

SimpliVi

Grant Agreement number: 101086747 — SimpliVi
JUST-2022-EJUSTICE

D2.2 Business collaboration

Deliverable Id:	D2.2
Deliverable Name:	Business collaboration for setting up cross-border judicial videoconferencing
Status:	Final
Dissemination Level:	SEN – Sensitive
Due date of deliverable:	03/2025
Work Package:	2
Organisation name of lead partner for this deliverable:	AUTH, AT BMJ
Author(s):	Zoi Kolitsi, Mathias Maurer
Partner(s) contributing:	All partners

Abstract

One of the main impediments for a simplified cross-border videoconference is the phase of the setup of a videoconference. In addition, preparing for the actual remote session, support during the session and follow up activities are also crucial to a successful cross border videoconference. This document will analyse common workflows based on existing legal acts for this purpose. It will identify a lack of (technical) detail in the current process. Finally, it will propose a generalised view on the workflow and a way to add missing (technical) details to existing workflows.

The content of this document represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.



History

Version	Date	Changes made	Modified by
0.1	06.06.2025	Initial draft structure	Mathias Maurer
0.2	16.07.2025	First version for review	Mathias Maurer
0.3	06.08.2025	Review	Zoi Kolitsi, Klimas Katarzyna
0.4	25.08.2025	Review	Mine Kaiser, Alexander Weber
1.0	26.08.2025	Executive summary, Final version	Mathias Maurer
1.1	15.09.2025	Final Review	Sebastian Leitner

Executive Summary

This Deliverable D2.2 Business Workflow states and justifies that the workflow for cross-border judicial videoconferencing can be generalized across the legal domains of civil and criminal law as the needs concerning videoconferencing are the same. It states further that the current domain-specific forms lack – to different extents – some necessary parameters for the setup of a videoconference. Due to the feasible generalisation of the videoconferencing aspects in current workflows the form can also be generalised and even standardised across the mentioned legal domains.

Based on the analysis of the SimpliVi project with many European and third countries, the Deliverable proposes the combined parameters necessary for such a generalised videoconferencing form. Additionally, the Deliverable proposes using the form as an attachment for existing workflows in civil and criminal law. There is no need to establish a new business workflow, however the integration into existing workflows needs to be chosen wisely. Practitioners working with videoconferencing should be able to still apply the established and known workflows and simply add more precise information for the videoconference to it. By using a standardised form, they will quickly build up experience with such a form and thus reduce the effort to set up a cross-border judicial videoconference.

Furthermore, the Deliverable points out further phases of a videoconference and which artefacts need to be taken into account for the workflow during and after the videoconference.

Finally, the Deliverable points out to need for an e-CODEX implementation of the workflows and the form. Such a proposal for an e-CODEX implementation will be made in the separate Deliverable D3.2 e-CODEX Implementation.

Table of contents

History	2
Executive Summary	3
Table of contents	4
1 Introduction	5
2 European judicial videoconferencing and the lack of technical information	6
3 Business Collaboration for cross-border judicial videoconferencing	7
3.1 Taking of Evidence	8
3.2 European Investigation Order	11
3.3 Actors	13
3.4 Generalised Business Collaboration	14
4 Business Transactions	15
5 Business Document	16
5.1 Proposed data for a general videoconferencing form	16
5.2 Gap Analysis	18
5.3 Workflow Integration	19
6 Additional Workflows and Documents	21
6.1 Conducting a videoconference	22
6.2 Closing up a videoconference	23
7 e-CODEX Integration	25
I List of Abbreviations	26
II References	27

1 Introduction

SimpliVi (**Simplifying Cross-Border Judicial Videoconferencing in Europe** – www.simplivi.eu) 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.

Despite these various drivers with the potential to increase the number of cross-border judicial videoconferences, it is still not widely used in cross border hearings. From its legal basis perspective, VC is part of legal procedures rather than a procedure of its own. The focus is therefore on setting up such a VC, as this phase of a videoconference is today still seen as cumbersome. During the analysis phase of SimpliVi the partners have encountered various impediments for a swift and streamlined setup of a videoconference.

The aim of this Business Collaboration Document is therefore to analyse the current legal basis for European judicial videoconferencing, to identify gaps and to propose an enhanced business collaboration on the basis of the analysis.

Based on the Business Collaboration Document the SimpliVi project will further explore the possibilities to draft an e-CODEX implementation supporting the communication for the handling of a cross-border judicial videoconference electronically. This will eventually result in Deliverable D3.2 “e-CODEX implementation”.

¹ <http://data.europa.eu/eli/reg/2023/2844/oj>

2 European judicial videoconferencing and the lack of technical information

Setting up a judicial videoconference for some kind of hearing is not a workflow of its own. It is always a part of a regular judicial proceeding – either in a civil law case or a criminal law case. For both legal domains there are several legal bases on the European level. The most relevant legal acts are in

- **Civil law:**
 - Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the **taking of evidence** in civil or commercial matters (taking of evidence) (recast)²
 - Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the **digitalisation of judicial cooperation** and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation³ - Article 5
- **Criminal law:**
 - Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the **European Investigation Order** in criminal matters⁴
 - Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the **digitalisation of judicial cooperation** and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation⁵ - Article 6

While the articles of the Digitalisation Regulation 2023/2844 provide for general enablers for cross-border videoconferencing, the specialised legal acts for Taking of Evidence and the European Investigation Order provide an entire workflow (not only for videoconferencing) for requesting assistance of a different country. These workflows are already applied to request a cross-border videoconference. As of May 1st, 2025 (Taking of Evidence) and presumably March 1st, 2028 (European Investigation Order) it has or will become mandatory in both legal acts for Member States' authorities to communicate for both workflows electronically. e-CODEX⁶ is the defined means to facilitate this electronic communication.

The most relevant legal acts already provide to some extent a basis for videoconferencing. However, it is still necessary to define a more detailed business collaboration for cross-border judicial videoconferencing.

The SimpliVi analysis phase with its study visits, online interviews and desk research has brought up **two main findings** in this regard:

1. When looking at the isolated videoconferencing parts of the workflows, there is **almost no differentiation between civil and criminal law cases**. The next chapter analyses the workflow in both legal acts to show that there is no significant difference when it comes to setting up a cross-border videoconference. Thus, such a workflow can be generalised for both legal domains.
2. The current workflows and especially legal forms provide for some technical data for the videoconference. However, the forms are **lacking sufficiently detailed technical data** – to a different extent in both legal acts – for its practical use.

² <https://eur-lex.europa.eu/eli/reg/2020/1783/oj>

³ <https://eur-lex.europa.eu/eli/reg/2023/2844/oj>

⁴ <https://eur-lex.europa.eu/eli/dir/2014/41/oj>

⁵ <https://eur-lex.europa.eu/eli/reg/2023/2844/oj>

⁶ www.ecodex.eu

3 Business Collaboration for cross-border judicial videoconferencing

The business collaboration is the overall design of the collaboration. More complex workflows of the business collaboration can be structured into smaller steps, describing the workflow in more detail. For a complete description of the business collaboration the following elements must be defined:

- **Who** communicates? => **Actors** - Chapter 3.3
- **How** does the workflow look like? => **Business Collaboration** – Chapter 3.4
=> **Business Transactions** (Details) – Chapter 4
- **Which** messages are used? => **Business Documents** – Chapter 5

The following chapters describe first the workflows and forms provided for by both legal acts (Taking of Evidence and European Investigation Order) for the matter of requesting assistance by videoconferencing means. The request for a cross-border videoconference may be based on other legal acts, as well. However, the legal acts of Taking of Evidence and the European Investigation Order are the main legal basis for cross-border videoconferencing. Additionally, for the matter of requesting and setting up such a videoconference, there is no significant difference within the legal domain. Taking of Evidence and the European Investigation Order are therefore well suitable for representing both legal domains.

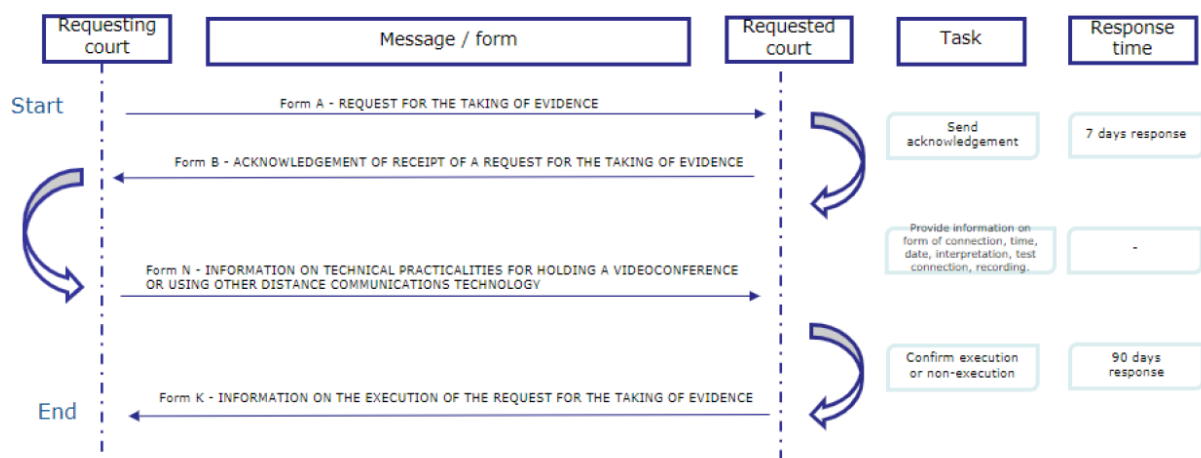
As a conclusion, a generalised picture for a workflow for requesting a videoconference will be proposed to show (i) that it can be applied to civil law proceedings as well as criminal law proceedings and (ii) where additional technical parameters for the setup of the videoconference are necessary.

3.1 Taking of Evidence

The following workflows and descriptions are taken from the “SoD & ToE – Business Collaboration Document”, Version 3.0 (SoD&ToE_Business_Collaboration_Document_v.3.0.pdf) - created by the European Commission - with their kind permission. The contents of that document are subject to change.

This workflow describes the steps to request a videoconference:

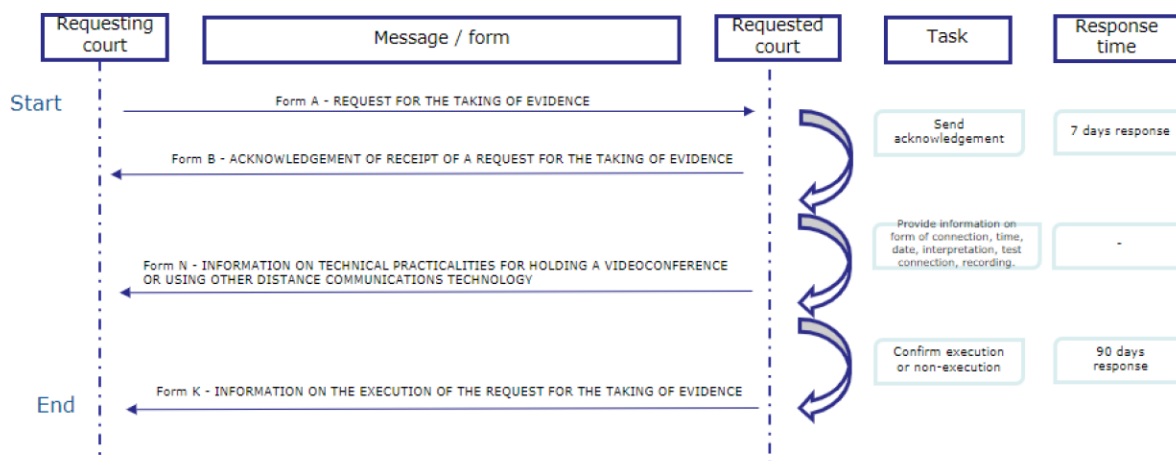
7.4.8. Workflow 8 – Request/ Reply from Requesting Court with technical practicalities



- The Requesting Court sends a request for taking of evidence Form correctly filled-in.
- The Requested Court receives it: it starts to assess the request to confirm acknowledgement.
- The Requested Court sends back a receipt notification of the request.
- The Requesting Court sends technical details for online communication to the Requested Court.
- Further exchanges could potentially happen between this point and the confirmation of execution or non-execution, including the testing of connection.
- The Requested Court sends back the confirmation of execution or non-execution of request.

The following workflow describes an alternative flow, where the requested court would already provide technical parameters after acknowledging the general request:

7.4.9. Workflow 9 – Request/ Reply from Requested Court with technical practicalities



- The Requesting Court sends a request for taking of evidence Form correctly filled-in
- The Requested Court receives it: it starts to assess the request to confirm acknowledgement.
- The Requested Court sends back a receipt notification of the request.
- The Requested Court sends technical details for online communication to the Requesting Court.
- Further exchanges could potentially happen between this point and the confirmation of execution or non-execution, including the testing of connection.
- The Requested Court sends back the confirmation of execution or non-execution of request.

There are further workflows when sending a request for a direct videoconference. In this document, the workflow and forms for Taking of Evidence show only the workflow initiated by form A. E.g., the workflow for requesting a direct videoconference would be initiated by form L in combination with form N and follow an adapted workflow. However, the basic principle for the workflow remains the same. Therefore, for the purpose of this document and for the sake of simplicity only the workflow initiated by form A is considered.

The main form in Taking of Evidence for providing technical parameters is Form N:

FORM N

INFORMATION ON TECHNICAL PRACTICALITIES FOR HOLDING A VIDEOCONFERENCE OR USING OTHER DISTANCE COMMUNICATIONS TECHNOLOGY

(Articles 12(4) and 20 of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) ⁽¹⁾)

1. Reference No of the requesting court (*):
2. Reference No of the requested court (*):
3. Name of the requesting court (*):
4. Name of the requested court (*):
5. Technical data of the requesting court:
 - 5.1. ISDN (*):
 - 5.2. IP:
 - 5.3. Tel. Court room (*):
 - 5.4. Other:
6. Preferred form of connection (in case of more options filled in item 5):
7. Preferred date(s) and time(s) of connection:
 - 7.1. date:
 - 7.2. time (?):
8. Preferred date(s) and time(s) for the test connection:
 - 8.1. date:
 - 8.2. time (?):
 - 8.3. contact person for the test connection or other technical assistance:
 - 8.4. language for communication: ☐ BG, ☐ ES, ☐ CZ, ☐ DE, ☐ ET, ☐ EL, ☐ EN, ☐ FR, ☐ GA, ☐ HR, ☐ IT, ☐ LV, ☐ LT, ☐ HU, ☐ MT, ☐ NL, ☐ PL, ☐ PT, ☐ RO, ☐ SK, ☐ SL, ☐ FI, ☐ SV, ☐ other:
 - 8.5. tel. in the event of technical difficulties during the test connection or the taking of evidence:
9. Information on interpretation:
 - 9.1. Assistance for finding an interpreter is requested: ☐
 - 9.2. The relevant languages: ☐ BG, ☐ ES, ☐ CZ, ☐ DE, ☐ ET, ☐ EL, ☐ EN, ☐ FR, ☐ GA, ☐ HR, ☐ IT, ☐ LV, ☐ LT, ☐ HU, ☐ MT, ☐ NL, ☐ PL, ☐ PT, ☐ RO, ☐ SK, ☐ SL, ☐ FI, ☐ SV, ☐ other:
10. Information on whether a recording of the taking of evidence will be made ⁽²⁾:
 - 10.1. yes ☐
 - 10.2. no ☐
11. Other: ...

Done at:

Date:

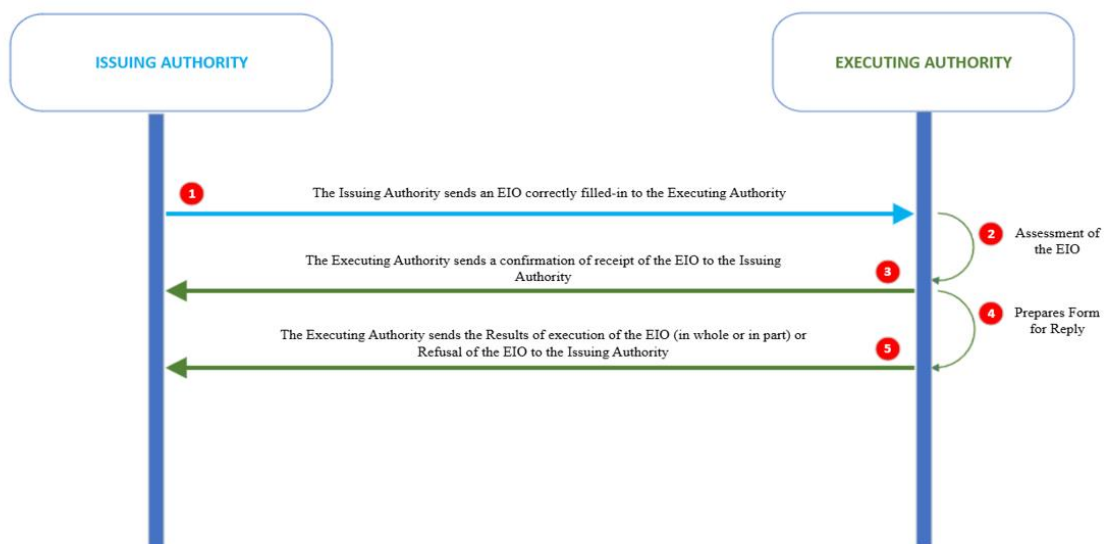
Signature and/or stamp or electronic signature and/or electronic seal:

3.2 European Investigation Order

The European Investigation Order has no dedicated form for the technical parameters of a requested videoconference. The request itself and some further information about the videoconference are covered by the initiating Annex A (i.e. European Investigation Order). Therefore, there is also no dedicated workflow regarding videoconferencing specifically. Instead, the general workflow for requesting assistance is applied.

The following workflows and descriptions are taken from the “Business Collaboration Model - EIO”, Version 4 (Business Collaboration Model - EIO v4 Clean version.docx) - created by the European Commission - with their kind permission. The contents of that document are subject to change.

6.3.1 EIO / Response Exchange with Direct Reply from Executing Authority



Workflow description:

- The Issuing Authority sends an EIO correctly filled-in;
- The Executing Authority receives it: it starts assessing it;
- The Executing Authority sends back confirmation of receipt of the EIO;
- The Executing Authority sends back the Results of execution of the EIO (in whole or in part) or Refusal of an EIO.

The parts of the Form of Annex A relevant for videoconferencing are the following:

<p>SECTION A Issuing State: Executing State:</p>
<p>SECTION B: Urgency Please indicate if there is any urgency due to <input type="checkbox"/> Evidence being concealed or destroyed <input type="checkbox"/> Imminent trial date <input type="checkbox"/> Any other reason Please specify below: Time limits for execution of the EIO are laid down in Directive 2014/41/EU. However, if a shorter or specific time limit is necessary, please provide the date and explain the reason for this: </p>
<p>SECTION C: Investigative measure(s) to be carried out 1. Describe the assistance/investigative measure(s) required AND indicate, if applicable, if it is one of the following investigative measures: <input type="checkbox"/> Obtaining information or evidence which is already in the possession of the executing authority <input type="checkbox"/> Obtaining information contained in databases held by police or judicial authorities <input type="checkbox"/> Hearing <input type="checkbox"/> witness <input type="checkbox"/> expert <input type="checkbox"/> suspected or accused person <input type="checkbox"/> victim <input type="checkbox"/> third party <input type="checkbox"/> Identification of persons holding a subscription of a specified phone number or IP address <input type="checkbox"/> Temporary transfer of a person held in custody to the issuing State <input type="checkbox"/> Temporary transfer of a person held in custody to the executing State</p>
<p><input type="checkbox"/> Hearing by videoconference or other audiovisual transmission <input type="checkbox"/> witness <input type="checkbox"/> expert <input type="checkbox"/> suspected or accused person <input type="checkbox"/> Hearing by telephone conference <input type="checkbox"/> witness <input type="checkbox"/> expert <input type="checkbox"/> Information on bank and other financial accounts <input type="checkbox"/> Information on banking and other financial operations <input type="checkbox"/> Investigative measure implying the gathering of evidence in real time, continuously and over a certain period of time <input type="checkbox"/> monitoring of banking or other financial operations <input type="checkbox"/> controlled deliveries <input type="checkbox"/> other <input type="checkbox"/> Covert investigation <input type="checkbox"/> Interception of telecommunications <input type="checkbox"/> Provisional measure(s) to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence</p>

SECTION H2: Video or telephone conference or other audiovisual transmission

If hearing by videoconference or telephone conference or other audiovisual transmission is requested:

Please indicate the name of the authority that will conduct the hearing (contact details/language):

.....

Please indicate reasons for requesting this measure:

.....

☐ (a) hearing by videoconference or other audiovisual transmission:

☐ the suspected or accused person has given his/her consent

☐ (b) hearing by telephone conference

3.3 Actors

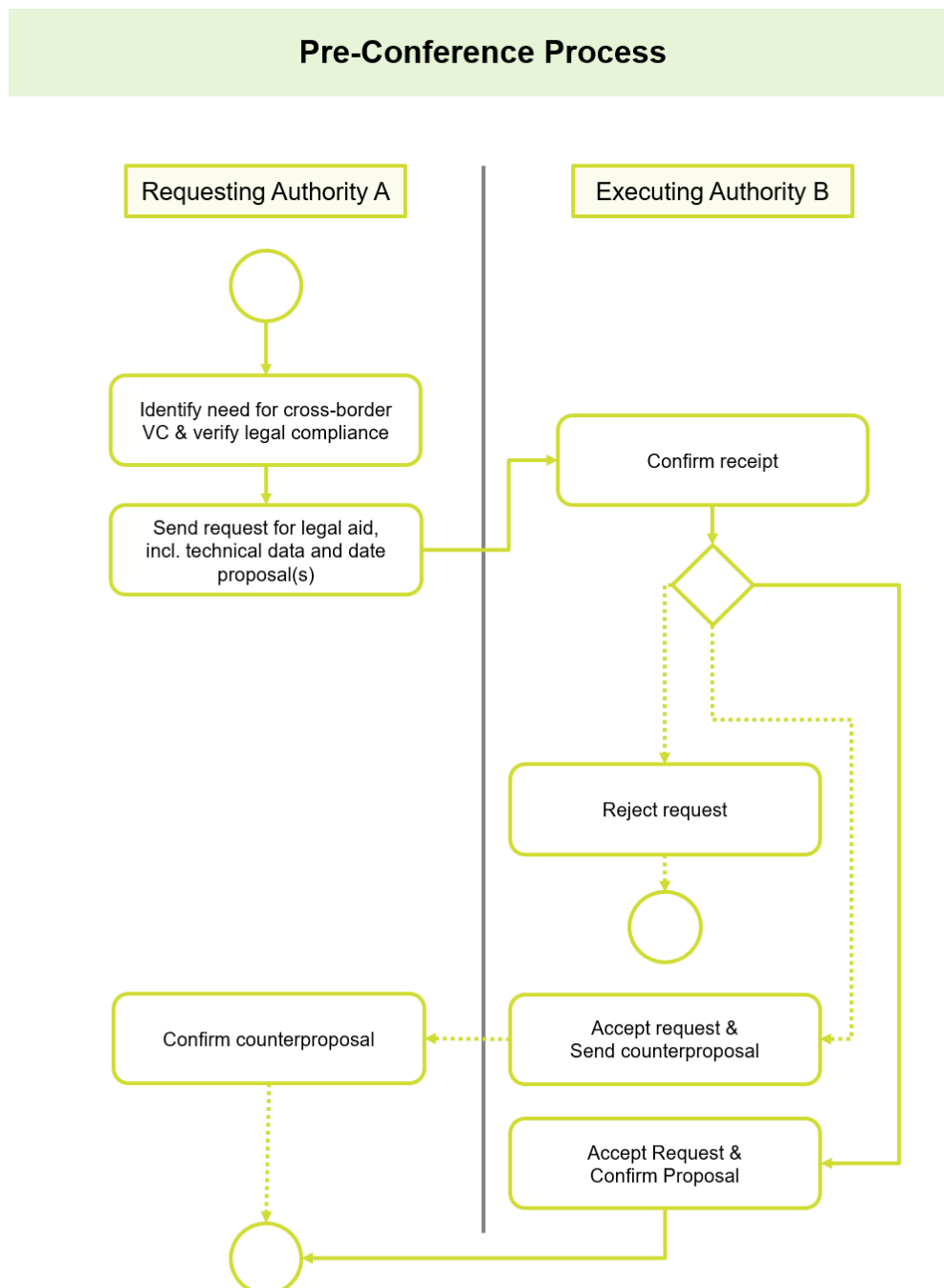
There are different terms in both legal acts for the involved actors. Taking of Evidence knows the “Requesting Court” and the “Requested Court” and the European Payment Order knows the “Issuing Authority” and the “Executing Authority”.

For the matter of the generalised workflow the following terms shall be used:

Actor	Description
Requesting Authority	Authority requesting a videoconference
Executing Authority	Authority supporting the proceeding with serving as the second communication partner for the videoconference

3.4 Generalised Business Collaboration

In conclusion of the above-presented workflows, a generalised workflow to request, confirm and negotiate the parameters of a cross-border videoconference between two judicial authorities could look like below. The workflow can be applied in accordance with the above-shown workflows for civil law cases or criminal law cases.



4 Business Transactions

The following list shows the individual workflow steps and the forms used per use case.

Workflow Step	Taking of Evidence	European Investigation Order
Send request for legal aid, incl. technical data and date proposal(s)	Form A + Form N	EIO (Annex A)
Confirm receipt	Form B	Annex B
Reject request	Form K	Free Form
Accept request & Send counterproposal	Form N*	Free Form
Accept request & Confirm Proposal	Free Form *	Free Form
Confirm Counterproposal	Free Form *	Free Form

* Instead, a dedicated form (e.g. Form N) or a free form message can be used.

5 Business Document

The business collaboration and business transactions above have shown that (i) the workflows for setting up a cross-border videoconference are already established and based on a European legal act, that (ii) there is no crucial difference between the workflow for setting up a judicial cross-border videoconference for civil law hearings or criminal law hearings and that (iii) the business documents for requesting a videoconference are there already, again based on the legal forms of the respective legal act.

However, the legal forms in both domains are significantly different in their level of detail for the parameters of a videoconference. Also, they are lacking – to different extents – some necessary details for a comprehensive and thus efficient agreement on the videoconference.

5.1 Proposed data for a general videoconferencing form

With the input provided to the SimpliVi project during study visits, online interviews, questionnaires and an extensive desk research, the SimpliVi project has identified that the following data is necessary or at least helpful for an agreement on the videoconferencing details:

Parameter	Comment
Form identifier	Request, confirmation, counterproposal, cancellation
Judicial authority role	Requesting / executing authority
Judicial authority	Name and address of the court, prosecution office, police or prison
Case number	Unique case identifier of the judicial authority's case
Person to be heard <ul style="list-style-type: none"> • Name, ID number, Date and place of birth, Nationality, Address, e-mail address, telephone number • Role • Language 	To determine if interpreter is needed and useful for identifying the person if invited by the other party. The role is required to determine the legal framework that applies (e.g. whether consent is required, right not to testify). Roles: e.g. Victim, Witness, Expert, Suspect, Accused person
VC date and time slot	One preferred date/time and (at least) two alternatives. All times should have start and end times.
Test date and time slot	One preferred date/time and (at least) two alternatives. All times should have start and end times.
Time zone	Time zone of the proposed times.
Room name or number	Physical court room. If other party wants to invite participants to the VC event.

Videoconferencing Endpoint	
Hostname / IP (SIP or H.323) / Gateway or ISDN number	VC participant's hostname, domain name, IP number or gateway number of the endpoint device into which must be connected. The ISDN number, in case ISDN connection is preferred
Extension number	Depending on the configuration, the extension number may be needed.

Encryption required or not?	If endpoint has a mandatory encryption policy, then participants without encryption cannot connect
Videoconferencing system	In case of Zoom, Teams, Webex, etc. this information allows the participant to assess whether he/she can use the required system or request/propose a different system
Videoconferencing URL	URL to participate in the VC
Preferred form of connection	Endpoint (SIP/H.323) or URL (Zoom, Teams, Webex,...)
VC recording	Information, that the requesting authority will record the VC. Alternatively, a request to record the VC could be stated – if this is in compliance with the national laws and whether it is feasible considering the authority's technical possibilities
Contact information	Multiple contacts may be needed (for instance local and centralized support or technical and legal contact persons)
Name	
Email	Essential information for setting up a VC connection. Functional mailboxes and/or multiple emails could be possible.
Phone	Phone in the specific room or a technician's mobile or a phone of a clerk who can forward the call to technician. Multiple numbers could be possible
Language	Essential information for setting up a VC connection. Multiple language should be possible to insert.
Contact Type	E.g. technical / legal contact
Translation assistance	If translation assistance is necessary, indicate the required language.
VC information resource	Link to information resource about national VC framework (legal, technical organisational information)
Other comments	
Date of request	

5.2 Gap Analysis

The following table shows the gap between the proposed structure of the previous chapter and the respective Form N of Taking of Evidence and Annex A of EIO

Data	Proposed Videoconferencing Form	Taking of Evidence, Form N	European Investigation Order, Annex A
Form identifier	X	X	X
Case number	X	X	X
Case number type	X	X	X
Judicial authority	X	X	X
Judicial authority role	X	X	X
Room name or number	X	-	-
Person to be heard <ul style="list-style-type: none"> Name, ID number, Date and place of birth, Nationality, Address, e-mail address, telephone number Role Language 	X	X (through Form A)	X
VC date and time slot	X	X	-
Testing date and time slot	X	X	-
Time zone	X	-	-
Hostname / IP (SIP or H.323) / Gateway or ISDN number	X	X	-
Extension number	X	X	-
Encryption required or not?	X	-	-
Videoconferencing system	X	-	-
Videoconferencing URL	X	-	-
Preferred form of connection	X	X	-
VC recording	X	X	-
Name (contact person)	X	X	-
Email	X	-	-
Phone	X	X	-
Language	X	X	-
Contact Type	X	-	-
Translation assistance	X	X	-
VC information resource	X	-	-
Other comments	X	X	-
Date of request	X	X	-

From the table it becomes evident, that the proposed data for the agreement on a videoconference is available to a great extent in Form N of Taking of Evidence (although still some useful data is missing) but that Annex A of the European Investigation Order is missing to a great extent useful information for setting up a videoconference.

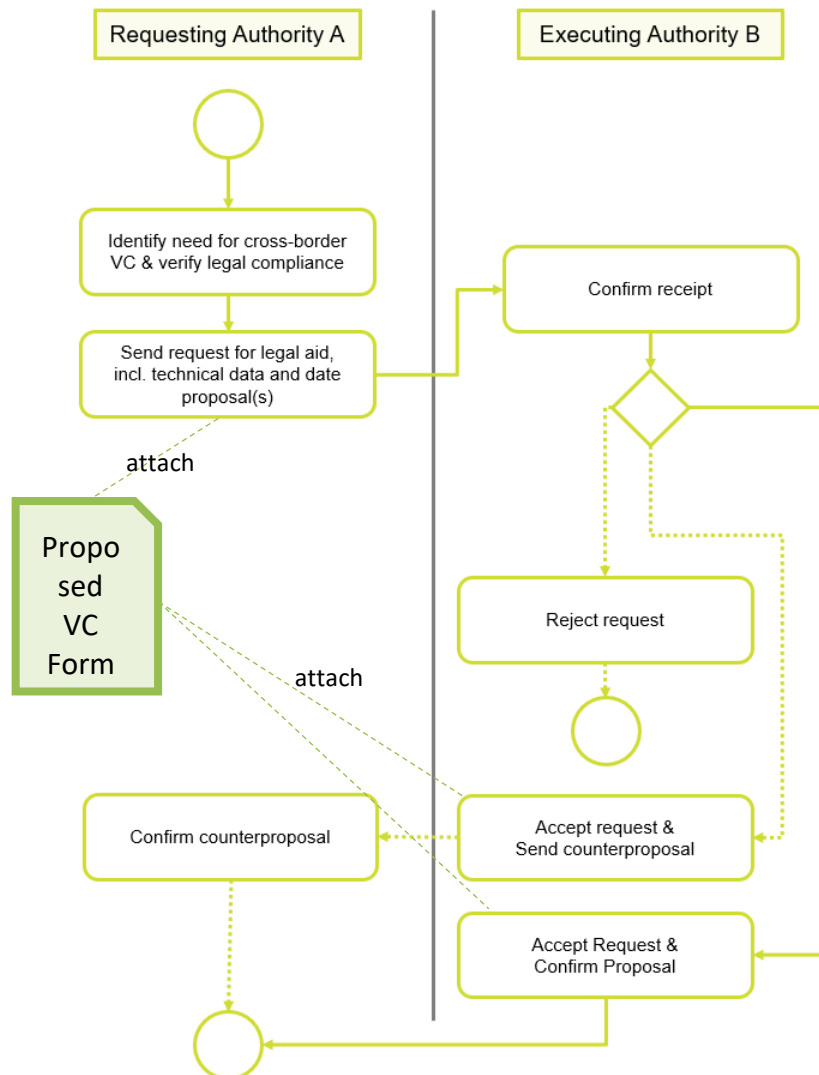
5.3 Workflow Integration

After having identified the need for a separate form for videoconferencing details and its applicability for civil law and criminal law use cases, the question remains, how to integrate the proposed VC form details into the workflows described in the previous main chapter 4 “Business Transactions”.

The main driver of the SimpliVi project is to make cross-border videoconferencing easier for practitioners. Both main legal acts and their workflows and forms are already well-established for many years and practitioners are more or less aware how to apply the legal acts for their videoconferencing requests. It is therefore not recommended to adapt existing workflows as they seem to be fit for use. Instead, SimpliVi recommends to enrich the existing workflows and the forms used with them with an **additional attachment specifically designed for the needs of cross-border videoconferencing**. Throughout the SimpliVi analysis activities it was repeatedly understood that low-level (technical) solutions are the best approach as they keep technical topics away from legal practitioners. Further, they increase the acceptance of tools such as videoconferencing. By simply adding an (optional) attachment, such a low-level approach would increase the acceptance of such a proposed VC Form significantly. The attachment itself is still to be designed but it should in any case include all data proposed at the beginning of this chapter. In this document, the attachment will be henceforth called “Proposed VC form”.

A judicial authority competent for Taking of Evidence would still use Form A for requesting a cross-border videoconference, Form N for the technical details and a Free Form Message for the confirmation of a proposed videoconference. If Form N is not sufficient, they could either replace it by the proposed VC Form or amend data missing in Form N by attaching the proposed VC Form with the necessary parameters. If the executing authority needs to make a counterproposal for the videoconference, they could still inform the requesting authority by a free form letter about this fact. At the same time, they already attach the proposed VC Form with the technical details of the counterproposal. Finally, the executing authority can accept the request and confirm the proposal with a Free Form Message. At the same time, they attach the proposed VC Form to provide their relevant videoconferencing data, such as technical contact details and a technical contact point.

A judicial authority competent for the European Investigation Order would also still use Annex A for requesting legal assistance in another Member State. The executing authority would confirm the receipt of the request with Annex B and accept the request with a Free Form Letter. The requesting authority could already send the proposed VC Form along with Annex A or send a separate Free Form Letter with the proposed VC Form to arrange the details of the videoconference. The executing authority could answer with a counterproposal with a Free Form Letter and again attaching the proposed VC Form for the technical details.



By keeping the original workflow and simply enriching it with the proposed VC form the additional workload is kept to a minimum and at the same time the workflow actors will have all relevant information to agree on the terms of the cross-border videoconference.

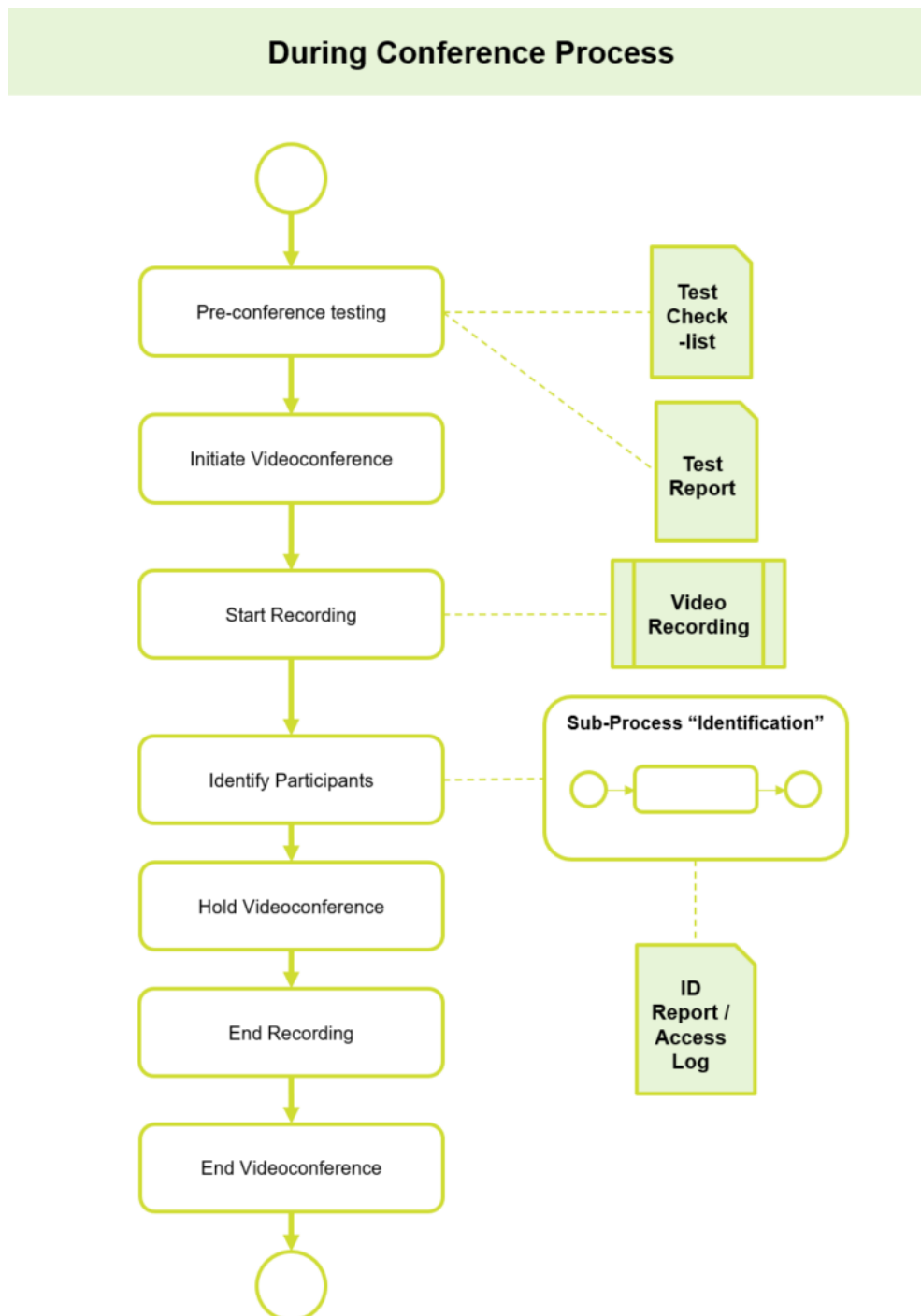
6 Additional Workflows and Documents

The workflow described in chapter 3.4 “Generalised Business Collaboration” covers the process to request a judicial cross-border videoconference and the agreement on the technical parameters. This process was seen as the most cumbersome process of all videoconferencing-related processes and is therefore extensively tackled in the previous chapters.

There are, however, other phases and workflows in relation with cross-border videoconferencing. The phase of setting up a videoconference takes place before the actual videoconference. There are though several (optional) steps during a videoconference and after the videoconference.

The following chapters show possible steps of those phases and their relation to documents and other artefacts used in those steps. It has to be noted though, that not all steps are relevant in all cases (e.g. identification of participants) or in all Member States (e.g. recording of a videoconference).

6.1 Conducting a videoconference

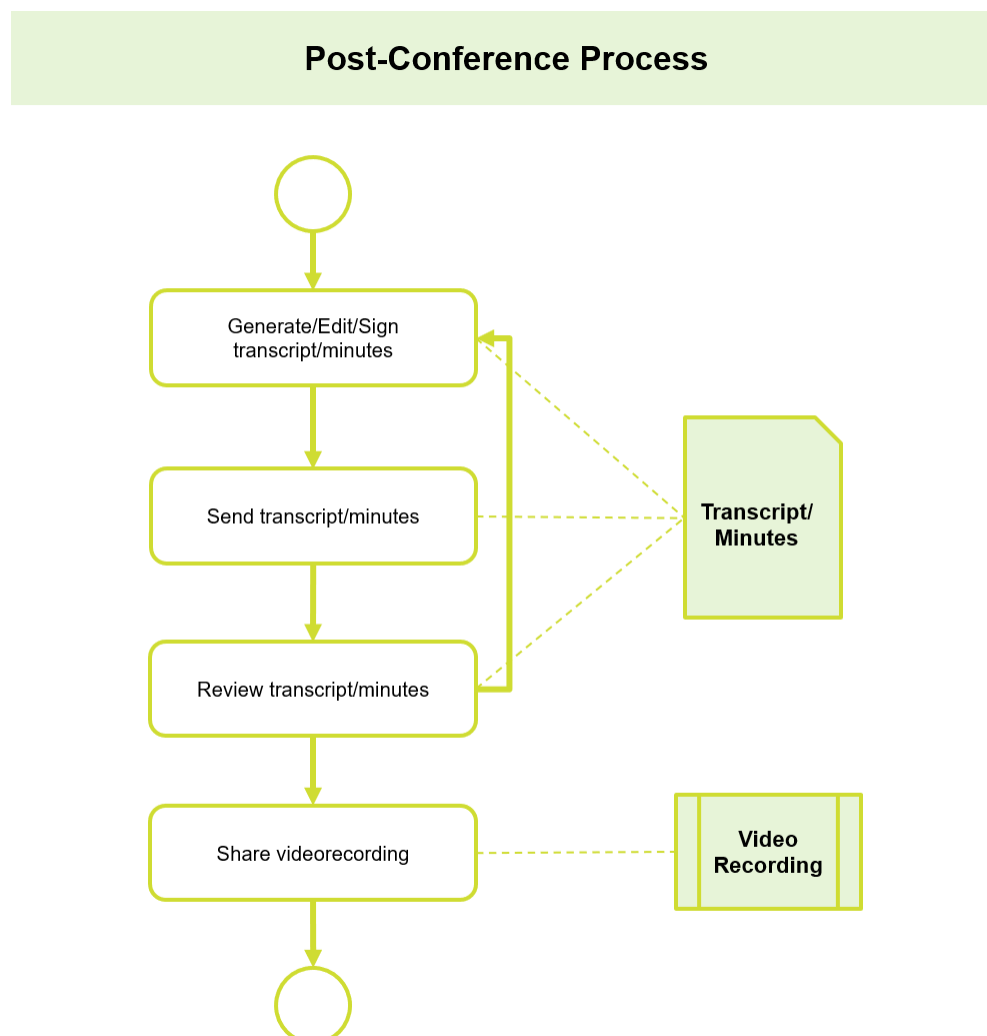


Pre-conference testing can be done a few days before the actual videoconference. For experienced videoconferencing practitioners it is sufficient though to start the videoconference 15min before the actual conference and solve any technical issues immediately. In any case a **testing checklist or protocol** can support the testing process, especially for inexperienced practitioners. A **test report** shows the results of the test and records lessons learned for the next videoconference.

If recording a videoconference is necessary and permitted, the practitioners should **start the recording** at latest immediately after the start of the videoconference. Alternatively, video recording can start already before the videoconference and can end after the videoconference, especially if different systems are used for recording and videoconferencing. Additionally, it must be transparent, that a videoconference session is recorded (e.g. by announcement, or by some visual display in the videoconferencing software). The corresponding artefact for this process step is the **recorded video file**.

Identification of participants is currently not seen as a major issue as it is either not necessary or done by simply showing an ID to the camera. However, as security concerns are increasing, it will become necessary to implement a more structured authentication for the participation in a videoconference. There are several approaches for this purpose. In the diagram above they are summarised as a separate **sub-process “Identification”**. The details of the sub-process are not in scope for this deliverable. If it is necessary to document the authentication in a case file, some kind of **ID report** or **Access Log** might become necessary.

6.2 Closing up a videoconference



After the videoconference has ended there might be several follow-up actions necessary.

For hearings, it is usually necessary to have some kind of evidence, what was said (and seen) during the hearing. This can be done e.g. by writing minutes or generating a transcript of an audio recording – if feasible. The outcome of this process step are **minutes** or the **transcript** of the hearing. If necessary, the minutes or the transcript might need some editing before signing the document. This workflow step would usually be done by the requesting authority but could be done also by the executing authority and subsequently send to the requesting authority.

A subsequent review cycle of the written transcript/minutes could be necessary.

If available and requested the videorecording can be shared with the other communication partner.

7 e-CODEX Integration

As mentioned in chapter 2 “European judicial videoconferencing and the lack of technical information”, for Taking of Evidence and the European Investigation Order (and many other European judicial proceedings) it has or will become mandatory to use e-CODEX as means for electronic communication for these proceedings. Therefore, it is necessary to find a way to integrate the proposed VC Form in e-CODEX.

An approach for an integration of the videoconferencing process into existing e-CODEX use cases will be analysed and proposed in the corresponding SimpliVi Deliverable D3.2 “e-CODEX Implementation”.

I List of Abbreviations

Acronym	Explanation
e-CODEX	e-Justice Communication via Online Data Exchange – www.ecodex.eu
EIO	European Investigation Order: Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ⁷
H.323	Telecommunication protocol, especially used for videoconferencing
ID	Identity Document
SIP	Session Initiation Protocol
SoD	Service of Documents: Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast) ⁸
ToE	Taking of Evidence: Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast) ⁹
VC	videoconference / videoconferencing

Table 1: Abbreviations

⁷ <https://eur-lex.europa.eu/eli/dir/2014/41/oj>

⁸ <http://data.europa.eu/eli/reg/2020/1784/oj>

⁹ <https://eur-lex.europa.eu/eli/reg/2020/1783/oj>

II References

Taking of Evidence

Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the **taking of evidence** in civil or commercial matters (taking of evidence) (recast)

<https://eur-lex.europa.eu/eli/reg/2020/1783/oj>

The Business Collaboration Design is taken from the “SoD & ToE – Business Collaboration Document”, Version 3.0 (SoD&ToE_Business_Collaboration_Document_v.3.0.pdf) - created by the European Commission - with their kind permission. The contents of that document are subject to change. The document is not publicly available.

European Investigation Order

Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the **European Investigation Order** in criminal matters

<https://eur-lex.europa.eu/eli/dir/2014/41/oj>

The Business Collaboration Design is taken from the “Business Collaboration Model - EIO”, Version 4 (Business Collaboration Model - EIO v4 Clean version.docx) - created by the European Commission - with their kind permission. The contents of that document are subject to change. The document is not publicly available.

Digitalisation Regulation

Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation

<https://eur-lex.europa.eu/eli/reg/2023/2844/oj>

Handshake Project (JUST/2014/JACC/A/E-JUST/6961; 11/2015 – 10/2016)

The following artefacts of the project’s Deliverable D4 were used as input:

- Workflow description
- Proposed form
- XML Schemas

The documents are available at: <https://e-justice.europa.eu/fileDownload.do?id=c87e10f3-95d9-402a-89b8-fc5c663106a6>

SimpliVi Analysis

The input of the SimpliVi analysis phase, on which this Deliverable is based on, is consolidated in the SimpliVi Consolidation Document. This document is available here: <https://www.simplivi.eu/node/65>