

Discussion Paper for the Second Plenary of the High-Level Forum on Justice for Growth

Topic: Digitalisation of justice

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Introduction

Digitalisation of justice offers significant benefits and opportunities to increase growth through efficiency gains and cost savings for Member States, businesses and citizens. It also contributes to improving access to justice and facilitates the work of justice professionals thus increasing the quality of justice.

The discussions during the preparatory technical meeting of 14 May 2025 showed broad support from Member States and stakeholders on many of the topics put forward in the preparatory papers.

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 initiatives in Member States to support the European Commission in its efforts.

Summary of technical discussions

1. Digitalisation of justice systems

Mapping exercise of the state of play of the digitalisation of national justice systems: this would take the form of a ‘living repository’ where Member States provide input about concrete digitalisation of justice projects and tools so that other Member States can benefit from their experience for their own digitalisation of justice initiatives. Having the data on the state of play of digitalisation of the national justice systems would allow the Commission to organise an exchange of best practices among Member States, lay down the ground for the IT toolbox and tailor better its support to Member States, for instance in form of EU funding or policy initiatives.

The source of the mapping initiated by the Polish Presidency was information on modern technologies used in justice in the Member States - previously gathered within the framework of the e-Justice Working Group - as well as a study initiated by the Polish Presidency.

Member States very widely supported the mapping exercise, including the idea of a ‘living repository’, indicating that the European e-Justice Portal could be used to host such a repository. Member States expressed their readiness to contribute to the mapping exercise. They also stressed the need to avoid future overlaps with the work done in the e-Justice Council Working Party and limit administrative burden. Different views were expressed on whether to restrict access to the repository to public authorities, open it to justice professionals or make it available to the wider public.

In view of the specificities of AI, some Member States proposed to have a separate discussion concerning its use, focusing on exchange of best practices and potentially on specific guidelines for the use of AI in Justice.

Access to EU financing on digitalisation of justice through coordination of multi-country projects: under the current Multiannual Financial Framework (MFF), the two main possibilities to apply for financing of digitalisation of justice are the Justice programme and the Technical Support Instrument (TSI). While with the Justice programme the Commission supports cross-border projects with, among

others, a priority for Member States' projects on the implementation of the Digitalisation Regulation, the TSI allows the financing of projects for the digitalisation of national justice systems.

Several Member States expressed some interest in participating in multi-country projects under the TSI without however applying to the 2025 on-going exercise. While several Member States mentioned that the TSI is not the best adapted tool (in particular because it can only be used for the preparation or follow-up of reforms but not for the procurement of hardware and software), the support for TSI coordination by the Commission was large. Some Member States stressed the need to dedicate funding under the next MFF for the digitalisation of national justice systems. The importance of financing judicial training was also stressed.

IT Toolbox: this builds and expands on the idea of a 'Justice AI toolbox' mentioned in the Council conclusions on AI in justice. It would allow IT, including AI, tools currently available in some Member States to be put at the disposal of other Member States. Re-using or adapting existing tools could contribute to cost-saving for Member States, raising and accelerating the level of digitalisation across the EU and potentially allowing easier connectivity of such tools. The Polish Presidency has also effectively supported this work and allowed the EC to realistically start work with this tool by initiating and carrying out the *Survey on the use of modern technologies* (with special emphasis on AI) in the justice system – introduction to mapping/ by identifying potential areas of new technologies use in the justice system/ introducing modern technologies mapping.

Many Member States expressed support and readiness to contribute to the toolbox. They also widely supported the idea of extending the toolbox mentioned in the Council conclusions on AI in justice to other IT tools beyond AI. There was also strong support to minimise administrative burden. Some Member States emphasised the importance of ensuring interoperability, potentially as part of the application of the Interoperable Europe Act, as well as the need for judicial training on the use of these tools.

Allowing justice professionals to search for all national and European law and case-law. This is especially needed in cross-border situations when justice professionals are applying foreign law. It would entail a systematic and comprehensive adoption of the European Law Identifier (ELI) and the European Case Law Identifier (ECLI) across Member States. Online availability of judicial data could also enable the development of Legal Tech applications or the training of AI solutions. This requires providing access to law and case law in a machine-readable and downloadable format and with adequate metadata.

The practical relevance of the problem to have access to foreign law and case law was stressed by a participant at the technical meeting. Member States and stakeholder organisations expressed wide support for establishing open-data, machine readable formats at EU level. A couple of Member States raised concerns about the need to prevent the profiling of judges. One Member State mentioned the need not to duplicate the storing of judicial data, and another stated that EU law should not impose the publication of all court decisions.

Questions for discussion:

Would you:

- a) **be interested to provide input about your national IT tools/projects in a 'living' repository and keep it updated - so that other Member States can benefit from your experience?**

- b) participate in multi-country projects under the Technical Support Instrument, or see a need for financing national digitalisation of justice efforts under the next Multiannual Financial Framework?**
- c) be interested to share IT, including AI, tools in an IT toolbox for justice, to be established by the Commission, to pool resources and knowledge for the use of IT, in particular AI, in justice and share them for re-use with other Member States?**
- d) be interested to make all national law and case law available online through a systematic and comprehensive adoption of the European Law Identifier (ELI) and the European Case Law Identifier (ECLI) as well as to promote open access to judicial data allowing that such data can be used for training and developing AI tools adapted to the use of AI in justice?**

2. Cross-border videoconferencing

Videoconferencing facilitates the participation of parties located in different Member States in cross-border judicial proceedings, improving access to justice and reducing costs for parties and national justice systems. The Digitalisation Regulation provides a legal framework for cross-border videoconferencing, albeit with a different scope regarding civil and criminal matters. The Commission can also support the deployment of videoconferencing in judicial proceedings through the coordination of multi-country projects under the TSI. At the same time, some challenges for the practical and smooth implementation and application of videoconferencing have been identified.

During the technical meeting, several Member States expressed support for continued coordination of multi-country projects under the TSI covering also the area of videoconferencing and to finance investments in videoconferencing under the next MFF. They also widely supported the development of voluntary common technical standards at EU level for videoconferencing equipment as well as the setting up of a hub to which Member States could connect their videoconferencing tools for cross-border hearings to overcome interoperability challenges. While many Member States expressed a general reluctance to more legislation, a number of them and one stakeholder were in favour of dealing with common issues between civil and criminal matters in a common way. Member States largely agreed that the future European Judicial Training Strategy should have a strong focus on digitalisation and videoconferencing. Member States who intervened did not see a need for a concerted application and implementation action on cross-border videoconferencing as regulated by the Digitalisation Regulation nor on support for vulnerable persons.

Questions for discussion:

- a) Do you agree that the Commission should develop voluntary common technical standards for videoconferencing?**
- b) Do you agree that the Commission should develop a dedicated interoperability hub to which Member States could connect their videoconferencing tools for cross-border hearings?**
- c) Would you consider it appropriate to establish certain common rules on videoconferencing applicable to both civil and criminal matters, while dealing with specific points of criminal law separately, or should they be dealt with entirely separately?**
- d) Should the new European Judicial Training Strategy focus on digitalisation, including for example videoconferencing?**

3. Fully digital judicial procedures in civil and commercial matters, including family matters

The Digitalisation Regulation establishes the European Electronic Access Point (EEAP), which companies and individuals, or their representatives, may use for electronic submissions in some judicial procedures related to cross-border civil and commercial matters. The EEAP (operational as from 2028) can only be used for certain civil law cases. It also does not, in most cases, provide for a full digitalisation of communications from the launch of a court case to its end. In the longer term, fully digital communication in judicial procedures could be achieved through an extension of the EEAP to all civil and commercial matters with cross-border implications.

Most of the Member States who intervened welcomed the idea and its potential. While there was a large support for continuing the reflection, the discussion revealed a number of issues to be analysed in more depth and the need to proceed carefully, including seeing the EEAP in action. One stakeholder stressed the need for a broad and continuous discussion forum on this topic. Several Member States emphasised that extending the EEAP to more procedures would underline the need for Member States to move to one single domestic application to avoid that actors work on two separate systems and to reflect how to achieve this. One Member State also raised the need to reflect about raising effectiveness of enforcement procedures through the use of the EEAP.

Question for discussion:

Would you consider it beneficial to continue the reflection on digitalising all procedural steps – from launching a court case to its end - in civil and commercial law cases with cross-border implications through extending the use of EEAP?