

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

2021/0395(COD) - 09/03/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs, Civil Liberties, Justice and Home Affairs adopted the report by Emil RADEV (EPP, BG) and Marina KALJURAND (S&D, EE) on the proposal for a directive of the European Parliament and of the Council amending 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 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.

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:

Amendments to Framework Decision 2009/829/JHA

Members introduced amendments to Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

The issuing judicial authority shall use the decentralised IT system referred to in the [Digitalisation Regulation](#), to provide the competent authority in the executing Member State with:

- the information required to enable the requested person to appoint a lawyer in the issuing state and to apply for legal aid in the issuing state;
- the material evidence that supports the cross-border cooperation request in due time before the hearing through videoconferencing or other distance communication technology.

Fundamental rights

Members stressed that EU legal acts allowing communication between competent authorities, including EU agencies and bodies, should be complemented by conditions for conducting such communication through digital means in a manner that ensures the protection of fundamental rights as provided for in the Charter of Fundamental Rights of the European Union, especially those enshrined in Title VI and Article

47 on the right to an effective remedy and to a fair trial. These conditions should in no way undermine the protection of procedural rights that are essential for the protection of those fundamental rights, in accordance with Union law.