

Digitalisation of cross-border judicial cooperation (amendment of certain directives and framework decisions)

2021/0395(COD) - 02/12/2021 - Legislative proposal

PURPOSE: to amend certain legal acts in civil, commercial and criminal matters to include references to the digital means of communication as established by the digitalisation Regulation.

PROPOSED ACT: Directive 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: in its [communication](#) on the digitalisation of justice in the EU, the Commission identified the need to modernise the legislative framework of the Union's cross-border procedures in civil, commercial and criminal law, in line with the 'digital by default' principle, while ensuring all necessary safeguards (for example, specifically acknowledging the need to avoid social exclusion).

At Union level, there exists a comprehensive set of instruments designed to enhance judicial cooperation in cross-border civil, commercial and criminal cases. Many of these govern the communication between authorities, including in certain cases with the EU Justice and Home Affairs (JHA) agencies and bodies. However, most instruments do not provide for engaging in such communication through digital means. Even where they do, other gaps still exist, such as a lack of secure and reliable digital communication channels or nonrecognition of electronic documents, signatures and seals. This deprives judicial cooperation of using the most efficient, secure and reliable channels of communication available.

In order to ensure that communication is conducted uniformly under the scope of all Union legal instruments in the area of civil, commercial and criminal matters, certain provisions already governing communication need to be aligned with the goal of ensuring 'digital by default' information exchanges.

CONTENT: the proposed Directive seeks to amend Council Directive 2003/8/EC, Council Framework Decisions 2002/465/JHA, 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, and Directive 2014/41/EU of the European Parliament and of the Council, as regards digitalisation of judicial cooperation.

The purpose of the amendments is to ensure legal certainty in such situations where existing provisions may govern communication differently than the [proposed Regulation](#) on the digitisation of judicial cooperation.

The proposal:

- introduces amendments to the Framework Decisions and Directives in civil, commercial and criminal matters to include references to the **digital means of communication** as established by the Regulation on digitalisation of judicial cooperation and access to justice in civil, commercial and criminal matters, to avoid uncertainty as to the communication means to be used under the existing legal acts;
- sets out the transposition periods for the implementation of the amendments in the concerned Directives and Framework decisions.

