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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. prev. doc.:	11996/1/16 REV 1
Subject:	Roadmap on e-Codex - Adoption

1. The Working Party on e-Law (e-Justice) examined at its meetings on 4 May and on 25 October 2016 the results of the work carried out by the expert group on e-CODEX as set out in the Annex. The Working Party reached on 25 October 2016 an agreement in principle on the content of the roadmap.

2. Coreper is therefore invited to request the Council to note:
 - a) the roadmap proposed for the e-CODEX-related issues as set out in the Annex and;
 - b) the invitation presented to the European Commission in December 2015 to continue cooperation with the expert group on e-CODEX regarding the ongoing reflections relating to a proposal for long-term sustainability and the future governance of e-Justice at EU level, including the designation of eu-LISA (or another agency) as a potential EU agency for this purpose.

Roadmap on e-CODEX**I. Introduction**

1. An essential part of establishing the expected interoperability in Europe consists of realising interoperability between Member States. A lot of work has been done in this respect, and the consolidation of the existing building blocks has continued. The European e-Justice Strategy, the European Interoperability Framework (EIF) and the former Large Scale Pilots laid the foundations. Now the next step is required to unlock the potential of cross-border e-Justice services and further define the standards. The new e-Government Action Plan¹ and the European e-Justice Action Plan² will enhance confidence in the single market through transparency and up-to-date information.

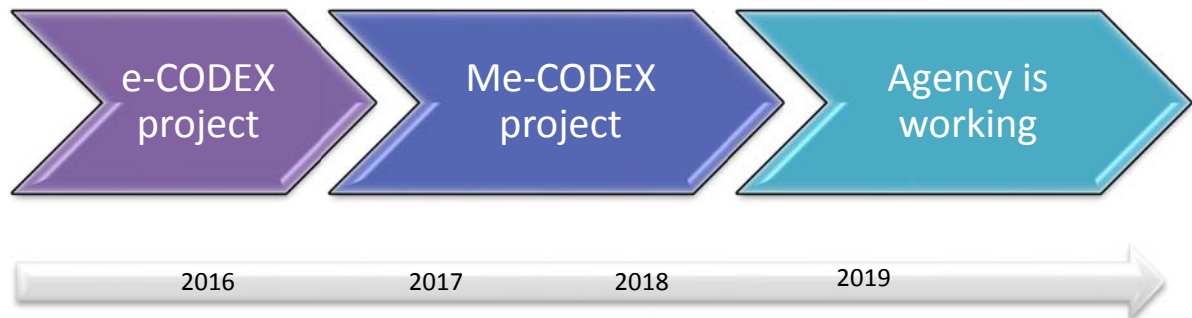
2. In order to achieve a long-term impact, the take-up and use of the pilot's outputs by a large number of administrations in Europe is necessary. Therefore the pilot will stimulate countries to rapidly implement the given solutions, using the knowledge and experiences of other countries as stepping stones towards accelerated implementation. To reach this objective, there are several preconditions for the successful re-use of pilot outputs and the accelerated implementation of solutions across countries.

¹ EU eGovernment Action Plan 2016-2020, Accelerating the digital transformation of government.

² Multiannual European e-Justice Action Plan 2014-2018.

II. Timeline

3. The planned timeline has to make sure that the sustainability of e-CODEX is assured in the long term and ensure that there are no gaps between the different phases. The final goal is to entrust the operations to an agency which has the ability to perform the necessary tasks.



4. The e-CODEX project ended on 31 May 2016, after which two months were needed for the official closing of the project. Hence the intended new funding project should start by the end of 2016. The new funding project is planned for a duration of 24 months.

Nr	Action	Actor	Available
1	engagement plan for key stakeholders	Expert Group on e-CODEX supported by funding projects e.g. Me-CODEX	March 2017
2	impact and benefits assessment to build the business case for the long-term sustainability of e-CODEX	Expert Group on e-CODEX supported by funding projects e.g. Me-CODEX	<i>First draft beginning of 2017</i> <i>Final end 2018</i>
3	business plan that supports investment and suggests an approach for the involvement of both the Commission and the Member States ³	Expert Group on e-CODEX supported by funding projects e.g. Me-CODEX	<i>First draft January 2017</i> <i>Final end 2018</i>
4	impact and benefits analysis to demonstrate how the building blocks can benefit national e-Justice systems and support citizens, businesses and legal professionals	Me-CODEX & Other projects e.g. Pro-CODEX	<i>End 2018</i>
5	financial assessment to estimate the level of investment required for each stage	Expert Group on e-CODEX supported by funding projects e.g. Me-CODEX	<i>First draft January 2017</i> <i>Final end 2018</i>
6	common user-support structure with clearly defined roles and contact information	Expert Group on e-CODEX supported by funding projects e.g. Me-CODEX	March 2017
7	governance structure to manage the short-, medium- and long-term aspects	Expert Group on e-CODEX supported by funding projects e.g. Me-CODEX	First draft January 2017 Final end 2018
8	Evaluation mandate eu-LISA and report	European Commission (DG HOME)	Started in 2016

³ Further tasks, such as strategic and operational decisions including aspects of security accreditation, can be taken into account here.

5. In parallel with these activities, a suitable agency needs to be found and the necessary legal and technical arrangements enabling that agency to fulfil its long-term role as a host for e-CODEX solutions, have to be made. The overall target is for the agency to start working by 1 August 2018. This means that the new funding project mentioned above will need to have finalised a corresponding handover document⁴ no later than March 2018. This handover document must specify in detail how the results of e-CODEX will be transferred to the agency for proper long-term maintenance, taking into account all associated legal and technical aspects.

6. The expert group on e-CODEX recommends starting contacts with eu-LISA, in full cooperation with the European Commission, with a view to its taking care of the maintenance of e-CODEX at a date to be agreed between all parties, though preferably no later than 1 September 2018. As a minimum, the following topics in particular should be addressed in these discussions:
 - a) the mandate of eu-LISA;
 - b) the funding for the operations to maintain e-CODEX;
 - c) the impact of the independent position of the judiciary on the governance of eu-LISA;
 - d) issues in the daily operations, such as release calendars and new use cases;
 - e) the requirements of the e-CODEX (technical solutions/resources).

⁴ By the end of 2017 a first draft will be ready to be handed over to the EC. The report will have a special focus on budgeting purposes.