

Council Conclusions on Digitalisation in Relation to Access of Justice

News

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On 13 October 2020, the Council adopted [conclusions on digitalisation in order to improve access to justice](#). The conclusions observe that further digitalisation of the Member States' judicial systems has enormous potential to continue to facilitate and improve access to justice for citizens throughout the EU. Digital tools can help to better structure proceedings and to automate and accelerate the handling of standardised and uniform tasks. They can increase the effectiveness and efficiency of court proceedings. It is also noted that the COVID-19 crisis has confirmed the need to invest in and make use of digital tools in judicial proceedings.

Member States are encouraged to make increased use of digital tools throughout judicial proceedings, e.g. secure means of electronic identification and trust services. The Council stresses, however, that using digital technologies should not undermine the fundamental principles of judicial systems, including the independence and impartiality of the courts, the guarantee of effective legal protection and the right to a fair and public hearing. The Commission is called on:

- To further develop and strengthen e-CODEX (e-Justice Communication via Online Data Exchange) – the main tool for secure communication in both civil and criminal cross-border proceedings;
- To consider extension of the e-Evidence Digital Exchange System (eEDES), which already supports procedures related to European Investigation Orders and mutual legal assistance between Member States, to other judicial cooperation instruments in criminal matters;
- To develop a comprehensive EU strategy on the digitalisation of justice by the end of 2020.

The conclusions also place emphasis on digital skills. The need exists to promote digital skills in the justice sector, to allow judges, prosecutors, judicial staff and other justice practitioners to use digital tools effectively and with due respect for the rights and freedoms of those seeking justice.

Moreover, the conclusions acknowledge the benefits of Artificial Intelligence (AI) in the justice sector. It is underlined that the use of AI tools must not interfere with the decision-making power of judges or with judicial independence. A court decision must always be made by a human being and cannot be delegated to an artificial intelligence tool. It must be prevented that the use of AI tools or data sets leads to discriminatory outcomes; transparency must be ensured if machine-learning tools are involved in decision-making processes. The Council also shares the view of the Commission in its White Paper on AI ([euclid 1/2020, 8-9](#)) that the judiciary is an area where a clear European regulatory framework may be necessary; yet, this framework must take into account both the benefits and risks/requirements specific to the justice sector.

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Given that many European and international organisations are carrying out work on the use of digital technologies in the judicial field, including AI, the Council stresses the importance of coherence and cooperation in this area.

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