

## Informal Meeting of Justice and Home Affairs Ministers (7-8 July, Bratislava, Justice Session)

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### E-Justice / e-Communications in the context of judicial proceedings

#### ***I. Introduction – the need for e-communications in the area of justice***

Replacing traditional paper-based communication with digitalisation is a growing trend. It has affected every area of our lives, and has also begun to have an impact on judicial communication. Digitalisation helps us do things faster and more efficiently. Nevertheless, in order to ensure that citizens, courts and legal practitioners can enjoy the benefits of new technologies, we need a coordinated approach at EU level.

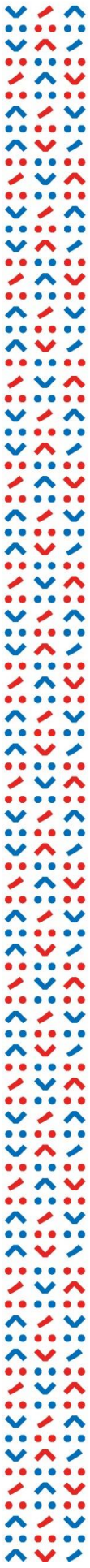
#### ***II. Developments in the context of e-justice***

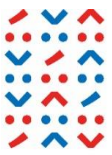
The need for new tools at EU level has already been taken into account in the Strategy on European e-Justice 2014-2018<sup>2</sup>. The strategy provides for the establishment of specific rules on the use of electronic functionalities that would allow information exchange between Member States' judicial authorities, as well as on the electronic submission of documents for use in court proceedings.

The multiannual European e-Justice Action Plan 2014-2018<sup>3</sup> states that initiating court and extrajudicial proceedings, in particular in cross-border situations, should be facilitated through the availability of electronic means of communication for courts, parties to proceedings and other participants. Furthermore, the action plan states that the development of electronic communication between the judicial authorities of the Member States themselves, more specifically in the framework of instruments adopted in the European judicial area in the field of civil, criminal and administrative law, should be continued (e.g. via videoconferencing or secure electronic data exchange).

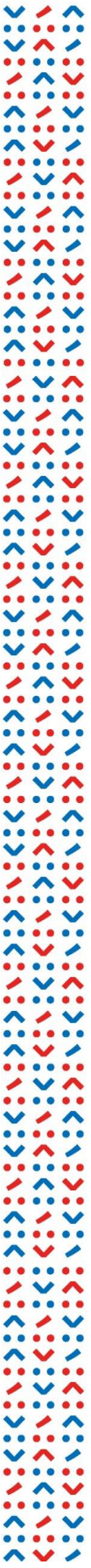
#### ***III. e-IDAS Regulation***

For one of the issues hindering cross-border electronic communication, a solution already exists: the e-IDAS Regulation<sup>4</sup>, which establishes a general legal framework for the use of electronic identification and trust services in the EU. It provides a common regulatory environment to enable secure interoperable electronic communication between businesses, citizens and public authorities in cross-border situations. The Regulation guarantees that electronic procedures benefit from the same legal status as traditional paper-based processes by ensuring non-discrimination in court of trust services and electronic documents vis-à-vis their paper equivalent.





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According to the Regulation, the electronic identification schemes (e-ID) and trust services (i.e. electronic signatures, electronic time stamps, electronic registered delivery services, etc.) used in the Member States are to be mutually recognised. The provisions of the e-IDAS Regulation concerning trust services enter into application on 1 July 2016. This will make possible the voluntary application of this Regulation. The cross-border recognition of e-ID schemes will become mandatory as of 29 September 2018.

It seems necessary, for judicial purposes, for Member States to adopt interoperable solutions with a sufficiently high level of security to allow them to be used in cross-border situations. Cooperation in the field of e-justice usually works on a voluntary basis. In order to put in place functioning electronic communication in the European judicial area in two years, as required by the e-IDAS Regulation, there is a need for a strong political will.