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From: The Presidency
To: Permanent Representatives Committee/Council

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Subject: Mid-term review of the Multiannual European e-Justice Action Plan 2014-2018
- Adoption

1. One of the questions examined in the context of the Working Party on e-Law (e-Justice) during the Netherlands Presidency was the preparation of the mid-term review of the Multiannual European e-Justice Action Plan 2014-2018, as foreseen in paragraph 46 of the Action Plan.
2. The Working Party has examined this issue at its meetings on 3 February, 1 March and 4 May 2016. At the meeting on 4 May it was agreed to submit the final version to Coreper/Council.
3. Accordingly, Coreper/Council are invited to endorse the mid-term review as set out in the Annex.

Mid-term review of the Multiannual European e-Justice Action Plan 2014-2018

I. Introduction

1. The Council (JHA) adopted the Strategy on European e-Justice 2014-2018¹ on 6 December 2013 and the new Multiannual European e-Justice Action Plan² for the same period on 6 June 2014. The Strategy and the Action Plan set out priorities and include a list of projects considered for implementation in the 2014-2018 period, with an indicative timetable where possible, with a view to allowing follow-up by the Working Party on e-Law (e-Justice).
2. This list of projects in the area of e-Justice includes measures relating to access to information in the field of justice, access to courts and extrajudicial procedures in cross-border situations, and communication between judicial authorities.
3. As stated in paragraph 46 of the Action Plan, the Council will assess the implementation activities in the first half of 2016 and will suggest any action to improve the functioning of e-Justice.
4. As a follow-up, the Working Party on e-Law (e-Justice) has agreed to submit for the consideration of Coreper/the Council the results of the work carried out since the adoption of the Action Plan, as described below.

¹ Strategy on European e-Justice 2014-2018 (OJ C 376, 21.12.2013, p. 7)

² Multiannual European e-Justice Action Plan 2014-2018 (OJ C 182, 14.6.2014, p. 2)

II. State of play regarding the Multiannual European e-Justice Action Plan

A. Access to information in the field of justice

1. Information through the e-Justice Portal

5. The implementation of the e-Justice Portal¹ has continued in line with the regular work plans presented by the Commission to the Working Party on e-Law (e-Justice) at the beginning of each Presidency. Since the adoption of the Action Plan, a significant amount of new information has been added to the Portal, including pages on family matters, various judicial training factsheets and contributions by the European Judicial Network in civil and commercial matters (EJN-civil) (e.g. on succession). As a result of this new content, the number of visits to the Portal has risen sharply, exceeding 3.5 million in 2015.
6. The e-Justice Portal usability study provided for in the Action Plan is being carried out by the Commission². The study is expected to be finalised in the second quarter of 2016. As a follow-up to this study, the Commission is planning to assess the recommendations together with the Member States and proceed with their implementation.
7. A number of different projects are ongoing in the framework of the Council expert groups set up since the adoption of the Action Plan with the aim of enhancing the wider area of e-Justice and to improve the content of the e-Justice Portal. The results of the work done in the context of the expert groups on cross-border videoconferencing³, fundamental rights⁴, interconnection of registers of wills⁵, minors in judicial proceedings⁶, judicial auctions⁷, open data⁸ and multichannel communication strategy for justice⁹ will be used for the benefit of e-Justice in cross-border situations and to improve the content of the Portal and to add new features.

¹ 1, 34, 35 (The numbers in the footnotes refer to the numbering of the projects in the Annex to the Action Plan.)

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8. A Council expert group on e-CODEX¹ has been set up to address issues relating to the ongoing development and maintenance of specific technical solutions for cross-border communication between judicial authorities in the area of justice.
9. Information on and links to systems developed as part of initiatives undertaken by members of the legal professions, such as lawyers, notaries and judicial officers, have been added to the e-Justice Portal. The Find a lawyer and Find a Notary interactive tools were launched in December 2014, and currently allow real-time searches for a legal practitioner in 19 and 23 Member States respectively. Work on the project "Find a judicial officer" is on-going².
10. The results of the European Guide for Legal Expertise (EGLE) project on best practices in the area of legal expertise carried out by the judicial experts will be integrated into the Portal. Reflection is on-going concerning the implementation of registers of judicial experts and a Directory of judicial experts (Find a judicial expert)³.
11. A new project will bring the training offers from the European Judicial Training Network (EJTN) and the Council of Bars and Law Societies of Europe (CCBE) together in one area of the Portal, giving a strong boost to judicial training in Europe.
12. Discussions on integration of the website developed by the European Judicial Network in criminal matters are ongoing. Practical implementation is expected to start in 2016.
13. Updating the information available on the e-Justice Portal, including the yearly verification of information is a significant task. The Member States and other bodies are invited to implement internal measures to ensure that they are able to perform this task in an adequate manner.

¹ 25, 29, 38-42

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2. Registers

14. As stated in the Action Plan, the European e-Justice Portal should provide a single access point via interconnections to the information in national registers with relevance in the area of justice. Action in this area should be focused in particular on the interconnection of registers which are of interest to citizens, businesses, legal practitioners and the judiciary. In those cases where there is no EU legal framework for the work to be undertaken, participation to the project takes place on a voluntary basis.
15. A number of important projects are under way in this area and are monitored regularly by the Working Party on e-Law (e-Justice), including:
 - a) Interconnection of the Member States' business registers¹, where work is on-going, following the adoption of Directive 2012/17/EU on 13 June 2012². Technical work at the Commission is on-going since the adoption of the implementing acts on 7 July 2015, as provided for in Article 4c of the Directive. The Commission should have finished preparing the system by 8 June 2017.
 - b) Interconnection of the Member States' insolvency registers³. The initial pilot project involving seven Member States went live on the e-Justice Portal in July 2014. Since the implementation of this first pilot project, Regulation (EU) 2015/848 on insolvency proceedings⁴ was adopted on 20 May 2015. Pursuant to Article 25 of this Regulation, the interconnection of all Member States' insolvency registers will be implemented by the Commission. Work in this respect is about to commence and the system is expected to be operational by 26 June 2019.

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² Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers (OJ L 156, 16.6.2012, p. 1)

³ 10.a and 10.b

⁴ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19)

- c) Interconnection of certain Member States' land registers¹ on the basis of work initiated in 2015 after an initial feasibility study carried out by the Commission. A first version is due to be finalised by the end of 2017.
- d) Interconnection of the databases of legal interpreters and translators (LIT) based on the LIT search pilot project², which covers the databases of seven Member States. The project was finalised at the end of 2015 with a view to integrating it into the e-Justice Portal in the future. A second project is being planned with the aim of improving the features of the platform developed in the context of the LIT search project and attracting new Member States as partners.
- e) Work on the Babellex project is on-going³. The project aims to create an online space where legal translators can be asked for help in any legal proceedings requiring translation or interpretation services. Further work is still needed prior to evaluation of the results achieved.
- f) Work concerning the interconnection of the Member States' electronic registers of wills⁴ has been launched in the framework of a subgroup of the Working Party on e-Law (e-Justice). The aim is to enhance the developments in the area of interconnection of registers of wills and cross-border succession in order to encourage the Member States to register wills and to electronically exchange the data necessary for the succession matters. The work is carried out in full cooperation with notaries and the European Network of Registers of Wills Association (ENRWA) in order to promote the functionalities developed by them. The results of the project will be available in the near future.

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- g) A feasibility study concerning the creation of an electronic European Certificate of Succession¹ has been launched by the Commission, following the entry into force of the new Succession Regulation² on 17 August 2015. The results of the Commission's feasibility study are expected to be available in 2017.
- h) The implementation of the Consumer law database³ is on-going within the Commission. Under the current schedule, the database is expected to be available by end 2016.

3. Semantic web

- 16. According to the Action Plan, the development of effective means for the exchange of legal information across borders, and in particular data relating to European or national legislation, case law and legal glossaries should be continued. Significant further work in this respect has been done both at EU level and in the Member States.
- 17. The Council conclusions inviting the introduction of the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law⁴ were adopted in 2010. ECLI is now (partly) implemented by nine Member States, the Court of Justice, the European Court of Human Rights and the Board of Appeal of the European Patent Office. Nine additional Member States are working on the implementation of ECLI. The first version of the ECLI search engine went live on the European e-Justice Portal on 4 May 2016. Work is expected to continue in the future⁵.

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² Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107)

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⁴ Council conclusions inviting the introduction of the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law (OJ C 127, 29.4.2011, p. 1)

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18. Following the adoption of the Council conclusions inviting the introduction of the European Legislation Identifier (ELI)¹, the implementation of ELI is being finalised in seven Member States. Work on ELI is continuing and additional Member States are expected to participate².
19. The LEGIVOC legal terminology project went online in December 2014³. This project, which is managed by the French Ministry of Justice, contains interoperable legal vocabulary from 15 legal systems in the EU. The project has been designed for use in any situation requiring the translation of a national concept from one legal system to another.

B. Access to courts and extrajudicial procedures in cross-border situations

1. General aspects

20. As stated in the Action Plan, going to court and initiating extrajudicial proceedings in particular in cross-border situations should be facilitated through the availability of communication by electronic means between courts and parties to proceedings, as well as witnesses, experts and other participants.
21. Making use of a European Payment Order⁴ by electronic means in cross-border situations is already possible between certain Member States via e-CODEX technology, subject to existing legal limitations in the Member States. Work to improve the tool and extend its use to other Member States is ongoing.
22. Work to implement the small claims procedure⁵ by electronic means in cross-border situations is ongoing in the context of the e-CODEX project. This functionality is already working between certain Member States.

¹ Council conclusions inviting the introduction of the European Legislation Identifier (ELI) (OJ C 325, 26.10.2012, p. 3)

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⁴ Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (OJ L 399, 30.12.2006, p. 1)

⁵ Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007, p. 1)

23. The Commission has finished integrating e-CODEX technology into the European e-Justice Portal in the context of the European Payment Order¹ and small claims dynamic forms. The Portal will thus allow citizens and businesses (or their representatives) to transmit claims electronically directly to a competent court. The Commission is running end-to-end tests with the Member States that are piloting the two legal instruments and is preparing to launch the feature in the second quarter of 2016.
24. Additional dynamic forms relating to civil status and legal representation of a company will be designed in cooperation with the Commission after the adoption of the Regulation on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (legalisation).
25. Work relating to the use of videoconferencing in cross-border cases in the context of court proceedings has been pursued within the specific expert group set up in the framework of the Working Party on e-Law (e-Justice). Council Recommendations on cross-border videoconferencing², based on the findings of the expert group, were adopted in June 2015. Work is continuing in the context of a specific project financed by the Commission with a view to producing practical guidelines for practitioners.
26. The Court Database project³ will provide the means for citizens and practitioners to find competent courts for various legal instruments. The focus of the project is currently on European civil instruments, such as the European Payment Order, but it is expected to be extended to other instruments. Importantly, the project is a significant building block for other high-visibility projects, such as e-CODEX and the soon to be launched CLARITY, that will assist citizens in finding the right organisation to help them with fundamental rights issues. The Court Database project has been available to users of the Portal since November 2015 in beta phase and is expected to be made available to the public in the first quarter of 2016. Currently, the project covers competent courts for seven instruments and 12 Member States, with more instruments and Member States due to go live in the near future.

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² Council Recommendations — ‘Promoting the use of and sharing of best practices on cross-border videoconferencing in the area of justice in the Member States and at EU level’ (OJ C 250, 31.7.2015, p. 1)

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2. *Cooperation with the judiciary and legal practitioners*

27. The first meeting in the context of this cooperation mechanism was held on 19 June 2015 in Brussels. Four topics were addressed at this meeting: a) e-communications between practitioners and the courts, b) videoconferencing, c) the European Certificate of Succession and d) the static content of the e-Justice Portal. The meeting attracted a large number of representatives from the legal sphere. A second meeting is planned for June 2016.
28. Cooperation with the European Judicial Networks in civil and commercial matters and in criminal matters has continued. The integration of the EJN-civil website into the e-Justice Portal has been finalised.
29. Since the Council's endorsement of an agreement on cooperation with the EJN in October 2013, technical discussions with the EJN in criminal matters have continued with a view to integrating their website into the e-Justice Portal¹. Launch of the implementation by the Commission, in close collaboration with the EJN is expected in 2016.

3. *Online dispute resolution (ODR)*

30. The Regulation on online dispute resolution² entered into force on 9 January 2016. The Regulation provides for the establishment of an online mediation platform. Work within the Commission is ongoing and the platform went live on 9 January 2016. The system became accessible to consumers and traders on 15 February 2016³.

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² Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (OJ L 165, 18.6.2013, p. 1)

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4. *Communication between judicial authorities*

31. As stated in the Action Plan, development of electronic communication, recommending technical standards and solutions between the judicial authorities of the Member States, more specifically in the framework of instruments adopted in the European judicial area in the field of civil, criminal and administrative law, should be continued further (e.g. via videoconferencing or secure electronic data exchange).
32. Work in cooperation with the EJM in criminal matters (see paragraph 27) and in the area of videoconferencing (see paragraph 24) has continued.
33. Furthermore, additional functionalities for effective and secure exchange of information are being developed in the framework of the e-CODEX project. These functionalities relate to mutual legal assistance in criminal matters¹, Framework Decision 2008/909/JHA on Exchange of Prisoners², mutual recognition of financial penalties³, European order for payment procedure⁴, Business Registers Interconnection System⁵ and Find a Lawyer II. The pilot projects involve a broad range of technical components, including electronic signatures, e-ID, e-delivery, semantics and data protection⁶.
34. The iSupport project⁷ of the Hague Conference on Private International Law commenced in September 2014. The objective of the iSupport project is to develop, within a two-year period, an electronic case management and secure communication system to facilitate the cross-border recovery of maintenance obligations under the EU 2009 Maintenance Regulation and the 2007 Hague Child Support Convention. The development of the system started on 17 July 2015 and is on-going.

¹ based on several legal instruments, in particular Directive 2014/41/EU of 3 April 2014

² based on Council Framework Decision 2008/909/JHA of 27 November 2008

³ based on Council Framework Decision 2005/214/JHA of 24 February 2005

⁴ Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure

⁵ Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers

⁶ 38-42

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D. Horizontal issues

35. Screening of legislative proposals before their adoption to ensure consistent use of modern information and communication technology in the implementation of new EU legislation in the area of justice has continued in the areas of civil and criminal law. This exercise will continue in the framework of the Working Party on e-Law (e-Justice) to take account of new legislative proposals.

E. External relations

36. The results of the implementation of ECLI and ELI were presented to the Council on General Affairs and Policy of the Hague Conference in April 2014. The work of the Council expert group on cross-border videoconferencing and the Council Recommendations on the use of videoconferencing technology in court proceedings were presented to the Hague Conference Expert Group on the Use of Video-Link and other Modern Technologies in the Taking of Evidence Abroad, which convened at The Hague on 2 to 4 December 2015.
37. Preliminary discussions with the Lugano States on the possible implementation of ECLI and ELI have already taken place. As regards ELI, discussions with Albania are also ongoing. The Working Party on e-Law (e-Law) will continue to follow developments in this area.
38. Preliminary discussions with Latin American countries have started with a view to initiating more structured cooperation in the area of e-Justice. The Working Party on e-Law (e-Law) is working on the possibility of cooperation with the Ibero-American e-Justice Portal.

F. e-CODEX Governance

39. Discussions on the sustainability of the e-CODEX project were formally initiated under the Italian Presidency in December 2014¹. As a follow-up, an expert group on e-CODEX was established in July 2015 with the aim of ensuring a stable interim governance mechanism for the e-CODEX project and its future successor projects. The expert group prepared a roadmap for the governance of the project², which was adopted by the Council in December 2015. The roadmap provides for the handover of some of the project results to the Commission after the end of the project in May 2016, recognises the need for an interim solution for the maintenance of the remaining project results and suggests a post-2018 timeline for the takeover of the technical solutions by an EU agency.

H. Follow-up

40. Under the second Multiannual e-Justice Action Plan, the Working Party on e-Law (e-Justice) has adopted the methodology of implementing the objectives of the Action Plan by means of dedicated expert groups in order to make progress in those areas of work. These groups are led by certain Member States with the voluntary participation of other interested Member States. This mechanism allows interested Member States to submit the results of these expert groups to the Working Party on e-Law (e-Justice) to Coreper/the Council on a case-by-case basis.
41. This working method has proven to be a very useful way of boosting new work in the area of e-Justice. It has also made it possible to achieve results in a number of specific areas of legal expertise in the area of e-Justice, and has allowed the participation of legal experts across the justice sector at national level. Other legal practitioners, such as the representatives of lawyers and notaries, participate in these expert groups when necessary.

¹ 14418/14

² 13666/15

42. During the period covered by this mid-term review, the need for an additional expert group in the area of security of judicial documents has been raised by Poland in the context of the Working Party on e-Law (e-Justice). It has been suggested that such an expert group be established during the second half of 2016, once the Working Party on e-Law (e-Justice) has agreed on the exact mandate for the group.
43. Other additional expert groups included in the Annex to the Action Plan are planned to be initiated in the second half of 2016 or in the first half of 2017, depending on the availability of the Member States' administrative resources. These expert groups relate to a number of important projects waiting to be started - expert groups on judicial official announcements¹, penitentiary establishments², e-Service of documents³, register of representation rights and powers of legal representatives⁴, Find a mediator⁵ and e-APP⁶.
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Building on the future Public Documents Regulation, priority should be given to mapping and promoting the cross-border use of electronic public documents within the Union. In this context, the current situation and development regarding the use of electronic public documents should be examined taking into account Union policies, such as the aim of achieving a Digital Single Market, including the once only principle in eGovernment, the ISA-project, and the role and functioning of the European e-Justice Portal in particular in connection with the workflow of using electronic public documents in different Member States.