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

2020/0345(COD) - 15/10/2021 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs jointly adopted a report by Emil RADEV (EPP, BG) and Nuno MELO (EPP, PT) on the proposal for a regulation of the European Parliament and of the Council on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system) and amending Regulation (EU) 2018/1726.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Scope

The report proposed extending the scope of this Regulation to apply to the electronic transmission of information in the context of cross-border **judicial cooperation** in civil and criminal matters by means of the e-CODEX system in accordance with the legal acts adopted in the area of judicial cooperation in civil and criminal matters within the competence of the Union.

Definitions

Members proposed developing the terminology of:

- e-Codex correspondents to mean an entity designated by a Member State or the Commission as competent to request and receive technical support from eu-LISA in relation to the e-CODEX system;

- digital procedural standards to mean all relevant technical specifications on business process models and the data schemas based on the Union e-Justice Core Vocabulary defining the electronic structure of the data exchanged in the context of the e-CODEX system.

Allocation of responsibilities

The report called for eu-LISA to be responsible for the operational management of the Domibus Connector software and for maintaining a high level of security standards throughout the process while carrying out its tasks. eu-LISA and the Commission should conclude a memorandum of understanding to ensure coherence between the exercise of their respective responsibilities in relation to the components of the e-CODEX system.

Non-discrimination and respect for fundamental rights

Members want to make sure that the use of e-CODEX complies at all times with EU data protection rules and that the fundamental rights and freedoms of all persons implicated in the exchange of information are respected, such as the right to an effective remedy and to a fair trial.

Legal effect of electronic documents

Documents that are transmitted through the e-CODEX system should not be denied legal effect or considered inadmissible as evidence in legal proceedings on the ground that they are in electronic form.

Access points

The report proposed that Member States should maintain a list of authorised e-CODEX access points, operated within their territories, and the cross-border civil and criminal matters as well as the digital procedural standards which each access point is authorised to apply. All authorised e-CODEX access points in one Member State should apply all the digital procedural standards adopted under this Regulation.

Member States should supervise the authorised e-CODEX access points for which they are responsible, in particular when they are operated by entities that are not public authorities. Member States should ensure that adequate data security measures are in place.

Hand-over and take-over

The report suggested that eu-LISA should take over responsibility for the e-CODEX system on the date when the Commission has declared the successful completion of the handover/takeover process, no earlier than 1 July 2023 but no later than 31 December 2023.

The Commission should update the European Parliament and the Council by 31 July 2023 on the handover /takeover process.

Programme Management Board

The report stressed that by 1 January 2023, the Management Board of eu-LISA should establish an e-CODEX Programme Management Board composed of **ten members** (as opposed to the eight proposed by the Commission): the Chair of the Advisory Group, eight members appointed by the Management Board of eu-LISA from among its members or from among the experts taking part in the Advisory Group and one member appointed by the Commission. The Management Board should ensure that the members it appoints to the Programme Management Board have the necessary experience and expertise regarding the e-CODEX system, as well as extensive experience in the justice field.

The term of office of the members of the Programme Management Board and their alternates should be **four years** and shall be renewable.

Separation of powers and independence of the judiciary

When carrying out their responsibilities under this Regulation, all entities shall respect the principle of the separation of powers and ensure that their decisions and actions respect the principle of the independence of the judiciary.

e-Justice Core Vocabulary

Members also introduced safeguards, such as the e-Justice Core Vocabulary, to make sure that interoperability of the system is not challenged by terminology issues.