

## Basic information

**2021/0395(COD)**

COD - Ordinary legislative procedure (ex-codecision procedure)  
Directive

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

Amending JHA act 2002/584 [2001/0215\(CNS\)](#)  
Amending JHA act 2003/577 [2001/0803\(CNS\)](#)  
Amending JHA act 2002/465 [2001/0821\(CNS\)](#)  
Amending JHA act 2005/214 [2001/0825\(CNS\)](#)  
Amending Directive 2003/8 [2002/0020\(CNS\)](#)  
Amending JHA act 2006/783 [2002/0816\(CNS\)](#)  
Amending JHA act 2008/909 [2005/0805\(CNS\)](#)  
Amending JHA act 2009/829 [2006/0158\(CNS\)](#)  
Amending JHA act 2008/947 [2007/0807\(CNS\)](#)  
Amending JHA act 2009/948 [2009/0802\(CNS\)](#)  
Amending Directive 2014/41 [2010/0817\(COD\)](#)

### Subject

3.30.06 Information and communication technologies, digital technologies  
7.30 Police, judicial and customs cooperation in general  
7.30.20 Action to combat terrorism  
7.30.30 Action to combat crime  
7.40 Judicial cooperation  
7.40.02 Judicial cooperation in civil and commercial matters  
7.40.04 Judicial cooperation in criminal matters

### Legislative priorities

[Joint Declaration 2022](#)  
[Joint Declaration 2023-24](#)

Procedure completed

## Key players

European  
Parliament

### Joint committee responsible

**JURI** Legal Affairs

**LIBE** Civil Liberties, Justice and Home Affairs

### Rapporteur

RADEV Emil (EPP)

KALJURAND Marina (S&D)

### Shadow rapporteur

MELO Nuno (EPP)

LEITÃO-MARQUES Maria-Manuel (S&D)

KELLER Fabienne (Renew)

TOOM Jana (Renew)

DELBOS-CORFIELD  
Gwendoline (Greens/EFA)

JAKI Patryk (ECR)




ZŁOTOWSKI Kosma (ECR)

### Appointed

20/04/2022




20/04/2022

		DALY Clare (The Left) MAUREL Emmanuel (The Left)	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Justice and Consumers	REYNDERS Didier	

Key events			
Date	Event	Reference	Summary
02/12/2021	Legislative proposal published	COM(2021)0760 	Summary
17/01/2022	Committee referral announced in Parliament, 1st reading		
10/03/2022	Referral to joint committee announced in Parliament		
01/03/2023	Vote in committee, 1st reading		
01/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
09/03/2023	Committee report tabled for plenary, 1st reading	A9-0063/2023	Summary
13/03/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
15/03/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
20/09/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE752.642 PE752.643	
23/11/2023	Decision by Parliament, 1st reading	T9-0433/2023	Summary
23/11/2023	Results of vote in Parliament		
23/11/2023	Debate in Parliament		
08/12/2023	Act adopted by Council after Parliament's 1st reading		
13/12/2023	Final act signed		
27/12/2023	Final act published in Official Journal		

Technical information	
Procedure reference	2021/0395(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive

<b>Amendments and repeals</b>	Amending JHA act 2002/584 <a href="#">2001/0215(CNS)</a> Amending JHA act 2003/577 <a href="#">2001/0803(CNS)</a> Amending JHA act 2002/465 <a href="#">2001/0821(CNS)</a> Amending JHA act 2005/214 <a href="#">2001/0825(CNS)</a> Amending Directive 2003/8 <a href="#">2002/0020(CNS)</a> Amending JHA act 2006/783 <a href="#">2002/0816(CNS)</a> Amending JHA act 2008/909 <a href="#">2005/0805(CNS)</a> Amending JHA act 2009/829 <a href="#">2006/0158(CNS)</a> Amending JHA act 2008/947 <a href="#">2007/0807(CNS)</a> Amending JHA act 2009/948 <a href="#">2009/0802(CNS)</a> Amending Directive 2014/41 <a href="#">2010/0817(COD)</a>
<b>Legal basis</b>	Rules of Procedure EP 59 Treaty on the Functioning of the European Union TFEU 081-p1 Treaty on the Functioning of the European Union TFEU 082-p1
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	CJ03/9/08558

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE737.328</a>	14/10/2022	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0063/2023</a>	09/03/2023	<a href="#">Summary</a>
Text agreed during interinstitutional negotiations		<a href="#">PE752.642</a>	19/07/2023	
Committee letter confirming interinstitutional agreement		<a href="#">PE752.643</a>	19/07/2023	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0433/2023</a>	23/11/2023	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type		Reference	Date	Summary
Draft final act		<a href="#">00051/2023/LEX</a>	13/12/2023	
<b>European Commission</b>				
Document type		Reference	Date	Summary
Legislative proposal		<a href="#">COM(2021)0760</a>	02/12/2021	<a href="#">Summary</a>
Document attached to the procedure		<a href="#">SWD(2021)0392</a>	02/12/2021	
Document attached to the procedure		<a href="#">SWD(2021)0393</a>	02/12/2021	
Commission response to text adopted in plenary		<a href="#">SP(2024)109</a>	23/02/2024	
<b>Other institutions and bodies</b>				
Institution/body	Document type	Reference	Date	Summary

EESC	Economic and Social Committee: opinion, report	<a href="#">CES0174/2022</a>	18/05/2022	
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Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
<a href="#">Corrigendum to final act 32023R2844R(01)</a> <a href="#">OJ OJ L 01.08.2025</a>	
<a href="#">Directive 2023/2843</a> <a href="#">OJ L 000 27.12.2023, p. 0000</a>	<a href="#">Summary</a>

## 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.

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

2021/0395(COD) - 02/12/2021 - Legislative proposal

**PURPOSE:** to amend certain legal acts in civil, commercial and criminal matters to include references to the digital means of communication as established by the digitalisation Regulation.

**PROPOSED ACT:** Directive 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:** in its [communication](#) on the digitalisation of justice in the EU, the Commission identified the need to modernise the legislative framework of the Union's cross-border procedures in civil, commercial and criminal law, in line with the 'digital by default' principle, while ensuring all necessary safeguards (for example, specifically acknowledging the need to avoid social exclusion).

At Union level, there exists a comprehensive set of instruments designed to enhance judicial cooperation in cross-border civil, commercial and criminal cases. Many of these govern the communication between authorities, including in certain cases with the EU Justice and Home Affairs (JHA) agencies and bodies. However, most instruments do not provide for engaging in such communication through digital means. Even where they do, other gaps still exist, such as a lack of secure and reliable digital communication channels or nonrecognition of electronic documents, signatures and seals. This deprives judicial cooperation of using the most efficient, secure and reliable channels of communication available.

In order to ensure that communication is conducted uniformly under the scope of all Union legal instruments in the area of civil, commercial and criminal matters, certain provisions already governing communication need to be aligned with the goal of ensuring 'digital by default' information exchanges.

**CONTENT:** the proposed Directive seeks to amend 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 purpose of the amendments is to ensure legal certainty in such situations where existing provisions may govern communication differently than the [proposed Regulation](#) on the digitisation 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.

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

2021/0395(COD) - 27/12/2023 - Final act

**PURPOSE:** to facilitate electronic communication in the context of cross-border judicial cooperation procedures in civil, commercial and criminal matters.

**LEGISLATIVE ACT:** Directive (EU) 2023/2843 of the European Parliament and of the Council amending Directives 2011/99/EU and 2014/41/EU of the European Parliament and of the Council, Council Directive 2003/8/EC and Council Framework Decisions 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, as regards digitalisation of judicial cooperation.

**CONTENT:** 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 Regulation (EU) 2023/2844 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.

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.

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.

Given that this Directive sets out amendments to rules already transposed into the national legal order of the Member States, it should also have specific provisions on the transposition of those amendments. Those transposition provisions should be in line with the implementation timeline provided for in Regulation (EU) 2023/2844.

ENTRY INTO FORCE: 16.12.2024.

## **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.