

Digitalisation of cross-border judicial cooperation

2021/0394(COD) - 23/11/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 551 votes to 5, with 6 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation.

The European Parliament adopted its position at first reading under the ordinary legislative procedure.

Subject matter and scope

This Regulation establishes a **uniform legal framework for the use of electronic communication** between competent authorities in judicial cooperation procedures in civil, commercial and criminal matters and for the use of electronic communication between natural or legal persons and competent authorities in judicial procedures in civil and commercial matters.

It should apply to electronic communication in **judicial cooperation procedures in civil, commercial and criminal matters** and hearings through videoconferencing or other means of distance communication technology.

European electronic access point

A European electronic access point should be established on the European e-Justice Portal. This access point may be used for electronic communication between natural or legal persons or their representatives and competent authorities in a number of cases.

The European electronic access point should all contain information for natural and legal persons on their right to legal aid, including in cross-border proceedings and on how to file claims, launch requests, send and receive procedurally relevant information and communicate with the competent authorities, or be served with judicial or extrajudicial documents.

Provided that a natural or legal person or their representative has given **prior express consent** to the use of the European electronic access point as a means of communication or method of service, competent authorities should communicate with that natural or legal person or their representative using that access point, and may serve documents on them through that access point.

Hearing through videoconferencing in criminal matters

The Regulation provides for the possibility for parties and other persons concerned to participate in hearings in civil, commercial and criminal proceedings by means of videoconferencing or other remote communication technology.

The competent authority conducting the hearing should ensure that the parties and their representatives, including disabled persons, have access to videoconferencing for the hearing. When deciding whether to hear a child by videoconference or other means of distance communication, the competent authority should take into account the best interests of the child.

Member States in which the procedure takes place should take appropriate measures in accordance with national law to ensure that such recordings are **made and stored securely** and are not made public.

Where the competent authority of a Member State requests the hearing of a suspect or an accused or convicted person, or an affected person, other than a suspect or an accused or convicted person, present in another Member State in proceedings under the legal acts listed in this Regulation, the competent authority of that other Member State (requested competent authority) should all allow such persons to participate in the hearing through videoconferencing or other distance communication technology, provided that: (i) the particular circumstances of the case justify the use of such technology; and (ii) the suspect, the accused or convicted person or the affected person has given consent for the use of videoconferencing or other distance communication technology for that hearing.

Competent authorities should provide the person that is to be heard with **information about the procedure for conducting a hearing** through videoconferencing or other distance communication technology, as well as about their procedural rights, including the right to interpretation and the right of access to a lawyer before the consent is given.

The competent authority may decide not to seek the consent of the persons referred to in point (b) of the first subparagraph of this paragraph where participation in a hearing in person poses a serious threat to public security or public health which is shown to be genuine and present or foreseeable.

Electronic signatures and electronic seals

Where a document transmitted as part of electronic communication under the Regulation requires a seal or signature, it should feature a qualified electronic seal or qualified electronic signature as defined in Regulation (EU) No 910/2014.

Member States should provide for the possibility of electronic payment of fees, including from Member States other than that where the competent authority is situated. The technical means for the electronic payment of fees should comply with applicable rules on accessibility.

Training

Member States should ensure that the justice professionals concerned and competent authorities are offered the necessary training for efficient use of the decentralised IT system and for the appropriate use of videoconferencing or other distance communication technology. Member States should also encourage the authorities to share best practices regarding videoconferencing in order to reduce costs and increase efficiency.

The Commission should ensure that the training of justice professionals in the efficient use of the decentralised IT system is among the training priorities supported by the relevant Union financial programmes.