Computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system)

2020/0345(COD) - 02/12/2020 - Legislative proposal

PURPOSE: to establish the e-CODEX system allowing swift, direct, interoperable, reliable and secure electronic cross-border data exchange to ensure that judicial systems can cooperate effectively using digital tools.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the e-CODEX system (Justice Communication via On-line Data Exchange) is a tool specifically designed to facilitate the cross-border electronic exchange of messages in the field of justice. It currently facilitates electronic communication between citizens and courts as well as between Member States' administrations in certain cross-border civil and criminal proceedings.

It facilitates secure communication in civil and criminal proceedings via a tailor-made solution for the cross-border exchange of electronic messages in the area of judicial cooperation.

e-CODEX has so far been managed by a consortium of Member States and organisations with funding from EU programmes. The total cost of developing the system has amounted to approximately EUR 24 million, of which 50% was funded by the EU in the form of grants and 50% by the participating Member States.

The long-term sustainability, increased use and operational management of e-CODEX are a priority for the EU. e-CODEX could be used to enable more efficient judicial cooperation between judicial authorities in criminal matters, thus stepping up the fight against cross-border crime, terrorism and cybercrime.

Given the importance of the e-CODEX system for cross-border exchanges in the field of justice, the Commission considers it necessary to provide the EU with a sustainable legal framework for the e-CODEX system by defining the rules for its operation and development and by designating an entity capable of ensuring the operational management of the system.

CONTENT: the proposal for a Regulation establishes the e-CODEX system and entrusts its operational management to the European Union Agency for the operational management of large-scale IT systems within the area of freedom, security and justice (eu-LISA).

Scope of application

The Regulation would apply to the electronic transmission of information in cross-border civil and criminal proceedings through the e-CODEX system, in accordance with legal instruments adopted in civil and criminal cooperation.

Composition, functions and responsibilities of the e-CODEX system

The proposal:

- defines: (i) the e-CODEX system and its component parts, i.e. access point software; (ii) the responsibilities of eu-LISA with regard to the operational management of the e-CODEX system; (iii) the responsibilities of entities operating authorised e-CODEX access points;

- instructs Member States to maintain an up-to-date list of authorised e-CODEX access points operating on their territory and to nominate correspondents who are entitled to receive assistance on how to use the e-CODEX system.

Transfer of the e-CODEX system by the entity managing this system to eu-LISA

The earliest date proposed for the takeover would be 1 July 2023, to allow eu-LISA time to complete the tasks already entrusted to it in relation to the EES, ETIAS and ECRIS-TCN systems, to modernise the Schengen Information System (SIS) and VIS and to ensure the interoperability of EU information systems.

Once eu-LISA takes over responsibility for the system, at the earliest on 1 July 2023, it should:

- ensure, on the basis of technical and service-level requirements set out in implementing acts, that the existing software remains functional in a changing technical environment and is adapted to evolving user needs;

- maintain or update the digital templates for the different procedures where e-CODEX will be used to respond to legal or organisational changes and create new ones for those instruments within the scope of the regulation in which e-CODEX is introduced.

The entity managing the e-CODEX system would continue to be responsible for it until the successful finalisation of the handover/takeover process. The process of handing over the system to eu-LISA is scheduled to take no more than 6 months starting on 1 January 2023. During this period, the entity managing the e-CODEX system would retain full responsibility for the e-CODEX system. The Agency should recruit the necessary staff and plan for procurement activities accordingly.

The proposal establishes a Programme Management Board (PMB) which will assist eu-LISA Management Board to ensure the adequate management of the e-CODEX system.

Budgetary implications

The total costs for 2022-2027 amount to EUR 9.667 million (average cost per year of EUR 1.611 million). Of this amount, the eu-LISA funding for the same period is EUR 8.723 million.