

Digital Europe: Council adopts new rules to modernise judicial cooperation in taking of evidence and service of documents



The Council today adopted two recast regulations, one on the taking of evidence and a second on the service of documents, to modernise cross-border exchanges between authorities through digitalisation. After reaching a political agreement with the European Parliament in June 2020, the text will now be submitted to the Parliament for its final adoption.

The COVID-19 pandemic has highlighted the need for a modern and digital justice system. The regulations adopted today will allow for faster, more efficient cooperation between judicial authorities, making it easier for citizens and businesses to exercise their right to justice.

Christine Lambrecht, German Federal Minister of Justice and Consumer Protection

The modernised regulations seek to improve the efficiency and speed of cross-border judicial proceedings by taking advantage of digitalisation and the use of modern technology, and by these means to advance access to justice and fair trial for the parties.

Changes in both regulations include the mandatory use of a decentralised IT system, composed of interconnected national IT systems, for the transmission of documents and requests between member states.

Regarding the service of documents, under the new rules documents can be served electronically and directly to an addressee with a known address in another member state, when their express consent is given in advance. The service can be performed through qualified electronic registered delivery services or, under additional conditions, by e-mail.

The new rules also promote the use of videoconferencing or other distance communication technology in the taking of evidence which implies hearing a witness, party or expert located in another member state.