



EUROPEAN COMMISSION

*Brussels, 14.6.2022  
C(2022) 4208 final*

*Dear President,*

*The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation {COM(2021) 759 final} and on the proposal for a Directive of the European Parliament and of the Council amending Council Directive 2003/8/EC, Council Framework Decisions 2002/465/JHA, 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, and Directive 2014/41/EU of the European Parliament and of the Council, as regards digitalisation of judicial cooperation {COM(2021) 760 final}.*

*The Commission welcomes the Senát's support of the proposals and is pleased to have this opportunity to provide further clarifications in the enclosed annex.*

*The Commission hopes that the comments in this reply address the concerns raised by the Senát and looks forward to continuing our political dialogue in the future.*

*Yours sincerely,*

*Maroš Šefčovič  
Vice-President*

*Didier Reynders  
Member of the Commission*

*Miloš VYSTRČIL  
President of the Senát  
Valdštejnské náměstí 17/4  
CZ – 118 01 PRAGUE 1*

## ANNEX

*The Commission has carefully considered the issues raised by the Sénat in its Opinion and would like to offer the following clarifications:*

- *The Commission would like to confirm to the Sénat that one of the objectives of the proposal for a Regulation is to ensure that electronic documents are accepted by judicial authorities and are not denied legal effect solely on the ground of their electronic form. At the same time, the proposal does not regulate aspects related to the conversion of documents from paper to electronic form or vice versa for the purpose of electronic communication between Member States' authorities. As set out in Recital (20) of the proposal, the rules on conversion of documents continue to be a national competence and would remain regulated by the relevant national law.*
- *The Commission considers that digitalisation of justice brings indisputable benefits to citizens, businesses, and competent authorities. However, digitalisation may create risks of increasing the existing digital divide and potentially preventing certain socioeconomic groups from access to justice. Therefore, with regard to the proposal, the use of the electronic communication channel by individuals should remain optional and at the discretion of the persons communicating with the competent authorities.*

*The proposal aims at allowing individuals, or their legal representative(s), to seize electronically competent courts or other judicial authorities with initial claims through a European electronic access point. The European electronic access point would also allow individuals to receive communication from the judicial authorities. The added value of the European electronic access point is to cater for the needs of all individuals and businesses residing or established in the European Union, in particular where no national IT portals are available at their place of residence/establishment.*

*The Commission would like to point out that the proposal does not set out any conditions for the use of the electronic communication channels. The procedural aspects of the communication would continue to be regulated by the relevant European Union legal acts or by national procedural law. The right of the natural and legal person to use the electronic communication channel would however require a reciprocal obligation of the competent judicial authority to accept such electronic communication.*

- *With respect to the Sénat's point on the use of videoconferencing in civil matters, the proposal aims at establishing a legal basis for the use of videoconferencing only for civil law cases having cross-border implications. The cross-border scope of applicability of the proposed provisions is in line with the European Union's competences and the need to respect the principles of subsidiarity and proportionality.*

*According to the proposal, videoconferencing could be used in two situations: (1) where one of the legal acts listed in Annex I applies (where the cross-border element is already present) or (2) in civil and commercial matters which are not regulated at European Union level, where one of the parties is located on the territory of another Member State. In this regard, the conditions for the use of videoconferencing already aim at providing for maximum flexibility and at preserving the discretion of the competent authority.*

- *Lastly, the Commission would like to confirm that the electronic payment of fees concerns only the instruments for judicial cooperation in civil matters, where such fees may be applicable.*