



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS

Directorate B – Criminal Justice
The Director

**Tender Specifications to the Request for Service
JUST/2020/JACC/FW/CRIM/0130 under
Framework Contracts JUST/2020/PR/03/0001 on Evaluation, impact
assessment and related policy support services in the Justice
and Consumers policy areas – Lot 1**

**STUDY ON THE DIGITALISATION OF CROSS-BORDER JUDICIAL
COOPERATION IN THE EU**

PART I – SPECIFIC PROVISIONS

I.1. BACKGROUND OF THE REQUEST

The current *acquis* on judicial cooperation in civil, commercial and criminal justice provides only general indication, if any, on how the competent authorities of Member States communicate with those of other Member States, or with the parties to the proceedings. Where relevant legal provisions in the various EU instruments exist, they are not coherent, in many cases they are by now outdated, i.e. do not use the existing interoperable solutions, and in any case do not impose the use of the electronic channel. To give some examples of this fragmented legal landscape: a small claim application could be submitted by post or by any other means of communication, such as fax or e-mail, acceptable to the Member State in which the procedure is commenced; an European Payment order could be submitted in paper form or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin; an application for Account Preservation order could be submitted by any means of communication, etc. This diversity of the requirements for the communication between and with the authorities and of their implementation by Member States makes the need for synchronisation of the communication means and channels more evident.

Until now, several initiatives have been implemented with the objective of digitalising EU cross-border judicial cooperation on a voluntary basis. For instance, several Member State consortia have developed the “e-CODEX” system¹, and have piloted, inter alia, the digital exchange of forms and data pursuant to the European Payment Order² and Small Claims

¹ e-CODEX (“e-Justice Communication via Online Data Exchange”) is the main tool for establishing an interoperable, secure and decentralised communication network between national IT systems in cross-border civil and criminal proceedings. It is a software package that enables connection between national systems, allowing users, such as judicial authorities, legal practitioners and members of the public, to send and receive documents, legal forms, evidence and other information in a swift and safe manner. e-CODEX is already used by the e-evidence digital exchange system (eEDS) and certain pilot projects. It is also intended to underpin the decentralised IT system to be established in the context of the new Service of Documents and Taking of Evidence Regulations.

² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1896>

procedures³. e-CODEX could be used to enable many different types of digital communication between competent authorities. The Commission is presently implementing the e-Evidence Digital Exchange System (eEDES) for the exchange of European Investigation Orders⁴ (EIOs) and Mutual Legal Assistance (MLA), which itself is based on the e-CODEX software building blocks.

Many EU civil and commercial law instruments for cross-border cooperation, such as the Brussels I⁵ and Brussels Ia⁶ regulations, Service of documents (SoD) regulation⁷, Taking of evidence (ToE) regulation⁸, European enforcement order regulation (EEO)⁹, European Payment Order regulation¹⁰ (EPO), European Account Preservation Order regulation¹¹ (EAPO), European small claims regulation¹² (ESC), Public documents regulation¹³, etc., contain defined workflows and standardised forms for communication between the competent authorities of the Member States or for communication between the users and the competent authorities of the Member States. Some of these forms are available in an electronic format on the European e-Justice Portal¹⁴. Similarly, a number of standardised forms exist for instruments on cross-border cooperation in criminal matters, and such forms are available in an electronic format on the website of the European Judicial Network in criminal matters¹⁵ (Compendium tool). Where standardised forms exist, they can relatively easily be transformed into structured data representation (XML), thus allowing for interoperable electronic data exchange.

Despite serving an important purpose as pilots, the projects developed so far on a voluntary basis have not managed to achieve the full digitalisation of cross-border procedures across the

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02007R0861-20170714>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0041>

⁵ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex%3A32001R0044>

⁶ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R1215>

⁷ Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32007R1393>

⁸ Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001R1206>

⁹ Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32004R0805>

¹⁰ Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32006R1896>

¹¹ Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0655>

¹² Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32007R0861>

¹³ Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R1191>

¹⁴ <https://e-justice.europa.eu/home.do>

¹⁵ https://www.ejn-crimjust.europa.eu/ejn/EJN_Home.aspx

Member States, which could help overcome challenges to efficiency, resilience, access to justice and also help reduce costs. Previous studies show that in 2018, in the European Union there were approximately 3.4 million civil and commercial court proceedings with cross-border implications¹⁶. This large number of cases makes the need of digitalisation of the cross-border procedures evident. The use of electronic channels of communication entails more efficient and timely communication between the competent authorities of the Member States, and between the users (individuals, businesses and legal practitioners) and the competent authorities. This could shorten the time from the initiation to the finalisation of judicial proceedings, which directly reflects on one of the components of the right to a fair trial, i.e. concluding the judicial procedure in a reasonable time. For instance, if the parties and the court, in the case of a Small claims procedure for recovery of claims up to EUR 5,000, use electronic instead of paper based communication, it would inevitably shorten the time from the initiation of the procedure (which starts with filling in of the respective form) through the intermediary communication between the parties and the court (e.g. where the court may ask more information from the claimant, or where the court requests an answer from the defendant) until the issuing of the final judgment. The digitalisation of all those communication channels would not only shorten the time required for the entire procedure, but would also make the procedure itself more attractive to everybody involved – court staff, legal practitioners, parties to the proceedings, etc. The existing fragmentation in the use of the digital channel and the existing obstacles could be addressed by EU legislation. Many of the EU instruments, such as the recently adopted revisions of the SoD¹⁷ and ToE¹⁸ regulations, the Restructuring directive¹⁹, and the Insolvency regulation²⁰ provide for electronic exchange of documents, information and data on a mandatory basis. Therefore, a new legislative initiative could build on the digitalisation process which started with the adoption of these instruments.

The COVID-19 crisis proved that the current relatively low uptake of new technologies in the justice area could have very considerable repercussions. All justice systems of the Member States, and subsequently all individuals and businesses involved in civil or criminal cases, were affected by the situation caused by the pandemic.

Therefore, the need for a new push towards the digitalisation of justice has become apparent as never before. In view of the current situation, introducing rules for digitalising the cross-border judicial cooperation procedures would be necessary in order to benefit fully from the opportunities offered by digitalisation.

Currently, there are several **key barriers**²¹ to the use of digital solutions in the context of cross-border judicial cooperation:

- **Voluntary participation:** At present, Member States are free to decide whether they wish to employ digital means for cross-border communication. A Staff Working

¹⁶ <https://op.europa.eu/en/publication-detail/-/publication/a507e06f-d1b6-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-178467906>

¹⁷ <https://eur-lex.europa.eu/eli/reg/2020/1784>

¹⁸ <https://eur-lex.europa.eu/eli/reg/2020/1783>

¹⁹ <https://eur-lex.europa.eu/eli/dir/2019/1023/oj>

²⁰ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32015R0848>

²¹ Of course, there are other barriers which will not be addressed by this initiative, such as languages and lack of financial resources. The Commission's Communication "Digitalisation of justice in the European Union – A toolbox of opportunities" addresses some of these barriers in particular the possibility of funding for Member States through EU financial instruments.

Document presented the state-of-play of the digitalisation of justice in different Member States, which, inter alia, demonstrates the current use of digital tools in the context of cross-border judicial cooperation²².

To date, the pilot projects carried out by Member States, and based on the e-CODEX tool, mostly involved only a couple of Member States²³. Therefore, there is no guarantee that all Member States will be connected, or that they would implement a connection in a timely manner.

- **Legal validity:** The legal validity and admissibility of documents transmitted electronically during judicial proceedings may be called into question. In the case of cross-border transmission using e-CODEX, the participating Member States have so far used a “Circle of Trust Agreement” to overcome this impediment and ensure the validity and admissibility of documents and evidence transmitted in judicial proceedings. However, this agreement is not binding on the parties²⁴, and therefore provides insufficient guarantees in the context of EU-wide judicial cooperation.
- **Recognition of electronic identities and signatures:** The eIDAS Regulation²⁵ does not automatically apply to non-public systems, for instance those which restrict access to specific competent bodies²⁶. Furthermore, in the absence of commonly agreed assurance level of electronic signatures/seals, those used by the issuing Member State may not be recognised by the receiving Member State in judicial proceedings.
- **Interoperability:** Domestic IT solutions are often not designed for cross-border exchanges of data. Technical interoperability is best achieved in a regulated manner. In most cases, common technical protocols and specifications need to be agreed, which is best organised at the EU level.
- **Different level of digitalisation in the Member States:** There are varying degrees of digitalisation in the Member States, some of which are very advanced while others have a very low level of digitalisation²⁷.
- **National legislation:** In the absence of EU-level rules, national procedural law may prevent Member States from using digital means of communication by the judiciary.

Against the challenges mentioned above, the Commission is considering a new approach to cross-border judicial cooperation. Such an approach could be based on some **legal instrument(s)** that would create a system of cross-border digital judicial cooperation, by digitalising cross-border communication and exchanges between competent authorities and with individuals in the area of civil, commercial and criminal law.

²² Commission Staff Working Document 2020(540) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Digitalisation of justice in the European Union A toolbox of opportunities https://ec.europa.eu/info/sites/info/files/swd_digitalisation_en.pdf

²³ e-CODEX Impact Assessment, page 9-10: https://ec.europa.eu/info/sites/info/files/law/cross-border_cases/documents/e-codex-impact-assessment_en.pdf

²⁴ Digital Criminal Justice study, page 93 and 107: <https://data.europa.eu/doi/10.2838/118529>

²⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0910>

²⁶ Recital (21)

²⁷ https://ec.europa.eu/info/sites/info/files/swd_digitalisation_en.pdf

The general objective of the new initiative is to improve the efficiency and the resilience of cross-border judicial cooperation in civil and commercial as well as in criminal matters, and to enhance access to justice for individuals, businesses and legal practitioners.

The specific objectives are as follows:

- Make digital communication **the default and mandatory one** for all EU cross-border judicial cooperation communication and data exchanges between competent national authorities (with the exception of justified instances, e.g. where physical exchanges are foreseen, or in *force majeure* situations). Where such communication is foreseen by EU judicial cooperation legal instruments, the possibilities for introducing a digital communication channel with the relevant EU Justice and Home Affairs (JHA) agencies and bodies should also be exploited;
- Create an **obligation for Member States to accept electronic communication and establish electronic portals allowing individuals and business to launch requests and otherwise fully communicate with the respective competent authorities digitally for those EU cross-border procedures** they are parties to, without excluding the possibility for the parties to still communicate on paper;
- **Develop an European electronic access point** allowing individuals and business to launch and participate in cross-border judicial procedures via the European e-Justice Portal;
- Make sure that **electronic identities and electronic signatures/seals** can be used for digital transmission of judicial documents in line with the eIDAS Regulation, notably as regards the assurance levels required (simple, advanced or qualified electronic signatures/seals);
- Ensure that different electronic documents are not **refused or denied legal effect** on the grounds of their electronic form;
- **Define responsibilities** of different controllers and processors and describing high-level requirements for ensuring appropriate technical and organisational measures to ensure security of processing;
- Ensure that **IT systems of Member States are interoperable and can communicate with each other**, as well as where foreseen by EU judicial cooperation legal instruments with the relevant JHA agencies and bodies (as identified by the Digital Criminal Justice study²⁸). **Broadly define** the architecture of the underlying IT system for the digital channel.

As regards the use of a digital channel by default, the legal instrument(s) would foresee similar provisions as the recently revised Regulations on Service of Documents and on Taking of Evidence, which for the first time define the digital channel as the default and obligatory method for cross-border communication. As for these Regulations, the new legal instrument(s) could provide standard articles commonly applicable to a number of legal procedures, while specific tailor-made provisions might in addition be foreseen for some procedures. The instrument could cover in particular the following issues:

²⁸ <https://data.europa.eu/doi/10.2838/118529>

- Where exchanges of data or documents between competent authorities in cross-border situations are foreseen by EU instruments, making **mandatory the provision and the use by default of a digital channel for such exchanges**;
- Member States should also provide the possibility for **individuals, representatives of business and legal practitioners to communicate digitally with the competent authorities** (without excluding the possibility for paper or other forms of communication);
- Ensure that electronic documents and paper documents that were transformed in electronic form are not **refused or denied legal effect** and admissibility in the legal proceedings on the sole grounds of their electronic form;
- **Potentially regulate aspects related to common minimum standards** on the recognition and admissibility of electronic documents with regard to requirements related to signatures, seals, and paper to digital conversion aspects²⁹;
- Regulate the use of **electronic identities and electronic signatures/seals** in line with the eIDAS Regulation, notably as regards the assurance levels required (simple, advanced or qualified electronic signatures/seals);
- **Define responsibilities of different controllers and processors** and describe high-level requirements for ensuring appropriate technical and organisational measures to ensure security of processing of personal data, in line with the opinions of the EDPS;
- Broadly define the **architecture of the underlying IT cross-border digital communication system** underpinning for the digital channel.

I.2. CONTRACT OBJECTIVE

The objective of the study is to **support the preparation of the Impact Assessment (IA)** for this initiative. The detailed tasks are outlined in Section I.3.

The contractor must carry out a comprehensive analysis of the different aspects related to the digitalisation of the procedures regulated by EU legislation on civil, commercial and criminal law as set out above, per the different policy options outlined in Section I.3 point 4. The digitalisation of purely national communication would not be in the scope of this study nor will it be covered by the scope of the future initiative.

However, the contractor will take into account the existing national systems where it is relevant to assess the impact of the different policy options, such as interoperability, costs and other impacts that might be relevant. In particular, the contractor will also determine to what extent individuals, representatives of businesses and legal practitioners would benefit from digital communication with the competent authorities in those procedures regulated by EU legislation on civil, commercial and criminal law which allow for their direct participation (e.g. the European Small Claims procedure).

²⁹ Similarly, the Single Digital Gateway introduced ‘once-only principle’ (i.e. users should not have to submit to authorities documents or data already held by other authorities) which will be applied to cross-border exchanges of evidence for a range of administrative procedures.

The contractor must analyse **all EU instruments listed in Annex V in the area of civil, commercial and criminal law**. The contractor will identify the specific elements that could benefit from digitalisation, as well as the legal provisions that would need to be amended in order to meet the objectives of the digitalisation goals described in Section I.1 of this document.

The contractor will propose different policy options and test them against the collected data. The policy options shall be refined and on that basis different solutions will be proposed. Non-legislative options will also be proposed and evaluated.

I.3. TASKS

As the objective of the study is to **support the preparation of the Impact Assessment (IA)** for this initiative, it will follow the mandatory elements for an IA, fully in line with the requirements of Better Regulation³⁰. IAs must set out the logical reasoning that links the problem (including subsidiarity issues), its underlying causes, the objectives and a range of policy options to tackle the problem. They must present the likely impacts of the options, who will be affected by them and in what way. The study must be prepared in a way that fully meets the elements required for the IA. The contractor will examine the IAs prepared for the amendments of the regulations for the Service of Documents³¹ and Taking of Evidence³². The contractor may follow the methodology used in these two IAs for the purpose of this study where appropriate.

The study must take into account **feedback provided by stakeholders on the basis of an inception impact assessment**, which will describe the problem, subsidiarity related issues, objectives, policy options and an initial consideration of relevant impacts of these policy options. IAs must compare the policy options on the basis of their economic, social and environmental impacts (quantified costs and benefits whenever possible) and present these in the IA report.

The following tasks will be carried out by the contractor:

1) Legal and comparative analysis

Carry out a comparative analysis of the legal situation across Member States - **per instrument and per Member State** - with regards to the cross-border procedures listed in Annex V, and in particular:

- Analyse the functioning of cross-border cooperation, in terms of the number of exchanges.
- The legal requirements on the authentication of documents, including procedural requirements on the use of signatures, seals/stamps, electronic signatures and electronic seals). This pertains to:
 - communication between Member State competent authorities in cross-border procedures;

³⁰ <https://ec.europa.eu/info/sites/info/files/better-regulation-guidelines.pdf>

³¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2018:287:FIN>

³² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018SC0285>

- communication of individuals and legal persons with the competent authorities in cross-border procedures;
- if and where applicable communication between Member States competent authorities and the JHA agencies and bodies.
- The national law requirements for conversion of paper documents into electronic ones and *vice versa*.
- The means of communication currently used between competent authorities and between the parties to the proceedings and the authorities for the purpose of the procedures listed in Annex V (post, fax, e-mail, purpose-built IT tools, etc.).
- Where relevant IT systems already exist:
 - identify whether they are interoperable across borders;
 - verify whether they allow for access, communication and participation of non-citizens/residents;
 - verify whether they allow for access, communication and participation of attorneys (legal representatives) who are not established in the respective Member State.
- Identify the impact of the COVID-19 crisis on the cross-border procedures listed in Annex V. In particular, the challenges Member State authorities faced, the digitalisation measures they have introduced, if any, lessons learnt and how these lessons could be exploited in the future (in terms of practical solutions for continuing the cross-border procedures).
- Determine which authorities at national level (and JHA agencies and bodies, where relevant) are competent to act under each of the EU instruments listed in Annex V.
- Analyse each of the EU instruments listed in Annex V to this document to identify the participants to the communication process (individuals, legal persons, judicial and other competent authorities, etc.). Based on this analysis the provisions, which would be subject to digitalisation, should be identified.
- Identify whether any of the exchanges foreseen in the instruments listed in Annex V concern exchange of classified information, which may require accreditation of the underlying IT system(s).
- Identify and analyse any other legal provision the implementation of which could benefit from digitalisation.
- The EU instruments listed in Annex V should be also grouped according to the following criteria:
 - Instruments for which e-CODEX is being used (yes/no);
 - Instruments which provide for standardised forms or have provisions harmonising communication in certain instances (yes/no).

2) Synergies with other initiatives

- The contractor should take into account the digital channels recommended by the Digital Criminal Justice study. On the basis of the interlinkages proposed by the study, the contractor will identify existing or planned channels of communication, with Eurojust, the European Judicial Network in Criminal Matters and seek potential links with the planned Joint Investigations Team (JITs) platform.
- The contractor should take into account the digital channels recommended by the Digital Criminal Justice study. On the basis of the interlinkages proposed by the study, the contractor will identify existing or planned channels of communication, with Eurojust and the European Judicial Network in Criminal Matters and seek potential links with the planned Joint Investigations Team (JITs) platform. The contractor will also identify any existing requirements to use law enforcement cooperation IT systems for the purpose of the instruments listed in Annex V, such as the Schengen Information System (SIS). In this regard, the contractor will seek potential links with such identified systems.

3) Problem definition

The contractor will identify the various problem drivers on the basis of the problems sketched in Section I.3 point 3, including, where applicable:

- Practical barriers leading to the non-optimal usage of EU cross-border procedures, related to the use of current communication channels.
- From a resilience perspective, the impact of the COVID-19 crisis on conducting cross-border judicial proceedings.
- The lack of secure communication channels.
- Do the current (including digital) means of communication between the competent authorities of different Member States have (a negative) impact on fundamental rights, such as the right to a fair trial, right to defence, the right to data protection; provide details and examples
- Unavailable IT infrastructure (including lack of access to digital tools) and
- Lack of IT skills of both practitioners and the citizens.

4) Policy options and assessment

The contractor will:

- Analyse and refine the policy options and propose further options if deemed necessary.
- Identify the likely size of the impacts between the different options elaborated below.
- Make an initial assessment of subsidiarity in order to determine whether an EU action would be more effective than action taken at national level.
- Compare the policy options on the basis of their pros and cons with respect to environmental, security and data protection aspects.

- Develop a quantitative model to estimate the potential increase of cross-border cases in civil, commercial and criminal procedures regulated by EU law (until 2030), which can be generated thanks to digitalisation.

Furthermore, the contractor will:

- Assess what the impact of (non)digitalisation would be on the different types of authorities – apart from courts and prosecutors, a number of other authorities can be competent to act under civil law instruments (bailiffs, judicial officers, notaries, central authorities etc.) or criminal law instruments (central authorities, police, prison administrations, customs, borders, municipal authorities, authorities collecting fines, etc.).
- In the context of legislative options, assess whether one horizontal instrument in the area of civil and commercial, the criminal and the family law or separate instruments for each of those areas, would be advisable, legally possible and more beneficial.
- The contractor should also assess what the most appropriate architecture for an “electronic access point” would be, so as to satisfy procedural requirements for all possible instances of “authority-authority” or “citizen-authority” communication which can occur under the individual instruments.
- The contractor should also determine which exceptions from a mandatory use of digital channels might be necessary (e.g. need for physical transfer of a person, other mandatory or non-mandatory channels used for communication, etc.).

5) Economic, social and environmental impact analysis

- Assess the costs and benefits of the various options (including their distribution across the affected stakeholders) of the proposed digitalisation. In particular, the following points will be outlined – currently, what are the costs related to cross-border proceedings; what would be the potential savings if cross-border proceedings were digitalised, bearing in mind the potential of triggering further economic integration of the single market; what would be the costs if mandatory electronic communication was introduced between different actors.
- Compare the cost and benefits of providing an EU-developed generic reference implementation software back office IT solution(s)³³ for Member State’s use with the costs necessary for establishing or adapting national back office solutions.
- Assess the economic impact of the digital transition from an environmental perspective (e.g. switching to paperless communication, electronic waste, energy costs, etc.).

³³ e-CODEX is not a user-facing system. Hence, in the context of digitalising EU judicial cooperation, the actual IT systems used by citizens, business and competent authority staff need to be either build or existing systems adapted. The Commission has already developed a reference implementation back office solution in the context of the e-Evidence Digital Exchange System (e-EDES), which is provided to Member States free of charge. This solution can be potentially adapted to serve the purposes of other EU judicial cooperation instruments.

- The analysis will also explore impact of the possibility for online payment of court fees and other fees inherent to the proceedings (e.g. expert's fee).

6) Stakeholder consultation

- Prepare a summary and assessment of the replies of the public consultation.
- Provide a summary of the feedback on the Inception Impact Assessment (IIA).
- Suggest if further consultation strategy is needed, such as targeted consultation of specific stakeholders (taking into account that the Commission would conduct an open public consultation).

The study must be concluded with **the assessment of the impact of the options and the comparison of the options**. These include (i) a description of the environmental, social and economic impacts and an explicit statement if any of these are not considered significant; (ii) a clear description of who will be affected by the initiative and how; (iii) impacts on SMEs; (iv) impacts on competitiveness.

The contractor will check the proportionality of the different policy options and will propose some future monitoring and evaluation plans for the preferred option, including clear indicators of success, e.g. through operational objectives.

The detailed elements of the study and if necessary, potential changes, might be discussed between the contractor and the European Commission. The contractor will conduct its study on the assumption that **e-CODEX** is the most appropriate IT tool for ensuring the cross-border digital communication between the competent authorities. However, the contractor might also indicate what additional IT tools might be needed for specific aspects of different procedures.

The following **policy options** must be considered as a minimum:

Option 0: Status quo (baseline option) – No action is taken to promote the digitalisation of cross-border judicial procedures

- Under this option, providing a digital channel for cross-border judicial procedures would remain voluntary on the part of the Member States.

Option 1: Non-legislative option - Promotion campaign for increased digitalisation with the use of the e-CODEX tool

- Member States and legal practitioners could be encouraged to use e-CODEX in the context of cross-border procedures. An e-CODEX access point could be put in place on the e-Justice Portal.

Option 2: A series of amendments to civil, commercial and criminal law instruments for the digitalisation of cross-border judicial procedures

- Several legal instruments which amend the various civil, commercial and criminal cooperation instruments, which would ensure acceptance of digital documents and evidence, regulate the use of electronic signatures, outline the architecture for IT system and data protection requirements, and make the digital channel mandatory or not as the default one to be used. These amendments could be presented as one or several packages or as individual amendments.

Option 3: A horizontal legal instrument on digitalisation of cross-border judicial procedures

- A legal instrument which would make it mandatory to provide and use by default the digital channel for cross-border cooperation, ensure acceptance of digital documents and evidence, regulate the use of electronic signatures, outline the architecture of the IT system and data protection requirements.

I.4. METHODOLOGICAL GUIDELINES

I.4.1. Scope of the study

The study must include an exhaustive analysis of the issues and questions outlined in Section I.3 of these tender specifications. This analysis will be performed through a suitable methodological approach, comprising data collection, the analysis and use of existing data already collected by the Commission and other stakeholders, the consultation when needed of relevant stakeholders, practitioners and experts and the examination of relevant legal sources, comparative law aspects and case law.

The study analysis must cover all EU Member States, except Denmark (giving particular attention to the different level of participation in EU judicial cooperation of some Member States, such as Ireland, in the Area of Freedom, Security and Justice).

I.4.2. Methodology

The contractor will propose the most appropriate methodological approach to successfully carry out the assignment.

The Commission already has a considerable amount of factual data concerning digitalisation of justice in the EU, for instance from: the Justice Scoreboard, Rule of Law report, CEPEJ data (European Commission for the Efficiency of Justice, an initiative of the Council of Europe), a questionnaire-based survey sent to Member States by the Council's General Secretariat and the Digital Criminal Justice study. The Commission also adopted a Staff Working Document outlining the state-of-play on the digitalisation of justice in different Member States. Such data might feed into different steps in the preparation of the initiative, including in the Impact Assessment. The contractor will therefore make use of such data wherever relevant. However, this data does not include information about the number of the cross-border exchanges, the means of communication and about the procedural requirements to the cross border communication.

All unavailable data necessary for the purposes of the study will be for the contractor to collect by identifying and referring to existing sources, desk research, interviews or other means. At the same time, the contractor will strive to avoid overburdening stakeholders with questions already addressed in other contexts.

I.4.3. Quality requirements

The work will be assessed on the basis of the Quality Assessment grid in Annex II.

In view of its publication, the final report by the contractor must be of high editorial quality. In cases where the contractor does not manage to produce a final report of high editorial quality within the timeframe defined by the contract, the contracting authority may decide to

have the final report professionally edited at the expense of the contractor (this would imply a deduction of these costs from the final payment).

I.4.4. Graphic requirements

The contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Commission, by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at:

http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm

A simple Word template will be provided to the contractor after contract signature. The contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to European Commission's contractors. No template will be provided to tenderers while preparing their tenders.

I.5. DELIVERABLES

The Commission's approval will be granted after all:

- All deliverables have been provided to the Commission and
- All comments on the interim and final report and all other deliverables have been effectively implemented by the contractor in a manner acceptable to the Commission.

Responsibility and management of the process are with the European Commission (Directorate-General for Justice and Consumers). A Steering Group will be set up to monitor the process, assess and decide on acceptance and rejection of the different deliverables that the selected contractor will have to deliver. This Group will also be instrumental in the provision of information to the selected contractor. The contractor should take into account the comments and recommendations of the Steering Group and will keep it regularly informed on progress.

Services and/or products to be provided

Deliverables/Meetings	Content	Date
Kick-off meeting	Plan and agree work under the contract.	Approximately 2 weeks after the signature of the contract.
Inception report	Demonstrate having examined relevant studies. Set out detailed methodology for the study. Detail information collection and analysis. Present a detailed work programme for the remainder of the contracting period.	Draft to be presented at the kick-off meeting; final version maximum 4 weeks after the signature of the contract.

Interim report	Draw conclusions from the analysis of existing information and present the initial results of the data collection activities, as well as provide a detailed structure of the final report.	3 months after signature of the contract
Final report	<p>The final report must include:</p> <p>A brief description of the context and objective of the study, information on the research methodology and the data collected</p> <p>Full results of the legal and empirical analysis</p> <p>Conclusions</p> <p>A short report for each Member State</p> <p>An abstract of no more than 200 words and an executive summary of not more than 6 pages, both in English and French.</p> <p>A synthesis report of not more than 30 pages in English and French.</p>	5 months after signature of the contract

The contractor will be requested to stay in regular touch with the Commission to discuss progress on a weekly basis mainly through phone calls, but also by meetings, when necessary.

The contractor must observe the deadlines for the deliverables irrespective of vacation periods and public holidays that may occur within the duration of the project. The contractor must ensure adequate staffing at all times and proactively plan for planned and unforeseen absences of staff.

I.5.1. Inception report

The interim report will set out detailed methodology for the study, detail information collection and analysis and present a detailed work programme for the remainder of the contracting period.

I.5.2. Interim report

The interim report will present the first conclusions from the analysis of the researched data and set out a detailed work programme for the remainder of the contracting period. It will also provide a detailed structure for the final report. The interim payment will be linked to the approval by the Commission of the interim report.

I.5.3. Final report

The final report must include:

- a) an abstract of no more than 200 words and an executive summary of maximum

6 pages, both in English and French;

- b) specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- c) the following disclaimer: *“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Contracting Authority. The Contracting Authority does not guarantee the accuracy of the data included in this study. Neither the Contracting Authority nor any person acting on the Contracting Authority’s behalf may be held responsible for the use which may be made of the information contained therein”*;
- d) the report itself (between 200 and 300 pages) representing a complete overview of the services and products delivered, comprising:
 - full results of the legal and empirical analysis and the comprehensive study, including an executive summary sheet, covering:
 - information on the use of existing data and eventual additional consultation of stakeholders if needed, as well as on the analytical methods used in preparing the study;
 - national reports in annex;
 - relevant charts, statistics;
 - source data/files in annex;
- e) a synthesis report of no more than 30 pages.

The Contractor shall send the amended Final Report within 10 working days after the Commission’s comments.

The publishable executive summary must be provided in both English and French and must include:

- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- the following disclaimer: *“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Contracting Authority. The Contracting Authority does not guarantee the accuracy of the data included in this study. Neither the Contracting Authority nor any person acting on the Contracting Authority’s behalf may be held responsible for the use which may be made of the information contained therein”*.

I.5.4. Format

All reports (and annexes) should be in English and French languages, checked and corrected by native speakers, and should be understandable without a special effort for an informed reader.

The data in the reports will be presented with an appealing layout, containing tables as well as appropriate graphics to illustrate the arguments including micro data such as SPSS files and excel datasheets.

All reports should have numbered paragraphs and pages and a clear identification containing:

- the contract number
- the version (draft, revision or final)
- and the date of submission to the EC

I.5.5. Use of results

Any document/data collected or created in electronic format in the context of this specific contract will be the property of the European Union and will be delivered at the end of the specific contract to the contracting authority in an electronic format by e-mail and digital storage means.

The contractor will keep records and proof of all contacts and will timely produce them upon request. These records must be appropriately archived to enable the verification of the data if the need arises.

Copies of all documents collected/analysed by the contractor must be made available to the contracting authority if requested.

I.6. PRICE

The maximum contract price is **EUR 500.000**.

I.7. TIME SCHEDULES AND ORGANISATIONAL ARRANGEMENTS

I.7.1. Duration of the tasks and of the contract

The duration of the tasks to be performed under the specific contract is **5 months**.

I.7.2. Composition of the team

The contractor should propose an appropriate team to perform the specific services. The proposed team must be of sufficient size, balanced and include an appropriate distribution of expert profiles, as relevant and needed for carrying out the tasks set out herein.

I.7.3. Contract implementation

The Contracting Authority orders services by sending a *request for services* by e-mail to all Contractors.

The Contractors send their specific tenders to the Contracting Authority within 10 working days, after the date of sending the request for services by e-mail. Within 5 working days, the Contractors must express by e-mail their availability to carry out the services required.

The Contracting Authority evaluates the specific tenders and selects the most economically advantageous one on the basis of the award criteria set out in the tender specifications of the framework contracts and repeated under Article II.5. When doing so, it takes into account any conflicting interests which may negatively affect the performance of the Specific Contract. The Contracting Authority awards and sends the Specific Contract to the successful Contractor for its signature.

The Contractor must send back to the Contracting Authority the Specific Contract duly signed and dated in paper format within 5 working days of receipt.

I.7.4. Organisational arrangements

- Contractors should submit their tender by email to the following email address: JUST-04-PROCUREMENT@ec.europa.eu

- The project leader in DJ JUST is Katerina Entcheva, email address: Katerina.ENTCHEVA1@ec.europa.eu; functional mailbox: JUST-B3@ec.europa.eu.
- The Contractor will provide the contact details of the project leader on his/her side who will act as the single point of contact in relation to this project for the interactions with the Contracting Authority's project leader.

I.8. STRUCTURE OF THE TENDERS

Tenders must be:

- Signed by the tenderer or his duly authorised representative;
- Perfectly legible so that there can be no doubt as to words and figures.

The Contractors must ensure that their submitted tenders contain all the information and documents required by the Contracting Authority at the time of submission as set out in the tender specifications.

All costs incurred for the preparation and submission of tenders are to be borne by the Contractors and will not be reimbursed.

Tenders must be split in two separate files, a technical offer and a financial offer:

I.8.1. Technical offer

The technical offer contains all the information required for the tender, except the price. The page limit is 10 pages.

It should contain at least the following:

- i. a (retro-)planning;
- ii. Curriculum vitae of the team members assigned to the task. The tenderers should also provide with their proposal detailed curriculum vitae of each staff member responsible for carrying out the work, including his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills which are relevant for the assignment. The CVs shall be presented preferably in accordance with the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66;
- iii. Description of work organisation including role/profile, name, short description of responsibilities and the number of man days dedicated to the project for each of the roles/profiles.

I.8.2. Financial offer

- i. Prices are fixed amounts, including all expenses;
- ii. Travel and subsistence expenses necessary to realise the tasks under the Specific Contract will be charged at a flat rate calculated on the basis of Contractor's usual cost practices and will be integrated in the offer of the Contractor as a fixed price. These expenses will be taken into consideration in the total costs presented in the offer.

I.8.3. Questions on terms of reference

Questions on terms of reference submitted within the last 48 hours prior to the deadline for submission of offers will not be answered.

I.8.4. Award criteria

The contract will be awarded on the basis of the award criteria provided in Annex I.

PART II – GENERAL PROVISIONS

II.1. LEGAL EFFECTS OF THE INVITATION TO TENDER AND SUBMISSION OF A TENDER

This request for services is in no way binding on the Contracting Authority. The Contracting Authority's contractual obligation commences only upon signature of the contract with the successful tenderer.

Up to the point of signature, the Contracting Authority may cancel the procurement procedure without the tenderers being entitled to claim any compensation. This decision must be substantiated and the tenderers notified.

The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is 6 months from the date of submission.

Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.

II.2. DATA PROTECTION

If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/172534 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Unless indicated otherwise, any personal data will be processed solely for evaluation purposes under the call for tenders by the Head of Unit 04 – Programme and Financial Management in the Directorate-General for Justice and Consumers. Details concerning the processing of your personal data are available on the privacy statement at: https://ec.europa.eu/info/data-protection-public-procurement-procedures_en.

The tenderer personal data may be registered in the Early Detection and Exclusion System (EDES) if the tenderer is in one of the situations mentioned in Article 136 of the Financial Regulation. For more information, see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

³⁴ OJ L 295, 21.11.2018, p. 39

II.3. FORMAT REQUIREMENTS RELATED TO STUDIES

II.3.1. General principles

The Contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Contracting Authority, by applying the graphic rules set out in the European Contracting Authority's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at: http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm.

A simple Word template will be provided to the Contractor after contract signature. The Contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to the European Contracting Authority's Contractors.

II.3.2. Requirements for publication on Internet

The Contracting Authority is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Contracting Authority supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For full details on the Contracting Authority policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm.

For the publishable versions of the study, abstract and executive summary, the Contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

II.4. CONTACTS DURING THE PROCUREMENT PROCEDURE

Contacts between the Contracting Authority and Contractors are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

II.4.1. Submission phase (before the time-limit for receipt of tenders)

- Upon request, the Contracting Authority may provide additional information solely for the purpose of clarifying the procurement documents.
- Any request for additional information must be made in writing only to JUST 04 PROCUREMENT functional mailbox.
- The Contracting Authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the procurement documents.
- Any additional information including that referred to above will be sent simultaneously to all Contractors invited to tender.
- Questions on the tender specifications submitted within 2 working days prior to the deadline for submission of offers will not be answered.

II.4.2. Opening of tenders

Once the Contracting Authority has opened the tender, it becomes its property and it shall be treated confidentially.

II.4.3. Evaluation phase (after the opening of tenders)

The Contracting Authority may correct obvious clerical errors in the tender after confirmation of the correction by the tenderer. Such information, clarification or confirmation shall not substantially change the tender.

II.4.4. Award phase

The Contractors will be notified of the outcome of this procurement procedure by e-mail only. The notification will be sent to the e-mail address provided in the tender. The same e-mail address will be used by the Contracting Authority for all other communications with the Contractor. It is the Contractor's responsibility to provide a valid e-mail address and to check it regularly.

II.5. EVALUATION AND CONTRACTING (Article 2.4 of the technical specifications of the Framework Contracts)

The Contracting Authority shall evaluate the specific tenders and select the most economically advantageous one on the basis of the award criteria set out below. When doing so, it takes into account any conflicting interests which may negatively affect the performance of the Specific Contract (*ref. Article II.7 of the Framework Contracts*). It will then award and send the Specific Contract to the successful Contractor.

Quality criteria:

N°	Award criteria	Weighting
1	<p>Content and structure of the tender</p> <ul style="list-style-type: none">• The tender is self-standing, contains only essential information (in conformance with the size limit, if applicable) and is specific to the task; additional evidence supporting the tender is provided in annexes• Clear, correct and understandable language and structure; good use of glossaries if relevant	15 points (<i>minimum required 9</i>)
2	<p>Proposed methodology and tools:</p> <ul style="list-style-type: none">• Quality and appropriateness of proposed methodology for data collection and analysis• Appropriateness of the methods proposed to address the call specificities/challenges• To the extent relevant, conformance with the Contracting Authority Better Regulation guidelines/toolbox and coverage of relevant impacts/assessment dimensions	45 points (<i>minimum required 27</i>)
3	Appropriateness, composition and organisation of the team	40 points

	proposed in relation to the work to be performed: <ul style="list-style-type: none"> • Adequate team size; clear and appropriate definition of roles and responsibilities within the team; • Appropriate allocation of resources to specific tasks • Appropriate quality control with regard to both validating the information collected and in-depth proof-reading of deliverables/reports prior to their submission (including i.a. language checks/final editing, accuracy of calculations and removing spurious details) 	<i>(minimum required 24)</i>
Total		100 points <i>(minimum required 70)</i>

Financial evaluation:

Each offer will be assessed in terms of the total price for the proposal on the basis of the specific maximum unit prices set in the Framework Contract, broken down by categories of experts and travel and subsistence expenses. During the reopening of competition, tenderers are allowed to propose lower prices per profile than those indicated in the price list.

Award of contract:

Only bids that have reached a total score of a minimum of 70% and a minimum score of 60% for each criterion will be taken into consideration for awarding the Specific Contract.

The Specific Contract will be awarded to the tender which offers the best price-quality ratio determined in accordance with the formula below:

<p>Quality/Price analysis =</p> <p>(Technical Score X 0.7) + [(Cheapest price*/Price offered) x 100] x 0.3</p>
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**Cheapest price = Price of the tender with the cheapest price offer
(provided the minimum quality threshold are met)*

e-signed

Alexandra JOUR-SCHROEDER

Annexes:

- I. Template financial offer form
- II. Draft of specific contract
- III. Template absence of conflict of interest form
- IV. Template quality assessment grid
- V. List of EU Judicial Cooperation Instruments

ANNEX V– LIST OF EU JUDICIAL COOPERATION INSTRUMENTS

Instruments in the area of judicial cooperation in civil and commercial matters

- (1) Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters³⁵
- (2) Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters³⁶
- (3) Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (2001/470/EC)³⁷
- (4) Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes³⁸
- (5) Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility³⁹
- (6) Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims⁴⁰
- (7) Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure⁴¹
- (8) Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure⁴²
- (9) Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)⁴³
- (10) Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)⁴⁴
- (11) Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)⁴⁵
- (12) Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters⁴⁶
- (13) Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations⁴⁷

³⁵ OJ L 12, 16.1.2001, p. 1–23

³⁶ OJ L 174, 27.6.2001, p. 1–24

³⁷ OJ L 174, 27.6.2001, p. 25–31

³⁸ OJ L 26, 31.1.2003, p. 41–47

³⁹ OJ L 338, 23.12.2003, p. 1–29

⁴⁰ OJ L 143, 30.4.2004, p. 15–39

⁴¹ OJ L 399, 30.12.2006, p. 1–32

⁴² OJ L 199, 31.7.2007, p. 1–22

⁴³ OJ L 199, 31.7.2007, p. 40–49

⁴⁴ OJ L 324, 10.12.2007, p. 79–120

⁴⁵ OJ L 177, 4.7.2008, p. 6–16

⁴⁶ OJ L 136, 24.5.2008, p. 3–8

- (14) Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation⁴⁸
- (15) Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession⁴⁹
- (16) Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)⁵⁰
- (17) Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters⁵¹
- (18) Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters⁵²
- (19) Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings⁵³
- (20) Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes⁵⁴
- (21) Council Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships⁵⁵
- (22) Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012⁵⁶
- (23) Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency)⁵⁷.

⁴⁷ OJ L 7, 10.1.2009, p. 1–79

⁴⁸ OJ L 343, 29.12.2010, p. 10–16

⁴⁹ OJ L 201, 27.7.2012, p. 107–134

⁵⁰ OJ L 351, 20.12.2012, p. 1–32

⁵¹ OJ L 181, 29.6.2013, p. 4–12

⁵² OJ L 189, 27.6.2014, p. 59–92

⁵³ OJ L 141, 5.6.2015, p. 19–72

⁵⁴ OJ L 183, 8.7.2016, p. 1–29

⁵⁵ OJ L 183, 8.7.2016, p. 30–56

⁵⁶ OJ L 200, 26.7.2016, p. 1–136

⁵⁷ OJ L 172, 26.6.2019, p. 18–55

- (24) Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)⁵⁸.
- (25) Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast)⁵⁹

Instruments in the area of judicial cooperation in criminal matters

- (26) Convention drawn up on the basis of Article K.3 of the Treaty on European Union, relating to extradition between the Member States of the European Union⁶⁰
- (27) Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on simplified extradition procedure between the Member States of the European Union⁶¹
- (28) Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union⁶²
- (29) Protocol established by the Council in accordance with Article 34 of the Treaty on European Union to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union⁶³
- (30) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States⁶⁴
- (31) Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams⁶⁵
- (32) Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence⁶⁶
- (33) Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims⁶⁷
- (34) Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties⁶⁸
- (35) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders⁶⁹
- (36) Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing

⁵⁸ OJ L 405, 2.12.2020, p. 1–39

⁵⁹ OJ L 405, 2.12.2020, p. 40–78

⁶⁰ OJ C 313, 23.10.1996, p. 12

⁶¹ OJ C 78, 30.3.1995, p. 2

⁶² OJ C 197, 12.7.2000, p. 3

⁶³ OJ C 326, 21.11.2001, p. 2

⁶⁴ OJ L 190, 18.7.2002, p. 1–20

⁶⁵ OJ L 162, 20.6.2002, p. 1

⁶⁶ OJ L 196, 2.8.2003, p. 45–55

⁶⁷ OJ L 261, 6.8.2004, p. 15

⁶⁸ OJ L 76, 22.3.2005, p. 16–30

⁶⁹ OJ L 328, 24.11.2006, p. 59–78

custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union⁷⁰

- (37) Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions⁷¹
- (38) Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial⁷²
- (39) Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention⁷³
- (40) Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings⁷⁴
- (41) Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order⁷⁵
- (42) Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA⁷⁶
- (43) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters⁷⁷
- (44) Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders⁷⁸
- (45) Proposal for a Regulation (EU) on European Production and Preservation Orders for electronic evidence in criminal matters⁷⁹

⁷⁰ OJ L 327, 5.12.2008, p. 27

⁷¹ OJ L 337, 16.12.2008, p. 102–122

⁷² OJ L 81, 27.3.2009, p. 24

⁷³ OJ L 294, 11.11.2009, p. 20–40

⁷⁴ OJ L 328, 15.12.2009, p. 42–47

⁷⁵ OJ L 338, 21.12.2011, p. 2–18

⁷⁶ OJ L 315, 14.11.2012, p. 57–73

⁷⁷ OJ L 130, 1.5.2014, p. 1–36

⁷⁸ OJ L 303, 28.11.2018, p. 1

⁷⁹ COM(2018) 225 final (The proposal is in the legislative process)