

Building Interoperability for European Civil Proceedings Online

Research Institute on Judicial System, Italian National Research Council (IRSIG-CNR)

in partnership with

Central European University (CEU), Law Faculty, Budapest

Ministry of Justice, ICT Department, Rome

Universitat Autònoma de Barcelona, Institute of Law and Technology (IDT)

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University of Coimbra, School of Economics, Centre for Social Studies (CES)

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The background

The EU challenge

- Use ICT based system to implement the regulations enabling “EU small claims” and “EU payment order procedure”.

The EU response:

- “e-Justice pilot” (VII FP) - eCodex
(development of running applications)
- A priority in the “civil justice” call for proposal

The call for proposal (2009)

“The general priority for 2009 is the area of **e-Justice**. [...] Priority should be given also to projects related **to the electronic application of the new adopted Community instruments** (Regulations on **small claims** No 861/2007 and **European payment order** No 1896/2006 and the Directive 2008/52/EC on **mediation**.”

“Projects aimed at **promoting judicial cooperation** in civil matters, with the aim of **contributing to the creation of a genuine European area of justice in civil matters** based on mutual recognition and mutual confidence”.

http://ec.europa.eu/justice/funding/civil/call_10029/ag_call_2009_en.pdf

Dominant approach to innovation

Approach to innovation (**service digitalisation**):

- Establish a general legal framework
- Set up a technological system to implement the legal framework
- ICT development based on traditional structured approaches such as BPR
- Once the techno-legal system is in place ... potential users will start to play with it

Research findings about e-justice at national level

- More failures than successes
- E-justice development (at national level) characterised by (difficult) mediations between technologies, regulations, institutional frameworks, organisational settings.
- ICT not just means to an end but “configurative”
- The technological side is just one of the many aspects affecting the development of large e-justice systems

The proposal

e-justice development (at national and **transnational level**)

- as a process of institutional reconfiguration
- characterized by the need of “mediations” between various components (technologies, regulations, institutional frameworks, organisational settings and shared meanings).
- each component brings into the system different logics, constraints, opportunities, values ...

Interoperability

1) Interoperability has not just a **technological** dimension

2) Need of some “unpacking”:

- Legal
- Semantic
- Institutional – Organisational

Key questions:

Identify and examine conditions in which systems, organisations and legal framework are

- capable of exchanging electronically data and docs
- with legal value
- within a judicial proceedings

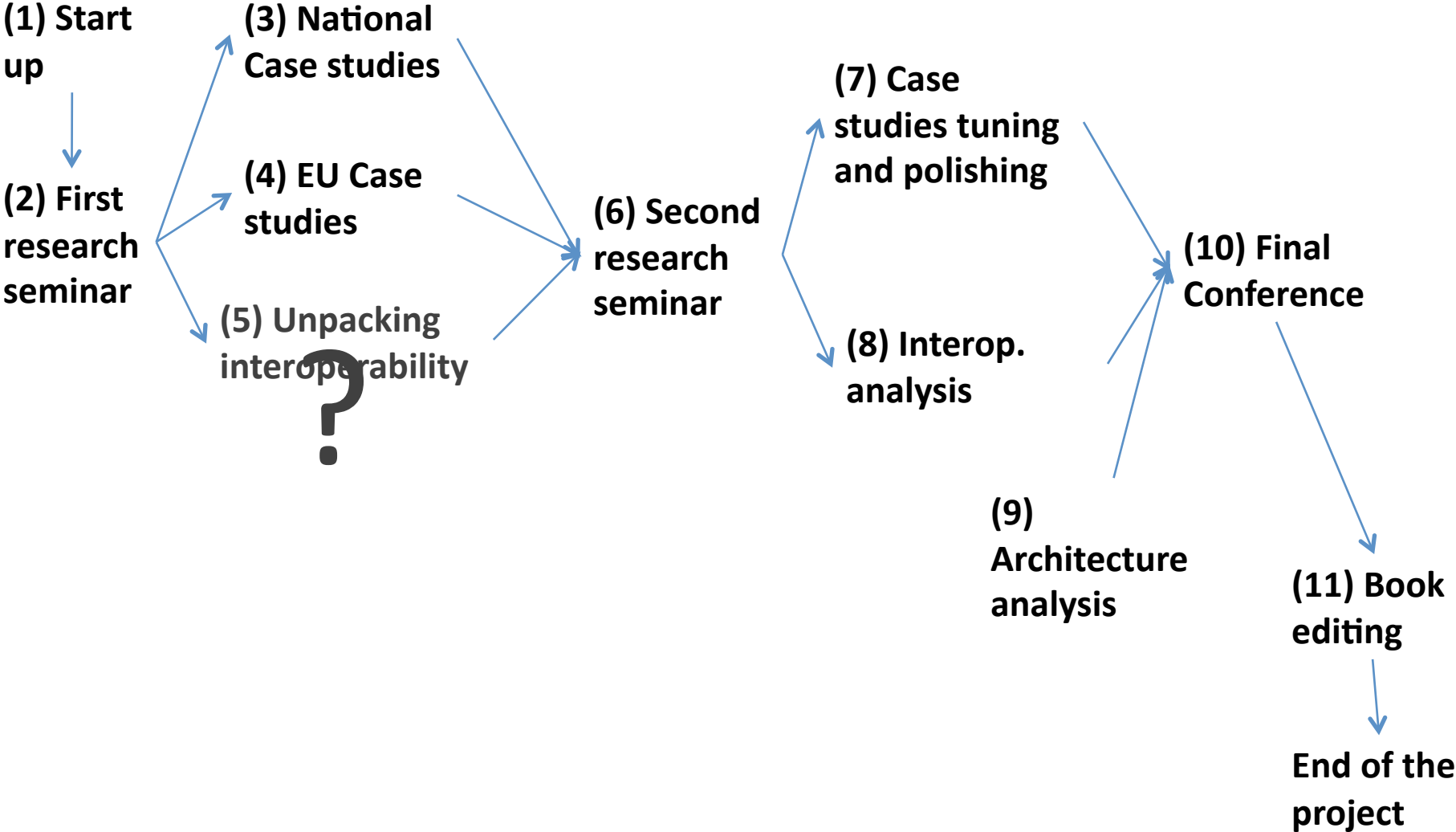
- Within national jurisdictions
- Across national jurisdictions

Approach

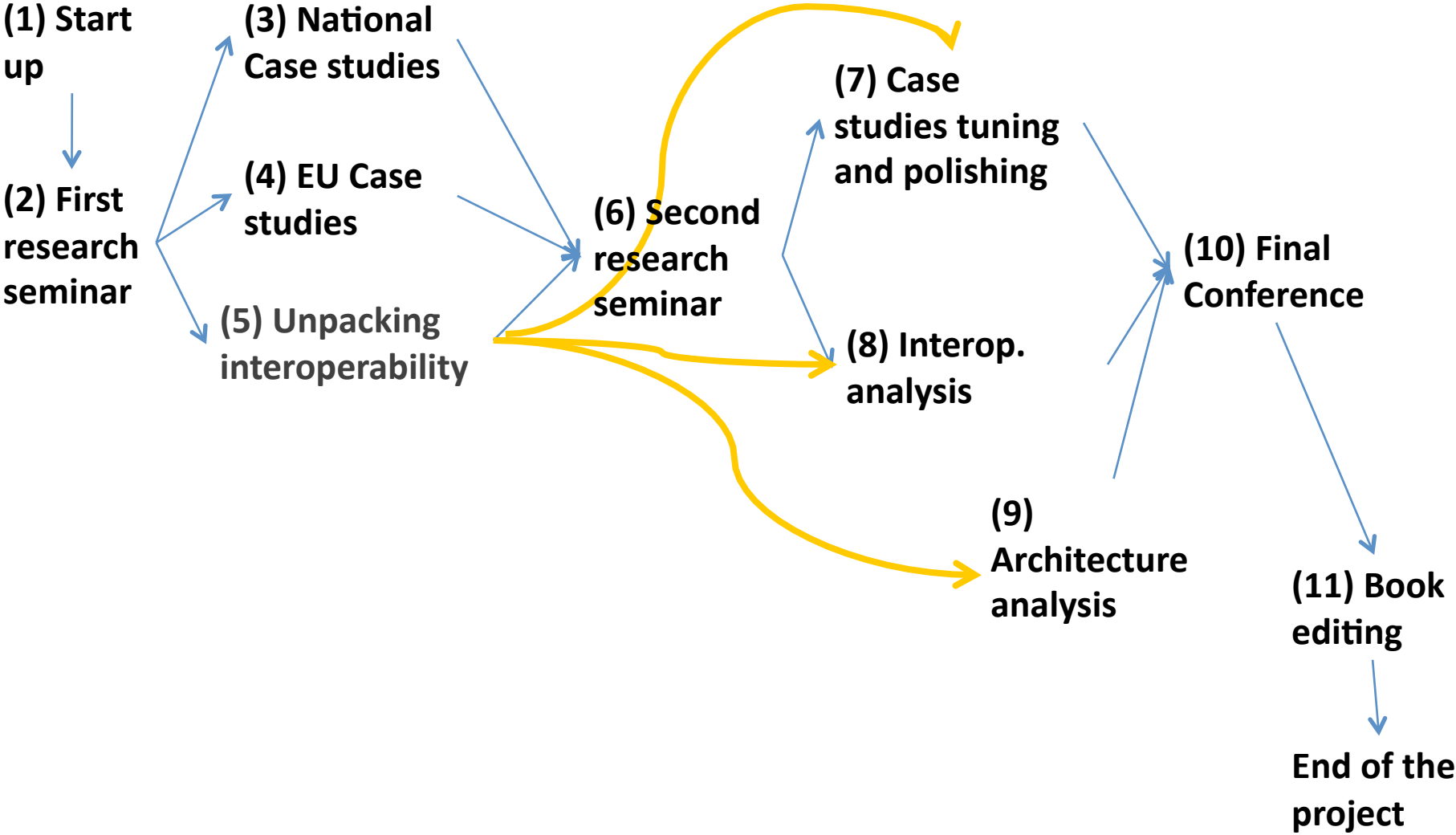
- Need of detailed analysis of how interoperability has been achieved in justice systems
- Empirical (in depth case studies)
- More comprehensive than dominant approaches
- Interdisciplinary
- Pool together a wide range of different expertise components

The research design

Project map



Project map



(1) Start up

Preliminary data collection and analysis

- Trial On Line – TOL (Italy)*
- Money Claims On Line – MCOL (Eng & Wales)*
- CITIUS (Portugal)
- COVL, additional case study, (Slovenia)
- EAW*
- [eCuria] stand by
- Legal / Institutional / Technological interoperability

Introductory reports

- (5+3) Introductory reports to facilitate the feedback during the research seminar
- (1) Case study guidelines to ease the comparison between the case study

Administration

- Contracted researchers and evaluators
- Set up the intranet repository and a web page of the project

(2) First research seminar

(24-25 February, 2011)

Discussion of the preliminary research findings

First feedback from case study to
interoperability (and vice versa)

Better identify the issues to be investigated:

- Discuss the case studies
- Discuss the “unpacking of interoperability”
- Organise the next steps to be taken
- Agree on the project scheduling

(3) National e-justice case studies

TOL, MCOL, CITIUS and COVL in depth analysis

- the development of a European e-justice system for small claims will face challenges already by national e-justice systems
- understand the problems emerging and the solutions found to establish interoperability between courts and external parties

(4) EU e-justice case studies

- EAW and eCuria
- Goal: understand the problems emerging and the solutions found when interoperability has to be faced across different countries (jurisdictions, institutions, legal systems ...)

(5) Unpacking the concept of interoperability (1)

Original research design:

- comparative analysis of how interoperability has been reached in the various case studies from the three perspectives (Legal Technological-Semantic Organisational-Institutional)

First shift:

- Introductory interoperability reports
- Need of better qualify the concept and the theoretical framework
- Need of empirical data to identify what facilitate and what hamper interoperability

Options:

- Go back to the original research design
- Unpack interoperability (i.e. work to clarify the concept)
- Explore interoperability issues as far as EU SC and EPO concern

(5) Unpacking the concept of interoperability (2)

“Legal team” (Gar Yein and Marco Mellone)

- Go ahead with the description / analysis of the steps of EUSC and EPO
- Analysis of legal and institutional issues
- Propose solution about how to deal with legal issues

“Semantic technological” team (Marta and Joseph)

- Analysis of how semantic problem can affect the use/ success of EUSC and EPO
- Source: Legal team work + autonomous source
- Identify and discuss if and how technology (and/or other components) may help to solve semantic issue

Institutional interoperability team (Giovanni Francesco + Bologna)

- Work on theory of/for interoperability

(6) Second research seminar

(autumn/winter 2011)

Goals (1)

- Present the case studies and discuss the findings of the field research
- Provide data for the interoperability analysis, i.e. the data needed to
 1. Discuss and compare how interoperability has been reached at technological, legal and institutional level in the six case study
 2. Assess if and how national specificities can affect the interoperability between the systems
 3. Generate hypothesis about problems that could emerge when connecting the various national systems

(6) Second research seminar

(autumn/winter 2011)

Goals (2)

- Present the findings emerging about the unpacking of the concept of interoperability
- Provide new inputs for the case study analysis and for the drafting of the case studies
- Organise the next steps of the research
- Plan the final conference

(7) Integrate and polishing the case studies

- Peer review
- Inputs provided by the “unpacking of interoperability”

(8) Interoperability analysis

- Compare the data collected in the six case studies
- How interoperability has been reached at three “levels”:
 - Legal
 - Technological – semantic
 - Organisational – Institutional
- Goal: Identify and discuss constraints and opportunities to develop interoperability

(9) Architectures

- Identify and discuss various architectures (legal, organisational + technological) that could support EU small claims and orders of payments.
- Empirically based comparison of different institutional and technological architecture such as:
 - Federative model
 - New jurisdiction model
 - ... other models to be identified

(10) Final international conference

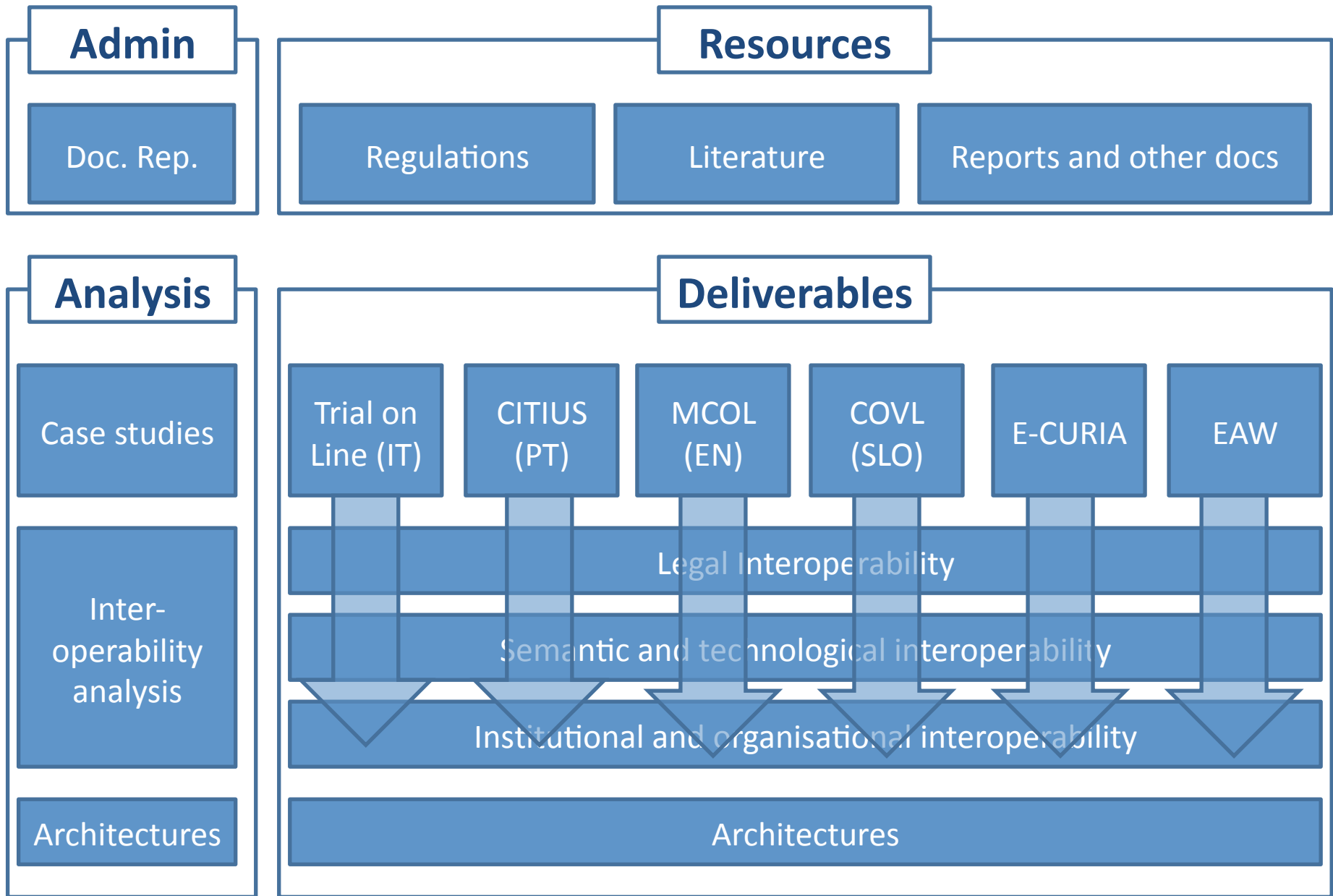
- To be held in Bologna in late spring 2012
- Expected attendees from any EU member state

(11) Book editing and publication

- Identify a good publisher
- Write book chapters more than research report

Deliverables

- 2 research seminars
- 4 national case studies reports
- 2 EU case studies and reports
- 3 interoperability reports
- 1 Website with all the research reports
- An international Conference
- A book



Admin

Doc. Rep.

Resources

Regulations

Literature

Reports and other docs

Analysis

Case studies

Inter-operability analysis

Architectures

Deliverables

Trial on Line (IT)

CITIUS (PT)

MCOL (EN)

COVL (SLO)

E-CURIA

EAW

Legal Interoperability

Semantic and technological interoperability

Institutional and organisational interoperability

Architectures