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Abstract:

After the successful launch of its pilot phase in 2013, e-CODEX has been preparing for other waves and other pilots. This deliverable aims to update D3.3 Documented System Requirements and Specifications by setting up timelines for the preparations of the next waves of civil and criminal law pilots, as well as for the business registers pilot.

History

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List of Abbreviations

<i>Acronym</i>	<i>Explanation</i>
e-CODEX	e-Justice Communication via Online Data Exchange
BR	Business Register(s)
BRIS	Business Registers Interconnection System
CMS	Case management system
EAW	European Arrest Warrant
EC	European Commission
EIO	European Investigation Order
EPO	European Payment Order
MLA	Mutual Legal Assistance
MoJ	Ministry of Justice
MS	Member State
P-Mode	Processing Mode
WP	Work Package
WP1	WP in charge of project administration
WP2	WP in charge of communication
WP3	WP in charge of pilot and experimenting
WP4	WP in charge of identity and e-signatures
WP5	WP in charge of exchange of documents and data and e-payment
WP6	WP in charge of document standards
WP7	WP in charge of architecture

Table 1: Abbreviations

Executive Summary

e-CODEX is an EC-funded large scale pilot that aims to improve European cross-border access to justice for citizens and businesses as well as the interoperability between legal authorities within the EU. Initially scheduled to last for three years from December 2010, the project was extended until February 2015 in 2012.

It is divided into several Work Packages (WP), and a crucial part of WP3's objective is to implement and test the e-Justice Services designed by the other WPs within e-CODEX. This deliverable provides an update to D3.3 Documented System Requirements and Specifications which aims at helping the preparation of the countries which have confirmed their interest in participating in the pilot phase. In this update, a specific focus is put on:

- Use cases from the extension of e-CODEX
- Use cases that have changed scope since D3.3
- Changes in the list of piloting countries
- Update of the timeline for the pilot phase

A questionnaire about the implementation of the requirements at national level was sent out to each of the piloting countries for the new or changed use cases. From the answers, a gap analysis was elaborated as in D3.3, which compares required and existing capabilities. The analysis shows that some countries are well advanced in the preparations and can take advantage of work done on other pilots. However, many participating countries still need to take rapid action if they want to join the pilot on time, especially in regard to the criminal law pilots, as the project is scheduled to end in the beginning of 2015. We are adopting a principle of starting new pilots at different times in order to allow countries to start piloting as soon as they are ready.

One of the main objectives of the following months is to finalise the delivery of the e-CODEX pilots, starting with EPO for Poland, France and the Netherlands around the 4th quarter of 2014. The project will also go live with Small Claims at the same time, with the Czech Republic, Austria, Germany, France, the Netherlands and Poland.

Equally important is the delivery of the business registers pilot around the 2nd semester of 2014, which was introduced for the extension phase of the project, and aims to implement synchronous communication between business registers, in line with the provisions of Directive 2012/17/EU.

Another focus will be the finalisation of the criminal law pilots, building on the EURegio experience to implement a pilot on mutual legal assistance towards the end of 2014. Spain, Germany, the Netherlands, Austria, France, Greece and Turkey are expected to join this pilot. A similar proceeding, the "taking of evidence" in civil matters, based on Regulation 1206/2001, will also be studied

A pilot dedicated to Framework Decision 2008/909 is also expected to build on this experience and involve Belgium, the Netherlands and France. The United Kingdom has also shown some interest but has yet to confirm it will be ready to pilot in time. Finally, the Financial Penalties will involve mostly France, Belgium and the Netherlands and progress will be monitored with the aim to start in early 2015.

Through the validation of this deliverable (D3.12), piloting countries will endeavour to meet the deadlines and initiate activities and developments that are required.

Since D3.3, different activities have been conducted by WP3 to accompany and coordinate the piloting preparations. Special attention is also being paid to lessons learned, since both at project level and national level, valuable experiences have been gained that could contribute to speed up the work within the remaining pilots.

As with D3.3, this document should be a guideline throughout the different phases of preparation and a reference point regarding the timelines and necessary activities.

1. Introduction

1.1. Scope and Objective of Deliverable

This document is intended for the countries that have indicated that they would like to participate in the e-CODEX pilot phase. This is an operational phase where, within the framework of the selected use cases, the interoperable services and technologies are functioning in a real-life setting.

The deliverable aims to provide an update of *D3.3 Documented System Requirements and Specifications* by providing an overview of the state of the preparations for the various e-CODEX pilots. Participant readiness is weighed against e-CODEX requirements that were documented in the first version of this deliverable. To facilitate reading, a different format has been used with the updates provided in a single document. In this respect, D3.3's content is still valid, with the following changes:

- Only those additional requirements have been listed in chapter 2
- The whole chapters 4 and 5 of the initial deliverable have been considerably updated, with the exception of those countries which are already live for the EPO pilot (Austria, Germany, Italy and Estonia).

Since the first version of this deliverable, some pilots have gone live:

Austria, Estonia, Germany and Italy successfully went live with the EPO procedure in July 2013. They were followed by Greece in April 2014, and other countries will soon join the pilot as well. In this deliverable, for the EPO pilot only an update of the calendar will be given, including a short description of Poland's preparations. Poland joined e-CODEX for the extension of the project and was therefore not included in the previous version of the deliverable.

At the time of writing, the following pilots have been selected for implementation, but are not live yet:

- Small Claims, as initially agreed. An update of the calendar will be provided including Poland's preparations.
- Financial Penalties, as initially agreed. An update of the calendar will be provided.
- A pilot to demonstrate synchronous communication between business registers, as decided for the extension of the project. A major part of this deliverable will therefore be dedicated to this pilot.

Other criminal law pilots have been subject to changes from the initially agreed content. For instance, the European Arrest Warrant pilot has been temporarily put on hold pending the establishment of collaboration with Eurojust. Since no clear indication can be given on the calendar, an update cannot be provided at the time of writing.

Adjustments have also been made to the Secure Exchange pilot agreed at the inception of the project to take into account the evolving legislative framework and the requests of participants. It indeed appeared that the European Investigation Order, which has recently been adopted as a Directive, would offer a relevant legislative basis to the pilot. To account for transposition by participating Member States, a pilot named Mutual Legal Assistance, based on the existing legal framework was agreed. In this respect, advantage has been taken of the developments of the EURegio pilot, a regional cooperation between North Rhine-Westphalia (Germany), Belgium and the Netherlands in the field of criminal law, which is using the e-CODEX methodology and building

blocks. For the Mutual Legal Assistance pilot, an update of the calendar will be provided, as well as a description of the piloting countries which were not included in the first version, but have since decided to take part in this pilot.

Finally, a pilot based on Framework Decision 2008/909 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union was also agreed. It is part of the ensemble of pilots designed to ensure Secure Exchange between competent authorities.

The e-CODEX pilots could be supplemented by a pilot on mutual assistance in the area of civil law based on the regulation 1206/2001 (Taking of Evidence). Synergies could be established in particular with the pilot on EIO. Along with Austria, Greece, Malta and Spain have indicated their interest in this pilot proposal.

1.2. WP3 General Objectives and Vision

WP3 has two main objectives. The first objective is the selection of pilot areas in the field of e-Justice Services, with the aim to build interoperable and easy to use solutions that can be expanded to other sectors and be developed further..

The second objective is to implement and test the e-Justice Services designed by the other WPs and provide input for a technical quality assessment of the overall design and the modules. This also includes the coordination of developments of pilot environments at the national level in order to lay down the ground for wider implementation after the test phase.

1.3. Methodology of Work

This deliverable is divided into two main parts. The first part briefly states the additional requirements for the implementation of new pilots.

The second part of this deliverable contains an update on the timelines of the different e-CODEX pilots. This update is based on the same methodology as D3.3, which means that questionnaires have been sent out to collect information on piloting intentions and readiness. The results obtained lay down the foundation for the content together with regular interaction with piloting countries.

1.4. Relations to Internal e-CODEX Environment

This document aims at describing the requirements for the pilots, comparing these to existing capabilities in participating countries and then drawing up a timeline for implementation. It therefore rests heavily on solutions that have been defined within WP4, 5, 6 and 7, and in particular on the process modelling and the identification of functional requirements conducted for *D7.2 Requirements Finalisation & D3.2 Described Test Scenarios* and the update¹.

This document should also be useful to WP2, which is promoting the pilots in cooperation with WP3.

¹ D3.11 & D7.5 Requirements Finalisation and Description of Test Scenarios (Update of D3.2 and D7.2)

1.5. Relations to External e-CODEX Environment

Feedback from other LSPs has been collected by WP4, 5, 6 and 7 regarding their solutions and integrated in deliverables which provide the material for the first part of this deliverable.

The e-CODEX project has also maintained contact with the European e-Justice Portal team in order to integrate this tool into the process design and ensure technical requirements were compatible.

1.6. Quality Management

As written above, the deliverable was validated at a workshop, where the quality was also checked. During the elaboration process, it was also circulated to participating countries and all the e-CODEX Work Packages for comments in preparation of the workshop.

Category	Remarks	Checked by
Conformance to e-CODEX template	Yes	WP1
Language & Spelling	Yes	WP1
Delivered on time	Delivery date has been changed	WP1
Each technology description contains the correct elements	Not applicable	WP1
Consistency with description in the TA and in other e-CODEX deliverables	Yes	WP1
Contents is fit for purpose	Yes	WP1
Contents is fit for use	Yes	WP1
Commitment within WP	Yes	WP1

Table 2: Quality checklist

1.7. Risk Management

Description	Probability	Impact	Priority	Response	Owner
One or more piloting countries will not be ready for the operational pilot phase	Medium	Medium	High	WP3 will follow closely the piloting countries in the preparation phase	WP3
The operational pilot phase will be delayed	Medium	High	High	Both a general and piloting country specific timelines	WP3

Description	Probability	Impact	Priority	Response	Owner
due to unforeseen obstacles				will be developed for the pilot preparation phase, and WP3 will closely follow the preparations	
All requirements have not been identified	Low	High	Medium	The impact on the definitions in this deliverable should be taken into consideration in the decisions on the remaining issues	WP3, WP4, WP5, WP6, WP7
The requirements are too far from the existing capabilities and thus cannot be implemented within the defined timeframe	Low	High	Medium	An analysis of the existing capabilities is included in this deliverable that will allow the project to discover and respond to this risk in time. A clear time frame is defined to provide for a structured planning and approach to connect to the e-CODEX solutions	WP3
The BR pilot is being implemented in a domain that is already well digitised and is also being affected by the BRIS initiative of the European Commission to implement the 2012 Directive	Medium	High	High	Communicate to the BR domain and to the Commission	WP3- WP1

Table 3: Risks

1.8. Structure of the document

Chapter	Description
1. INTRODUCTION	Presents the document, its objectives and methodology
2. GLOBAL FUNCTIONAL REQUIREMENTS AND CORRESPONDING TECHNICAL REQUIREMENTS	Matches requirements identified for conducting the pilots with their technical translation. Focus on requirements not included in D3.3.
3. READINESS ASSESSMENT AND HIGH-LEVEL TIMELINE	Analyses the capabilities of participating countries and estimates their readiness to pilot for the pilots not

	<p>included in D3.3.</p> <p>Provides an update of the calendar and the piloting countries for the pilots included in D3.3.</p>
REFERENCES	

Table 4: Structure of the document

2. Global functional requirements and corresponding technical requirements

The following chapter only describes requirements that were not included in D3.3, but identified afterwards. For complete reference, please refer to D3.3.

The following requirements are highlighted for the criminal law pilots and the business registers pilot:

2.1. Specific requirements for the criminal law pilots

WP7	Use of the s-TESTA network
Description	e-CODEX Gateways should communicate through the s-TESTA network
Corresponding technical requirement	It is highly recommended to use the s-TESTA network for communication between the Gateways, as this network has been developed for the purpose of sensitive data exchange and is used by other projects with similar requirements (e.g. ECRIS). A thorough analysis about s-TESTA is currently being elaborated by WP7. The technical aspects as well as migration scenarios will be covered in the resulting document.

2.2. Specific requirements for the business registers pilot

WP5-WP6	Business registers addressing
Description	Messages have to be addressed to the relevant business register authority.
Corresponding technical requirement	In order to demonstrate synchronous communication between the registers, the determination of the competent BR needs to be done automatically through the message. A field in the form provided by WP6 allows the identification of the receiving business register. A list of participating institutions will have to be provided and coded by piloting countries. A table containing the required information is currently being prepared by the piloting countries and WP3.

2.3. General requirements

WP5	Cross Domain use of e-CODEX platform
Description	In order to allow for the fact that e-CODEX covers different domains (in some countries for instance business registers are not under the direct responsibility of the ministry of justice) e-CODEX needs to be able to separate

WP5	Cross Domain use of e-CODEX platform
	messages to different entities within a single country.
Corresponding technical requirement	In one piloting country, different authorities within the same or different pilots might have the requirement to receive cross border messages of one domain separately from those of other domains. Technical possibilities to achieve this would be to maintain more than one Gateway, the separation of messages within the infrastructure of the MS or the installation of a Gateway filtering message to address several Connectors.

3. Readiness assessment and high-level timeline

The following table gives an overview of the current state of play regarding commitments to piloting²:

	EPO	Small Claims	Financial Penalties	EURegio	Mutual Legal Assistance	FD 909	Business Register
Austria	X (live)	X			X ¹		X
Belgium			X	X		X	
Czech Republic		X					
Estonia	X (live)						
France	X	X	X		X	X	X
Germany	X (live)	X	X ²	X	X		X
Greece	X (live)				X		X ³
Ireland							X
Italy	X (live)						X
The Netherlands	X	X	X	X	X	X	
Poland	X	X					
Spain					X		
Turkey					X ⁴		
United Kingdom						X ⁵	

¹ Austria only sees a possibility to join this pilot if the e-CODEX project is extended beyond its scheduled 2015 end

²To be confirmed if the Federal of Justice can fulfil the technical requirements

³To be confirmed

⁴The way that Turkey could participate in the MLA pilot is currently being investigated

⁵To be confirmed that this can provide a transport mechanisms for the STEPS2 project

Table 5 Confirmed piloting intentions

² Due to a lack of resources at the time, Portugal could not commit to preparing a pilot within e-CODEX. They will of course remain attentive to the developments within WP3 and see if any further piloting activities may be envisaged in the future. The same applies for Italy and Estonia in regard to Small Claims.

3.1. Civil law pilots

3.1.1. European Payment Order update

As described above, five countries are already piloting EPO and the remaining countries are actively working on finishing their preparations in order to join the piloting within the short term. However, for all countries the calendar has changed since the first version of this deliverable due to different circumstances, for instance more time was needed to test as described in D3.4³.

Besides changes to the calendar, two updates need to be provided regarding the piloting countries:

Portugal: Portugal has withdrawn from piloting activities at this stage.

Poland: With the extension of e-CODEX in 2012, Poland joined the project and the EPO pilot. Poland already had a digital solution for the national payment order procedure and had a digital signature in place for judicial authorities and for citizens. Poland’s maturity level was therefore already relatively high when joining the project, and the preparations, including the installation of the Gateway and the Connector, were initiated immediately. In order to be able to start piloting as early as possible, Poland will start with the claimant side and afterwards implement the court side.

The updated calendar for the EPO is as follows:

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	
EPO	Austria Estonia Italy Germany Greece	Piloting					
	Q4 2014 EC Poland	Developments (Gateway, update to CMS)			Tests	Piloting	
	Q4 2014 France NL	Developments (Gateway, update to CMS)			Tests	Piloting	

Figure 1 EPO updated timeline

3.1.2. Small Claims update

Due to different reasons, mainly a focus of resources on the EPO pilot and the changes to the schedule for the European e-Justice portal, the calendar of the Small Claims pilot as presented in D3.3 needs to be updated. Some countries are about to start the testing, while the remaining piloting countries are finishing their national preparations.

In regard to the piloting countries, the following changes apply:

Portugal: as for EPO, Portugal has withdrawn from the pilot.

Poland will build on the EPO implementation and the timeline will be refined during the WP3 monitoring meetings.

Czech Republic: In D3.3, it was mentioned that Czech Republic did not wish to participate in the live part of the pilot. This has changed since D3.3 was submitted.

³ D3.4 Tests Findings of Tests v1

The update of the Small Claims calendar is as follows:

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Small Claims	Q4 2014 EC CZ	Developments (Gateway, update to CMS)		Tests	Piloting	
	Q4 2014 Austria Germany France NL Poland	Developments (Gateway, update to CMS)			Tests	Piloting

Figure 2 Small Claims updated timeline

3.2. Criminal law pilots

3.2.1. Secure Exchange

In the following, the three pilots under the umbrella “Secure Exchange” will be discussed:

3.2.1.1. EURegio

This pilot for electronic exchange of mutual legal assistance correspondence between the judicial authorities evolved out of an initiative of the Ministers of Justice of Belgium, the Netherlands and North Rhine-Westphalia in the second quarter of 2013. The purpose of EURegio is to exchange information necessary for Mutual Legal Assistance in criminal matters between the competent judicial authorities.

In June 2013 after the General Assembly agreed to EURegio using the e-CODEX infrastructure, the preparatory work on this pilot started. EURegio was accepted as an official e-CODEX use case under “Secure Exchange of Sensitive Data” by the General Assembly in January 2014.

A specific form for the request (tailored out of the form for a European Investigation Order) was developed to enable also the exchange of corresponding structured data. The legal bases for this pilot are:

- European Council Convention on Mutual Assistance in Criminal Matters, 1959 and its Additional Protocol 1978,
- EU-Convention 2000, on Mutual Assistance in Criminal Matters and its Additional Protocol 2001,
- Benelux-Treaty on Extradition and Mutual Legal Assistance in Criminal Matters 1962 and
- Treaty of Enschede 2005 between Germany and the Netherlands.

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
EURegio	Q4 2014 Belgium Germany NL	Developments (Gateway, update to CMS)		Tests		Piloting

Figure 3 EURegio timeline

3.2.1.2. Mutual Legal Assistance

The existing framework for the gathering of evidence is too fragmented and complicated. A new approach is therefore necessary to replace all the existing instruments in this area: a comprehensive system for obtaining evidence in cases with a cross-border dimension, taking into account the flexibility of the traditional system of mutual legal assistance.

The European Investigation Order (EIO) pilot, based on Directive 2014/41/EU, will take advantage of the basis created by the EURegio pilot and could serve as model for the civil law pilot Taking of Evidence (EC 1206/2001; amended by EC 1103/2008).

An EIO is to be issued for the purpose of having one or several specific investigative measures carried out in the State executing the EIO (“the executing State”) with a view to gathering evidence. This includes the obtaining of evidence that is already in the possession of the executive authority.

It bears a strong resemblance to EURegio, as it entails exchanges between investigating judges. The forms that are to be used for the exchanges will be developed on the basis of those already developed for EURegio. The list of piloting countries therefore needs to be updated in addition to those countries which have declared new interest:

- Portugal has withdrawn from piloting.
- Belgium is focusing on the EURegio branch of this pilot.

The updated calendar is as follows:

Spain should be ready after integrating the EIO forms that are to be finalised early autumn 2014 along with North Rhine-Westphalia (Germany), Belgium and the Netherlands which already started the EURegio pilot with the go live demonstration in March 2014. However, some developments and tests are still needed for these countries as well. France could join between the end of 2014 and the beginning of 2015. In this respect the challenges are very similar to those faced by the Framework Decision 2008/909 pilot, with countries often not having a service provider in place (see below).

Greece has also declared interest in the pilot. A timeline will be elaborated involving in any case a starting date in the first quarter of 2015.

AT also indicates its interest in joining a pilot based on the Taking of Evidence Regulation in case of another extension of the e-CODEX project beyond February 2015.

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	
Mutual legal assistance	Q1 2015	Developments (Gateway, update to CMS)				Tests	Piloting
	France Germany Greece NL Spain (Turkey)						

Figure 4 Mutual Legal Assistance updated timeline

3.2.1.3. Framework Decision 2008/909

As part of the Secure Exchange ensemble of pilots, this pilot aims to implement very similar exchanges to those of the others. It entails an exchange of forms (including a Certificate defined by

the Framework Decision) between competent authorities in order to allow persons sentenced in MS A to serve their sentence in their MS of usual residence.

The process modelling was completed in November 2013 and the WP6 forms could be developed quickly.

The main challenge for this pilot, as with the other criminal law pilots, is the low level of digitisation amongst participants for this particular procedure. Various solutions are being explored to speed up the process:

- Solution 1: Development of a basic national service provider allowing for the exchange of forms (estimated effort of 10 man days)
- Solution 2: Reuse of the existing solution of the European Judicial Network
- Solution 3: Reuse and adaptation of an existing application for instance developed for the e-CODEX civil law pilots or reuse and adaptation of an open-source application.

These solutions were presented to the e-CODEX Management board in May 2014 in order to allow for quick implementation. In this respect, Solution 2, while resting on an established website would probably take the longest to implement. A combination of Solution 1 and Solution 2 could also be explored, with a short-term and a long-term solution.

The calendar for this pilot, with the objectives to start with the live exchanges between the end of 2014 and the beginning of 2015, is therefore tentative and will be amended over the course of this year.

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
FD 2008/909	Q1 2015	Developments (Gateway, update to CMS)			Tests	Piloting
	Belgium France NL					

Figure 5 FD2008/909 tentative timeline

3.2.2. Financial Penalties

Due to different reasons, mainly the focus in terms of resources on the civil law pilots, the calendar for the pilot devoted to Financial Penalties needs to be updated. In regard to piloting countries, there are two changes:

Portugal: as already mentioned, Portugal has withdrawn from actively participating in piloting.

Belgium: Belgium has decided to join this pilot, but it needs to install the Gateway and the Connector and make necessary adjustments to its service provider. However, a digital signature solution is in place.

The updated calendar is as follows:

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Financial Penalties	Q1 2015	Developments (Gateway, update to CMS)			Tests	Piloting
	Belgium France Germany NL					

Figure 6 Financial Penalties updated timeline

3.3. Business registers

It has been agreed that BR piloting within e-CODEX will adopt a two-phased approach. Phase 1 will continue to focus on the piloting activity, centred on cross-border mergers, that has already begun within the project. If there is enough time and an agreement with the EC, phase 2 will focus on a more ambitious exploitation of the e-CODEX building blocks and to support the EC to satisfy the requirements of the BR domain, according to Directive 2012/17/EU and the BRIS documents.

The following chapters will provide a more detailed description of this approach, the two phases and the planned architecture, before the assessment of piloting countries' readiness and the calendar for the preparations.

3.3.1. Phased Piloting Approach

The landscape within the BR domain is rapidly changing and the e-CODEX project has a small window in which it can actively participate in current developments. Project activities are time-sensitive and rapid progress must be made in order to maximise the usefulness and opportunity available to the project. The two phased approach has been adopted to support the existing work and investment already underway within e-CODEX; while exploring the opportunity to maximise the benefit of BR piloting through collaboration with BR stakeholders, also beyond the e-CODEX community.

Phase 1 will continue with the Cross Border Merger use case, initially agreed on, while Phase 2 will commence the analysis and design of additional use cases through close collaboration with the BRIS⁴ project team and the e-CODEX BR domain stakeholders.

Phase 2 will look closely at the opportunities to reuse existing concepts, initiatives and technical assets that are operational within the BR domain, such as EBR. The objective is to extend the e-CODEX pilot that it will meet the requirements of the BRIS of the EC through the integration of national BR authorities over the e-CODEX e-Delivery infrastructure and supports.

3.3.2. BR Piloting Phase 1

Phase 1 of BR piloting is focussed on Cross Border Merger event notification. The e-Delivery of the Cross Border Merger events between participating business registry authorities will be facilitated as a standard e-CODEX business transaction.

3.3.2.1. Phase 1 Architecture

⁴ Business Registers Interconnection System (BRIS) is a project monitored by the European Commission aiming at creating the provisions for implementing Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers.

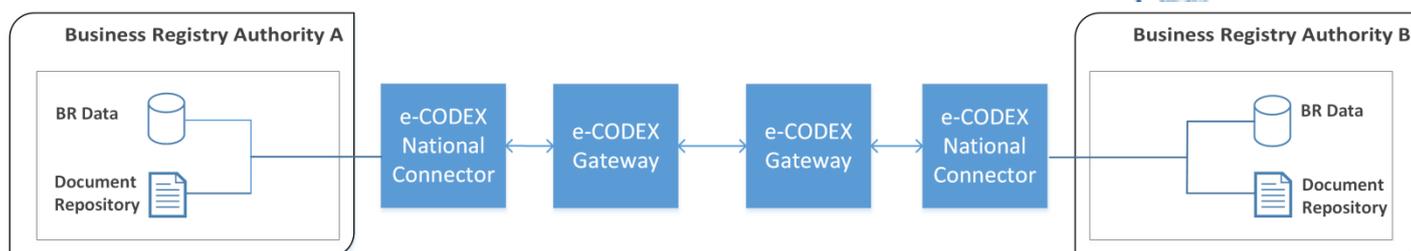


Figure 7 BR Piloting Phase 1 Architecture

From a general perspective, the above architecture can be summarised as the interconnection of BR authorities (as e-CODEX service providers) through national Connectors, e-CODEX Gateways and an e-CODEX exchange infrastructure.⁵

Agreed Cross Border Merger event messages will be securely exchanged between business registries across the above architecture. The BR authority will consume the events through their national BR back office system or through a standalone case management system as appropriate.

3.3.3. BR Piloting Phase 2

The scope of Phase 2 is focussed on delivering use cases that satisfy the provisions of Directive 2012/17/EU and therefore the requirements of the BRIS. In particular, focus will be on the use cases of Branch and Company Information Disclosure. At present, the BRIS project team are conducting a study to analyse the possibility of reusing concepts and initiatives currently in operation within the Business Registry domain. The objective is to respect the existing investment by Member States and Associated Countries.

3.3.3.1. Phase 2 Architecture

The e-CODEX e-Delivery platform is intended as the foundation to provide the secure transport layer. Further analysis will need to be undertaken to confirm the feasibility to reuse the standard e-CODEX business transaction, or the creation of an alternative business transaction. It should also be studied whether the requirements already identified within e-CODEX would satisfy the Phase 2 use cases, as provisioned within Directive 2012/17/EU, since they might require additional components beyond the existing e-CODEX architectural constructs. The Member States, Associated Countries and European Commission share the ambition to leverage realised investment through the reuse of existing technology assets and concepts.

3.3.3.2. Phase 2 Calendar

In order to satisfy the requirements of the different BR stakeholders, progress must rapidly be done with exploring the second phase of e-CODEX BR piloting. Three key activities have been identified to support the swift and effective initialisation of the second phase. They are as follows:

⁵ For a detailed description of the architecture see D7.3 High Level Architecture Definition

- Use Case Definition;
- BR stakeholders Review; and
- Feasibility Prototyping.

Regarding the latter, it is proposed that the BR Taskforce will work with the Member States; BRIS project team and external BR stakeholders to undertake a period of rapid feasibility prototyping once the use cases have been defined and reviewed. Rapid feasibility prototyping will entail hands on prototyping to explore the possible reuse of technology assets available within the BR domain. This activity will help the BR stakeholders to determine what can feasibly be reused to meet the requirements of the BRIS. The approach is not to duplicate work; rather to complement and collaborate with the Commission so that the BRIS design could be based on the trials and work undertaken within e-CODEX.

It should be noted that the details of phase 2 are dependent on the decision by the EC, piloting activities of the EC and a further extension of the project beyond the beginning of 2015.

3.3.4. Participant readiness assessment

Austria, France, Germany, Greece, Ireland, Malta, Italy, Spain and the Netherlands have expressed an interest in piloting. To date, additional information on capabilities has been received from all but the last.

As Austria and Germany's business registers fall under the responsibility of the ministry of justice, they are already included in the e-CODEX Circle of Trust agreement signed by both countries. Greece and Italy have also signed the agreement. New piloting countries have to sign the agreement.

By the same token, Italy and France will have to implement a distinct set of Gateways and Connectors to join the pilot. Greece and Spain are planning to use the same Gateway as for the ministry of justice, while further analysis is required about the Connector. Malta will have to install both the Gateway and the Connector.

Regarding the perimeter of the pilot, Greece would like to start on a regional basis, whereas Germany, Malta, Spain, Ireland, France and Austria would like to pilot on a national basis with their existing single national entry point. Italy will use the existing national single point of access connecting only 2 local pilot registers, with the capability to expand the connection to the e-CODEX platform to all the other registers.

All countries already have some form of data format in place, so mapping to the e-CODEX format should be given particular attention.

Based on this information, in terms of readiness, Austria, France, Germany, Ireland and Italy can all be termed as highly ready.

In a second wave, Spain, Greece, Malta and the Netherlands could join the pilot, however, in all countries some organisational and/or technical issues which could prevent participation have to be solved beforehand.

3.3.5. High-level Timeline

The proposed high-level timeline for BR piloting activities are provided in the below table, which is still under discussion and will be amended accordingly:

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Business registers	Q4 2014	Developments (Gateway, update to CMS)			Tests	Piloting
	Ireland					
	Italy					
	Austria					
	France					
Germany						

Figure 8 Business registers timeline

Conclusion

The overall aim of this deliverable has been to provide an update to D3.3 by providing a state of play of the piloting activities and preparations. It also describes specific requirements for the pilots that were added with the extension of e-CODEX or which have changed in scope since D3.3.

For the use cases included in D3.3, an update is needed both in regard to the calendar and in regard to the piloting countries. Despite the fact that Portugal could not participate in piloting and Estonia and Italy have withdrawn from piloting of Small Claims for lack of resources, the update concerns countries now wishing to pilot.

For the new and changed use cases, a questionnaire addressed to the participating countries allowed an assessment of the existing capabilities for each piloting country. While some countries will start piloting shortly, the main challenge consists in the low level of digitisation amongst some participants, especially for the criminal pilots.

In line with what was decided with D3.3, the pilot phase of the new or changed use cases will also be divided into different waves regrouping countries with similar readiness level, allowing an earlier pilot start.

WP3 will continue the different monitoring activities set in place with D3.3, to ensure a sustained coordination of the pilot preparations. WP3, together with WP1, will also pursue the coordination with the Commission in order to follow the developments on the European e-Justice Portal, as it will play a crucial role in some of the piloting activities, and in particular in the generation of a sizeable amount of civil claims.

For new piloting countries, WP3 has set up lessons-learned activities, such as face-to-face meetings and telephone conferences, together with WP5 and WP6 in order to take advantage of the experiences gained so far both on a general project level and on a national piloting country level. In the work with the new or changed use cases, advantage is also being taken of the experiences gained within the more advanced use cases to speed up the preparations.

It is anticipated that by validating this deliverable, the piloting countries agree with the proposed decisions and timelines.

I. References

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DIRECTIVE 2014/41/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 April 2014 regarding the European Investigation Order in criminal matters

e-CODEX, D 3.4 Test Findings of Tests v1

e-CODEX D3.11 & D7.5 Requirements Finalisation and Description of Test Scenarios (Update of D3.2 and D7.2)

e-CODEX, D 4.1 e-Identity: Inventory and requirements documents

e-CODEX, D4.2 Concept for Implementation of WP4

e-CODEX, D5.3 Concept of Implementation

e-CODEX, D7.2 Requirements Finalisation & D3.2 Described Test Scenarios

e-CODEX, D7.3 High Level Architecture Definition

e-CODEX Technical Annex, version 5

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