



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS

Directorate A – Justice Policies
The Director

Brussels

JUST.A.1/KE

Permanent Representations of the
Member States of the EU

By e-mail

Subject: Communication by Member States pursuant to Regulation (EU) 2023/2844 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters

Dear Sir/Madam,

Pursuant to Article 17 of Regulation (EU) 2023/2844 ⁽¹⁾ (the Digitalisation Regulation), Member States have an obligation to communicate certain information as outlined in Annex I of this correspondence to the Commission at the latest **by 17 July 2024**. The purpose of collecting the information is to make it easily accessible through the European e-Justice Portal to the public. The information would, inter alia, assist natural and legal persons who intend to initiate proceedings falling in the scope of the Digitalisation Regulation or are parties to such proceedings. This information will make it easier for these persons to participate in the proceedings.

In Annex II you will find practical guidance with regard to the information, which should be provided.

⁽¹⁾ <https://eur-lex.europa.eu/eli/reg/2023/2844>

Should you have any questions on the substance of the communications, please do not hesitate to contact us via JUST-DIGITALISATION@ec.europa.eu.

Yours faithfully,

Richard SONNENSCHNEIN
(E-signed)

Enclosure: Annexes I and II

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Annex I

Information to be communicated to the Commission

Pursuant to Article 17 of the Digitalisation Regulation, Member States must communicate to the Commission the following information:

- (a) details of national IT portals, where applicable;
- (b) a description of the national laws and procedures applicable to videoconferencing in accordance with Articles 5 and 6;
- (c) information on fees due;
- (d) details on the electronic payment methods available for fees due in cross-border cases;
- (e) the authorities with competence under the legal acts listed in Annexes I and II, where they have not already been notified to the Commission in accordance with those legal acts;
- (f) whether your Member State is in a position to apply Article 5 or 6 on videoconferencing earlier than the date of entry in application of Articles 5 and 6 of the Digitalisation Regulation (1 May 2025);
- (g) whether your Member State is in a position to operate the decentralised IT system earlier than the date of entry in application of the Digitalisation Regulation (17 January 2028 for the legal acts in the first batch; 17 January 2029 for the legal acts in the second batch; 17 January 2030 for the legal acts in the third batch and 17 January 2031 for the legal acts in the fourth batch).

Annex II

Practical guidance with regard to the information to be provided

I. Notifications pursuant to Article 17(1)(a) - (d) and Article 17(2) of the Digitalisation Regulation

With regard to communicating the information required by Article 17(1)(a) - (d) and Article 17(2) of the Digitalisation Regulation, the Commission services established a dedicated webpage on the European e-Justice Portal (“Digitalisation Regulation – Member State notifications”). Specific information about the webpage and a link to it will be provided to the Member State e-Justice Portal content administrators at latest by 17 June 2024.

The information should be provided in an EU official language of your Member State. Hereunder we include specific guidance on the expected input. The information on applicable law on videoconferencing is divided into two separate sections for civil and criminal matters in the way it will appear on the e-Justice Portal.

Article 17(1)(a) National IT portals for communicating with courts or other authorities. The information in this subsection is intended to cover existing national IT portals in civil and commercial matters, where developed by the Member States for the purposes of participating in judicial procedures and of electronic communication between natural and legal persons and the respective national judicial authorities. Such national IT portals could offer equivalent functionalities as the ones foreseen for the European electronic access point established by the Digitalisation Regulation. The information should include the following:

- (a) the name of the national IT portal, and a link thereto,
- (b) information whether only citizens, and/or residents of, and/or legal persons established in the territory of your Member State have access to the portal, or such access is granted to foreign citizens and/or non-residents and legal persons established in the territory of another Member State and whether lawyers or representatives from other Member States are also granted access to the national IT portals,
- (c) for what purpose the portal could be used,
- (d) what methods of identification of the users are used,
- (e) what special requirements for the use of the portal there are, if any.

Member States are also invited to communicate any other information that they deem necessary and that could help users of the national IT portals, in particular those who may want to use it from another Member State.

Article 17(1)(b) – National laws on videoconferencing in civil and commercial matters. The information in this section should give sufficient information to the persons who will participate in videoconferencing about the national law and procedures that would

make their participation in the remote hearing possible. The information should include the following:

- (a) information about the applicable national laws and procedures, including applicable procedural rights and safeguards, for conducting the hearing through videoconferencing or other distance communication technology;
- (b) information whether only courts are allowed to hold videoconferencing under Article 5 of the Digitalisation Regulation or whether this possibility exists also for other authorities. In case other authorities could also use Article 5 as a legal basis to organise videoconferencing, please specify which are these authorities and for which proceedings;
- (c) information whether your national law allows for the court or the competent authority to schedule a hearing of its own motion;
- (d) information about the videoconferencing technology available in your Member State or the most common videoconferencing platform/solution used;
- (e) information about the procedural requirements for the party to submit an opinion on the use of videoconferencing or other distance communication technology for the hearing;
- (f) information whether your national law provides for recording of the hearing and if provided for, information on storage and dissemination of the recording;
- (g) information about how the lawyer-client confidentiality of communication is ensured before and during the videoconference;
- (h) information about the practical arrangements for organising and conducting the hearing, including information whether speech-to-text technologies are used;
- (i) information about the access to videoconferencing for the parties and their representatives, including persons with disabilities;
- (j) how the parties are identified and authenticated;
- (k) how the parties could ask questions and otherwise meaningfully participate;
- (l) how the parties benefit from the right to interpretation;
- (m) how the possibility to examine or present physical evidence during the videoconference is ensured; and
- (n) how unauthorised access to sensitive data or data flows to unknown entities is prevented.

The description of national laws and procedures should be as detailed as possible in order to help the persons who will participate in videoconferencing. Information in other Union languages containing guidance to participants for their equal and full participation in the hearing would be of great value for the persons who will take part in videoconferencing; where available, links to such information should also be provided.

In addition, it would be of particular help to the participants to the videoconference to know the technical requirements, if any, which the participants need to meet, for instance in order to be sure that the connection is stable and of sufficiently high audiovisual quality as well as the modalities for the interpreters to assist a party that does not speak the language of the court.

Article 17(1)(b) - National law on videoconferencing in criminal matters.

The information in this section should give sufficient information to the suspect or the accused or convicted person, or the affected person as defined in Article 2(10) of Regulation (EU) 2018/1805, who will participate in videoconferencing, about the procedural requirements of national law that would govern their participation in the remote hearing. Member States' input should include at least:

- (a) information about the applicable national laws and procedures, including applicable procedural rights and safeguards, for conducting the hearing through videoconferencing or other distance communication technology;
- (b) information about the procedural requirements for giving consent for the use of videoconferencing or other distance communication technology for the hearing;
- (c) information about how access is ensured to the necessary videoconferencing infrastructure for the suspect or the accused or convicted person, or the affected person, as defined in Article 2(10) of Regulation (EU) 2018/1805, including with respect to persons with disabilities;
- (d) information about how the lawyer-client confidentiality of communication is ensured before and during the hearing by videoconferencing;
- (e) information about how the holders of parental responsibility or other appropriate adults are informed about the hearing of a child through videoconferencing or other distance communication technology - how is the best interest of the child taken into account?
- (f) information on whether your national law provides for recordings of the hearing, and if provided for, information on storage and dissemination of the recording; information whether speech-to-text technologies are used;
- (g) information about the available remedies under your national law that a suspect, an accused or convicted person or an affected person could seek in the event of a breach of the requirements or guarantees provided for in Article 6 of the Digitalisation Regulation;
- (h) information about the videoconferencing technology available in your Member State or the most common videoconferencing platform/solution used;
- (i) information about the practical arrangements for organising and conducting the hearing. Notably, which authority should be contacted? Are there special requirements (e.g. necessary information to be provided) for contacting that authority?
- (j) whether speech-to-text technologies are used in the context of hearings;
- (k) how the suspect, accused, convicted or affected person is identified and authenticated;
- (l) how the suspect, accused, convicted or affected person can ask questions and otherwise meaningfully participate;
- (m) how the suspect, accused, convicted or affected person can benefit from the right to interpretation, and
- (n) how unauthorised access to sensitive data or data flows to unknown entities is prevented.

The description of national laws and procedures should be as detailed as possible in order for that information to be of tangible use to the suspect, accused or convicted person or affected person participating in a hearing via videoconference. For instance, information

in other Union languages containing guidance to participants for their equal and full participation in the hearing would be of a great value for the suspect, accused or convicted person or an affected person that will take part in a hearing via videoconference.

Article 17(1)(c) - Fees for the procedures in civil and commercial matters. The information in this subsection should cover the fees for the proceedings where the European electronic access point could be used. These are:

- (a) the procedures provided for in Regulations (EC) No 1896/2006, (EC) No 861/2007, (EU) No 655/2014 and Regulation (EC) No 805/2004;
- (b) proceedings for recognition, a declaration of enforceability or refusal of recognition provided for in Regulations (EU) No 650/2012, (EU) No 1215/2012 and (EU) No 606/2013 of the European Parliament and of the Council and Council Regulations (EC) No 4/2009, (EU) 2016/1103, (EU) 2016/1104 and (EU) 2019/1111;
- (c) procedures related to the issuance, rectification and withdrawal of extracts provided for in Regulation (EC) No 4/2009, the European Successions Certificate and the attestations provided for in Regulation (EU) No 650/2012, certificates provided for in Regulation (EU) No 1215/2012, certificates provided for in Regulation (EU) No 606/2013, attestations provided for in Regulation (EU) 2016/1103, attestations provided for in Regulation (EU) 2016/1104 and certificates provided for in Regulation (EU) 2019/1111;
- (d) proceedings initiated by a claim by a foreign creditor in insolvency proceedings under Article 53 of Regulation (EU) 2015/848;
- (e) communication between natural or legal persons or their representatives with the Central Authorities under Regulation (EC) No 4/2009 and Regulation (EU) 2019/1111 or the competent authorities under Chapter IV of Directive 2003/8/EC.

The information should include the amount of the fee or the method for calculation in case it is not a fixed amount.

Article 17(1)(d) - Electronic payment methods. The information in this section should contain information about the electronic means for payment available in your Member State such as credit cards, debit cards, e-wallet and bank transfers. The information should also include the measures that your Member State has taken to make these electronic payment means accessible. In case a bank transfer is among the means of payment in your Member State and if there is a single bank account for all authorities where the payment should be made, the details of this bank account should also be provided. The information should also provide details about possible restriction of the electronic payment methods to only certain proceedings (and specify which ones if that would be the case) and about the possibility to use the electronic payment methods for other purposes, such as payment of court-imposed fines, expenses for experts or costs for witnesses.

Article 17(2) - Notification on the early use of the decentralised IT-system. The information in this subsection should serve as an indication to the other Member States if the notifying Member State is in a position to use the decentralised IT system prior to the date of application determined in accordance with Article 26(3) in connection to Article 10(3) of the Digitalisation Regulation, i.e. for the implementing acts of the first batch the latest date of application would be 17 January 2028; for the second batch – 17 January

2029; for the third batch – 17 January 2030 and for the fourth batch – 17 January 2031 at the latest.

Article 17(2) - Notification on the early use of videoconferencing in civil and commercial matters. The information in this subsection should serve as an indication to the other Member States if the notifying Member State is in a position to apply Article 5 of the Digitalisation Regulation prior to 1 May 2025.

Article 17(2) - Notification on the early use of videoconferencing in criminal matters. The information in this subsection should serve as an indication to the other Member States if the notifying Member State is in a position to apply Article 6 of the Digitalisation Regulation prior to 1 May 2025.

II. Notifications pursuant to Article 17(1)(e)

Pursuant to Article 17(1)(e) Member States must notify their national competent authorities in the context of the legal acts listed in Annex I (civil and commercial matters) and II (criminal matters) of the Digitalisation Regulation, which have not already been notified to the Commission. Please note that where, in view of the specific provisions of the legal acts listed in Annex II of the Regulation, Member States have already notified the General Secretariat of the Council or the Commission, as the case may be, there is no need to notify again.

In terms of practical arrangements:

- (a) In civil and commercial matters (Annex I of the Digitalisation Regulation), these authorities should be notified through the Court Database (CDB) ⁽²⁾.
- (b) In criminal matters (Annex II of the Regulation), these authorities should be notified to the Commission via letter/e-mail for subsequent publication on the web site of the European Judicial Network in criminal matters (to which a link is provided on the European e-Justice Portal). The notifications should be sent to the following e-mail: EC-CRIMINAL-JUSTICE@ec.europa.eu .

Experience has shown that in the context of the work of the various formations of the Digitalisation of Judicial Cooperation Committee focussing on the digitalisation of the legal acts listed in Annexes I and II of the Regulation, specific notification needs may arise. Going forward, the Commission services will indicate such needs whenever necessary.

⁽²⁾ Member States received guidance about the process at the meeting of the e-Justice CWP and a separate presentation for the Court Database administrators will be delivered in June 2024.