



Brussels, 28 May 2015
(OR. en)

9208/15

EJUSTICE 62

NOTE

From: General Secretariat of the Council
To: Working Party on e-Law (e-Justice)

No. prev. doc.: 6061/15 EJUSTICE 12
8287/15 EJUSTICE 43
8281/15 EJUSTICE 41

Subject: Questionnaire on static content elements of the e-Justice Portal
- Summary

1. As agreed at the meeting of the Working Party on e-Law (e-Justice) on 17 March 2015, the Member States were invited to send their answers to the questionnaire as set out in 6061/15 by 31 March 2015 with a view to presenting the final results at the meeting of the Working Party on 11 May 2015.
2. The answers provided by the Member States¹ enable conclusions to be drawn on the content pages and structure of the e-Justice Portal, as set out below.
3. The questionnaire was also sent to legal practitioners (lawyers, notaries and judicial officers) and their answers are presented in separate documents².

¹ See 9207/15

² See 8531/15, 8538/15, 8539/15

I. General comments

4. As a rule, most Member States are satisfied with the content and structure of the e-Justice Portal. It appears, however, from the answers that a certain amount of restructuring of the content would be necessary. In certain specific cases, individual Member States also need to complete or update existing information, or even set up the missing information pages. In a number of cases, translations are still missing.
5. A number of delegations suggested that the Portal should be more user-friendly as regards layout and access to information. The Portal should provide users with quick and easy access to relevant and precise information without an excess of redundant or outdated data. This also applies to technical aspects, such as the reorganisation of links and banners and completion of translations.
6. Certain specific issues comprising, for instance, information relating to EJM in civil or criminal matters, fundamental rights or courts/court proceedings in the Member States, including court fees, seem to need more in-depth re-thinking or restructuring to make these issues more visible, to increase the Portal's user-friendliness and to make its content more easily understandable to all potential users. Testing with real users is also recommended. Another proposal includes adding descriptions of ongoing and planned e-Justice projects as well as information on meetings, events and conferences relating to the European e-Justice.
7. One Member State has suggested including links to e-CODEX where relevant.

II. Comments on specific content pages

1. Law and Case law

8. The majority of the Member States are satisfied with the EU-Law and EU case law content. Similarly, the majority of the Member States find the content pages on Member State law and Member State case law satisfactory. According to some Member States, a restructuring into different fields of law under separate subtitles (with clearly defined criteria on type of information on case law in every Member State as well as an indication of differences between common and civil law) would be useful. As for the international case law, it was suggested that a database be added on decisions applying the Hague and UNIDROIT Conventions.

2. Judicial systems

9. The Judicial systems section was generally found to correspond to needs. One suggestion is to integrate the content of the sections on "Specialised Courts" and "Ordinary Courts" with the page "Judicial systems in Member States". Another suggestion is to specify differences more clearly between these two types of courts, update information on the Member States' legal system structures where necessary as well as check terminology in specific cases. All Member States were pleased with the EU Courts subsection.

3. Legal professions and justice networks

10. Some Member States suggested modifying this information by differentiating the two sections, namely by separating the judiciary from non-lawyer functionaries in the subsection "Legal professions". The positioning of the information on EJM in criminal matters needs to be changed.

11. One delegation suggested adding current projects of the European Law Institute for information purposes. Some Member States considered that information on Eurojust should be restructured or placed elsewhere on the Portal. Information on the Justice Forum could be made more clearly accessible.

4. EJM in civil and commercial matters

12. To increase the Portal's user-friendliness, some Member States suggested that this section be reorganised as its subsections currently overlap with other content pages on the Portal. This results in the dispersal of information. The EJM in criminal matters should have its own streamlined content pages clearly presented in a single module.

5. Going to court

13. A thorough examination of this section would seem necessary, as a lot of information under this item would appear to need restructuring or should be completed, updated or amended depending on the topic. Some of the links have either expired, or are looped or inactive, making the current structure confusing to the users. Information on fundamental rights should be completed and presented more clearly as a separate issue on the front page of the e-Justice Portal. This would make it more accessible for users.
14. One delegation also draws attention to the fact that in some Member States some of these issues are not handled by the courts, so the information should be changed. For instance, one Member State suggested that the sub-section "enforcement of judgements" be presented separately. It would also be advisable to insert a disclaimer that the information is not a substitute for legal advice. (For subsection "legal aid", see point 6.)

15. According to some Member States, the subsection on the "Costs of proceedings" seems complicated and outdated. It also overlaps with the other court fees pages under the section "Monetary claims". Information on the European Order for Payment and small claims procedure should be checked and streamlined to avoid duplication. The insolvency subsection seems adequate for most Member States - a link to national registers could be added. Two Member States would have preferred to remove it from the "Going to court" section in view of their national specificities.
16. Some Member States suggested creating a separate section for family matters although most of them are satisfied with the content. Some Member States suggested creating separate sections for divorce, parental responsibility and parental child abduction. Information on maintenance claims, which is a complex issue, should be clarified and restructured according to some Member States. As for the property effects of marriage and registered partnership, it was suggested that some information be provided on the on-going negotiations on new legislative instruments. Generally, the content of the subsection on lawful removal of a child is satisfactory. Only a few delegations would like to see it completed or clarified or presented separately.

6. Legal aid

17. The legal aid section is unclear according to a number of delegations. This section should be presented as a separate item on the Portal and its content should be updated and streamlined with the information currently in the "Going to court" section in order to avoid duplication. There is a need for testing on real users and the whole topic should be easy to find on the Portal.

7. Mediation

18. Some Member States suggest merging mediation with the EU overview as well as introducing European projects on mediation. Information on alternative dispute resolution (ADR) could also be included.

8. Successions and wills

19. This whole section needs some restructuring and information should be completed or updated. Some Member States wish to integrate the successions-europe website (CNUE) with the e-Justice Portal. The same applies to the ENRWA factsheets. There should be clear indication on who is responsible for maintaining and updating these pages.

9. Victims of crime

20. Information on victims of crime in criminal proceedings and their rights seem generally adequate. However, some restructuring of the information and a better distinction in relation to fundamental rights might be needed. Information on compensation should be thoroughly checked and the looped links and obsolete data should updated.

10. Tools for courts and practitioners

21. This section could be restructured by making a more clear distinction between criminal and civil matters. There is also scope for reviewing the overall positioning of this information in the Portal. One Member State, in particular, would like to link this information with the EJN pages. Information should be updated throughout the whole section. Testing with real users should also be done.
22. As regards videoconferencing, the text in the manual could be shortened. Information on national videoconferencing should be checked and updated.
23. As regards the subsection on "cooperation in civil matters", information on Croatia should be harmonised with that on other Member States. Information on the subsections "taking of evidence" and "service of documents" should also be updated and possibly restructured. Links and other information, including specific terminology should be checked. As for the "Order for payment procedures" and "small claims", there seems to be some overlap with the section on "Monetary claims" under the "Going to court" section (see point 5).

24. To avoid overlapping, the suggestion has been made to move the "Jurisdiction" item to the section "Going to court – in which Member State". Information on the Atlas in civil matters should also be updated and possibly moved to a different location.
25. As regards cooperation in criminal matters, one suggestion is to merge this subsection with the information on "Legal professions and justice networks". One Member State has pointed out that the statistics concerning the European Arrest Warrant are outdated.
26. As regards the subsections "request for judicial assistance" and "evidence", the information needs updating. The adoption of the European Investigation Order (EIO) should be taken into account. Information on the Framework Decisions 2005/214/JHA on Financial penalties and on the Framework Decision 2008/675/JHA should also be provided. Information on evidence, freezing of assets, confiscation, criminal records, mutual recognition of pre-trial and post-trial measures should be checked and possibly completed and updated. Information on "jurisdiction" and the "European Judicial Atlas in criminal matters" could also be checked and completed where necessary.

11. Registers

27. One Member State has suggested adding more specific information about national registers to the registers section, as the current overview seems too basic. National information could also be checked and possibly completed.

12. Find a lawyer/notary/legal translator or interpreter/mediator

28. Some Member States suggest that these sections should be updated, possibly restructured and obsolete links should be checked.

13. Dynamic forms, access to justice on environmental matters

29. One Member State pointed out that this information should also be included in the questionnaire. The section on dynamic forms could be included in the information relating to EJN in civil matters.
-