

SimpliVi

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D2.1 SimpliVi Recommendations & Best Practices

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Author(s):	Mathias Maurer, Sebastian Leitner
Partner(s) contributing:	All partners

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1. Introduction

SimpliVi (**Simplifying Cross-Border Judicial Videoconferencing in Europe**) is an EU-funded project with the aim of improving cross-border judicial videoconferencing. To achieve this goal the project partners from Austria, Greece, Poland, Germany, Spain and Portugal analyse the current situation of cross-border judicial videoconferencing, develop recommendations and provide best practise examples from a technical, organisational and legal perspective. Furthermore, the project partners develop an e-CODEX (www.e-codex.eu) implementation to support the workflow of the setup of a cross-border judicial videoconference.

The main driver for the project was the **COVID-19 pandemic** as it has clearly surfaced the need for further digitalisation, also with the help of videoconferences. At the same time, it has led to extended knowledge and experiences with videoconferences from legal, organisational and technical perspective.

An additional driver is the **European Regulation for the digitalisation of judicial cooperation**¹, which extends the application of cross-border judicial videoconferencing.

The purpose of this document is to provide best practises and recommendations for judicial videoconferencing with a focus on cross-border use cases. Ideally, such recommendations and best practices are recognized and incorporated by as many national authorities competent for videoconferencing from a legal, organisational and technical perspective as possible. Since videoconferencing is about communication it is crucial that not only one communication partner incorporates such recommendations but all communication partners. Of course, there is no obligation to incorporate the recommendations but there is an added value to it. Even more so, with each incorporation the added value of the recommendations will increase not linearly but exponentially.

In order to gather best practises and develop recommendations, the SimpliVi project partners chose a **multi-fold approach**. Each project partner would bring its **own national knowledge and experience** into the project. Besides, the most intense experience was gained during **study visits** to selected European Member States (Sweden, Greece, Germany, Poland, Portugal, Spain, Austria). To cover an even broader regional area, **online interviews** were conducted with further Member States (Croatia, Italy, Netherlands, Hungary, Slovenia). Further, some **Third Countries** (Brazil, Norway, Canada) were interviewed to get also their point of view and experience with cross-border judicial videoconferencing. Finally, some countries (Bulgaria, France) provided written answers to an **extensive questionnaire** and thus extended the SimpliVi knowledge with their input.

SimpliVi thanks those countries for providing input for the following recommendations.

¹ <http://data.europa.eu/eli/reg/2023/2844/oj>
D2.1 SimpliVi Recommendations v1.0.docx



The following recommendations were identified by the project as the most promising in terms of impact on the simplification of cross-border videoconferences. However, very obvious recommendations, such as investing a large budget into technical equipment, equipping all court rooms with videoconferencing systems, increasing the connection bandwidth, etc. are not specifically mentioned.

2. Recommendations

The recommendations in this chapter were identified as the most impact-relevant recommendations. For a full list of the SimpliVi recommendations, please see chapter 6.1 Annex I: SimpliVi Recommendations & Best Practises.

2.1. Target Group: Practitioners

2.1.1. Organisational

Use available information about videoconferencing framework	
ID	R-O-010
Description of the problem	<p>The lack of low-threshold information about the videoconferencing framework in a different country is already addressed in R-O-007.</p> <p>However, even if information is available users sometimes do not consider using this information.</p>
Description of the recommendation	<p>Check in advance with available information sources (e.g. e-Justice Portal; national portal, if available) what the legal, organisational and technical framework for videoconferencing in the requested country is.</p> <p>e-Justice Portal: https://e-justice.europa.eu/topics/court-procedures/videoconferencing_en?language=en</p> <p>For Taking of Evidence (Regulation (EU) 2020/1783) per country: https://e-justice.europa.eu/topics/court-procedures/videoconferencing/taking-evidence-videoconference_en</p> <p>Overview of European legal basis for videoconferencing: https://www.simplivi.eu/node/63</p>

Sufficient time to process videoconference requests	
ID	R-O-020
Description of the problem	<p>Incoming requests for a videoconference are sometimes sent on a very short notice. This does not leave enough time for preparation and thus the incoming request has to be rejected.</p>
Description of the recommendation	<p>Plan enough time for requesting a videoconference with another authority.</p> <p>Alternatively, inquire first whether a videoconference can be done and only then agree on date and time.</p>

Time zones

ID	R-O-009
Description of the problem	<p>Within the main parts of the European Union there are (only) three time zones. Most videoconferences are done nationally and thus within the same time zone. Even most cross-border videoconferences are done within the same time zone. Therefore, time zones are often not considered when setting up a cross-border videoconference. This leads subsequently to issues when holding the videoconference between different time zones and might result in the need to postpone and setup the cross-border videoconference all over.</p> <p>The topic is especially immanent within close times zones, e.g. within the European Union. When setting up a videoconference with distant countries - e.g. South America, Asia - it is usually obvious to take time zones into consideration. However, with close time zones within the EU it is easier to forget about the need to take times zones into consideration.</p>
Description of the recommendation	Do not forget about time zones! Especially when setting up a cross-border videoconference with infrequently requested countries. Even 1 hour difference with a neighbour country will make the remote participant miss the hearing.

Upfront testing

ID	R-O-016
Description of the problem	<p>Many technical issues arise at the beginning of a videoconference but could have been cleared already beforehand and thus save time for all involved parties. At worst, a judicial videoconference needs to be canceled due to lack of testing in advance.</p> <p>This issue is especially relevant for cross-border videoconferencing, where unexpected issues happen more often due to the diversity of the used systems and experience is significantly lower compared to national systems.</p>
Description of the recommendation	Test the videoconferencing connection shortly before the actual hearing or even a few days in advance to ensure that the connection can be established and thus avoid unnecessary waiting times.

2.2. Target Group: Policy Makers

2.2.1. Legal

Flexible legal basis	
ID	R-L-026
Description of the problem	Use of videoconferencing is regulated in different ways in each Member State. In most cases, there are different rules laid down for the various judicial domains (civil, commercial, criminal). While some MS allow VC only in certain, expressly stated situations, other are more flexible, allowing the use of VC in general, subject to certain conditions and expectations. If VC is limited to only few, specific situations, its full potential cannot be unlocked. There might be situations where a VC would be very beneficial or even necessary for the procedure, but simple because of a lack of legal basis is not allowed.
Description of the recommendation	<p>The legal basis for VC should be sufficiently flexible to allow judges and other practitioners to use of videoconferences in the situations where it is suitable and beneficial to a particular proceeding. Broad discretion will allow them decide for the individual case whether to hold a VC or not. This does not preclude laying down criteria and requirements (e.g. the consent of the parties) to ensure procedural principles, such as fair trial, immediacy and publicity. In addition the law might exclude certain types of hearings where videoconferences are generally considered unsuitable (e.g. hearings of mentally disabled persons, minors, ...). Differentiation regarding legal area could be necessary (e.g. more emotional matters, such as family or inheritance cases are less suitable for videoconferences than more professional settings, e.g. commercial, patent or antitrust cases).</p> <p>A presumption for videoconference can encourage its use, while a presumption against can lead to a more cautious approach in sensitive areas while maintaining flexibility.</p>

Comprehensive Legal Basis	
ID	R-L-027
Description of the problem	Use of videoconferencing in judicial procedures changes the way how the procedure works in various aspects and creates unique issues and challenges. While many of these can be dealt simple pragmatically, some require or at least benefit from legal regulation. Procedural law might require certain steps to be done physically, which cannot be done when participating remotely. These restrictions might discourage or even prevent the holding of videoconferences, even if they would be allowed.

	<p>Therefore exceptions are required, at least for videoconference situations. E.g. AT civil code contains specific exceptions for videoconferences, so as to not need to physically sign a court settlement or to present the cost register from lawyers only in a physical form at the end of hearing. Some countries also needed to lay down specific rules to maintain court decorum e.g. PL allows remote participation only from a "respectful" location and an exception has been introduced, so that lawyers/witnesses/... are not required to stand during a VC statement as they would normally need to do.</p> <p>A lack of sufficiently detailed regulation can be a major legal obstacle. This includes a lack of regulation for cross-border videoconferences.</p>
Description of the recommendation	<p>Regulate what is necessary for the proper use of VC in a judicial context: In addition to regulating when judicial videoconferences are permissible, it is usually necessary to lay down supplementary provisions to allow and facilitate videoconferences in practice. These might include necessary adjustments to procedural law where physical presence would normally be required and further rules required for the remote setting, such as regarding identification, security, technical reliability, confidentiality, data protection & privacy.</p> <p>The legal basis should also cover cross-border videoconferences.</p>

Regulate technical matters in the appropriate legal form

ID	R-L-028
Description of the problem	There are different aspects of judicial videoconferences which need to be regulated. Especially the more technical aspects can be subject to rapid change as technology evolves, for which a legislative procedure can be too lengthy and cumbersome to deal with.
Description of the recommendation	Regulate technical matters in the appropriate legal form of the respective legal system, which is suitable for frequent adjustments, such as regulations, decrees, implementing acts or similar. Certain aspects might be even more suited to soft law, such as recommendations or guidelines.

Expand Legal Basis for Direct Cross-Border VC without authorization

ID	R-L-029
Description of the problem	Currently authorization from the MS where the person is situated is required, even within the EU (ToE Regulation, EIO does not foresee direct VC). New legal basis in Art 5 Digitalisation Regulation (civil) is limited to the participation of parties only, but not for taking of evidence, for that

	<p>authorization is still required, which can be quite a cumbersome procedure.</p> <p>Direct VC are nevertheless often used in practice without authorization, e.g. if all involved parties agree (which does not solve the sovereignty issue) or they might even be used without knowledge of the court when somebody just connects from another country without disclosing this. The pragmatic approach of many practitioners show a clear need for expanding the possibilities in this respect.</p> <p>The EJM criminal has also supported an expansion in its Conclusions of the 57th Plenary Meeting of the European Judicial Network (EJM) (Slovenia, 18-19 October 2021). https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3650</p>
Description of the recommendation	<p>EU policy makers could analyze whether the legal basis for direct VC without authorization could be expanded.</p> <p>In criminal matters it could be considered to foresee the authorization of direct VC which is already possible in civil matters.</p> <p>In civil matters it could be considered to give MS the possibility to waive the requirement to authorize VC within their territory or even remove the requirement altogether, as in Art 5 Digitalisation Regulation.</p>

2.2.2. Organisational

Enrich existing workflows with more technical details	
ID	R-O-013
Description of the problem	The available legal acts, which provide for cross-border videoconferencing, usually provide some details about how to request and confirm a cross-border videoconference. However, the legal forms usually lack the appropriate level of detail.
Description of the recommendation	Develop and agree upon a standardised level of detail for the workflows to set up a cross-border videoconference. At best, the standard can be applied to civil law proceedings as well as to criminal law proceedings.

2.2.3. Technical

e-CODEX implementation for videoconferencing details

ID	R-T-025
Description of the problem	<p>Most European legal acts for cross-border videoconferencing (e.g. Taking of Evidence, European Investigation Order) foresee the obligation to communicate electronically via e-CODEX.</p> <p>R-O-13 recommends a standard for videoconferencing details. This standard must also be implemented for the electronic communication.</p>
Description of the recommendation	If the workflow is based on a legal act covered by the Digitalisation Regulation (2023/2844) develop an e-CODEX implementation to support the workflow, which is enriched by a standardised level of technical details for videoconferencing (R-O-13).

Central interoperability hub

ID	R-T-018
Description of the problem	<p>The most significant impediment to cross-border videoconferencing from a technical perspective is lacking interoperability of videoconferencing solutions. Whereas most countries have a uniform solution for the national use it is usually a challenge to make different videoconferencing solutions interoperable.</p> <p>As an alternative it is usually possible to use the videoconferencing system of the other country. However, legal practitioners feel more comfortable with the videoconferencing system they are used to.</p> <p>At best, it is therefore possible to use the own videoconferencing system even when communication with another country, which uses a different system.</p> <p>There is a national approach to this issue, as well, (R-T-008) but this recommendation focusses on the European approach.</p>
Description of the recommendation	<p>Provide a central interoperability hub on the European level to connect national videoconferencing systems for cross-border videoconferencing. Such a bridge would allow various national videoconference systems to connect to the bridge and communicate with the videoconferencing system of another country.</p> <p>With such an approach each communication partner could use the videoconferencing system it is used to and thus increase the user's acceptance to use videoconferencing also in a cross-border setting.</p>

Contact information at the European Court Database

ID	R-T-011
Description of the problem	The European Court Database already provides the information whether a videoconferencing facility is available at a specific court. However, it lacks details, such as technical contact points.
Description of the recommendation	Enable the European Court Database and the EJM Atlas to hold contact data for videoconferencing for each authority.

Technical videoconferencing information at the European Court Database

ID	R-T-015
Description of the problem	Besides lacking information about technical contacts at a judicial authority the lacking information about technical details is an impediment to cross-border videoconferencing. Having such a technical information at a central information source would speed up the setup of a cross-border videoconference and thus reduce the reluctance to use videoconferencing in a cross-border setting.
Description of the recommendation	Enable the European Court Database and the EJM Atlas to hold technical data about videoconferencing systems for each authority.

2.3. Target Group: Administration

2.3.1. Organisational

Continuous improvement of the videoconferencing setup

ID	R-O-003
Description of the problem	<p>The optimal technical setup of a videoconferencing room requires continuous improvement. It usually takes a few iterations to gain the necessary experience which equipment, position, room layout works best.</p> <p>Existing (commercial) solutions usually do not fulfill all the particular requirements for judicial hearings, e.g. taking into account the peculiar (U-shaped) seating arrangement of a court room.</p>

Description of the recommendation	<p>Start with a good and appropriate setup for the technical videoconferencing environment. At the same time gather experience from practitioners and improve the equipment, device positions and room layouts after some time. Repeat this step!</p> <p>The general aim should be to bring videoconference situations closer to real-life hearings and thus facilitate the principle of a fair trial. This will often require a tailor-made solution or the customization of existing solutions to meet the needs of judges and other judicial employees.</p>
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Training (material) on videoconferencing

ID	R-O-005
Description of the problem	Although modern videoconferencing tools are easy to use there might still exist some reluctance of trying a new technology. Lacking knowledge can be mitigated in different ways, one of them being training on the use of videoconferencing systems.
Description of the recommendation	<p>Provide low-level training for judicial practitioners on the use of videoconferencing system, including practical aspects such as how to provide minimal technical support to the remote participants and to verify the equipment is working properly before and during the hearing.</p> <p>At best, have another practitioner (e.g. judge, court clerk) train its colleagues. This will increase the acceptance significantly.</p> <p>Additionally or alternatively provide easy written guidelines or training videos on the practical use of videoconferencing systems. These have the advantage of being able to be consulted at any time.</p>

Low-threshold technical support

ID	R-O-006
Description of the problem	<p>Although modern videoconferencing tools are easy to use there might still exist some reluctance of trying a new technology. One way to mitigate this reluctance is to keep away the technical details from legal practitioners. This can be done by entrusting the technical aspects of videoconferencing with e.g. local IT support. This leads to the additional effect, that local IT support gathers videoconferencing experience in a focussed way. Thus, future videoconferences benefit from this concentrated experience.</p> <p>This is especially relevant for cross-border videoconferences. They do not take place that often - compared to national videoconferences. As practitioners do not have enough opportunities to build up experience with the setting of a cross-border videoconference and thus are reluctant to use this tool. It is crucial to use any occasion to build up experience with cross-border videoconferences.</p>
Description of the recommendation	<p>Channel videoconferencing knowledge locally and entrust local IT support with the technical details of a videoconference. As a precondition, it is necessary to have local IT support available at every judicial authority.</p> <p>Local IT support can keep technical issues away from legal practitioners. Also, the experience with videoconferencing will be concentrated at these persons.</p> <p>Empower this local IT support with cross-border videoconferencing knowledge by concentrating the technical competence with them.</p> <p>For an individual videoconference:</p> <ul style="list-style-type: none"> +) Announce the need for a cross-border videoconference well in advance. +) Have local IT support assist in the technical setup of a videoconference. +) Have local IT support available shortly before the videoconference for connection testing purposes. +) Have local IT support available during the first few minutes of the videoconference. Once the videoconference is established and runs smoothly the legal practitioners know the procedure. Further support is usually not necessary.

Provide information about the videoconferencing framework

ID	R-O-007
Description of the problem	<p>A major obstacle for using videoconferencing in a cross-border environment is lacking information about the legal, organisational and technical framework in another country. Although a lot of the necessary information is available it still takes effort to find the required information (if available at all) and apply it to a specific videoconferencing need.</p> <p>The need to invest this effort is already a barrier to request a videoconference with another country.</p> <p>At best, such information is available centrally at an European information source. Alternatively, a national judicial organisation can build up such an information source with the benefit of taking the national perspective into account.</p>
Description of the recommendation	<p>Provide clear, concise and streamlined information about the legal, technical and organisational framework for videoconferencing at a central information source. Do not forget to establish a process to keep this information up-to-date! Encourage practitioners to share their experiences via this source!</p> <p>There are topics which repeatedly lead to insecurity with the use of cross-border videoconferencing and which should be mentioned in such an information in any case. From a legal perspective these are:</p> <ul style="list-style-type: none"> +) right of involved persons to request/reject a videoconference +) recording a videoconference +) right of the public to participate via videoconference +) methods of identification +) differences between procedural laws +) regulations regarding testimony (how questions are asked, right not to testify, procedural rights, ...) +) information about specific regulations concerning special proceedings (mediation, in-camera hearings, family cases, etc.). +) the location of the person participating in the remote hearing (in some countries, remote participation from one's own home is allowed, and it is not necessary to involve another court)

Provide contact information

ID	R-O-012
Description of the problem	<p>Additionally to lacking information about the videoconferencing framework in another country a major obstacle is lacking information about who to contact for a single videoconference. It usually takes some effort to ask one's way through the requested authority for contact persons, especially technical contacts.</p> <p>Technical contact details should be provided to a central data source, at best the European Court Database.</p>
Description of the recommendation	Provide technical contact information (e.g. at least a functional e-mail address and accepted languages for informal communication) for each authority at a central data source. Keep it up-to-date!

Statistics

ID	R-O-019
Description of the problem	<p>Most countries do not track the number of videoconferences, neither for national nor for cross-border videoconferences. Therefore, the usage of videoconferences is unknown and the positive or negative impacts of changes to videoconferencing systems is untracked.</p> <p>Statistics may also be helpful to assess the cost-effectiveness of videoconferencing investments, by allowing to compare the costs with the savings (e.g. for travel costs) and other benefits (e.g. faster proceedings).</p>
Description of the recommendation	<p>Collect numbers for national and cross-border videoconferences and produce statistical reports for policy makers and administrators.</p> <p>The more detailed the numbers are, the preciser the impacts of videoconferencing can be analysed.</p>

2.3.2. Technical

Well-selected investment in videoconferencing technology

ID	R-T-002
Description of the problem	<p>There are several technical obstacles to an efficient and high-quality videoconference. Having a high quality videoconferencing setup is a main driver for the acceptance and thus the use of videoconferencing.</p> <p>Of course, a high budget for high-quality technical equipment is preferable. However, even with limited budget significant quality</p>

	improvements can be achieved, if well invested in the most relevant technical components.
Description of the recommendation	<p>Invest in high quality videoconferencing equipment, especially for:</p> <p>+ High-quality and well-placed audio (microphones and speakers) to improve the oral communication and understanding. It is especially relevant for translators and for recordings. Additionally, it is a crucial prerequisite for an (automatic) transcription of the spoken word.</p> <p>+ High-quality and well-placed video (cameras) to improve the overall comprehension of the hearing situation. A dedicated camera for the judge emphasizes the authority of the court and is important for the remote participants, who often primarily interact with the judge. Dedicated cameras for each participant (group) improve the videoconferencing impression. Alternatively, a (wide-angle) room camera avoids the need to take care of focussing the person speaking.</p>

Usability of your videoconferencing solution

ID	R-T-023
Description of the problem	<p>Videoconferencing is a support tool for legal practitioners. It should not be necessary for a legal practitioner to invest much time and effort into the handling of a videoconferencing tool. A complicated usability will lead to refusing the use of this tool.</p> <p>This is particularly relevant in legal systems, where the practitioners do not (always) have an assistant / clerk present in the court room, who could also deal with the videoconference system.</p>
Description of the recommendation	<p>Invest in the usability of your videoconferencing solution, especially the handling of videoconferencing equipment. A simple-to-use system will lead to a significantly higher acceptance and usage of videoconferences.</p> <p>An easy-to-use system will also reduce the need for training.</p>

Interoperability of a national videoconferencing solution

ID	R-T-008
Description of the problem	<p>The most significant impediment to cross-border videoconferencing from a technical perspective is lacking interoperability of videoconferencing solutions. Whereas most countries have a uniform solution for the</p>

	<p>national use it is usually a challenge to make different videoconferencing solutions interoperable in a cross-border setting.</p> <p>As an alternative it is usually possible to use the videoconferencing system of the other country. However, legal practitioners feel more comfortable with the videoconferencing system they are used to.</p> <p>At best, it is therefore possible to use the own videoconferencing system even when communication with another country, which uses a different system.</p> <p>There is a European approach to this issue, as well, (R-T-018) but this recommendation focusses on the national recommendation.</p>
Description of the recommendation	<p>Invest in the interoperability of your national videoconferencing solution. The most common commercial videoconferencing solutions offer this functionality (depending on the chosen product derivate and/or license) and include standards such as SIP, H.323. Cross-border videoconferences will become much more accepted if the users can use their familier videoconference system and do not need to switch to another tool.</p>

3. Best Practices

The best practise examples in this chapters were identified as the most impact-relevant best practises. For a full list of the SimpliVi best practises, please see chapter 6.1 Annex I: SimpliVi Recommendations & Best Practises.

3.1. Target Group: Practitioners

Direct taking of evidence	
ID	BP-O-002
Description of the problem	<p>Many issues regarding cross-border videoconferencing originate from the fact that two authorities from different countries need to coordinate organisationally and technically. Usually, this comes with extra effort and takes up additional time.</p> <p>For setting up a direct videoconference (the requesting court hears the person of interest directly and via its own videoconferencing system) the requesting court usually needs to acquire the country's authorisation (the main exception currently is Art 5 Digitalisation Regulation). But once this authorisation is given, the further steps are much easier.</p>
Description of the best practise	<p>Direct taking of evidence via videoconferencing usually still requires the effort for acquiring the authorisation by the requested country. But the next steps to set up a cross-border videoconference are much easier as the setup depends only on the requesting country's constraints.</p> <p>When legally possible and suitable to the particular proceeding, direct videoconferences are generally simpler and more efficient.</p>

3.2. Target Group: Policy Makers

National Coordination Institution	
ID	BP-O-001
Description of the problem	<p>In countries with decentralised judicial competences (e.g. Spain, Germany, Brazil) the videoconferencing framework is fragmented. Even if the legal basis is the same, the technical videoconferencing solution as well as the organisational framework might differ throughout the country. It is like the European Union on a smaller scale (within the EU even the legal framework differs considerably).</p> <p>The issues with cross-border videoconferencing within the European Union are very similar in such countries. The main difference is though that national videoconferencing (across regional borders within a country) happens multiple times more than on the European level. The issues with</p>

	inconsistent videoconferencing frameworks is therefore much more imminent.
Description of the best practise	<p>Spain created in 2013 the Technical National Committee on Judicial Electronic Administration (CTEAJE) in order ensure the interoperability of the systems and applications of the Administration of Justice and the cooperation between the different administrations in the field of Digital Justice. This committee also provides recommendations, protocols and tutorials regarding the use of VC.</p> <p>A similar organisation is established in Brazil with the National Council of Justice.</p>

Recording of hearings replacing written minutes

ID	BP-O-006
Description of the problem	<p>The creation of written minutes takes much effort and engrosses judicial personnel. Usually, judicial organisation suffer from a lack of personnel and thus struggle with providing sufficient support by writing official meetings.</p> <p>Recording is closely linked to videoconferencing, as the recording system should also be able to record the remote participants and the potential synergy effects regarding equipment.</p>
Description of the best practise	<p>Some countries have decided to support the creation of written minutes with recordings of hearings or even replace the written minutes fully with electronic recordings (Poland, Portugal with a pilot project, Hungary upon the judge's descretion, Spain).</p> <p>It is acknowledged that the use of a full recording for drafting a judgement and even more for higher instances can be burdensome compared to concise written minutes. However, the more direct impression and the overall savings in efficiency without the need to produce written minutes for every hearing can outweigh the disadvantages.</p> <p>A possible compromise is seen with the advancing improvements in automatic transcriptions where written minutes are automatically created from the recordings. However, this requires sufficient quality of the automatic transcription. Sweden, Poland and Spain are currently evaluating such a possibility. Another option is to produce brief formal mintues or use manual or automatic tags making it easier find a particular statement in the recording.</p>

	The use of recordings have potentially large synergy effects with videoconferencing, in particular the same equipment could be used both for recording and videoconferencing.
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Step-by-step approach

ID	BP-L-010
Description of the problem	For those countries who are still at the beginning regarding judicial videoconferences it might not be feasible to immediatly introduce them on a widespread basis. It would be necessary to gain experiences on a smaller scale first.
Description of the best practise	<p>First introduce videoconferences only as an option that may be used. Only after experiences have been gathered, when there is sufficient confidence by the practitioners and the technical implemenation is mature enough, introduce rules were the use of videoconferences is the standard. It may also be advisable to first try videoconferences for specific situations were they are particulary helpful and simple to use, and only expand them later to create a broad legal basis. Possible starting points:</p> <ul style="list-style-type: none"> - Hearing of prisoners (controlled environment, security and cost issues when transporting the prisoner to the court) (first use-case in several countries, e.g. AT, GR.) - Civil Matters (usually less sensitive then criminal), especially useful in Commercial matters, were everybody is acting in their professional capacity (first use-case were videoconferencing was in widespread use in many countries, e.g. AT) - More technical hearings (e.g. preparatory hearing to discuss the next steps, hearings discussing only legal questions, but not taking any evidence, ...) <p>Canada has switched from a presumption against VC (only instances were express allowed) to a presumption for VC (only were expressly forbidden), following the experiences gained during the pandemic.</p>

3.3. Target Group: Administration

Integration of videoconferencing systems	
ID	BP-T-009
Description of the problem	For the mere purpose of videoconferencing it is sufficient to have some videoconferencing system in place. However, in a judicial environment a videoconference is usually done within a judicial proceeding. This proceeding is usually managed by one or more different systems. Also, if videoconferences are recorded, this is done in yet another IT system. As a result, the data for a judicial proceeding is spread among a plurality of IT systems.
Description of the best practise	<p>Several countries have invested in the integration of their videoconferencing system with other judicial IT systems:</p> <p>Poland uses mainly Jitsi for videoconferencing. Jitsi is integrated with the e-recording tool, as well as the case management system and the tool to generate semantic links for the videoconference.</p> <p>In Spain several IT applications are integrated with the videoconferencing system. At first, the case is created in the case management system (e.g. MINERVA), then a hearing is scheduled in the courts' booking system and the corresponding appointments are made using the NOJ AGENDA application; the hearing and statements are recorded with the videoconferencing equipment in the room by the court recording system EFIDELIUS. After the hearing, all data and recordings can be accessed in HORUS, the electronic files viewer that allows users (judicial bodies, legal professionals and citizens) to access the status of the procedure in real time including the documents and hearings.</p> <p>In Austria videoconferences benefit strongly from the integration into the workflows and the fully digital file (Justice 3.0), like for sharing of document.</p>

Virtual test rooms	
ID	BP-T-004
Description of the problem	Especially cross-border videoconferences suffer from the diversity of videoconferencing systems. As a result there is too little experience with the different videoconferencing systems by judicial personnel but even more by videoconferencing participants. Difficulties due to this lacking

	experience then arise only at the beginning of a videoconference and lead to delays in the hearing.
Description of the best practise	Sweden and Poland provide virtual test rooms for videoconferencing participants. With this, the future participants can test the connection and system already well in advance of the meeting and can solve any issues before the official hearing.

Electronic identification of participants

ID	BP-T-008
Description of the problem	In direct videoconferences, identification of participants is a challenge of its own. Only a few countries have established a technical solution to identification. Most countries have a pragmatic approach. If identification is necessary at all, it is sufficient to show some ID to the camera. While this might be sufficient for the time being, it can already be predicted that a more secure way of identifying a videoconferencing participant will be necessary in the future, also due to Deep fakes, which could be used to adopt a false identity (face and voice) even in live transmission. In sensitive cases, direct videoconferences might not be suitable and the identification must be secured through assistance by a court or another authority.
Description of the best practise	<p>Lithuania has established an (optional) process as an alternative to the usual presentation of an ID to the camera. The process requires a verified e-account in the national delivery system.</p> <p>The judge would ask the participant to connect to the delivery system and send a message to the court containing a code generated by the court or some other data specified by the court. This way, the identity of the participating person could be verified.</p> <p>Spain uses digital certificates and electronic IDs, or tools such as cl@vejusticia for identification, which also facilitate the secure participation of international parties.</p>

4. Open Issues

Terminology	
ID	OI-O-001
Description of the problem	<p>There are different use cases for videoconferencing. Videoconferencing can be done as a simple communication between two participants. It can require further support by translators, automatic transcription or private virtual meeting rooms.</p> <p>Also, the setup for the participants can be of significant difference. A videoconference can be held between two videoconference systems of authorities. It can also be held as a direct videoconference by the authority directly with the person to be heard.</p> <p>In discussions about judicial videoconferencing there is usually a mix-up of the different use cases, sometimes leading to misunderstandings.</p>
Open Issue	Lack of a clear terminology for different scenarios for the discussion about judicial videoconferencing.

Public Participation	
ID	OI-O-002
Description of the problem	<p>While there is a right for the public to participate in court hearings, only few countries allow streaming court hearings (e.g. England/Wales, Italy, ...) freely on the internet or even providing links to a judicial VC.</p> <p>However, confidentiality guarantees must be in place throughout the process. It is crucial that the systems prevent unauthorized recordings or improper use of data and images of the parties. Technical solutions such as access control, virtual waiting rooms and restricted link can control participation in a hearing.</p> <p>In most countries streaming is considered highly problematic by many practitioners, and often forbidden. For these it is required to find a solution how to ensure the participation of the public.</p>
Open Issue	<p>When streaming is not allowed the following solutions might be used: As long as it is a hybrid hearing, and at least the judge is in the court room, the public can participate there. In fully virtual hearings, the hearing might be shown in a room in the court building. Ideally, (additional) screens and speakers are mounted in such a fashion that the public can follow also the remote participants.</p> <p>When streaming is allowed, access might be limited to those who have submit a request for participation and are identified (e.g. Lithuania).</p>

5. Conclusions

The project partners are convinced that following the above stated recommendations will indeed simplify cross-border judicial videoconferencing. However, as stated at the beginning, the recommendations only bring a **benefit** if they are **applied by as many organisations competent for judicial videoconferencing as possible**.

Also, the recommendations reflect the current state of play of judicial videoconferencing. As seen in the last 10 years and especially since the pandemic, judicial videoconferencing experienced major transformations in many aspects. It is therefore a safe assumption that next years will bring again major changes to judicial videoconferencing. The **final recommendation** of this document is therefore to **re-evaluate the SimpliVi Recommendations & Best-Practises after 5 years** and update or adapt where necessary. The SimpliVi project partners will be happy to contribute again to simplifying judicial cross-border videoconferencing even further.

6. Annex

6.1. Annex I: SimpliVi Recommendations & Best Practises

This document contains the full list of SimpliVi Recommendations and Best Practise examples:



SimpliVi
Recommendations v1.0.

6.2. Annex II: Sources of information

Source

Study Visit Sweden Public Prosecution Office, 30/8/2023

Study Visit Sweden National Court Authority, 31/8/2023

Interview Brazil, 18/10/2023

Interview Croatia, 07/11/2023

Study Visit Greece, 15/11/2023

Interview Italy, 23/11/2023

Study Visit Netherlands, 29/12/2023

Interview Hungary, 14/12/2023

Questionnaire Bulgaria, 13/02/2024

Interview Slovenia, 08/03/2024

Study Visit Germany, 20/03/2024

Study Visit Poland, 10/04/2024

Study Visit Portugal, 23/05/2024

Study Visit Spain, 10+11/09/2024

Study Visit Austria, 25+26/06/2025

Desk Research: Project Handshake Deliverables

Desk Research: Expert Group Videoconferencing Contributions 2014 - 2022

Desk Research: Academic Papers: Anne Sanders: Video-Hearings in Europe Before, During and After the COVID-19 Pandemic

Desk Research: Academic Papers: John Sorabji: Initial Reflections on the Potential Effects of the Covid-19 Pandemic on Courts and Judiciary of England and Wales

Desk Research: CCBE Guidance on the use of remote working tools by lawyers and remote court proceedings

Desk Research: CEPEJ Guidelines on videoconferencing in judicial proceedings Selected national good practices on videoconferencing in judicial proceedings

Desk Research: CEELI Institute PRACTICAL GUIDELINES FOR REMOTE JUDGING IN CENTRAL AND EASTERN EUROPE

Desk Research: National Analysis AT: Civil Justice and Covid-19

Desk Research: National Analysis PL: Sądownictwo w czasie COVID-19 – raport z badania oceny wpływu pandemii COVID-19 na wymiar sprawiedliwości w Polsce

Desk Research: National Analysis PL: SĄDY W TRYBIE ONLINE – ZDALNA PRACA SĄDÓW W WYBRANYCH PAŃSTWACH EUROPEJSKICH W CZASACH PANDEMII SARS COV-19

Desk Research: National Analysis AT: Austria legal proposal for VC in civil law

Desk Research: National Analysis PL: Polish legal proposal for VC in civil law

Desk Research: National Analysis PL: „Problemy podczas przeprowadzania rozpraw w trybie zdalnym” (ankieta NRA)

Desk Research: National Analysis UK: Good Practice for remote hearings (May 2020 UK)

Project “Handshake”/ „Multi-aspect Initiative to Improve Cross-border Videoconferencing”: Package of Deliverables (2015) - <https://e-justice.europa.eu/fileDownload.do?id=c87e10f3-95d9-402a-89b8-fc5c663106a6>

General Secretariat of the Council: Guide on videoconferencing in cross-border proceedings (2013) - <https://www.consilium.europa.eu/media/30606/qc3012963enc.pdf>

Council of Europe/CEPEJ: Guidelines on videoconferencing in judicial proceedings (2021) - <https://edoc.coe.int/en/efficiency-of-justice/10706-guidelines-on-videoconferencing-in-judicial-proceedings.html>

Council of Bars and Law Societies of Europe: CCBE Guidance on the use of remote working tools by lawyers and remote court proceedings (2020) - https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/SURVEILLANCE/SVL_Position_papers/EN_SVL_20201127_CCBE-Guidance-on-the-use-of-remote-working-tools-by-lawyers-and-remote-court-proceedings.pdf

Hague Conference on Private International Law (HCCH): Guide to Good Practice on the Use of Video-Link under the 1970 Evidence Convention (2020) - <https://assets.hcch.net/docs/569cfb46-9bb2-45e0-b240-ec02645ac20d.pdf>

6.3. Annex: Business Workflow



D2.2 Business
collaboration v1.1.pdf

6.4. Annex: e-CODEX Implementation

<D3.2 e-CODEX Implementation – not yet published at editorial deadline of this document>

6.5. Annex: SimpliVi Website

The SimpliVi project has published its main contents and especially the publicly available Deliverables at:

www.simplivi.eu

6.6. Document History

Version	Date	Changes made	Modified by
0.1	03/2024	Initial version with document structure and basic information	Mathias Maurer, AT BMJ
0.2	05/2025	Revised version with input from Business Workflow Workshop (04/2025)	Mathias Maurer, AT BMJ
0.3	08/2025	Revised version with added legal recommendations	Sebastian Leitner, AT BMJ
0.4	09/2025	Revised version with selection of top recommendations and input from project partners	Sebastian Leitner, AT BMJ
1.0	16/09/2025	First published version after internal review	Mathias Maurer, AT BMJ