



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 3 September 2009 (07.09)
(OR. de)**

12867/09

LIMITE

JURINFO 102

NOTE

from : German delegation
to : Working Party on Legal Data Processing (e-Justice)
Subject : The future European e-Justice portal and implementation of the Services Directive

The European e-Justice action plan for cross-border IT use in the justice system was adopted at a meeting of the Justice and Home Affairs Council on 27 and 28 November 2008. The first version of the European justice portal is to be unveiled in December 2009; it is to contain information on Member States' laws and allow direct access to electronic procedures, including, at least in the medium term (2010-2013), the following legal services:

access to Member States' interconnected judicial registers (e.g. insolvency registers, commercial and business registers, land registers and registers of wills);
access to Member States' interconnected databases of interpreters and translators;
electronic information-sharing between judicial authorities.

Some of these information services fall within the scope of Directive 2006/123/EC (the Services Directive), which Member States have to incorporate into national law by 28 December 2009. Pursuant to Article 28(7) of the Directive, foreign authorities are to be given access to national registers of service providers under the same conditions as domestic authorities. This means that services which were previously free of charge only for domestic authorities must now be made available free of charge for foreign authorities too.

There is further overlap between the e-Justice programme and the Services Directive in relation to the Internal Market Information System, set up by the European Commission pursuant to Article 34 of the Directive, which is designed to support the exchange of information on services between Member States' competent authorities. Examples include the ongoing interconnection of criminal records and the possible inclusion of administrative authorities in the network.

Pursuant to Article 7 of the Services Directive, the single contact point set up under Article 6 must be able to provide all the relevant information in electronic form. This includes not only requirements applicable to service providers, but also information on access to registers and the means of redress available to service providers (see Article 7(1) for details).

In addition, Article 8(1) of the Directive stipulates that Member States must provide electronic access to all the procedures and formalities relating to access to a service activity and exercise thereof. Furthermore, there must be direct electronic communication both between the service provider and the single contact point and between the service provider and the competent authority. Although these matters are not yet covered by the European e-Justice portal, developments along these lines should be pursued, especially as the e-Justice programme also includes electronic signature and electronic service of judicial and extrajudicial documents, where similar problems could arise.

There are thus a number of parallels between the future European e-Justice portal and some of the Services Directive requirements which have to be implemented by 28 December 2009, especially as regards the provision and sharing of information. It might therefore be useful to consider these aspects when developing the e-Justice portal, so that they can be implemented in a uniform, economical and client-friendly way for European businesses and private individuals alike.

The Working Party on Legal Data Processing (e-Justice) may therefore wish to take time at one of its forthcoming meetings to discuss how the future European e-Justice portal might be used for user-friendly implementation of the Services Directive where legal services are concerned.
