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

2020/0345(COD) - 24/03/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 571 votes to 7, with 10 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on a computerised communication system for cross-border civil and criminal proceedings (e-CODEX system) and amending Regulation (EU) 2018/1726.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

***Subject matter and scope***

This Regulation establishes the legal framework for the **e-CODEX system** (the e-Justice Communication via Online Data Exchange), a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters.

This Regulation lays down rules on the following:

- the definition, composition, functions and management of the e-CODEX system;

- the responsibilities of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) regarding the e-CODEX system;

- the responsibilities of the Commission, Member States and the entities operating authorised e-CODEX access points;

- the legal framework for the security of the e-CODEX system.

This Regulation will apply to the cross-border electronic exchange of data **in the area of judicial cooperation in civil and criminal matters** by means of the eCODEX system in accordance with the Union legal acts adopted in that area.

***Non-discrimination and respect for fundamental rights***

The fundamental rights and freedoms of all persons affected by the electronic exchange of data through the e-CODEX system, in particular the right to effective access to justice, the right to a fair trial, the principle of non-discrimination, the right to the protection of personal data and the right to privacy, should be fully respected in accordance with Union law.

***e-CODEX access points***

The amended Regulation stipulates that Member States should authorise e-CODEX access points for the connected systems in their territory in accordance with applicable national and Union law. Member States should maintain a list of those authorised e-CODEX access points and of the digital procedural standards which each authorised e-CODEX access point applies. Member States should notify that list and any

changes thereto to eu-LISA without delay. Member States will supervise their authorised e-CODEX access points, ensuring that the conditions under which authorisation was granted are continuously met. Member States should not operate their authorised e-CODEX access points in third countries.

Each Member State should designate a number of **e-CODEX correspondents** in proportion to the number of e-CODEX access points which it has authorised and to the number of digital procedural standards which those authorised e-CODEX access points apply. Only those e-CODEX correspondents should be entitled to request and receive technical support on how to use the e-CODEX system.

***Handover and takeover***

Until its handover to the European Union Agency for the Operational Management of Large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), the e-CODEX system should be managed by a consortium of Member States and organisations with funding from Union programmes (the 'entity managing the e-CODEX system').

**eu-LISA should take over responsibility for the e-CODEX system** on the date on which the Commission declares the successful completion of the handover and takeover process, **between 1 July 2023 and 31 December 2023**, after consulting the entity managing the e-CODEX system and eu-LISA.

***e-CODEX Advisory Group***

From 1 January 2023, the e-CODEX Advisory Group should provide eu-LISA with the necessary expertise in relation to the e-CODEX system. In particular, the Advisory Group should: (i) monitor the status of e-CODEX implementation in the Member States; (ii) examine the need for and prepare new digital procedural standards; (iii) promote knowledge sharing; (iv) monitor eu-LISA's compliance with the service level requirements.

***Management Board***

By 1 January 2023 at the latest, the eu-LISA Management Board should establish a permanent e-CODEX Management Board consisting of **ten members**, ensuring a gender balance. The e-CODEX Management Board should advise the eu-LISA Management Board on the sustainability of the e-CODEX system, in particular during the handover and takeover process, with regard to prioritisation of activities, as well as other strategic commitments. It should ensure that the e-CODEX system is properly managed.

The term of office of the members of the e-CODEX Programme Management Board and their alternates will be four years and should be renewable.

***Separation of powers and independence of the judiciary***

In carrying out their responsibilities under the Regulation, all entities should respect the principle of separation of powers and ensure that their decisions and actions respect the principle of the independence of the judiciary. To this end, eu-LISA should allocate all resources provided to it for the e-CODEX system to the operation of the system under the Regulation and will ensure that representatives of the judiciary are involved in the management of the e-CODEX system.

***Cooperation with international organisations***

eu-LISA may enter into **working arrangements** with international organisations or their affiliated bodies governed by public international law, or other relevant entities or bodies, established by agreement or on the basis of an agreement between two or more countries, in order to enable them to request and receive technical assistance in using the e-CODEX system.