



**Brussels, 5 June 2015  
(OR. en)**

**9331/15**

**EJUSTICE 63  
JUSTCIV 134  
COPEN 141  
JAI 388**

**"I/A" ITEM NOTE**

---

From:	Presidency
To:	Permanent Representatives Committee (Part 2)/Council
No. prev. doc.:	8275/15 EJUSTICE 38
Subject:	Implementation of the Multiannual European e-Justice Action Plan 2014-2018 - Expert group on e-Codex related issues

---

**I. INTRODUCTION**

1. The Annex to the multiannual European e-Justice Action Plan 2014-2018 contains a list of projects to be implemented in the period 2014-2018 in the area of e-Justice. A number of these projects is linked to the large-scale pilot project e-CODEX focusing on developing specific technical solutions in the field of e-Justice. The Action Plan also foresees the possibility to create expert groups of the Member States involved in specific projects with a view to implementing the Action Plan in practice. In addition it is stated in the Action Plan that a solution for the consolidation of the results of the e-CODEX project should be further explored.

2. The Council has already endorsed a first set of projects<sup>1</sup> to be implemented under the second multiannual European e-Justice Action Plan. At the meeting of the Working Party on e-Law (e-Justice) on 11 May 2015, it was proposed to add on this list the expert group on e-CODEX related issues as set out in the Annex to ensure that further discussions related to the work done in the context of the e-CODEX pilot project can continue under the aegis of the Working Party on e-Law (e-Justice).
3. The Working Party on e-Law (e-Justice) proposes as an indicative timetable for the launching of this expert group the second half of 2015. The expert group would first be led by Germany and, after its forthcoming Presidency in the first half of 2016, the Netherlands.
4. Coreper/Council is invited to endorse the guidelines referred to in paragraphs 2 and 3 as an I/A-item.

---

---

<sup>1</sup> See 15771/14

**Expert group on e-CODEX related issues****I. Introduction**

1. The large-scale pilot project e-CODEX, co-financed by the European Commission, was launched under the multiannual European e-Justice Action Plan 2009-2013<sup>1</sup>. It focuses exclusively on the realisation of some of the anticipated functions of European e-Justice as described in this Action Plan. In the meetings on 4 December 2014 and 30 January 2015 the Council of Ministers for Justice and Home Affairs identified and underlined the need to establish a sustainable framework for the technical solutions developed in the context of the e-CODEX project in terms of their full lifecycle of development and operational management.
2. As outlined previously in papers presented to the EU Working Party on e-Law (e-Justice), the sustainability of e-CODEX plays an important part in achieving the aims and ambitions for the Digital Agenda for Europe by providing a secure and effective environment for data exchange in the field of e-Justice. This has been recognised in the Strategy on European e-Justice 2014 – 2018 and the associated Action Plan, both of which have been endorsed by the Council of Ministers of the European Union and the European Parliament. All related activities must particularly take into account the principles of voluntary action, decentralisation, interoperability and the independence of the judiciary.
3. In order to build upon the effort and investment already made and to demonstrate that e-CODEX pilot projects have enabled secure data exchange between the participating Member States, a focus on these achievements supported by an impact and benefits assessment is needed to build the business case for the long-term sustainability of e-CODEX. The business case must also address the interests of those Member States not currently participating in e-CODEX or carrying out live piloting activities in the context of e-CODEX.

---

<sup>1</sup> OJ 2009/C 75/01

4. The e-CODEX project has developed a secure data exchange infrastructure and has been running a live pilot (involving real people and real cases) on the European Order for Payment Procedure since 2013. Further pilots on the European Small Claims Procedure, cross-border mergers in business registers, and mutual legal assistance (as a precursor to the European Investigation Order) are in the final stage of testing and will go live soon. Other pilots based on Framework Decisions 2005/214 (Financial Penalties), 2008/909 (Mutual recognition of custodial sentences) and 2002/584 (European Arrest Warrant) are also being developed.
5. It has already been recognised that a point of no-return may be reached once the European e-Justice portal is available to provide users with a mechanism for accessing the e-CODEX infrastructure to make a claim in another Member State. However, a critical mass of data exchange, users and piloting Member States must be achieved to demonstrate that e-CODEX can fulfil the longer-term requirement to meet the ambitions and vision set out in the Strategy on European e-Justice. Once this critical mass of data exchange users and piloting Member States has been achieved, the risks associated with the sustainability of e-CODEX will have been minimised.

## **II. e-CODEX long-term sustainability aspects**

6. In order to achieve this goal a number of topics need be addressed and should be discussed by an expert group on e-CODEX-related issues:
7. Early engagement with relevant European agencies such as eu-LISA, ENISA and INEA will be helpful, with a view to learning from their experiences of supporting the provisioning, building of capacity and on-going development of pan-European IT services, and to building a long-term strategy to ensure the sustainability of e-CODEX's results.

8. The Expert Group should consider the possible need for a governance structure to manage the short-, medium- and long-term aspects governing the sustainability of e-CODEX, so as to ensure that e-CODEX pilot projects migrate towards and become embedded within national service provision. Such a governance structure may be useful in order to ensure that the legal, administrative, organisational and technical aspects of e-CODEX will provide a sound foundation for European e-Justice in the long term. In this context, the Expert Group will also consider relations with the governance structure created to manage DSIs<sup>1</sup>, and in particular the e-Delivery and eSignature DSIs established under the CEF programme and with other initiatives at EU and international level<sup>2</sup>.
9. An impact and benefits analysis will be performed by the Expert Group to demonstrate how e-CODEX building blocks can benefit national e-Justice systems and support citizens, businesses and legal professionals with European e-Justice. A financial assessment will be needed to estimate the level of investment required for each stage in the sustainable development of e-CODEX.
10. A business plan for e-CODEX will be developed by the Expert Group that supports investment and suggests an approach for the involvement of both the Commission and the Member States. The business plan must outline how e-CODEX building blocks can support the delivery of the European Strategy on European e-Justice 2014 – 2018, which building blocks need to be sustained centrally and which elements need to be sustained at national level, with at least some indication of the estimated costs and of the potential impact on national justice systems. The business plan should also consider the Commission's work in the context of the DSIs under the CEF, and the funds available under that programme.

---

<sup>1</sup> Digital Service Infrastructures  
<sup>2</sup> e.g. e-SENS, eIDAS, NIEM

11. An engagement plan for key stakeholders, such as legal practitioners and national leaders and decision-makers, will be developed by the Expert Group in order to highlight the benefits of maintaining and further developing the results achieved by the e-CODEX project and encourage national systems to continue to maintain, develop and/or join the e-CODEX infrastructure.
  
12. The projects' technical building blocks are central to the sustainability of the results of the e-CODEX pilot projects. Various features highlight the need for continuous work to support their maintenance and further development:
  - a) Most participants join with a limited number of pilot courts. As this number increases, and in alignment with the Court Database project, there will be a need for adjusted communication towards citizens and practitioners alike.
  
  - b) As more countries and courts are connected to the e-CODEX infrastructure, this will increase the need to coordinate the different versions of the e-CODEX software (connector and gateway), keys for secure electronic exchange (p-modes) and business documents (electronic documents supporting the exchanges) that will be used at a given time by the various participants, as well as the interoperability testing and certification processes specific to the e-Justice domain.
  
  - c) As e-CODEX sees increased use, a common user-support structure with clearly defined roles and contact information, spanning all the piloting countries, needs to be set up.

13. The Expert Group on e-CODEX-related issues will actively identify and discuss tasks related to e-CODEX, such as:
- a) practical arrangements (including timelines) for the management of the output to be kept; examples of components to be kept are provided in Annex to the ANNEX;
  - b) strategic and operational decisions; including aspects of security accreditation;
  - c) relations with other European projects<sup>1</sup>.
14. The Expert Group will deliver a roadmap before the end of 2015.
- 

---

<sup>1</sup> Especially e-SENS (WP3)

## Examples for e-CODEX components to be sustained

- **Domibus Gateway**
  - maintenance of the latest version, i.e. bug fixes and security issues
  - provisioning of the latest version to the users
  - development of new features which have been agreed upon within the user group of e-CODEX
  
- **Domibus Connector Framework**
  - maintenance of the latest version, i.e. bug fixes and security issues
  - provisioning of the latest version to the users
  - integration of a new version of the security library, which itself is to follow the developments of the eSignature DSI
  - development of new features which have been agreed upon within the user group of e-CODEX
  
- **National Implementation example**
  - maintenance of the latest version, i.e. bug fixes and security issues
  - provisioning of the latest version to the users
  
- **Administrative interface**
  - maintenance of the latest version, i.e. bug fixes and security issues
  - provisioning of the latest version to the users
  - development of new features which have been agreed upon within the user group of e-CODEX
  
- **Production environment & Test environment**
  - The strategy with regards to productive and test environment of Member States who are running productive systems shall be defined.



- Documentation and supporting documentation(manuals, specifications and tests)
    - The underlying documentation of the WP5 artefacts has to be kept up to date and provided to the users
  
  - pModes
    - The strategy with regards to pModes generation and distribution to the users has to be defined.
  
  - Truststores
    - The strategy for the trust stores, i.e. the certificate handling has to be defined.
  
  - Support
    - The responsibility and the resources for technical support of the users of the WP5 artefacts shall be clearly defined.
  
  - SMP/SML Server for Dynamic Discovery
    - The strategy for usage of an SMP/SML server for the Dynamic Discovery within the e-CODEX user group shall be defined. This has to be considered from operation and maintenance point of view.
  
  - Central Testing Platform
    - The strategy for usage the Central Testing Platform within the e-CODEX user group shall be defined. This has to be considered from operation and maintenance point of view.
  
  - XML structures and core legal concepts
-