

Digitalisation of cross-border judicial cooperation

2021/0394(COD) - 27/12/2023 - Final act

PURPOSE: to facilitate electronic communication in the context of cross-border judicial cooperation procedures in civil, commercial and criminal matters.

LEGISLATIVE ACT: Regulation (EU) 2023/2844 of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation.

CONTENT: this regulation, together with an accompanying [Directive](#), establishes a uniform legal framework for the **use of electronic communication** between competent authorities in judicial cooperation procedures in **civil, commercial and criminal matters**, as well as for the use of electronic communication between natural or legal persons and competent authorities in judicial proceedings in civil and commercial matters.

European electronic access point

The regulation will enable citizens and their legal representatives to communicate with authorities - for example, to file claims, send and receive relevant information - in cross-border proceedings in the EU via a European electronic access point to be established on the European e-Justice portal. Authorities will also be able to communicate with each other and exchange case-related data through secure and reliable digital channels.

The European electronic access point will contain information for natural and legal persons on their right to legal aid, including in cross-border proceedings.

Communication through the European electronic access point will comply with the requirements of Union law and of the national law of the relevant Member State, in particular with regard to form, language and representation.

Hearing through videoconferencing

The new rules provide for the possibility for parties and other persons concerned to participate in hearings in civil, commercial and criminal proceedings by means of videoconferencing or other remote communication technology.

In order to facilitate oral hearings in proceedings in civil and commercial matters with cross-border implications, this Regulation should provide for the optional use of videoconferencing or other distance communication technology for the participation of the parties or their representatives in such hearings, subject to the availability of the relevant technology, the possibility for the parties to submit an opinion on the use of such technology and the appropriateness of the use of such technology in the specific circumstances of the case.

Videoconferencing or other remote communication technology must enable the competent authority to authenticate the identity of the persons to be heard and should ensure visual, audio and oral communication during the hearing. The technology used will have to comply with the applicable standards on personal data protection, confidentiality of communications and data security, whatever the type of hearing or hearing for which it is used.

Electronic signatures and electronic seals

The general legal framework for the use of trust services set out in Regulation (EU) No 910/2014 will apply to electronic communication under this Regulation. Where a document transmitted as part of electronic communication under this Regulation requires a seal or signature, it will feature a qualified electronic seal or qualified electronic signature as defined in Regulation (EU) No 910/2014.

Documents transmitted as part of electronic communication will not be denied legal effect or be considered inadmissible in the context of cross-border judicial procedures under the legal acts listed in Annexes I and II solely on the grounds that they are in electronic form.

Member States will provide for the possibility of electronic payment of fees, including from Member States other than that where the competent authority is situated.

Training

Member States will ensure that the justice professionals concerned and competent authorities are offered the necessary training for efficient use of the decentralised IT system and for the appropriate use of videoconferencing or other distance communication technology. Member States will also encourage the authorities to share best practices regarding videoconferencing in order to reduce costs and increase efficiency. The training of justice professionals in the efficient use of the decentralised IT system is among the training priorities supported by the relevant Union financial programmes.

ENTRY INTO FORCE: 16.12.2024.

APPLICATION: from 1.5.2025.