



Brussels, 25 March 2022
(OR. en)

7258/22

**Interinstitutional File:
2020/0345(COD)**

CODEC 302
ECODEX 1
EJUSTICE 37
JUSTCIV 28
JAI 353
COPEN 90
IXIM 52
DATAPROTECT 71
CSC 102
PE 22

INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system), and amending Regulation (EU) 2018/1726
- Outcome of the European Parliament's first reading
(Brussels, 23 to 24 March 2022)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the co-rapporteurs, Emil RADEV (EPP, BG) and Nuno MELO (EPP,PT), presented a compromise amendment (amendment number 71) to the abovementioned proposal for a Regulation on behalf of, respectively, the LIBE and JURI Committees. This amendment had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 24 March 2022, the plenary adopted the compromise amendment (amendment number 71) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

P9_TA(2022)0091

Computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system)

*****I**

European Parliament legislative resolution of 24 March 2022 on the proposal for a regulation of the European Parliament and of the Council on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system), and amending Regulation (EU) 2018/1726 (COM(2020)0712 – C9-0389/2020 – 2020/0345(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0712),
 - having regard to Article 294(2), Article 81(2) and Article 82(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0389/2020),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 27 April 2021¹,
 - having regard to the provisional agreement approved by the committees responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 15 December 2021 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs under Rule 58 of the Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs (A9-0288/2021),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

¹ OJ C 286, 16.7.2021, p. 82.

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 24 March 2022 with a view to the adoption of Regulation (EU) 2022/... of the European Parliament and of the Council on a computerised system for *the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters* (e-CODEX system), and amending Regulation (EU) 2018/1726

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) and Article 82(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C 286, 16.7.2021, p. 82.

² Position of the European Parliament of 24 March 2022.

Whereas:

- (1) Ensuring the effective access of citizens and businesses to justice and facilitating judicial cooperation *in civil, including commercial, and criminal matters* between the Member States are among the main objectives of the *Union's* area of freedom, security and justice enshrined in Part three, Title V of the Treaty *on the Functioning of the European Union (TFEU)*.
- (2) *It is sometimes difficult to access justice systems for a number of reasons such as formalistic and expensive legal procedures, long procedural delays and high costs of using court systems.*
- (3) It is thus important that appropriate channels are developed to ensure that justice systems can efficiently cooperate in a digital way. Therefore, it is essential to establish, at Union level, an information technology system that allows for the swift, direct, interoperable, *sustainable*, reliable and secure cross-border electronic exchange of case-related data, *while always respecting the right to protection of personal data*. Such a system *should contribute to improving access to justice and transparency by* enabling citizens and businesses to exchange documents and evidence in digital form with judicial or other competent authorities, when provided *for by* national or Union *law*. *That system should increase citizens' trust in the Union and mutual trust between Member States' judicial and other competent authorities.*

- (4) *Digitalisation of proceedings in civil and criminal matters should be encouraged with the aim of strengthening the rule of law and fundamental rights guarantees in the Union, particularly by facilitating access to justice.*
- (5) *This Regulation concerns the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters. Judicial cooperation in civil and criminal matters and the respective competences of judicial or other competent authorities should be understood in accordance with Union legal acts and the case law of the Court of Justice of the European Union.*
- (6) Tools which have not replaced or required costly modifications to the existing back-end systems established in the Member States have previously been developed for the *cross-border electronic* exchange of case-related data. The e-Justice Communication via Online Data Exchange (e-CODEX) system is the main such tool developed to date.

- (7) The e-CODEX system is a tool specifically designed to facilitate the cross-border electronic exchange of *data in the area of judicial cooperation in civil and criminal matters*. In the context of increased digitalisation of proceedings in civil and criminal matters, the aim of the e-CODEX system is to improve the efficiency of cross-border communication between competent authorities and to facilitate citizens' and businesses' access to justice. *Until the handover of the e-CODEX system to the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council¹, the e-CODEX system will be managed* by a consortium of Member States and organisations with funding from Union programmes (the 'entity managing the e-CODEX system').
- (8) *The e-CODEX system provides an interoperable solution for the justice sector to connect the IT systems of the competent national authorities, such as the judiciary, or other organisations. The e-CODEX system should therefore be viewed as the preferred solution for an interoperable, secure and decentralised communication network between national IT systems in the area of judicial cooperation in civil and criminal matters.*
- (9) *For the purposes of this Regulation, the electronic exchange of data includes any content transmissible in electronic form by means of the e-CODEX system, such as text or sound, visual or audiovisual recordings, in the form of either structured or unstructured data, files or metadata.*

¹ *Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).*

- (10) *This Regulation does not provide for the mandatory use of the e-CODEX system. At the same time, nothing in this Regulation should prevent Member States from developing and maintaining pilot use cases.*
- (11) The e-CODEX system consists of two software elements: *a gateway* for the exchange of messages with other gateways; and *a connector* ■, which provides a number of functionalities related to the exchange of messages between national IT systems. *Currently, the gateway* is based on a building block of the Connecting Europe Facility maintained by the Commission known as ‘eDelivery’, while the ■ management of the connector is carried out by the entity managing the e-CODEX system. The connector provides functions such as verification of electronic signatures via a security library and proof of delivery. In addition, the entity managing the e-CODEX system has developed *data schemas* for digital forms to be used in the specific civil and criminal procedures for which it has piloted the e-CODEX system.

- (12) Given the importance of the e-CODEX system for cross-border exchanges in the area of judicial cooperation in the Union, the e-CODEX system should be established by means of a sustainable Union legal framework that provides for rules regarding its functioning and development. Such a legal framework should *ensure the protection of fundamental rights as provided for in the Charter of Fundamental Rights of the European Union, especially those enshrined in Title VI thereof, and in particular in Article 47 on the right to an effective remedy and to a fair trial. It should in no way undermine the protection of procedural rights which are essential for the protection of those fundamental rights. It should also* clearly set out and frame the components of the e-CODEX system in order to guarantee its technical sustainability *and security*. The e-CODEX system should establish the IT components of an e-CODEX access point, which should consist of a gateway for the purposes of secure communication with other identified gateways and a connector for the purpose of supporting the exchange of messages. The e-CODEX system should also include digital procedural standards to support the use of e-CODEX access points for legal procedures provided for by Union legal acts adopted in the area of judicial cooperation *in civil and criminal matters* and to enable the exchange of information between the e-CODEX access points.

- (13) *Given that semantic interoperability, as one of the layers of interoperability, should be a contributing factor to achieving this Regulation's objective of setting up a standardised and meaningful interaction between two or more parties, particular consideration should be given to the EU e-Justice Core Vocabulary, which is an asset for reusable semantical terms and definitions used to ensure data consistency and data quality over time and across use cases.*
- (14) Since it is necessary to ensure the long-term sustainability of the e-CODEX system and its governance, while *respecting* the principle of the independence of the judiciary, an appropriate entity for the ■ management of the e-CODEX system should be designated. *The independence of the judiciary, in the context of the governance of the e-CODEX system within that entity, should be ensured.*

- (15) The most appropriate entity for the management of the e-CODEX system is an agency, since its governance structure would allow Member States to be involved in the management of the e-CODEX system by participating in the agency's management board, programme management **board and advisory group**. *eu-LISA* has relevant experience in managing large-scale IT systems. *eu-LISA* should therefore be entrusted with the management of the e-CODEX system. It is also necessary to adjust the existing governance structure of *eu-LISA* by adapting the responsibilities of its Management Board and by establishing an e-CODEX Advisory Group. Regulation (EU) 2018/1726 should therefore be amended accordingly. A specific **e-CODEX** Programme Management Board should also be established, *taking into account gender balance*. *The e-CODEX Programme Management Board should advise eu-LISA's Management Board on the prioritisation of activities, including on developing digital procedural standards, new features and new software versions.*

- (16) In accordance with Article 19 of Regulation (EU) 2018/1726, the functions of eu-LISA's Management Board are, *inter alia*, to ensure that all of eu-LISA's decisions and actions which affect large-scale IT systems in the area of freedom, security and justice respect the principle of independence of the judiciary. eu-LISA's governance structure and financing scheme further guarantee that that principle is respected. *It* is also important to involve the legal *professions, other experts and relevant* stakeholders in the governance of the e-CODEX system through the e-CODEX *Advisory Group and the e-CODEX* Programme Management Board. *The detailed arrangements and conditions as regards the involvement of the legal professions, other experts and relevant stakeholders should allow them to participate effectively and be consulted effectively, namely by ensuring their feedback is duly considered.*
- (17) Given eu-LISA's priority tasks of developing and managing the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), the centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN), the revised Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac, as well as the strategic task of establishing a framework for interoperability between EU information systems, eu-LISA should ■ take over the responsibility for the e-CODEX system *between 1 July 2023 and 31 December 2023.*

- (18) *e-CODEX correspondents should be entitled to request and receive technical support under this Regulation and should support the operation of the e-CODEX system among Member States. The service level requirements for the activities to be carried out by eu-LISA should address the matter of the number of e-CODEX correspondents in Member States and in the Commission, in proportion to the number of the e-CODEX access points authorised by the Member States or by the Commission and to the number of the digital procedural standards which they apply.*
- (19) *The e-CODEX system can be used in cross-border civil and criminal matters. It should be possible to use the e-CODEX system and the components of the e-CODEX system for other purposes outside of the scope of judicial cooperation under national or Union law as long as such use does not impair the use of the e-CODEX system. This Regulation only applies to the cross-border exchange of data between connected systems via authorised e-CODEX access points, in accordance with the corresponding digital procedural standards.*

- (20) eu-LISA should be responsible for the components of the e-CODEX system, except for the management of the *gateway*, since it is currently provided by the Commission on a cross-sectoral basis within eDelivery. eu-LISA should take over full responsibility for the management of the *connector* and the digital procedural standards from the entity managing the e-CODEX system. Given that the *gateway* and the *connector* are integral components of the e-CODEX system, eu-LISA should ensure that the connector is compatible with the latest version of the gateway. To that end, the Commission should include eu-LISA in the *preparatory work undertaken before eu-LISA takes over responsibility for the e-CODEX system and in the* relevant governance body of eDelivery as from the entry into force of this Regulation.

(21) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. The implementing acts adopted in that framework should establish: the minimum technical specifications and standards, including for security *and methods for integrity and authenticity verification*, underpinning the components of the e-CODEX system; the service level requirements for the activities carried out by eu-LISA and other necessary technical specifications for those activities, *including the number of e-CODEX correspondents for the authorised e-CODEX access points, in proportion to the number of authorised e-CODEX access points and to the number of digital procedural standards which they apply*; and the *specific arrangements* for the handover and takeover of the e-CODEX system. Implementing acts *should* also be able to establish digital procedural standards to support the use of the e-CODEX system in the procedures in the area of judicial cooperation *in civil and criminal matters*.

¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (22) *The connector should be able to technically support all types of electronic seals and electronic signatures as provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹. The minimum technical specifications and standards established by the Commission should include security operating standards regarding the connector. The security requirements for the functioning of the connector should take into account standards for information security and existing Union legal acts, such as Regulations (EU) No 910/2014, (EU) 2016/679² and (EU) 2018/1725³ of the European Parliament and of the Council and Directive (EU) 2016/680 of the European Parliament and of the Council⁴.*
- (23) The specific responsibilities of eu-LISA in relation to the management of the e-CODEX system should be laid down.
- (24) *The tasks of eu-LISA should include the addition of new features to the e-CODEX system, if needed. One such new feature should be a feature in the connector allowing for the retrieval of relevant statistical data regarding the number of technical messages sent and received through each authorised e-CODEX access point.*

¹ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁴ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

(25) *At national level, it should be possible for Member States to authorise public authorities or legal persons, such as private companies and organisations representing legal practitioners, to operate e-CODEX access points. The Member States should maintain a list of such authorised e-CODEX access points and notify them to eu-LISA in order to enable them to interact with one another in the context of the relevant procedures. Entities operating authorised e-CODEX access points at national level are to comply with the data protection requirements and principles laid down in Regulation (EU) 2016/679. At Union level, it should be possible for the Commission to authorise Union institutions, bodies, offices or agencies to operate e-CODEX access points. The Commission should maintain a list of such authorised e-CODEX access points and notify them to eu-LISA in order to enable them to interact with one another in the context of the relevant procedures. Entities operating authorised e-CODEX access points at Union level are to comply with the data protection requirements and principles laid down in Regulation (EU) 2018/1725. While eu-LISA should ensure the management of the e-CODEX system, and having regard to the decentralised nature of the e-CODEX system, the responsibility for setting up and operating the authorised e-CODEX access points should lie exclusively with the entities operating the relevant authorised e-CODEX access points. An entity operating an authorised e-CODEX access point should bear the responsibility for any damage resulting from the operation of that authorised e-CODEX access point, in accordance with the applicable law. The Member States and the Commission should verify that entities operating authorised e-CODEX access points have the necessary technical equipment and human resources in order to guarantee that the e-CODEX system functions properly and in a reliable manner. Where those entities do not have the necessary technical equipment and human resources, their authorised e-CODEX access point should lose its authorisation.*

- (26) *Member States should supervise the authorised e-CODEX access points for which they are responsible, in particular when they are operated by entities that are not public authorities. Member States should ensure that adequate data security measures are in place.*
- (27) *Member States should inform the general public about the e-CODEX system by means of a set of large-scale communication channels, including websites and social media platforms.*
- (28) *While it is for each Member State to determine the digital procedural standards which each e-CODEX access point it has authorised is entitled to apply, each Member State should nevertheless ensure that all the digital procedural standards adopted by means of implementing acts under this Regulation apply in their territory.*

- (29) *A mechanism should be put in place* to monitor the *impact* of instruments that enable the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal *matters* in the Union. The *entities operating* authorised e-CODEX access points should therefore be able to systematically collect and maintain comprehensive data on the use of *the e-CODEX system*. That should not only alleviate the work of the Member States in collecting the relevant data and ensure mutual accountability and transparency, but also significantly facilitate the *ex-post* monitoring by the Commission of the Union legal acts adopted in the area of judicial cooperation in civil and criminal matters. The information collected should only encompass aggregated data and should not constitute personal data.
- (30) *When providing technical support to e-CODEX correspondents in relation to the e-CODEX system, eu-LISA should act as a single point of contact, including for the purposes of the gateway.*

(31) eu-LISA should maintain a high level of security when carrying out its tasks. When undertaking further technical evolutions of software *or developing upgrades*, eu-LISA should implement the principles of security by design and data protection by design and by default, in accordance with Regulation (EU) 2018/1725. An entity operating an authorised e-CODEX access point should bear the responsibility for the security *and protection* of the data transmitted via its authorised e-CODEX access point.

I

(32) *Classified information, as defined in Article 2 of the Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union¹, should not be transmitted via the e-CODEX system, unless the relevant conditions provided for in that Agreement, in other Union legal acts and in national law are fulfilled.*

¹ OJ C 202, 8.7.2011, p. 13.

(33) In order to allow eu-LISA to prepare adequately for the takeover of the e-CODEX system, the entity managing the e-CODEX system should submit by 31 December 2022 a handover document setting out the detailed arrangements for the transfer of the e-CODEX system, including the criteria for a successful handover process and for the successful completion of that process, in accordance with implementing acts adopted by the Commission pursuant to this Regulation. The handover document should cover the components of the e-CODEX system, including the gateway, the connector and the digital procedural standards, as well as the relevant supporting *software* products, *documentation and other assets*. The Commission should monitor the handover and takeover process in order to ensure that it complies with the implementing acts adopted pursuant to this Regulation and the handover document. The takeover should only take place once the Commission has declared that the process has been successfully completed, *after consulting the entity managing the e-CODEX system and eu-LISA*. After submitting the handover document and until the successful handover of the e-CODEX system to eu-LISA, the entity managing the e-CODEX system should not *make changes to the e-CODEX system or* deliver any new *software* release *other than for the purpose of carrying out* corrective maintenance of the e-CODEX system .

- (34) As part of the handover of the e-CODEX system to eu-LISA, it should be ensured that any intellectual property rights or usage rights relating to the e-CODEX system and the relevant supporting software products, documentation and other assets are transferred to eu-LISA so as to enable it to carry out its responsibilities under this Regulation. However, for the main software components of the e-CODEX system, a contractual transfer is not needed because those ■ software components are open source and covered by the European Union Public Licence.
- (35) In order for the Commission to be able to evaluate the e-CODEX system on a regular basis, eu-LISA should report to the Commission every two years on the technical evolution and the technical functioning of the e-CODEX system. In order to feed into that report, Member States should provide eu-LISA with the relevant information concerning the authorised e-CODEX access points *for the connected systems* in their *territory*, and the Commission should provide relevant information concerning the authorised e-CODEX access points operated by Union institutions, bodies, offices and agencies.
- (36) *The e-CODEX Advisory Group should provide eu-LISA with the necessary expertise related to the e-CODEX system, in particular by promoting the exchange of experiences and best practices. It should be possible for the e-CODEX Advisory Group to be involved in the development of new digital procedural standards, including those launched at the initiative of Member States.*

- (37) *The term of office of the members of the e-CODEX Programme Management Board and their alternates should be renewable. Due consideration should be given to the representation of different Member States on the e-CODEX Programme Management Board, which is to be promoted whenever possible so as to ensure that all Member States are represented on the e-CODEX Programme Management Board over time.*
- (38) *When carrying out its duties, the e-CODEX Programme Management Board should ensure that all measures taken by eu-LISA regarding the e-CODEX system, either technical, for example measures concerning infrastructure, data management and data separation, or organisational, for example measures concerning key personnel and other human resources, are in accordance with the principle of the independence of the judiciary.*
- (39) *In order to enable the European Parliament and the Council to assess the success of the transfer of the e-CODEX system and how well the e-CODEX system functions in general, the Commission should regularly produce overall evaluations of the e-CODEX system. The Commission should prepare the first such evaluation three years after eu-LISA takes over responsibility for the e-CODEX system and every four years thereafter.*

- (40) *Sufficient resources should be provided to eu-LISA in order to ensure that it is able to adequately carry out its new tasks as set out in this Regulation. The resources committed to the operation of the e-CODEX system in accordance with this Regulation should not be used for any other purpose.*
- (41) *As regards the costs incurred in the performance of tasks laid down by this Regulation, nothing in this Regulation should prevent Member States from applying for funding from Union financing programmes for the implementation of the e-CODEX system at national level.*
- (42) *Insofar as permitted by national law, nothing in this Regulation prevents the submission of information to eu-LISA in an automated way, in particular the notifications provided for in this Regulation.*

- (43) This Regulation *does* not provide any specific legal basis for the processing of personal data. Any processing of personal data under this Regulation should be in accordance with the applicable data protection rules. Regulation (EU) 2016/679 *and Directives 2002/58/EC¹ and (EU) 2016/680 of the European Parliament and the Council* apply to the processing of personal data carried out by entities operating authorised e-CODEX access points which are established within the *territory* of the Member States in accordance with this Regulation.
- (44) Regulation (EU) 2018/1725 applies to the processing of personal data carried out by Union institutions, bodies, *offices* and agencies under this Regulation.

¹ *Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).*

- (45) *It should be possible for international organisations or their subordinate bodies, governed by public international law, or other relevant entities or bodies, which are set up by, or on the basis of, an agreement between two or more countries, to participate in the e-CODEX system as relevant stakeholders after its operational management has been entrusted to eu-LISA. To that end, and in order to ensure the effective, standardised and secure operation of the e-CODEX system, it should be possible for eu-LISA to conclude working arrangements with those organisations, bodies and entities pursuant to Regulation (EU) 2018/1726.*
- (46) *Since the objectives of this Regulation, namely the establishment of the e-CODEX system at Union level and the entrusting of the system's management to eu-LISA, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.*

- (47) *The Commission should study the feasibility of allowing third countries to participate in the e-CODEX system and, if necessary, present a legislative proposal to allow for such participation and to lay down rules and protocols to that end.*
- (48) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (49) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

- (50) *eu-LISA's seat was established in Tallinn, Estonia. In view of its specific nature and characteristics, it was considered appropriate to develop and operationally manage the e-CODEX system in Tallinn, Estonia.*
- (51) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 26 January 2021,

HAVE ADOPTED THIS REGULATION:

Chapter 1 General Provisions

Article 1 Subject matter

1. This Regulation establishes *the legal framework for the* e-CODEX system.
2. This Regulation lays down rules on the following:
 - (a) the definition, composition, *functions and management* of the e-CODEX system;
 - (b) the *responsibilities of* the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) *regarding the e-CODEX system*;
 - (c) the responsibilities of the Commission, Member States and the entities operating authorised e-CODEX access points;
 - (d) *the legal framework for the security of the e-CODEX system*.

Article 2

Scope

This Regulation applies to the cross-border electronic *exchange* of *data* in the area of *judicial cooperation in* civil and criminal *matters* by means of the e- CODEX system in accordance with the *Union* legal acts adopted in that area.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) *'e-CODEX system' (e-Justice Communication via Online Data Exchange system) means a decentralised and interoperable system for cross-border communication for the purpose of facilitating the electronic exchange of data, which includes any content transmissible in electronic form, in a swift, secure and reliable manner in the area of judicial cooperation in civil and criminal matters;*
- (2) *' e-CODEX access point' means the software packages installed on hardware infrastructure which are able to transmit information to and receive information from other e-CODEX access points in a secure and reliable manner;*

- (3) ‘authorised e-CODEX access point’ means an e-CODEX access point which has been ***authorised by the Commission or a Member State*** and notified to eu-LISA in accordance with Article 6(4) or Article 8(1) and which applies ***at least one*** digital procedural standard;
- (4) ‘entity operating an authorised e-CODEX access point’ means ■ a national public authority or legal person ***authorised under national law or a Union institution, body, office or agency*** which operates an authorised e-CODEX access point;
- (5) ‘***e-CODEX correspondent***’ means ***a natural person, designated by a Member State or the Commission, who can request and receive technical support as referred to in Article 7(1), point (f), from eu-LISA concerning all the components of the e-CODEX system in accordance with Article 7(3);***
- (6) ‘connected system’ means an IT system which is connected to an e-CODEX access point for the purpose of ***exchanging data*** with other ***such IT systems***;

- (7) ‘central testing platform’ means a **component** of the e-CODEX **system**, used exclusively for testing, which provides a set of functions which can be used by entities operating authorised e-CODEX access points to verify whether their authorised e-CODEX access points are correctly operating and whether the digital procedural standards in the connected systems **associated with those** authorised e-CODEX access points are correctly being used;
- (8) ‘business process model’ means a graphical and textual representation of a conceptual model of several related, structured activities or tasks, along with the relevant data models, and the sequence in which the activities or tasks have to be performed in order to achieve a **standardised and** meaningful interaction between two or more parties;

■

- (9) **‘digital procedural standard’ means the technical specifications for business process models and data schemas which set out the electronic structure of the data exchanged through the e-CODEX system based on the EU e-Justice Core Vocabulary.**

Article 4

Non-discrimination and respect for fundamental rights

The fundamental rights and freedoms of all persons affected by the electronic exchange of data through the e-CODEX system, in particular the right to effective access to justice, the right to a fair trial, the principle of non-discrimination, the right to the protection of personal data and the right to privacy, shall be fully respected in accordance with Union law.

Chapter 2

Composition, functions and responsibilities in relation to the e-CODEX system

Article 5

Composition of the e-CODEX system

1. The e-CODEX system shall be composed of:
 - (a) an e-CODEX access point **■** ;
 - (b) digital procedural standards; *and*
 - (c) *the supporting software products, documentation and other assets listed in the Annex.*

2. e-CODEX access points shall be composed of:
- (a) a gateway consisting of software, based on a common set of protocols, enabling the secure exchange of information over a telecommunications network with other gateways using the same common set of protocols;
 - (b) a connector, making it possible to link connected systems to the gateway referred to in point (a), consisting of software, based on a common set of open protocols, enabling the following:
 - (i) the structuring, logging and linking of messages;
 - (ii) the verification of the integrity and authenticity of messages;
 - (iii) the creation of time-linked evidence of receipt for exchanged messages.

█

Article 6

Responsibilities of the Commission

1. By 31 December 2022, the Commission shall establish, by means of implementing acts:
 - (a) the minimum technical specifications and standards, including for security *and methods for integrity and authenticity verification*, underpinning the components of the e-CODEX system referred to in Article 5;
 - (b) the service level requirements for the activities to be carried out by eu-LISA referred to in Article 7 and other necessary technical specifications for those activities, *including the number of e-CODEX correspondents*;
 - (c) the specific arrangements for the handover and takeover process referred to in Article 10.

2. The Commission may adopt, *by means of implementing acts*, digital procedural standards, *unless the adoption of digital procedural standards is provided for in other Union legal acts in the area of judicial cooperation in civil and criminal matters*.

3. The implementing acts referred to in paragraphs 1 and 2 of this Article shall be adopted in accordance with the examination procedure referred to in Article **19(2)**.
4. The Commission shall maintain a list of authorised e-CODEX access points which are operated by Union institutions, bodies, *offices* and agencies and of the *digital procedural standards* which each of those authorised e-CODEX access points applies. The Commission shall notify that list and any changes thereto to eu-LISA without delay **■** .
5. The Commission shall designate *a number of* e-CODEX correspondents *in proportion to the number of e-CODEX access points which it has authorised and to the number of digital procedural standards which those authorised e-CODEX access points apply*. Only *those* e-CODEX correspondents shall be entitled to request and receive technical support as referred to in Article **7(1)**, point (f), **■** in relation to the e-CODEX system operated by Union institutions, bodies, *offices* and agencies, *under the terms set out in implementing acts adopted pursuant to paragraph 1, point (b), of this Article*. The Commission shall notify a list of the e-CODEX correspondents it has designated and any changes thereto to eu-LISA.

Article 7

Responsibilities of eu-LISA

1. eu-LISA shall be responsible for ■ the components of the e-CODEX system referred to in Article 5, *with the exception of the gateway, and, in particular, for the following tasks:*

■

- (a) developing, maintaining, *fixing bugs in and updating, including as regards security*, software products *and other assets* and distributing them to the *entities operating* authorised e- CODEX access points;
- (b) *preparing*, maintaining and *updating the* documentation relating to the components of the e-CODEX system, its supporting software products *and other assets, and* distributing that documentation *to the entities operating authorised e-CODEX access points;*
- (c) developing, maintaining and updating a configuration file containing an exhaustive list of authorised e-CODEX access points, including the *digital procedural standards which* each of *those* authorised e-CODEX access points applies, and distributing it to the *entities operating* authorised e-CODEX access points;

- (d) making technical changes ■ and adding new features, published as new *software* versions ■, to the e-CODEX system in order to respond to emerging requirements, *such as* those resulting from the implementing acts referred to in Article 6(2), or where requested by ■ the e-CODEX Advisory Group;
- (e) supporting and coordinating testing activities, including connectivity, involving the authorised e-CODEX access points;
- (f) providing technical support for the e-CODEX correspondents in relation to the e-CODEX system;
- (g) *developing, deploying, maintaining and updating* the *digital procedural standards* and distributing them to the *entities operating* authorised e-CODEX access points;
- (h) publishing on its website a list of the authorised e-CODEX access points which have been notified to it and the *digital procedural standards which* each of *those* authorised e-CODEX access points applies;
- (i) responding to requests for technical advice and support from the Commission services in the context of the preparation of the implementing acts referred to in Article 6(2);

- (j) *evaluating the need for, and assessing and preparing, new digital procedural standards*, including by organising and facilitating workshops with the e-CODEX correspondents;
- (k) *developing, maintaining and updating the EU e-Justice Core Vocabulary on which the digital procedural standards are based*;
- (l) *developing and distributing security operating standards, as provided for in Article 11*;
- (m) *providing training, including to all relevant stakeholders, on the technical use of the e-CODEX system in accordance with Regulation (EU) 2018/1726, including providing online training materials*.

2. eu-LISA shall be responsible for the following additional tasks:

- (a) providing, operating and maintaining the hardware and software IT infrastructure in its technical sites necessary for carrying out its tasks;

- (b) providing, operating and maintaining a central testing platform, *while ensuring the integrity and availability of the rest of the e-CODEX system*;
 - (c) informing the general public ■ about the e-CODEX system by means of a set of large-scale communication channels, *including* websites or social media platforms;
 - (d) preparing, updating and distributing online non-technical information relating to the e-CODEX system and the activities it carries out.
3. *For the purposes of point (f) of paragraph 1*, eu-LISA shall make resources available on an on-call basis during business hours to provide *e-CODEX correspondents with* a single point of contact *for technical support, including for the gateway*.

Article 8

Responsibilities of the Member States

1. Member States ***shall authorise e-CODEX access points for the connected systems in their territory in accordance with applicable national and Union law. Member States shall maintain a list of those authorised e-CODEX access points and of the digital procedural standards which each authorised e-CODEX access point applies. Member States shall notify that list and any changes thereto to eu-LISA without delay. Member States shall supervise their authorised e-CODEX access points, ensuring that the conditions under which authorisation was granted are continuously met. Member States shall not operate their authorised e-CODEX access points in third countries.***
2. Each Member State shall designate ***a number of e-CODEX correspondents in proportion to the number of e-CODEX access points which it has authorised and to the number of digital procedural standards which those authorised e-CODEX access points apply.*** Only those ***e-CODEX*** correspondents shall be entitled to request and receive **■** technical support ***as referred to in Article 7(1), point (f), under the terms set out in implementing acts adopted pursuant to Article 6(1), point (b).*** Each Member State shall notify a list of the ***e-CODEX correspondents it has designated and any changes thereto to eu-LISA.***

Article 9

Responsibilities of entities operating authorised e-CODEX access points

1. An entity operating an authorised e-CODEX access point shall be responsible for *setting it up securely and operating it securely. That* responsibility shall include the necessary adaptations to the connector referred to in Article 5(2), point (b), to make it compatible with any connected systems **■** .
2. An entity operating an authorised e-CODEX access point shall provide *the Member State which has authorised the e-CODEX access point with the statistical data set out in Article 15(1) and in* the relevant *Union* legal acts *adopted in the area of judicial cooperation in civil and criminal matters*.
3. The responsibility for any damage resulting from the operation of an authorised e-CODEX access point and any connected systems shall be borne, *on the basis of the applicable law*, by the entity operating that authorised e-CODEX access point.

Article 10

Handover and takeover

1. The entity managing the e-CODEX system shall, by 31 December 2022, submit a common handover document to eu-LISA specifying the detailed arrangements for the transfer of the e-CODEX system, including the criteria for a successful handover process and for the successful completion of that process and related documentation, as established by the implementing acts *adopted* pursuant to Article 6(1), point (c). ***The handover document shall also include*** provisions on intellectual property rights or usage rights relating to the e-CODEX system and the supporting software ***products, documentation and other assets*** listed in the Annex, enabling eu-LISA to carry out its responsibilities in accordance with Article 7.
2. ***Within the six-month period following*** the delivery of the handover document referred to in paragraph 1, a handover and takeover process shall take place between the entity managing the e-CODEX system and eu-LISA. ***Until the handover,*** the entity managing the e-CODEX system shall retain full responsibility for ***it*** and shall ensure that ***no*** changes to the e-CODEX system ***are made and*** that no new software release ***is delivered other than for the purpose of carrying out corrective maintenance*** of the **■** e-CODEX system.

3. The Commission shall monitor the handover and takeover process in order to ensure that the detailed arrangements for the transfer of the e-CODEX system are correctly implemented by the entity managing the e-CODEX system and by eu-LISA, on the basis of the criteria referred to in paragraph 1. ***The Commission shall update the European Parliament and the Council by 31 July 2023 on the handover and takeover process.***

4. eu-LISA shall take over responsibility for the e-CODEX system on the date on which the Commission ***declares*** the successful completion of the handover and takeover process, ***between 1 July 2023 and 31 December 2023, after consulting the entity managing the e-CODEX system and eu-LISA.***

Article 11

Security

1. After the successful takeover of the e-CODEX system, eu-LISA shall be responsible for maintaining a high level of security when carrying out its tasks, including the security of the hardware and software IT infrastructure referred to in Article 7(2). In particular, eu-LISA shall establish and maintain an e-CODEX security plan and ensure that the e-CODEX system is operated in accordance with that security plan, taking into account the classification of the information processed in the e-CODEX system and eu-LISA's information security rules. The security plan shall provide for regular security inspections and audits, including software security assessments, of the e-CODEX system with the participation of the entities operating authorised e-CODEX access points.
2. When carrying out its responsibilities, eu-LISA shall implement the principles of security by design and data protection by design and by default. ■
3. Entities operating authorised e-CODEX access points shall have the exclusive responsibility for *setting them up securely and operating them securely*, including for the security of data transmitted through them, *taking into consideration the technical standards set out in the implementing acts adopted pursuant to Article 6(1), point (a), and the security rules and guidance referred to in paragraph 6 of this Article.*

4. *Entities operating authorised e-CODEX access points* shall notify, without delay, any security *incident* to eu-LISA and, in the case of authorised e-CODEX access points operated by a national public authority or legal person *authorised under national law*, to the Member State that maintains the list on which those authorised e-CODEX access points are listed or, in the case of authorised e-CODEX access points operated by a Union institution, body, *office* or agency, to the Commission.
5. *Where eu-LISA detects any vulnerabilities or security incidents or on receipt of a notification of a security incident as provided for in paragraph 4, eu-LISA shall analyse the security incident and inform the entities operating authorised e-CODEX access points impacted by it and the e-CODEX Advisory Group without delay.*
6. eu-LISA shall develop security rules and guidance regarding authorised e-CODEX access points. Entities operating authorised e-CODEX access points shall provide eu-LISA with statements proving their compliance with the **■** security *rules* regarding authorised e-CODEX access points. Those statements shall be updated on a yearly basis or whenever a change is otherwise required.

Article 12
e-CODEX Advisory Group

1. As from 1 January 2023, the e-CODEX Advisory Group, established pursuant to Article 27(1), point (dc), of Regulation (EU) 2018/1726, shall provide eu-LISA with the necessary expertise related to the e-CODEX system, in particular in the context of the preparation of its annual work programme and its annual activity report **■**. The e-CODEX Advisory Group *may set up sub-groups, composed of some of its members, for the purpose of examining specific matters, including specific digital procedural standards.*

2. *The e-CODEX Advisory Group shall, in particular:*
 - (a) *follow up on the state of implementation of the e-CODEX system in the Member States;*

 - (b) *evaluate the need for, and assess and prepare, new digital procedural standards;*

 - (c) *promote knowledge sharing;*

(d) *monitor eu-LISA's compliance with the service level requirements set out in the implementing act adopted pursuant to Article 6(1), point (b);*

(e) *provide an opinion on a draft version of the report referred to in Article 16.*

3. During the handover and takeover process referred to in Article 10, the e-CODEX Advisory Group shall meet regularly, at least every second month until the handover and takeover process is successfully completed *and at least every six months thereafter*.
4. The e-CODEX Advisory Group shall report after each meeting to the e-CODEX Programme Management Board. The e-CODEX Advisory Group shall provide technical expertise to support the tasks of the e-CODEX Programme Management Board ■ .
5. The e-CODEX Advisory Group shall involve *relevant stakeholders and experts* in its work, *including members of the judiciary, legal practitioners and* professional organisations ■ , which *are affected by, use, or participate in* the e-CODEX system ■ .

Article 13

e-CODEX Programme Management Board

1. By 1 January 2023, eu-LISA's Management Board shall establish **a permanent** e-CODEX Programme Management Board.

The e-CODEX Programme Management Board shall:

- (a) ***advise eu-LISA's Management Board on the long-term sustainability of the e-CODEX system, in particular during the handover and takeover process referred to in Article 10, with regard to the prioritisation of activities, and other strategic commitments;***
- (b) ***ensure the adequate management of the e-CODEX system; and***
- (c) ***monitor respect for the principle of the independence of the judiciary and prompt preventive or corrective action, where necessary.***

The e-CODEX Programme Management Board shall not have a mandate to represent the members of eu-LISA's Management Board.

2. The e-CODEX Programme Management Board shall be composed of the following ***ten members:***

- (a) the chairperson of the e-CODEX Advisory Group referred to in Article 12;
- (b) ***eight members appointed by eu-LISA's Management Board;*** and
- (c) one member appointed by the Commission.

Each member of the e-CODEX Programme Management Board shall have an alternate. eu-LISA's Management Board shall ensure that the members ***of*** the e-CODEX Programme Management Board ***and the alternates which it appoints*** have the necessary experience, ***including in the field of justice,*** and expertise regarding the ***performance of their tasks.***

3. ***The term of office of the members of the e-CODEX Programme Management Board and their alternates shall be four years and shall be renewable.***
4. eu-LISA shall participate in the work of the e-CODEX Programme Management Board. To that end, ***one representative*** of eu-LISA shall attend the meetings of the e-CODEX Programme Management Board in order to report on work regarding the e-CODEX system and on any other related work and activities.
5. The e-CODEX Programme Management Board shall meet at least once every ***six*** months and more often when necessary. ■ The e-CODEX Programme Management Board shall submit written reports regularly, and ***at least after every meeting***, to eu-LISA's Management Board on the ***status and*** progress of the ***e-CODEX system***.
6. The e-CODEX Programme Management Board shall establish its rules of procedure, which shall include, in particular, rules on:
 - (a) the choice of the ***chairperson and of the deputy chairperson and their terms of office***;

- (b) meeting venues;
- (c) the preparation of meetings;
- (d) the admission of *stakeholders and* experts to meetings, including *members of the judiciary, legal practitioners, and* professional *organisations which are affected by, use, or participate* in the e-CODEX system;
- (e) communication plans ensuring that members of eu-LISA's Management Board who are not members of the e-CODEX Programme Management Board are kept fully informed of the work of the e-CODEX Programme Management Board.

- 7. *Article 21(1) of Regulation (EU) 2018/1726 shall apply mutatis mutandis as regards the chairperson and the deputy chairperson of the e-CODEX Programme Management Board.*
- 8. All travel and subsistence expenses incurred by the members of the e-CODEX Programme Management Board and their alternates shall *be reasonable and proportionate and* be paid by eu-LISA *in accordance with its* rules of procedure .
- 9. eu-LISA shall provide the secretariat for the e-CODEX Programme Management Board.

Article 14
Independence of the judiciary

1. *When carrying out their responsibilities under this Regulation, all entities shall respect the principle of the independence of the judiciary, having regard to the principle of separation of powers.*
2. *For that purpose, eu-LISA shall commit the resources provided to it for the e-CODEX system in their entirety to its operation under this Regulation and shall ensure the involvement of justice representatives in the management of the e-CODEX system, pursuant to Articles 12 and 13.*

Article 15
Notifications

1. By 31 January of every year after eu-LISA successfully takes over responsibility for the e-CODEX system, Member States shall notify eu-LISA of the following statistical data:

■

- (a) the number of *technical* messages sent and received *through* each authorised e- CODEX access point *for the connected systems* within their *territory*, grouped by corresponding authorised e-CODEX access point and *digital procedural standard*, *unless an equivalent notification* procedure *applies under another Union legal act*;

(b) the number and type of incidents encountered by entities operating authorised e-CODEX access points *for the connected systems* within their territory which have impacted the security of the e-CODEX system, *unless an equivalent notification procedure applies under another Union legal act.*

2. By 31 January of every year after eu-LISA successfully takes over responsibility for the e-CODEX system, the Commission shall notify eu-LISA of the following statistical data:

■

(a) the number of *technical* messages sent and received *through* each authorised e-CODEX access point *operated by a Union institution, body, office or agency*, grouped by corresponding authorised e-CODEX access point and *digital procedural standard, unless an equivalent notification procedure applies under another Union legal act;*

(b) the number and type of incidents encountered by entities operating authorised e-CODEX access points, where those entities are Union institutions, bodies, *offices* and agencies, which have impacted the security of the e-CODEX system, *unless an equivalent notification procedure applies under another Union legal act.*

3. *Notifications under paragraphs 1 and 2 of this Article shall confirm whether the lists of authorised e-CODEX access points and digital procedural standards referred to in Article 6(4) and Article 8(1) are up to date.*

Article 16

Monitoring and reporting

1. Two years after it takes over responsibility for the e-CODEX system, and every two years thereafter, eu-LISA shall submit a report to the Commission on the technical functioning and use of the e-CODEX system, including the security of the e-CODEX system.
2. eu-LISA shall consolidate the data received from the Commission and the Member States pursuant to *Article 6(4), Article 8(1) and Article 15* and provide the following indicators as part of the report provided for in paragraph 1 of this Article:
 - (a) the list and number of *digital procedural standards* for which the e-CODEX system has been used during the reporting period;
 - (b) the number of authorised e-CODEX access points for each Member State and for each *digital procedural standard*;

■

- (c) the number of *technical* messages sent through the e-CODEX system for each *digital procedural standard* between each of the authorised e-CODEX access points;
 - (d) the number and type of incidents impacting the security of the e-CODEX system and information on compliance with the e-CODEX security plan.
3. Three years after eu-LISA takes over responsibility for the e- CODEX system, and every four years thereafter, the Commission shall produce an overall evaluation of the e-CODEX system. That overall evaluation shall include an assessment of the application of this Regulation and an examination of results achieved against objectives pursued and may propose possible future actions. *When producing its evaluations*, the Commission shall also re-examine the role of the *e-CODEX* Programme Management Board and its continuation *based on objective grounds and, if necessary, shall propose improvements*. The Commission shall transmit the overall evaluation to the European Parliament and to the Council.

Article 17

Cooperation with international organisations

- 1. eu-LISA may conclude working arrangements with international organisations or their subordinate bodies, governed by public international law, or other relevant entities or bodies, which are set up by, or on the basis of, an agreement between two or more countries, in order to allow them to request and receive technical support when using the e-CODEX system. Those working arrangements shall be concluded in accordance with Article 43 of Regulation (EU) 2018/1726.*
- 2. The working arrangements referred to in paragraph 1 of this Article may allow for the designation of one natural person per international organisation, body or entity to serve as a correspondent who shall be entitled to request and receive technical support as referred to in Article 7(1), point (f), under the terms set out in the implementing acts adopted pursuant to Article 6(1), point (b), provided that such technical support does not affect the costs referred to in Article 20(1).*

Chapter 3

Amending provisions

Article 18

Amendments to Regulation (EU) 2018/1726

Regulation (EU) 2018/1726 is amended as follows:

(1) Article 1 is amended as follows:

(a) the following paragraph is inserted:

“4a. “The Agency shall be responsible for the development and operational management, including technical evolutions, of the computerised system for *the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters* (the ‘e-CODEX system’).”;

(b) *paragraph 5 is replaced by the following:*

“5. *The Agency may be made responsible for the preparation, development or operational management of large-scale IT systems in the area of freedom, security and justice other than those referred to in paragraphs 3, 4 and 4a of this Article, including existing systems, only if so provided by relevant Union legal acts governing those systems, based on Articles 67 to 89 TFEU, taking into account, where appropriate, the developments in research referred to in Article 14 of this Regulation and the results of pilot projects and proofs of concept referred to in Article 15 of this Regulation.*”;

(2) the following article is inserted:

“Article 8b

Tasks related to the e-CODEX system

In relation to the e-CODEX system, the Agency shall perform:

- (a) the tasks conferred on it by Regulation (EU) .../... of the European Parliament and of the Council⁺;
- (b) tasks relating to training on the technical use of the e-CODEX system, including the provision of online training materials.

* Regulation (EU) .../... of the European Parliament and of the Council of ... on a computerised system for *the* cross-border *electronic exchange of data in the area of judicial cooperation in* civil and criminal *matters* (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L ...).”;

⁺ OJ: please insert in the text the number of this Regulation and insert the number, date and OJ reference of this Regulation in the footnote.

(3) in Article 14, paragraph 1 is replaced by the following:

“1. The Agency shall monitor developments in research relevant for the operational management of SIS II, VIS, Eurodac, the EES, ETIAS, DubliNet, ECRIS-TCN, the e-CODEX system and other large-scale IT systems as referred to in Article 1(5).”;

(4) *in Article 17, paragraph 3, the following subparagraph is inserted after the second subparagraph:*

“The tasks relating to the development and operational management of the e-CODEX system referred to in Article 1(4a) and Article 8b shall be carried out in Tallinn, Estonia.”;

(5) in Article 19, paragraph 1 is amended as follows:

(a) point (ff) is replaced by the following:

“(ff) adopt reports on the technical functioning of the following:

- (i) SIS pursuant to Article 60(7) of Regulation (EU) 2018/1861 of the European Parliament and of the Council* and Article 74(8) of Regulation (EU) 2018/1862 of the European Parliament and of the Council**;
- (ii) VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA;

- (iii) EES pursuant to Article 72(4) of Regulation (EU) 2017/2226;
- (iv) ETIAS pursuant to Article 92(4) of Regulation (EU) 2018/1240;
- (v) ECRIS-TCN and the ECRIS reference implementation pursuant to Article 36(8) of Regulation (EU) 2019/816;
- (vi) the interoperability components pursuant to Article 78(3) of Regulation (EU) 2019/817 and Article 74(3) of Regulation (EU) 2019/818;

(vii) the e- CODEX system pursuant to Article **16(1)** of Regulation (EU) .../...

+ ;

* Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

** Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).”;

+ OJ: Please insert in the text the number of this Regulation.

(b) point (mm) is replaced by the following:

“(mm) ensure annual publication of the following:

- (i) the list of competent authorities authorised to search directly the data contained in SIS pursuant to Article 41(8) of Regulation (EU) 2018/1861 and Article 56(7) of Regulation (EU) 2018/1862, together with the list of Offices of the national systems of SIS (N.SIS) and SIRENE Bureaux pursuant to Article 7(3) of Regulation (EU) 2018/1861 and Article 7(3) of Regulation (EU) 2018/1862, respectively;
- (ii) the list of competent authorities pursuant to Article 65(2) of Regulation (EU) 2017/2226;
- (iii) the list of competent authorities pursuant to Article 87(2) of Regulation (EU) 2018/1240;

- (iv) the list of central authorities pursuant to Article 34(2) of Regulation (EU) 2019/816;
- (v) the list of authorities pursuant to Article 71(1) of Regulation (EU) 2019/817 and Article 67(1) of Regulation (EU) 2019/818;
- (vi) the list of authorised e-CODEX access points pursuant to Article 7(I), point (h), of Regulation (EU) .../...⁺;

(6) in Article 27(1), the following point is inserted:

“(dc) e-CODEX Advisory Group;”.

⁺ OJ: Please insert in the text the number of this Regulation.

Chapter 4

Final provisions

Article 19

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 20

Costs

1. The costs incurred in the performance of the tasks referred to in Article 7 shall be borne by the general budget of the Union.
2. The costs for the tasks referred to in Articles 8 and 9 shall be borne by the Member States *or* the entities operating authorised e-CODEX access points **■** .

Article 21
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament
The President

For the Council
The President

ANNEX

SOFTWARE PRODUCTS, DOCUMENTATION AND OTHER ASSETS TO BE HANDLED OVER TO EU-LISA UNDER ARTICLE 10

- (1) *The central testing platform;*
- (2) *The Configuration Management Tool, which is a software product used to assist in the performance of the task referred to in Article 7(1), point (c);*
- (3) *Metadata Workbench, which is a software product used to assist in the performance of parts of the tasks referred to in Article 7;*
- (4) *The EU e-Justice Core Vocabulary, which is an asset for reusable semantical terms and definitions used to ensure data consistency and data quality over time and across use cases;*
- (5) *Architecture documentation, which is documentation used to provide technical and informative knowledge to relevant stakeholders on the choice of standards with which other assets of the e-CODEX system must comply.*