

Digitalisation of cross-border judicial cooperation (amendment of certain directives and framework decisions)

2021/0395(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: Directive (EU) 2023/2843 of the European Parliament and of the Council amending Directives 2011/99/EU and 2014/41/EU of the European Parliament and of the Council, Council Directive 2003/8/EC and Council Framework Decisions 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, as regards digitalisation of judicial cooperation.

CONTENT: the amendments provided for in this Directive seek to ensure that cross-border communication between authorities takes place in accordance with the rules and principles set out in Regulation (EU) 2023/2844 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.

Pursuant to that Regulation, communication between competent authorities of different Member States and between a national competent authority and a Union agency or body under the legal acts in the area of judicial cooperation in criminal matters amended by this Directive should, as a rule, be carried out through a decentralised IT system.

In particular, the decentralised IT system should, as a rule, be used for the exchange of forms provided for by the legal acts in the area of judicial cooperation in criminal matters amended by this Directive and for all other official communication under those legal acts which has to be carried out in written form, for example for the purposes of keeping case files of competent authorities.

For the purposes of Framework Decisions 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA and 2009/829/JHA and Directive 2014/41/EU, where those legal acts provide for the communication between authorities to be carried out by any means or by any appropriate means, such authorities should have discretion as to which method of communication to use.

Given that this Directive sets out amendments to rules already transposed into the national legal order of the Member States, it should also have specific provisions on the transposition of those amendments. Those transposition provisions should be in line with the implementation timeline provided for in Regulation (EU) 2023/2844.

ENTRY INTO FORCE: 16.12.2024.