

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

2021/0395(COD) - 23/11/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 555 votes to 5, with 4 abstentions, a legislative resolution 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 European Parliament adopted its position at first reading under the ordinary legislative procedure.

The amendments provided for in this Directive seek to ensure that cross-border communication between authorities takes place in accordance with the rules and principles set out in the [Regulation](#) on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal matters. Pursuant to that Regulation, communication between competent authorities of different Member States and between a national competent authority and a Union agency or body under the legal acts in the area of judicial cooperation in criminal matters amended by this Directive should, as a rule, be carried out through a decentralised IT system.

In particular, the decentralised IT system should, as a rule, be used for the exchange of forms provided for by the legal acts in the area of judicial cooperation in criminal matters amended by this Directive and for all other official communication under those legal acts which has to be carried out in written form, for example for the purposes of keeping case files of competent authorities. In cases where one or more of the exceptions provided for in the Regulation on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal matters apply, namely where the use of the decentralised IT system is not possible or appropriate, it should be possible to use other means of communication as specified in that Regulation.

For the purposes of Framework Decisions 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA and 2009/829/JHA and Directive 2014/41/EU, where those legal acts provide for the communication between authorities to be carried out by any means or by any appropriate means, such authorities should have discretion as to which method of communication to use.

The amended text stresses that Union legal acts providing for communication between competent authorities, including Union 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, in particular Article 47 on the right to an effective remedy and to a fair trial. Those 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.