

Strasbourg, 13 June 2023

CEPEJ-GT-CYBERJUST(2023)2Rev1

## EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

### Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST)

**8<sup>th</sup> meeting (13-14 April 2023)**

Meeting report

Report prepared by the Secretariat  
Directorate General I - Human Rights and the Rule of Law

## **1. Introduction**

1. The Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) of the European Commission for the Efficiency of Justice (CEPEJ) held its 8th meeting on 13-14 April 2023, at the Council of Europe premises in Strasbourg in the presence of the CEPEJ president Francesco Depasquale. The meeting was held in hybrid format. The agenda is attached as Appendix I to this report.

2. The members of the Working Group informed each other of recent activities concerning cyberjustice, in particular the exchange organized with the European Union Agency for Fundamental Rights (FRA) concerning the Council of Europe's Resource Centre on Cyberjustice and AI, the contribution to the training activities of the European Judicial Training Network (EJTN) and the contribution to the TAIEX missions on digitization (the European Commission's technical assistance and information exchange instrument).

## **2. Briefing and discussion on activities concerning artificial intelligence**

3. Matthieu Quiniou (France), coordinator of the Artificial Intelligence Advisory Board (AIAB) reported on the AIAB meetings held on 15 November 2022<sup>1</sup> and 6 March 2023<sup>2</sup>. The first addressed amongst others the agreement on the structure of the "Resource Centre on Cyberjustice and Artificial Intelligence" (ReC) whereas the latter entailed a decision on the first group of systems to be published in the ReC, which went "live" mid-March. Another topic was the progress of the operationalisation of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment.

4. Research carried out by Anca Radu (Romania) formed the basis of the ReC, considering the following main information sources: a survey addressed to the members of the European Cyberjustice Network (ECN), information provided by academic networks and desk research of publicly available information.

5. The ReC should be progressively revisited through the addition of newly identified systems and potential corrections/additions to the existing entries, under the supervision of the AIAB. Thus, the ReC must be seen as a continuous and dynamic project.

6. Pedro Almeida (Portugal) and Gregor Strojín (Slovenia) informed the Working Group about the progress on the formulation of AI regulation in the Council of Europe Committee for Artificial Intelligence (CAI), which held its 3<sup>rd</sup> and 4<sup>th</sup> meeting on 11-13 January<sup>3</sup> and 1-3 February<sup>4</sup> 2023 respectively.

## **3. Guidelines on judicial e-auctions**

7. The Working group reviewed the draft comparative study and guidelines on judicial e-auctions prepared and presented by Massimiliano Blasone (Italy) and Dovile Satkauskiene (Lithuania). The draft was adopted by the working group members with the decision to submit it for consideration by the CEPEJ with a view to its adoption at the June meeting. .

8. Concerning the document structure, it was proposed to submit the guidelines and annex I and II for adoption while annex III (the comparative study) would constitute an information document. Nevertheless, all elements (guidelines and annex I, II and III) shall be

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<sup>1</sup> CEPEJ-AIAB(2022)2

<sup>2</sup> CEPEJ-AIAB(2023)2

<sup>3</sup> [CAI\(2023\)3](#)

<sup>4</sup> [CAI\(2023\)5](#)

published together. Furthermore, it was decided to forward the chapters on the national aspects to the respective members of the CEPEJ for factual verification.

#### **4. Online Alternative dispute resolution**

9. Federica Casarosa (Italy) and Maria da Conceicao Oliveira (Portugal) presented the envisaged structure of the guidelines on online Alternative Dispute Resolution, based on the previously developed elements: (1) a comparative study on the general use of online ADR (2) reports on online mediation in penal matters and (3) on the benefits of online ADR for vulnerable persons. The guidelines will complement the existing CEPEJ guidelines on mediation and follow their common headings of Availability, Accessibility and Awareness.

10. As the preparation of these guidelines is shared between the CEPEJ-GT-CYBERJUST and CEPEJ-GT-QUAL working groups, their progress is presented and discussed at the meetings of each of the two groups.

#### **5. Public jurisprudence databases (use of metadata and anonymisation)**

11. Rado Brezovar (Slovenia) and Monica Palmirani (Italy) presented the envisaged structure of the draft guidelines on the electronic publication of court decisions. Its purpose is to provide a comprehensive guidance on technical and legal requirements and an overview of respective good practices in Europe.

12. Important source of information will be the survey designed by the experts. Even though lengthy the group considered that a comprehensive survey is necessary to give an accurate picture of the situation on the publication of court decisions in Europe. To increase user friendliness, the experts agreed to develop an online version that could be disseminated and analysed easily.

13. The final version of the survey was approved and a timetable for its implementation established. Cut-off date should be early June to allow sufficient time for analysis and drafting of the actual guidelines. In addition to the ECN members, the Pilot Court Network members should be invited to respond.

#### **6. European Cyberjustice Network (ECN)**

14. The Working Group prepared the 3<sup>rd</sup> annual meeting of the ECN, foreseen for November 2023 and dedicated to judicial e-auctions.

15. Following established practice, the annual meeting should be opened with an inspiring keynote presented by an outside personality, followed by a presentation and exchange of good practices on the guidelines that should be adopted by then. If possible, presenters should be selected from so far non-featured ECN members. The annual meeting should give the ECN members also the possibility to flag emerging cyberjustice trends in their countries.

16. The recent and upcoming ECN seminars were also discussed and confirmed as a good means to address pertinent issues for judicial professionals. It was proposed to open the seminars to the members of the Network of Pilot Courts.

## **7. Brainstorming on future topics on work for CEPEJ-GT-CYBERJUST (mandate 2024-2025)**

17. The Working Group discussed the potential themes of the CEPEJ-GT-CYBERJUST, should the CEPEJ decide to include it in its new programme of activities for 2024 and 2025:

- the Digital divide”, not only by focusing on general access to digital judicial services, but also by taking into account the unequal access to digital tools for parties to proceedings, that could unbalance the equality of arms;
- the formulation of a “digital knowledge and skills curriculum” for judges is considered urgent, in particular following recent information on the questionable use of artificial intelligence systems such as ChatGPT;
- in view of the establishment and mainstreaming of remote hearings, an update of the corresponding guidelines or at least of the good practice to be observed has been proposed to take account of recent case law, new practices and issues that have emerged;
- the ECN could expand its activities by publishing a periodical literature digest that would disseminate the publications of its members and promote other relevant articles;
- practical issues concerning electronic service and communication of documents have also been identified as a potential area for action.

## **8. Any other business**

18. The next working group meeting was scheduled for 19 October 2023.

## APPENDIX 1

CEPEJ-CYBERJUST(2021)OJ1

### EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

#### 8<sup>th</sup> meeting of the Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST)

13-14 April 20223

Strasbourg, France

#### AGENDA

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| <hr/> |   |
| 1.    | Opening of the meeting  |
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| 2.    | Briefing and discussion on activities concerning artificial intelligence          |
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| 3.    | Guidelines on judicial e-auctions   |
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| 4.    | Online Alternative dispute resolution   |
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| 5.    | Public jurisprudence databases (use of metadata and anonymisation)                |
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| 6.    | European Cyberjustice Network (ECN)   |
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| 7.    | Brainstorming on future topics on work for CEPEJ-GT-CYBERJUST (mandate 2024-2025) |
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| 8.    | Any other business  |
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**APPENDIX 2**  
**LIST OF PARTICIPANTS**  
**GT-Cyberjust meeting**

**MEMBERS / MEMBRES**

**Pedro ALMEIDA**, Legal Adviser, European Affairs Coordination Unit, Directorate-General for Justice Policy, Ministry of Justice, Lisbon, PORTUGAL

**Maria Giuliana CIVININI**, Judge, member of the Italian Judiciary, President of the Tribunal of Pisa, Pisa, ITALY,

**Camille LE DOUARON**, Chargée de mission data, Ministère de la Justice, FRANCE

**Martin HACKL**, Chief Digital Officer at the Austrian Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, AUSTRIA - Online

**Rimantas SIMAITIS**, Associate Professor at Vilnius University, Partner at Cobalt law firm, Attorney-at-Law, Arbitrator, Mediator, Vilnius, LITHUANIA

**Gregor STROJIN**, Advisor to the President, Supreme Court of the Republic of Slovenia, Ljubljana, SLOVENIA - Online

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**SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES**

**Tomasz KISIELEWICZ**, Expert / Coordinator, Modern technologies aspects for justice, Ministry of Justice, POLAND

**Bojan MURSEC**, Present Director, Centre of Information Technology, Supreme Court, SLOVENIA - Online

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**OBSERVERS / OBSERVATEURS**

**COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE / CONSEIL DES BARREAUX EUROPÉENS(CCBE)-**  
Ana DROZD, Senior Legal Advisor, POLAND

**INTERNATIONAL UNION OF BAILIFFS / UNION INTERNATIONALE DES HUISSIERS DE JUSTICE ET OFFICIERS JUDICIAIRES (UIHJ)** – Jos UITDEHAAG, First Vice President, the NETHERLANDS

**COUNCIL OF EUROPE, EUROPEAN COMMITTEE ON LEGAL COOPERATION** - Sophio GELASHVILI, Co-Secretary

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**SECRETARIAT**

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**Daniel SCHMIDT**, Secretary of the Group CEPEJ-GT-CYBERJUST / *Secrétaire du groupe CEPEJ-GT-CYBERJUST*, e-mail : [daniel.schmidt@coe.int](mailto:daniel.schmidt@coe.int)