

Call for participation: real-life piloting of e-CODEX in the European e-Justice Portal

1. BACKGROUND

Over the past years, a set of features was implemented in the European e-Justice Portal to allow electronic submission of **European Payment Order (EPO)** claims¹ to courts in Member States, via the **e-CODEX** secure network. The electronic submission functionality was tested extensively in 2016 and deemed production-ready in January 2017. Nevertheless, since the tests were done with emulated cases and emulated court replies, the European Commission would like to confirm the flawless functioning of the system with real cases, both on the side of the European e-Justice Portal and on the side of the participating Member States, before it launches it to the general public.

Against this background, a presentation was done to the CCBE during the FAL 3 meeting in Vienna on 22 February 2017, accompanied by an invitation to lawyers to express their interest to pilot the use of the electronic submission system in the European e-Justice Portal with real cases. Following the positive reactions during the meeting, this document further details and formalises the invitation.

2. INVITATION / CALENDAR

All lawyers who, after reading this document, would like to participate and help the European Commission in this exercise should write to bogdan.dumitriu@ec.europa.eu to register their interest. Further information and instructions will be provided in reply.

The invitation is open until Monday, 17 April 2017. The piloting will take place in the period 4 April 2017 – 2 June 2017.

During the piloting period the lawyers who registered would be invited to submit one or more claims for a European Payment Order on behalf of their clients using the European e-Justice Portal and follow up as usual until the completion of the court case. The piloting period indicates when the claims should be submitted; the handling of the court cases can, naturally, continue also after 2 June 2017.

3. CLAIM SUBMISSION PROCESS

The process of submitting a claim would work as follows:

1. you log into the European e-Justice Portal with a pre-configured personal account (following your request to register);

¹ Cf. Regulation (EC) No 1896/2006.

2. you fill in an European Payment Order Form A online, in the Portal, and the Portal will create a PDF form using the data you entered;
3. once the form is completed, you can choose to submit it electronically;
4. at this stage the PDF file containing the filled-in form has to be signed electronically with a digital signature;
5. once you've signed the form, you have the choice of uploading supporting documents to the claim (up to 20 MB in total);
6. payment of the court fees cannot be done in the European e-Justice Portal. You can, however, attach proof of payment done elsewhere as a supporting document;
7. the claim can then be submitted with the click of a button.

After the claim is submitted:

1. you will receive notification by email that it was delivered to the court;
2. you will receive notification by email when the court sends back a reply (usually utilising one of the forms mandated by the procedure);
3. once you are notified of a reply, you can retrieve all the files the court sent to you by logging in the European e-Justice Portal and visiting a specific page. This page also allows you to download the files you submitted to the court, if needed. No files will be sent by email.

4. WHO SHOULD REGISTER?

4.1. General recommendations

Given the nature of the exercise (piloting of a new IT system), we advise that interested lawyers should be comfortable using IT tools. In particular, in case any IT problems appear, they should be open to working together with the European Commission and Member States to address such problems.

Interested lawyers should preferably also have previous experience with the European Payment Order procedure and expect to have cases to submit to the courts in Member States that are part of the pilot (see next section) during the piloting period.

4.2. Member States

The system will allow you to send European Payment Order claims to the following Member States (courts):

Member State	Court
Austria	Bezirksgericht für Handelssachen Wien

Germany	Amtsgericht Wedding Mahngericht Deutschland- (Mahnsachen)
Greece	Athens Court of First Instance
Italy	Tribunale di Milano
Malta	Court of Magistrates

With the exception of Malta, the courts will also reply electronically. The replies will come to the European e-Justice Portal and their receipt will be notified by email to the address you registered with.

Malta will reply using postal services.

Corrections to the original claim (i.e., revised Form A's) can also be sent to the court through the European e-Justice Portal. Any other communication with the courts (e.g., Form C), if needed, would have to be done through a different channel (email, postal services, etc.).

4.3. Electronic signature

To submit a claim through the European e-Justice Portal, you will have to sign it electronically, using an electronic certificate. This means you would have to be in possession of the means to create an electronic signature (typically this means you need to have a smart card containing a certificate issued by a recognised authority).

We provide a tool in the European e-Justice Portal that can help you sign electronically. If you cannot use this tool, you can also download the PDF file that contains the EPO Form A you filled in, electronically sign it using another tool at your disposal (such as Adobe Reader) and then upload it back to the European e-Justice Portal.

4.4. Technical limitations

The tool for signing electronically provided by the European e-Justice Portal currently only works in Internet Explorer. You can also use other browsers, but then you will have to electronically sign the form using another tool.

5. FIND A LAWYER 2 (FAL 2)

Lawyers who are registered with a bar participating in FAL 2 can optionally also attach the certificate issued by FAL 2 to the claim.

As there is no direct link between the European e-Justice Portal and FAL 2 at present, this will require manually uploading the electronically signed EPO Form A to FAL 2 and then attaching the produced certificate as a supporting document in the European e-Justice Portal.