedings, as adopted by the JHA Council in June 2012 in 10097/12, is under way with a view to incorporating the necessary changes in the section on video-mediated interpreting in court proceedings. A new updated version of the Guide on Videoconferencing in cross-border proceedings may be available shortly.

(5) Integration of the EJM website

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

16. Work on migration of the EJM website (EJM civil) content to the European e-Justice Portal is being conducted 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.

¹ 16871/10 EJUSTICE 133 JURINFO 61, OJ C 127 29.4. 2011, p.1-7.

b) Website of the European Judicial Network in criminal matters

17. 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.

18. A first exchange of views on this agreement 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.

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

19. At its meeting on 3 October the Working Party examined the summary report by the Commission on the discussions held at the 23rd Experts' group meeting in Brussels on 11 May 2012 on the issue of the court database. The Member States approved the solution found at the experts' meeting in May as set out in 15469/12. The Commission will implement the work in the light of these guidelines.

(7) Interconnection of insolvency registers

20. 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 2012. 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.

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

21. The Find a lawyer/Find a notary-project is one of the priorities for the Working Party and the e-Justice Portal. The objective is 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 was continuing and the tool was expected to be ready within the first half of 2013.

(9) Council of the Notariats of the European Union (CNUE)

22. The President of the Council of the Notariats of the European Union (CNUE) gave a presentation on its factsheets about matrimonial property regimes. A link to these factsheets has been provided in the e-Justice Portal. The CNUE representative also gave a presentation on the EU Fides project, which was launched in September 2012. This project aims at facilitating cross-border property transactions between the EU Member States and is based on the use of electronic communications between civil law notaries in the EU Member States for real estate sales and purchases.

(10) European Chamber of Judicial Officers

23. The President and the two Vice-Presidents of the European Chamber of Judicial Officers presented the new European Judicial Enforcement-portal, which was currently available in seven languages. The project, which had been financed by the European Commission, offered information in the form of factsheets and other types of documentation as well as newsletters. A Directory of judicial officers was also being developed. The next objective was to deepen cooperation with the EU institutions with a view to integrating the factsheets, as well as the Directory once it was fully functional with more Member States participating, into the e-Justice Portal. Other Member States were encouraged to take part in these projects.
24. In parallel, a project was starting with certain Member States with a view to creating a platform for cross-border exchange of documents between judicial officers (EJS, e-justice serving).

25. To implement this project, it was also planned to work on the architecture of the platform, its link to existing national platforms, the conditions for access to the platform – especially authentication, the format of exchange of documents and also the arrangements for electronic signature of documents transmitted by judicial officers to their opposite numbers in another Member State. A cooperation agreement with e-CODEX was to be signed in the coming months so as to ensure interoperability between different systems in the future.

(11) European Union of Rechtspfleger

26. The President of the European Union of Rechtspfleger¹ and the representative of the Spanish secretarios judiciales² gave a presentation on the exercise of their functions in the area of justice. They also highlighted the importance they attach to their cooperation with the e-Justice Portal.

(12) ELRA/CROBECO Project

27. The President of the ELRA (European Land Registry Association) gave a presentation on the CROBECO³ Project to the Working Party. This project, which dealt with an alternative European conveyancing process which could contribute to a better cross-border service of documents by electronic means, had been financially supported by the Commission and was completed in June 2012. The ELRA would start pilot projects between conveyancers in the Netherlands, Portugal and Spain with a view to facilitating real estate transactions between these countries.
28. At this stage the Member States had some doubts about both the usefulness and the legal feasibility of this project. In view of the present situation, the Member States did not consider this to be a priority issue.

¹ It should be noted that currently there is no commonly agreed translation of this term in English.

² idem

³ CROBECO = Project on CROss Border Electronic CONveyancing

(13) Interconnection of land registers

a) LINE Project

29. The EULIS representative presented the new EULIS website and the LINE Project to the Working Party. The Commission had co-funded the Project LINE (Land Register Information for Europe) aimed at developing 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).
30. Another result was the introduction of more detailed reference information and a multilingual glossary, which enabled 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.
31. 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.

b) Estonian Immovables Portal

32. The Estonian delegation presented its Immovables Portal to the Working Party.

(14) Hungarian Chamber of Court bailiffs

33. The representative of the Hungarian Chamber of Court bailiffs gave a presentation on the IT system used for electronic case management, electronic auctions, case distribution and communication with financial institutions in Hungary. He also demonstrated the use of electronic signature by the bailiffs.

(15) Integration of the PREJUS website into the e-Justice Portal

34. At the meeting of the e-Law (e-Justice) Working Party on 16 November 2011, the German Association of Notaries presented the results of the PREJUS Project¹, which had been launched in 2010 and funded by the Commission. This project aimed at offering information on family law, inheritance issues, guardianship matters, real estate and company law and certification.
35. At the request of the German Association of Notaries, the e-Justice Working Party decided at its meeting on 16 November 2011 to consider the possibility of integrating the content of the PREJUS website (www.prejus.eu) into the European e-Justice Portal. A specific task force was established to examine if this was feasible in practice.
36. At the meeting of the e-Justice Working Party on 3-4 October 2012, it was decided that the Commission should proceed with the partial migration of this website into the e-Justice Portal as set out in 11313/12.

¹ Preventive justice

(16) Proposal for new content on probation by the Belgian delegation

37. The Belgian delegation presented the EU project on the implementation of Framework Decision 2008/947/JHA on the application of the principle of mutual recognition of judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, as set out in 10654/12. This project had been launched by the Belgian Ministry of Justice in 2009 and its results were available on the website <http://www.euprobationproject.eu/>.
38. According to the wishes of the Belgian delegation, the Working Party decided to create a link in the e-Justice Portal to this website. A possible full integration of the national factsheets available on this website into the e-Justice Portal would be discussed later at a forthcoming meeting.

(17) Translators' and interpreters' databases

39. 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.

(18) Automated translations

40. 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 has progressed well overall. Further activities 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.
41. 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 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.

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

42. The General Secretariat carried out the first screening exercise in the area of criminal law, as set out in 13951/12 and 15730/12. As a result, it was concluded that the work should be conducted on a regular basis so as to allow real time examination of on-going legislative proposals when negotiations in the relevant working parties were still on-going. There was also a need for better cooperation between the relevant working parties and drafters to allow the mainstreaming of the concept of e-Justice in future legislative proposals. A screening of new instruments in the area of civil law would be presented to the Working Party at a forthcoming meeting.

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

43. The Working Party was briefed by the Commission on the future legislative instrument on e-Justice. A consultation event took place on 27 June and the internal discussions were still ongoing. At the moment it was expected that the proposal would be presented at the beginning of 2013.

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

44. A questionnaire shall be addressed to the Member States to collect information on current progress in implementation of issues related to e-Justice in the Member States. The aim is to produce a report to the Working Party by spring 2013.

III. CONCLUSIONS

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

- a) take note of the work completed in the second half of 2012;
- b) take note of the state-of-play of the revised roadmap as set out in 16580/12;
- c) endorse the conclusions of the e-Justice Working Party on the migration of the court database as set out in 15469/12;
- d) invite 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.