

# Procedure file

Basic information		
INL - Legislative initiative procedure	<a href="#">2008/2125(INL)</a>	Procedure completed
E-justice		
Subject 3.30.06 Information and communication technologies, digital technologies 7.40 Judicial cooperation 8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs		21/01/2008
		ALDE <a href="#">WALLIS Diana</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs (Associated committee)		26/06/2008
		NI <a href="#">ROMAGNOLI Luca</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2908</a>	27/11/2008
European Commission	Commission DG	Commissioner	
	<a href="#">Secretariat-General</a>	BARROSO José Manuel	

Key events			
22/05/2008	Committee referral announced in Parliament		
23/09/2008	Referral to associated committees announced in Parliament		
04/11/2008	Vote in committee		Summary
26/11/2008	Committee report tabled for plenary	<a href="#">A6-0467/2008</a>	
27/11/2008	Debate in Council	<a href="#">2908</a>	
18/12/2008	Results of vote in Parliament		
18/12/2008	Debate in Parliament		
18/12/2008	Decision by Parliament	<a href="#">T6-0637/2008</a>	Summary
18/12/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2125(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/61097

Documentation gateway					
Document attached to the procedure		<a href="#">COM(2008)0329</a>	30/05/2008	EC	Summary
Document attached to the procedure		<a href="#">SEC(2008)1944</a>	30/05/2008	EC	
Document attached to the procedure		<a href="#">SEC(2008)1947</a>	30/05/2008	EC	
Committee draft report		<a href="#">PE414.007</a>	30/09/2008	EP	
Amendments tabled in committee		<a href="#">PE414.331</a>	16/10/2008	EP	
Committee opinion	<b>LIBE</b>	<a href="#">PE414.048</a>	05/11/2008	EP	
Committee report tabled for plenary, single reading		<a href="#">A6-0467/2008</a>	26/11/2008	EP	
Text adopted by Parliament, single reading		<a href="#">T6-0637/2008</a>	18/12/2008	EP	Summary
Document attached to the procedure		52009XX0606(02) <a href="#">OJ C 128 06.06.2009, p. 0013</a>	19/12/2008	EDPS	Summary
Commission response to text adopted in plenary		<a href="#">SP(2009)988</a>	22/04/2009	EC	

## E-justice

In response to a request from the European Council and the European Parliament, the Commission has prepared this Communication on setting out an e-Justice Strategy, the purpose of which is to increase citizens' confidence in the European area of justice. Since the adoption of the Amsterdam Treaty, a European area of justice has become a reality. It is founded on a number of legislative acts that have been designed to guarantee mutual recognition of judicial decisions. They also set out to create a culture of cooperation between national and legal authorities. Placing information and communication technologies (ICT) at the service of judicial systems creates possible solutions by improving and contributing towards a streamlining of procedures. It also helps to reduce costs. e-Justice is an initial response to the threefold need: (i) to improve access to justice; (ii) to help cooperation between the legal authorities across the EU and (iii) to improve the effectiveness of the judicial system. As far as the Commission is concerned, e-Justice must:

- prioritise operational projects.
- emphasise decentralisation without neglecting European level cooperation.
- respect the existing legal framework by using ICT tools to improve the effectiveness of those acts that have been or will be adopted.

e-Justice is a specific field under the more general umbrella of e-Government. e-Government refers to the application of ICT to all administrative procedures. The Commission intends to promote a European Interoperability Framework (EIF) within the IDABC programme. On-going work on e-Signature and e-Identity is particularly relevant in the legal field where the authentication of acts is essential. For the Commission, e-Justice's primary objective will be to help the administration of justice across Europe. One of the key concepts of e-Justice is to strengthen the exchange of best practices at national level and to then strengthen European coordination in order to construct the European judicial area. The main priorities over the 2008-2013 period, therefore, will be:

A European e-Justice portal facilitating citizen and business access to justice in Europe: e-Justice will allow citizens, who have been the victim of a crime, to access information without being hindered by linguistic, cultural and legal barriers related to the multiplicity of systems. To allow for an efficient legal system the strategy envisages the creation of an e-Justice portal that should increase the visibility of European action and help improve access to justice in Europe. Ultimately, the portal will serve as the face of the European area of justice vis-à-vis citizens while also being one element of a general policy of communication via the internet. The portal will have at least three functions: (i) access to information; (ii) referral; and (iii) direct access to certain European procedures. The portal will have to provide European citizens, in their language, with data on judicial system and procedures. Ignorance of the rules in force in other Member States is one of the major factors preventing citizens from asserting their rights outside their home country.

e-Justice for more effective judicial cooperation: A further priority will be the development of electronic tools to accompany implementation of

the EU's judicial cooperation instruments. To develop these tools, the Commission intends to use the two existing legal networks and Eurojust as a basis. The Commission will work closely within national and European training structures, in particular the European legal training network, in order to train legal professionals in the new e-Justice tools. Focus will be given to: continuing the interconnection of criminal records; creating a network of secure exchange for sharing information among judicial authorities; facilitating the use of videoconferencing; and offering aid for translation.

The report concludes by setting out a European e-Justice action plan. An annex sets out a detailed explanation of the action plan. To be effective, responsibility will be clearly allocated between the Commission, the Member States and all other actors involved in judicial cooperation. Thus, the Commission will design and set up the e-Justice portal which it will manage in close cooperation with the Member States. The Member States, in turn, will be expected to update the information on their judicial systems. The Commission will also continue work on interconnecting criminal records by (a) supporting the Member States with their modernisation efforts (b) the development of a reference system for exchanging information and (c) carrying out necessary studies and legislative proposals to develop the system.

From a financial point of view, e-Justice will be financed through two existing programmes namely Civil Justice and Criminal Justice.

## E-justice

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The Committee on Legal Affairs adopted the own-initiative report by Diana WALLIS (ALDE, UK) which includes recommendations to the Commission on e-Justice (Initiative 6 Rule 39 of the Rules of Procedure).

The report notes that some 10 million people are estimated to be involved in cross-border litigation in Europe and that greater recourse to information technology (IT) is essential in order to ensure better access to justice for citizens and with a view to rationalising and simplifying judicial proceedings and reducing procedural deadlines and operating costs in cross-border litigation.

In this context, the Commission is invited to complement the European area of justice, freedom and security with an area of e-Justice by:

- taking concrete action with a view to the implementation of the European area of e-Justice;
- clearly identifying matters covered by EU action by, for instance, using a different definition or prefixing the term 'e-Justice' with 'EU' so as to refer to 'EU e-Justice' or 'EU-Justice';
- implementing the e-Justice portal/network while addressing the needs of both EU citizens and EU legal practitioners and ensuring that transparent and easy means to access information are available by taking advantage of the trans-European networks adumbrated in Article 154 of the EC Treaty and developed by the European Public Administrations (ISA);
- making wide use of electronic tools in the development of a European judicial culture;
- fully exploiting the potential of new technologies for preventing and fighting transnational crime;
- enhancing and providing, without delay, tools such as video-conferencing for improving the taking of evidence in other Member States;
- enhancing fundamental rights, procedural safeguards in criminal proceedings and data protection as an integral part of the drafting and implementation of the Action Plan on EU-justice.

MEPs consider that the work of the Institutions should be more strongly citizen-focused and invites the Commission to give the necessary attention to developing e-learning tools for the judiciary in the context of e-Justice.

The Annex to the motion for a resolution contains detailed recommendations on the content of the proposal requested.

Recommendation 1 concerning the form and scope of the instrument to be adopted: in the absence of a resolution voted by the Council on an action plan involving the Commission in its realisation, the Commission is asked to prepare an Action Plan on e-Justice at European level. It should consist of a series of individual actions as detailed below, some of which might result in legislative proposals, for example for administrative cooperation under Article 66 of the EC Treaty, others in recommendations and others in administrative acts and decisions.

Recommendation 2 concerning the minimum content of the instrument to be adopted: according to MEPs, the Action Plan should be made up of at least the following actions:

- EU-justice Action Plan;
- action to 'future-proof' legislation;
- action on civil procedure;
- action on the law of contract and consumer law;
- action on languages, multilingualism and interoperability;
- action on European e-Justice portals: the European e-Justice Portal for Citizens;
- judicial training;
- preventing and fighting transnational crime;
- video-conferencing.

## E-justice

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The European Parliament adopted by 496 votes to 14 with 32 abstentions, a resolution which includes recommendations to the Commission on e-Justice (Initiative 6 Rule 39 of the Rules of Procedure).

The own-initiative report had been tabled for consideration in plenary by Diana WALLIS (ALDE, UK) on behalf of the Committee on Legal Affairs.

According to the resolution, some 10 million people are estimated to be involved in cross-border litigation in Europe and that greater recourse to information technology (IT) is essential in order to ensure better access to justice for citizens and with a view to rationalising and simplifying judicial proceedings and reducing procedural deadlines and operating costs in cross-border litigation.

Parliament invites the Commission to complement the European area of justice, freedom and security with an area of e-Justice by:

- I. taking concrete action with a view to the implementation of the European area of e-Justice;

- II. clearly identifying matters covered by EU action by, for instance, using a different definition or prefixing the term 'e-Justice' with 'EU' so as to refer to 'EU e-Justice' or 'EU-Justice';
- III. implementing the e-Justice portal/network while addressing the needs of both EU citizens and EU legal practitioners and ensuring that transparent and easy means to access information are available;
- IV. making wide use of electronic tools in the development of a European judicial culture;
- V. fully exploiting the potential of new technologies for preventing and fighting transnational crime;
- VI. enhancing and providing, without delay, tools such as video-conferencing for improving the taking of evidence in other Member States;
- VII. enhancing fundamental rights, procedural safeguards in criminal proceedings and data protection as an integral part of the drafting and implementation of the Action Plan on EU-justice.

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- EU-justice Action Plan: this Action Plan should be geared to the needs of citizens and practitioners, proposing a strategy for the optimum implementation of the European area of justice.
- Action to "future-proof" legislation: the Commission should set up suitable machinery to ensure that all future legislation in the field of civil law is designed in such a way that it can be used in on-line applications. Where proposals are made involving forms intended to be filled out by citizens, the forms should be designed and formatted ab initio for electronic use and made available in all official languages of the Member States. Action should be taken to reduce to a minimum the need to input free text and to ensure that, where necessary, on-line help is provided in all official languages and on-line electronic translation services are available. By the same token, where there is a need to provide for service of documents, provision should be made to ensure that documents can be served and communications effected by electronic mail and signatures provided electronically and, where there is a need for oral testimony, the use of video-conferencing should be encouraged. All future proposals should include a reasoned statement by the Commission that an audit of e-Justice-friendliness has been carried out. The Commission should carry out an audit of all existing legislation in the field of civil justice and propose amendments where necessary in order to make existing legislation compatible with the requirements of e-Justice.
- Action on civil procedure: the Commission and the Council should report to the European Parliament on the reform and harmonisation of procedural law and the law of evidence in cross-border cases and cases before the Court of Justice, having regard to developments in the field of information technology.
- Action on the law of contract and consumer law: the Commission is asked to get to work on standard terms and conditions for electronic commerce.
- Action on languages, multilingualism and interoperability: a programme should be launched to examine how best to provide on-line translation facilities for the European e-Justice portals.
- Action on European e-Justice Portals: Parliament proposes set up two portals: a) European e-Justice Portal for Citizens: this multilingual portal should be designed to afford every assistance to citizens and businesses seeking legal assistance and initial legal advice about cross-border legal problems; b) secure European e-Justice Portal: this portal should be designed for use as a tool by judges, court officials, officials of the national Ministries of Justice and practising lawyers with security ensured by the provision of different access rights.
- Judicial training: in order to spread the European judicial culture and with a view to reaching as many members of the judiciary as possible from the very first moment they join the judiciary, a sort of "survivor" kit in the form of a CD or USB key containing the EU Treaty and the EC Treaty, as well as the basic texts on judicial cooperation and information on the other Member States' judicial systems, should be given to any newly appointed member of the judiciary.
- Preventing and fighting transnational crime: so far, the most important application of e-Justice in the context of criminal justice is the creation of the European Criminal Records Information System. To be effective, this system needs to be supported by an electronic structure able to interconnect all national criminal registers which should be put in place without delay.
- Video-conferencing: it appears that video-conferencing is still not being fully exploited, one of the reasons being the lack of the requisite electronic support. Support and financial assistance by the EU must be delivered as soon as possible.
- Enhancing fundamental rights and procedural safeguards: a real e-justice strategy cannot function without harmonisation of procedural safeguards and adequate data-protection safeguards applying to cooperation in criminal justice matters.

## E-justice

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OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the Communication from the Commission entitled 'Towards a European e-Justice Strategy'.

The aforementioned Communication was adopted on 30 May 2008. It aims to propose an e-Justice Strategy that intends to increase citizens' confidence in the European area of justice. E-Justice's primary objective should be to help justice to be administered more effectively throughout Europe, for the benefit of the citizens. The EU's action should enable citizens to access information without being hindered by the linguistic, cultural and legal barriers stemming from the multiplicity of systems.

The EDPS supports the present proposal to establish eJustice and recommends taking into account the observations made in this opinion, which includes:

- taking into account the recent [framework decision](#) on the protection of personal data in the field of police and judicial cooperation in criminal matters - including its shortcomings - not only when implementing the measures envisaged in the Communication, but also with a view to starting as soon as possible the reflections on further improvements of the legal framework for data protection in law enforcement;
- including administrative procedures in eJustice. As part of this new element, eJustice projects should be initiated to enhance the visibility of data protection rules as well as national data protection authorities, in particular in relation to the kinds of data processed in the framework of eJustice projects;
- maintaining a preference for decentralised architectures;
- ensuring that the interconnection and interoperability of systems duly takes into account the purpose limitation principle;
- allocating clear responsibilities to all actors processing personal data within the envisaged systems and providing mechanisms of effective coordination between data protection authorities;
- ensuring that processing of personal data for purposes other than those for which they were collected should respect the specific conditions laid down by the applicable data protection legislation;
- clearly defining and circumscribing the use of automatic translations, so as to favour mutual understanding of criminal offences without affecting the quality of the information transmitted;
- clarifying Commission responsibility for common infrastructures, such as the sTESTA;
- with regard to the use of new technologies, ensuring that data protection issues are taken into account at the earliest possible stage (privacy-by-design) as well as fostering technology tools allowing citizens to be in better control of their personal data even when they move between different Member States.