



**Informal Justice and Home Affairs Council Meeting
Dresden, 14 – 16 January 2007**

Plenary Session IV – Tuesday, 16 January 2007, 9h30 – 11h00

Topic:

**e-Justice in Europe:
The Cross-border Use of Information Technology in the Justice Sector**

Overview of Main Issues

In a European area of freedom, security and justice with porous borders and a broad spectrum of cross-border activities, access to and the effectiveness of the justice sector should not be impeded by the problem that information technology services end at the respective internal borders of the European Union. As the internet demonstrates, information technology can help to overcome borders like virtually no other medium. To varying extents, all EU Member States successfully employ information and communication technology as a means to support justice sector activities, or plan to do so in the near future. It follows that e-justice (i.e. a justice sector supported by information and communication technologies) can work within a national framework. Therefore it is time to examine the prerequisites for using e-justice at the European level and to exploit the possibilities of information technology, both for the benefit of citizens seeking justice across borders as well as for improved cooperation among judicial organs in Europe, for example in the area of criminal prosecution.

The cross-border use of e-justice will require solutions to a number of problems: Due to differences in legal cultures and legal systems as well as the largely national orientation of legal education and training in the individual Member States, members of the legal professions are seldom familiar with cross-border tasks and opportunities, even though this would be necessary given the increasing internationalisation of legal relations. In addition, the multiplicity of languages within Europe poses a problem for cross-border communication. There is also a lack of effective and convenient ways for citizens and legal professionals to obtain information both on the respective national law as well as on the concrete means for

gaining access to justice in other EU Member States. Furthermore, there are questions with respect to security, data protection and technical incompatibilities. It remains to be clarified whether and to what extent appropriate measures on standardisation and harmonisation among the Member States need to be taken at the European level.

Potential Solutions and Initial Successes

In the opinion of the German Presidency, solving the above questions does not require the creation of a new central infrastructure at the European level. The information technology systems that Member States have already established to support the justice sector reveal the special requirements of national legal systems. Generally, these national solutions are based upon considerable investments of financial and human resources which cannot simply be replaced by new centralised approaches. The aim should therefore be coordination and networking among the individual Member States' systems, which will continue to be operated in a decentralised manner.

A successful example of this approach is a project conducted by Germany, France, Spain, Belgium, the Czech Republic and Luxembourg to network national criminal registers. In 2006, this project commenced actual operation with the exchange of electronic data. This project's success proves that it is possible to ensure the fast and efficient cross-border exchange of information without having to fundamentally alter national IT systems.

Proposal for Future Steps

The approaches undertaken so far to network the justice sector in Europe – together with the necessary future steps – should be coordinated at the European level. It is time to begin formulating concrete solutions to the problems described above. The informal meeting of Justice and Home Affairs Ministers should provide an initial opportunity to sound out opinions on this issue.

The conference “Work on e-Justice”, to be held in Bremen from 29 - 31 May, will then provide the venue for a more detailed exchange of experience. Presentations and panel discussions will focus on concrete fields of activity in which European-level efforts have already been successfully initiated or will be necessary in the future. These topics include:

- the justice portal as a link between different legal systems

- cross-border communication among parties to judicial proceedings
- the exchange of information between national judicial registers
- procedural models for standardisation at the European level and associated legal issues

The ensuing Slovenian and Portuguese Presidencies have already stated that they will continue to focus on this issue.

In this connection, it needs to be discussed how the coordination of efforts in the area of e-justice should be institutionalised on a long-term basis at the level of the European Union.

Questions:

In all Member States, the justice sector is using information technology to an ever greater extent for communication between judicial organs and those seeking justice as well as for the exchange of information among judicial organs themselves. Information technology is helpful in that it not only facilitates and expedites access to justice, but it also enhances the effectiveness of criminal prosecution and the exchange of information between judicial registers. However, certain obstacles must still be overcome with respect to the cross-border use of e-justice; these have to do with the multiplicity of languages as well as differences in technologies, legal systems and security requirements in Europe.

- 1. In what areas and to what extent do the Ministers currently see problems with respect to the cross-border use of e-justice?*
- 2. Do the Ministers consider it possible and useful to support cross-border legal relations and cross-border criminal prosecution in the future with information technology that is easy to use, fast, effective, secure and in conformity with data protection requirements?*
- 3. In the view of the Ministers, should concrete efforts now be initiated to promote the cross-border use of e-justice at the European level? If so, should this occur through the creation of a new centralised structure, or do they prefer the decentralised approach of establishing networks among the already existing and functioning systems of the Member States? In case of the latter, do they hold the view that such efforts should be guided by some form of institutionalised coordination at the Council level?*