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from:	Working Party on e-Law (e-Justice)
to:	Coreper/Council
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Subject:	Report of the Working Party on e-Law (e-Justice) to Coreper/Council

I. INTRODUCTION

1. At its meeting on 9-10 June 2011 the JHA Council took note of the report¹ of the Working Party on e-Law (e-Justice) on work carried out in the first half of 2011 and invited the Working Party to submit by the end of 2011 a report to Coreper/Council on progress made in the area of European e-Justice, in consultation, as appropriate, with the relevant working parties.

¹ 9369/1/11 REV 1 EJUSTICE 38 JURINFO 24 JUSTCIV 103 JUSTPEN 1 + COR 1 + COR 2

II. REPORT

2. During the second semester of 2011 work on e-Justice continued on the basis of the revised roadmap as set out in 10331/11 that was endorsed by the JHA Council in June 2011. Two days of meetings (5 October and 16 November) were held which enabled the Working Party to make progress in accordance with the European e-Justice action plan¹.

(1) European e-Justice Portal

a) Second release of the Portal and work on the third release

3. The second release of the Portal introduces several new features: a new taxonomy menu and revamp of the Portal's homepage, the integration of an advanced search facility (based on IDOL 7) and the on-line dynamic forms for the European Small Claims procedure as well as a tool (wizard) to allow users to find out if either the European Payment Order or Small Claims is applicable to their claims. The technical experts group of Member States set up by the Commission held meetings on 9 September and 28 October 2011. The Portal testing subgroup met on 8 September 2011. The release is planned to be operational by November 2011.
4. Work on the implementation of the third release started in August 2011. This release will contain new forms for the European Payment Order, the migration of the content pages of the European Judicial Network in civil and commercial matters (EJN civil) and some improvements to the back office and content management system. The go-live of the third release was planned for December 2011, but the content of the EJN civil can be ready only in February/March 2012 due to the fact that a longer deadline for updating the content had to be given to the EJN contact points.

¹ 15315/08 JURINFO 71 JAI 612 JUSTCIV 239 COPEN 216, OJ C 75 31.3.2009.

b) New content and updating of the Portal's information content

5. Work on new content elements to the Member States' pages on ECLI, defendants' rights, victims' rights, fundamental rights and on judicial training was continued by the Commission in collaboration of the Member State contact points. From November 2011 onwards, new content of victims' and defendants' rights will be available on the Portal.
6. It was recalled that it is vital to maintain the Portal content up to date and that Member States either update or republish Member States' content pages in the Content Management System of the Portal at least once per year.

c) Promotion of the Portal

7. The Working Party took note of the current statistics of the Portal and of the promotional activities undertaken by the Member States and the Commission. It was agreed to examine to which extent it could be useful to prepare further recommendations for the promotion of the Portal.

(2) e-CODEX

8. The Working Party regularly follows the important work undertaken in the context of the large scale ICT project e-Justice Communication via Online Data Exchange (e-CODEX)¹. The aim of the e-CODEX project co-funded under the Information and Communication Technologies Policy Support Programme (ICT-PSP) of the European Commission is to enhance the cross-border access of citizens and businesses to legal means in Europe as well as to improve the interoperability between legal authorities within the EU. Fourteen EU Member States, one candidate country and two European associations of legal professionals are partners in the project².

¹ 14896/10 EJUSTICE 93

² Project partners are Belgium, Estonia, Germany, France, Greece, Italy, Malta, the Netherlands, Austria, Portugal, Spain, Romania, the Czech Republic, Hungary and Turkey, together with the CCBE and the CNUE.

9. e-CODEX had its kick-off on 26-27 January 2011. The progress achieved during the first project phase and the new content of the project website (www.e-codex.eu) were presented to the Working Party on 5 October 2011. A summary of the progress is set out in 14167/11 EJUSTICE 69. The first General Assembly that took place on 29 and 30 June 2011 decided on four pilot use cases (European Payment Order, Small Claims, European Arrest Warrant, secure exchange of data). The piloting of further use cases (e.g. financial penalties) is still under discussion.
10. Given that the project is an important part of the European e-Justice Action Plan and in the light of the significant impact the results of the e-CODEX project will have on (the progress of) several other projects in the field of European e-Justice, the Working Party will continue to closely follow the progress of e-CODEX, taking note on its convergence with the EU interoperability framework.

(3) ECLI

11. The Council adopted on 22 December 2010 conclusions recommending on a voluntary basis the introduction of the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law¹. Several Member States are currently working on the implementation of ECLI. The Working Party is regularly following the state of implementation.
12. The ECLI subgroup of the European Commission's expert group met on 27 October 2011 in order to prepare the implementation of the ECLI pages on the European e-Justice Portal as required by the Council conclusions.

¹ 16871/10 EJUSTICE 133 JURINFO 61, OJ C 127 29.4.2011, p. 1-7.

13. ACA-Europe (Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union) organised a conference on 30 September 2011 in Warsaw devoted to ECLI preparations in supreme administrative courts. The Commission organised a second ECLI subgroup meeting on 27 October 2011. The European Court of Justice will implement ECLI internally by the end of 2011 and it will be operational as soon as the new version of EUR-Lex is available.

(4) Information and functionalities relating to legal practitioners

14. On the basis of the agreed approach as regards information and functionalities for the legal professions in the Portal¹ the Working Party carried on its cooperation with legal practitioners.
15. The European Directory of Notaries project was finalised during the second semester 2011 and the final results were presented to the Working Party on 5 October 2011. It includes all 40000 notaries of 22 Member States and of Croatia and is available in 23 languages (www.notaries-directory.eu). Integration of this search interface in the e-Justice Portal is envisaged for 2012.
16. The International Union of Judicial Officers (UIHJ) presented the state of work on the development of the “find a judicial officer”- functionality. The finalisation of the directory including in the initial phase several Member States², is planned for June 2012. Further Member States were invited to participate.

¹ 5331/10 EJUSTICE 2

² Belgium, France, Germany, Hungary, Italy, Luxembourg, the Netherlands, Poland and United Kingdom (Scotland)

17. The Working Party welcomed the German Notary Association who presented the website "Preventive Justice in Europe"¹, which provides user-friendly information on central areas of preventive justice, such as family law, custodianship, inheritance and real estate matters. The website currently involves eight Member States² and is available in five languages.
18. The Working Party agreed to continue discussions on the possibilities on how to integrate the content of this website in the European e-Justice Portal ensuring coherence and avoiding overlaps with other information given in the Portal.

(5) Videoconferencing and remote interpretation

19. The Working Party took note of a presentation of results and of recommendations drawn from the outcomes of the AVIDICUS project for the use of video-mediated interpreting in criminal proceedings as set out in 14168/11 EJUSTICE 70.
20. The Working Party held a first exchange of views and agreed to continue discussions with a view to possibly elaborating guidelines on the technical requirements of videoconferencing equipment necessary for the use of simultaneous interpretation.

(6) Special proceedings

a) European Payment Order procedure

21. Dynamic forms had been placed on the Portal in the interim release 2 of the European e-Justice Portal in spring 2011. A wizard providing user-friendly guidance for citizens on whether to choose the European Payment order or the European Small Claims procedure will be placed on the Portal in the second release. The third release of the Portal will contain the updated forms currently under revision.

¹ www.prejus.eu

² Germany, Estonia, Finland, France, Hungary, Latvia, Poland, Romania.

22. The Working Party took note of the state of implementation of Release 2.0 of the project of certain Member States setting up an automated procedure for the European order for payment procedure. Other Member States were invited to join release 2.0. The application would be provided free of charge and could be developed further together with the participating Member States.
23. The e-Codex consortium agreed to include the European Payment Order procedure as one of the pilot projects.

b) European Small Claims procedure

24. Dynamic forms together with a wizard providing guidance for citizens on whether to choose the European Payment Order or the European Small Claims procedure will be placed on the European e-Justice Portal in the second release of the Portal.
25. The e-CODEX consortium agreed to include the European Small Claims procedure as one of the pilots.

(7) The website of the European Judicial Network in civil and commercial matters

26. Work for the migration of the EJN website content to the European e-Justice Portal is carried out by the Commission in close cooperation with the EJN contact points and on the basis of the conclusions of the JHA Council adopted on 25 February 2011 as set out in 6029/11.
27. Full migration of the website was initially scheduled for December 2011, but a longer deadline than initially scheduled (three months rather than one month) had to be given to the EJN contact points for updating the content. The content therefore can be ready only in February/March 2012.

(8) Judicial Atlas in civil matters

28. In close cooperation between the Commission and the Member States preparatory work for the migration of the Atlas into the European e-Justice Portal began in 2011 with the aim to allow for migration of the Atlas by December 2012.
29. Some of the dynamic forms contained in the Judicial Atlas¹ had already been revamped and included in the e-Justice Portal (European Payment Order, Legal Aid and Taking of Evidence), Small Claims will follow with the second release. The integration of the remaining dynamic forms, such as the forms for the regulation on maintenance obligations, is envisaged to be covered by the fourth release of the Portal. The aim is to have all forms available in the Portal by end of 2012.
30. In the context of the migration of the European Judicial Atlas in civil matters, the database of Member States' competent courts needs to be restructured in order to comply with the decentralised approach of the European e-Justice Portal. A first exchange of views took place; further discussions need to take place and important work both on Member States' and the Commission's side needs to be carried out.

(9) Website of the Network for legislative cooperation between the Ministries of Justice

31. The Working Party welcomed the representatives of the Network for legislative cooperation between the Ministries of Justice and took note of a presentation on the plans to transform the currently static website of the network into a multilingual and interactive website. A summary of the presentation is set out in 14169/11 EJUSTICE 71. In accordance with 15729/11 COR 1, the Working Party agreed that the European e-Justice Portal would link to the Network's website as soon as publicly accessible content is available.

¹ http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm

(10) Electronic registers

a) Insolvency registers

32. Work on the interconnection of Insolvency registers via the European e-Justice Portal is on-going.
33. The Commission's project contract covering the revision of the interface specifications and the execution of the technical work required on the Portal side was signed in September 2011 and work has progressed expeditiously. The Commission subgroup on insolvency registers met on 11 October, on 15 November and on 5 December 2011 to discuss with interested Member States technical issues (requirements, interface specifications, reference data, glossaries).
34. The Working Party took note of the state of play and of the fact that the interconnected insolvency registers of the first group of Member States is planned to go live in the course of 2012.

b) Interconnection of land registers

35. The LINE project (Land Register Information for Europe) of EULIS aims at developing a new platform for the interconnection of land registers of Member States. The new platform is expected to be operational by the beginning of 2012. Possible integration in the e-Justice Portal could be considered as from 2012.
36. Considering that not all Member States are participating in the LINE project the Working Party analysed possibilities for preparing, for Member States who wish so, access to the land registry information through other means via the e-justice Portal.

37. The Working Party agreed on a step-by-step approach on the future direction of work as set out in 17696/11 EJUSTICE 92, in particular to cooperate on a voluntary basis with EULIS on the LINE project and to prepare in the framework of the Working Party a questionnaire, keeping all key stakeholders involved in the preparation and the results of this work.

c) Wills registers

38. The European Network of Registers of Wills Association (ENWRA) gave a presentation of the state of play of the pilot project on the interconnection of national registers of wills.
39. A link to the network's website¹ (information sheets on how to register and to find a will in each Member State and in Croatia) will be placed on the European e-Justice Portal in the second release of the Portal.
40. The Working Party agreed to continue the examination of the proposal to consider the possibility of integrating ENWRA into the Portal.

d) Database of Translators and Interpreters

41. The Working Party is regularly following current developments in the Member States based on the recommendations regarding common criteria for electronic "translators and/or interpreters" databases, which were agreed by the Working Party in May 2011 and are set out in 7693/2/11 REV 2 EJUSTICE 29.

¹ www.arert.eu

III. CONCLUSIONS

42. In the light of the report it is proposed that Coreper /Council:

- a) takes note of the work completed in the second half of 2011;
 - b) endorses the revised note on future direction of work for the interconnection of land registries as set out in 17696/11 EJUSTICE 92;
 - c) invites the Working Party to continue its follow-up work on the implementation of the multi-annual programme in accordance with paragraph 58 of the European e-Justice action plan and the roadmap;
 - d) invites the Working Party to submit a report to Coreper/Council by the end of the first half of 2012 on progress made in the area of European e-Justice.
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