E-justice

2008/2125(INL) - 18/12/2008 - Text adopted by Parliament, single reading

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.

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:

The Action Plan should be made up of at least the following actions:

- **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.