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NOTE

from:	The Presidency
to:	Working Party on e-Law (e-Justice)
Subject:	Multiannual European e-Justice Action Plan 2014-2018

Delegations will find below the revised version of the draft Multiannual European e-Justice Action Plan to be discussed at the meeting of the e-Law (e-Justice) Working Party on 6 May 2014. This revised version has been produced on the basis of the results of the meeting of the Working Party on e-Law (e-Justice) on 4 April and taking into account the written comments received from the Member States after the meeting.

I. INTRODUCTION

1. On 6 December 2013, the JHA Council adopted the new Strategy on European e-Justice 2014-2018¹. This Strategy defines the general principles and objectives of European e-Justice and sets out general guidelines for the establishment of a corresponding new multiannual European Action Plan on e-Justice during the first semester of 2014.
2. This Action Plan, as set out in the Annex, contains a list of the projects considered for implementation in the 2014-2018 period, with insofar as possible an indication of the participants, actions for their practical implementation and an indicative timetable, **where possible**, with a view to allowing a concrete follow-up of the Action Plan by the Working Party on e-Law (e-Justice).
3. This second multiannual European Action Plan on e-Justice aims to build upon the work already undertaken and to continue this positive development at national and European level. This work should also be seen as part of a broader evolution towards a European area of justice in the context of ongoing discussions on the future development of the Justice and Home Affairs area.
4. During the discussions held under the Lithuanian Presidency in autumn 2013 and continued under the Hellenic Presidency in the first half of 2014, there has been substantial consensus among Member States regarding further development of the e-Justice as one of the cornerstones for the efficient functioning of justice in the Member States and at the European level.

¹ Published in the Official Journal on 21 December 2013 (2013/C 376/06)

II. ACTION PLAN

5. The implementation of the Strategy requires a comprehensive Action Plan which will aim at improving the overall functioning of e-Justice systems in the Member States and at European level.
6. With regard to the Strategy on European e-Justice (2014-2018)¹, and without prejudice to national projects and developments in the area of e-Justice, the European e-Justice Portal, hosted and operated by the Commission in line with the guidelines of the Council, is key in the delivery of e-Justice at European level.
7. This objective is reflected in the annexed list of projects in the area of access to information in the field of justice, access to courts and extrajudicial procedures in cross-border situations, and communication between judicial authorities.

Projects

8. The development of European e-Justice should include actions at both European and national level in the area of e-Justice.
9. For all new and existing e-Justice projects, special attention should be paid to achieving the broadest possible participation base, in order to ensure meeting users' expectations, the long-term viability and cost-efficiency of those projects. New projects developed under European e-Justice must therefore have the potential to involve all the Member States of the European Union, and all Member States should be encouraged to participate in all projects on a voluntary basis.

¹ It is recalled that paragraph 17 of the European Strategy on e-Justice 2014-2018 indicates that "European e-Justice should strive for further consistency with the general framework of e-Government, [...]."

10. To achieve this, new projects with a possible impact on European e-Justice planned by the Member States and not included in the Annex should, to the extent possible, be first discussed within the e-Law (e-Justice) Working Party for an overall assessment of the practical and other relevant aspects of the project. This would also ensure that the needs and views of other Member States and the Commission are properly taken into account and that duplication of work is avoided.

11. In the planning of future work, an adequate balance between innovation and consolidation should be sought. For reasons of cost-efficiency and taking into account the limited resources available, existing projects should be continued and expanded to include a maximum of Member States before starting any new ones. The considerable developments which have taken place in the Member States in recent years in this area however show that new emerging and innovative projects in the area of justice should be encouraged.

Project financing

12. The Member States should cooperate among themselves on a voluntary basis to ensure the financing of the proposed projects.

13. The Commission will continue to finance the development, operation and translations of the European e-Justice Portal and to provide funding opportunities to e-Justice projects of added value, **for example** under the Justice Programme (2014-2020)¹ **or under other programmes such as the Connecting Europe Facility² or ISA³ or its successor programme.**

A. Access to information in the field of justice

1. Information through the e-Justice Portal

14. To ensure a coordinated approach, a regular work plan should continue to be presented by the Commission at the beginning of each semester.
15. The e-Justice Portal should continue to provide general information to citizens, businesses, legal practitioners and the administration of justice about European legislation and case law and that of the Member States, as well as providing access to EUR-Lex and N-Lex.
16. The Portal should also be a means of offering access to specific information at national, European and international level in the field of justice.

¹ Regulation (EU) No 1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020.

² **Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010.**

³ **Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA).**

17. Moreover, to improve the efficiency of the e-Justice Portal, a survey on user needs [...] **will** be carried out. Additional activities aimed at making the Portal more user-friendly **should** also be **undertaken**.
18. Information on or interconnection with systems developed as part of initiatives undertaken by members of the legal professions, such as lawyers, notaries and judicial officers, should continue to be considered for inclusion in the e-Justice Portal in consultation with the relevant stakeholders. Initiatives by other relevant stakeholders, such as mediators **or judicial experts**, could also be taken into account in the future.
19. As regards the information content of the Portal, content providers, including in particular the Member States and the Commission, are responsible for the accuracy and updating of the information on their respective content pages. At least once per year, content providers should review and, if necessary, update the information they have provided.

2. Registers

20. The European e-Justice Portal should also provide a single access point via interconnections to the information in national registers with relevance in the area of justice managed by national public or professional bodies facilitating the administration of and access to justice, provided that the necessary technical and legal preconditions for such interconnections exist in the Member States.
21. Actions in this area should be focused in particular on the interconnection of registers which are of interest to citizens, businesses, legal practitioners and the judiciary.

3. Semantic web

22. The development of effective means for the exchange of legal information across borders, and in particular data relating to European or national legislation, case law and legal glossaries **including Legivoc**, should be continued.
23. Different projects can address this issue and increase the exchange and semantic interoperability of legal data throughout Europe and beyond. Unique identification, common metadata and ontologies of legal information are the basic building blocks of the European legal semantic web.

B. Access to courts and extrajudicial procedures in cross-border situations

1. General aspects

24. Going to court and initiating extrajudicial proceedings in particular in cross-border situations should be facilitated through the availability of communication by electronic means between a court and the parties to proceedings as well as witnesses, experts and other participants.
25. Furthermore, the use of video conferencing, tele-conferencing or other appropriate means of long-distance communication for oral hearings, **where appropriate**, should be extended in order to remove the need to travel to the Court for the participation in judicial proceedings, in particular in cross-border cases.

2. Cooperation with the judiciary and legal practitioners

26. The Member States' judiciary and relevant legal practitioners (such as lawyers, notaries and judicial officers) **should** be involved in future discussions in the area of e-Justice to ensure that the solutions developed correspond to the actual needs of their possible target groups.
27. Such an arrangement would allow a direct contact with these professional sectors to which e-Justice is fundamentally targeted to discuss issues of common interest and to raise awareness of the latest developments in the area of e-Justice.
28. The Strategy on European e-Justice foresees the establishment of a cooperation mechanism with the judiciary and the legal practitioners. In this context, an annual meeting with the representatives of the judiciary and legal practitioners (such as lawyers, notaries and judicial officers) will be organised to allow a regular exchange of views with these target groups of professionals¹. These meetings will be organised in the form of specific items on the agenda of the regular meetings of the Working Party on e-Law (e-Justice).
29. The representatives of the judiciary and legal practitioners should be associated as much as possible with the work of the informal groups and the expert groups of the Commission as regards those projects which are of direct interest to them.
30. The European Judicial Networks in civil **and commercial as well as** in criminal **matters play an important role** in the development of e-Justice and the close collaboration with both networks should be continued.

¹ **The Working Party should prepare such meetings in advance, in particular by defining the target groups of professionals that should participate to these meetings. As regards the representatives of the judiciary, it should be up to each Member State to indicate the representative for such a meeting.**

C. Communication between judicial authorities

31. Development of electronic communication between the judicial authorities of the Member States, more specifically in the framework of instruments adopted in the European judicial area in the field of civil, criminal and administrative law, should be continued further (e.g. via videoconferencing or secure electronic data exchanges).
32. In this context, the e-Justice Portal should continue to be developed as an efficient tool for use by legal practitioners and judicial authorities by providing a platform and individual functionalities for effective and secure exchanges of information, **including** via the e-CODEX network.

D. Horizontal issues

1. General aspects

33. Certain aspects relating to the future actions are of a more general nature and cover different domains in the area of e-Justice. Development of large scale IT projects, such as e-CODEX, has been successful, and the integration and follow-up of the results of the e-CODEX project into the e-Justice Portal should be ensured. ¹

2. Prioritisation of work

34. **The projects to be included in the Action Plan as set out in the Annex have been divided into two different categories - "A" and "B" projects²:**

¹ These themes could be further explored under the scope of the Connecting Europe Facility (CEF).

² **The Working Party on e-Law (e-Justice) considered also other projects of interest which were not retained as A or B projects, but which could be reconsidered at a later stage by the Working Party. These projects have been included in a separate document.**

- 35. The list of A projects has the first priority. They correspond to projects that meet one of the following criteria:**
- a) projects which arise out of an obligation established by a European Union legal instrument¹; or**
 - b) projects prioritised by the Working Party on e-Law (e-Justice) in order to achieve one or more of the objectives set out in the European Strategy on e-Justice for the period 2014-2018. These projects may therefore include on-going projects based on the Action Plan 2008-2013 or projects which were considered necessary to facilitate the implementation of legal instruments adopted by the European Union².**
- 36. Projects "B" correspond to those projects which do not fall in the category "A", but which**
- a) meet the objectives defined in the European Strategy on e-Justice for the period 2014-2018; and**
 - b) were considered to be of utmost importance by the Working Party on e-Law (e-Justice) [...], taking into account the subject matter, in order to achieve the objectives defined in the European Strategy on e-Justice.**
- 37. During the follow-up monitoring of the implementation of this Action Plan [...], the Working Party on e-Law (e-Justice) will establish which of the "B" projects included under paragraph 36 should be implemented as a priority, taking into account the available human and financial resources and also the principles of action as set out in paragraph 9.**

¹ Time limits fixed by such instruments must be respected in the context of their implementation.
² To the extent that the results of such projects are to be integrated into the e-Justice Portal, a decision on their priority for integration will be taken by the e-Law (e-Justice) Working Party after considering their added value in view of other initiatives and the available resources.

38. To allow for the necessary flexibility in the implementation of this Action Plan, the Working Party on e-Law (e-Justice) may also decide to introduce new initiatives or to move projects from one category to another in the light of new developments.

3. Screening of legislative proposals

39. In order to ensure consistent use of modern information and communication technology in the implementation of new EU legislation in the area of justice, e-Justice should be mainstreamed into all future legislative instruments adopted in that area, **without affecting the remit of the relevant Working Party of the Council**. For this purpose, all future legislative instruments should be screened before their adoption **and the Working Party should be able to give advice, if necessary, in order to** ensure that the possible use of e-Justice systems is always taken into account.

E. External relations

40. Cooperation with non-EU countries in the area of e-Justice should be continued **respecting the institutional rules established at the level of the European Union**. Non-EU countries should be encouraged to adopt technological solutions and information models comparable to those used within the EU in this area, so as to create an interoperable environment for future voluntary cooperation.

41. Acceding countries and other interested non-EU states could also be involved as regards specific items to be defined in the context of e-Justice, such as videoconferencing and discussions in the context of e-CODEX.

42. The Working Party on e-Law (e-Justice) should examine which kind of contacts should be established with specific non-EU countries.

[F. Governance structure

43. A solution for the consolidation of the results **of the implementation of this Action Plan, such as** the results of the e-CODEX project, should be further explored.]

[G. POSSIBLE LEGISLATIVE PROPOSAL OF THE COMMISSION

44. In this context in particular, the Commission is invited to continue examining the need to adopt a proposal for a legislative instrument in the field of e-Justice. This instrument should define the overall legal framework and the means of implementing a concrete e-Justice strategy at European level.]

H. FOLLOW UP

45. The Working Party will monitor at least [once **a year**] [**biannually**] the implementation of the Action Plan, which should be adapted if so required in the light of future needs and developments. It should be borne in mind that the implementation of the actions as set out in the Annex will involve considerable cost and/or an increase in the administrative burden both for the Member States and for the Commission. There should therefore be careful prioritisation of the projects by the Working Party on e-Law (e-Justice).

46. Informal groups of the Member States involved in specific projects can meet in order to make progress in those areas of work. The details on organisation of the work of these informal groups will be dealt within a separate document. The results of these meetings should be presented to the Working Party on e-Law (e-Justice)¹.
47. The Council will assess the implementation activities in the first half of 2016 and will suggest any actions in order to improve the functioning of e-Justice.

III. CONCLUSIONS

48. The Working Party on e-Law (e-Justice) should examine this proposal at its meeting on 6 May 2014.

¹ See document 5859/2/14 REV 2.

A. Access to information in the field of Justice

1. Information through the e-Justice Portal

Project	Responsibility for action	Actions to be taken	Timetable	Category
1. European e-Justice Portal (General aspects)	<ul style="list-style-type: none"> - Commission and Member States - Working Party on e-Law (e-Justice) where required 	<ul style="list-style-type: none"> a) updates of the static content b) expansion of the static content (as per half-yearly content work plans) c) inclusion of functionalities defined in this Action Plan 	2014 to 2018 (on-going)	A
2. European e-Justice Portal Information relating to minors (collecting information relating to minors in the perspective of judicial procedures)	<ul style="list-style-type: none"> - Member States and Commission 	<ul style="list-style-type: none"> - informal group 		[A] [B]

<p>3. European e-Justice Portal Completion of information on victims of crime (in particular on the level of compensation in the Member States)</p>	<ul style="list-style-type: none"> - Member States - Commission 	<ul style="list-style-type: none"> - informal group 		<p>[C] [B]</p>
<p>4. European e-Justice Portal Knowledge Management initiative (best practices on experiences, case law and other MLA issues)</p>	<ul style="list-style-type: none"> - Member States, Commission, EUROJUST, EJM members, prosecutors and other representatives of the Members States - Commission 	<ul style="list-style-type: none"> - informal group 		<p>[A] [B] (non-priority for translation by the Commission)</p>
<p>5. European e-Justice Portal Execution of criminal sentences</p>	<ul style="list-style-type: none"> - Member States - Commission 	<ul style="list-style-type: none"> - informal group 		<p>B</p>

6. European e-Justice Portal Open data on Justice (for example statistics on the time limits for national procedures in criminal and civil matters)	- Member States - Commission	- informal group		B - limited to links
7. European e-Justice Portal Conflict resolution guide in the area of fundamental rights (guidelines for citizens in order to solve legal problems)	- Member States and Commission	- informal group	2014 to 2015	B (see also point 37)
8. European e-Justice Portal Judicial auctions Information on judicial auctions	- Member States and Commission	- informal group		B - limited to links
9. European e-Justice Portal Judicial Official announcements	- Member States and the Commission			B - limited to links
10. Consumer law database	- Member States and the Commission			B

2. Registers

Project	Responsibility for action	Actions to be taken	Timetable	Category
<p>11.a) interconnection of available insolvency registers (currently limited to certain Member States)</p> <p>b) interconnection of the insolvency registers of all Member States as a result of the future amendment of the Insolvency Regulation (legal obligation)</p>	<ul style="list-style-type: none"> - Member States and the Commission - Member States and the Commission 	<ul style="list-style-type: none"> - setting-up electronic national registers - interconnection of national registers 	<p>2014</p> <p>2017 to 2018</p>	A
12. Business registers (legal obligation)	- Commission and the Member States	- committee procedure	2015	[A] [B]
13. Land registers	- Commission	- feasibility study	2014	A
14. Interpreters' and translators' databases	- Member States ¹ and the Commission in cooperation with EULITA	- on-going project	2016	[A] [B]

¹ Not all Member States recognise at internal level the category of legal interpreters or translators.

15. Help to the translation of judicial acts	- Member States	- on-going project	2014 to 2016	A
16. Registers of judicial experts	- Member States	- on-going pilot project	2016	[A] [B]
17. Find a Judicial Expert	- Member States and then the Commission	- informal group		B
18. Interconnection of registers of wills	- Member States in cooperation with the notaries	- informal group		B
19. Electronic European Certificate of Succession	- Commission	[- feasibility study]		A
[20. Register of representation rights and powers of attorneys]	- Member States in cooperation with the CCBE	- informal group		[B]

21. Find a Judicial Officer ¹	- Member States in cooperation with the judicial officers	- informal group		[A] [B]
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3. Semantic Web

Project	Responsibility for action	Actions to be taken	Timetable	Category
22. ECLI - introduction of ECLI, development and extension of the ECLI interface - automatic extraction from legal acts - improving accessibility of legal open data	- Member States and Commission	Working Party on e-Justice and expert group of the Commission	2014 to 2018 (on-going)	A (B if there will be an extension of the functionalities to include automatic extraction from legal acts)
23. ELI (this project falls under the remit of e-Law)				A

¹ See comments by CCBE

24. Semantic interoperability (glossaries, such as LEGIVOC)	- Member States, Commission and LEGICOOP	follow-up by the Working Party on e-Justice	2014 (on-going project)	A
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B. Access to courts and extrajudicial procedures in cross-border situations

25. Court database				
- univocal identification of entities within the judicial domain	- Member States and Commission	- on-going project	2014	A
- improving the content and functioning of the court database (extension of the scope by coverage of the European and national instruments)	- the Member States and the Commission	- expert group of the Commission		B
- service-interfaces which allow the automatic query of the court database by national and European e- Justice applications	- Member States and the Commission	- on-going project	2014	A

26. Dynamic forms (EPO, Small Claims and Taking of evidence)	- Commission and Member States	- expert group of the Commission	2014	[A] [B]
27. ODR (On-line dispute resolution]	- Commission and Member States	- implementation and go-live	2015	A
28. Find a mediator	- Commission and Member States	- informal group		B
29. e-Service of documents	- European Chamber of Judicial Officers and the Member States	- on-going project	2015 to 2016	A
30. European Investigation Order	- Member States and the Commission	- informal group		[A] [B]

C. Communication between judicial authorities

Project	Responsibility for action	Actions to be taken	Timetable	Category
<p>31. Videoconference</p> <ul style="list-style-type: none"> - Organising and running cross-border videoconferences(in all MS) - IT-tools helping to support and organise videoconferences - enhancing interoperability for videoconferencing - form for requesting/ confirming a cross-border videoconference - Network for exchange of experience and sharing best practices on videoconferencing, including training <p>(participation of legal practitioners: judges, public prosecutors, lawyers, mediators, legal interpreters)</p>	<p>- Member States and the Commission</p>	<p>- informal group</p>	<p>2014 to 2016</p>	<p>A</p>

32. e-APP (Electronic Apostille programme) (including e-Registers of Apostille)	- Members States and Commission in consultation with the Hague Conference on Private International Law	- informal group		[A] [B]
33. i-Support (maintenance obligation) ¹	- the Hague Conference on Private International Law in consultation with Members States and the Commission	- on-going project	2014 to 2016	A - not to be integrated in the e-Justice Portal
34. Implementation of the tools contained in the website of the European Judicial Network in criminal matters	- Council, Commission, Judicial Network and EUROJUST	- on-going project	2014 to 2016	A

¹ The Working Party on e-Law (e-Justice) should examine if this project could be used in the context of the Regulation on maintenance obligations

D. Horizontal issues

Project	Responsibility for action	Actions to be taken	Timetable	Category
35. Automated machine translation	- Commission	1) first inclusion in the e-Justice Portal	2014 and on-going	A
		2) - improve the quality of translation - introduce machine translations to other potential areas (e.g. non-structured data information received by national registers)	2014 and on-going	A
36. Promotion of e-Justice (the Portal and e-Justice in general)	- Member States, Council and Commission	- Working Party on e-Justice	2014 and on-going	A

<p>37. European e-Justice Portal</p> <ul style="list-style-type: none"> - Making the Portal more user-friendly¹ - Survey on user needs among the general public² 	<ul style="list-style-type: none"> - Commission 	<ul style="list-style-type: none"> - expert group of the Commission 		<p>A</p> <p>B</p>
<p>38. Multi channel strategy</p>	<ul style="list-style-type: none"> - Member States and the Commission 	<ul style="list-style-type: none"> - informal group 		<p>B</p>
<p>39. e-Delivery (transporting information securely between the Member States)</p>	<ul style="list-style-type: none"> - e-Codex/e-SENS - Member States [and Commission] 	<ul style="list-style-type: none"> - preparatory work and implementation 	<p>2014 to [...]</p>	<p>A</p>

¹ **This will include interactive and dynamic search modules.**

² Including a wizard for a conflict resolution guide.

40. e-Signature (signing of documents; checking the validity of incoming signed documents)	- e-Codex/e-SENS - Member States [and Commission]	- preparatory work and implementation	2014 to [...]	A
41. e-Payment (payment of fees on-line)	- Commission - Member States [and Commission]	a) feasibility study b) preparatory work and implementation	2014 to [...]	[A] [B]
42. e-ID (differentiated access to the e-Justice portal by authenticating through the use of national identity solutions.)	- STORK 2.0/e-SENS - Member States [and Commission]	- preparatory work and implementation	2014 to [...]	A
43. e-Document (conversion and semantics. Common standards for documents exchanged in cross-border systems.)	- e-Codex/e-SENS - Member States [and Commission]	- preparatory work and implementation	2014 to [...]	A