

# Digitalisation of cross-border judicial cooperation

2021/0394(COD) - 01/12/2021 - Legislative proposal

**PURPOSE:** to introduce modern digital technology in access to justice and judicial cooperation in cross-border civil, commercial and criminal cases.

**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:** 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).

The rules on digitalisation set out in this proposal aim at improving access to justice and the efficiency and resilience of the communication flows inherent to the cooperation between judicial and other competent authorities in EU cross-border cases. The use of digital technologies has the potential to make judicial systems more efficient in this regard, by easing the administrative burden, shortening case processing times, making communication more secure and reliable, and partially automating case handling. However, as experience has shown, leaving Member States to develop their own national IT solutions leads to a **fragmented approach and risks solutions not being compatible**.

**CONTENT:** this proposal seeks to guarantee a **common approach** towards the use of modern technologies in cross-border judicial cooperation and access to justice.

In particular, it aims to:

- ensure the availability and use of electronic means of communication in cross-border cases between Member States' judicial and other competent authorities, including the relevant JHA agencies and EU bodies, where such communication is provided for in EU legal instruments on judicial cooperation;
- enable the use of electronic means of communication in cross-border cases between individuals and legal entities, and courts and competent authorities, except in cases covered by the Service of documents regulations;
- facilitate the participation of parties to cross-border civil and criminal proceedings in oral hearings through **videoconference** or other distance communication technology, for purposes other than the taking of evidence in civil and commercial cases;
- ensure that documents are not refused or denied legal effect solely on the grounds of their **electronic form** (without interfering with the courts' powers to decide on their validity, admissibility and probative value as evidence under national law);
- ensure the validity and acceptance of **electronic signatures and seals** in the context of electronic communication in cross-border judicial cooperation and access to justice;
- facilitate the electronic payment of fees.

### ***Budgetary implications***

The costs for the Member States will be rather limited: a total of EUR 8 100 000 per year i.e. EUR 300 000 per year per Member State. In the first two years, the cost of installation will be EUR 100 000 per year per Member State. This includes equipment costs and the human resources needed to configure it. The remaining EUR 200 000 are needed to provide support to an increasing number of users. As of the third year, there are no hardware and installation costs, only costs related to user support and maintenance of the system. This is estimated at EUR 300 000 per year. While Member States are expected to bear these costs from their national budgets, they can nonetheless apply for EU financial support under the relevant financing programmes, such as the Justice programme and the cohesion policy instruments.