



# e-CODEX

## Pilots





## Realising cross-border e-Justice in Europe

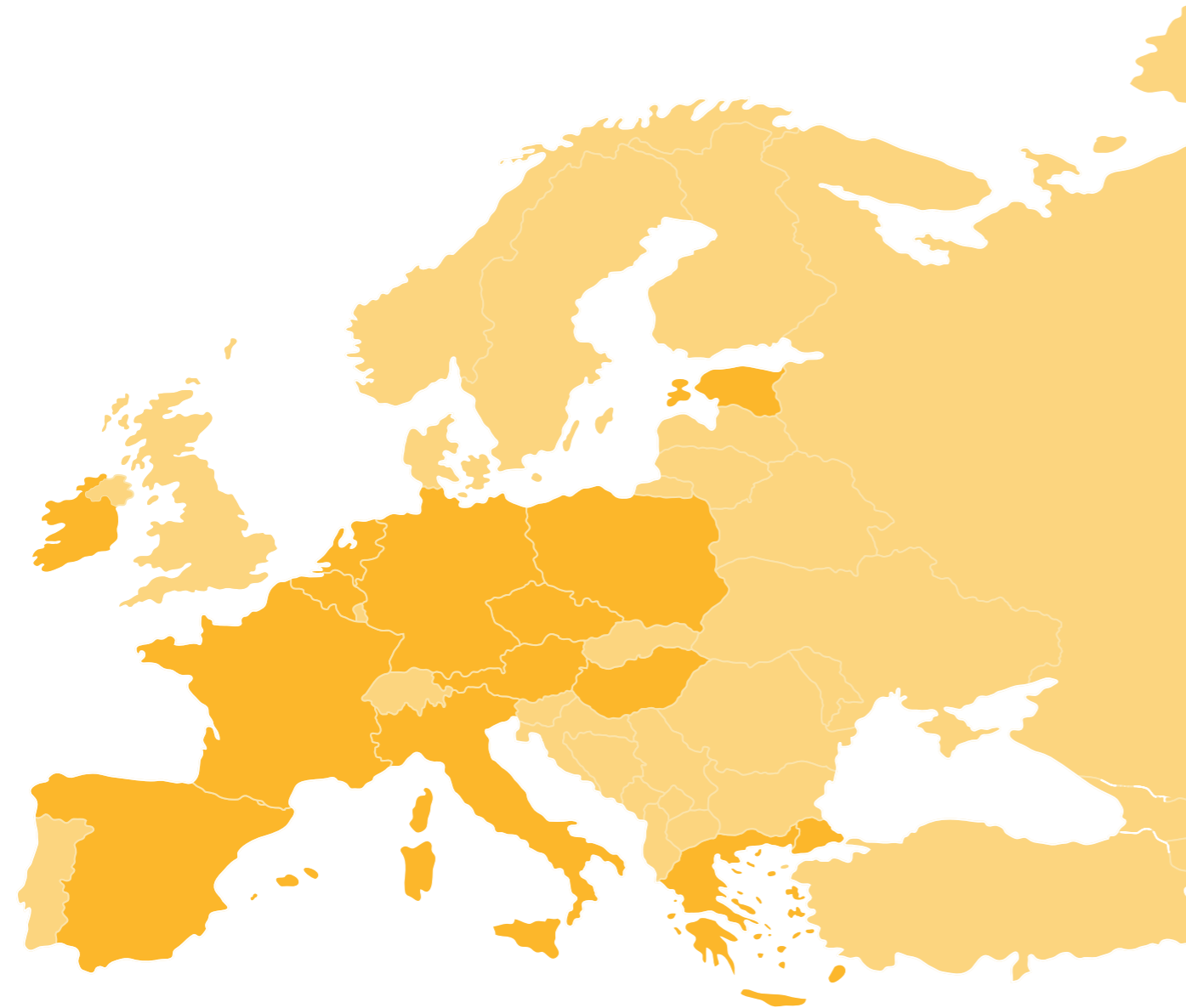
The e-CODEX (e-Justice Communication via Online Data Exchange) project improves the cross-border access of citizens and businesses to legal means in Europe and furthermore creates the interoperability between legal authorities within the EU.

This brochure offers basic information about the piloting activities in e-CODEX.

If you would like to get more information or want to contact us,  
please visit our website <http://www.e-codex.eu>  
or send an email to [info@lists.e-codex.eu](mailto:info@lists.e-codex.eu)

## Content

e-CODEX simplifying cross border legal matters	3
What's in it for you?	4
e-CODEX Pilots	6
Business Registers	7
European Order for Payment	8
Small Claims	9
Secure Cross-Border Exchange of Sensitive Data	10



*European member states  
participating in piloting activities*

*as of September 2015*

## e-CODEX simplifying cross border legal matters

Because the effort required to take cross-border legal matters into court is sometimes believed to outweigh the expected benefits, the European Commission recognises the need to simplify access to cross-border legal procedures and make them more user-friendly.

We know that communication between legal professionals can be insecure, for instance by using regular e-mail, or ineffective due to cumbersome procedures.

The goal of e-CODEX, as an EU co-funded project, is to improve the cross-border access of citizens and businesses to legal means in Europe and improve the tools for cooperation between legal authorities within the EU. The services made available by e-CODEX are easily accessible for all citizens through the European e-Justice Portal or national portals, and in addition offer a user friendly approach for judicial employees.

On a technical level, the goal of the e-CODEX project is to establish a European interoperability layer for e-Justice communication.

# What's in it for you?

e-CODEX offers an opportunity for the administrative sector of every European Member State to take steps towards digitising their public services and to connect existing services to other Member States.

e-CODEX is based on the principle of interoperability and interconnection of national backend solutions. The solutions developed are in line with the current technological trends within the field of European e-Justice. They are easily adoptable by countries wishing to join the use cases at a later stage, provided that they fulfil the necessary technical requirements. Participation is fairly uncomplicated: the country has to make sure that its national provisions allow for the electronic submission of documents to a court and that – for the use case(s) it wishes to take part in – a corresponding national case management system is available or can be implemented.

While e-CODEX offers the technical building blocks that allow a secure transport solution, the implementation and maintenance of the national specific components are within the responsibility of the participating countries. But of course, dedicated experts are in place to help and assist. Moreover the sharing of experience among the participating countries is one key to the success of the project.

Also after completion of the e-CODEX project, contact persons and support will be available. Together with a Council Working Group, the Member States are working on a sustainability concept to ensure the longevity of the project.

Would you like to participate or get more information? Please contact the e-CODEX team by using the contact form on the website [www.e-CODEX.eu](http://www.e-CODEX.eu).

## Two technical solutions make it easier to join the project:

The **Central Testing Platform (CTP)** provides a test environment that can be used by countries to check the sending and receiving of forms via the e-CODEX system. This simplifies the process of getting connected with national applications.

On the other hand, the **Stand Alone Connector** provides Member States who don't have their own national end application with a back-end solution that acts as a digital receiver. With this the country will be able to digitally receive forms and data.



See how the Stand Alone Connector works



# e-CODEX Pilots

Since the start of the pilot phase in 2013, real life cases have been handled extensively by the e-CODEX solution. Feedback is continuously collected from users to improve the solution and adapt to new requirements.

How are these solutions usable and portable?

- The solutions are in line with the current technological developments in the field of European e-Justice based on the principle of decentralisation i.e. respecting existing national solutions
- They are easily adoptable by countries wishing to join the pilots at a later stage
- They respond to some of the weaknesses that have been identified in regard to current practices, by strengthening the security and providing a possibility to reduce delays, in the interest of all parties – judicial authorities, citizens and business.

For the purpose of piloting, several use cases have been identified:

### Civil Justice

- European Payment Order
- Small claims
- Business Registers

### Criminal Justice

Secure Cross-Border Exchange of Sensitive Data, including several criminal law use cases:

- Mutual Legal Assistance in Criminal Matters
- European Arrest Warrant
- Mutual Recognition of Financial Penalties
- Framework Decision 909 on mutual recognition of custodial sentences and measures involving deprivation of liberty

Basic information on concrete use cases and the benefits of the e-CODEX solutions are provided on the following pages.

# Business Registers

Businesses are increasingly expanding and cooperating beyond national borders. Mergers and divisions involve companies from different EU Member States, and there is a growing demand for information access and transparency. The Commission has responded to the need for business register interconnection systems with Directive 2012/17/EU on 13 June 2012.

e-CODEX provides a solution allowing the instant exchange of information, for instance on cross-border mergers, between national business registers in order to make updates accessible in a quick and secure way and by this, facilitating the access to accurate information for citizens and business.

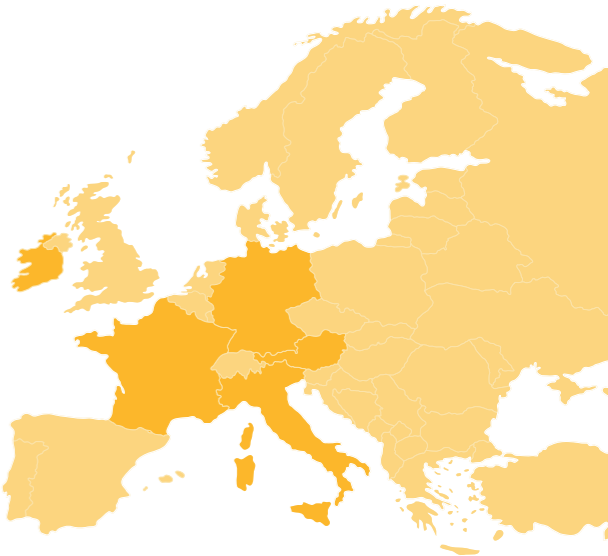
The e-CODEX solution rests on the principle of decentralisation and interoperability. This means that the business register data will stay in the Member States and that each existing national digital solution will remain untouched.

### Benefits

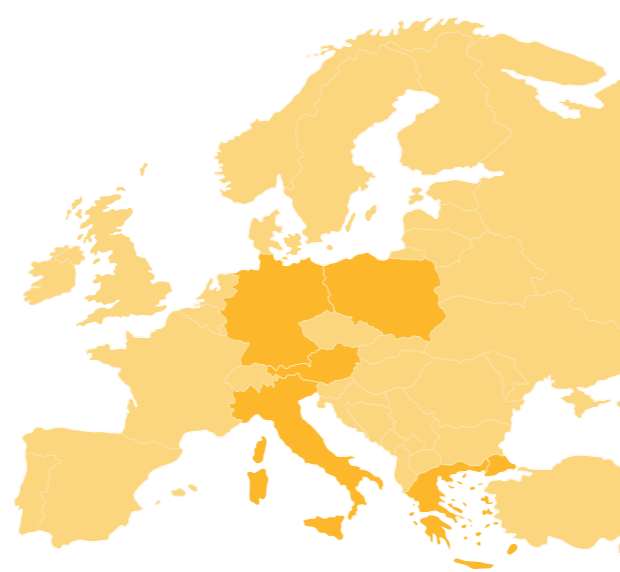
Sending information between business registers on changes related to companies having cross-border activities is often long and cumbersome, even though receiving this information rapidly can be vital. With e-CODEX, the information on mergers will be shared with the relevant business registries directly. The possibility of signing the notifications digitally, gives the receiving business registries the chance to be sure of the authenticity of the notification.

### Exemplary use case

A company in Ireland transfers all its assets and liabilities to your company in Italy. At the end of the merger, the business register in Italy, in which the resulting company is registered, informs the business register in Ireland, in which the dissolving company is registered, that the merger has taken effect.



## European Order for Payment



The swift and efficient recovery of outstanding debt is of paramount importance for citizens and companies in the EU. Late payments constitute a major reason for insolvency threatening the survival of small, medium-sized and even large businesses. The EU has taken the initiative to simplify and speed up the recovery of uncontested monetary claims in cross-border cases by creating a harmonised European Order for Payment (EPO) Procedure with Regulation 1896/2006 of 12 December 2006.

### Benefits

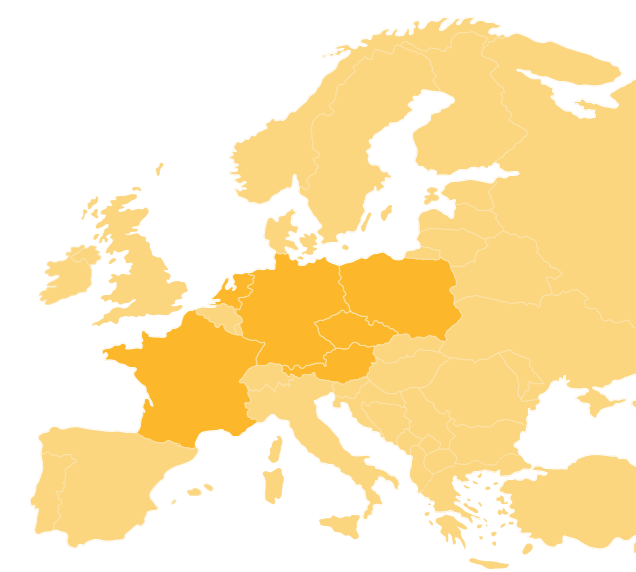
e-CODEX implements the necessary technical interfaces for a fast secure electronic cross-border submission and receipt of the forms related to the EPO Procedure. For EU residents, companies, and legal professionals, e-CODEX makes it possible to fill in and send to a participating court the EPO application form, as well as other forms involved in the procedure. By using an electronic signature or eID solution and the e-CODEX transport solution, the court can be sure that a form they receive is authentic.

The application for the EPO can be accessed and sent digitally either through the European e-Justice portal or through national portals. The results of the e-CODEX EPO pilot leads to faster and more user-friendly access to an efficient justice tool in cross-border monetary claims. This also enables courts to process cases more efficiently with a less burdensome paper trail. In other words, time is saved in proceeding claims and errors in the forms are reduced which results in faster and more efficient procedures for all parties.

### Exemplary use case

Your IT company has developed specific software for a company in another European country. The customer has not paid the bill and ignores all reminders. Your company can now easily and quickly start a European Order for Payment Procedure against the customer via the e-Justice portal or, if available, your country's national portal.

## Small Claims



The Small Claims procedure established by Regulation 861/2007 of 11 July 2007, seeks to improve and simplify procedures in civil and commercial matters where the value of the claim does not exceed 2.000 € excluding interest, expenses and disbursements.

### Benefits

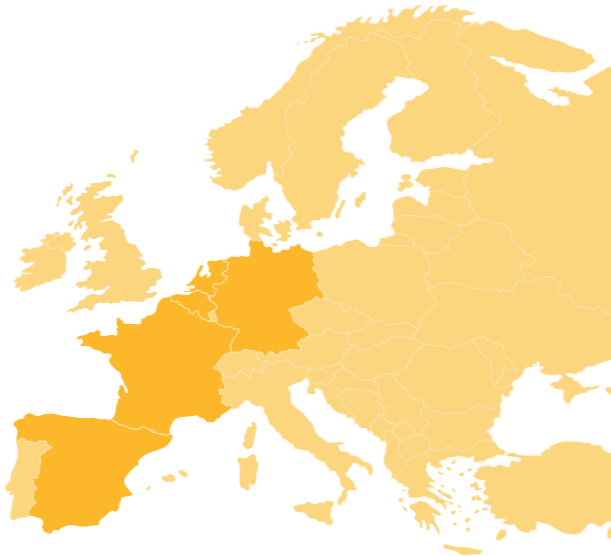
The traditional paper based cross-border small claims procedure is often complex and time consuming. With the help of e-CODEX, the procedure will be available online either through the European e-Justice portal or through national portals. This will make the procedure simpler, faster and more secure. Also for courts, it will mean less paperwork and faster handling of cases. This pilot will enable EU residents, companies or their legal representatives to digitally access and send the forms related to the Small Claims procedure to the competent court.

Responses from the courts will also be sent digitally. Through the use of electronic signature or e-ID and the e-CODEX transport solution, the receiver can be sure of the message's authenticity. It makes it easier to fill in the forms and makes the procedure more efficient which results in time and cost saving for all parties.

### Exemplary use case

You made an online order from another European country and paid the bill in advance. Unfortunately the product sent is broken and the mail-order business refuses to replace or reimburse the costs. You can now use the small claims procedure to obtain compensation and through e-CODEX, you can file your small claim from the comfort of your own computer at home.

# Secure Cross-Border Exchange of Sensitive Data



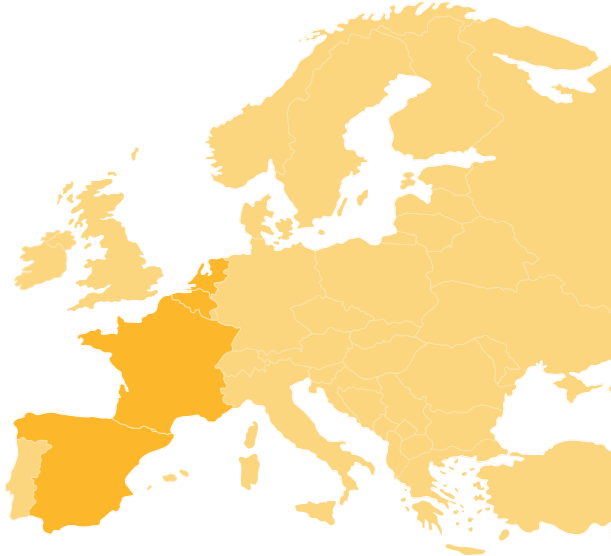
Secure cross-border exchange of sensitive data is based on the idea to increase the security when judicial authorities exchange information across borders. Particularly in the case of terrorism and cross-border crime, a fast, reliable and secure channel for data transfer is required.

The pilot helps the relevant authorities and parties in the proceedings to deal with cases in which any kind of judicial cooperation between EU Member States is needed. This is done by exchanging data electronically using a highly secure technical transport solution and electronic signatures to guarantee the authenticity.

## Benefits

The use of automated systems helps eliminate formal errors such as a lack of information in the requests, but more importantly, it increases the security and reliability when exchanging highly sensitive information. Additionally, it saves time and money, and unlike paper, each event can be tracked / logged at any time along the way.

The solution also provides the ability to maintain a “conversation” between judicial authorities. Thereby, any questions arising related to the cooperation requested (such as the exact content of the request, additional requirements or other issues) can be solved in a quick and easy way.



## European Arrest Warrant

This use case works on solutions to avoid the exploitation of open borders within the European Union to evade justice. Following the Council Framework Decision 2002/584/JHA of 13 June 2002, it creates a secure and quick mechanism to transmit a European Arrest Warrant between judicial authorities. It also involves the lawyers, who through an authentication solution linked to the European e-Justice Portal, can communicate with the authorities on behalf of their clients.

## Exemplary use case

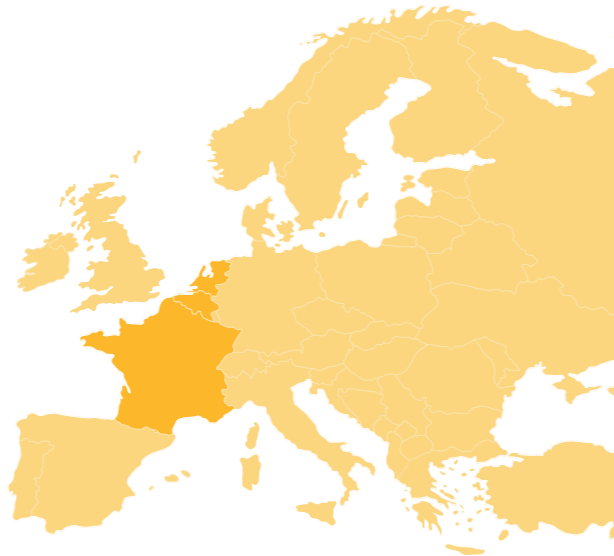
A german biker club commits a crime close to the german border in the Netherlands. They manage to escape before the police is able to catch them. With the help of the European Arrest Warrant, the offenders can also be taken into custody in Germany. e-CODEX speeds up the process and guarantees secure data exchange by electronic transmission.

## Mutual Legal Assistance

The aim of this use case is to provide a solution to enable quick and secure data exchange between judicial authorities on request for legal assistance on criminal matters. It is a subset of the European Investigation Order based on several legal instruments, in particular Directive 2014/41/EU of 3 April 2014.

## Exemplary use case

During an ongoing investigation into a network of drug-sellers, the prosecution service of Cologne discovers that a huge cannabis plantation is being maintained in a storehouse close to the Belgian-Dutch border. The Public Prosecutors Office in Cologne sends a request for search and freeze to the competent judicial authorities in Belgium and the Netherlands using the e-CODEX infrastructure.



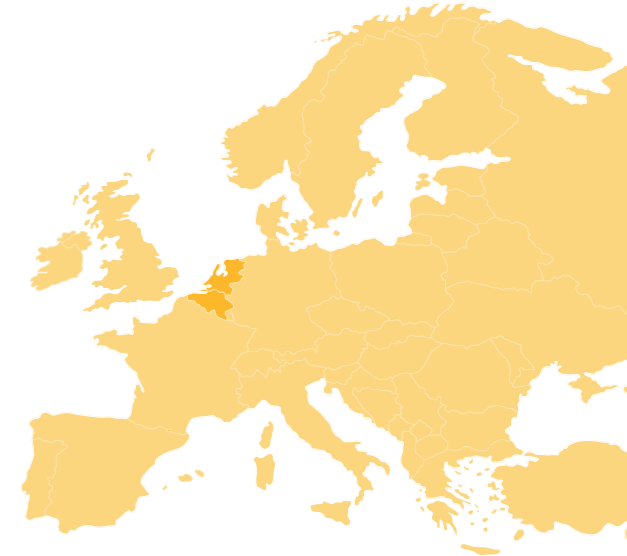
### Mutual Recognition of Financial Penalties

This use case builds on the Council Framework Decision 2005/214/JHA of 24 February 2005. The objective is to facilitate the recognition and enforcement of a financial penalty that has been imposed in one Member State on an individual from another Member State. The execution takes place in the Member State, where the individual is domiciled or habitually resident.

#### Exemplary use case

You, a European citizen, are hit by a car driven by a foreign EU citizen. Instead of helping you, he drives away from the scene. You are heavily injured and need medical attention.

The court imposes a financial penalty to the offender and includes a financial compensation for you as victim of the accident. Unfortunately the offender pays neither and returns to his home country within the EU. The authorities therefore send both financial penalties to the foreign authorities. These authorities recognise and execute the decision of the Member State where the accident occurred without any further formality and collect the fines from their citizen. The money obtained from the financial penalty regarding the traffic offence remains in the home country of the offender. The financial compensation collected is paid to the victim.



### Framework Decision 909 on mutual recognition of custodial sentences and measures involving deprivation of liberty

The objective of this use case is a solution enabling judicial authorities to digitally exchange forms allowing persons to serve sentence in another Member State. The legal basis is given by Council Framework Decision 2008/909/JHA of 27 November 2008. This helps to facilitate the execution of judgments to take place in another Member State than the one in which the ruling took place by making the communication more secure and faster.

#### Exemplary use case

On his vacations in the Netherlands, a Belgian becomes entangled in a criminal offence. He serves his sentence in jail. To be closer to his family he can apply to serve his time in the Netherlands. FD909 helps to get the forms exchanged in a fast and secure way.



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