



**ENCJ Digital Justice Forum**  
**Founding meeting and first annual seminar Amsterdam, 4 May 2018**  
**Programme**

**Thursday 3 May 2018**

**19:30** Dinner in Restaurant 1e Klas / 1st Class Restaurant inside the Central Station

**Friday 4 May 2018**

**Amsterdam Court of Appeal, IJdok 20, 1013 MM Amsterdam**

**From 9:00** Registration of participants

**09:30** Opening of the seminar

**Wilma Groos**, Welcome by Member of the Board of the Court of Appeal of Amsterdam  
**Colin Tyre & Ana Rita Loja**, Co-ordinators, Members of the ENCJ Executive Board  
**Dory Reiling**, Moderator, former judge / IT expert for Netherlands Judiciary

**10:00** **Session 1 - The challenges and opportunities of going digital**

Presentation by **Dory Reiling** on the development of IT instruments to support judicial work including Artificial Intelligence and legal design thinking

**10:45** Discussion in break-out groups

**11:45** Reporting back in plenary

**12:00** **Session 2 - European E Justice strategy,**

**Presentation by Gösta Petri**, European Commission on the e-justice strategy and the role of the judiciary

**Presentation by Ernst Steigenga**, e-CODEX, IT governance and judicial independence

**Discussion in plenary**

**13:00** Lunch

**14:00** **Session 3 - ENCJ Digital Justice Forum**

State of Affairs – Digital Justice in national justice systems

presentation by **Yannick Meneceur**, CEPEJ, followed by discussion in plenary

**14:30** **ENCJ Digital Justice Forum (DJF)** introduction by the co-ordinators moderators

Colin tyre/ Ana Rita Loja

**14:45** Discussion in break-out groups assessing the needs, aims, topics and practical functioning of the ENCJ DJF

**15:45** Reporting back in plenary from the break-out groups

**16:00** **Debate & conclusions on follow-up**

**Closing of the seminar – Nuria Díaz Abad, President of the ENCJ**

**16:30** Seminar ends



## Background information

The ENCJ Strategic Plan 2018-2021 mentions the following in relation to the second strategic objective:

**To promote access to justice in a digital age (measured in terms of efficiency, cost and timeliness) for the benefit of all citizens in the EU**

One of the operational objectives identified is:

### To promote Digital Justice

Set up the ENCJ Digital Justice Forum consisting of one representative of each ENCJ Member and the interested Observers. Through electronic exchanges and an annual seminar, the aim of the forum is:

- to promote Digital Justice and the modernization of justice and identify challenges and opportunities;
- to exchange best practices and developments on national level;
- to provide a judicial perspective on e-Justice to the European Commission

## Session 1 - The challenges and opportunities of going digital

### Relevant materials

- [Article by Dory Reiling on IT in the Judiciary](#)
- [Article by Dory Reiling on Online Dispute resolution](#)
- [CEPEJ guidelines on how to drive change towards cyberjustice](#)

## Session 2 on European e-Justice Strategy

### Preparatory notes

#### 1. E-CODEX, IT governance and judicial independence

Justice is borderless. e-CODEX offers professionals, citizens and businesses easy access to cross-border justice through a secure ICT solution for cross-border communication of sensitive data in the Judiciary. Me-CODEX is the project to ensure a swift and sustainable transition of the e-CODEX project towards euLISA, the EU agency that will ensure the long-term sustainability of the e-CODEX solution. The goal of Me-CODEX is to pave the way for the long-term usage and sustainable governance of e-CODEX building blocks and with that interoperability for Justice, within all European Member States and Associated Countries. The overall focus is on the extension of the knowledge and usage of e-CODEX by practitioners and the general public. The technical focus lies on the components of the e-CODEX infrastructure and the elements that create the e-CODEX methodology, including support and documentation.

e-CODEX is a technological innovation which can fundamentally change the manner in which the judiciary works in cross-border procedures. This does not only create opportunities and efficiencies, but it may also raise issues regarding judicial independence.

Judicial independence can be understood in two interpretations: the individual independence of the judge, *decisional independence*, and the independence of the judiciary as a branch, *institutional independence*. It depends on the national, cultural and societal context how these concepts are operationalized in matters of governance.



For e-CODEX, the operationalization of judicial independence in the governance would need to be considered the various national angles present. In a manner of speaking, e-CODEX already respects judicial independence, as it merely connects the national systems to each other. Therefore, the national systems regarding judicial independence remain applicable and safeguarded. Judicial independence, in that sense, would be a national responsibility.

However, in some future governance possibilities, e-CODEX would have servers of some kind, or a general “hub” through which all the transmitted messages would pass. In such a case, there may also be a joint responsibility for the participating Member States to employ more means to guarantee judicial independence.

Some measures have already been taken, as judicial independence has been on the radar since the beginning. For example, data encryption and track-and-trace systems are already in place.

Questions:

A concluding question may be that if e-CODEX will in future fall within the governance structure of euLISA, how the existing governance structures may impact judicial independence.

- Should there be a representative of the judiciary in the Management Board? Who would fill such a position?
- And what are the conditions that would make such a position more than a symbolic measure?
- Similarly, one could ask if there ought not be a representative of the judiciary in the e-CODEX consortium. If so, would the ENCJ be an appropriate organization to fill this role?

### Session 3 ENCJ Digital Justice Forum

CEPEJ website: [Overview of IT in European Courts](#)

#### Statements for sub groups Session 3

**Question 1: For each of the objectives set out below the question for the subgroups would be how the forum can ensure that the objective is achieved.**

- How to organise the activities of the forum (sharing of best practices / monitoring etc).
- How to best ensure that the right people are informed on the national level.

The objectives of the ENCJ Digital Justice Forum are:

1. To promote Digital Justice and the modernization of justice and identify challenges and opportunities;
2. To monitor developments in relation to Big Data and Artificial Intelligence and to provide guidance to national Councils for the Judiciary / judiciaries
3. To exchange best practices and developments on national level;
4. To share developments on the European level in the field
5. To provide a judicial perspective on e-Justice (new instruments / governance etc.)to the European Commission
6. To identify relevant stakeholders and strengthen the relations and collaboration with them (lawyers/CCBE etc ).



**Question 2: Should other objectives be added? Is the list complete?**

**Question 3. How can we ensure maximum impact (see below what the expected impact/results are) of the forum and how can we measure this impact on national and European level?**

The expected results/impact (impact is the difference between outcomes with the forum and without) of the forum are:

1. Increased awareness of developments in the field of Digital Justice and improved knowledge of the challenges for justice systems deriving from Digital Justice
2. Increased awareness of the need for the judicial system and improved knowledge on how to modernise justice systems and push for innovation
3. Improved knowledge of challenges and opportunities faced when modernizing and digitalising the judiciary;
4. Improved knowledge of the judicial perspective on EU e-Justice instruments



## List of participants

Name	First name	Institution	Country
Shehu	Sajmir	High Council of Justice	Albania
Schneider	Martin	Federal Ministry of Justice	Austria
Hänsch	Kristine	Conseil Supérieur de la Justice	Belgium
Chapkanova	Kalina	Supreme Judicial Council	Bulgaria
Kerelska	Olga	Supreme Judicial Council	Bulgaria
Andreeva	Natalia	SJC - Interpreter	Bulgaria
Kontrec	Damir	State Judicial Council	Croatia
Lindgreen	Morten	Court Administration	Denmark
Jenkins	Tim	Judges Council	England & Wales
Lippus	Kaidi	Ministry of Justice	Estonia
Loisa	Marko	Ministry of Justice	Finland
Lacabarats	Alain	CSM	France
Pipiligkas	Nikolaos	Supreme Judicial Council	Greece
Matusik	Tamás	OBT	Hungary
O'Connor	John	District Court	Ireland
D'Alessandri	Fabrizio	CGPA	Italy
Forteleoni	Luca	CSM	Italy
Kantaravičius	Darius	Judicial Council	Lithuania
Van der Winkel	Fred	Court of Appeal Arnhem-Leeuwarden	Netherlands
Juvandes	Ruben	CSM	Portugal
Balan	Mihai	CSM	Romania
Zilincik	Pavol	Sudna Rada	Slovak Republic
Strban	Grega	Sodni Svet	Slovenia
Cerón Ripoll	Eva	Cendon-CGPJ	Spain
Wielgosz	Anna	National Courts Administration	Sweden
Calleja	Ignacio	European Court of Justice	
Buisseret	Philip	CCBE	
<b>Speakers</b>			
Reiling	Dory	Expert	Netherlands
Steigenga	Ernst	e-CODEX Consortium	
Petri	Gösta	European Commission, DG JUST	
Meneceur	Yannick	CEPEJ	
<b>ENCJ</b>			
Díaz Abad	Nuria	ENCJ	Spain
Loja	Ana Rita	CSM	Portugal
Tyre	Colin	Judicial Council	Scotland
van der Goes	Monique	ENCJ Office	
Callebaut	Natalie	ENCJ Office	
<b>Observers</b>			
Taal	Sandra	e-CODEX Consortium	
Groustra	Josje	e-CODEX Consortium	

