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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 3 December 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject: COMMISSION STAFF WORKING DOCUMENT Accompanying the Communication Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Digitalisation of justice in the European Union A toolbox of opportunities

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Delegations will find attached document SWD(2020) 540 final.

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Encl.: SWD(2020) 540 final



Brussels, 2.12.2020  
SWD(2020) 540 final

**COMMISSION STAFF WORKING DOCUMENT**  
*Accompanying the Communication*

**Communication from the Commission to the European Parliament, the Council, the  
European Economic and Social Committee and the Committee of the Regions**

**Digitalisation of justice in the European Union**  
**A toolbox of opportunities**

{COM(2020) 710 final}

## 1. Introduction

Between June and September 2020, the Commission carried out a fact-finding (mapping) exercise, aiming to take stock of the level of digitalisation of the justice sector in the European Union. The scope of the mapping exercise extended to both the state of play of digitalisation of Member States' justice systems, as well as the level of digitalisation of EU cross-border access to justice and judicial cooperation.

The findings of this exercise are presented in the present document, which serves to provide evidence-based background to the Commission Communication on Digitalisation of justice in the European Union<sup>1</sup>. Furthermore, Annex 1 herein contains a synopsis of the public feedback received on the Roadmap to this initiative which took place in the period 30 July – 24 September 2020<sup>2</sup>.

## 2. Methodology

In view of mapping the digital solutions and the availability of digital options for judicial procedures in place in the Member States, a number of already existing reports, surveys and other material were reviewed. The following sources were identified as containing relevant factual information for the purpose of this analysis:

- EU Justice Scoreboard 2020<sup>3</sup>;
- Survey of the Council's Secretariat-General on the use of IT tools by the courts in the Member States (2020);
- Study on the use of innovative technology in the justice field (DG JUST, 2020)<sup>4</sup>;
- Digital Criminal Justice Study (DG JUST, 2020)<sup>5</sup>;
- Information available on the European e-Justice Portal (as of 2020)<sup>6</sup>;
- Thematic report of the Council of Europe's European Commission for the efficiency of justice (CEPEJ): Use of information technology in European courts (2016)<sup>7</sup> and other information gathered by CEPEJ (2018);
- European judicial systems - CEPEJ Evaluation Report - Evaluation cycle 2020<sup>8</sup>;
- European Public Prosecutor's Office (EPPO) Case Management System (CMS) Business and Technical specifications study (DG JUST, 2018).

A broad array of stakeholders were further consulted in the period July-September 2020 to obtain more quantitative data to complement the mainly qualitative data from the above-mentioned sources:

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<sup>1</sup> COM(2020) 710

<sup>2</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12547-Digitalisation-of-justice-in-the-European-Union->

<sup>3</sup> [https://ec.europa.eu/info/sites/info/files/justice\\_scoreboard\\_2020\\_en.pdf](https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2020_en.pdf)

<sup>4</sup> <https://data.europa.eu/doi/10.2838/585101>

<sup>5</sup> <https://data.europa.eu/doi/10.2838/118529>

<sup>6</sup> <https://e-justice.europa.eu/home.do>

<sup>7</sup> <https://rm.coe.int/european-judicial-systems-efficiency-and-quality-of-justice-cepej-stud/1680786b57>

<sup>8</sup> <https://rm.coe.int/evaluation-report-part-1-english/16809fc058>

- Data presented in Figures 1, 4, 5, 6, 9, 10, 13, 14, 19, 22, 23, 24, 25, 26 and 44 was collected by the Commission in cooperation with the group of contact persons for national justice systems, involved in the preparation of the EU Justice Scoreboard<sup>9</sup>. These data have not yet been validated by the respondents. Figures presenting the validated data will be published in the 2021 edition of the EU Justice Scoreboard.
- A questionnaire on cross-border cooperation in civil and commercial matters was sent to the contact points of the European Judicial Network in civil and commercial matters;
- A questionnaire on the implementation of the Public Documents Regulation<sup>10</sup> was also transmitted to the contact points of the European Judicial Network in civil and commercial matters;
- A separate questionnaire was sent to the Permanent Representations of the Member States to the EU on cross-border cooperation in criminal matters;
- The major European organisations of legal practitioners facilitated running the questionnaire with their national constituencies:
  - the Council of Bars and Law Societies of Europe (CCBE),
  - the Council of the Notariats of the European Union (CNUE),
  - the European Bailiffs' Foundation (EUBF).

### **Important Methodological Notes**

Member States are listed in protocol order, and the country abbreviations are indicated in accordance with the Interinstitutional Style Guide<sup>11</sup>.

Similarly to the approach taken for the EU Justice Scoreboard, the replies of respondents are assigned a numerical value, allowing for a comparative visual representation. The methodology used to assign values to the different variables for each answer somewhat varies between sections, and is elaborated alongside the included hereunder figures.

The percentage of Member States is not necessarily calculated against the 27 Member States of the European Union, but is based on the number of the countries which provided a reply. Percentages included in the text below have been rounded, which might lead to total percentages slightly under or above 100% in certain cases.

The Member States who did not reply to a particular questionnaire or question(s) at the time of production of this document<sup>12</sup> are indicated in the figures, but are not included in the calculated percentages.

<sup>9</sup> To help prepare the EU Justice Scoreboard and to promote the exchange of best practices on the effectiveness of justice systems, the Commission asked all Member States to designate two contact persons, one from the judiciary and one from the Ministries of Justice. This informal group meets regularly.

<sup>10</sup> Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

<sup>11</sup> <http://publications.europa.eu/code/en/en-370100.htm>

<sup>12</sup> Indicated with “No Data” in the figures.

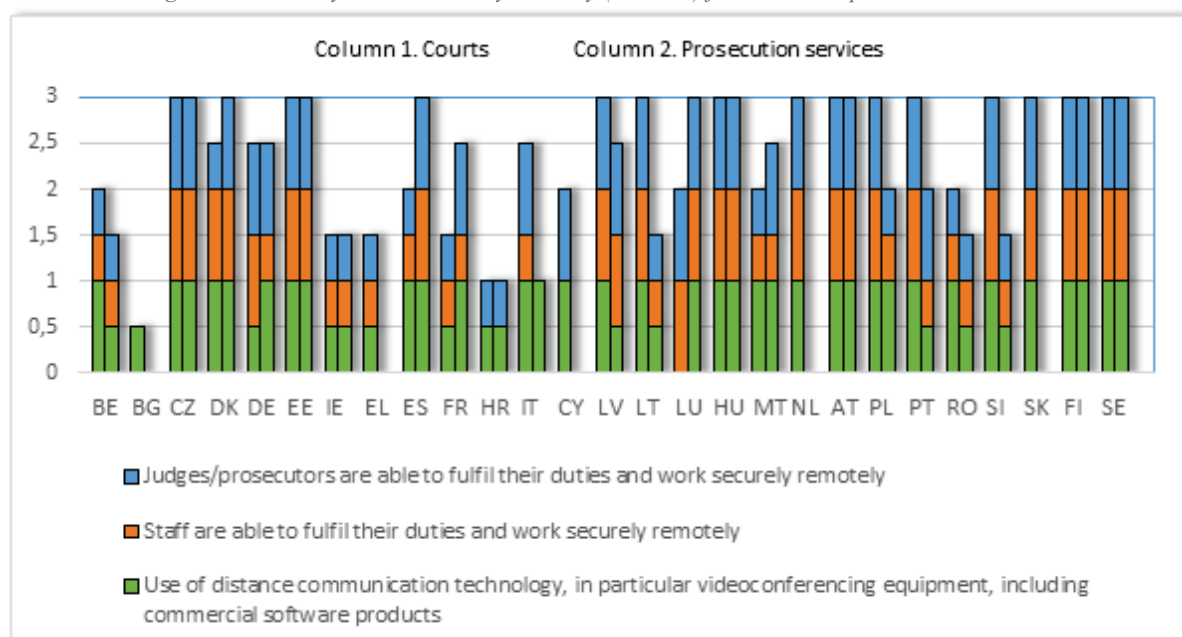
### 3. State of play - Part I - Digitalisation of Member States' justice systems (domestic procedures)

#### 3.1 Resilience of justice systems

- **Possibility for judicial authorities to telework and fully carry out their duties remotely**

Member States were invited to respond to several questions on the possibility of judges, court staff and prosecution services to telework and carry out their normal job functions remotely.

Figure 1: Possibility to work securely remotely (telework) for courts and prosecution services <sup>13</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all courts or prosecution services, respectively, 0.5 if it is valid in some courts/prosecution services and 0 = if the possibility does not exist at all.

**With regard to national courts**, 15 Member States (56%) indicated that both judges and court staff members are able to fulfil their duties and work securely remotely. This possibility exists to a lesser extent in seven Member States (33%). In one Member State (4%), all judges, and to a lesser extent staff members, are able to telework, while in another one (4%) all court staff and to a lesser extent judges can do so. In one Member State only judges can telework and in another only some judges can telework. In only one Member State (4%), neither judges nor court staff members are able to fulfil their duties and work securely remotely

In 20 Member States (74%), all courts are equipped with distance communication technology, in particular videoconferencing equipment. In six Member States (22%), some

<sup>13</sup> Source: Questionnaire sent to the group of "Contact persons for national justice systems".

courts are equipped with distance communication technology. In only one Member State (4%) no court is equipped with videoconferencing equipment.

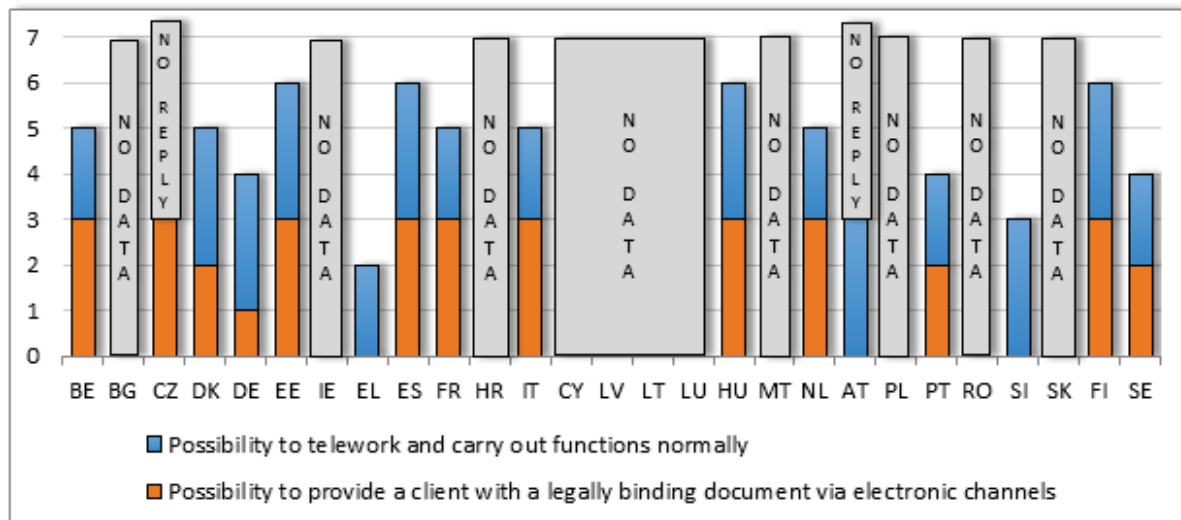
**With regard to prosecution services**, 10 Member States (37%) indicated that all prosecutors and staff members are able to fulfil their duties and work securely remotely. In four Member States (15%) all prosecutors and to a lesser extent staff members are able to telework. Some prosecutors and their staff can do so in six Member States (22%). In one Member State (4%) the possibility exists only for some prosecutors, but not for staff members. In six Member States (22%), no prosecutors and staff members are able to fulfil their work duties remotely.

In 14 Member States (52%), all prosecution services are equipped with distance communication technologies, in particular videoconferencing equipment. In eight Member States (30%), some prosecution services are equipped with distance communication technology. In five Member States (18%), prosecution services are not equipped with videoconferencing equipment.

- **Possibility for legal practitioners to telework and fully carry out their duties remotely**

The **Council of Bars and Law Societies of Europe (CCBE)** contributed to the Commission’s stocktaking exercise on the digitalisation of justice by distributing a questionnaire amongst its members. A total of 16 Member State bars and law societies responded to the questionnaire. The questionnaire examined to what extent lawyers are able to work remotely.

Figure 2: Possibility for lawyers to work remotely (telework)<sup>14</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Unable to work remotely, 1 = Limited in working remotely, 2 = Able to partially work remotely, 3 = Able to fully work remotely. 0 = Not possible to electronically provide a client with a legally binding document, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

15 responses<sup>15</sup> were received with regards to the possibility for lawyers to telework. One Member State indicated that they cannot give an explicit reply due to the complexity of the

<sup>14</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).

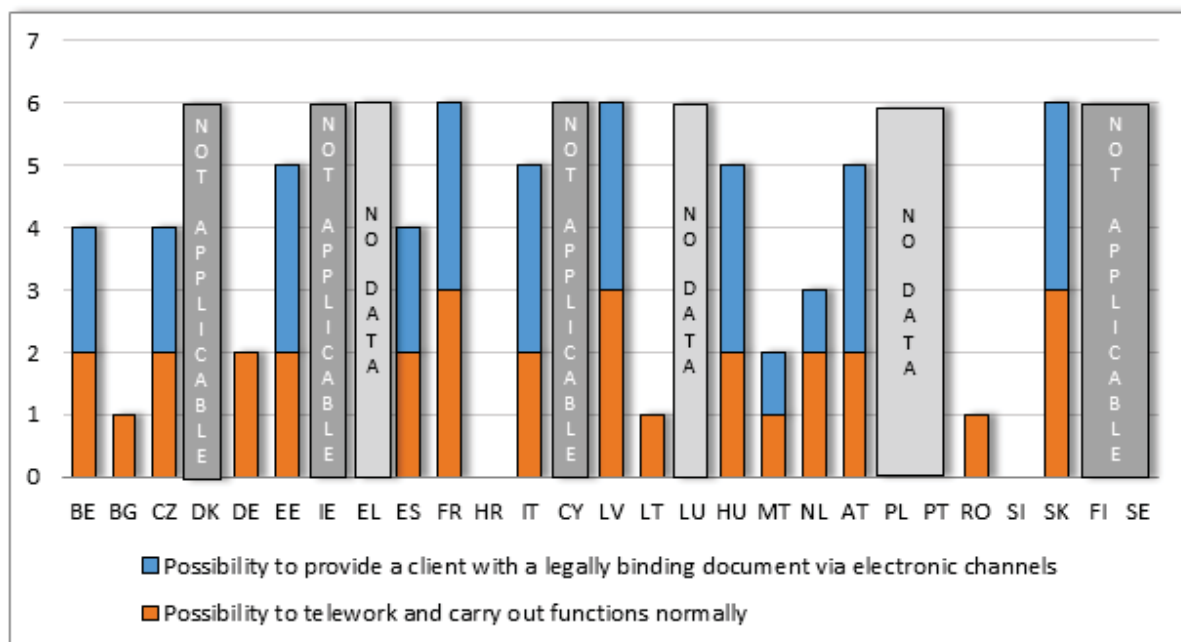
situation at national level. Lawyers in eight Member States (53%) are fully able to exercise all regular job activities when teleworking. Lawyers in seven Member States (47%) are able to work remotely only to a certain degree.

15 responses<sup>16</sup> were received to the question on the possibility for a lawyer to provide a client with a legally binding document via electronic channels. The possibility exists in nine Member States (60%) in all cases. In three Member States (20%) the possibility exists in the majority of cases. In one Member State (7%), lawyers are only able to electronically provide clients with documents in specific cases, whilst in two Member States (13%) no such possibility currently exists.

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**The Council of the Notariats of the European Union (CNUE)**, representing the civil law notaries of Europe, contributed to the Commission's stocktaking exercise on the digitalisation of justice by distributing a questionnaire amongst its members. Further to this consultation, a total of 18 responses were received.

Figure 3: Possibility for notaries to work remotely (telework)<sup>17</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Unable to work remotely, 1 = Limited in working remotely, 2 = Able to partially work remotely, 3 = Able to fully work remotely. 0 = Not possible to electronically

<sup>15</sup> The Czech Republic responded with a narrative answers. In consideration of the need to ensure the validity of the presented data, narrative answers were not calculated in values and are therefore not included in the respective figure

<sup>16</sup> Austria responded with a narrative answers. In consideration of the need to ensure the validity of the presented data, narrative answers were not calculated in values and are therefore not included in the respective figure

<sup>17</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

The “civil law notary” legal profession does not exist in all legal systems. Member States where it does not exist are marked as “Not Applicable”.

provide a client with a legally binding document, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

Out of the 18 Member States which provided responses to these questions, notaries in three Member States (17%) are able to fully exercise all normal job activities when teleworking. In nine Member States (50%), respondents indicated that they are able to only partially do so. In four Member States (22%), notaries are currently limited in teleworking and in two Member States (11%) they are unable to exercise their professional functions remotely.

With regard to having the possibility to electronically provide clients with legally binding documents, the notaries in seven Member States (39%) are able to do so in all situations and in three Member States (17%) in the majority of situations. In two Member States (11%), notaries are able to provide citizens with documents via electronic channels only in specific situations, while in six Member States (33%) they are currently not able to do so at all.

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**The European Bailiff's Foundation (EUBF)** contributed to the Commission's stocktaking exercise on the digitalisation of justice by providing a reply on behalf of their members. The organisation indicated that bailiffs can partially exercise their normal job activities when working remotely, and that they can provide a client with a legally binding document via secure electronic channels in the vast majority of situations<sup>18</sup>.

- **Use of distance communication technologies (videoconferencing) by judicial authorities**

Member States were invited to respond to several questions on the possibilities to use distance communication technologies (in particular videoconferencing) in the context of civil and commercial, administrative and criminal cases. The questions were tailored to the particularities of the respective field of justice.

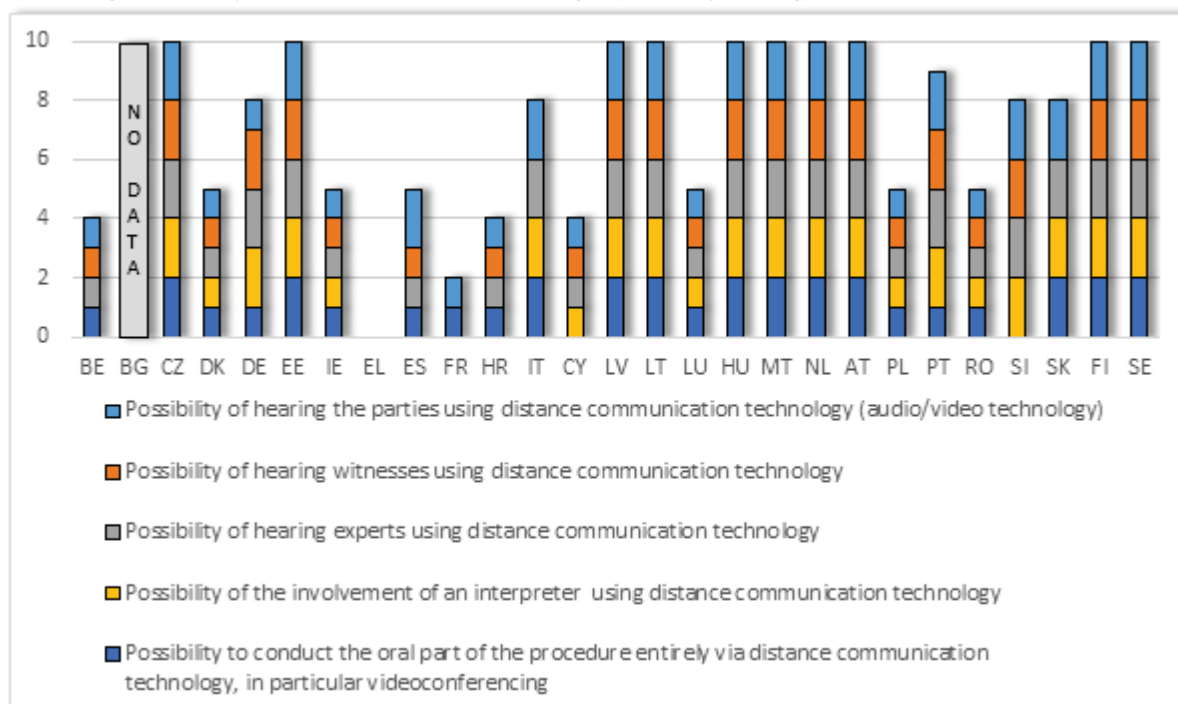
**In the context of civil and commercial law cases**, respondents were asked to provide information on the existing opportunities for hearing the parties to a proceeding, witnesses and experts using distance communication technologies. The possible involvement of an interpreter in that context was also explored.

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<sup>18</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).



Figure 4: Use of distance communication technologies (videoconferencing) in civil and commercial cases <sup>19</sup>



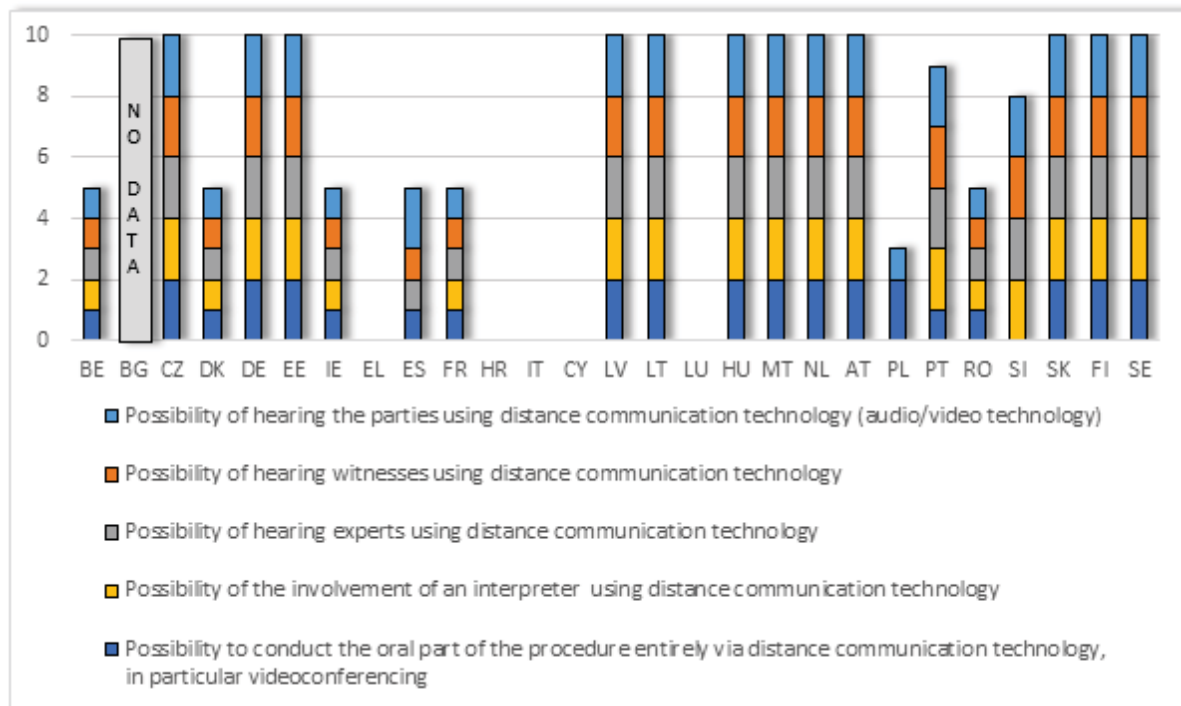
The following values have been assigned to the answers illustrated by the graph: 2 = if a variable is valid for all cases, 1 = if it is valid in some cases and 0 = if the possibility does not exist at all.

Out of the 26 Member States which provided responses to these questions, the use of distance communication technologies (videoconferencing) for hearings in civil and commercial cases is possible for all explored aspects in 10 Member States (38%). Partial possibilities for use of these technologies in hearings is evident in 15 Member States (58%). In one Member State (4%) remote hearings are not possible in any of the explored scenarios.

**In the context of administrative law cases,** respondents were asked to provide information on the existing opportunities for hearing the parties to a proceeding, witnesses and experts using distance communication technologies. The possible involvement of an interpreter in that context was also explored.

<sup>19</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

Figure 5: Use of distance communication technologies (videoconferencing) in administrative cases<sup>20</sup>



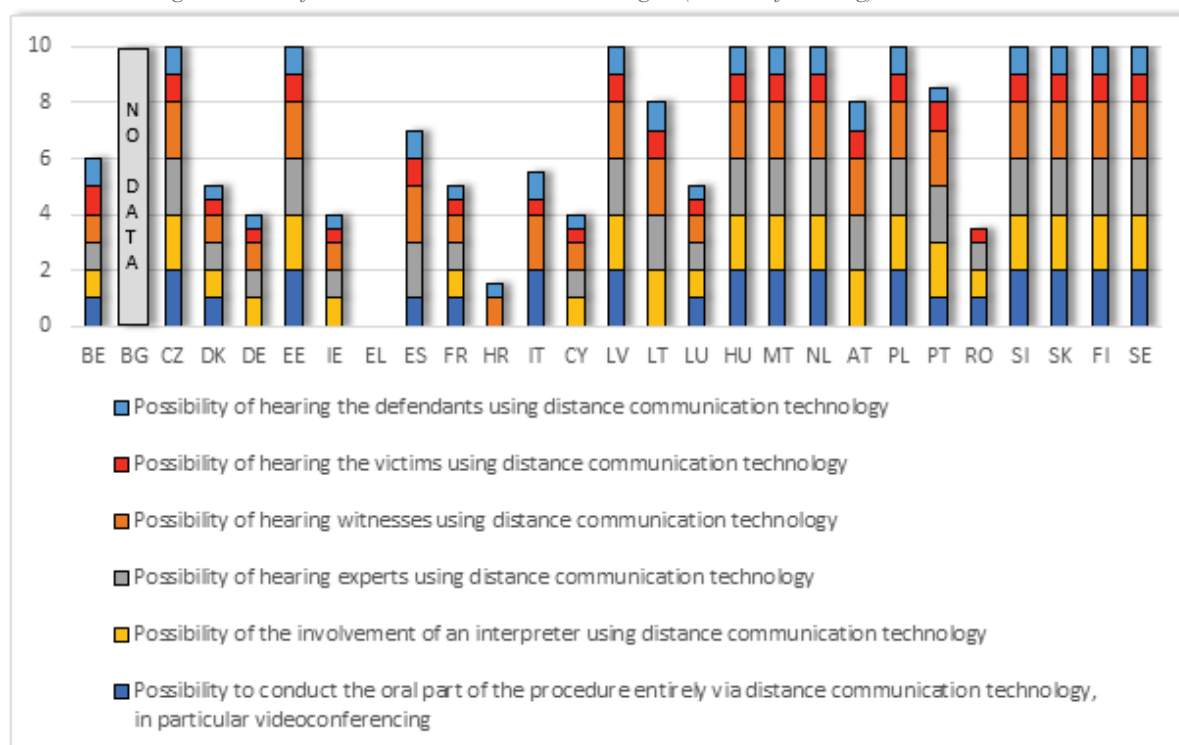
The following values have been assigned to the answers illustrated by the graph: 2 = if a variable is valid for all cases, 1 if it is valid in some cases and 0 = if the possibility does not exist at all.

Out of the 26 Member States which provided responses to these questions, the use of distance communication technologies (videoconferencing) for hearings in administrative cases is possible for all explored aspects in 12 Member States (46%). Partial possibility for use of these technologies in hearings is evident in nine Member States (35%). In five Member States (19%) remote hearings are not possible in any of the explored scenarios.

**With regard to criminal cases,** the questions concerned the opportunities for hearing defendants, victims, witnesses and experts via distance communication technologies. The possible involvement of an interpreter in that context was also explored.

<sup>20</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

Figure 6: Use of distance communication technologies (videoconferencing) in criminal cases<sup>21</sup>



The following values have been assigned to the answers illustrated by the graph: For the indicators “Possibility of hearing the defendants using distance communication technology” and “Possibility of hearing the victims using distance communication technology”, 1 = if the possibility exists for all cases, 0,5 = if it exists for some cases and 0 = if it does not apply to any cases. For the remaining indicators, 2 = if the possibility exists for all cases, 1 = if it exists for some cases and 0 = if it does not apply to any cases.

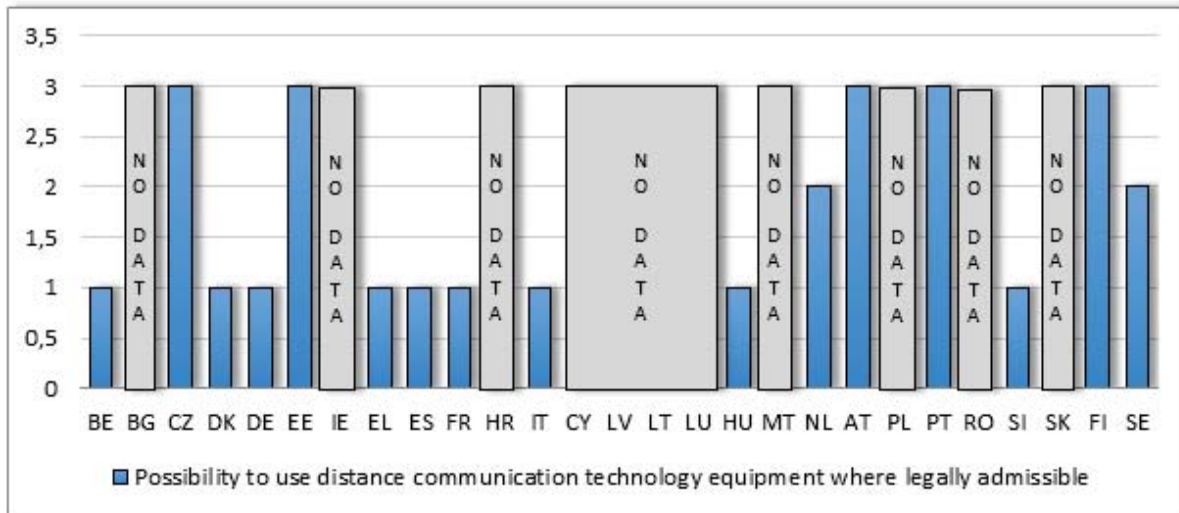
Out of the 26 Member States which provided responses to these questions, the use of distance communication technologies (videoconferencing) for hearings in criminal cases is possible for all explored aspects in 11 Member States (42%). Partial possibility for use of these technologies in hearings is evident in 14 Member States (54%). In one Member State (4%) remote hearings are not possible in any of the explored scenarios.

- **Use of distance communication technologies (videoconferencing) by legal practitioners**

The national bar associations and law societies, the chambers of civil law notaries, as well as the associations of bailiffs/judicial officers were invited to provide information on their ability to utilise distance communication technologies, in particular videoconferencing, where legally admissible.

<sup>21</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

Figure 7: Possibility for lawyers to use distance communication technology equipment where legally admissible <sup>22</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to use distance communication technology equipment to carry out your functions, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

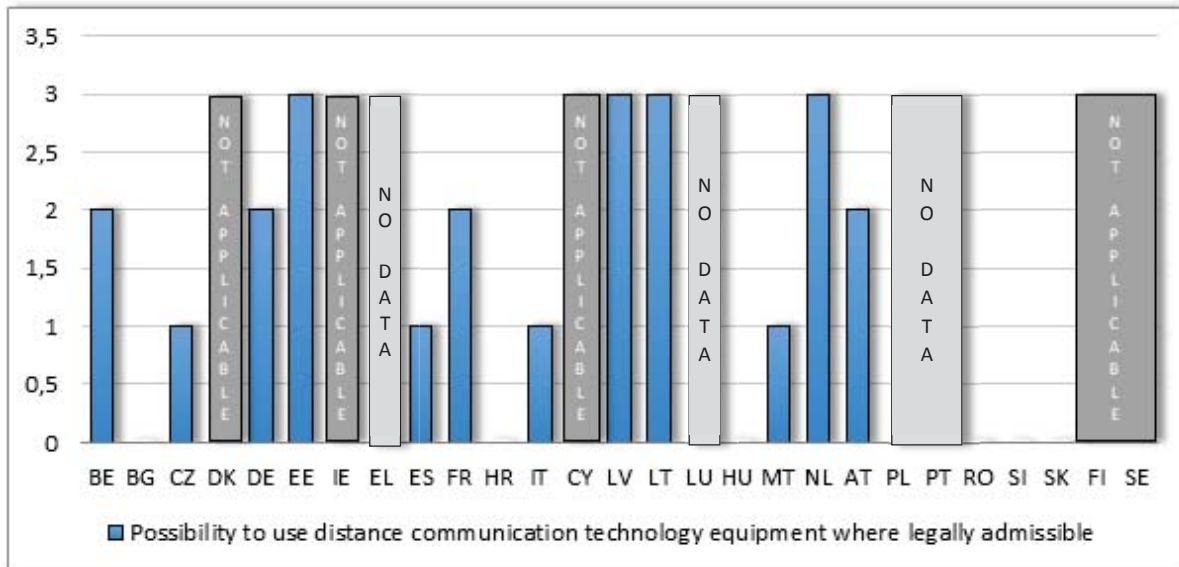
Out of the 16 Member States which provided responses to this question, **lawyers** in five Member States (31%) are able to use videoconferencing facilities to carry out functions in all aspects of their work. In two Member States (13%), lawyers are able to use videoconferencing in most aspects of their work, and in nine Member States (56%) lawyers are limited in this regard.

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<sup>22</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).

Figure 8: Possibility for notaries to use distance communication technology equipment where legally admissible<sup>23</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to use distance communication technology equipment to carry out your functions, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

Out of the 18 Member States which provided responses to this question, the **notariats** in four Member States (22%) indicated that their members are able to use distance communication technology equipment in all aspects of their work, and in four Member States (22%) in most aspects. Notaries in four Member States (22%) are able to use distant communication technology in a limited way. The notaries in six Member States (34%) are not able to use videoconferencing equipment for carrying out their functions at all.

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**Bailiffs/judicial officers** can use distance communication technology equipment in all aspects of their work<sup>24</sup>.

### 3.2 Online access to justice and (own) electronic file (e-file)

- **Digital access to proceedings**

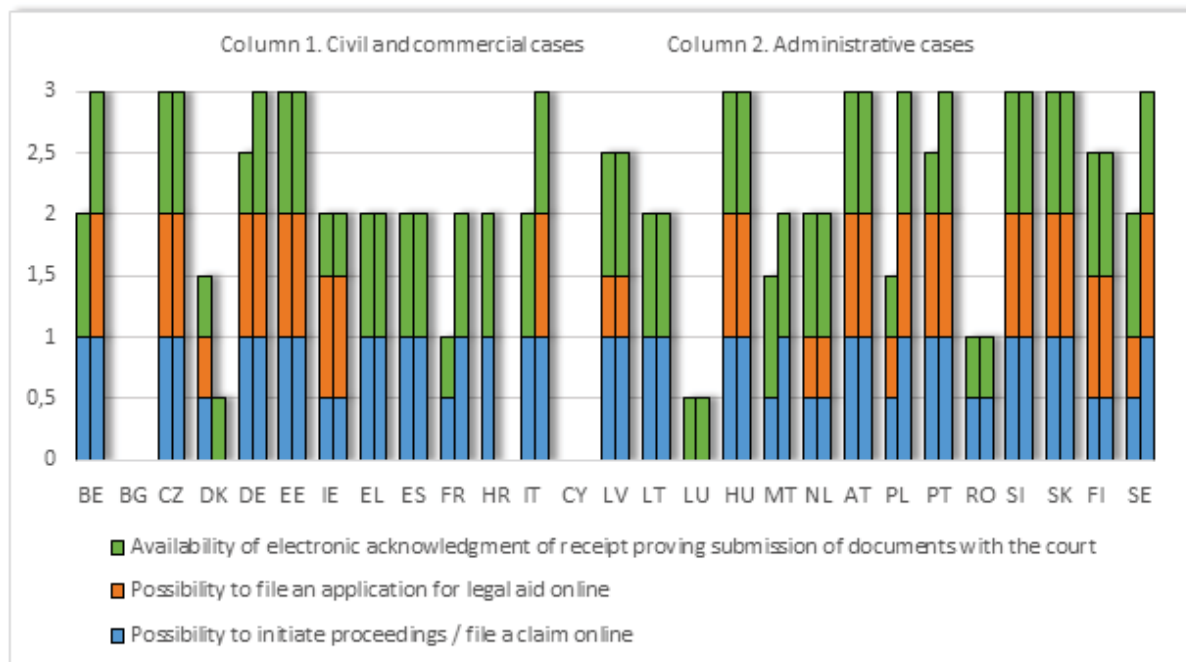
Member States were invited to provide information on digital access to court proceedings. The possibilities of digital access to proceedings were analysed for civil and commercial, administrative and criminal cases.

<sup>23</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

The “civil law notary” legal profession does not exist in all legal systems. Member States where it does not exist are marked as “Not Applicable”.

<sup>24</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).

Figure 9: Digital access to court proceedings in civil and commercial, and administrative cases <sup>25</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all cases, 0.5 = if it is valid in some cases and 0 = if the possibility does not exist at all.

**In the domain of civil and commercial cases**, 17 Member States (63%) provide electronic acknowledgment of receipt proving the submission of documents with courts in all situations. The possibility exists in some situations in eight Member States (30%). In two Member States (7%) electronic acknowledgment of receipt of documents is not possible.

In 10 Member States (37%) it is possible to file an application for legal aid online for all civil and commercial cases. The possibility exists for some situations in five Member States (19%). In 12 Member States (44%) it is not possible to file an online application for legal aid.

In 15 Member States (56%) it is possible to initiate proceedings and file claims online for all civil and commercial cases. In nine Member States (33%) the possibility is limited to some situations. In three Member States (11%) it is not possible to initiate proceedings and file claims online.

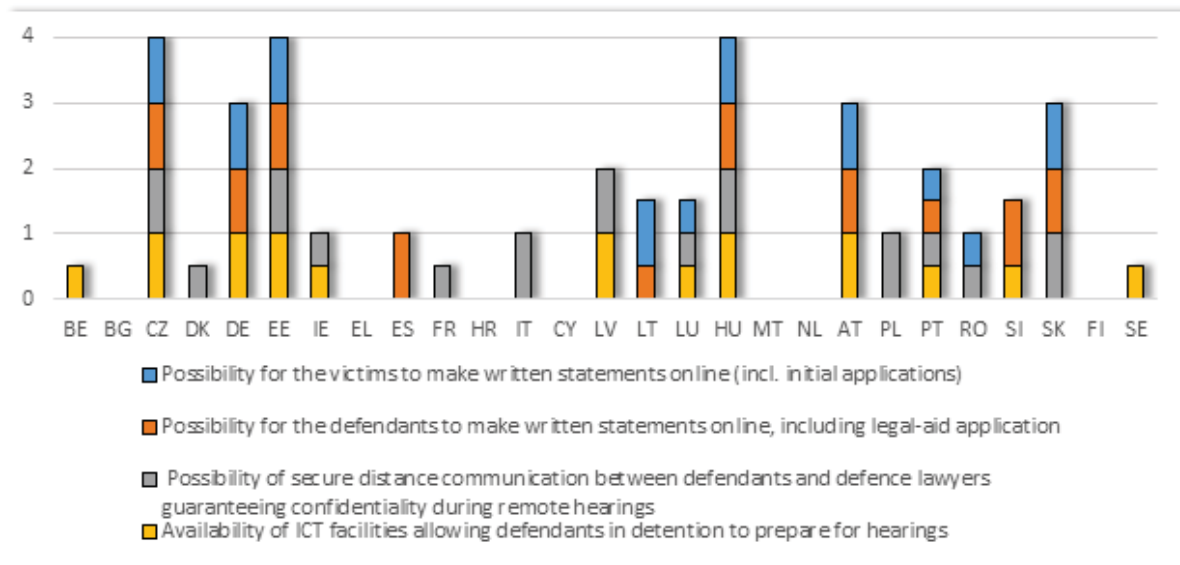
**In the context of administrative law**, 20 Member States (74%) provide electronic acknowledgment of receipt proving the submission of documents with courts in all situations. The possibility partially exists in four Member States (15%) and in three Member States (11%) electronic acknowledgment of receipt is not available.

In 14 Member States (52%) it is possible to file an application for legal aid online in all situations. The possibility exists partially in two Member States (7%) and in 11 Member States (41%) it is not possible to apply online for legal aid in administrative cases.

<sup>25</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

In 18 Member States (67%) it is possible to initiate proceedings and file claims online in all administrative law cases. In four Member States (15%) the possibility exists only in some situations. In five Member States (19%) it is not possible to initiate proceedings and file claims online at all.

Figure 10: Digital access to court proceedings in criminal cases <sup>26</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all cases, 0.5 = if it is valid in some cases and 0 = if the possibility does not exist at all.

**With regard to criminal cases**, six Member States (22%) indicated that both victims and defendants are able to make written statements online in all scenarios. This possibility partially exists in two Member States (7%), and similarly two Member States (7%) allow defendants to make written statements online, however, do not provide victims with the same possibility. Two Member States (7%) allow victims to make written statements in some situations, but not defendants. In the majority (15) of Member States (56%) citizens cannot make written statements online, neither as victims nor as defendants.

In seven Member States (26%), secure distance communication between defendants and defence lawyers guaranteeing confidentiality during remote hearings is possible. In six Member States (22%) this possibility partially exists, and in 14 Member States (52%) confidential distance communication between defendants and defence lawyers is not possible.

In six Member States (22%) ICT<sup>27</sup> facilities allowing defendants in detention to prepare for hearings are available in all situations. ICT facilities are partially available in six Member States (22%). In the majority (15) of Member States (56%) no ICT facilities for the use of defendants in detention are presently available.

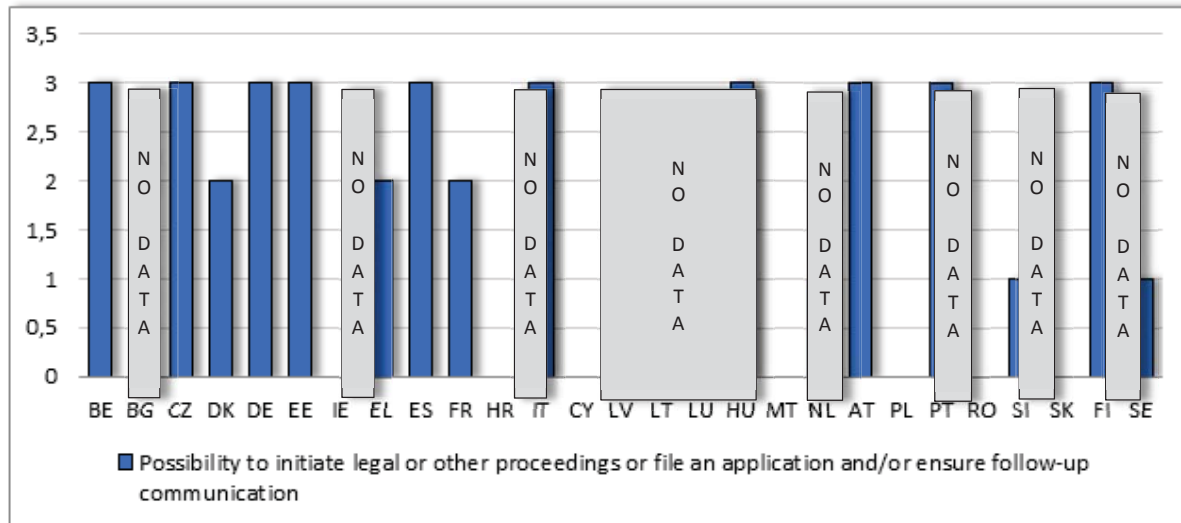
- **Digital access at the disposal of and to legal practitioners**

<sup>26</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

<sup>27</sup> Information and Communication Technology.

The EU national bar associations, law societies, civil law notariats and associations of bailiffs/judicial officers were invited to provide information on digital access, particularly regarding the initiation of proceedings and filing of applications.

Figure 11: Possibility for a lawyer to initiate legal or other proceedings or file an application via a digital channel and/or ensure follow-up communication <sup>28</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to initiate proceedings or file an application via a secure electronic channel and/or ensure follow-up communication, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

Out of the 16 Member States which provided responses to this question, the **lawyers** in 10 Member States (63%) are able to electronically initiate proceedings or file an application and ensure follow-up communication for all types of court proceedings, and in three Member States (19%) in most court proceedings. In three other Member States (19%) lawyers can initiate legal or other official proceedings using the electronic channel, however limited to specific scenarios.

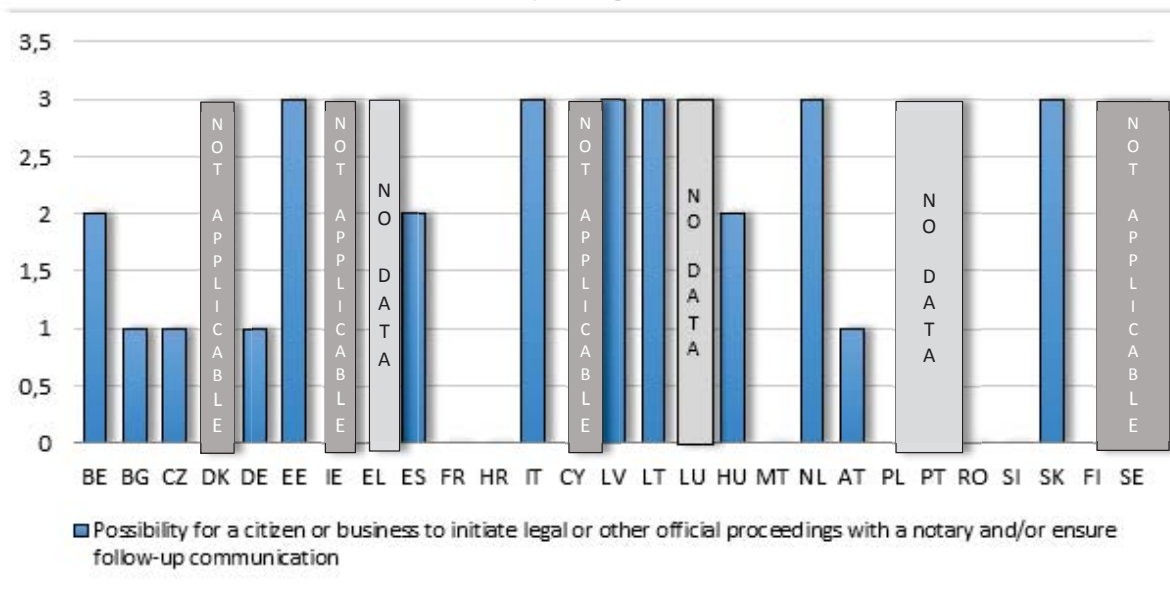
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<sup>28</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).



Figure 12: Possibility for a citizen or business to initiate legal or other proceedings via a digital channel with a notary and/or ensure follow-up communication<sup>29</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to initiate proceedings with a notary via a secure electronic channel and/or ensure follow-up communication, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

Out of the 18 Member States which provided responses to this question, the **civil law notaries** of six Member States (33%) allow citizens and businesses to initiate legal or other official proceedings via secure electronic channels and to ensure follow-up communication. In three Member States (17%), notaries can initiate such electronic procedures in the majority of scenarios. Notaries in four Member States (22%) are limited to providing this possibility to citizens and businesses in only certain cases. Currently, citizens and businesses are unable to initiate legal or other official proceedings with a notary via a secure electronic channel in five Member States (28%).

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Citizens and businesses are able to communicate with **bailiffs/judicial officers** via a secure electronic channel and/or to ensure follow-up communication<sup>30</sup>.

- **Possibility for citizens and businesses to access an electronic file of their ongoing and closed cases**

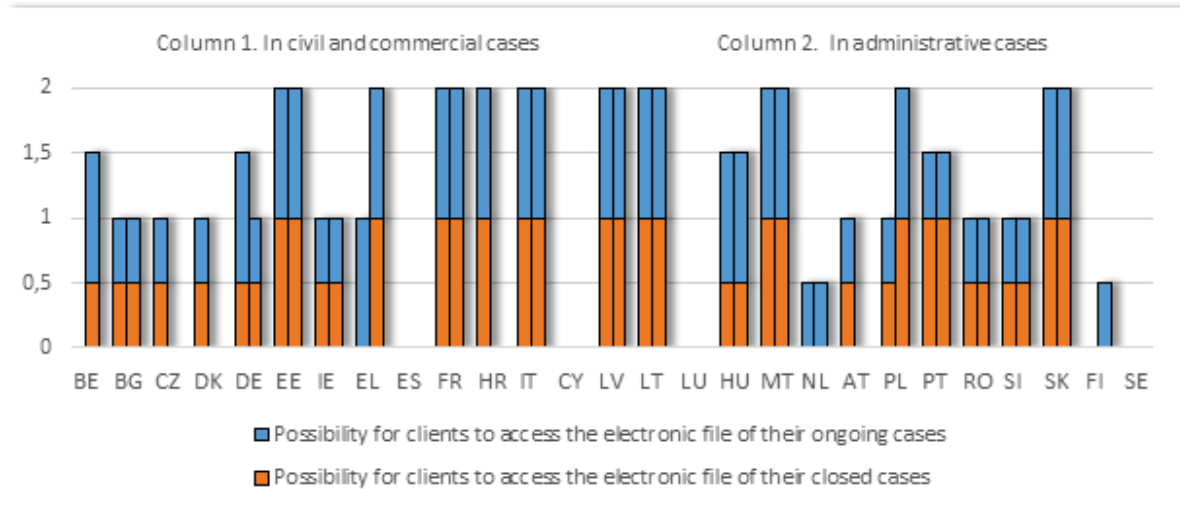
Member States were invited to provide responses to questions examining citizens' and businesses' ability to access electronic files of their ongoing and closed cases. The responses

<sup>29</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

<sup>30</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).

provided information in the fields of civil and commercial, administrative, and criminal cases.

Figure 13: Existence of an electronic file (e-file) in civil/commercial and administrative cases (at first instance courts)<sup>31</sup>



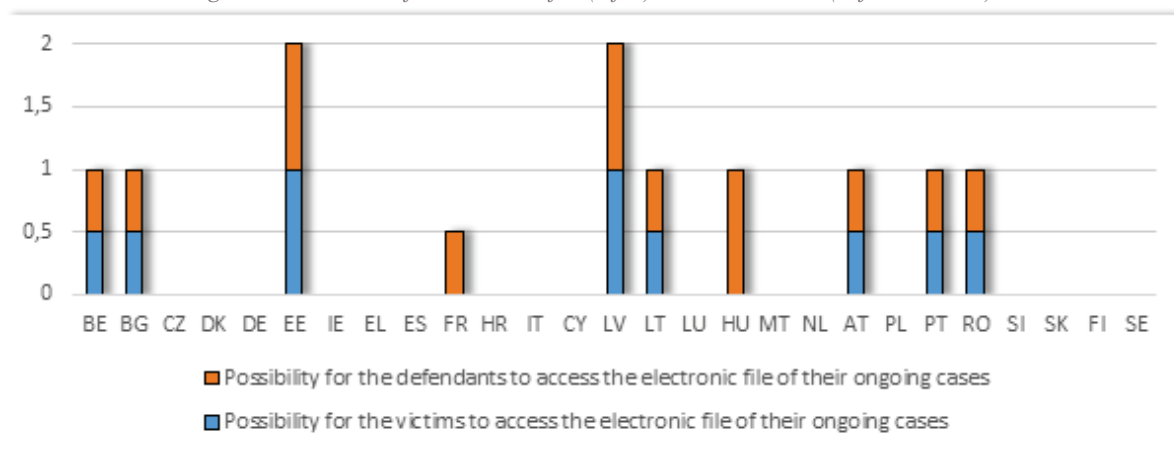
The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all cases, 0.5 = if it is valid in some cases and 0 = if the possibility does not exist at all.

**In the context of civil and commercial cases,** the possibility for a client to access his or her electronic file of an ongoing or closed case currently exists in 8 Member States (30%) in all scenarios. In 11 Member States (41%), clients are able to access their electronic case files in some situations. Two Member States (7%) allow this only for some ongoing cases, and clients in six Member States (22%) are not able to access their electronic files at all.

**Regarding administrative cases,** nine Member States (33%) provide electronic access to files to clients in all scenarios. In eight Member States (30%), clients are able to access electronic files in some situations. Clients in two Member States (7%) have the possibility to partially access only their ongoing cases, whereas eight Member States (30%) do not allow citizens any electronic access to their files.

<sup>31</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

Figure 14: Existence of an electronic file (e-file) in criminal cases (at first instance) <sup>32</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all cases, 0,5 = if it is valid in some cases and 0 = if the possibility does not exist at all.

**In the context of criminal cases**, two Member States (7%) provide victims and defendants with the possibility to access the electronic files of their ongoing and closed cases. In six Member States (22%), victims and defendants are able to access their electronic files in some situations. In two Member States (7%) the possibility exists only for defendants. However, neither victims nor defendants have the possibility to electronically access their files in 17 Member States (63%).

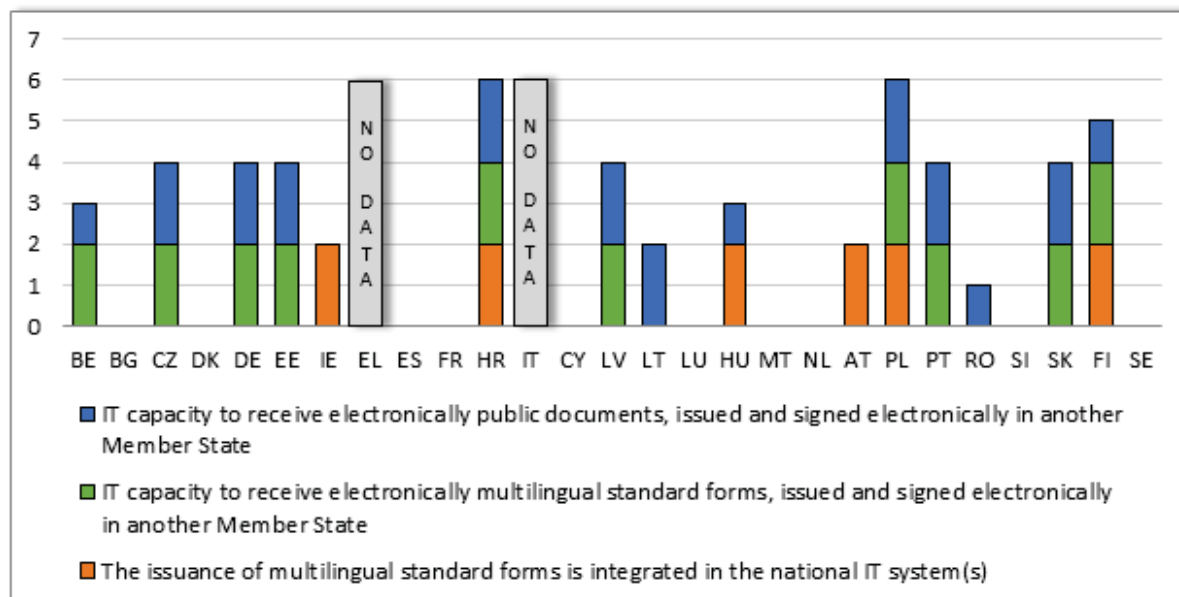
- **Possibility for citizens to receive certificates, affidavits, criminal record extracts digitally in the context of the Public Documents Regulation**

Regulation (EU) 2016/1191<sup>33</sup> on Public Documents promotes the free movement of citizens by simplifying the process of presenting public documents within the European Union. The Regulation came into force in 2019. The European Commission distributed a questionnaire in order to gather information on the practical implementation of the Regulation in Member States. The 25 responses received were provided by the respective competent authorities - Ministries of Justice, Ministries of Interior and federal institutes.

<sup>32</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

<sup>33</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32016R1191>

Figure 15: IT capacity of Member States<sup>34</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = No IT capacity to receive public documents, issued and signed electronically in another Member States, 1 = IT capacity exists in some cases, 2 = Yes, IT capacity exists. 0 = No IT capacity to receive multilingual standard forms, issued and signed electronically in another Member States, 1 = Yes, IT capacity exists. 0 = The issuance of multilingual standard forms is not integrated in national IT system(s), 1 = Yes, it is integrated.

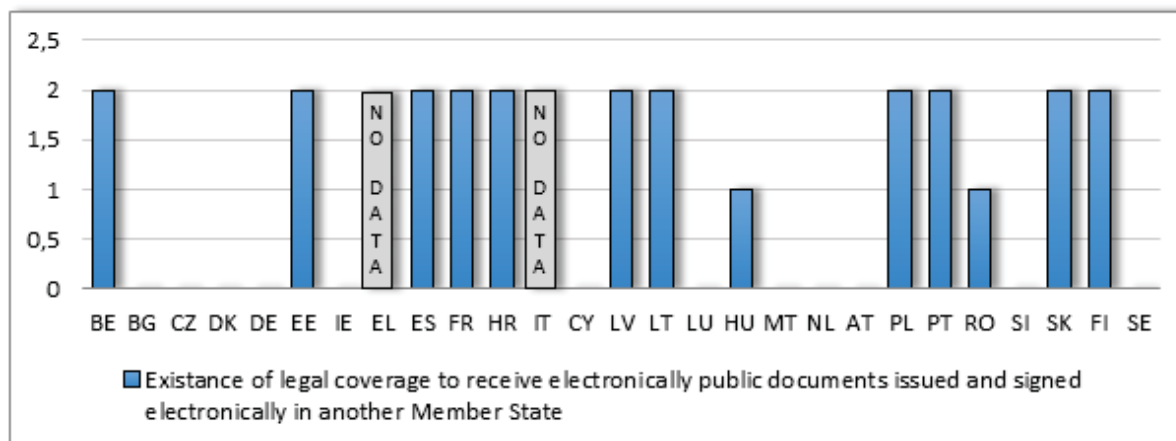
Out of the 25 Member States which provided responses to these questions, six Member States (24%) have integrated the issuance of multilingual standard forms into their national IT systems. In 19 Member States (76%) the issuance of multilingual standard forms is not yet integrated into their national IT system(s).

Nine Member States (36%) have the IT capacity to receive public documents electronically issued and signed in another Member State. In four Member States (16%) the possibility exists in some cases. 12 Member States (48%) are currently not able to receive public documents electronically issued and signed in another Member State.

22 responses were received to the question on the IT capacity to electronically receive multilingual standard forms, issued and signed in another Member State. 10 Member States (45%) indicated that they were able to electronically receive such forms. In 12 Member States (54%) the possibility does not exist.

<sup>34</sup> Source: Questionnaire on the implementation of the Public Documents Regulation.

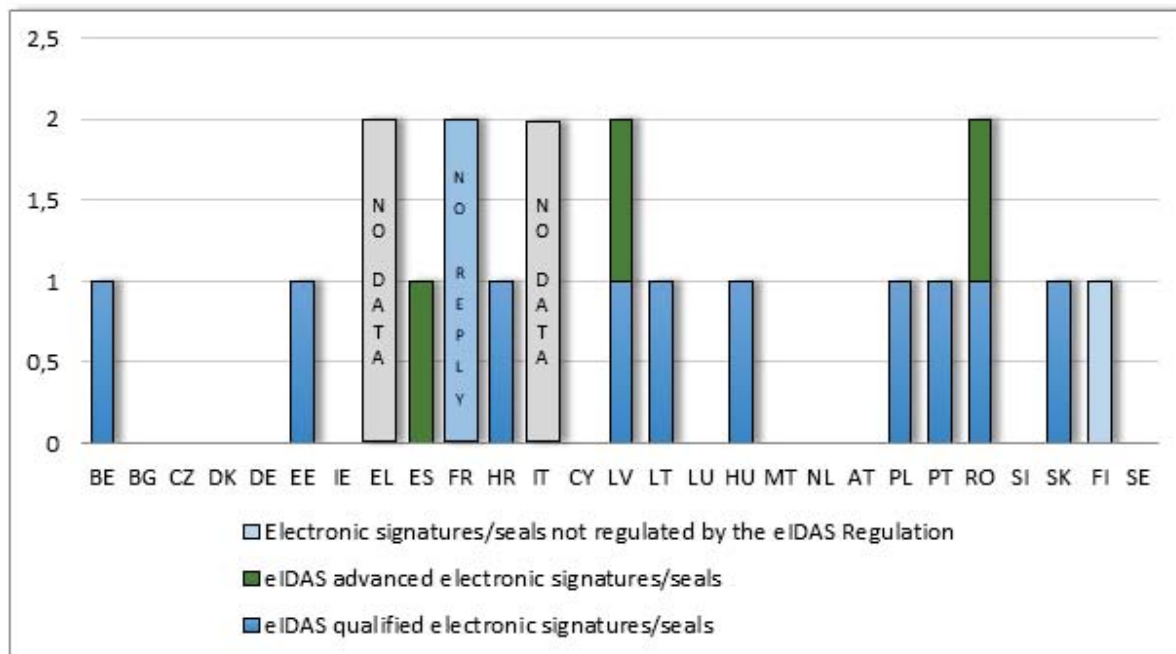
Figure 16: Legal coverage in Member States<sup>35</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = No legal coverage to receive public documents issued and signed electronically in another Member States, 1 = Yes, legal coverage exists in some cases, 2 = Yes, full legal coverage.

Out of the 25 Member States which provided responses to this question, 11 Member States (44%) have in place the necessary legal provisions to receive all public documents issued and signed electronically in another Member State. In two Member States (8%) legal coverage extends to receiving only certain public documents signed electronically. In 12 Member States (48%) the legal provisions do not currently allow receiving public documents issued and signed electronically in another Member State.

Figure 17: Admissibility of electronic signatures/seals in the context of the Public Documents Regulation<sup>36</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = Electronic signatures/seals not

<sup>35</sup> Source: Questionnaire on the implementation of the Public Documents Regulation.

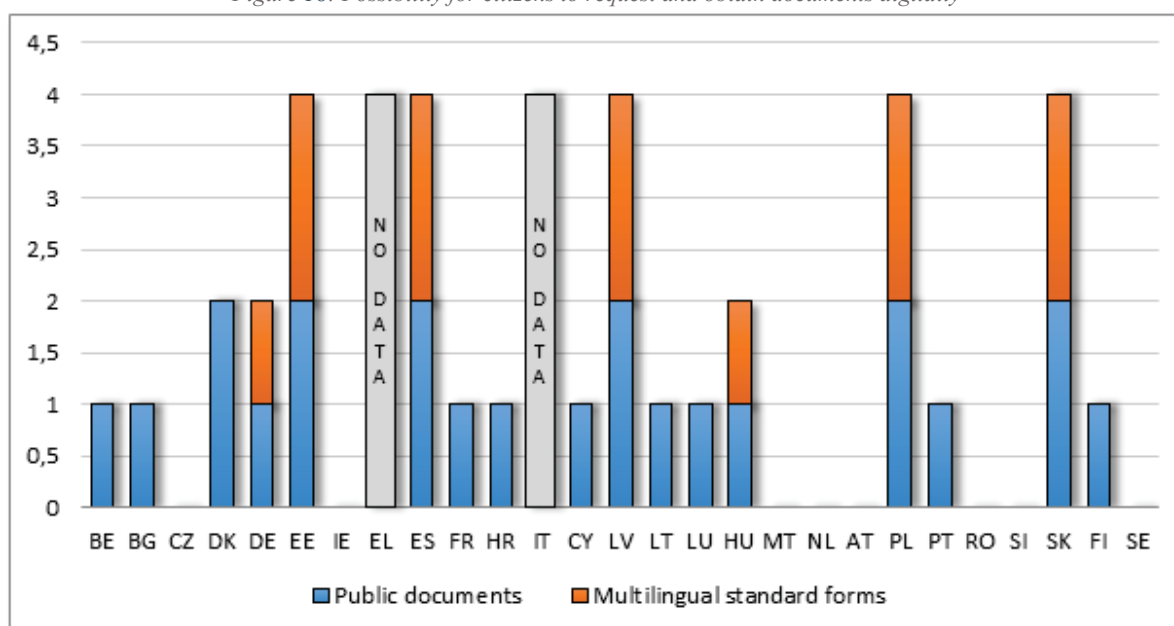
<sup>36</sup> Source: Questionnaire on the implementation of the Public Documents Regulation.

France did not provide any information on the admissibility of electronic signatures/seals, which is indicated with 'no reply' in the graph.

regulated by the eIDAS Regulation/ eIDAS advanced electronic signatures/seals/ eIDAS qualified electronic signatures/seals, 0 = No legal coverage to recognise and admit public documents signed electronically and issued by another Member State.

Out of a total of 25 Member States, 13 Member States indicated to have legal coverage to recognise and admit public documents signed electronically and issued by another Member State. These 13 Member States were asked about the electronic signatures required in the context of the Public Documents Regulation. One Member State (8%) did not provide any information on the admissibility of electronic signatures/seals. Eight Member States (62%) indicated that they require the use of eIDAS<sup>37</sup> qualified electronic signatures. In two Member States (15%), both eIDAS qualified, as well as advanced electronic signatures are legally admissible<sup>38</sup>. One Member State (8%) indicated that they require the use of eIDAS advanced electronic signatures, and in one Member State (8%) electronic signatures not regulated by the eIDAS Regulation are admissible.

Figure 18: Possibility for citizens to request and obtain documents digitally<sup>39</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Citizens are unable to request and obtain public documents/multilingual standard forms digitally, 1 = Yes, possible in some cases, 2 = Yes, possible in all cases.

Out of the 18 Member States which provided responses to these questions, six Member States (24%) provide citizens with the possibility to electronically request and obtain all public documents covered by Regulation 2016/1191 (e.g. a birth certificate) from the competent national authorities. 11 Member States (44%) limit this possibility only to certain public documents. Eight Member States (32%) do not provide the possibility to request and obtain public documents digitally at all.

<sup>37</sup> <https://eur-lex.europa.eu/eli/reg/2014/910/oj>

<sup>38</sup> The respondents did not clearly distinguish in which particular case advanced signatures are deemed sufficient.

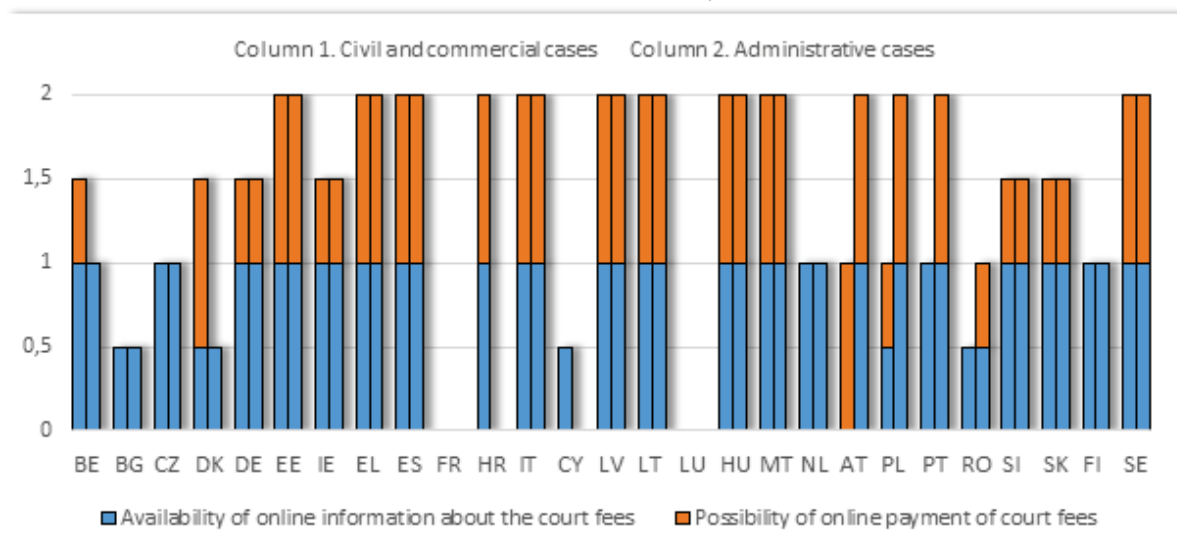
<sup>39</sup> Source: Questionnaire on the implementation of the Public Documents Regulation.

Five Member States (20%) allow citizens to electronically request and obtain all multilingual standard forms from the competent authorities according to Regulation 2016/1191. Two Member States (8%) allow this with regard only to certain multilingual standard forms. 18 Member States (72%) do not allow any multilingual standard forms covered by the Regulation to be requested or obtained by citizens digitally.

- **Information on and possibility for electronic payments of court fees in civil and commercial, and administrative cases**

Member States were invited to provide information on the availability of online information on court fees, and whether it is possible to pay court fees online. These particular questions focus on civil and commercial, and administrative cases.

Figure 19: Online information on and payment of court fees in civil/commercial, and administrative cases (at first instance courts)<sup>40</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all cases, 0.5 if it is valid in some cases and 0 = if the possibility does not exist at all.

**In the context of civil and commercial cases,** in 10 Member States (37%), online information on court fees is available and court fees are payable online for all cases. In seven Member States (26%), the possibility to access information on court fees online and to pay them online exists for only some cases. Seven Member States (26%) partially provide the general public with the possibility to access information about court fees online, however, online payment is not possible. One Member States (4%) allows online payment of court fees in all cases, but no online information on court fees is available. In two Member States (7%), neither information on court fees nor online payment of the former is provided.

**Regarding administrative cases,** information on court fees and online payment are fully provided in 12 Member States (44%). In five Member States (19%), both possibilities exist partially. In seven Member States (26%), information on court fees is provided, however,

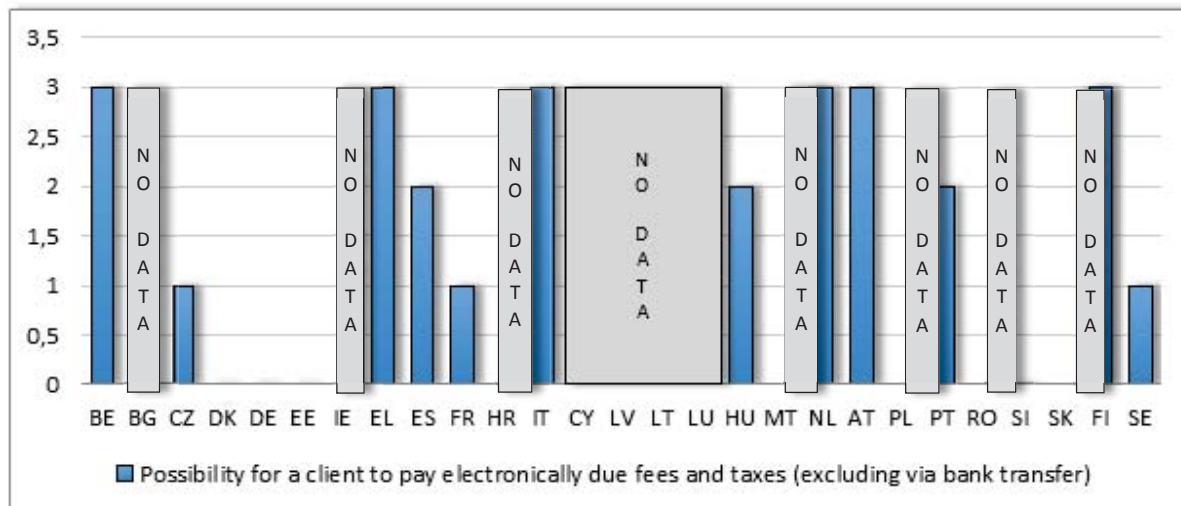
<sup>40</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

online payment is not possible. Three Member States (11%) offer neither online information on court fees nor electronic payment of the former.

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Similarly, **bailiffs/judicial officers**, notaries and lawyers were invited to provide information on the possibility of allowing a client to electronically pay due fees and taxes.

Figure 20: Possibility for a client of a lawyer to pay electronically due fees and taxes (excluding via bank transfer) <sup>41</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Clients are unable to pay electronically due fees and taxes, 1 = The possibility exists in some cases, 2 = The possibility exists in the majority of cases, 3 = The possibility exists in all/the vast majority of cases.

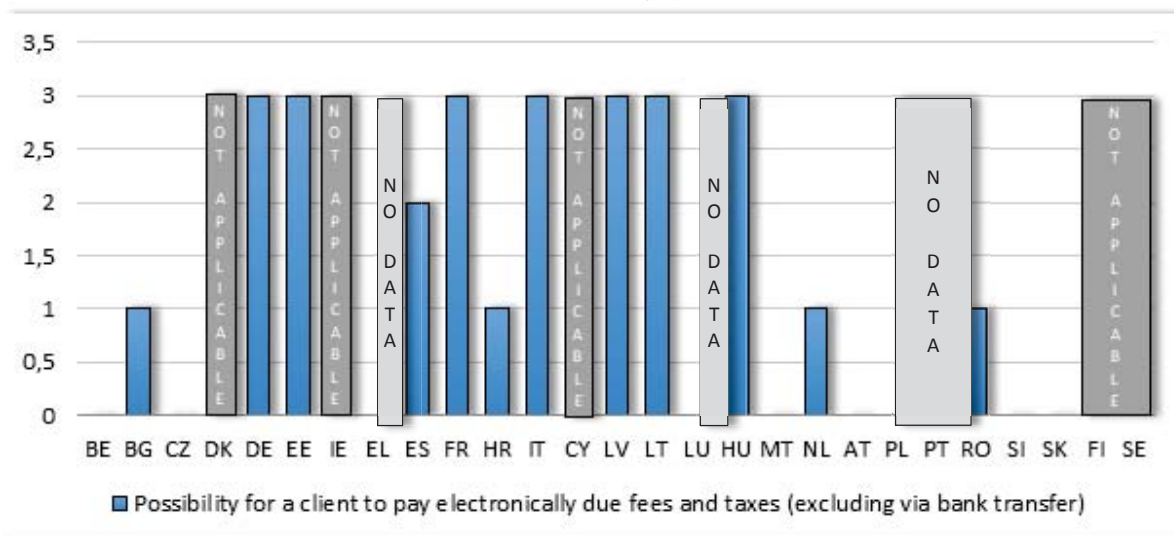
Out of the 16 Member States which provided responses to this question, clients of **lawyers** in six Member States (44%) can pay electronically due fees in all situations, and in three Member States (19%) in most situations. In three Member States (13%), the situations in which lawyers can allow clients to pay electronically are limited, whilst in four Member States (25%) this possibility currently does not exist.

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<sup>41</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).



Figure 21: Possibility for a client of a notary to pay electronically due fees and taxes (excluding via bank transfer)<sup>42</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Clients are unable to pay electronically due fees and taxes, 1 = The possibility exists in some cases, 2 = The possibility exists in the majority of cases, 3 = The possibility exists in all/the vast majority of cases.

Out of the 18 Member States which provided replies to this question, clients of **notaries** in seven Member States (39%) are able to pay due fees and taxes electronically in all scenarios, and in one Member State (6%) in most cases. The situations in which clients can pay electronically are limited in four Member States (22%). Currently, notaries in six Member States (33%) do not provide clients with the possibility to pay fees online.

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Clients of **bailiffs/judicial officers** are able to pay due fees and taxes electronically in the vast majority of situations<sup>43</sup>.

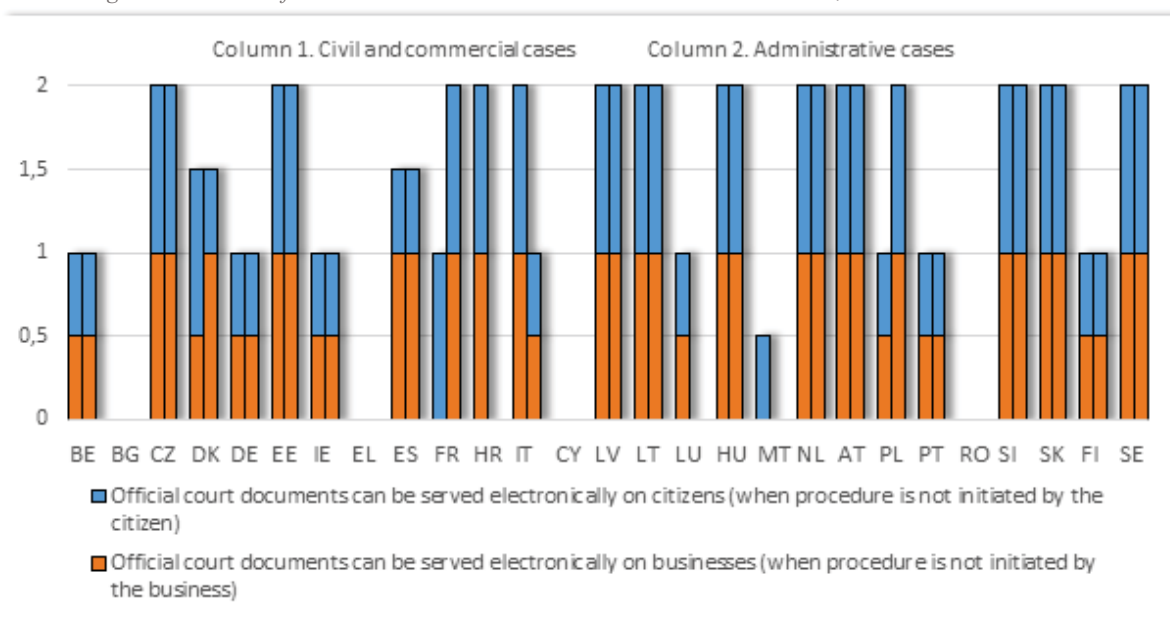
- **Electronic service of documents, court summons or court/enforcement decisions**

Member States were invited to provide information on the possibility to serve court documents electronically on citizens and businesses. The questions focused on civil and commercial cases, as well as administrative cases.

<sup>42</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

<sup>43</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).

Figure 22: Service of documents via electronic means in civil and commercial, and administrative cases <sup>44</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all cases, 0.5 = if it is valid in some cases and 0 = if the possibility does not exist at all.

Official court documents in **civil and commercial cases** can be served electronically on citizens and businesses in all scenarios in 12 Member States (44%). In nine Member States (33%), the possibility exists partially. In two Member States (7%) it is possible to electronically serve court documents on citizens, however not on businesses. Official court documents can be served electronically on neither citizens, nor businesses in four Member States (15%).

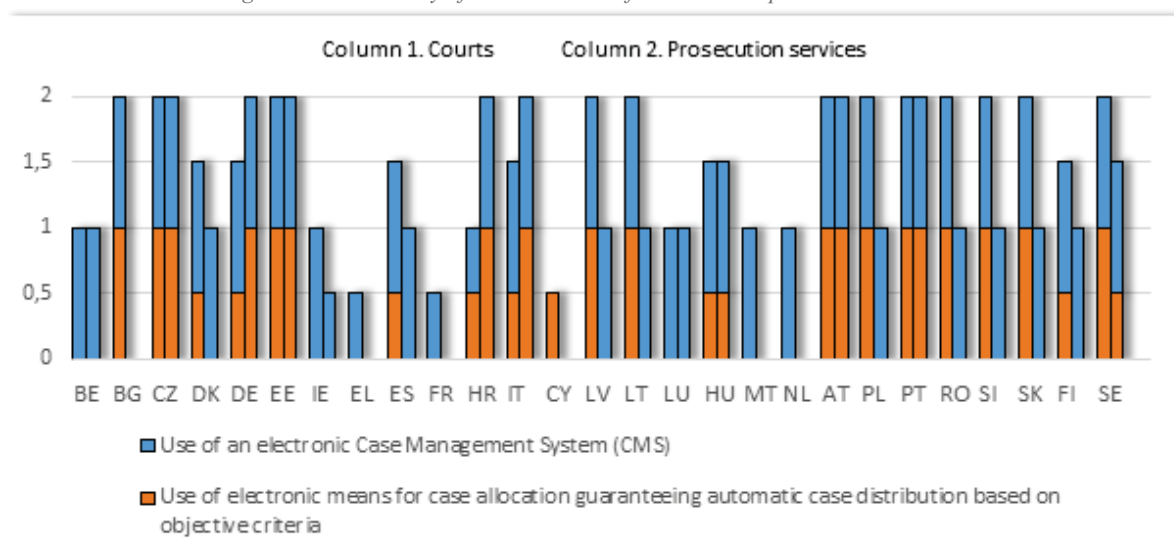
Regarding **administrative cases**, 12 Member States (44%) allow official court documents to be served on both citizens, as well as businesses in all scenarios. In eight Member States (30%), the possibility exists partially. In seven Member States (26%), official court documents can be served electronically neither on citizens nor businesses in administrative cases.

### 3.3 Digital tools used by judicial authorities

Member States were invited to respond to a variety of questions on the use of digital tools by national courts and prosecution services.

<sup>44</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

Figure 23: Availability of electronic tools for courts and prosecution services<sup>45</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all courts or prosecution services, respectively, 0.5 = if it is valid in some and 0 = if it is not available at all.

**With regard to national courts,** electronic Case Management Systems (CMS) are available for use by all courts in 23 Member States (85%). In three Member States (11%), CMS are available in some courts, and in one Member State (4%) courts do not use an electronic CMS.

In 12 Member States (44%), all courts are able to use electronic means for case allocation guaranteeing automatic case distribution based on objective criteria. In eight Member States (30%), some courts make use of such electronic means. Courts in seven Member States (26%) use no electronic case allocation for automatic case distribution.

**With regard to national prosecution services,** in 20 Member States (74%), all prosecution services have at their disposal an electronic Case Management System (CMS). In one Member State (4%), a CMS is used by some prosecution services, and in six Member States (22%) prosecution services do not use an electronic CMS.

In seven Member States (26%), all prosecution services use electronic means for case allocation guaranteeing automatic case distribution based on objective criteria, and in two Member States (7%), some prosecution services use such means. Prosecution services in 18 Member States (67%) do not use any means for electronic case distribution.

### 3.4 Digital cooperation between national judicial authorities

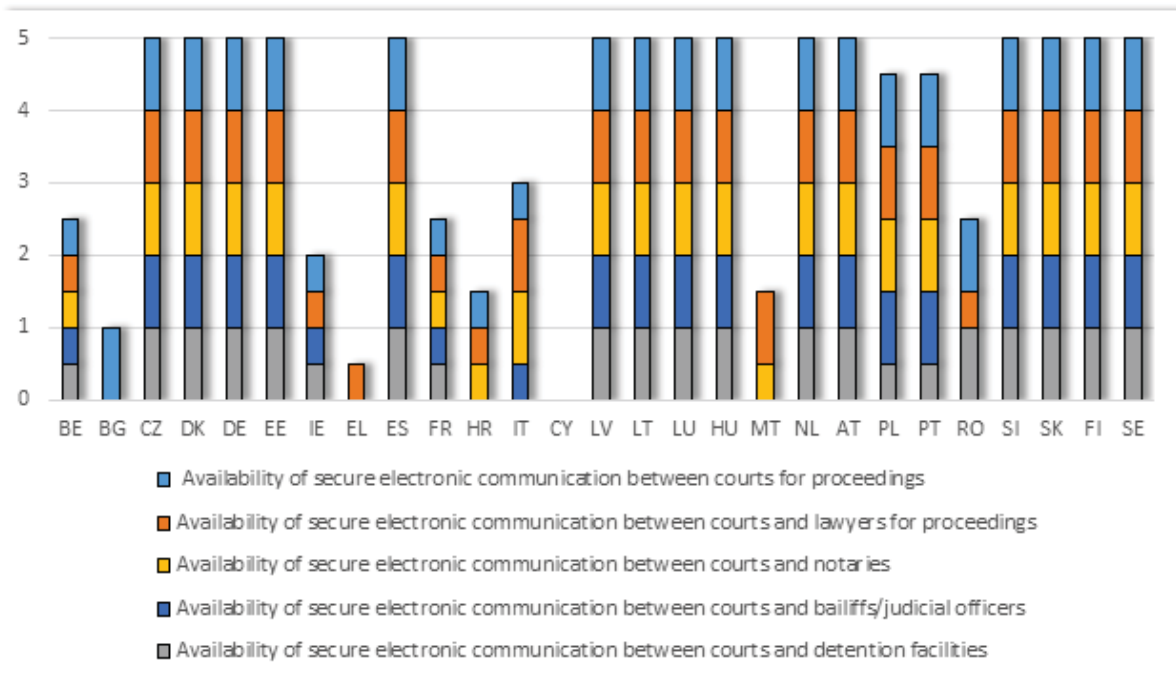
- **Availability of secure electronic communication tools at the disposal of courts**

This section explores the availability of tools at the disposal of national courts enabling secure electronic communication as alternative to paper or other channels. In particular, the

<sup>45</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

data reflects the ability of national courts to communicate electronically in the course of proceedings with detention facilities and with legal professionals, such as lawyers, notaries and bailiffs/judicial officers.

Figure 24: Availability of tools for secure electronic communication for courts <sup>46</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all courts, 0.5 = if it is valid in some courts and 0 = if it is not available at all.

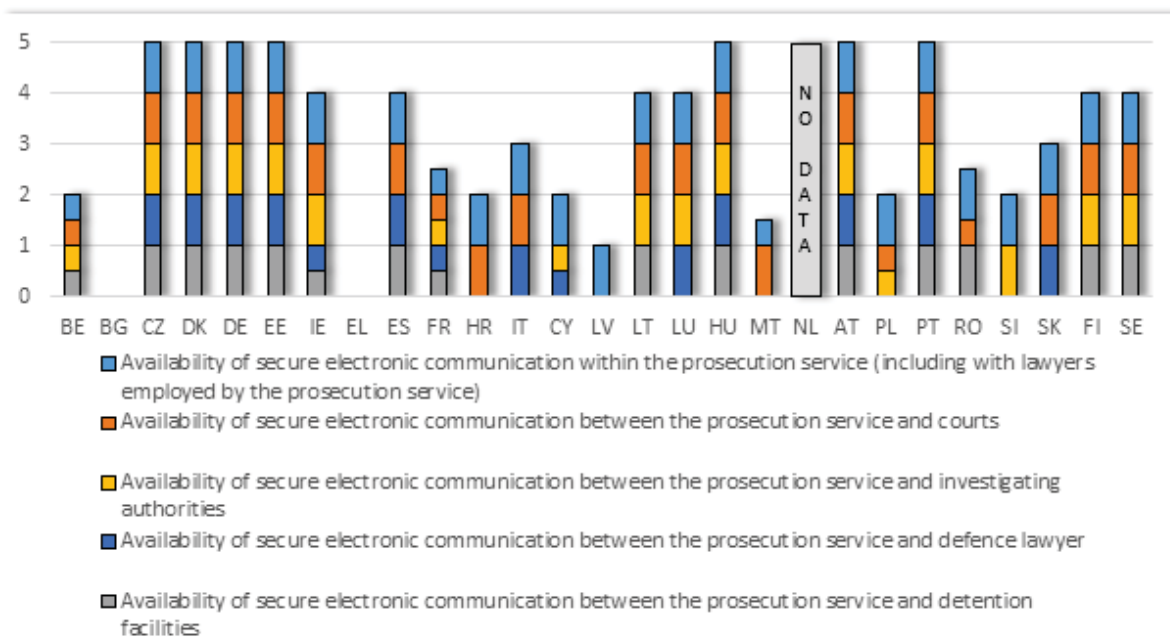
Tools for the secure electronic communication, fully supporting all explored aspects of the issue, already exist in 15 Member States (56%). In 11 Member States (41%) such tools cover the explored scenarios to a various extent, and in one Member State (4%) no electronic communication tools addressing the explored scenarios presently exist.

- **Availability of secure electronic communication tools at the disposal of prosecution services**

Similarly, Member States were asked to provide information on the availability of secure electronic communication tools at the disposal of prosecution services. Several aspects were explored, namely with regard to the availability of such means for communication between the prosecution services, as well as with national courts, detention facilities, investigating authorities and defence lawyers.

<sup>46</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

Figure 25: Availability of tools for secure electronic communication for prosecution services <sup>47</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all prosecution services, 0.5 = if it is valid in some prosecution services and 0 = if it is not available at all.

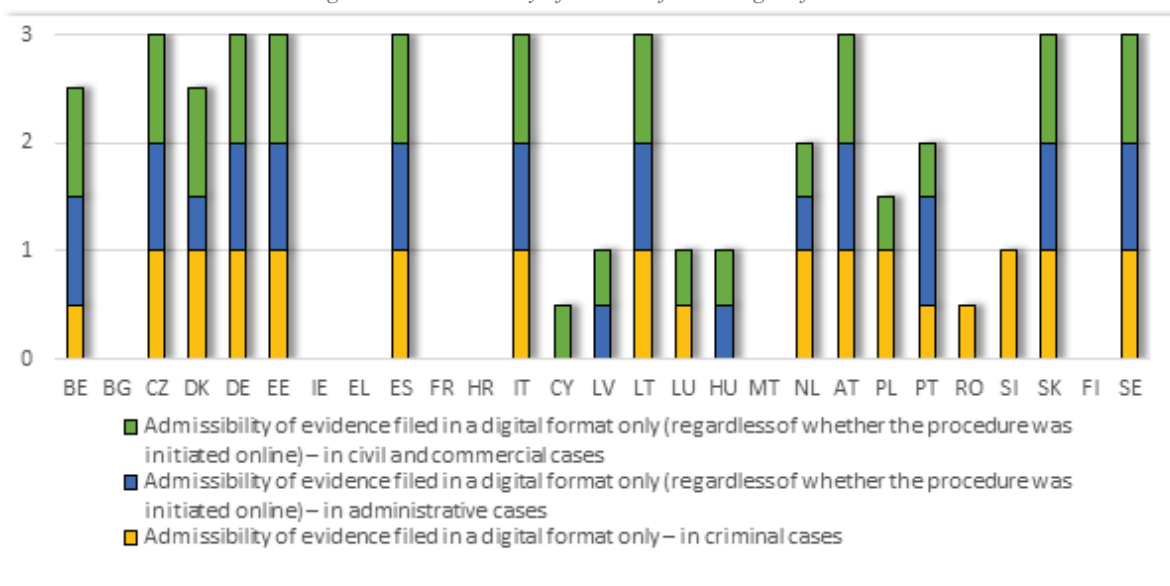
26 Member States provided information on this particular subject. With regard to the availability of tools for secure electronic communication, such exist, covering all explored aspects of the issue, in seven Member States (27%), and electronic communication is possible to various extent in 17 Member States (65%). No secure electronic communication tools for use by prosecution services in any of the explored scenarios are available in two Member States (8%).

- **Admissibility of digital evidence**

Member States were invited to provide information on whether digital evidence (without the need for parallel submission in alternative formats) is admissible in civil and commercial, administrative and criminal cases.

<sup>47</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

Figure 26: Admissibility of evidence filed in digital format <sup>48</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all cases, 0.5 = if it is valid in some cases and 0 = if it is not available at all.

**In the context of civil and commercial cases,** in 11 Member States (41%) judicial authorities fully admit evidence submitted only in digital format. In seven Member States (26%) evidence submitted only in digital format is admissible in some situations. In nine Member States (33%) evidence submitted in digital format is not deemed admissible.

**In administrative cases,** 11 Member States (41%) allow the submission of evidence only in digital format. This is possible in certain cases in four Member States (15%). In 12 Member States (44%) the submission of evidence only in digital format is not possible.

**With regard to criminal cases,** in 13 Member States (48%), the submission of evidence filed only in digital format is admissible in all cases. In four Member States (15%) evidence can be filed only in digital format in certain situations. 10 Member States (37%) do not allow for the submission of evidence only in digital format.

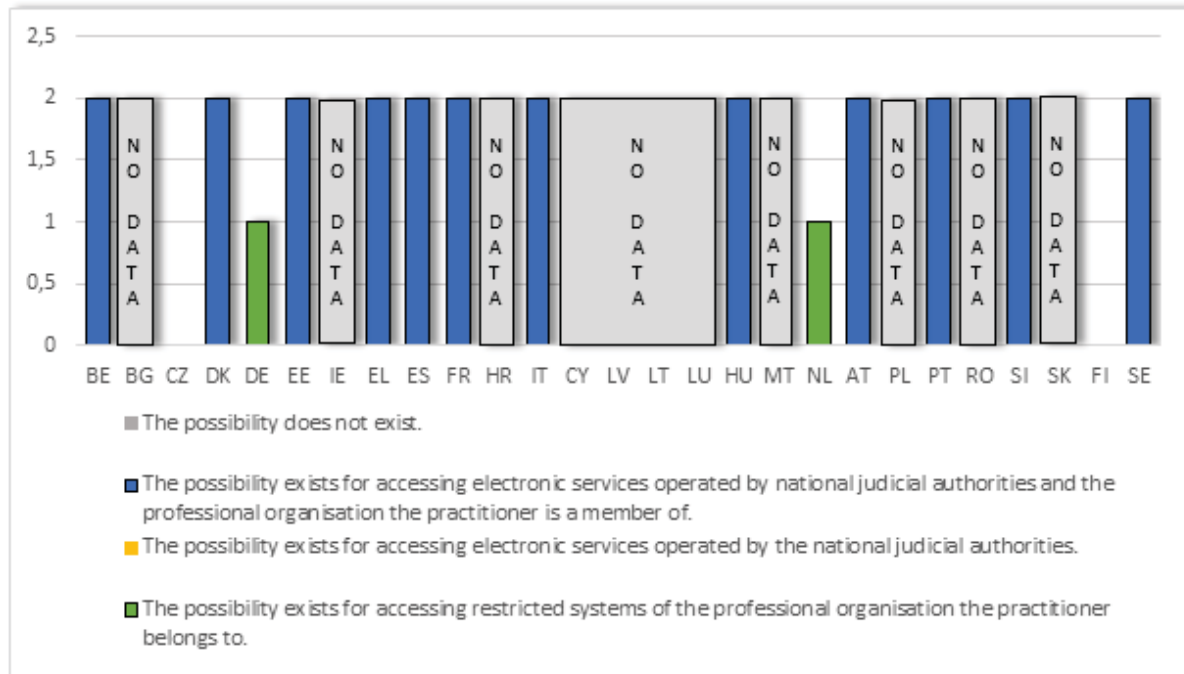
### 3.5 Digital cooperation between judicial authorities and legal practitioners

The national bailiffs/judicial officers, notary and lawyer organisations were invited to provide information on questions related to digital cooperation amongst themselves and with regard to communication with judicial authorities.

<sup>48</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

- **Existence of strong electronic authentication for legal practitioners**

Figure 27: Possibility for strong electronic identification and authentication, allowing lawyers to establish their identity and receive appropriate access rights to the IT systems of their own organisation or those operated by judicial authorities<sup>49</sup>



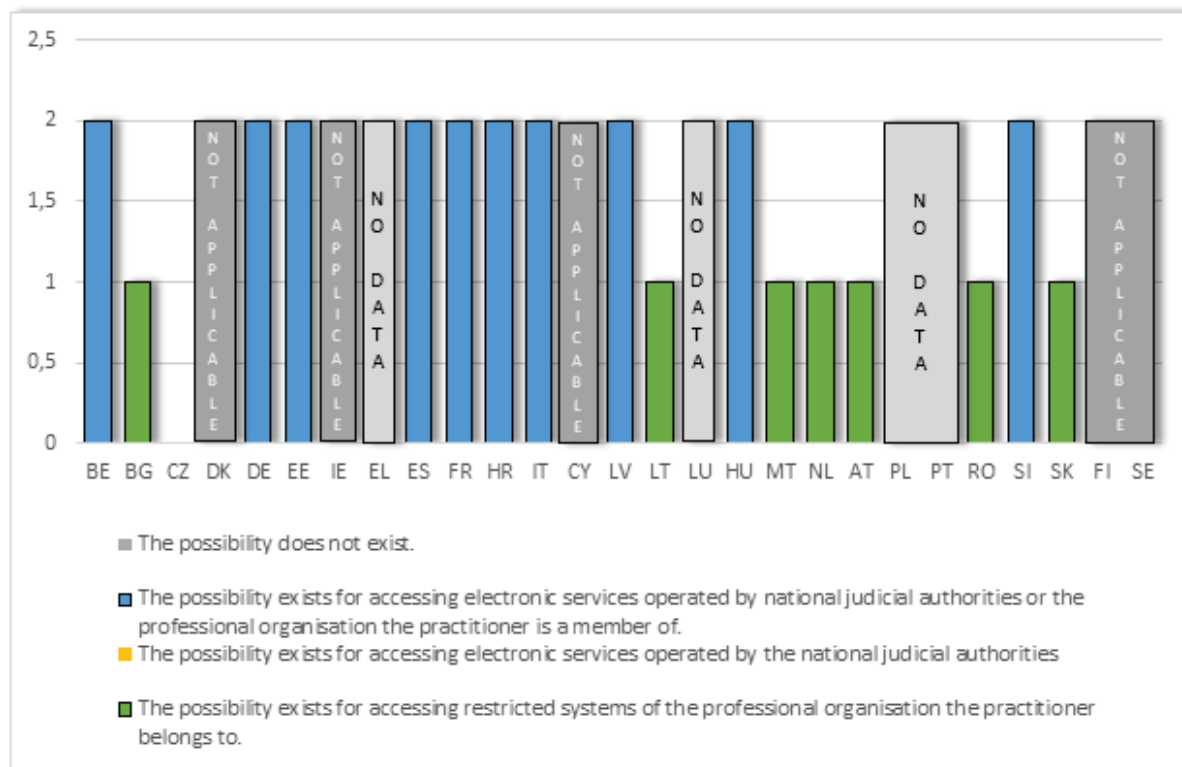
The following values have been assigned to the answers illustrated by the graph: 0 = The possibility does not exist, 1 = Possible to access restricted systems of the professional organisation the practitioner belongs to or those operated by national judicial authorities, 2 = Possible to access electronic services operated by national judicial authorities and the professional organisation the practitioner is a member of.

Out of the 16 Member States which provided responses to this question, **lawyers** in 12 Member States (75%) can identify themselves electronically, in order to access both IT services operated by the national judicial authorities, as well as those provided by their professional organisation. In two Member States (13%) the possibility exists for accessing the IT system(s) of the professional organisation, which the lawyer belongs to. In two Member State (13%) lawyers are not able to identify themselves electronically for accessing IT systems.

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<sup>49</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).

Figure 28: Possibility for strong electronic identification and authentication, allowing notaries to establish their identity and receive appropriate access rights to the IT systems of their own organisation or those operated by judicial authorities<sup>50</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = The possibility does not exist, 1 = Possible to access restricted systems operated by the professional organisation the practitioner belongs to or those of national judicial authorities, 2 = Possible to access electronic services operated by national judicial authorities and the professional organisation the practitioner is a member of.

Out of the 18 Member States which provided responses to this question, **notaries** in 10 Member States (56%) can identify electronically in order to access both services operated by national judicial authorities and those provided by their respective chamber. In seven Member States (39%) the possibility exists only for accessing IT systems of the professional organisation to which the practitioner belongs. In one Member State (6%) notaries are currently not able to electronically identify in order to access either professional or systems provided by judicial authorities.

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Strong electronic identification and authentication exists for **bailiffs/judicial officers** when accessing the IT systems of their own organisations or those operated by judicial authorities<sup>51</sup>.

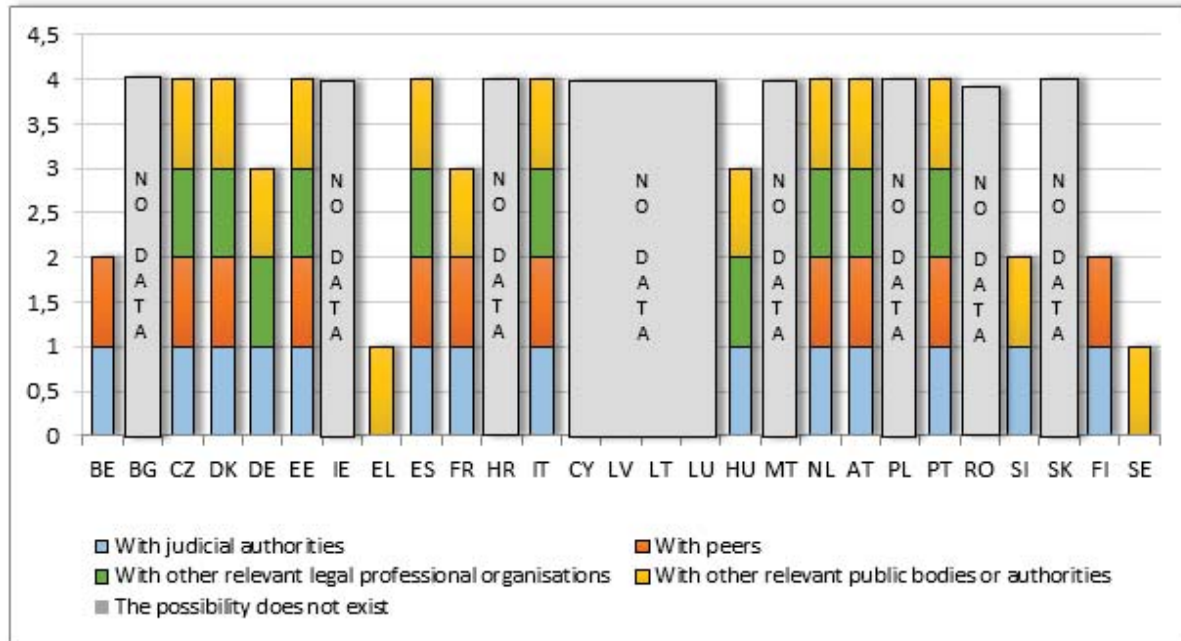
<sup>50</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

<sup>51</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).



- **Possibility for legal practitioners to communicate via a secure electronic channel**

Figure 29: Possibility for lawyers to communicate securely via electronic channels with judicial authorities, relevant public authorities and/or other legal practitioner organisations and to send legally valid documents electronically (except by plain e-mail) <sup>52</sup>



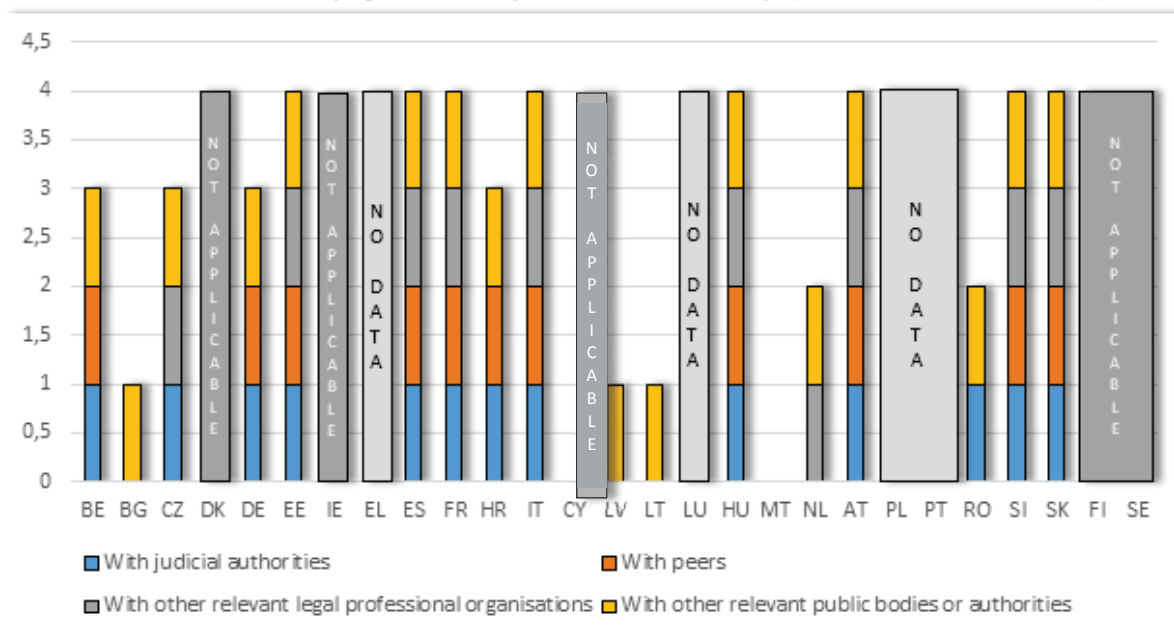
The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to communicate securely via electronic channels, 1 = Possible with judicial authorities/peers/other relevant legal professional organisations/other relevant public bodies or authorities.

Out of the 16 Member States which provided replies to this question, **lawyers** in eight Member States (50%) are able to communicate securely with judicial authorities, peers, other legal professional organisations and relevant public bodies or authorities. Lawyers in two Member States (13%) are able to securely communicate with judicial authorities, other legal professional organisations and public bodies and authorities, in one Member State (6%) with peers but not with other relevant legal organisations. In two Member States (13%) the possibility exists for secure electronic communication with judicial authorities and peers, for one Member State (6%) when communicating with judicial authorities and other public bodies and authorities. In two Member States (13%) the possibility only exists for communicating with other public bodies and authorities.

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<sup>52</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).

Figure 30: Possibility for notaries to communicate securely via electronic channels with judicial authorities, relevant public authorities and/or other legal practitioner organisations and to send legally valid documents electronically<sup>53</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to communicate securely via electronic channels, 1 = Possible with judicial authorities/peers/other relevant legal professional organisations/other relevant public bodies or authorities.

Out of the 18 Member States which provided replies to this question, **notaries** in eight Member States (44%) are able to communicate securely with all relevant actors, namely judicial authorities, peers, other relevant legal professional organisations and relevant public bodies or authorities. In nine Member States (50%), notaries can communicate electronically with one or more of the designated actors, and in one Member State (6%) none of the mentioned possibilities for electronic communication currently exists for notaries.

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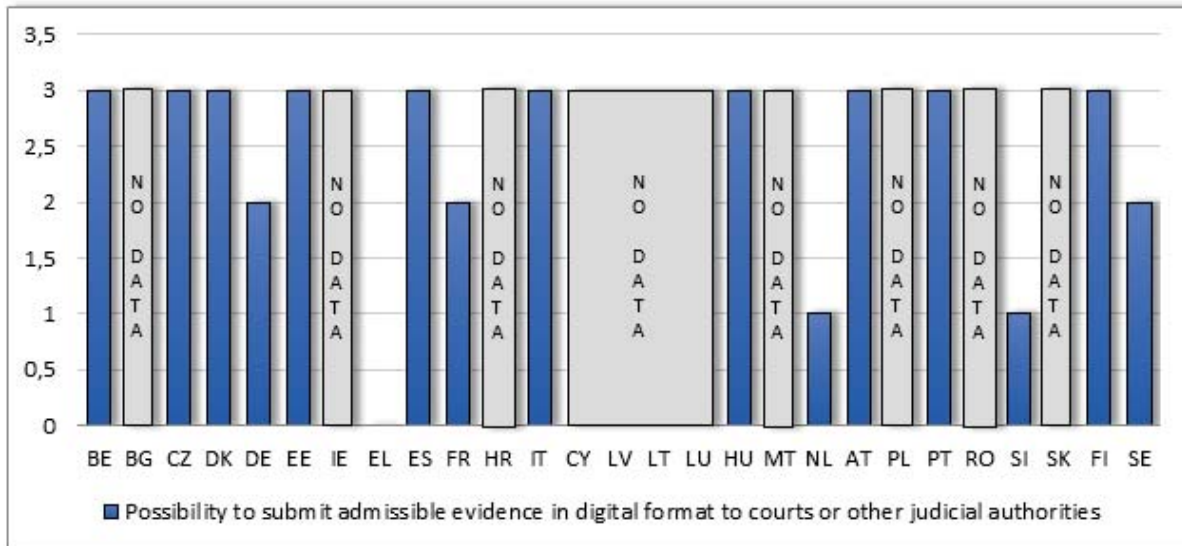
**Judicial officers/bailiffs** can communicate securely with judicial authorities, peers, other relevant legal professional organisations and relevant public bodies or authorities<sup>54</sup>.

<sup>53</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

<sup>54</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).

- **Possibility for legal practitioners to send and receive documents to/from courts via a secure channel (incl. evidence)**

Figure 31: Possibility for lawyers to submit admissible evidence in digital format to courts or other judicial authorities via secure electronic channels<sup>55</sup>



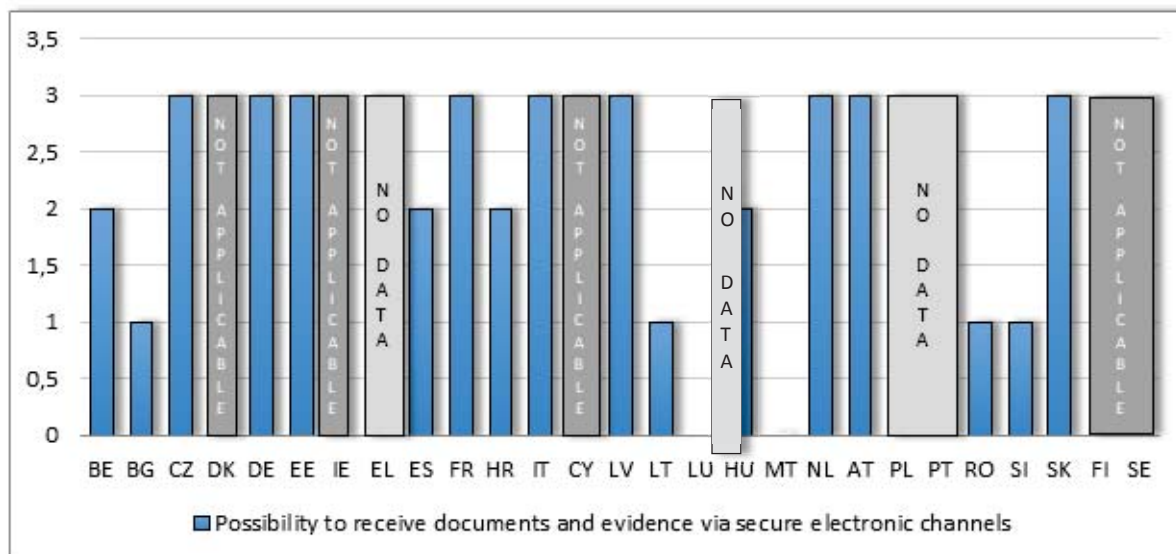
The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to submit admissible evidence in digital format to courts/other judicial authorities, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

Out of the 16 Member States which provided responses to this question, **lawyers** in 10 Member States (63%) are able to securely submit admissible evidence in digital format to courts or other judicial authorities without limitations. The possibility exists in three Member States (19%) in the majority of scenarios. Lawyers in two Member States (13%) can submit evidence electronically limited to some cases, whilst in one Member State (6%) currently no such possibility exists.

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<sup>55</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).

Figure 32: Possibility for notaries to receive documents and admissible evidence in digital format via secure electronic channels<sup>56</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to receive documents and evidence via secure electronic channels, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

Out of the 18 Member States which provided responses to this question, **notaries** in nine Member States (50%) are able to receive documents and admissible evidence in digital format via secure electronic channels in all situations. In four Member States (22%) this is possible in most scenarios. In four Member States (22%) the scenarios in which notaries can receive documents and admissible evidence electronically are limited. The possibility currently does not exist in one Member State (6%).

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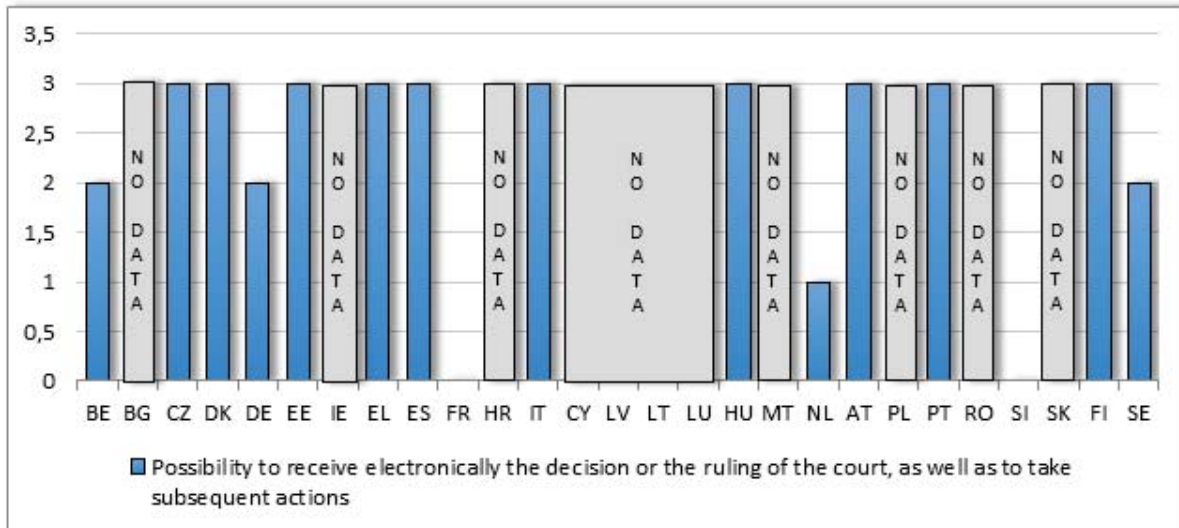
**Judicial officers/bailiffs** are able to receive and send documents, including evidence, in digital format via secure electronic channels in all situations<sup>57</sup>.

<sup>56</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

<sup>57</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).

- **Possibility for legal practitioners to receive the court’s ruling or decision via an electronic channel and to take subsequent actions (i.e. appeal)**

Figure 33: Possibility for lawyers to receive electronically the decision or the ruling of the court, as well as to take subsequent actions electronically (i.e. appealing)<sup>58</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not possible to receive electronically the decision or the ruling of the court, 1 = Possible in some cases, 2 = Possible in the majority of cases, 3 = Possible in all/the vast majority of cases.

Out of the 16 Member States which provided responses to this question, lawyers in 10 Member States (63%) are able to electronically receive decisions or rulings, as well as to take subsequent actions in all scenarios. In three Member States (19%) this possibility exists in the majority of situations, and is limited in one Member State (6%). In two Member States (13%) lawyers are not able to electronically receive court decisions at all.

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**Judicial officers/bailiffs** are able in some situations to electronically receive decisions or rulings of a court and to take subsequent actions<sup>59</sup>.

### 3.6 Online access to information and case law

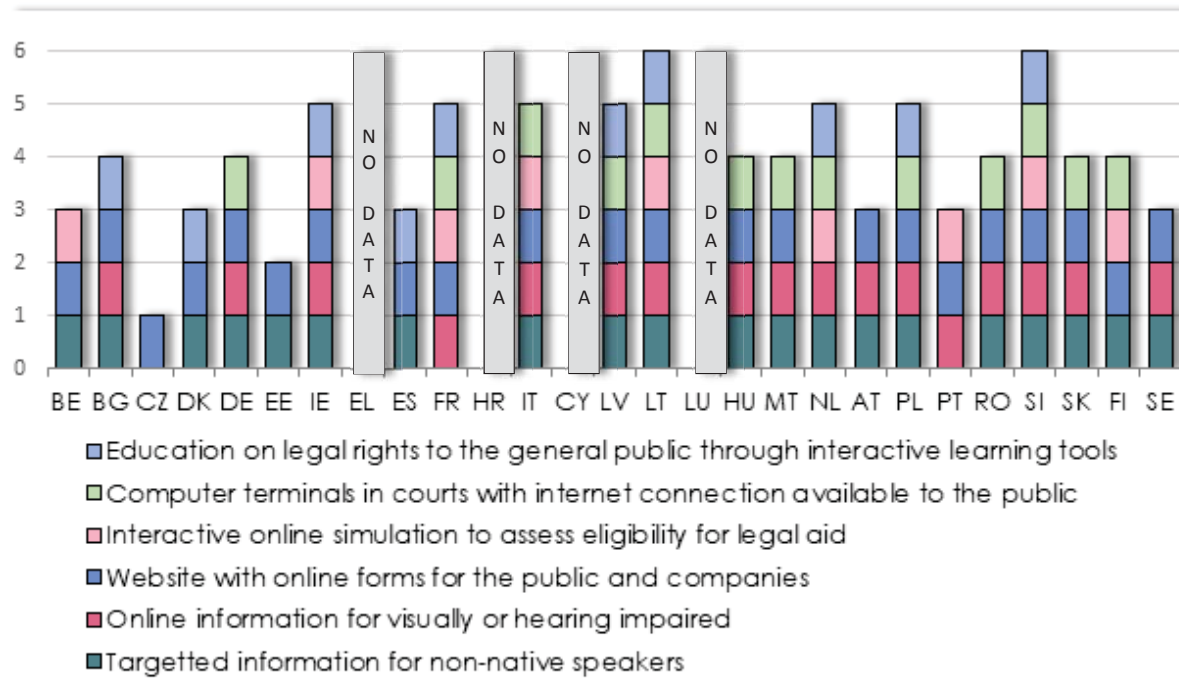
- **Online information about judicial systems (incl. for impaired groups), needed documents, costs of proceedings, etc.**

In the context of the EU Justice Scoreboard 2020, Member States were invited to respond to several thematic questions, exploring the availability of online information sources and tools to the benefit of the general public.

<sup>58</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).

<sup>59</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).

Figure 34: Availability of online information about the judicial system for the general public<sup>60</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid 0 = if a variable is not valid in the particular case.

A total of 23 Member States provided information on several aspects of the availability of online information about the judicial system for the general public. 22 Member States (96%) indicated that websites containing online forms are provided to the general public and companies. Further, 20 Member States (87%) responded that websites with targeted information for non-native speakers are in place. Online information for visually or hearing impaired audiences is provided in 17 Member States (74%). 13 Member States (57%) provide internet-equipped computer terminals in courts to the public. 10 Member States (43%) offer education on legal rights through interactive learning tools, and nine Member States (39%) provide interactive online simulation to assess eligibility for legal aid.

The 2020 Justice Scoreboard concludes: *'Almost all Member States provide access to some online information about their judicial system, including a centralised web portal with online forms and interactive education on legal rights. Differences appear on the content of the information and how adequate it is to respond to people's needs. For example, only a limited number of Member States (9) enable people to find out whether they are eligible for legal aid through an interactive online simulation. However, information for non-native speakers as well as targeted information for visually or hearing impaired people is available in the majority of Member States.'*<sup>61</sup>

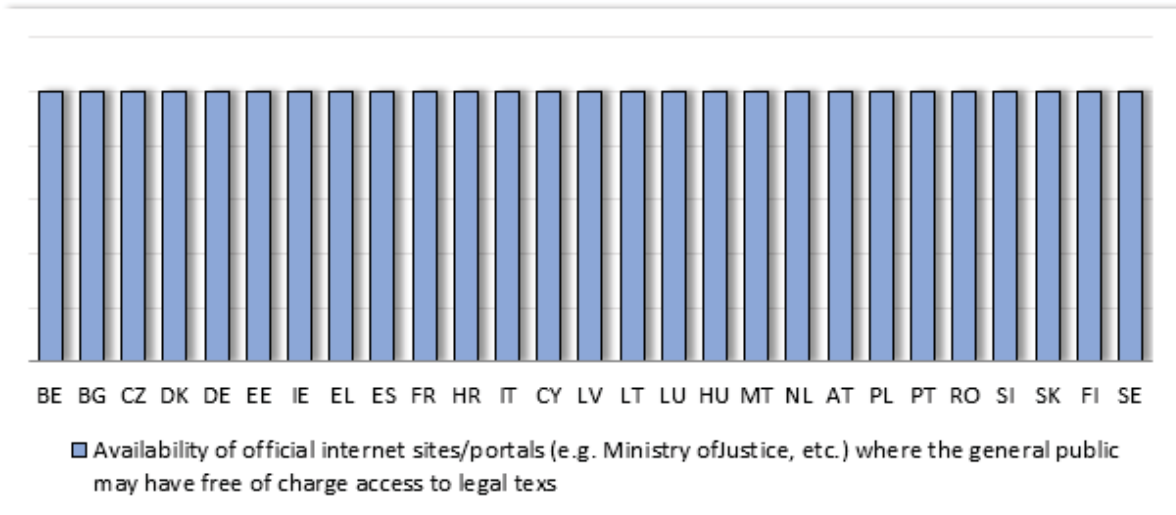
<sup>60</sup> Source: EU Justice Scoreboard 2020.

<sup>61</sup> Source: EU Justice Scoreboard 2020. Chapter 3.2.5.: Summary on the quality of justice systems, p. 37.

- **Availability of official internet sites/portals for free of charge access to legal texts**

The Council of Europe European Commission for the efficiency of justice (CEPEJ) provided to the European Commission data from 2018, which explores the availability of official free of charge internet sites or portals allowing the general public access to legal texts.

Figure 35: Availability of official internet sites/portals for free of charge access to legal texts <sup>62</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Official internet sites/portals for the general public are not available, 1 = Official internet sites/portals are available.

The data demonstrates that in all Member States (100%) Internet sites or portals are in place, which offer to the general public access to legal texts free of charge.

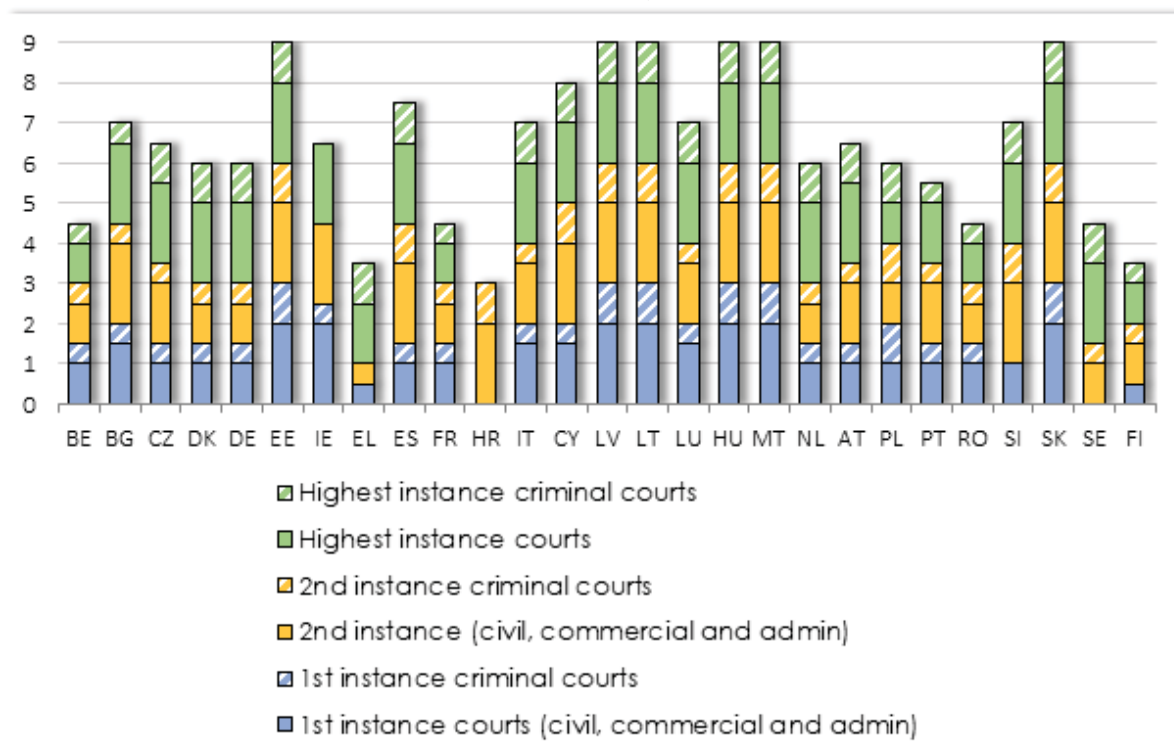
- **Online access to published judicial decisions by the general public**

As part of the 2020 edition of the Justice Scoreboard, Member States were invited to provide information on the online accessibility to published judgments. The questions encompass the accessibility of published judgments of civil and commercial, administrative as well as criminal cases at all court instances.

<sup>62</sup> Source: CEPEJ data (2018).



Figure 36: Online access to published judgments by the general public civil/commercial, administrative and criminal cases, all instances)<sup>63</sup>



The following values have been assigned to the answers illustrated by the graph: Maximum possible: 9 points. For each court instance, one point was given if all judgments are available for civil/commercial and administrative and criminal cases respectively, and 0.5 points when only some judgments are available. For Member States with only two court instances, points have been given for three court instances by mirroring the respective higher instance court of the non-existing instance. For those Member States that do not distinguish between the two areas of law (civil/commercial and administrative), the same number of points has been given for both areas.

**In the context of civil and commercial, and administrative cases**, judgments of first, second and highest instance courts are fully accessible online by the general public in seven Member States (26%). In the other 20 Member States (74%), judgments are also made publicly available, but to a highly varying degree.

With regard to the publication of judgments of highest instance courts, 19 Member States (70%) fully publish these court decisions, 7 Member States (26%) partially do so, and one Member State (4%) does not publish any jurisprudence from its highest instance courts at all.

Similarly, **in the context of criminal cases**, judgments published by first, second and highest instance criminal courts are made fully available to the general public in seven Member States (26%). While in all Member States at least some part of the criminal case law is made accessible online, in the majority of 20 Member States (74%) the situation is highly divergent.

<sup>63</sup> Source: EU Justice Scoreboard 2020.



Court decisions of Member States' highest instance criminal courts are fully published in 19 Member States (70%), partially in 6 Member States (22%) and two Member States (7%) do not publish any decisions of their highest instance criminal courts online.

The 2020 Justice Scoreboard concludes: *'Compared to previous years, online access to court judgments has remained stable, particularly for the publication of judgments at the highest instance: 19 Member States publish all civil/commercial and administrative judgments and the same number of Member States also publish criminal judgments at the highest instance. These positive numbers encourage all Member States to further improve as decisions at the highest instance play an important role for the consistency of case law. At lower instances, the number of Member States publishing all judgments is still significantly lower, both for criminal and civil/commercial and administrative judgments, a figure that has remained stable since 2017.'*<sup>64</sup>

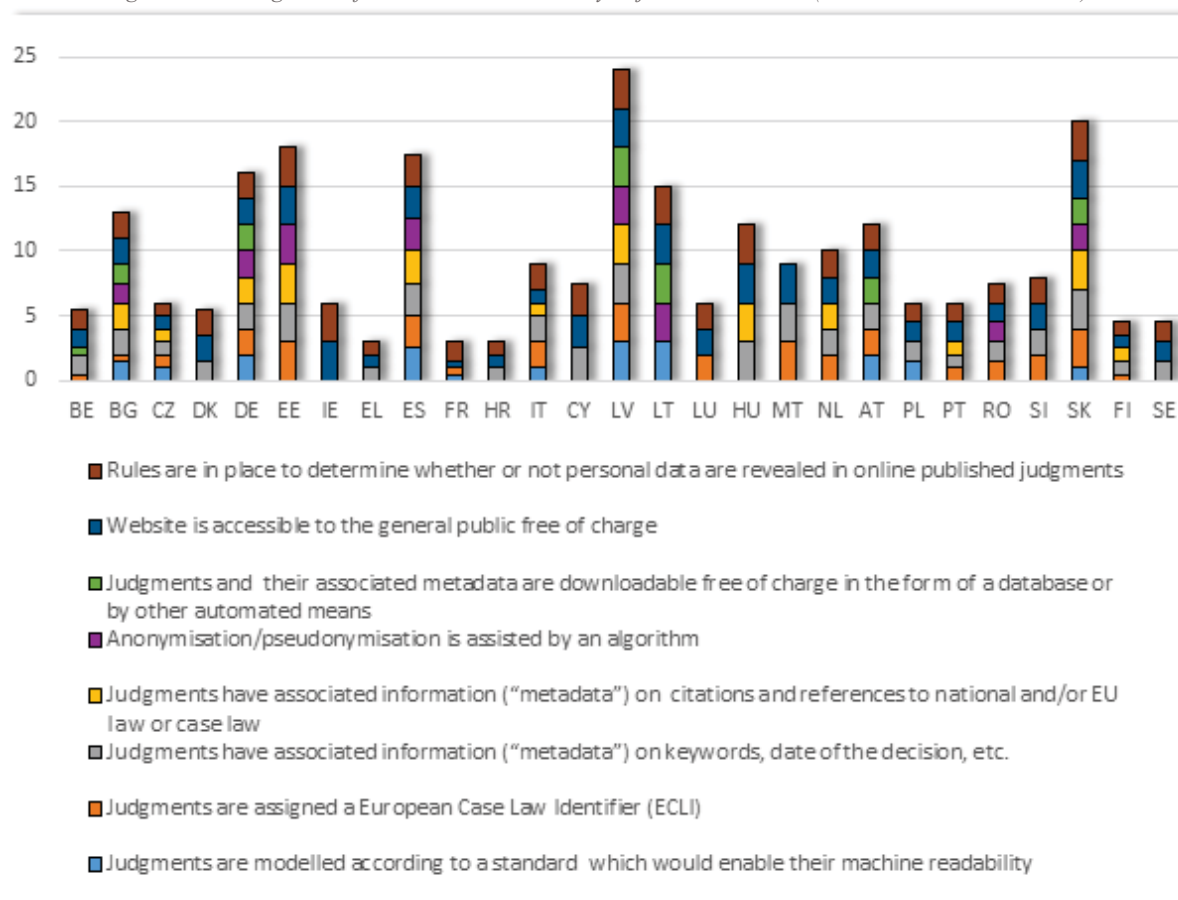
- **Arrangements for producing machine-readable judicial decisions**

Seamless access to judicial decisions is a prerequisite for improved access to justice, the uniform application of national and EU law, reinforcing mutual trust and building algorithm-friendly IT solutions. Inter alia, the EU Justice Scoreboard already collects detailed information on specific national arrangements with regard to the publication of judicial decisions. The collected data focuses on civil and commercial, administrative and criminal case law, published at all instances.

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<sup>64</sup> Source: EU Justice Scoreboard 2020. Chapter 3.2.5.: Summary on the quality of justice systems, p. 37.

Figure 37: Arrangements for increased accessibility to judicial decisions (civil and commercial cases)<sup>65</sup>



The following values have been assigned to the answers illustrated by the graph: Maximum possible: 24 points per type of cases. For each of the three instances (first, second, final) one point is given if all judicial decisions are covered. If only some judicial decisions are covered at a given instance, only half a point is awarded. Where a Member State has only two instances, points have been given for three instances by mirroring the respective higher instance as the non-existing instance. For those Member States that do not distinguish between administrative and civil/commercial cases, the same points have been allocated for both areas of law.

**With regard to civil and commercial cases**, in four Member States (15%) judgments issued at all instances are assigned a European Case Law Identifier (ECLI)<sup>66</sup>. 14 Member States (52%) have also adopted ECLI, but only at certain instances and/or for a subset of their judicial decisions. Nine Member States (33%) do not yet assign ECLI to their judgments at all.

In two Member States (7%), judgments at all instances are modelled according to a standard, which enables their machine readability, whilst in nine Member States (33%) this is the case for only some of the judgments and/or instances. In 16 Member States (59%) judgments are not modelled for the purposes of machine readability.

In five Member States (19%), all judgments at all instances have associated information ("metadata") on keywords, dates of the decision, etc., whilst in 18 Member States (67%) such

<sup>65</sup> Source: EU Justice Scoreboard 2020.

<sup>66</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019XG1024\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019XG1024(01))

metadata exists only at certain instances and/or for some judgments. In four Member States (15%) this metadata is not available.

In four Member States (15%), all judgments at all instances have associated information (“metadata”) on citations and references to national and/or EU law or case law. In eight Member States (30%), judgments have metadata on citations and references for some judgments and/or at certain instances. 15 Member States (56%) do not provide metadata on citations and references to law or case law at all.

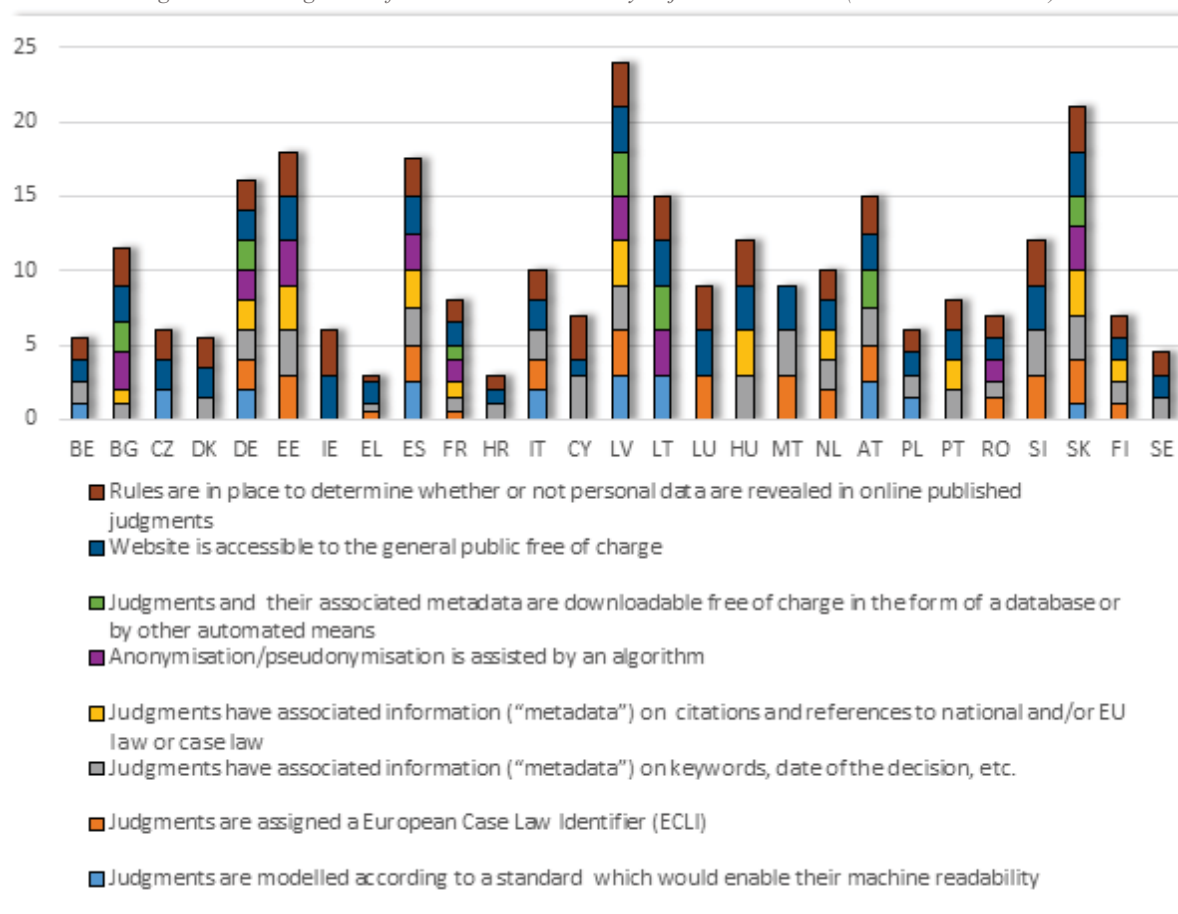
In three Member States (11%), an algorithm assists with the anonymisation and pseudonymisation of all judgments at all instances, whilst in five Member State (19%) the process is partly assisted by an algorithm at first, second and/or highest instance in some situations. 19 Member States (70%) do not use an algorithm assisting in the anonymisation and pseudonymisation of judgments.

In two Member States (7%), all judgments and their associated metadata are downloadable free of charge in the form of a database or are accessible by other automated means at all instances. In five Member States (19%) this possibility exists for some judgments and/or at some instances. 20 Member States (74%) do not allow at all automated and free of charge access to judgments and their associated metadata.

In general, websites on case law are accessible by the general public free of charge in all Member States. In seven Member States (26%) they provide full free access to all jurisprudence, while in 20 Member States (74%) access is limited to specific instances and/or case law collections.

In six Member States (22%), rules are in place to determine whether or not personal data are revealed in all online published judgments at all instances. In 14 Member States (52%), this arrangement is in place for certain judgments at all instances. Six Member States (22%) have set rules to establish whether personal data are revealed in some published documents and/or by certain instances. Only one Member States (4%) has no established rules governing the management of personal data in published judgments available online.

Figure 38: Arrangements for increased accessibility to judicial decisions (administrative cases)<sup>67</sup>



The following values have been assigned to the answers illustrated by the graph: Maximum possible: 24 points per type of cases. For each of the three instances (first, second, final) one point is given if all judicial decisions are covered. If only some judicial decisions are covered at a given instance, only half a point is awarded. Where a Member State has only two instances, points have been given for three instances by mirroring the respective higher instance as the non-existing instance. For those Member States that do not distinguish between administrative and civil/commercial cases, the same points have been allocated for both areas of law.

**In the context of administrative cases**, in six Member States (22%) judgments issued at all instances are assigned an ECLI. Nine Member States (33%) have also adopted ECLI, but only at certain instances and/or for a subset of their judicial decisions. 12 Member States (44%) do not yet assign ECLI to their judgments.

In two Member States (7%), all judgments at all instances are modelled according to a standard, which would enable their machine readability, whilst in eight Member States (30%) this is the case for only some judgments and/or instances. Judgments in 17 Member States (63%) are not modelled for the purposes of machine readability.

In seven Member States (26%), all judgments at all instances have associated information (“metadata”) on keywords, dates of the decision, etc. In 16 Member States (59%) such

<sup>67</sup> Source: EU Justice Scoreboard 2020.

metadata exists only at certain instances and/or for some judgments. In four Member States (15%) this metadata is not available.

In four Member States (15%), all judgments at all instances have associated information (“metadata”) on citations and references to national and/or EU law or case law. In seven Member States (26%), judgments have metadata on citations and references for some judgments and/or at certain instances. 16 Member States (59%) do not provide metadata on citations and references to law or case law at all.

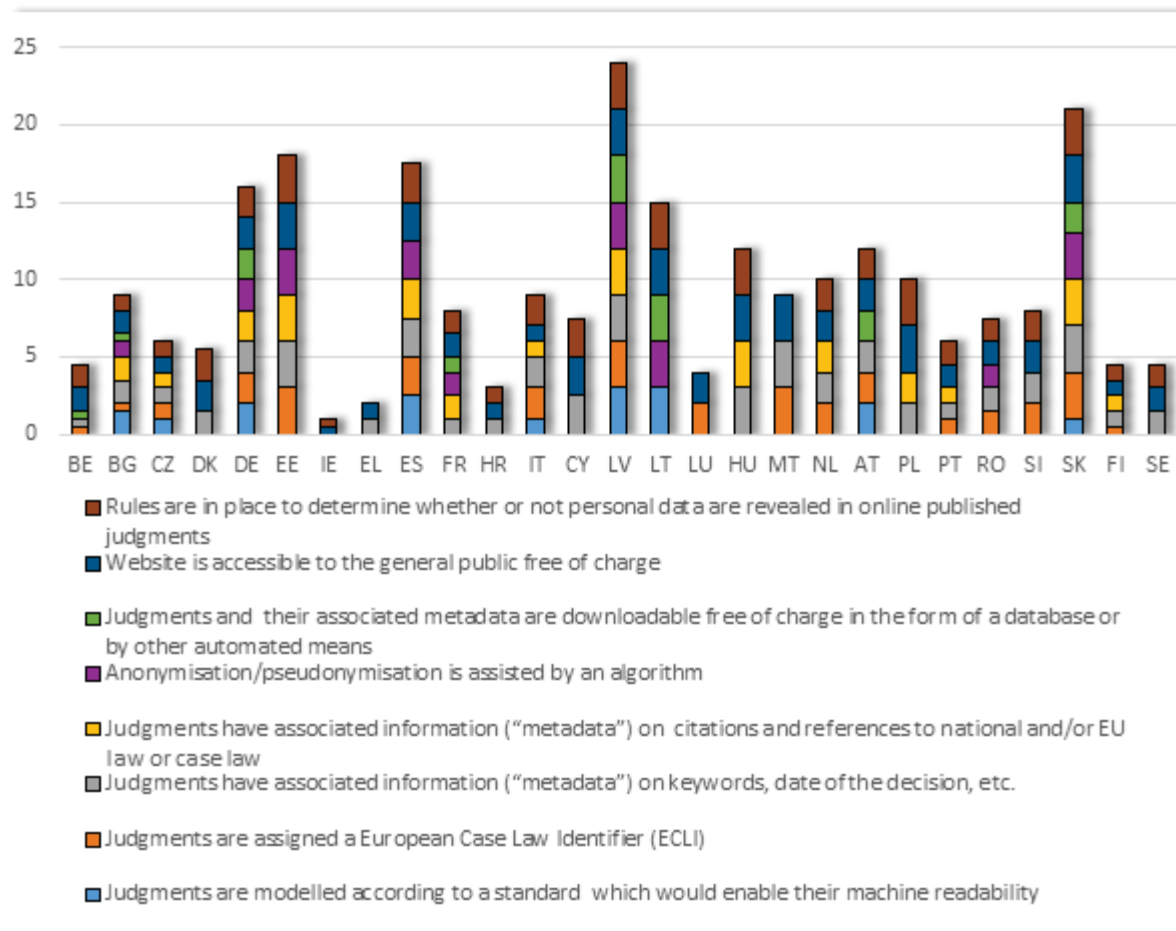
In four Member States (15%), an algorithm assists with anonymisation and pseudonymisation of all judgments at all instances, whilst in five Member States (19%) the process is partly assisted by an algorithm in some situations. 18 Member States (67%) do not use an algorithm assisting in the anonymisation and pseudonymisation of judgments.

In two Member States (7%), all judgments and their associated metadata are downloadable free of charge either in the form of a database or are accessible by other automated means at all instances. In five Member States (19%) this possibility exists for some judgments and/or at some instances. 20 Member States (74%) do not allow at all automated and free of charge access to judgments and their associated metadata.

All Member States offer access to websites on administrative case law free of charge to the general public at either/and first, second and highest instance. In nine Member States (33%), administrative jurisprudence is fully accessible by the general public free of charge. In the other 18 Member States (67%), access is partially possible to the jurisprudence of specific instances and/or case law collections.

In nine Member States (33%), rules are in place to determine whether or not personal data are revealed in all online published judgments at all instances. In 11 Member States (41%), this arrangement is in place for certain judgments at all instances. Six Member States (22%) have set rules to establish whether personal data are revealed in some published documents and/or by certain instances. Only one Member State (4%) has no established rules governing the management of personal data in published judgments available online.

Figure 39: Arrangements for increased accessibility to judicial decisions (criminal cases)<sup>68</sup>



The following values have been assigned to the answers illustrated by the graph: Maximum possible: 24 points per type of cases. For each of the three instances (first, second, final) one point is given if all judicial decisions are covered. If only some judicial decisions are covered at a given instance, only half a point is awarded. Where a Member State has only two instances, points have been given for three instances by mirroring the respective higher instance as the non-existing instance.

**With regard to criminal cases**, in four Member States (15%) judgments issued at all instances are assigned an ECLI. 13 Member States (48%) have also adopted ECLI, but only at certain instances and/or for a subset of their judicial decisions. 10 Member States (37%) do not yet assign ECLI to their judgments at all.

In two Member States (7%), all judgments at all instances are modelled according to a standard, which would enable their machine readability. In seven Member States (26%) this is the case for only some judgments and/or instances. Judgments in 18 Member States (67%) are not modelled for the purposes of machine readability.

In five Member States (19%), all judgments at all instances have associated information ("metadata") on keywords, dates of the decisions, etc. In 19 Member States (70%) such

<sup>68</sup> Source: EU Justice Scoreboard 2020.

metadata exists only at certain instances and/or for some judgments. In three Member States (11%) this metadata is not available.

In four Member States (15%), all judgments at all instances have associated information (“metadata”) on citations and references to national and/or EU law and case law. In 10 Member States (37%), judgments have metadata on citations and references for some judgments and/or at certain instances. 13 Member States (48%) do not provide metadata on citations and references to law or case law at all.

In four Member States (15%), an algorithm assists anonymisation and pseudonymisation of all judgments at all instances, whilst in five Member States (19%) the process is partly assisted by an algorithm in some situations. 18 Member States (67%) do not use an algorithm assisting in the anonymisation and pseudonymisation of judgments.

In two Member States (7%), all judgments and their associated metadata are downloadable free of charge in the form of a database or are accessible by other automated means at all instances. In six Member States (22%) this possibility exists for some judgments and/or at some instances. 19 Member States (70%) do not allow at all automated and free of charge access to judgments and their associated metadata.

All Member States offer access to websites on criminal case law free of charge to the general public at either/and first, second and highest instance. In seven Member States (26%), websites for criminal case law are fully accessible by the general public free of charge. In 20 Member States (74%), access is partially possible to the jurisprudence of specific instances and/or case law collections.

In six Member States (22%), rules are in place to determine whether or not personal data are revealed in all online published judgments at all instances. In 11 Member States (41%), this arrangement is in place for certain judgments at all instances. Seven Member States (26%) have set rules to establish whether personal data are revealed in some published documents and/or by certain instances. Three Member States (11%) have no established rules governing the management of personal data in published judgments available online.

The 2020 Justice Scoreboard concludes: *'All Member States have at least some arrangements in place for civil/commercial, administrative and criminal cases. However a considerable variance among the Member States can be observed. It appears that administrative courts are relatively more advanced as regards creating the enabling factors for algorithm-friendly justice system. Justice systems, where arrangements for modelling judgments according to standards enabling their machine readability have been put in place, seem to have potential to achieve better results in the future.'*<sup>69</sup>

### **3.7 Use of innovative technologies**

- **Commission study on the use of innovative technologies**

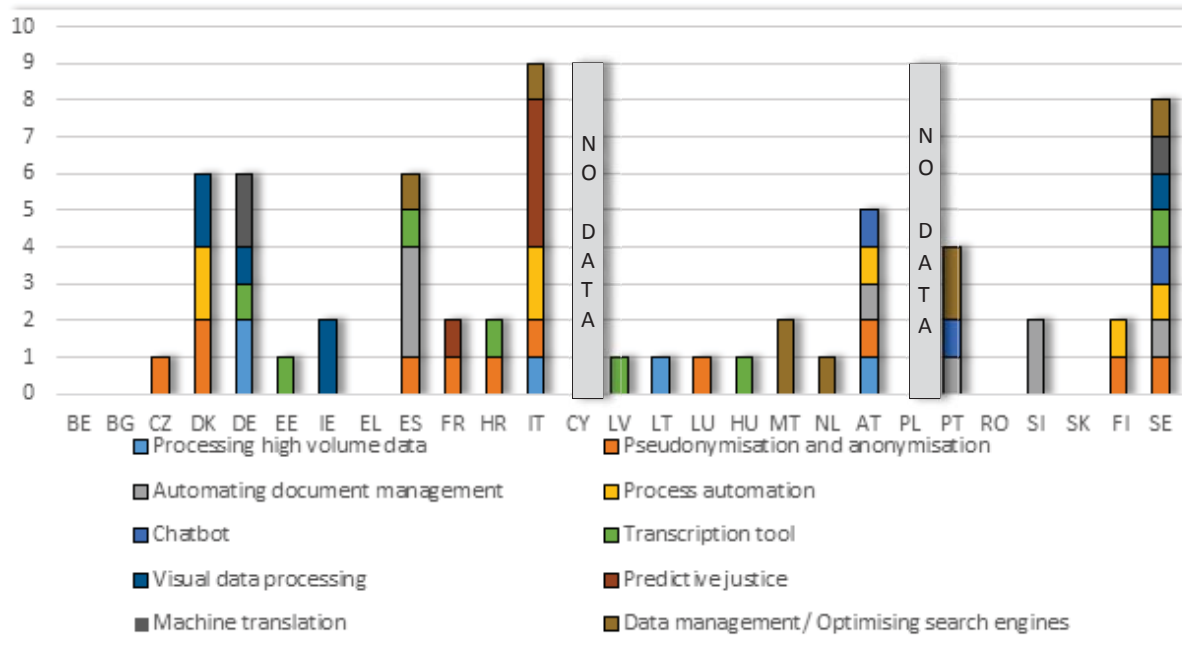
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<sup>69</sup> Source: EU Justice Scoreboard 2020. Chapter 3.2.5.: Summary on the quality of justice systems, p. 37.



In 2020 the European Commission published a study on the use of innovative technologies in the justice field<sup>70</sup>. In the context of this study EU institutions, bodies and agencies, Member States’ public authorities and the judiciary, legal professional organisations and ICT companies were consulted. As a result, a number of projects making use of Artificial Intelligence (AI) or Distributed Ledger (blockchain) technologies were identified. These projects were further categorised into specific solution areas. The main findings of the study are illustrated in the graphs below.

Figure 40: Type and number of projects using Artificial Intelligence technologies by Member State<sup>71</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = No projects using AI, otherwise the value reflects the number of projects using AI per category.

Out of the 25 Member States which provided information, two Member States (8%) have eight or more projects in the justice field using<sup>72</sup> AI technologies, while four Member States (16%) have five or more projects. One Member State (4%) has four projects based on AI solutions, and 13 Member States (52%) have one or two projects. Currently, five Member States (20%) do not have any projects exploring the use of AI in the justice field.

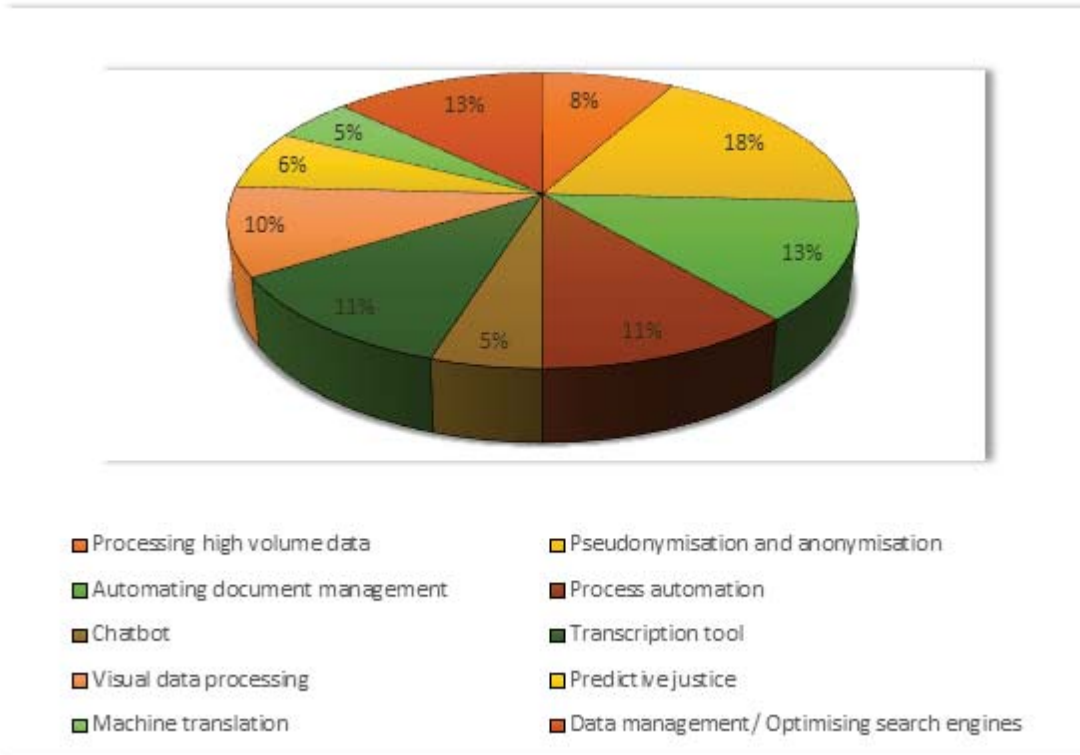
<sup>70</sup> <https://data.europa.eu/doi/10.2838/585101>

<sup>71</sup> Source: Study on the use of innovative technology in the justice field.

<sup>72</sup> The identified projects are in a various stage of development – in some cases they concern concepts, while others are either in the piloting/development phase, or concern operational production systems.



Figure 41: Type of projects using Artificial Intelligence technologies<sup>73</sup>

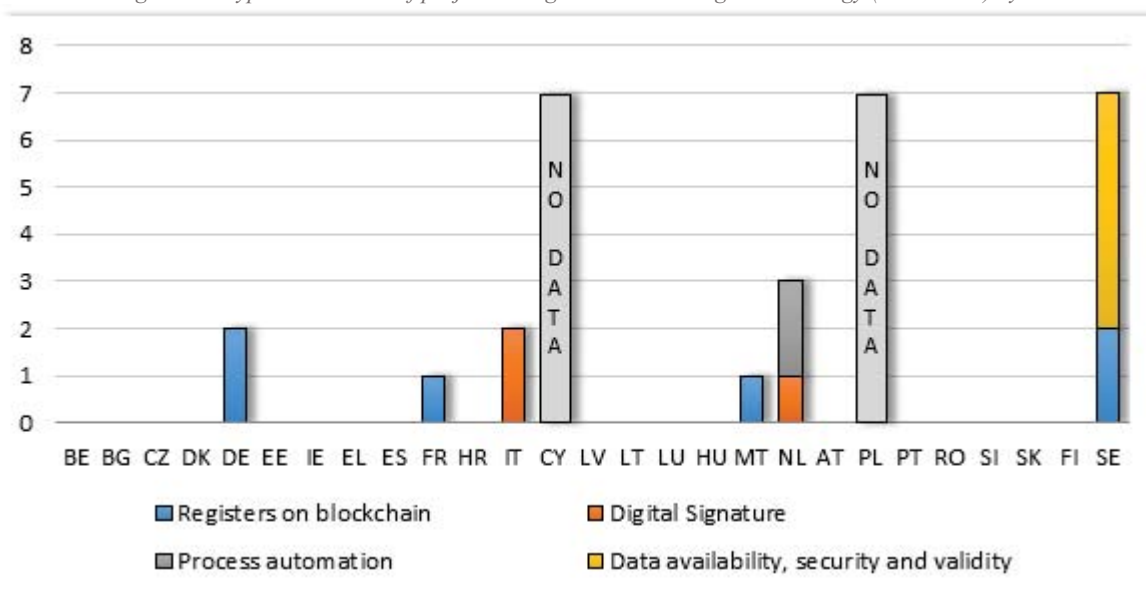


The distribution is calculated based on the total number of AI projects and occurrence per category.

18% of all AI projects focus on using AI technologies for automatic data pseudonymisation and anonymisation. 13% of projects have objectives towards automating document management, and 13% optimisation of search engines and data management. Other projects explore the use of AI for transcription tools (11%), process automation (11%), visual data processing (10%) and processing of high volume data (8%), chatbots (5%), automatic machine translation (5%) and predictive justice (6%).

<sup>73</sup> Source: Study on the use of innovative technology in the justice field.

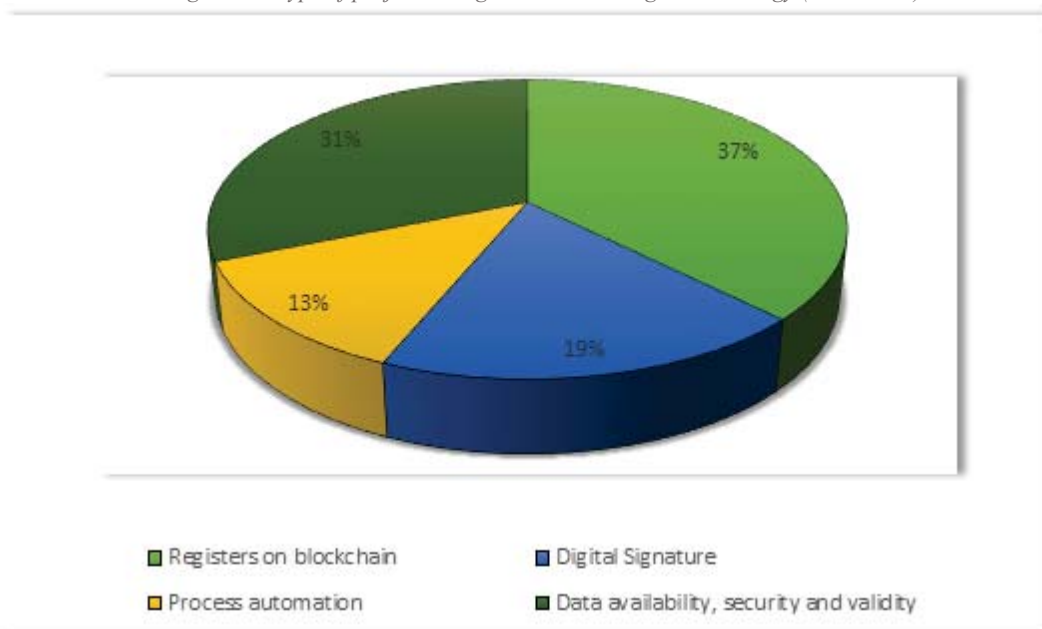
Figure 42: Type and number of projects using Distributed Ledger Technology (blockchain) by Member State<sup>74</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = No projects using blockchain technology, otherwise the value reflects the number of projects using it per category.

Out of the 25 Member States which provided information, one Member State (4%) has seven projects exploring the use of Distributed Ledger (blockchain) technologies in the justice field, and another one (4%) has three projects. Four Member States (16%) have one or two projects using Distributed Ledger (blockchain) technologies. Currently, 19 Member States (76%) have no projects based on Distributed Ledger (blockchain) technologies.

Figure 43: Type of projects using Distributed Ledger Technology (blockchain)<sup>75</sup>



The distribution is calculated based on the total number of DLT (blockchain) projects and occurrence per category.

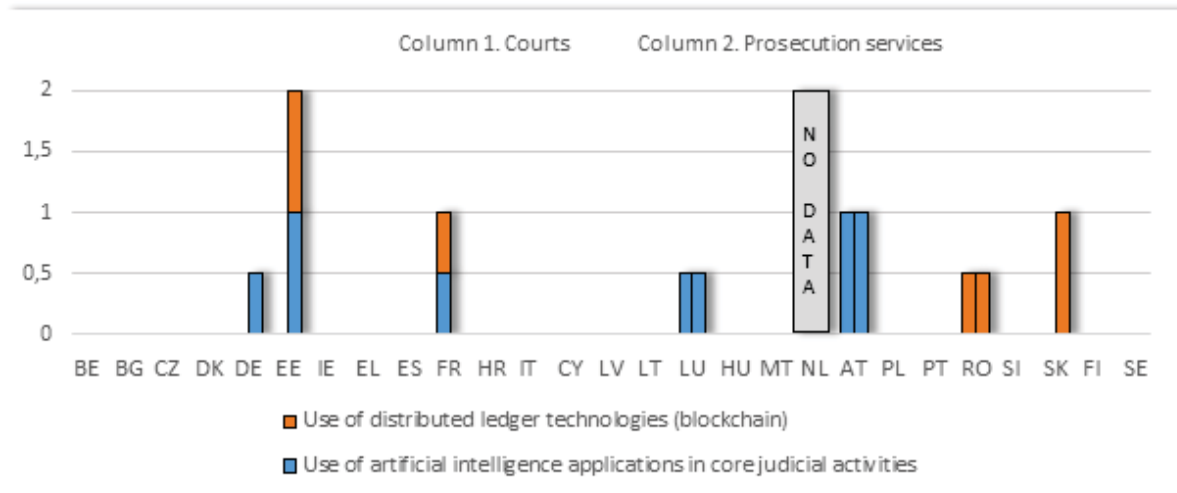
<sup>74</sup> Source: Study on the use of innovative technology in the justice field.

<sup>75</sup> Source: Study on the use of innovative technology in the justice field.

Most projects explore the possibility to have registers based on blockchain technology (37%). A significant number of the projects are in the domain of ensuring data availability, security and validity (31%). Projects further look at using the blockchain for digital signatures (19%) and process automation (13%).

- **Use of innovative technologies by judicial authorities**

Figure 44: Use of innovative technologies in the justice field<sup>76</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = if a variable is valid in all courts or prosecution services, respectively, 0,5 = if it is valid in some cases and 0 = if it is not available at all.

Out of the 26 Member States which provided responses to these questions, all **courts** in one Member State (4%) use artificial intelligence (AI) solutions, and some courts in two Member States (8%). The courts in 23 Member States (88%) do not presently use any AI-based applications.

Similarly, in only two Member States (8%) some courts use Distributed Ledger (blockchain) technologies. The courts of 24 Member States (92%) do not currently use blockchain technology-based applications.

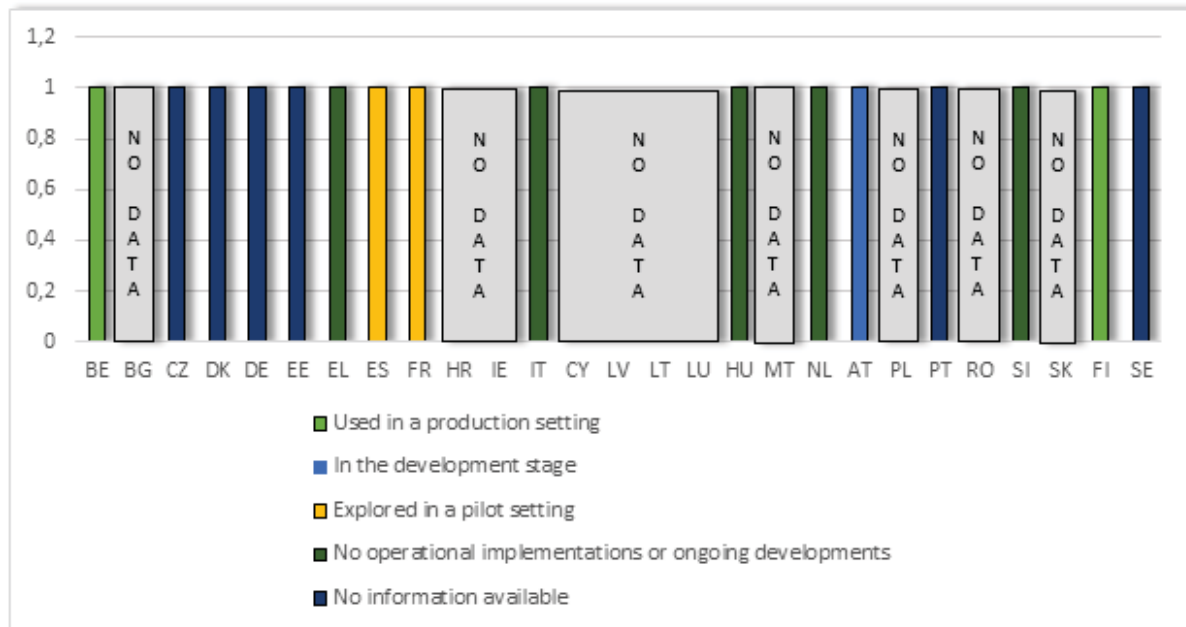
All **prosecution services** in two Member States (8%) use AI applications, and some prosecution services in two Member States (8%). The prosecution services in 22 Member States (85%) do not presently use any AI-based applications.

Distributed Ledger (blockchain) technologies are used by all prosecution services in two Member States (8%), whilst in one Member State (4%) only some use them. The prosecution services of 23 Member States (88%) do not currently use blockchain technology.

<sup>76</sup> Source: Questionnaire sent to the group of “Contact persons for national justice systems”.

- **Use of innovative technologies by legal practitioners**

Figure 45: Use of innovative technologies (such as Artificial Intelligence or distributed ledger technologies (blockchain) by lawyers<sup>77</sup>



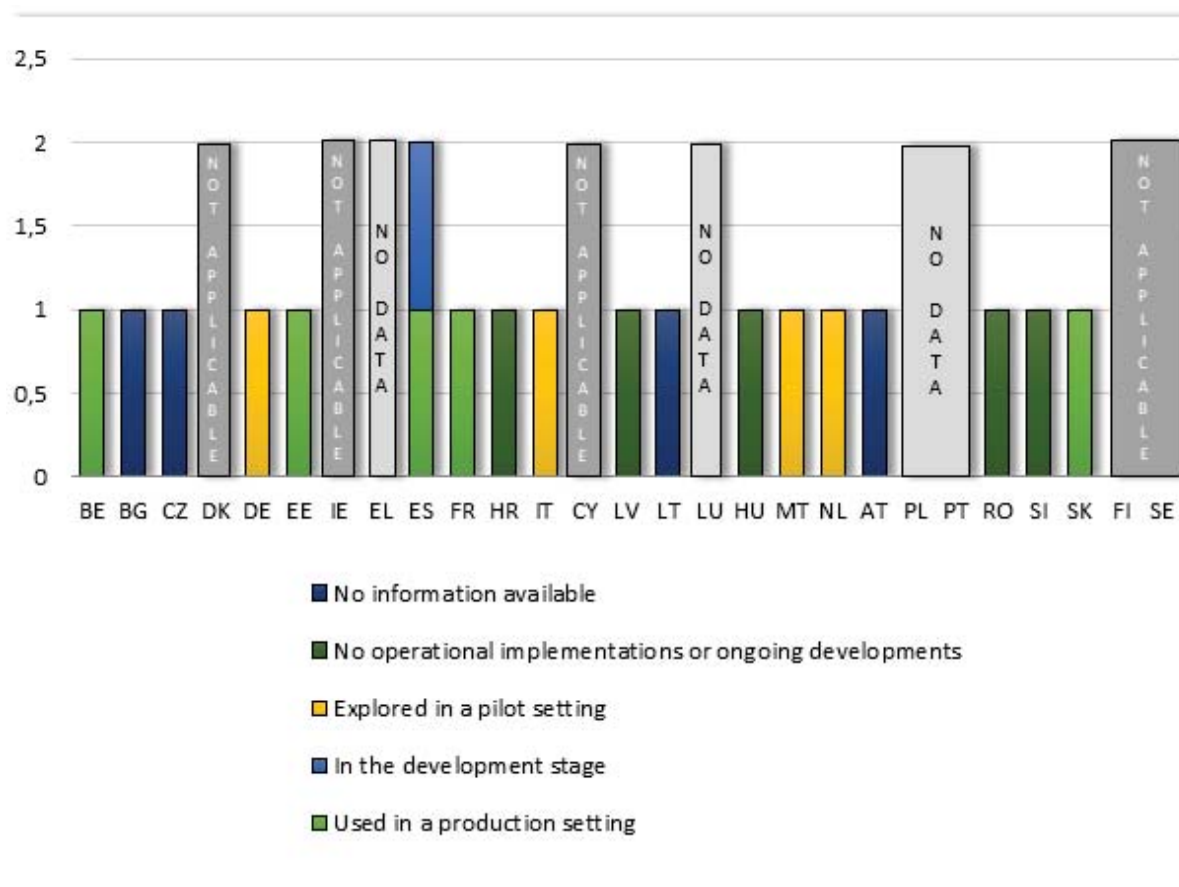
The following values have been assigned to the answers illustrated by the graph: 1 = depending on the value of the answer(s) selected by the respondents.

Out of the 16 Member States which provided responses to this question, **lawyer organisations** in two Member States (13%) indicated their awareness of innovative technologies being already used in a production setting. The lawyer organisation in one Member State (6%) responded that use of innovative technologies is in the development stage. In two Member States (13%), innovative technologies are being explored in pilot settings. In five Member States (31%), respondents indicated that there are currently no operational implementations or ongoing developments based on innovative technologies, and in six Member States (38%), the consulted lawyer organisations indicated that they were unaware of such projects.

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<sup>77</sup> Source: Questionnaire sent to the Council of Bars and Law Societies of Europe (CCBE).

Figure 46: Use of innovative technologies such as Artificial Intelligence or distributed ledger technologies (blockchain) by notaries<sup>78</sup>



The following values have been assigned to the answers illustrated by the graph: 1 = depending on the value of the answer(s) selected by the respondents.

Out of the 18 Member States which provided replies to this question, **notary chambers** of four Member States (22%) indicated that innovative technologies are currently used in a production setting. The chamber from one Member State (6%) replied that innovative technologies-based projects exist at both the development stage and in a production setting. In four Member States (22%) such technologies are explored in pilot setting. Currently, in five Member States (28%) there are no implementation or development activities, and in four Member States (22%) the consulted notariats were unaware of innovative technologies-related projects and/or developments.

\*  
\*\*

**The judicial officers/bailiffs** indicated that innovative technologies solutions are currently explored in a pilot setting<sup>79</sup>.

<sup>78</sup> Source: Questionnaire sent to the Council of the Notariats of the European Union (CNUE).

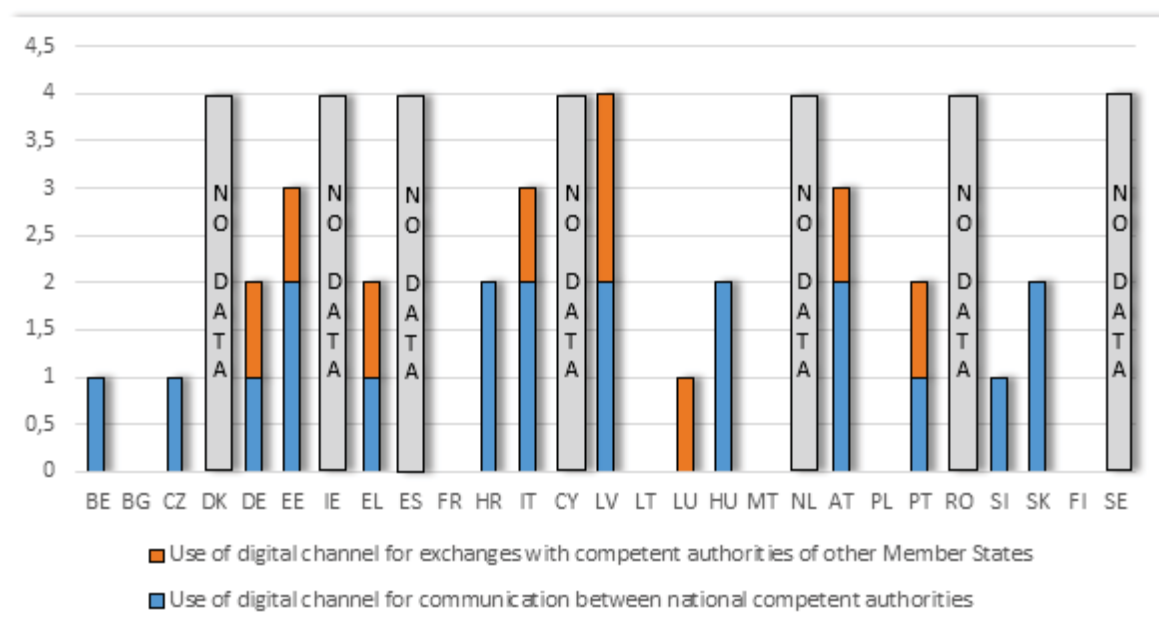
<sup>79</sup> Source: Questionnaire sent to the European Bailiff's Foundation (EUBF).

## 4. State of play - Part II – Digitalisation of EU cross-border cooperation

### 4.1 Use of the digital channel for communication with regard to cross-border civil and commercial matters regulated by EU law

The members of the European Judicial Network in civil and commercial matters (EJN) contributed to the Commission’s digitalisation mapping exercise by responding to a questionnaire on the use of digital communication tools in the context of civil justice cross-border judicial cooperation. The national EJN contact points provided information on digital tools used for cross-border cooperation by national authorities. Representatives from 20 Member States<sup>80</sup> responded to the questionnaire.

Figure 47: Use of the digital channel for exchanges with regard to cross-border civil and commercial cases regulated by EU law<sup>81</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = No digital channels are currently used for communicating with national authorities/authorities of other Member States, 1 = Digital channels are used for certain instruments, 2 = Digital channels are used for all instruments.

Out of the 20 Member States which provided replies to these questions, seven Member States (35%) use digital communication tools for all relevant EU legal instruments when communicating with other competent authorities. Six Member States (30%) use digital communication tools for certain instruments and seven Member States (35%) currently do not use digital tools when communicating with other national competent authorities.

<sup>80</sup> Spain and Romania responded with detailed narrative answers. In consideration of the need to ensure the validity of the presented data, narrative answers were not calculated in values and are therefore not included in the respective figures (47 and 48).

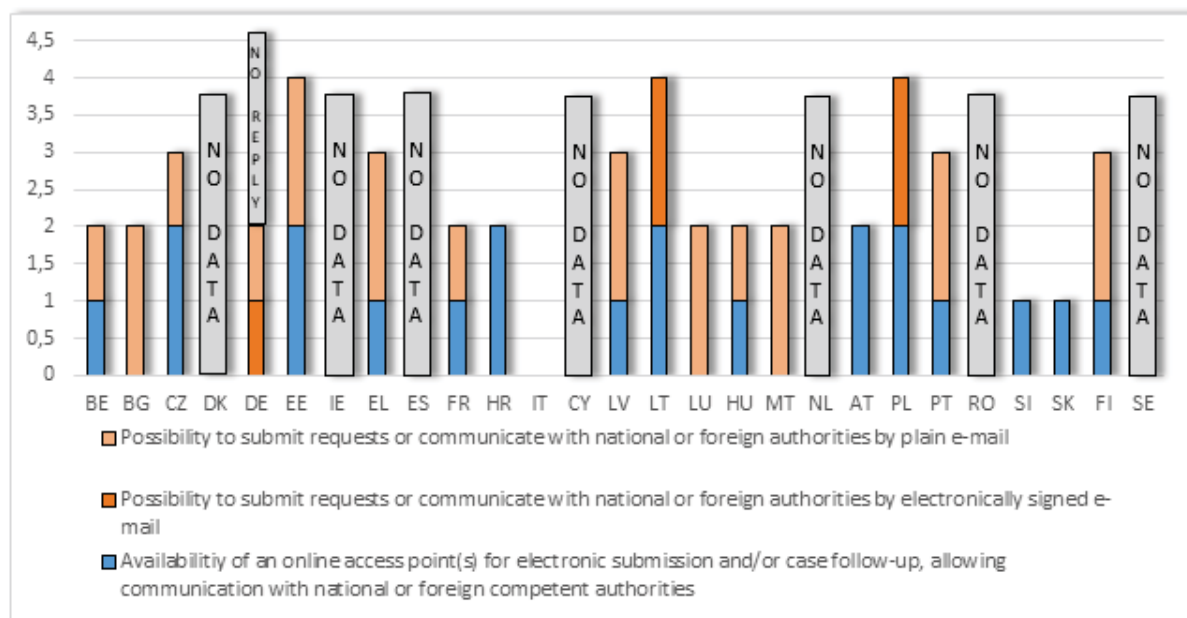
<sup>81</sup> Source: Questionnaire on cross-border cooperation in civil and commercial cases sent to the contact points of the European Judicial Network in civil and commercial matters.

When communicating with the competent authorities of another Member State, one respondent (5%) indicated that a digital channel is used for exchanges on all relevant legal instruments. Seven Member States (35%) use a digital channel for exchanges limited to certain instruments, and 12 Member States (60%) currently do not use any digital channels for communicating with foreign authorities.

#### 4.2 Possibility for citizens and businesses (or their lawyers) to submit requests electronically or to communicate with national or the competent authorities of other Member States in cross-border civil and commercial matters

The EJN contact points were invited to provide information on whether citizens and businesses are able to electronically submit and communicate with national or foreign competent authorities with regard to cross-border civil and commercial cases.

Figure 48: Possibility for citizens and businesses (or their lawyers) to submit electronically requests or to communicate with national or foreign competent authorities in cross-border civil and commercial cases<sup>82</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Communication by e-mail is not allowed at all, 1 = It is possible to communicate by plain or electronically signed e-mail for certain instruments, 2 = Possible to communicate by plain or electronically signed e-mail for all instruments. 0 = No online access point(s) available, 1 = Online access point(s) available for certain instruments, 2 = Online access point(s) available for all instruments.

19 Member States<sup>83</sup> answered to this particular question. Six Member States (32%) provide **online access points allowing electronic submission and/or case follow-up** for all relevant EU cross-border legal instruments available to citizens and businesses (or their appointed legal representatives). Nine Member States (47%) provide such access points limited to

<sup>82</sup> Source: Questionnaire on cross-border cooperation in civil and commercial cases sent to the contact points of the European Judicial Network in civil and commercial matters.

<sup>83</sup> Germany responded with a narrative answer. In consideration of the need to ensure the validity of the presented data, narrative answers were not calculated in values and are therefore not included in the respective figure.



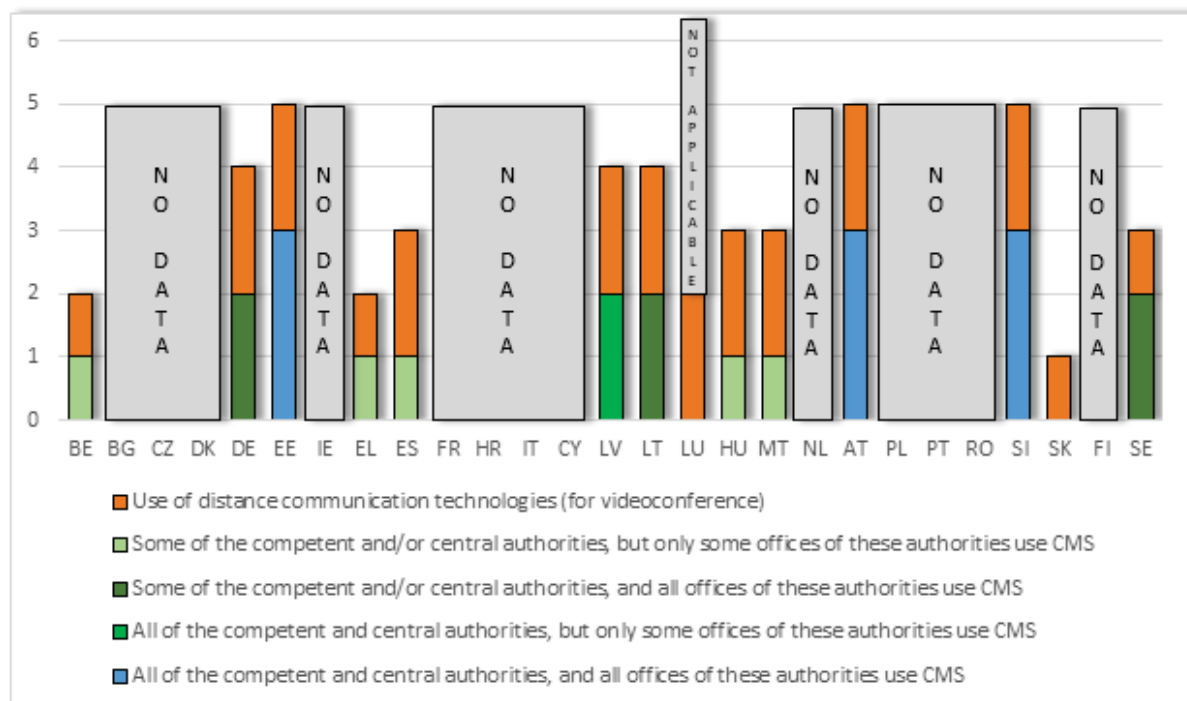
certain instruments, whilst four Member States (21%) currently do not provide any electronic access points to citizens and businesses.

With regard to the possibility to submit requests or otherwise communicate with national or foreign authorities by e-mail, two Member States (10%) allow the use of electronically signed e-mail for communication and electronic submission with regard to all relevant legal instruments. One Member State (5%) allows both plain as well as electronically signed e-mail for certain instruments. In eight Member States (40%), the use of plain e-mail is allowed in this context. Four Member States (20%) allow communication by plain e-mail limited to specific instruments, and five Member States (25%) do not allow at all communication by e-mail with citizens and businesses.

### 4.3 Use of digital tools with regard to cross-border criminal matters regulated by EU law

The Commission sent a questionnaire on the digitalisation in cross-border judicial cooperation in criminal matters to the Permanent Representations of the Member States to the EU. A total of 14 Member States replied to the questionnaire. Part of the questionnaire focused on digital tools at the disposal of Member States' competent authorities. The survey collected data on the use of CMS, distance communication technologies and the identification of technical difficulties when, for instance, conducting hearings via videoconference.

Figure 49: Use of digital tools with regard to cross-border criminal cases<sup>84</sup>



<sup>84</sup> Source: Questionnaire sent to the Permanent Representations of the Member States to the EU on cross-border cooperation in criminal law matters.



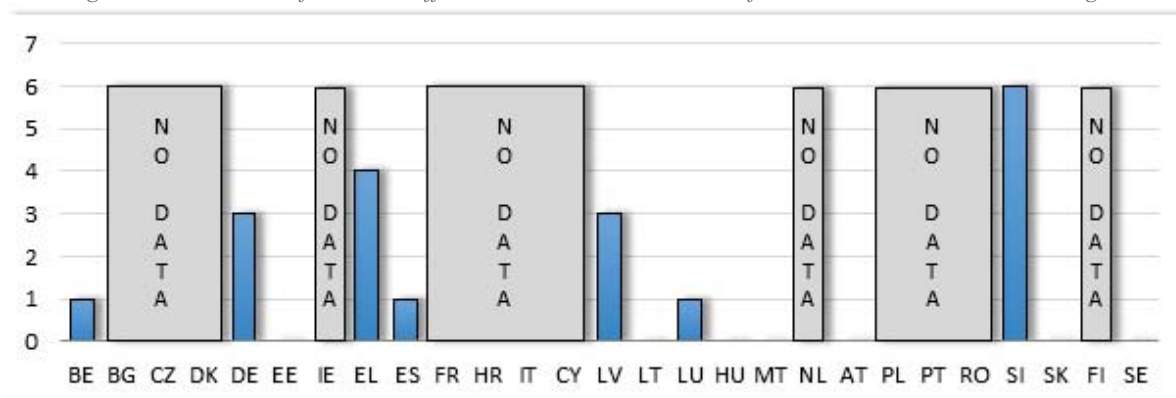
The following values have been assigned to the answers illustrated by the graph: 0 = No distant communication technologies used, 1 = Distance communication technologies are used for some of the EU legal instruments, 2 = Distance communication technologies are used for all EU legal instruments.

0 = None of the competent or central authorities use a CMS, 1 = Certain offices of some of the competent and/or central authorities use a CMS, 2 = Some of the competent and/or central authorities, and all offices of those authorities use a CMS, 2 = All of the competent and central authorities, but only some of their offices use a CMS, 3 = All of the competent and central authorities, and all their offices, use a CMS.

Out of the 14 Member States which provided responses to these questions, three Member States (21%) indicated that, apart from courts and prosecution services, all other competent and central authorities and their offices **use a Case Management System (CMS)**. One Member State (7%) responded that only some offices of their competent and central authorities use a CMS. In three Member States (21%), a CMS is used by all offices of some of the competent and central authorities, whilst five Member States (36%) indicated that a CMS is used by some offices of some of the competent and central authorities. In one Member State (7%), authorities do not use a CMS. One Member State (7%) indicated that the question was not applicable to their particular situation<sup>85</sup>.

**Distance communication technologies, such as videoconferencing**, are used for cross-border criminal cases in 10 Member States (71%) for all relevant EU legal cooperation instruments allowed by national law. In four Member States (29%) distance communication technologies are used for some of the relevant EU legal instruments.

Figure 50: Assessment of technical difficulties encountered in the use of distance communication technologies<sup>86</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = No systematic technical difficulties are encountered, 1 = Reflects the number of the experienced technical difficulties. The total value for this variable is calculated cumulatively.

Out of the 14 Member States which provided replies to this question, seven Member States (50%) responded that their competent authorities have not faced **systematic technical difficulties in the use of distance communication technologies** with regard to cooperation in cross-border criminal matters. On the other hand, two Member States (14%) indicated having encountered one type of problem when using distance communication technologies, while another Member State (7%) faces problems, which are solved in practice. Four Member States (29%) indicated to have experienced multiple types of difficulties, i.e.

<sup>85</sup> Since, according to the reply from Luxembourg: “The prosecutor general of the Grand-Duchy of Luxembourg has always been designated as central authority for legal assistance in criminal matters”.

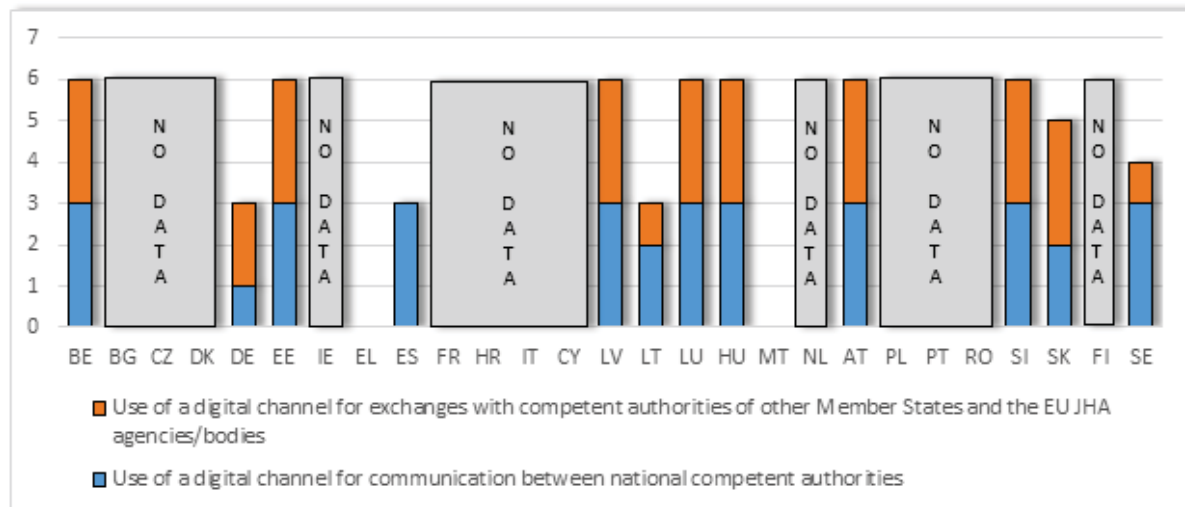
<sup>86</sup> Source: Questionnaire sent to the Permanent Representations of the Member States to the EU on cross-border cooperation in criminal law matters.

problems with interoperability, lack of good quality devices, users not being familiar with the use of different systems and other problems.

#### 4.4 Use of digital channels for communication with regard to cross-border criminal matters regulated by EU law

The questionnaire on digitalisation in cross-border judicial cooperation in criminal matters *inter alia* focused on digital channels used between the competent and central authorities of Member States with regard to procedures regulated by EU law.

Figure 51: Use of digital channels for communication with regard to cross-border criminal matters regulated by EU law<sup>87</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = No use of digital channels for communicating with national authorities, 1 = Use of digital channels only by certain authorities, 2 = Use of digital channels only by certain authorities for all legal instruments, 3 = Use of digital channels for all legal instruments.

0 = No use of digital channels for communicating with the competent and central authorities of another Member States and JHA bodies, 1 = Use for certain EU legal instruments, 3 = Use for all relevant EU legal instruments, 1 = Use for communication with the EU JHA agencies/bodies (Maximum possible score: 4 points).

Out of the 14 Member States which provided responses to these questions, competent authorities of nine Member States (64%) use **digital channels to communicate at national level** for all relevant instruments in cross-border criminal matters. In two Member States (14%) only certain authorities use digital channels to communicate for all relevant instruments. In one Member State (7%) digital channels are only used by certain authorities. Two Member States (14%) currently do not use any digital channels to this end.

Eight Member States (57%) use a **digital channel for exchanges with the competent authorities of other Member States and the EU Justice and Home Affairs (JHA) agencies/bodies** for all relevant EU instruments. One Member State (7%) indicated that the use of digital channels for all or certain relevant instruments as well as for communication

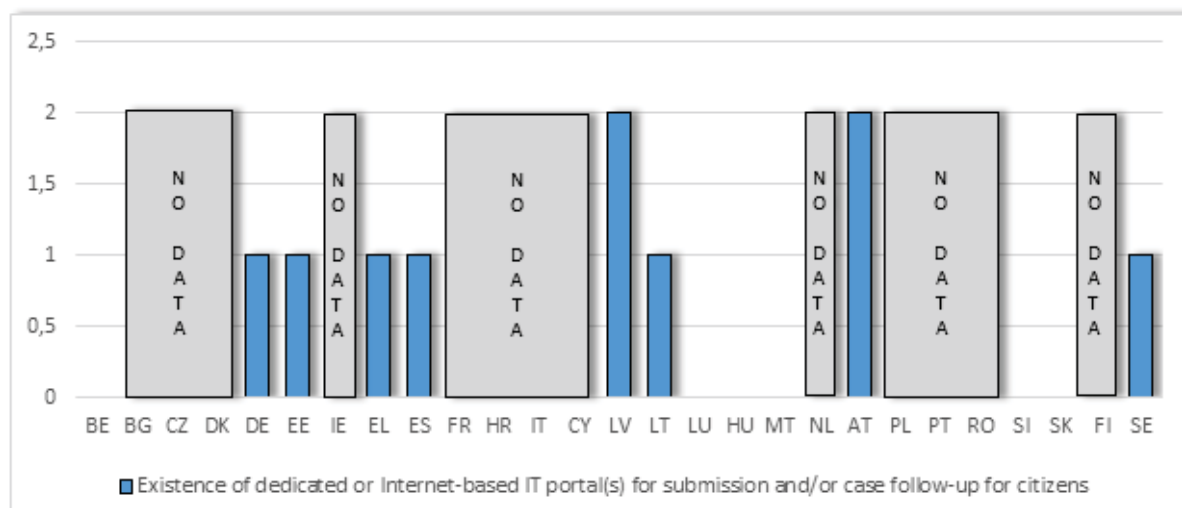
<sup>87</sup> Source: Questionnaire sent to the Permanent Representations of the Member States to the EU on cross-border cooperation in criminal law matters.

with JHA bodies differs due to national specificities<sup>88</sup>. One Member State (7%) uses a digital channel for exchanges for certain EU legal instruments. One Member State (7%) communicates only with the EU JHA bodies/agencies via a digital channel. Three Member States (21%) currently do not use any digital tools to this end.

#### 4.5 Possibility for individuals to contact national or foreign authorities with regard to cross-border criminal matters regulated by EU law

The distribution of the questionnaire on digitalisation in cross-border judicial cooperation in criminal matters further aimed at collecting data on the digital tools available to individuals for contacting national authorities or those of other EU Member States. The following question focuses on whether Internet-based IT portals for electronic submission are available for individuals.

Figure 52: Possibility for individuals to contact national or foreign authorities with regard to cross-border criminal matters regulated by EU law<sup>89</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = IT portal(s) for submission and/or case follow-up for citizens are not available, 1 = IT portal(s) are available but there are certain conditions or limitations, 2 = IT portal(s) are available for certain EU legal instruments, 3 = IT portal(s) are available for all relevant EU legal instruments.

Out of the 14 Member States which provided responses to this question, two Member States (14%) provide Internet-based IT portals for all relevant EU legal instruments available to individuals. Six Member States (43%) provide such IT portals under certain conditions or limitations, whereas six Member States (43%) currently do not provide any such portals.

#### 4.6 Use of the digital channel for exchanges between national prosecution authorities and EU agencies

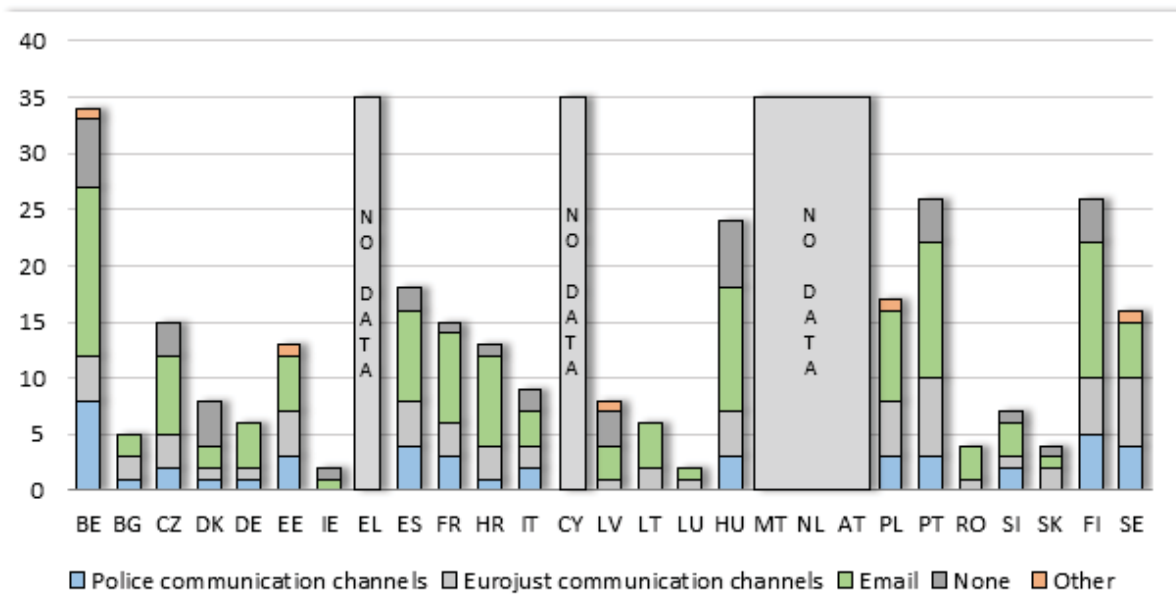
<sup>88</sup> Germany replied that there are 'variations between the "Länder" (states) in Germany due to the federal system'.

<sup>89</sup> Source: Questionnaire sent to the Permanent Representations of the Member States to the EU on cross-border cooperation in criminal law matters.

In the context of the Digital Criminal Justice Study<sup>90</sup> carried out by the Commission, national prosecutors were invited to provide information on the use of digital communication tools for sharing requests and evidence in the context of international judicial cooperation. A total of 171 stakeholders from the justice domain (prosecutors, investigative judges, judges and national Members of Eurojust) from 22 Member States responded to the questionnaire.

It should be noted that the data presented below reflects the views of the varying number of respondents per Member State provided for the purposes of the study. Therefore, it is not necessarily representative of the situation in Member States.

Figure 53: Use of digital channels for exchanges between national prosecution authorities and the EU JHA agencies/bodies<sup>91</sup>



Values have been assigned to the answers illustrated in the graph based on the number of respondents. A value of 1 is assigned to each respondent who indicated to be using one of the identified communication channels (or 'None').

Out of the replies received by 22 Member States, respondents<sup>92</sup> from 16 Member States (73%) indicated to be using police communication channels, Eurojust communication channels, as well as e-mail in the context of cross-border judicial cooperation involving the relevant EU agencies/bodies<sup>93</sup>. In six Member States (27%) the respondents indicated to be using Eurojust communication channels and e-mail. The respondents from 14 Member States (64%) indicated to be using “none” of the mentioned communication channels for exchanges with the EU JHA agencies/bodies.

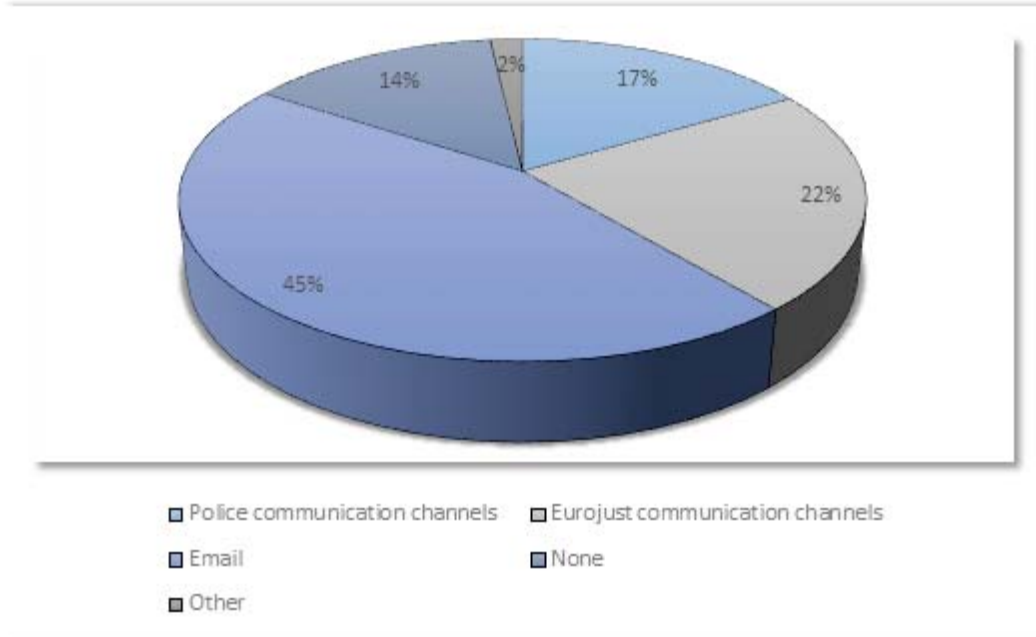
<sup>90</sup> <https://data.europa.eu/doi/10.2838/118529>

<sup>91</sup> Source: Digital Criminal Justice Study.

<sup>92</sup> Prosecutors, investigative judges, judges and national Members of Eurojust, who were contacted and responded to the questionnaire issued in the context of the study.

<sup>93</sup> As part of the Digital Criminal Justice study, inter alia, the following EU JHA agencies and bodies provided input: Eurojust, Europol and the EPPO.

Figure 54: Digital channels for exchanges between national prosecution authorities and EU agencies (percentage)<sup>94</sup>



Percentages are calculated based on the total number of responses and per category.

According to the collected data, 45% of all respondents use e-mail, 22% use Eurojust communication channels, 17% use police communication channels and 2% other digital communication channels for sharing evidence and requests for international judicial cooperation with the relevant EU agencies. 14% of all respondents indicated that they do not use any of the mentioned digital communication channels in this regard.

#### 4.7 Use of the digital tools for cross-border data exchanges between judicial and other competent authorities

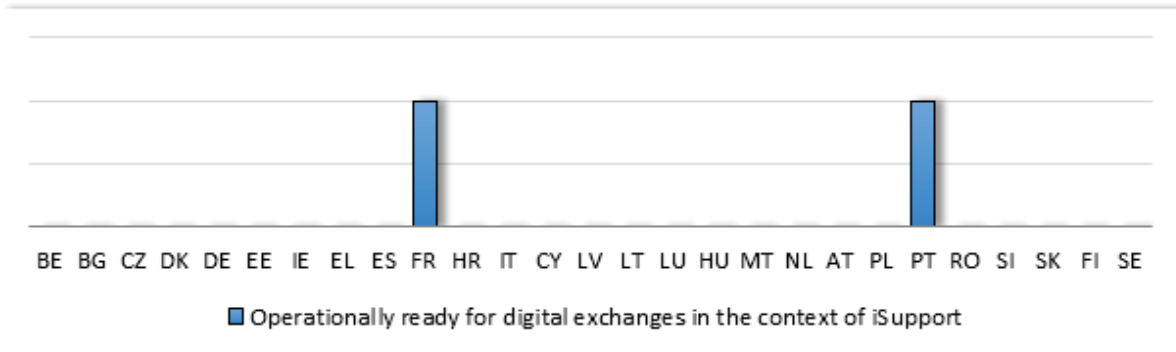
- **Participation in the iSupport secure communication system for the cross-border recovery of maintenance obligations**

*“iSupport, co-ordinated by the Permanent Bureau of the Hague Conference, was born out of the ambition to develop an electronic case management and secure communication system for the cross-border recovery of maintenance obligations under the EU 2009 Maintenance Regulation and the 2007 Hague Child Support Convention. An initial project, supported by a significant European Union action grant, nine Hague Conference Member States and three organisations, resulted in the delivery of the iSupport software. Portugal has been using it in a pilot capacity since the autumn of 2016 and extension to other States is ongoing.”<sup>95</sup>*

<sup>94</sup> Source: Digital Criminal Justice Study.

<sup>95</sup> <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-support/isupport1>

Figure 55: Participation in the iSupport secure communication system for the cross-border recovery of maintenance obligations<sup>96</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Not participating or operationally ready, 1 = Participating and operationally ready.

Two Member States (7%) are operationally ready for digital exchanges in the context of the iSupport system. Work continues, within the framework of the “iSupport PM” project co-financed by the European Union, which should lead to the wider deployment and use of the iSupport system in other EU Member States, as well as in third countries.

- **Participation in the e-Evidence Digital Exchange System (e-EDES)**

The e-Evidence Digital Exchange System (e-EDES) is currently being established further to the 2016 Council Conclusions on improving criminal justice in cyberspace<sup>97</sup>. This initiative has the objective of establishing a digital platform for the exchanges between the competent national authorities under the European Investigation Order Directive (Directive 2014/41/EU)<sup>98</sup> and mutual assistance agreements.

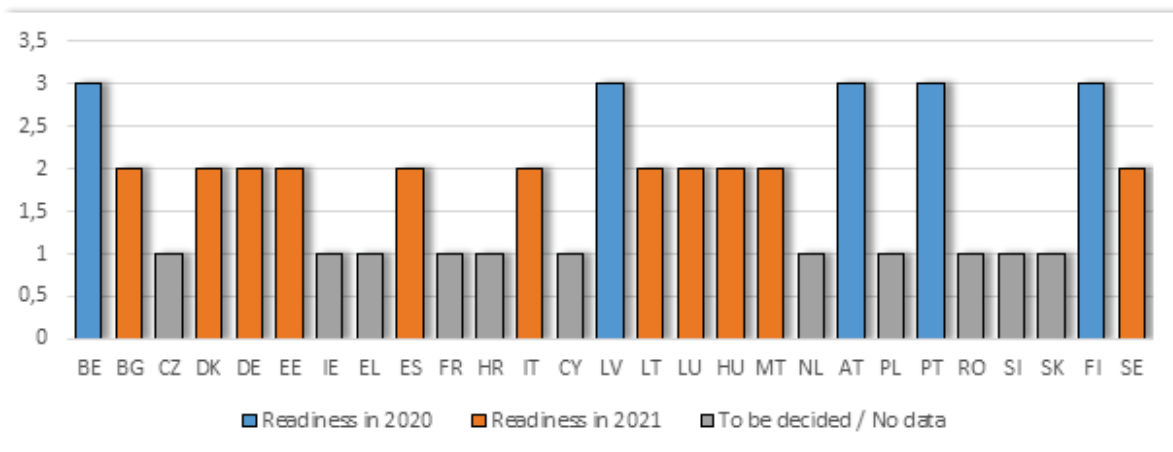
Figure 56: Participation in the e-Evidence Digital Exchange System (e-EDES)<sup>99</sup>

<sup>96</sup> Source: Commission data.

<sup>97</sup> <https://www.consilium.europa.eu/media/24300/cyberspace-en.pdf>

<sup>98</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0041&from=EN>

<sup>99</sup> Source: Commission data.



The following values have been assigned to the answers illustrated by the graph: 1 = To be decided/no data, 2 = Readiness in 2021, 3 = Readiness in 2020.

Five Member States (19%) should be ready to go live by the end of 2020 and 11 Member States (41%) are planning to complete their connection to e-EDES in the course of 2021. The remaining 11 Member States (41%) have not yet communicated their implementation timetables, or their planning is otherwise unknown.

#### 4.8 Participation in EU-level interconnections of registers and databases

Since 2009, a number of initiatives have been already undertaken and completed towards an increased level of interconnection of national databases and registers at the level of the EU. These projects directly support citizens, businesses and legal practitioners in the context of improving access to justice and information flows in the European Single Market.

##### 4.8.1 Tools for easier access to legal professionals

Access to justice entails practical measures facilitating citizens by providing them with the necessary tools for locating legal professionals throughout the EU. Access to such information is especially relevant in the context of ensuring that citizens can easily exercise their rights and companies can seamlessly operate across borders.

The Commission has collaborated with the CCBE, the CNUE, and their individual members, towards the establishment of two such European-level tools. ‘Find a lawyer’ and ‘Find a notary’ are decentralised search engines, which are a product of a voluntary cooperation. The tools are accessible through the European e-Justice Portal.

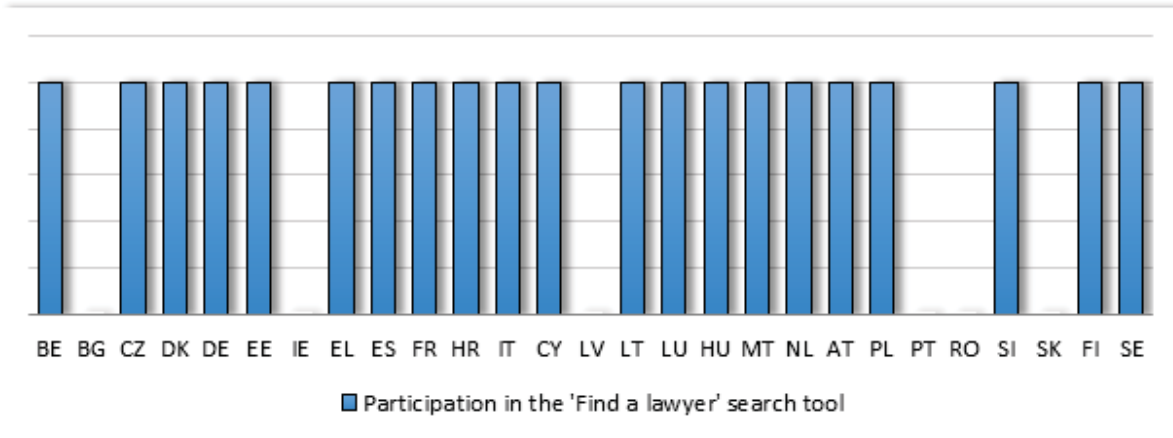
- **Find a lawyer tool (FAL)**

Available on the e-Justice Portal, the search tool ‘Find a lawyer’<sup>100</sup> supports citizens in locating lawyers throughout the EU when confronted with legal disputes or when seeking legal advice or remedy. The search tool works through a real-time interconnection with registers and databases operated by the national bar associations and law societies.

<sup>100</sup> [https://e-justice.europa.eu/content\\_find\\_a\\_lawyer-334-en.do](https://e-justice.europa.eu/content_find_a_lawyer-334-en.do)



Figure 57: Participation in the FAL search engine on the e-Justice Portal<sup>101</sup>



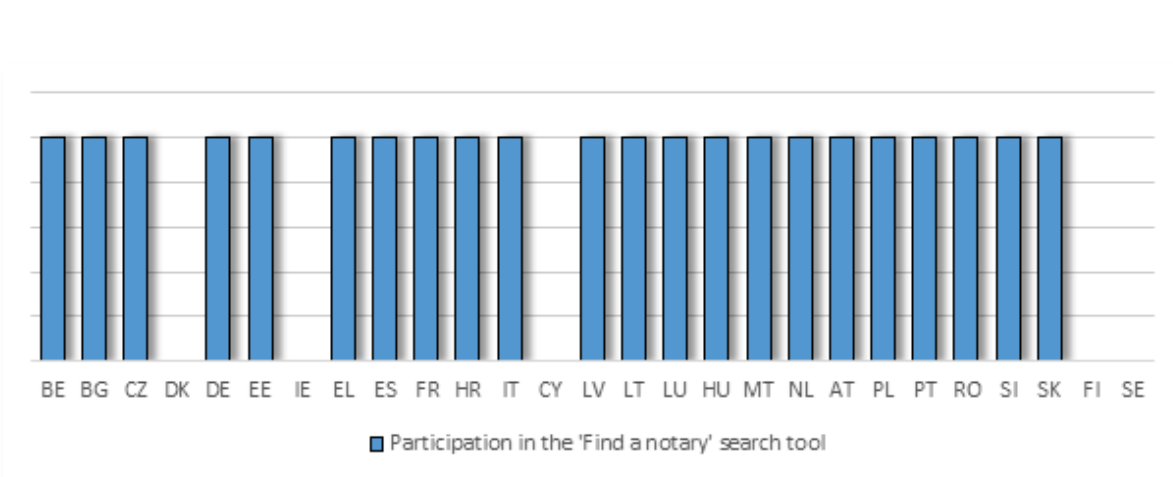
The following values have been assigned to the answers illustrated by the graph: 0 = Member State does not participate, 1 = Member State participates.

The national bar associations and law societies from 21 Member States (78%) have interconnected their registers with the “Find a lawyer” search engine.

- **Find a notary tool (FAN)**

The search tool “Find a notary”<sup>102</sup> supports citizens in locating notaries throughout the EU. The search tool works through a real-time interconnection with the registers of the civil law notarial chambers, members of the CNUE.

Figure 58: Participation in the FAN search engine on the e-Justice Portal<sup>103</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Member State does not participate, 1 = Member State participates.

The national chambers of notariats from 22 Member States (81%) have interconnected their registers with the “Find a notary” search engine.

#### 4.8.2 Business Registers Interconnection System (BRIS)

<sup>101</sup> Source: Commission data.

<sup>102</sup> [https://e-justice.europa.eu/content\\_find\\_a\\_notary-335-en.do](https://e-justice.europa.eu/content_find_a_notary-335-en.do)

<sup>103</sup> Source: Commission data.



The Business Registers Interconnection System (BRIS) was established in line with Directive 2012/17/EU<sup>104</sup> and the Commission Implementing Regulation (EU) 2015/884<sup>105</sup>. As companies have expanded across borders thanks to the EU single market, the BRIS search engine allows citizens to look for and access company information from the national business registers across the EU utilising a uniform search interface available on the e-Justice Portal<sup>106</sup>.

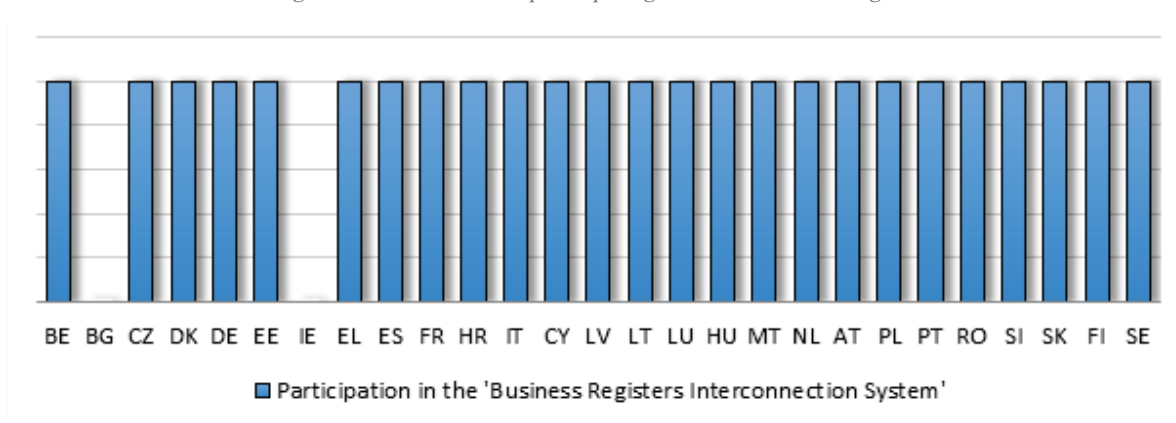
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<sup>104</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0017>

<sup>105</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R0884>

<sup>106</sup> [https://beta.e-justice.europa.eu/489/EN/business\\_registers\\_search\\_for\\_a\\_company\\_in\\_the\\_eu](https://beta.e-justice.europa.eu/489/EN/business_registers_search_for_a_company_in_the_eu)

Figure 59: Member States participating in the BRIS search engine<sup>107</sup>



The following values have been assigned to the answers illustrated by the graph: 0 = Member State does not participate, 1 = Member State participates.

25 Member States (93%) have interconnected their business and company registers with BRIS and the European Access Point search engine available on the e-Justice Portal.

#### 4.8.3 Participation in the European Case Law Identifier (ECLI) Search Engine

The European Case Law Identifier (ECLI) Search Engine<sup>108</sup> facilitates the findability of judicial decisions/judgments from national and European courts and tribunals, which have adopted the ECLI standard<sup>109</sup>. The ECLI standard allows achieving legal and technical semantic interoperability of case law decisions, by introducing a univocal identifier for case law, as well as a standardised set of mandatory and optional metadata.

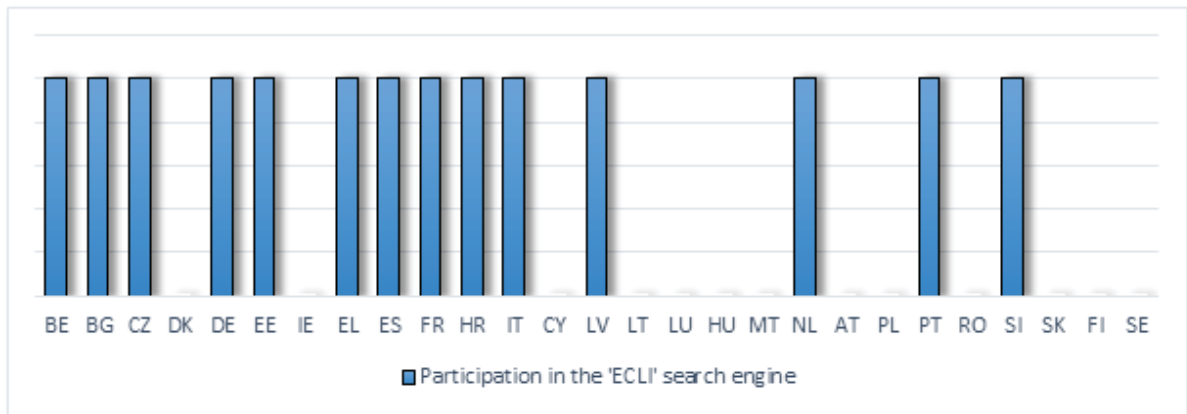
Figure 60: Participation in the ECLI search engine on the e-Justice Portal<sup>110</sup>

<sup>107</sup> Source: Commission data.

<sup>108</sup> [https://e-justice.europa.eu/content\\_ecli\\_search\\_engine-430-en.do](https://e-justice.europa.eu/content_ecli_search_engine-430-en.do)

<sup>109</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019XG1024\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019XG1024(01))

<sup>110</sup> Source: Commission data.



The following values have been assigned to the answers illustrated by the graph: 0 = Member State does not participate, 1 = Member State participates.

National courts from 14 Member States (52%) have interconnected their case law databases and repositories with the ECLI search engine available on the e-Justice Portal<sup>111</sup>.

#### 4.8.4 Insolvency Registers Interconnection System (IRI)

The Insolvency Registers Interconnection (IRI) Search Engine facilitates finding insolvent natural and/or legal persons throughout the EU. The tool allows the general public to search across the national registers of the participating Member States from a single European access point. The project of the original Insolvency Registers Interconnection System (“IRI I”) was implemented further to the European e-Justice Action Plan (2009-2013)<sup>112</sup> as a voluntary initiative.

Article 25 of Regulation 2015/848 on insolvency proceedings<sup>113</sup> requires all Member States to interconnect their national insolvency registers via the European e-Justice Portal<sup>114</sup>. This second project on the interconnection of national insolvency registers is currently ongoing (the “IRI II” project).

Figure 61: Participation in IRI I and IRI II search engines on the e-Justice Portal<sup>115</sup>

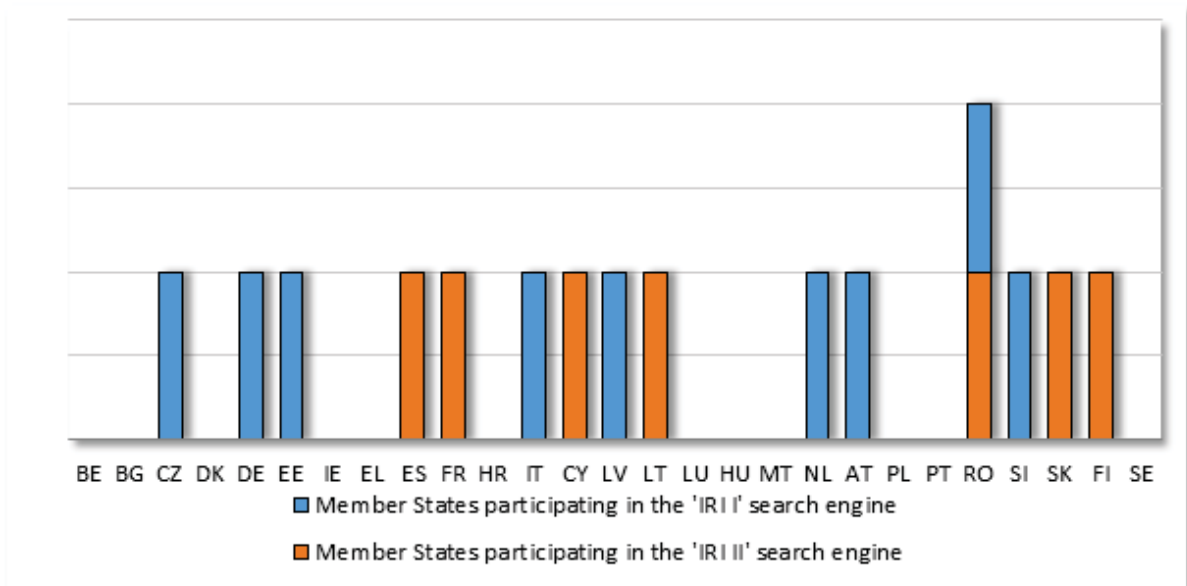
<sup>111</sup> As of September 2020, the ECLI Search Engine provides access to the metadata and the full-texts of 11.8 million judicial decisions.

<sup>112</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52009XG0331\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52009XG0331(01)&from=EN)

<sup>113</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R0848>

<sup>114</sup> By June 2021.

<sup>115</sup> Source: Commission data.



The following values have been assigned to the answers illustrated by the graph: 0 = Member State does not participate, 1 = Member State participates in the IRI I and/or the IRI II project.

Nine Member States (33%) have interconnected their national registers on a voluntary basis, as part of the “IRI I” project.

So far, seven Member States (26%) have successfully finalised integration with the new “IRI II” system, which is currently being developed.

## Annex 1

### Synopsis of the public feedback received on the Roadmap on the “Digitalisation of justice in the EU” Commission initiative

In line with its Better Regulation guidelines, the Commission published a Roadmap outlining an initiative of the Commission for the “Digitalisation of justice in the EU”<sup>116</sup>. The Roadmap described the initiative’s main elements. Stakeholders provided their feedback between 30 July 2020 and 24 September 2020.

The Commission received 33 submissions:

- 8 submissions from NGOs.
- 8 submissions from stakeholders, who categorised themselves as ‘others’.
- 5 submissions from companies/business organisations.
- 5 submissions anonymously.
- 2 submissions from public authorities.
- 2 submissions from EU citizens.
- 2 submissions from business associations.
- 1 submission from an academic/research institution.

The Commission assessed all submissions against the ideas presented in the Roadmap. The length and diversity of issues tackled in the submissions varied considerably. Stakeholders focused on the following aspects of the Roadmap:

- In general, almost all stakeholders welcomed actions to support digitalisation of justice systems in the EU. Digitalisation was considered as a mean to increase **efficiency and access** to justice systems, as the length and complexity of current procedures create different challenges. At the same time, stakeholders considered that further actions on the digitalisation of justice in the EU could be conducted only subject to certain important considerations, as further set out below.
- Stakeholders considered that the **current paper-based** exchange of documents used by justice systems creates challenges. They considered that it both is important to be able to easily submit documents digitally and also to receive information from relevant authorities in digital format.
- In principle, stakeholders were supportive to the increased use of **videoconferencing**. Stakeholders pointed to considerable economic savings by the use of such solutions for hearings. At the same time, stakeholders considered that appropriate safeguards are needed to protect fundamental rights. A party to the procedure or the judge should have the possibility to request a hearing in person. Different views were presented about the use of videoconferencing in criminal justice, either supportive or very cautious (allowing the use of videoconferencing in very limited cases).
- Stakeholders considered that different actions on the digitalisation of justice in the EU need to respect the principle of **subsidiarity**. Stakeholders considered it important that

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<sup>116</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12547-Digitalisation-of-justice-in-the-European-Union->

any action on the digitalisation of justice in the EU should not result in centralised solutions, leading to the creation of pan-European databases. Therefore, decentralised solutions were supported. The issue of **interoperability, as well as recognition of electronic signatures/stamps** between national systems were also raised.

- Stakeholders highlighted that any actions towards the digitalisation of justice should respect **protection of personal data**, the principle of **confidentiality** in relations between a lawyer and his or her client, and also ensure a high-level of security. Appropriate considerations on access to justice by **vulnerable persons** should also be seriously taken into account.
- Certain stakeholders pointed to the need of ensuring the stability of the e-CODEX<sup>117</sup> system.

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<sup>117</sup> e-Justice Communication via Online Data Exchange.