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Honourable Member, dear Maite,

I would like to thank you for your letter of 15 April 2020, in which you express concerns about the repercussions of the COVID-19 health emergency on the functioning of the administration of justice, and inquire about the situation in the Member States regarding the development of digital technologies and teleworking tools in the field of justice administration.

Firstly, I would like to point out that for a number of years already the Commission has stressed the importance of the digitalisation of justice. In the context of the European Semester, efficient and independent justice systems are considered crucially important in stepping out of economic recession¹. Therefore, the digitalisation of justice is an important condition for further improving the quality of justice systems. In particular, the 2020 European Semester Commission Recommendations for several Member States stressed the need to improve the digitalisation of their national justice systems.

The Commission has also been active in monitoring developments in the digitalisation of justice in the Member States. The EU Justice Scoreboard has been looking at various aspects of digitalisation in national justice systems, and has presented comparative data on a range of relevant topics².

¹ Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank – 2020 European Semester: Country-specific recommendations (COM/2020/500 final).

² https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en

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The recently published 2020 edition of the EU Justice Scoreboard³ shows that, despite some progress, electronic means are only partially available during the judicial procedure, and that the use of ICT tools by courts is still limited. However, the 2020 edition of the EU Justice Scoreboard does not reflect the consequences of the COVID-19 crisis, as the data on efficiency and quality do not cover 2020.

The first annual rule of law report, set to be adopted within the coming weeks, will cover justice systems, including developments linked to digitalisation. Relevant developments relating to the emergency measures will also be reflected in the rule of law report.

The impact of the COVID-19 crisis was discussed during the informal videoconference of the Justice and Home Affairs Council of 6 April 2020. The discussion showed that the crisis has seriously impacted the good functioning of national justice systems and has also had adverse consequences for cross-border cooperation. Therefore, Ministers called for further work on the digitalisation of justice.

The Commission suggested collecting information on different specific measures taken during the COVID-19 crisis. A comprehensive overview is now available on the European e-Justice Portal⁴. Existing digital solutions, such as videoconferencing and teleworking, have helped ensure the business continuity of public administrations and the judiciary during the COVID-19 crisis. However, the ways in which judicial bodies worked during the crisis led, in many cases, to significant obstacles to citizens' and businesses' access to justice.

Against this background, the Commission reiterated in the Recovery Plan⁵ its commitment to the creation of a deeper and more digital single market. The Commission highlighted that the digitalisation of justice systems can improve access to justice and the operation of the business environment. The Council Conclusions on shaping Europe's digital future⁶ highlighted the importance of digitalising justice systems and called on the Commission to take appropriate action.

The Commission will start consulting Member States and stakeholders on a suitable approach to further digitalising justice and will collect views that could be discussed at the Justice Council in October. On this basis, the Commission will consider how to address this issue in the most suitable way, possibly by the end of this year. The purpose is to identify a suitable approach to further digitalising justice and creating a toolbox of measures both at national and international level. We will be looking into different aspects of the functioning of justice systems. For instance, it became apparent that justice administrations need to embrace opportunities offered by digital means, such as teleworking, with IT systems providing appropriate levels of security, in full respect of privacy and data protection rules.

³ https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2020_en.pdf

⁴ https://e-justice.europa.eu/content_impact_of_covid19_on_the_justice_field-37147-en.do

⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions 'Europe's moment: Repair and Prepare for the Next Generation' COM(2020) 456 final.

⁶ <https://www.consilium.europa.eu/en/press/press-releases/2020/06/09/shaping-europe-s-digital-future-council-adopts-conclusions/>

The Commission is aware of the importance of ensuring a particularly high level of network and information security in public administrations. During the COVID-19 crisis, many national public administrations have expanded their teleworking arrangements. As a result, it has become even more crucial for public administrations to take appropriate security measures. In transposing the Directive concerning measures for a high common level of security of network and information systems across the Union (the NIS Directive)⁷, some Member States made use of the opportunity to bring certain government services under the scope of their national cybersecurity laws. The Commission is currently conducting a review of the NIS Directive, during which it will evaluate all elements of the Directive, including its current scope.

In this context, I am looking forward to working with you, as well as with the Parliament, in defining the ways forward in the digitalisation of justice.

Yours sincerely,

(e-signed)

Didier Reynders

⁷ <https://ec.europa.eu/digital-single-market/en/network-and-information-security-nis-directive>