**Discussion paper for the second technical meeting** **ahead of the second plenary of the High-Level Forum on the Future of EU Criminal Justice**

**28 April 2025**

**Topic: Supporting Member States in digitalisation of justice systems**

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This topic will be discussed in parallel in both the High-Level Forum on the Future of EU Criminal Justice and the High-Level Forum on Justice for Growth to have in-depth discussions both from the criminal and civil law perspectives respectively.

1. **Mapping exercise of the state of play of the digitalisation of national justice systems**
   1. **Scene setter**

Member States are putting in place initiatives to digitalise their justice systems. The Council e-Justice Strategy emphasises the importance of promoting the exchange of innovative experiences among Member States as a mean to realise mutual benefits both at national and European level[[1]](#footnote-2). In its conclusions on AI in justice, the Council also supports the sharing of information and collaboration among Member States regarding the use of AI in justice[[2]](#footnote-3). There is a strong interest from national governments and justice practitioners to learn from each other and create synergies.

The Commission is already collecting high-level information about the state of digitalisation of national justice systems through several instruments: the EU Justice Scoreboard, the 2025 edition will contain more data on digitalisation of justice, and the Rule of Law Report. Furthermore, the Polish Presidency of the Council has launched a survey on the use of modern technologies in national justice systems in the EU. That exercise will provide updated information of digitalisation initiatives in Member States.

In the context of an upcoming strategy on the use of digital technologies, including of AI, to make EU civil and criminal justice systems more efficient, resilient and secure, the Commission is reflecting on putting in place a ‘living repository’ type of mapping exercise where Member States provide input about concrete digitalisation of justice projects and tools so that other Member States can learn about those and enhance their own digitalisation of justice initiatives.

* 1. **Main issues**

A more concrete overview of digitalisation initiatives, already in place or in preparation, in the national justice systems does not exist to date. Therefore, it is difficult to analyse the benefits of the various digitalisation initiatives on the efficiency and quality of justice systems and to allow Member States to learn from their respective experiences and achievements. Having more data on the state of play of digitalisation of the national justice systems would allow the Commission to tailor better its support to Member States, for instance in the form of EU funding or training, exchange of best practices etc. Furthermore, such an overview would allow to disseminate such information about digitalisation of justice projects in Member States. That in turn would facilitate the exchange of best practices and building of know-how and possible synergies.

1. **Access to EU financing on digitalisation of justice through coordination of multi-country projects**
   1. **Scene setter**

While digitalisation of justice could lead to the reduction of workload for the judiciary and to efficiency gains, it requires significant financial resources and expertise. Projects for digitalisation of the justice system may be costly and a Member State may find implementing them challenging.

The Council's e-Justice Strategy for 2024-2028 states that Member States should have the possibility to seek funding for actions related to the digitalisation of justice through the various EU financial instruments.

The Recovery and Resilience Facility (RRF) supports reforms and investments, among others, for the digital transition. However, while national plans under the RRF cover 5 years, they were designed in 2020/2021 and their scope cannot be changed. The RRF does thus not allow to respond to the quickly evolving area of digitalisation of justice. Under the current Multiannual Financial Framework the two main possibilities to apply for financing in the area of justice are the e-justice call for proposals under the Justice programme and the annual calls under the Technical Support Instrument (TSI).

Under the Justice Programme, Member States can apply for funding on digitalisation of justice to the extent that there is a cross-border aspect, or if the project aims to connect Member States to databases/IT systems established at EU level. Thus, the Justice Programme focuses only on a limited scope of projects; it cannot be used either to finance purely national digitalisation of justice projects or to acquire hardware/software. Moreover, the e-justice call under the Justice programme has a limited financial envelope. In order to help Member States for cross-border projects, as of 2025 the e-justice call will offer funding under two priority areas. As a first priority, the e-justice call will provide support to Member States in their national implementation activities of the Digitalisation Regulation. The second priority will connect to existing initiatives at EU level, such as the implementation of the European Case Law Identifier search engine.

The Technical Support Instrument (TSI) assists EU Member States in designing and implementing technical and procedural reforms. It covers also the digitalisation of national justice systems. The TSI offers more possibilities for funding, given its significantly larger financial envelope and the fact that it provides 100% financing for successful projects. However, the TSI has one significant disadvantage, it cannot be used to fund the procurement of hardware and software, but the preparation or follow-up of reforms. The TSI can be used for multi-country projects on digitalisation of national justice systems. Examples of possible projects are: a project on access to legal data; a project on preparing technical specifications for a process automation tool; a project on automation of court judgments; etc. To offer support to Member States, the Commission has offered to coordinate one multi-country project per year.

**2.2. Main issues**

Both the Council e-Justice Strategy and the Council Conclusions on AI called for facilitating access to EU funding to support Member States’ effort on digitalisation of justice. Despite these requests and the support offered by the Commission, the engagement of Member States for the first multi-country project was low. As a result of the coordination exercise in 2024 only two Member States submitted such a multi-country project under the TSI. The benefit for Member States of having such coordination is that the Commission helps Member States in the preparation of the projects and thus reduces their administrative burden. By aligning projects to the EU priorities on digitalisation of justice, such coordination also increases the chances of financing. However, this coordination activity requires resources from the Commission which are worth investing if, as an output, the digitalisation of justice in a number of Member States can be increased.

1. **IT Toolbox**

**3.1. Scene setter**

In many cases, the justice systems in different Member States need the same or similar IT tools. For example, several Member States are developing speech to text tools to prepare written records of oral proceedings. A possibility to share IT tools would thus be beneficial. It could deliver cost savings for Member States, raise and accelerate the level of digitalisation in all Member States and allow easier connectivity of such tools, where relevant.

The Council conclusions on AI in justice invite already that the Commission to create and operate, within its competencies, a common ‘Justice AI toolbox’. This toolbox would constitute a repository of, in particular, AI and tools in the justice sector[[3]](#footnote-4). In line with these recommendations and building on them, an “EU toolbox of IT tools for justice” could contain tools that public authorities in the area of justice of all Member States would be allowed to use, either for free or with cost implications. This toolbox could include both simpler IT tools for automating justice processes as well as more complex tools involving AI, e.g. for supporting the work of judges. It could be composed of Member States’ tools developed nationally but available for use by other Member States, and tools developed through EU funding, as already indicated in the Council conclusions on AI in justice.

**3.2. Main issues**

The Commission has developed, together with Member States, IT tools to support judicial cooperation obligations under EU law. Where Member States identify needs of their respective justice systems, they are developing their own IT tools. However, the 2024 EU Justice Scoreboard showed that the pace at which Member States develop and use IT tools in justice, including AI, varies significantly amongst Member States. There could be several reasons behind that, e.g., differing political priorities, lack of human resources in national justice administrations, lack of funding for digitalisation as well as lack of expertise and skills. Nonetheless, the tools currently available in some Member States could be used or replicated by other Member States if the right conditions are put in place.

1. **Allowing justice professionals to search for all national and European law and case-law.**

**4.1. Scene setter**

Online access to judicial data offers support to judicial authorities and justice professionals in carrying out their responsibilities. Availability of such data promotes the correct understanding and application of law, especially in cross-border situations when judicial authorities and justice professionals are applying foreign law. The correct application of law is also essential to ensure legal certainty, as well as the quality and coherence of justice – in other words, the effectiveness of the justice system. Legal uncertainty and justice systems that do not function well do not allow to stimulate economic growth and for companies to focus on investment and innovation, thus hindering the potential of the Single Market. As indicated in the Draghi report, companies invest more and expand on the market when there are no legal barriers, and one such barrier is created by legal uncertainty and divergencies in the application of law.

Online availability of judicial data is moreover a key enabler for innovation. For the development of innovative technology (i.e. the training of AI solutions) vast amounts of high-quality data are needed. Case law, laws and possibly other judicial data[[4]](#footnote-5) are needed for the creation of Legal Tech applications. Innovative technology developed for the needs of justice authorities and justice professionals can increase their efficiency and effectiveness, bringing forward more economic growth.

**4.2. Main issues**

Cross-border availability of national law and case law remains a challenge, despite initiatives at EU-level. The adoption of the European Law Identifier (ELI) and the European Case Law Identifier (ECLI) remains based on the voluntary principle. As a result, participation of Member States in these initiatives remains widely divergent.

Moreover, online availability of law and case law is often done in a way that does not allow for the development of Legal Tech applications or the training of AI solutions. Different Member States make available different metadata (even the ECLI standard provides for mandatory and voluntary metadata). In addition, there is no uniform standard throughout the EU on the availability online of judicial data – sometimes a standard is followed, other times judicial data is available in non-machine-readable format.

**Questions to be discussed**

1. Do you see added value in putting in place a mechanism to facilitate the sharing of best practices and information on digitalisation of justice initiatives in the EU?
2. Are you interested in such a ‘living repository’? If so, do you commit to provide input about the digitalisation of justice projects to it – and keep it updated - so that others can be inspired and benefit from your experience?
3. Would you welcome 100% EU financing for national digitalisation of justice measures and is it thus helpful to continue the coordination of multi-country projects under the Technical Support Instrument? If so, would Member States participate in coordinated multi-country projects?
4. Would you see a need for financing investments on videoconferencing under the future MFF?
5. Will Member States be willing to share IT, including AI, tools in an IT toolbox for justice, to be established by the Commission, to pool resources for the use of IT, in particular AI, in justice?
6. Where not already the case, would you be willing to commit to make all laws and case law available online?
7. Would you agree to apply open data standards for the online publication of judicial data, ensuring uniform metadata and machine-readability?
8. If you need support at EU-level, what would that support entail? Would you be interested in financial support through a coordination of a multi-country project under the TSI?

1. C/2025/437, point 71. [↑](#footnote-ref-2)
2. ST 16933 2024 INIT, point 20. [↑](#footnote-ref-3)
3. ST 16933 2024 INIT, point 25. [↑](#footnote-ref-4)
4. DG CONNECT’s [Study](https://op.europa.eu/en/publication-detail/-/publication/3df0f526-2510-11ee-94cb-01aa75ed71a1/language-en)  on [high value datasets (HVDs)](https://data.europa.eu/en/news-events/news/unlocking-potential-high-value-datasets-impact-hvd-implementing-regulation) within the meaning of Directive (EU) 2019/1024 on open data and the re-use of public sector information recommended extension of HVDs towards the domain of ‘Justice and Legal data’. [↑](#footnote-ref-5)