



SimpliVi

Grant Agreement number: 101086747 — SimpliVi

JUST-2022-EJUSTICE

D2.1 SimpliVi Recommendations & Best Practices

Deliverable Id:	D2.1
Deliverable Name:	Recommendations for simplifying cross-border judicial videoconferencing
Status:	Final
Dissemination Level:	PUB - Public
Due date of deliverable:	09/2025
Work Package:	2
Organisation name of lead partner for this deliverable:	AT BMJ
Author(s):	Mathias Maurer, Sebastian Leitner
Partner(s) contributing:	All partners

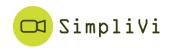




Table of Contents

1.	Intro	duction	3
2.	Reco	mmendations	5
	2.1.	Target Group: Practitioners	5
	2.2.	Target Group: Policy Makers	7
	2.3.	Target Group: Administration	11
3.	Best	Practices	18
	3.1.	Target Group: Practitioners	18
	3.2.	Target Group: Policy Makers	18
	3.3.	Target Group: Administration	21
4.	Oper	n Issues	23
5.	Conc	clusions	24
6.	Anne	ex	25
	6.1.	Annex I: SimpliVi Recommendations & Best Practises	25
	6.2.	Annex II: Sources of information	25
	6.3.	Annex: Business Workflow	27
	6.4.	Annex: e-CODEX Implementation	27
	6.5.	Annex: SimpliVi Website	27
	6.6.	Document History	27





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 cooperation¹, 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

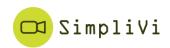
The recommendations in this chapter were identified as the most impact-relevant recommendations. For a full list of the SimpliVi recommendations, please see chapter 6.1 Annex I: SimpliVi Recommendations & Best Practises.

2.1. Target Group: Practitioners

2.1.1. Organisational

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

Sufficient time to process videoconference requests	
ID	R-O-020
Description of the problem	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.
Description of the recommendation	Plan enough time for requesting a videoconference with another authority. Alternatively, inquire first whether a videoconference can be done and only then agree on date and time.





Time zones	
ID	R-O-009
Description of the problem	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. 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
Description of	is easier to forget about the need to take times zones into consideration. Do not forget about time zones! Especially when setting up a cross-
Description of the recommendation	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	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. 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.
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 expections. If VC is limited to only few, specific situations, its full potential cannot be unlocked. There might be situations were 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	The legal basis for VC should be sufficiently flexible to allow judges and other practitioners to use of videoconferences in the situations were 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 were videoconferences are generally considered unsuitable (e.g. hearings of mentally disabled persons, minors,). Differentation 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). 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.

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.





	Therefore exceptions are reequired, 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/witnesss/ are not required to stand during a VC statement as they would normally need to do. A lack of sufficiently detailed regulation can be a major legal obstacle. This includes a lack of regulation for cross-broder videoconferences.
Description of the recommendation	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 faciliate 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. The legal basis should also cover cross-border videoconferences.

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 lenghty 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	Currently authorization from the MS where the person is situated is
the problem	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

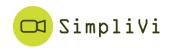




	authorization is still required, which can be quite a cumbersome procedure. Direct VC are nevertheless often used in practice without authorization, e.g. if all involved parties agree (which does not solve the sovereignty issue) or they might even be used without knowledge of the court when somebody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

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.

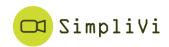




2.2.3. Technical

e-CODEX implementation for videoconferencing details	
ID	R-T-025
Description of the problem	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. R-O-13 recommends a standard for videoconferencing details. This standard must also be implemented for the electronic communication.
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	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.
	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.
	At best, it is therefore possible to use the own videoconferencing system even when communication with another country, which uses a different system.
	There is a national approach to this issue, as well, (R-T-008) but this recommendation focusses on the European approach.
Description of the recommendation	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. With such an approach each communication partner could use the
	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.





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 EJN 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 EJN Atlas to hold technical data about videoconferencing systems for each authority.

2.3. Target Group: Administration

2.3.1. Organisational

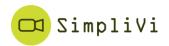
Continuous improvment of the videoconferencing setup	
ID	R-O-003
Description of the problem	The optimal technical setup of a videoconferencing room requires continuous improvement. It usually takes a few iterations to gain the necessary experience which equipment, position, room layout works best. Existing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





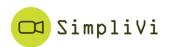
Description of	Start with a good and appropriate setup for the technical
the	videoconferencing environment. At the same time gather experience
recommendation	from practitioners and improve the equipment, device positions and
	room layouts after some time. Repeat this step!
	The general aim should be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

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	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. At best, have another practitioner (e.g. judge, court clerk) train its colleagues. This will increase the acceptance significantly. 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.



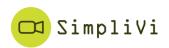


Low-threshold technical support	
ID	R-O-006
Description of the problem	Although modern videoconferencing tools are easy to use there might still exist some reluctance of trying a new technology. One way to mitigate this reluctance is to keep away the technical details from legal practitioners. This can 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.
	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.
Description of the recommendation	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.
	Local IT support can keep technical issues away from legal practitioners. Also, the experience with videoconferencing will be concentrated at these persons.
	Empower this local IT support with cross-border videoconferencing knowledge by concentrating the technical competence with them.
	For an individual videoconference:
	+) 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	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.
	The need to invest this effort is already a barrier to request a videoconference with another country.
	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.
Description of the recommendation	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! 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: +) 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)



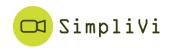


Provide contact information	
ID	R-O-012
Description of the problem	Additionally to lacking information about the videoconferencing framework in another country a major obstacle is lacking information about who to contact for a single videoconference. It usually takes some effort to ask one's way through the requested authority for contact persons, especially technical contacts. Technical contact details should be provided to a central data source, at best the European Court Database.
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	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 changees to videoconferencing systems is untracked. Statistics may also be helpful to assess the cost-effectiveness of videoconferencing investements, by allowing to compare the costs with the savings (e.g. for travel costs) and other benefits (e.g. faster proceedings).
Description of the recommendation	Collect numbers for national and cross-border videoconferences and produce statistical reports for policy makers and administrators. The more detailed the numbers are, the preciser the impacts of videoconferencing can be analysed.

2.3.2. Technical

Well-selected investment in videoconferencing technology	
ID	R-T-002
Description of the problem	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. Of course, a high budget for high-quality technical equipment is
	preferable. However, even with limited budget significant quality

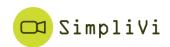




	improvements can be achieved, if well invested in the most relevant technical components.
Description of	Invest in high quality videoconferencing equipment, especially for:
the recommendation	 +) High-quality and well-placed audio (microphones and speakers) to improve the oral communication and understanding. It is especially relevant for translators and for recordings. Additionally, it is a crucial prerequisite for an (automatic) transcription of the spoken word. +) 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.

Usability of your videoconferencing solution	
ID	R-T-023
Description of the problem	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. This is particularly relevant in legal systems, where the practioners do not (always) have an assistant / clerk present in the court room, who could also deal with the videoconference system.
Description of the recommendation	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.
	An easy-to-use system will also reduce the need for training.

Interoperability of a national videoconferencing solution	
ID	R-T-008
Description of	The most significant impediment to cross-border videoconferencing from
the problem	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 in a cross-border setting.

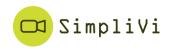
As an alternative it is usually possible to use the videoconferencing system of the other country. However, legal practitioners feel more comfortable with the videoconferencing system they are used to.

At best, it is therefore possible to use the own videoconferencing system even when communication with another country, which uses a different system.

There is a European approach to this issue, as well, (R-T-018) but this recommendation focusses on the national recommendation.

Description of the recommendation

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.





3. Best Practices

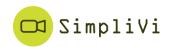
The best practise examples in this chapters were identified as the most impact-relevant best practises. For a full list of the SimpliVi best practises, please see chapter 6.1 Annex I: SimpliVi Recommendations & Best Practises.

3.1. Target Group: Practitioners

Direct taking o	f evidence
ID	BP-O-002
Description of the problem	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. For setting up a direct videoconference (the requesting court hears the person of interest directly and via its own videoconferencing system) the requesting court usally 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.
Description of the best practise	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. When legally possible and suitable to the particular proceeding, direct videoconferences are generally simpler and more efficient.

3.2. Target Group: Policy Makers

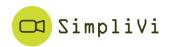
National Coordination Institution	
ID	BP-O-001
Description of the problem	In countries with decentralised judicial competences (e.g. Spain, Germany, Brazil) the videoconferencing framework is fragmented. Even if the legal basis is the same, the technical videoconferencing solution as well as the organisational 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).
	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





	inconsistent videoconferencing frameworks is therefore much more imminent.
Description of the best practise	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. A similar organisation is established in Brazil with the National Council of Justice.

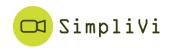
Recording of he	earings replacing written minutes
ID	BP-O-006
Description of the problem	The creation of written minutes takes much effort and engrosses judicial personnel. Usually, judicial organisation suffer from a lack of personnel and thus struggle with providing sufficient support by writing official meetings.
	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.
Description of the best practise	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). 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. 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.





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

Step-by-step approach	1
ID BP-L-01	0
the problem videocco	se countries who are still at the beginning regarding judicial onferences it might not be feasible to immediatly introduce them despread basis. It would be necessary to gain experiences on a scale first.
the best practise Only af confide mature standar specific and only starting - Hearing when to countri - Civil N Comme capacity many contribution - More steps, he evidence Canada were expected to the confidence of the confidence	troduce videoconferences only as an option that may be used. the experiences have been gathered, when there is sufficient ince by the practitioners and the technical implemenation is enough, introduce rules were the use of videoconferences is the red. It may also be advisable to first try videoconferences for is situations were they are particularly helpful and simple to use, by expand them later to create a broad legal basis. Possible groints: In go f prisoners (controlled environment, security and cost issues transporting the prisoner to the court) (first use-case in several es, e.g. AT, GR.) Matters (usually less sensitive then criminal), especially useful in ercial matters, were everybody is acting in their professional by (first use-case were videoconferencing was in widespread use in countries, e.g. AT) technical hearings (e.g. preparatory hearing to discuss the next dearings discussing only legal questions, but not taking any ese,) has switched from a presumption against VC (only instances express allowed) to a presumption for VC (only were expressly en), following the experiences gained during the pandemic.





3.3. Target Group: Administration

Integration of v	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	Several countries have invested in the integration of their videoconferencing system with other judicial IT systems:
	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.
	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.
	In Austria videonconferences benefit strongly from the integration into the workflows and the fully digital file (Justice 3.0), like for sharing of document.

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 ist 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 identify (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	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. The judge would ask the participant to connect to the delivery system and send a message to the court conaining 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. Spain uses digital certificates and electronic IDs, or tools such as cl@vejusticia for identification, which also facilitate the secure participation of international parties.			

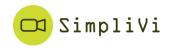




4. Open Issues

Terminology			
ID	OI-O-001		
Description of the problem	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. 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.		
	In discussions about judicial videoconferencing there is usually a mix-up of the different use cases, sometimes leading to misunderstandings.		
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	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.		
	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.		
	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.		
Open Issue	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. When streaming is allowed, access might be limited to those who have submit a request for participation and are identified (e.g. Lithuania).		





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:



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



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