



BACKGROUND DOCUMENT

**JUSTICE FORUM MEETING ON
EUROPEAN E-JUSTICE**

5 MARCH 2009

1. INTRODUCTION

European e-Justice is a relatively new policy area. Only in June 2007, the Justice and Home Affairs (JHA) Council discussed for the first time the creation of a European e-Justice portal. Subsequent discussions and work resulted in the publication in May 2008 of the Commission's Communication to the Council, the European Parliament and the European Economic and Social Committee entitled 'Towards a European e-Justice Strategy'. In November 2008, the JHA Council adopted a 'European e-Justice Action Plan', which was developed under the French presidency in the framework of the Council Working Group on Legal Data Processing (e-Justice). Finally, in December 2008, the European Parliament adopted a 'Resolution with recommendations to the Commission on e-Justice' and the European Economic and Social Committee discussed its draft report at a meeting on 13 February. A second discussion will take place in April 2009.

In other words, there is growing and universally shared understanding among the EU Member States and its institutions that in order for the European justice area to become reality, it is necessary to make use of and take full advantage of Information and Communication Technologies (ICT). New technologies offer possibilities to meet the challenge of increasing workload, but also to develop new information strategies and working methods, which are capable of facilitating cross-border justice.

To date, European e-Justice policy has been primarily developed on an institutional level: by the Member States in the Council, the European Commission, the European Parliament and the European Economic and Social Committee. However, such a top-down approach has its limitations. It is not possible to successfully design or implement electronic solutions without consulting those who will use them on a daily basis. Therefore, the Commission is inviting the member-organisations of the Justice Forum to get involved in shaping the European e-Justice area. The Commission is of the opinion that legal professionals and, by extension, the European organisations representing them cannot be viewed as mere consumers of the European e-Justice policy, but should also be actively involved in its development.

2. OBJECTIVES OF THE MEETING

The objectives of the meetings are threefold: to introduce and discuss the EU policies concerning the European e-Justice and the state of play, to introduce and discuss the proposed content and functionalities of the European e-Justice portal and to map the Justice Forum member-organisations' expertise and interest in the European e-Justice area.

2.1 INTRODUCING AND DISCUSSING EU POLICIES CONCERNING EUROPEAN E-JUSTICE AND THE STATE OF PLAY

It is important to present and discuss the adopted policy document and the current state of play. This is so at least for two reasons. Firstly, the Commission is committed to the principle of transparency. Thus, the Commission would like to present the content of the documents, but also the context in which they emerged. Secondly, being aware of both the institutional set-up and the decision making process is essential in order to understand the policy itself. Indeed, only thorough knowledge of the EU policy documents and undertaken actions will allow the member-organisations of the Justice Forum to understand the European e-Justice policy and, eventually, successfully contribute to its development.

To this end, the morning session is devoted to presentation and discussion of the policy documents. The context for the debate will be set by Prof. Bing, who will speak on the relationship between law and ICT technologies and, in particular, on their application in the public administration sector.

The short lecture will be followed by the presentations delivered by the representatives of the European Institutions, namely, the European Commission (Mr Martin Wasmeier), the General Secretariat of the Council (Mrs Kristi Raba) and the European Parliament (Mrs. Diana Wallis).

The morning session will conclude with a round table discussion during which the Commission invite the representatives of the member-organisations to ask questions, share their views on the adopted policy documents and answer questions such as:

- To what extent Information and Communication Technologies are currently used in your field/daily work?

- What lessons might be drawn from national experiences?

The following documents will be presented, respecting the chronological order in which they were adopted, and will then be discussed:

- Commission's Communication to the Council, the European Parliament and the European Economic and Social Committee 'Towards a European e-Justice strategy', 30 May 2008;
- Council's 'European e-Justice Action Plan', 7 November 2008; and
- European Parliament's 'Resolution with recommendations to the Commission on e-Justice', 18 December.

2.2 INTRODUCING AND DISCUSSING THE PROPOSED CONTENTS AND FUNCTIONALITIES OF THE EUROPEAN E-JUSTICE PORTAL

There are a number of concrete actions currently being implemented by the Commission in the field of European e-Justice. One of them is the European e-Justice portal. On 25 February 2009, the Commission signed a specific contract for the design and development of the European e-Justice portal. According to the terms of the contract the first release of the portal is expected on 14 December 2009. The contract specifies functionalities and applications for the first release as well as provides an outline of the functionalities that should be developed in the following years

The afternoon session will be devoted to detailed discussion of the content of the European e-Justice portal. The Commission will invite the representatives of the member-organisations to express their views on the portal. The basis for the discussion will be the 'Description of Services' document. It is expected that the representatives will be familiar with the content of the document, in particular, with its sections 2 ('Context/Introduction and Objectives') and 3 ('Content of the First Release of the Portal by end 2009').

During the round table discussion the representatives of the member-organisations will be asked to share their observations and comments on the content of the portal (as listed in section 3) and to answer questions such as:

- Which of the enumerated sections of the portal could be the most relevant in your daily work?
- What type of information/functionalities should be included under each of these sections?

Furthermore, during the afternoon session, the Commission will initiate 'Best Practice Corner' with the presentation of Mr Jeremy Tagg from the Ministry of Justice of the United Kingdom on Small Claims Mediation project. The project has been awarded the Crystal Scale of Justice Prize during the 2008 edition of the prize.

2.3 IDENTIFYING JUSTICE FORUM MEMBERS' EXPERTISE AND INTERESTS IN EUROPEAN E-JUSTICE

The Justice Forum meeting on European e-Justice has been conceived as the first consultation with stakeholders on European e-Justice policy. The Commission is interested in continuing the exchange of views also after the meeting. For that very reason, the last part of the afternoon session will be dedicated to discussion of the possible forms of further cooperation. **The Commission would like to hear from representatives of the member-organisations about their views on such collaboration and, in particular, it would like to know on which areas the member-organisations would like to be consulted in the future.**

Mapping of the interest and expertise of the Justice Forum's member-organisations will be facilitated by a specially prepared form. **We invite the organisations to fill in and submit to the Commission the 'European e-Justice Interest and Expertise Inventory'.** The document is included in your background papers; however we would like to ask you to fill it in electronically and e-mail it back to jls-justiceforum@ec.europa.eu by 12 March 2009.

3. EXPECTED RESULTS

Firstly, it is expected that after the meeting, the member-organisations of the Justice Forum will be familiar with European e-Justice policy and the current state of play. It is hoped that information gleaned during this meeting will be further transmitted by you to legal professionals, who are members of the respective organisations.

Secondly, the meeting is aimed at allowing the EU institutions – the Commission but also the General Secretariat of the Council and the European

Parliament – to better understand the needs and expectations of stakeholders. In particular, it is expected that the critical evaluation of the contents and functionalities of the European e-Justice portal will allow the Commission and the Council to work better towards designing and launching the European e-Justice portal, so that it will truly strengthen the European justice area and meet the needs of European citizens, legal professionals and businesses alike.

Thirdly, it is expected that the meeting will allow us all to identify the expertise of European and national organisations in the national and European e-Justice field and to agree on the methods of stakeholders' involvement in the development of the European e-Justice portal and, more generally, the European e-Justice policy as a whole.

4. CONCRETE ACTIONS

4.1 MINUTES OF THE MEETING

The Minutes of the meeting will be distributed through the SINAPSE – the Justice Forum's electronic community – and sent by an email to all participants of the meeting and member-organisations of the Justice Forum.

4.2 EUROPEAN E-JUSTICE INTEREST AND EXPERTISE INVENTORY

The representatives of the member-organisations participating in the meeting will be requested to submit the completed inventory form by **12 March 2009**. The form will be used by the Commission and its contractor in further collaboration with the stakeholders on the European e-Justice portal and other specific European e-Justice projects.