



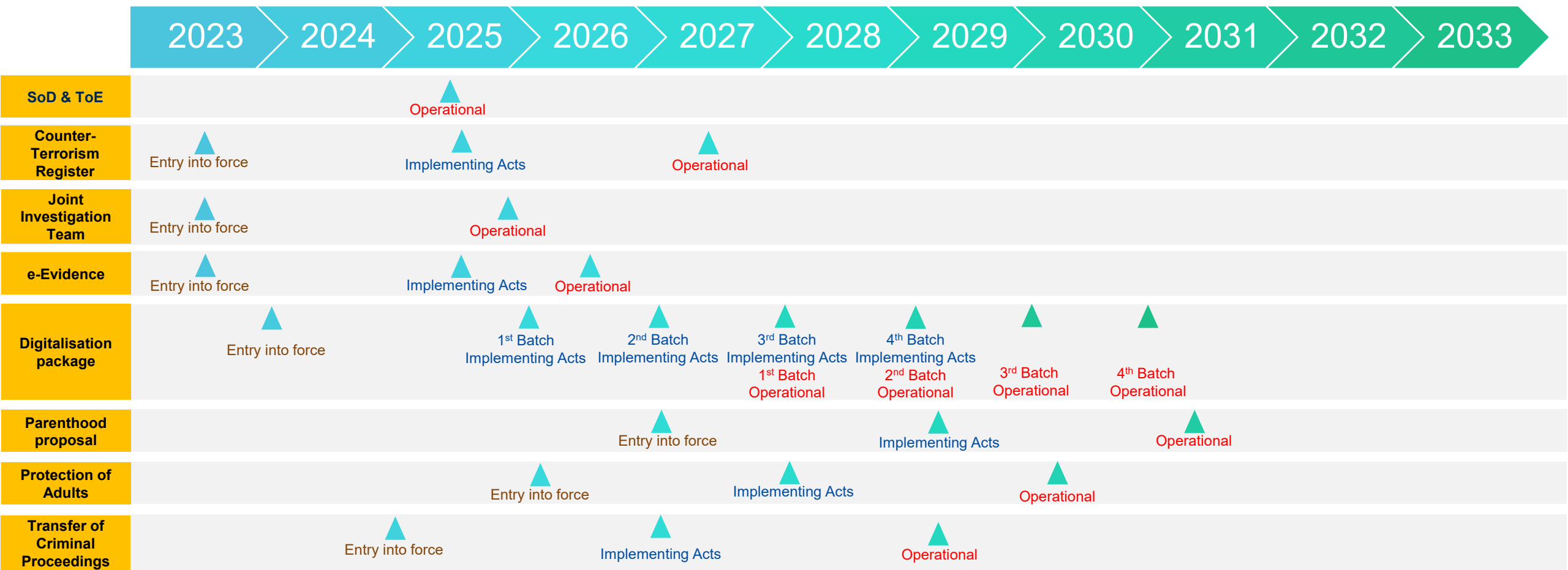
Digitalisation of Judicial cooperation in civil matters

Haldi Koit, DG JUST A2

European Commission

11 June 2025

Roadmap for Digitalisation of Judicial cooperation



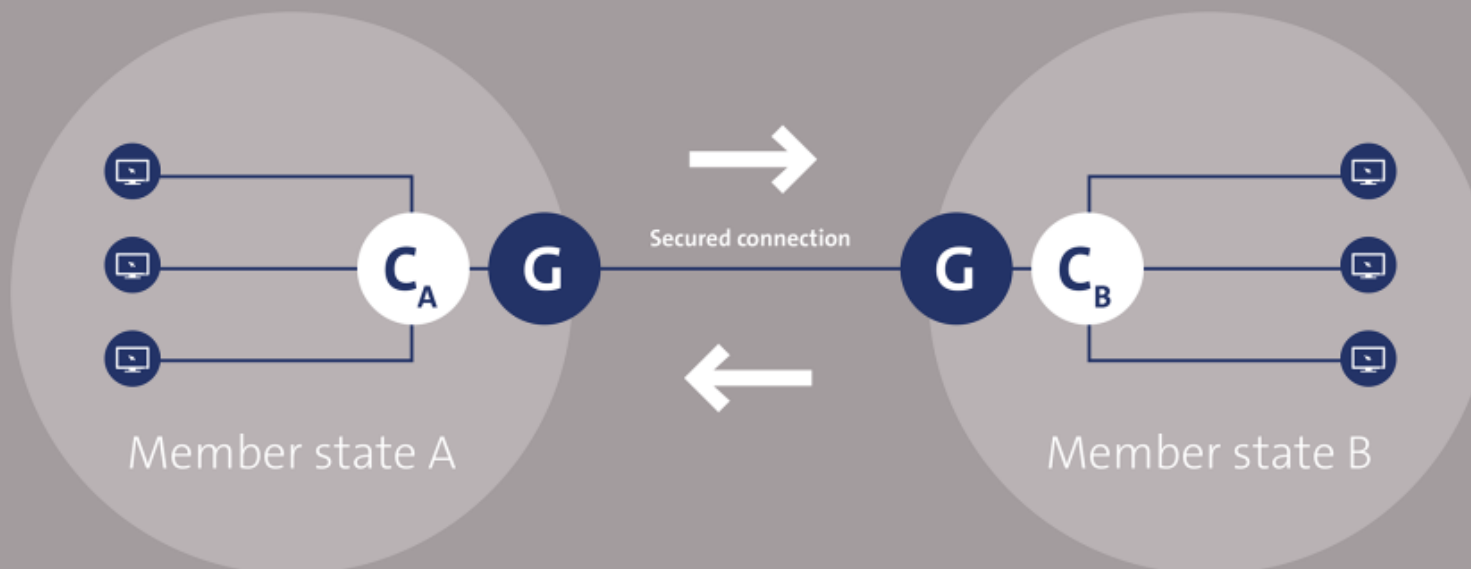
e-CODEX Regulation

(EU) 2022/850

e-CODEX system

- e-CODEX is the “gold standard” and the technological backbone for cross-border electronic exchange of the data in the area of judicial cooperation in civil, commercial and criminal matters
- IT tool specifically designed to facilitate cross-border electronic exchange of data in a swift, secure and reliable manner, in the area of judicial cooperation in civil and criminal matters (content neutral and agnostic; decentralised)
- Regulation (EU) 2022/850 – adopted on 30 May 2022
 - Establishes the legal framework for e-CODEX
 - Guarantees the sustainable management and future development e-CODEX by entrusting it to eu-LISA
- eu-LISA has taken over responsibility over e-CODEX from 3 June 2024

e-CODEX / Technical infrastructure



Connector



Gateway



Back-end application(s)



European
Commission

Taking of Evidence & Service of Documents

(EU) 2020/1783, 2020/1784

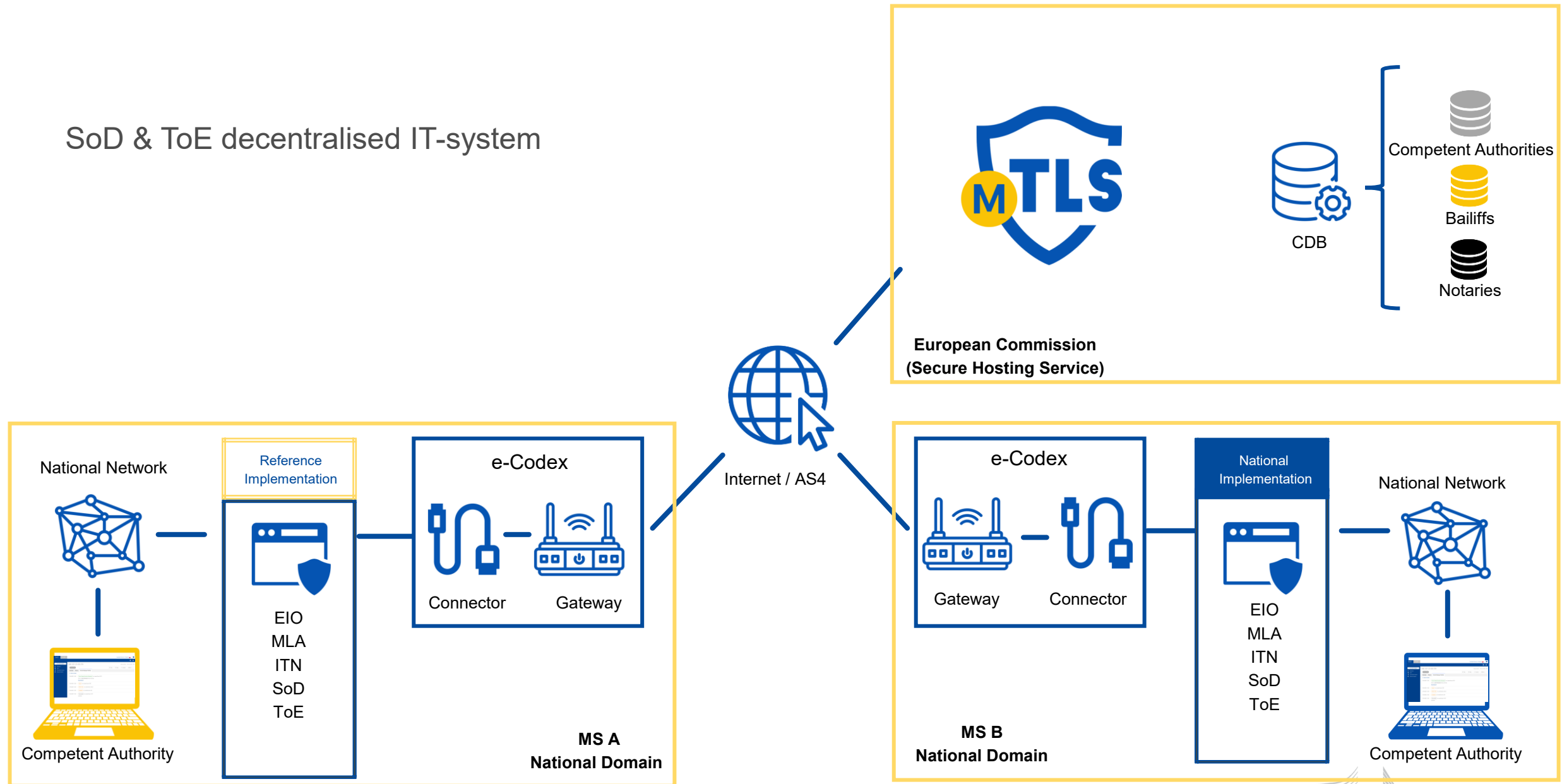
Regulations 2020/1783 (ToE) and 2020/1784 (SoD)

- 31 May 2018 Commission Proposal
 - Proposing amendments to Taking of Evidence (1206/2001) and Service of Documents Regulation (1393/2007)
 - Major objective: **digitalisation!**
- Adopted 25 November 2020
- Entry into application:
 - **1 July 2022**
 - Digital cooperation: **1 May 2025**
 - Implementing Regulations No 2022/422 (ToE) & 2022/423 + 2024/1570 (SoD)
 - Possible to notify of being ready to use earlier!

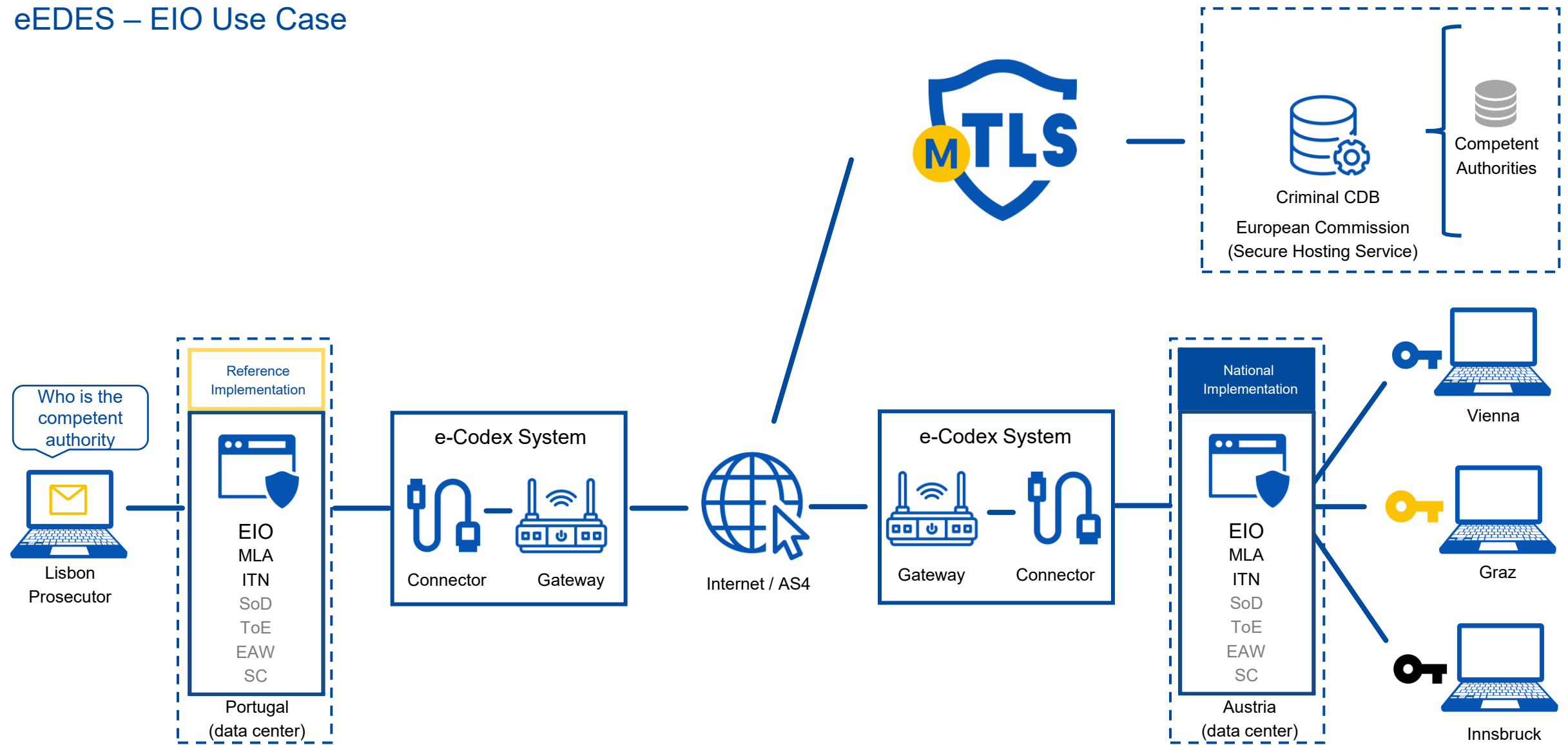
Decentralised IT-system

- Based on e-CODEX
- Obligation to use from 1 May 2025
 - Except where it is not possible due to **disruption** of the decentralised IT system,
 - the **nature of the evidence** concerned (for example when transmitting DNA or blood samples), or
 - due to **exceptional** circumstances
 - where converting **voluminous documentation** into electronic form would impose a disproportionate administrative burden;
 - original document is needed in paper format to assess its **authenticity**
 - **Then**: swiftest, most appropriate alternative means, taking into account the need to ensure reliability and security
 - as swiftly as possible and in a secure manner by other secure electronic means or by postal service

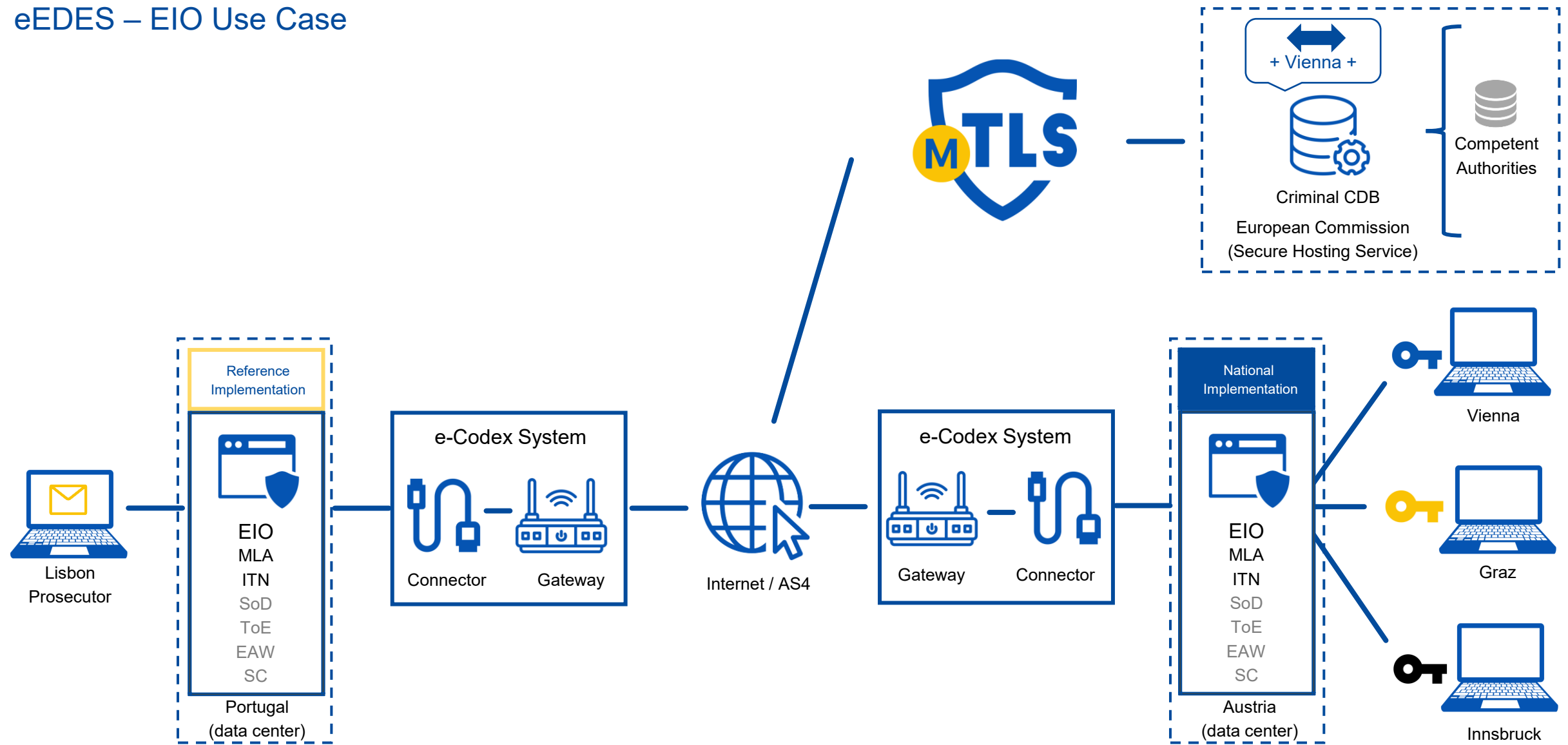
SoD & ToE decentralised IT-system



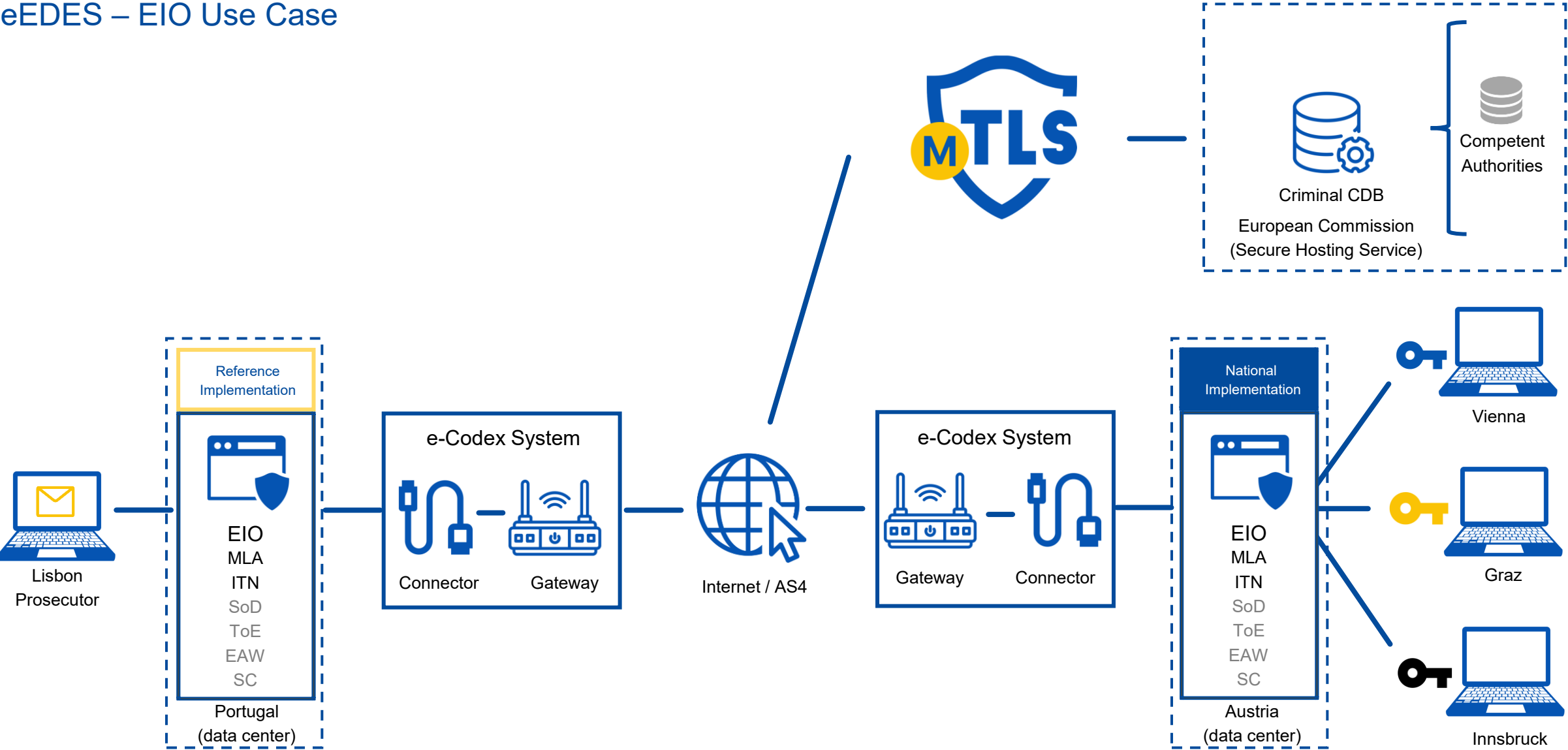
eEDES – EIO Use Case



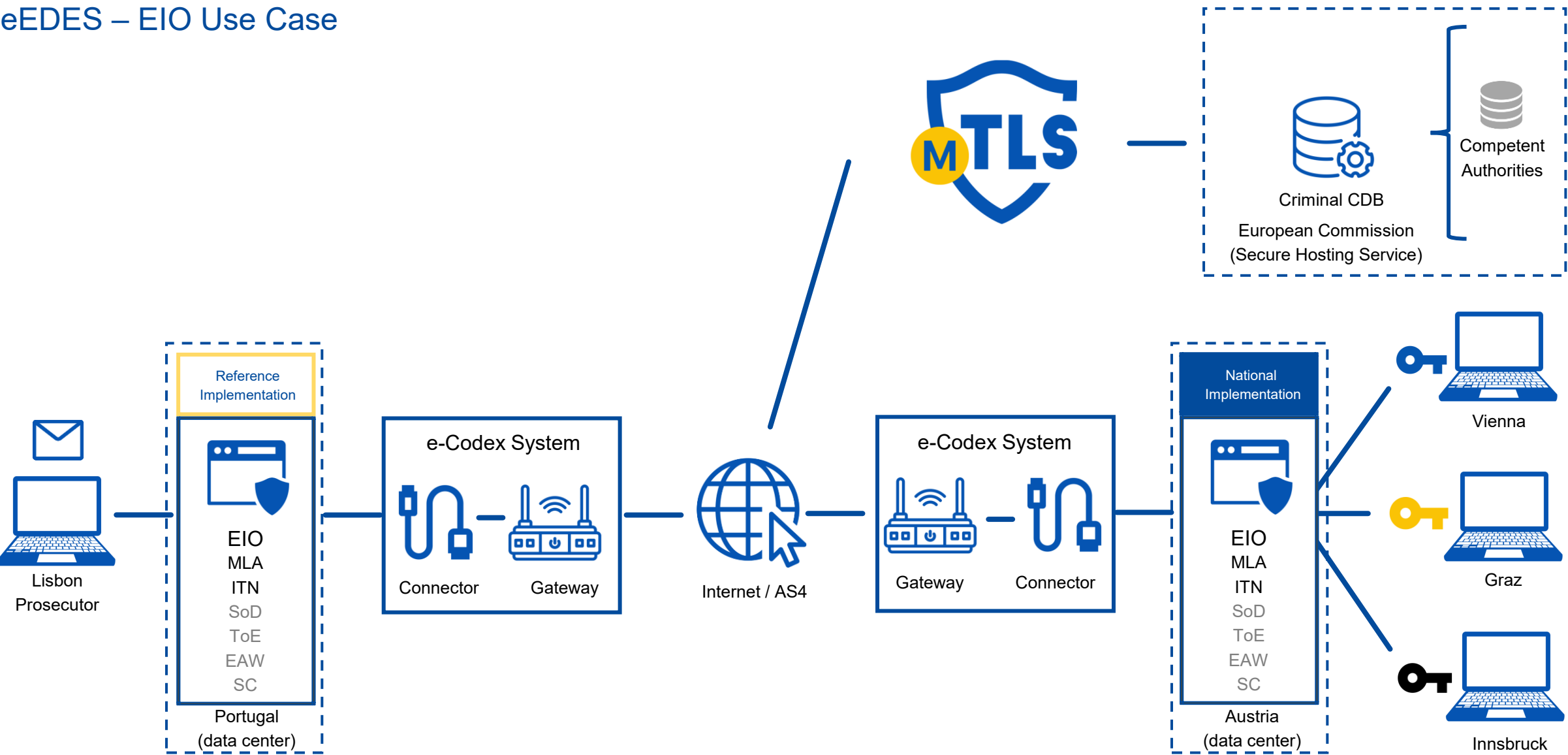
eEDES – EIO Use Case



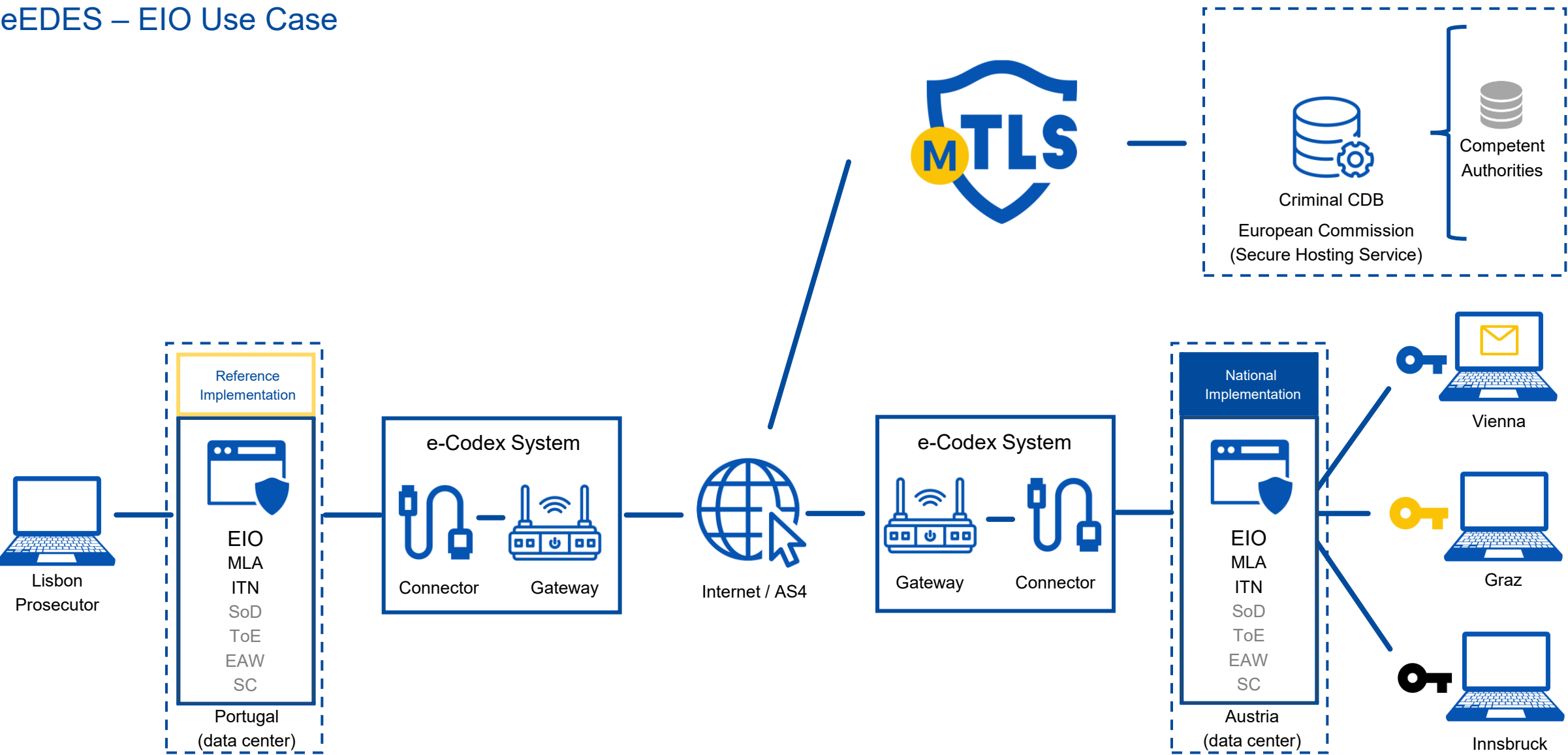
eEDES – EIO Use Case



eEDES – EIO Use Case



eEDES – EIO Use Case



Other provisions

- Referral to **eIDAS** Regulation.
- **Trust levels**: Communication between authorities - qualified electronic signatures and/or seals may be used instead.
- **Documents that are transmitted** through the decentralised IT system shall not be denied legal effect or considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form.

Digitalisation Regulation

(EU) 2023/2844 + Directive (EU) 2023/2843

Subject matter and scope

- **Cross-border scope** – civil, commercial and criminal matters with cross-border implications
- **Electronic communication** - legal framework (Does not concern: informal communications like direct judicial communications, EJN)
- Rules on:
 - **Mandatory electronic communication** between authorities Establishment of **European Electronic Access Point** for natural and legal persons (optional use)
 - **Videoconferencing** (including domestic civil cases where party is abroad)
 - Recognition of **electronic signatures/seals**
 - Validity of **electronic documents**
 - Electronic payment of (court) **fees**

Which instruments covered?

- **Civil** (13):

- Legal aid (2003/8/EC)
- European Enforcement Order (805/2004)
- European Order for Payment (1896/2006)
- European Small Claims (861/2007)
- Maintenance (4/2009)
- **Successions** (650/2012)
- Brussels Ia (1215/2012)
- Civil protection measures (606/2013)
- European Account Preservation Order (655/2014)
- Insolvency Regulation (2015/848)
- MPR and RPR (2016/1103 and 2016/1104)
- Brussels IIb (2019/1111)

- **Criminal** (11):

- EAW (2002/584/JHA)
- Freezing orders (2003/577/JHA)
- Financial penalties (2005/214/JHA)
- Confiscation orders (2006/783/JHA)
- Recognition of custodial sentences (2008/909/JHA), probation decisions (2008/947/JHA), supervision (2009/829/JHA)
- Prevention (2009/948/JHA)
- Protection orders (2011/99/EU)
- EIO (2014/41/EU)
- Freezing and confiscation (2018/1805)

Communication between competent authorities

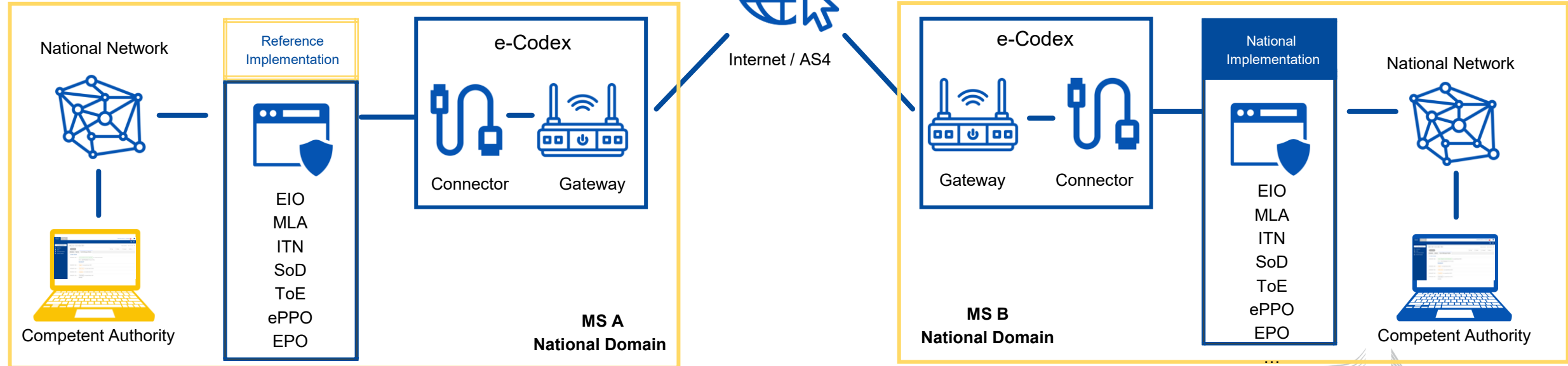
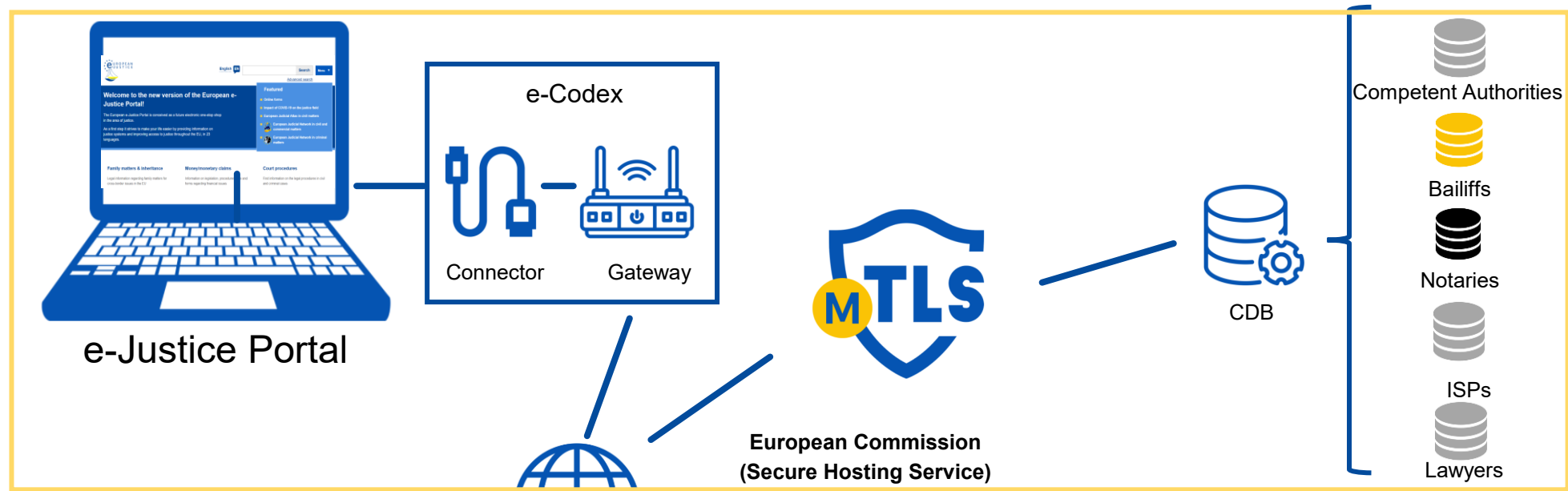
- **Decentralised IT system** - between national competent authorities – e.g. courts, central authorities, but also notaries, bailiffs... where they are competent under the underlying legal acts + between a national competent authority
 - 3 **options** for MS / actors: national system, reference implementation, mix
- Rule – **mandatory** use of the decentralised IT system
- **Exceptions:**
 - disruption of the IT system,
 - nature of transmitted material or
 - force majeure
- **Alternative:** swiftest and most appropriate means that ensure a secure and reliable exchange of information
- More **flexible arrangements for direct authority to authority communication when other means more appropriate** – e.g. see Art.42(2) and 57(2) of Insolvency, Art 86 of Brussels IIb – but cannot use other means to exchange forms (except if in same location + urgency)

Communication between competent authorities – Succession use cases

- Analysis still to be done (to be done in the Committee around 2026-2027)
- Possibly:
 - *lis pendens*
 - Article 66(5) communication
 - ...

Communication between natural or legal persons and competent authorities in civil and commercial matters

- Establishment of **European electronic access point (EEAP)**
- Only in civil matters with **cross-border implications**
- Provides a **possibility** for natural or legal persons (**and their legal and authorised representatives**) to lodge a claim or communicate with authorities electronically (including service)
- **Traditional means** are always possible
- MS – **obliged to accept** such communication.



EEAP use cases

- European procedures: EOP, SC and EAPO + EEO
- Recognition, declaration of enforceability or refusal of recognition: Maintenance, Successions, Brussels Ia, MPR, RPR, Brussels IIb
- Issuance, rectification and withdrawal of certificates: Maintenance, Successions (incl. ECS), Brussels Ia, MPR, RPR, Brussels IIb
- Logging of a claim by a foreign creditor in insolvency proceedings under Art 53 of Insolvency Regulation
- Communication with Maintenance and Brussels IIb Central Authorities and Legal Aid competent authorities
- Service of documents through EEAP

Additional method of service of documents

- Service through the European Electronic Access Point
 - Harmonised rule – not dependant on national legislation
 - On a person who has a known address for service in another Member State
 - If the addressee has given **prior express consent** to that means in those proceedings
 - Addressee needs to confirm receipt of the documents
- **Becomes applicable:** approximately 1 March 2028

Hearing through videoconferencing or other distance communication technology

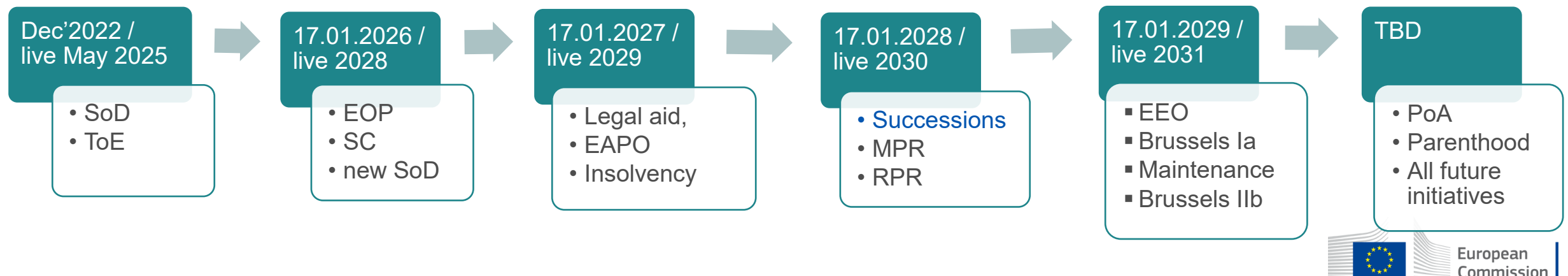
- For the in-scope procedures
 - VC in **civil and commercial** matters – **broad** scope (except ToE, SC and EAPO)
 - VC in **criminal** matters – **narrow** scope (only for EAW, custodial sentences, probation decisions, supervision, protection orders, freezing and confiscation)
- For civil:
 - Large definition of **court**
 - Upon request or on its own motion where a **party is in another MS**
 - **Decision based on:** availability of technology, opinion of parties, appropriateness of remote hearing
 - **Applicable procedural rules:** national law applies (including procedural rights of the participants)
- **Became applicable:** 1 May 2025

Other provisions

- Referral to **eIDAS** Regulation.
- **Trust levels:**
 - Communication between authorities - qualified electronic signatures and/or seals.
 - Communication of natural and legal persons with the authorities –
 - a) electronic identification with a high assurance level; or
 - b) a qualified electronic signature.
- MS to make possible electronic **payment of fees** – accessible through the e-Justice Portal.
- **Become applicable:** 1 May 2025

When to expect the decentralised IT system?

- **Implementing acts** followed by technical implementation:
 - staggered approach - gradual digitalisation; digital ready instruments first
 - 4 batches of implementing acts – adopted in 2-3-4-5 years after the entry into force
 - 2 years transitional period for each implementation
 - Preparations start approximately 2 years before the DDL for the adoption of the IA – **2026 for Successions**



16 JANUARY 2024
ENTRY INTO FORCE REG. (EU) 2023/2844

LEGAL ACTS CONCERNED:

- EOP
- SC
- EAW
- EIO
- FCO



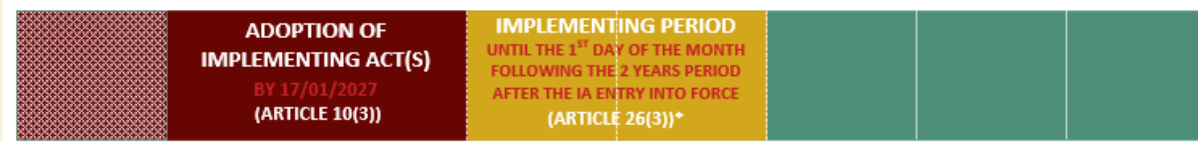
FAD, BCD**, COMMITTEE DISCUSSIONS, CONSULTATIONS, ETC.

DEVELOPMENT

DEPLOYMENT BY MS

OF REF. IMPL. SOFTWARE AND NATIONAL BACK-END SYSTEM

- Legal Aid
- Protection measures in civil matters
- EAPD
- Insolvency
- Custodial sentences and deprivation of liberty
- European protection order



FAD, BCD**, COMMITTEE DISCUSSIONS, CONSULTATIONS, ETC.

DEVELOPMENT

DEPLOYMENT BY MS

OF REF. IMPL. SOFTWARE AND NATIONAL BACK-END SYSTEM

- Succession
- MPR
- RPR
- Freezing Orders
- Confiscation Orders (FD)
- Financial penalties
- Conflict of jurisdiction



FAD, BCD**, COMMITTEE DISCUSSIONS, CONSULTATIONS, ETC.

DEVELOPMENT

DEPLOYMENT BY MS

OF REF. IMPL. SOFTWARE AND NATIONAL BACK-END SYSTEM

- EEO
- Maintenance
- Brussels Ia
- Brussels lib
- Probation Measures
- Supervision Measures



FAD, BCD**, COMMITTEE DISCUSSIONS, CONSULTATIONS, ETC.

DEVELOPMENT

DEPLOYMENT BY MS

OF REF. IMPL. SOFTWARE AND NATIONAL BACK-END SYSTEM

** Reference to calendar years is orientative. It is not possible to establish at this stage the precise time between the adoption of an implementing act and its publication in the OJ, which will be used for the calculation of the date of the entry into force.*

*** FAD: Functional Analysis Document; BCD: Business Collaboration Document*

Thank you!

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