

EU feedback period is open! The roadmap to modernising judicial cooperation between EU countries - use of digital technology

Last week, the EAPIL blog published a post on the EU feedback period on modernising judicial cooperation between EU countries - use of digital technology (see here). This feedback period is open until 5 February 2021 (midnight Brussels time) and may be provided by clicking here. A possible future type of act is a proposal for a regulation.

The relevant documents are: the Inception impact assessment - Ares(2021)172677 (available on the feedback page) and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

In general, the objective and target groups of such feedbacks are: *“Inception Impact Assessments aim to inform citizens and stakeholders about the Commission’s plans in order to allow them to provide feedback on the intended initiative and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission’s understanding of the problem and possible solutions and to make available any relevant information that they may have, including on possible impacts of the different options.”* But it is possible for non-EU citizens to provide feedback.

Apparently, an official public consultation - by way of a questionnaire - is upcoming (although there seems to be a mistake on the year on the website).

As stated on the EU website, the summary of this initiative is the following:

“This initiative aims to make judicial cooperation in cross-border cases throughout the EU more efficient and more resilient to crises, such as the COVID-19 pandemic.

It will make it mandatory for the authorities involved in each country to use digital technology, instead of paper, to communicate.

It will improve access to justice by ensuring that individuals, businesses and legal practitioners involved in cases can communicate digitally with the competent authorities in the other countries.”

It is worth noting the following excerpt of the Impact Assessment about the **likely economic impacts**:

“Positive. The initiative could require new investment from EU countries to develop the necessary infrastructure that can interact with e-CODEX. Investment would depend on the current national level of digitalisation, level of involvement in the e-CODEX project, the interoperability of solutions implemented by EU countries and the possibility under national law to allow for electronic transmissions. However, in the long run, digitalization of justice would significantly decrease the costs incurred by national justice systems in cross-border procedures.

To address cost concerns, the initiative could also propose that the Commission develops and provides EU countries with a reference implementation software solution (back-end portal) for their national use.

As mentioned in the Communication on the digitalization of justice, the upcoming Multiannual Financial Framework and financial instruments for Next Generation EU could also provide funding.

The EU countries could reduce costs by re-using the infrastructure being developed for the European Investigation Order in criminal proceedings (eEDES) and for Service of Documents and Taking of Evidence also for other judicial cooperation instruments.

With its potential to substantially cut the cost of participating in cross-border cases, the initiative would also directly benefit citizens and businesses (including small/medium firms) concerned by the various EU civil law instruments. Use of these instruments (e.g. the European Small Claims procedure and European Order for Payment) by citizens, businesses and legal

practitioners would also increase, through the new electronic access point.”

The EU press release is available [here](#).