Basic information

2020/0345(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system) **Subject** 7.40.02 Judicial cooperation in civil and commercial matters 7.40.04 Judicial cooperation in criminal matters	

Key players

European Parliament

Joint committee responsible	Rapporteur	Appointed
JURI Legal Affairs	RADEV Emil (EPP)	10/05/2021
LIBE Civil Liberties, Justice and Home Affairs	MELO Nuno (EPP)	10/05/2021
	Shadow rapporteur SANTOS Isabel (S&D) ROBERTI Franco (S&D) STRUGARIU Ramona (Renew) VÁZQUEZ LÁZARA Adrián (Renew) LAGODINSKY Sergey (Greens/EFA) DELBOS-CORFIELD Gwendoline (Greens/EFA) DZHAMBAZKI Angel (ECR) TERHEŞ Cristian (ECR) MAUREL Emmanuel (The Left) DALY Clare (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	

Council of the

European Union	
European Commission	

Commission DG	Commissioner
Justice and Consumers	REYNDERS Didier

Key events

Date	Event	Reference	Summary
02/12/2020	Legislative proposal published	COM(2020)0712	Summary
18/01/2021	Committee referral announced in Parliament, 1st reading		
29/04/2021	Referral to joint committee announced in Parliament		
14/10/2021	Vote in committee, 1st reading		
14/10/2021	Committee decision to open interinstitutional negotiations with report adopted in committee		
15/10/2021	Committee report tabled for plenary, 1st reading	A9-0288/2021	Summary
18/10/2021	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
20/10/2021	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
13/01/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2021)005983	
24/03/2022	Decision by Parliament, 1st reading	T9-0091/2022	Summary
24/03/2022	Results of vote in Parliament		
12/04/2022	Act adopted by Council after Parliament's 1st reading		
30/05/2022	Final act signed		
01/06/2022	Final act published in Official Journal		

Technical information

Procedure reference	2020/0345(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Rules of Procedure EP 59 Treaty on the Functioning of the European Union TFEU 081-p2 Treaty on the Functioning of the European Union TFEU 082-p1
Stage reached in procedure	Procedure completed
Committee dossier	CJ03/9/05924

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE693.869	14/06/2021	
Amendments tabled in committee		PE695.246	14/07/2021	
Committee report tabled for plenary, 1st reading/single reading		A9-0288/2021	15/10/2021	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0091/2022	24/03/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2021)005983	15/12/2021	
Draft final act	00087/2021/LEX	30/05/2022	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0712	02/12/2020	Summary
Document attached to the procedure	SEC(2020)0408	03/12/2020	
Document attached to the procedure	SWD(2020)0541	03/12/2020	
Document attached to the procedure	SWD(2020)0542	03/12/2020	
Commission response to text adopted in plenary	SP(2022)214	02/05/2022	
Follow-up document	COM(2026)0032	26/01/2026	
Follow-up document	SWD(2026)0980	26/01/2026	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2020)0712	11/03/2021	
Contribution	PT_PARLIAMENT	COM(2020)0712	11/03/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5898/2020	27/04/2021	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	14/06/2021
European Commission	EUR-Lex	

Final act
Regulation 2022/0850 OJ L 150 01.06.2022, p. 0001

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.

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

2020/0345(COD) - 02/12/2020 - Legislative proposal

PURPOSE: to establish the e-CODEX system allowing swift, direct, interoperable, reliable and secure electronic cross-border data exchange to ensure that judicial systems can cooperate effectively using digital tools.

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: the e-CODEX system (Justice Communication via On-line Data Exchange) is a tool specifically designed to facilitate the cross-border electronic exchange of messages in the field of justice. It currently facilitates electronic communication between citizens and courts as well as between Member States' administrations in certain cross-border civil and criminal proceedings.

It facilitates secure communication in civil and criminal proceedings via a tailor-made solution for the cross-border exchange of electronic messages in the area of judicial cooperation.

e-CODEX has so far been managed by a consortium of Member States and organisations with funding from EU programmes. The total cost of developing the system has amounted to approximately EUR 24 million, of which 50% was funded by the EU in the form of grants and 50% by the participating Member States.

The long-term sustainability, increased use and operational management of e-CODEX are a priority for the EU. e-CODEX could be used to enable more efficient judicial cooperation between judicial authorities in criminal matters, thus stepping up the fight against cross-border crime, terrorism and cybercrime.

Given the importance of the e-CODEX system for cross-border exchanges in the field of justice, the Commission considers it necessary to provide the EU with a sustainable legal framework for the e-CODEX system by defining the rules for its operation and development and by designating an entity capable of ensuring the operational management of the system.

CONTENT: the proposal for a Regulation establishes the e-CODEX system and entrusts its operational management to the European Union Agency for the operational management of large-scale IT systems within the area of freedom, security and justice (eu-LISA).

Scope of application

The Regulation would apply to the electronic transmission of information in cross-border civil and criminal proceedings through the e-CODEX system, in accordance with legal instruments adopted in civil and criminal cooperation.

Composition, functions and responsibilities of the e-CODEX system

The proposal:

- defines: (i) the e-CODEX system and its component parts, i.e. access point software; (ii) the responsibilities of eu-LISA with regard to the operational management of the e-CODEX system; (iii) the responsibilities of entities operating authorised e-CODEX access points;

- instructs Member States to maintain an up-to-date list of authorised e-CODEX access points operating on their territory and to nominate correspondents who are entitled to receive assistance on how to use the e-CODEX system.

Transfer of the e-CODEX system by the entity managing this system to eu-LISA

The earliest date proposed for the takeover would be 1 July 2023, to allow eu-LISA time to complete the tasks already entrusted to it in relation to the EES, ETIAS and ECRIS-TCN systems, to modernise the Schengen Information System (SIS) and VIS and to ensure the interoperability of EU information systems.

Once eu-LISA takes over responsibility for the system, at the earliest on 1 July 2023, it should:

- ensure, on the basis of technical and service-level requirements set out in implementing acts, that the existing software remains functional in a changing technical environment and is adapted to evolving user needs;

- maintain or update the digital templates for the different procedures where e-CODEX will be used to respond to legal or organisational changes and create new ones for those instruments within the scope of the regulation in which e-CODEX is introduced.

The entity managing the e-CODEX system would continue to be responsible for it until the successful finalisation of the handover/takeover process. The process of handing over the system to eu-LISA is scheduled to take no more than 6 months starting on 1 January 2023. During this period, the entity managing the e-CODEX system would retain full responsibility for the e-CODEX system. The Agency should recruit the necessary staff and plan for procurement activities accordingly.

The proposal establishes a Programme Management Board (PMB) which will assist eu-LISA Management Board to ensure the adequate management of the e-CODEX system.

Budgetary implications

The total costs for 2022-2027 amount to EUR 9.667 million (average cost per year of EUR 1.611 million). Of this amount, the eu-LISA funding for the same period is EUR 8.723 million.

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

2020/0345(COD) - 15/10/2021 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs jointly adopted a report by Emil RADEV (EPP, BG) and Nuno MELO (EPP, PT) on the proposal for a regulation of the European Parliament and of the Council on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system) and amending Regulation (EU) 2018/1726.

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:

Scope

The report proposed extending the scope of this Regulation to apply to the electronic transmission of information in the context of cross-border **judicial cooperation** in civil and criminal matters by means of the e-CODEX system in accordance with the legal acts adopted in the area of judicial cooperation in civil and criminal matters within the competence of the Union.

Definitions

Members proposed developing the terminology of:

- e-Codex correspondents to mean an entity designated by a Member State or the Commission as competent to request and receive technical support from eu-LISA in relation to the e-CODEX system;

- digital procedural standards to mean all relevant technical specifications on business process models and the data schemas based on the Union e-Justice Core Vocabulary defining the electronic structure of the data exchanged in the context of the e-CODEX system.

Allocation of responsibilities

The report called for eu-LISA to be responsible for the operational management of the Domibus Connector software and for maintaining a high level of security standards throughout the process while carrying out its tasks. eu-LISA and the Commission should conclude a memorandum of understanding to ensure coherence between the exercise of their respective responsibilities in relation to the components of the e-CODEX system.

Non-discrimination and respect for fundamental rights

Members want to make sure that the use of e-CODEX complies at all times with EU data protection rules and that the fundamental rights and freedoms of all persons implicated in the exchange of information are respected, such as the right to an effective remedy and to a fair trial.

Legal effect of electronic documents

Documents that are transmitted through the e-CODEX system should not be denied legal effect or considered inadmissible as evidence in legal proceedings on the ground that they are in electronic form.

Access points

The report proposed that Member States should maintain a list of authorised e-CODEX access points, operated within their territories, and the cross-border civil and criminal matters as well as the digital procedural standards which each access point is authorised to apply. All authorised e-CODEX access points in one Member State should apply all the digital procedural standards adopted under this Regulation.

Member States should supervise the authorised e-CODEX access points for which they are responsible, in particular when they are operated by entities that are not public authorities. Member States should ensure that adequate data security measures are in place.

Hand-over and take-over

The report suggested that eu-LISA should take over responsibility for the e-CODEX system on the date when the Commission has declared the successful completion of the handover/takeover process, no earlier than 1 July 2023 but no later than 31 December 2023.

The Commission should update the European Parliament and the Council by 31 July 2023 on the handover/takeover process.

Programme Management Board

The report stressed that by 1 January 2023, the Management Board of eu-LISA should establish an e-CODEX Programme Management Board composed of **ten members** (as opposed to the eight proposed by the Commission): the Chair of the Advisory Group, eight members appointed by the Management Board of eu-LISA from among its members or from among the experts taking part in the Advisory Group and one member appointed by the Commission. The Management Board should ensure that the members it appoints to the Programme Management Board have the necessary experience and expertise regarding the e-CODEX system, as well as extensive experience in the justice field.

The term of office of the members of the Programme Management Board and their alternates should be **four years** and shall be renewable.

Separation of powers and independence of the judiciary

When carrying out their responsibilities under this Regulation, all entities shall respect the principle of the separation of powers and ensure that their decisions and actions respect the principle of the independence of the judiciary.

e-Justice Core Vocabulary

Members also introduced safeguards, such as the e-Justice Core Vocabulary, to make sure that interoperability of the system is not challenged by terminology issues.