e-CODEX Initiatives and experiences in Italy

“DIGITAL CROSS-BORDER COOPERATION IN CRIMINAL JUSTICE”
Conference

Brussels, 22.1.2020

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IT Department
The «original» e-CODEX project

Italian Ministry of Justice:
• leader of **Work Package 7** (Architecture)
• «First wave» piloting partner → European Payment Order

Pilot court:
**Tribunale di Milano**
(live from July 2013)
Piloting the European Payment Order

Austrian lawyer

Clerk

Court of Milan

Judge

prepare claim with his software

receiving Form A from Austria
• **Competence**: territorial + by amount
  
  <= €. 5.000 → Justice of peace
  
  > €. 5.000 → tribunals

• **Notification of order to the debtor**: national law to be applied → has to be done by claimant!
PRO-Codex: Connecting legal practitioners’ applications to e-CODEX

1. IRSIG-CNR (Italy)
2. MoJ – Austria
3. MoJ – The Netherlands
4. MoJ – Italy
5. Univ. Thessaloniki (Greece)
6. Net Service SpA (Italy)
7. Diamo GmbH (Austria)
8. Milan Bar Association (Italy)
9. Florence Bar Association (Italy)

Ended 2018
**Technical**
- Problem discovered in the Italian system and solved by the Italian MoJ thanks to the support of Austrian MoJ, AUTH, and IT.NRW
  - recommended (to the Me-CODEX project) to **improve the standard testing procedures**

**Legal**
- Recognition by the Austrian courts
  - long discussion then formal letter by MoJ-AT to competent Court (*Bezirksgericht für Handelssachen, Wien*) to allow Italian Bar Associations of Milano, Firenze and Udine to pilot real cases
PRO-Codex: key legal issues

Notes drafted for Me-CODEX, e-CODEX PEG, API for Justice Project

- **Responsibility for the service provision and accountability** (divided between several service providers and regulated by national and international laws and agreements)
  - missed deadline or expiration of the time-bar was caused by a technological problem → Who is liable? Is a disclaimer enough? When should the judge grant a time extension? Usually this matter is left to the national laws ...

- **Liabilities: lawyers and clients** → APP providers compelled by law to have an insurance policy that covers risks, as lawyers often are?

- **Reduced cost of legal procedure** due to potential for malpractice → “trolling practices” (= companies that file multiple lawsuits)

- Protection and exploitation of users’ data
New national project

Implement and deploy an e-CODEX working connection between Italy and other Member States in the civil justice area - EPO use case

Funded by the Connecting Europe Facility (CEF) 2014-2020 program

- upgrade the current system to make it adequate and robust for a wide diffusion among the 140 tribunals
- test and deploy the final version of the e-CODEX working connection in the National Data Center in Rome
- change in the governance of the infrastructure to ensure the operational maintenance of the system

November 2019 – October 2021
Thank you for your attention