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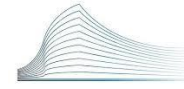


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Name	Role	Action	Date
Julien HEINTZ	Project Manager (Sopra Steria Belgium)	Review	17/06/2025
Cédric GENIN	Quality Control (Sopra Steria Belgium)	Review	28/07/2025
Marc GODON	Business Manager (Attaché Business Analysis, Support Service, College of Courts and Tribunals - Belgium)	Approve	31/07/2025
Pierre VERCHEVAL	National Expert (Service Public Fédéral Justice - Belgium)	Review	20/07/2025
Julien DUPONT	Solution Provider (Service Public Fédéral Justice - Belgium)	Approve	
Frédéric URGER	Business Manager (Ministère Public – Belgium)	Review	
Vicky DE SOUTER	National Legal Expert (Attachée Juriste Service Public Fédéral Justice- Belgium)	Review	15/07/2025
Ignace VUYLSTEKE	National Legal Expert (Attaché Privacy Service Public Fédéral Justice – Belgium)	Review	15/07/2025

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Executive summary

Purpose of the Document

This document (D3.1 Desk & Field Research) constitutes the first phase of the VC4Justice project. Its primary purpose is to assess the current use of videoconferencing (VC) in criminal justice within a cross-border context, using a comparative approach that combines legal, business, organisational and technical perspectives. It serves as the evidence base for the next stages of the project.

Key Findings

The analysis draws from institutional publications, EU-funded projects, academic literature, and targeted field research conducted between January and July 2025. In particular, it includes structured interviews, workshops, and a comparative study of Belgium, France, and the Netherlands—three countries with varying degrees of maturity in implementing videoconferencing for cross-border judicial cooperation.

Findings indicate that, although the use of videoconferencing in judicial proceedings has grown substantially across Member States since the COVID-19 pandemic, disparities persist in legal interpretation, operational capacity, and system interoperability. This is clearly illustrated by the three Member States examined. While each now has a legal framework governing the use of videoconferencing in judicial contexts, they differ in terms of use cases, frequency of use, technical maturity on videoconference technologies, and the solutions adopted at national level.

At the cross-border level, videoconferencing is already part of judicial cooperation practice, supported by existing EU legal provisions. However, logistical challenges continue to hamper effective collaboration, often leading to legal uncertainty and placing additional burdens on the competent authorities.

In parallel, institutional documents (e.g. CEPEJ guidelines, Council of the EU recommendations) and academic studies highlight six cross-cutting challenges: technical reliability, confidentiality of communications, legal fragmentation, diminished human interaction, digital exclusion, and a lack of interoperability. These obstacles hinder consistent, rights-based application of VC in cross-border judicial contexts. However, guidelines and recommendations to tackle them have already been identified by these actors and offer a strong basis for building the future of videoconferencing in criminal judicial cooperation.

Next Steps

These findings will directly inform the Case Analysis Report and subsequently feed into the Final Business Case Report. In line with the project's iterative approach, this will support the development of recommendations, a solution blueprint, and a prototype VC system, aligned with the practical and legal needs of EU judicial authorities.

1. Introduction

1.1. Purpose and objectives

The “VC4Justice” study¹ analyses the use of a videoconferencing (VC) tool in the context of cross-border criminal justice. It focuses on a specific case study: the hearing of key witnesses located in another Member State as part of a drug trafficking investigation.

The study is organised into four distinct phases:

- Phase 1: Assessment of the current situation including a review of the state of the art (AS IS situation)
- Phase 2: Exploration of the potential future situation and associated requirements (TO BE situation)
- Phase 3: Prototyping and validation
- Phase 4: Presentation of specific results and expanded recommendations.

Each phase is structured around four key dimensions:

- Legal: Analysis from a legal and regulatory perspective
- Business: Input from judicial and ICT stakeholders involved in the business case or with practical experience of using VC in judicial settings
- Organisational and Contextual: Consideration of the practical conditions necessary for effective VC use (e.g. room setup, lighting, and support services)
- Technical: Examination of ICT elements such as software, system requirements, and equipment

During the final phase, the study’s results and recommendations are extended to encompass a broader application across the field of justice. By building on the study’s findings, judicial authorities in the Member States can better align their existing VC capabilities with future requirements, or accelerate the implementation of their VC strategies.

The main objective of the study is to provide public authorities with practical guidance to support the digitalisation of justice, in line with the objectives of the Justice Programme. This will be achieved through a comprehensive analysis of the current landscape, which will inform the definition of a potential future scenario. Based on this, the study will offer concrete recommendations and a practical checklist for deploying videoconferencing solutions in cross-border settings. In addition, it will deliver a solution blueprint and a prototype outlining the proposed approach.

Note that this study does not intend to favour any software nor equipment vendor. Rather, it remains agnostic by providing recommendations and requirements that applies to most MS situations, no matter their current situation. This document (D3.1 Desk & Field Research) is part of the first phase and aims at

¹ European Commission. (2023). JUST-2027 — Project number 101160516. <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/projects-details/43252386/101160516/JUST2027>

exposing and analysing the current state of the art in Europe with a comparative analysis of a selection of Member States.

1.1. Methodology

The Case Analysis Report was written based on four set of inputs:

- Online research
- 11 structured interviews (one to one); (see
- Microsoft Excel document listing the main relevant legal text considered for the study, focusing on the European Union, Belgium, the Netherlands and France.
- List of interviews)
- 6 workshops (multiple stakeholders); (see section 5.4 List of workshops)
- User Event (in-person).
- Co-design session

These activities were held between January and July 2025, and aimed at collecting insights on the current and future situations and the related needs, constraints and opportunities focusing on four transversal aspects ((a) legal, (b) business, (c) organisation & contextual, and (d) technical & equipment).

In the analysis conducted throughout this desk research, ethical, fundamental rights, gender, environmental, and accessibility considerations have been directly integrated into the legal and business reflections, rather than treated as standalone themes. These dimensions were systematically addressed through the lens of procedural safeguards, user needs, and system design requirements. For instance, concerns about the right to a fair trial, the accessibility of remote hearings for vulnerable users, and the environmental impact of digital infrastructure were all embedded within the assessment of the legal analysis and the evaluation of practical and technical feasibility.

A detailed business case has been defined upfront to favour detailed exchanges thanks to a specific concrete case. Nevertheless, it was made clear to the participants that the project ambition is to address the whole criminal justice cooperation by the end.

Finally, the project adopts an iterative approach, whereby each document builds upon the previous one, progressively contributing to the development of the final deliverables. These include (A) the Case Study Report, which consolidates content related to the business case, and (B) the Project Report, which compile all information pertaining to the management of the project in a comprehensive format.

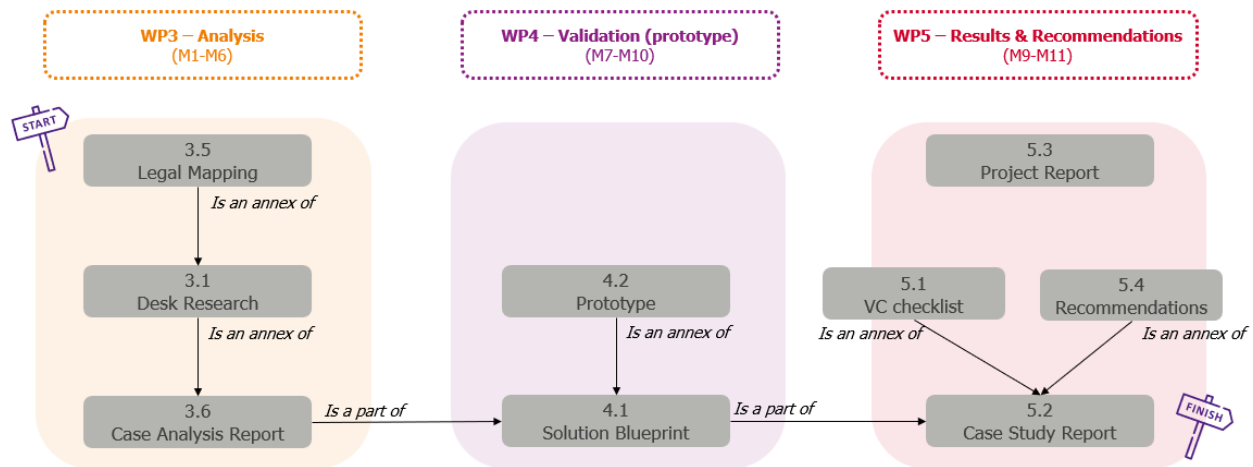


Figure 1 - Schematic representation of the iterative approach of the VC4Justice project

2. Desk & field Research

The Desk & field research was performed during January and June 2025. It covers the state of the art including recent EU funded initiatives, the situation of the European Union with a focus on the main legal initiatives, and a focus on a few Member States, namely: Belgium, The Netherlands and France.

Over fifteen interviews and workshops were conducted with various stakeholders (see sections 5.2. List of interviews & 5.3 List of Workshops)

In addition to the Desk & Field Research, a Legal Mapping (D3.5) is provided in the form of a Microsoft Excel document. This document lists the key legal texts examined in the study and covers all EU Member States where relevant information could be found.

2.1. State of the art

2.1.1. EU Funded Projects

The European Union (EU) has already funded other projects on the use of videoconferencing tools supporting cross border judicial cooperation. While the business cases and/or perspectives taken differ, their main objectives are similar. In recent years, three projects were identified.

The multi-aspect initiative to improve cross-border videoconferencing - "Handshake project" (2017)

The goal of this project was to identify the use cases that would benefit the most from cross border videoconferencing and clarify the roles of judicial authorities and other participants. The aspects considered were organisational, technical, and legal to improve the overall functioning of e-Justice systems both at European and national levels.

The project consulted the following Member States: Sweden, the United Kingdom, Austria, Italy, Croatia, Slovenia, Latvia, Poland and the Netherlands.

The analysis underscored that the heterogeneous judicial cultures among the Member States - particularly with respect to practices surrounding witness and accused hearings constitute a significant impediment to the effective use of videoconferencing.²

It further identified the contexts in which the use of videoconferencing would yield the most significant benefits:

- Criminal justice: to avoid the transport of persons in custody, to remotely hear witnesses, suspected/accused persons, experts or for confidential conversations between a lawyer and his client.
- Civil & commercial justice: to hear witnesses or experts, to hear a party within an audience hearing (in court).

At the time of the “Handshake project” (i.e., 2017), Court hearings via VC were only possible in Austria. Since then, mainly due to the COVID-19 pandemic, the use of VC has substantially increased in most Member States.

Finally, the study includes a set of good practices related to the interpreter and translator in different judicial context while using VC.

*Enhancing Videorecorded Interviews and Virtual Hearings in Europe – “E-ViVi” (October 2024 – September 2026)*³

The goal of the e-ViVi project is to “strengthen access to justice and uphold a standard of respect for all parties, suspects, victims, and witnesses -both adults and children in the criminal justice process.”⁴ More concretely, it identifies best practices and recommendations based on the assessments of current initiatives across the EU on the use of video-recorded interviews from various parties. It also seeks to increase awareness of key professionals to ensure they make the best use of videoconferencing while safeguarding procedural and fundamental rights at stake.⁵

*SimpliVi Cross-Border Judicial Videoconferencing in Europe – “SimpliVi Project” (April 2023-September 2025)*⁶

SimpliVi aims to streamline and strengthen cross-border judicial videoconferencing in criminal proceedings, with a particular focus on ensuring access to justice and safeguarding the rights of all parties involved—suspects, victims, witnesses, including children. It differentiates from other projects in integrating e-CODEX to support the entire videoconferencing workflow, from request to evidence handoff, making the process faster, more secure, and legally sound. The project also tackles practical obstacles

² Ministry of Security and Justice of the Netherlands, et al. (n.d.). D1a Judicial use cases with high benefits from cross-border videoconferencing. Handshake Project, p. 2.

³ HEUNI. (2024). Enhancing videorecorded interviews and virtual hearings in Europe. <https://heuni.fi/-/enhancing-videorecorded-interviews-and-virtual-hearings-in-europe>

⁴ E-ViVi HEUNI. <https://heuni.fi/-/enhancing-videorecorded-interviews-and-virtual-hearings-in-europe>

⁵ E-ViVi. (2024). Enhancing videorecorded interviews and virtual hearings in Europe. HEUNI. <https://heuni.fi/-/enhancing-videorecorded-interviews-and-virtual-hearings-in-europe>

⁶ SimpliVi Project, <https://simplivi.eu/>

such as time zone coordination, interpreter access, courtroom audio quality, and the lack of detailed national workflows.

Beyond the technical tools, SimpliVi will deliver a best-practice guide for courtroom design, minimum equipment specs, and updated metadata for the EU Court Database to help judicial authorities find compatible VC facilities across Member States. Ultimately, it provides a replicable package that courts can adopt rapidly, ensuring smoother coordination, reduced delays, and better protection for participants in cross-border criminal justice cases.

2.1.2. Academic research

The results of our search for academic literature directly related to our business case were limited, as there appears to be little research on this specific subject. Broadening the scope of our inquiry to include more general terms, such as justice or judicial cooperation combined with video or videoconferencing, led to more results. However, the documents were too far from the scope to be fully relevant. Indeed, research has been focused on national level use of VC and not in a cross-border European set-up. Moreover, many papers relate to countries outside of the European Union. We have selected a few papers from a European University whose conclusions are applicable to most cases of videoconferencing in justice, and therefore to our business case. Numerous scholars have examined the implications of videoconferencing on procedural and fundamental rights within criminal justice systems. Drawing specifically on three studies conducted by Tilburg University⁷, this section provides a focused analysis of these issues. The findings are organised into four thematic areas, each addressing a distinct dimension of how videoconferencing affects criminal proceedings, and the rights of the individuals involved.

Many researchers have been looking at the impact of videoconferencing on procedural and fundamental rights. Based on three studies conducted by Tilburg University⁸ and a statement from the European Criminal Bar Association⁹, we will now dive in these specific aspects. This part of the desk research is presented as a structured summary divided into four key sections, each highlighting the main impacts of videoconferencing on criminal proceedings. The aim is to provide a clear overview of how remote technologies can affect defence rights, human interaction, decision-making, and practical aspects of justice. To broaden the perspective, the section concludes by integrating insights from social science research.

The impact of videoconferencing on the right to an effective defence

The use of videoconferencing in criminal trials, while often justified by aims such as security, efficiency, or public health, can significantly impede the defendant's right to an effective defence. Although it is not

⁷ Panzavolta, M. (2024). A defendant's right to videoconference? Looking at online participation in criminal trials in a different light. *Tilburg Law Review*, 29(2), 69–86. <https://doi.org/10.5334/tilr.392>

Hirsch Ballin, M., & Castelijn, T. (2024). The use of videoconferencing at trial and its effects on the rights of the defense: A study of the future regulation in The Netherlands. *Tilburg Law Review*, 29(2), 48–68.

⁸ Panzavolta, M. (2024). A defendant's right to videoconference? Looking at online participation in criminal trials in a different light. *Tilburg Law Review*, 29(2), 69–86. <https://doi.org/10.5334/tilr.392>

Hirsch Ballin, M., & Castelijn, T. (2024). The use of videoconferencing at trial and its effects on the rights of the defense: A study of the future regulation in The Netherlands. *Tilburg Law Review*, 29(2), 48–68. <https://doi.org/10.5334/tilr.391>

⁹ European Criminal Bar Association. (2020, September 6). Statement of principles on the use of video-conferencing in criminal cases in a post-COVID-19 world. https://www.ecba.org/extdocserv/20200906_ECBASstatement_videolink.pdf

considered a violation of the right to be present at trial, it is nonetheless a restriction that must meet strict conditions to preserve the fairness of proceedings.¹⁰ Remote participation may hinder the defendant's ability to understand the trial, ask questions, or intervene at key moments, particularly for individuals with mental or cognitive impairments who may struggle to grasp the concept of a virtual courtroom. The right to counsel can also be affected, as confidential communication between the defendant and their lawyer becomes difficult when they are physically separated. This lack of real-time consultation can weaken defence strategy and create a psychological sense of isolation for the defendant.¹¹ Furthermore, the right to examine witnesses is at risk if technical failures occur during the two-way audiovisual interaction. Inequality of arms may also arise when the prosecution is physically present while the defence is remote. Ultimately, while videoconferencing can serve legitimate purposes¹², it must not compromise the defendant's fundamental right to participate effectively in their defence.

The diminished human dimension of virtual justice

Criminal trials have long depended on the human dimension of justice. The physical presence in a courtroom allows participants to read non-verbal cues, respond spontaneously, and build emotional understanding, all of which contribute to fair and effective proceedings¹³. The shift to videoconferencing, however, risks weakening these essential elements. Remote communication tends to be more structured and less spontaneous, making it harder for lawyers to assess the atmosphere of the courtroom or adjust their strategies accordingly. It also places a greater cognitive burden on participants, potentially leading them to focus more on appearance or tone rather than content. This is especially problematic when subtle cues carry weight in interpreting testimony or behaviour. Vulnerable defendants may feel disengaged or even invisible when appearing on screen, and judges have observed a "freezing" effect that can reduce participation. While some positive outcomes have been noted, particularly in juvenile justice, where younger witnesses feel less intimidated, these benefits do not offset the broader concern that virtual hearings diminish the human interaction vital to the justice process. Though future generations may adapt more easily, current evidence highlights a significant loss in the immediacy and empathy that in-person trials provide. Change management will be particularly important if a more general shift towards videoconferencing is to be operated¹⁴.

The impact of virtual justice on decision-making and trial legitimacy

The use of remote technologies in criminal trials can influence both the decision-making process and the perceived legitimacy of the proceedings. Studies indicate that defendants appearing via video may be judged less credible or less sympathetic, potentially affecting outcomes related to guilt, sentencing, or

¹⁰ Hirsch Ballin, M., & Castelijn, T. (2024, November 7). The use of videoconferencing at trial and its effects on the rights of the defense: A study of the future regulation in the Netherlands. *Tilburg Law Review*. <https://doi.org/10.5334/tilr>.

¹¹ Hirsch Ballin, M., & Castelijn, T. (2024, November 7). The use of videoconferencing at trial and its effects on the rights of the defense: A study of the future regulation in the Netherlands. *Tilburg Law Review*. <https://doi.org/10.5334/tilr>.

¹² de Vocht, D. L. F. (2022, April 13). Trials by video link after the pandemic: The pros and cons of the expansion of virtual justice. *China-EU Law Journal*. <https://doi.org/10.1007/s12689-022-00095-9>

¹³ Panzavolta, M. (2024, November 7). A defendant's right to videoconference? Looking at online participation in criminal trials in a different light. *Tilburg Law Review*. <https://doi.org/10.5334/tilr.391>

¹⁴ de Vocht, D. L. F. (2022, April 13). Trials by video link after the pandemic: The pros and cons of the expansion of virtual justice. *China-EU Law Journal*. <https://doi.org/10.1007/s12689-022-00095-9>

bail¹⁵. The psychological distance created by screens may also make it easier for judges and juries to impose harsher decisions. Even technical details, such as camera angles, can shape perception in subtle but significant ways, leading to biased interpretations of a defendant's behaviour or statements. Beyond individual decisions, remote trials may weaken the symbolic and authoritative role of the courtroom. The physical setting of a trial reinforces the seriousness and formality of the judicial process. Furthermore, judges may have less control over courtroom dynamics, relying on others to manage behaviour offsite. At the same time, virtual courts have the potential to enhance legitimacy by increasing access and transparency through livestreams or digital records¹⁶. Still, as the European Criminal Bar Association¹⁷ emphasises, robust legal, procedural, and technical safeguards are essential to ensure that remote proceedings do not erode fair trial standards or public trust in the justice system.

Practical concerns undermining the use of virtual justice

The practical implementation of virtual justice raises several critical concerns that can undermine both the fairness and perceived legitimacy of criminal proceedings. One key issue is the lack of clear legal standards and excessive judicial discretion, which risks violating the principle of legality and creates uncertainty about when and how remote hearings should be used. Technical reliability is another major concern, particularly in detention facilities or during cross-border proceedings, where unstable connections and poor video or audio quality frequently disrupt communication and hinder the sharing of documents. These technical shortcomings directly impact the quality of justice.¹⁸ Together, these practical limitations highlight the need for cautious and well-regulated use of videoconferencing in criminal justice.

On these aspects, it is interesting to note the work of researchers outside of the field of justice focusing on the impact of mediated discussions on human interactions. Researchers of the Netherlands Organisation for Applied Scientific Research TNO and the University of Twente created a questionnaire, "The Holistic Mediated Social Communication Questionnaire (H-MS-C-Q)".

The questionnaire is grounded in a theoretical framework that identifies and defines key abstract dimensions, constructs, such as attention, empathy, or involvement, that shape how people experience communication through mediated means.¹⁹ As no comparable instruments tailored specifically to the justice sector currently appear to exist, the H-MS-C-Q may serve as a valuable proxy for assessing the quality of videoconferencing systems used in judicial proceedings, particularly with regard to their impact on the social and communicative dimensions.

¹⁵ Panzavolta, M. (2024, November 7). A defendant's right to videoconference? Looking at online participation in criminal trials in a different light. *Tilburg Law Review*. <https://doi.org/10.5334/tlir.391>

¹⁶ de Vocht, D. L. F. (2022, April 13). Trials by video link after the pandemic: The pros and cons of the expansion of virtual justice. *China-EU Law Journal*. <https://doi.org/10.1007/s12689-022-00095-9>

¹⁷ European Criminal Bar Association. (2020, 6 septembre). Statement of principles on the use of video-conferencing in criminal cases in a post-Covid-19 world. https://www.ecba.org/extdocserv/20200906_ECBAStatement_videolink.pdf

¹⁸ Hirsch Ballin, M., & Castelijin, T. (2024, November 7). The use of videoconferencing at trial and its effects on the rights of the defense: A study of the future regulation in the Netherlands. *Tilburg Law Review*. <https://doi.org/10.5334/tlir>.

¹⁹ Toet, A., Mioch, T., Gunkel, S. N. B., Niamut, O., & van Erp, J. B. F. (2022). Holistic framework for quality assessment of mediated social communication. Netherlands Organisation for Applied Scientific Research TNO & University of Twente. https://ris.utwente.nl/ws/portalfiles/portal/293565735/H_MSC_v1.pdf

2.1.3. Institutional publications

Beyond academic literature, institutional actors have also contributed to shaping the normative and practical understanding of videoconferencing in judicial contexts. This section provides an analytical overview of key institutional publications that address the use of remote technologies in cross-border and domestic legal proceedings. The discussion is structured around three cornerstone documents.

Council of the European Union, “Guide on videoconferencing in cross-border proceedings”, 2013²⁰

This guide provides a comprehensive overview of the legal framework in European Union Law applicable in 2013. As such it is not valid anymore as several instruments have been adopted after this date. However, it remains interesting as it presents practical considerations for videoconferencing that are still very much in line with the most recent similar publications. These recommendations are very detailed and offer a great basis when thinking about how to further improve the use of VC in a cross-border context. It introduces the principle of “True to life” which aims at ensuring that the experience using videoconferencing remains as close as possible to the usual, in person practice which is key. Lastly, the Annexes II and III give practical indications. Annex II presents the technical standards that were available at the time. This work should be updated in following deliverables. Finally, Annex III presents the key steps to use videoconferencing in a cross-border context and will be considered in the redaction of the checklist and recommendations at the end of the VC4Justice project.²¹

European Commission for the efficiency of Justice (CEPEJ), “Guidelines on videoconferencing in Judicial proceedings”, June 2021²²

This guide is not focused on cross-border proceedings but is still relevant for this study. It presents the procedural issues that videoconferencing may pose regarding the respect of the right to a fair trial. It sets out a series of guidelines to follow to ensure respect of all fundamental principles, distinguishing general judicial proceedings and criminal proceedings. It also tackles organizational and technical issues and sets out high-level requirements/recommendations.²³ The checklist includes elements regarding security, recording, accessibility, quality, equipment, visibility, standards, interoperability, witness protection, private sessions, interpretation, the planning of a session, and even the use of AI.

It has recently been updated, but the scope changed slightly. Therefore, it remains pertinent to consider this guide as it contains elements that the 2025 version does not cover. The updated document is summarised below.

Final report on the tenth round of mutual evaluations on the implementation of the European Investigation Order (EIO), 10 December 2024.

²⁰ Council of the European Union. (2013). Guide on videoconferencing in cross-border proceedings. <https://www.consilium.europa.eu/media/30606/qc3012963en.pdf>

²¹ Council of the European Union. (2013). Guide on videoconferencing in cross-border proceedings. <https://www.consilium.europa.eu/media/30606/qc3012963enc.pdf>

²² European Commission for the Efficiency of Justice (CEPEJ). (2021). Guidelines on videoconferencing in judicial proceedings. Council of Europe. <https://rm.coe.int/cepej-2021-4-guidelines-videoconference-en/1680a2c2f4>

²³ European Commission for the Efficiency of Justice (CEPEJ). (2021). Guidelines on videoconferencing in judicial proceedings. Council of Europe. <https://edoc.coe.int/en/efficiency-of-justice/10706-guidelines-on-videoconferencing-in-judicial-proceedings.html>

The main legal base for this project, given the use case is the European Investigation Order Directive 2014/41. This Directive is analysed in section 2.2.1. 2024 was the year of the tenth round of mutual evaluation of the implementation of the EIO. Section of the report is dedicated to videoconferencing. First, it highlights that the use of VC in criminal proceedings to conduct hearings has revolutionised how evidence is obtained and that Member States made the necessary technical arrangements to improve the operation of said systems. However, the evaluation points out several practical challenges regarding the organisation of hearings.

- Difficult to comply with the date proposed for the hearing by the issuing authority as it was too close to the issuing of the EIO.
- Technical difficulties due to the incompatibility of the different videoconferencing system or devices.²⁴

The best practices and guidelines identified to mitigate the issues are the following :

- The EIO requesting a hearing via VC should be sent well in advance, indicate a timeframe for the hearing to take place and should provide alternative dates. When possible, the expected duration of the hearing should be indicated. This should allow the executing authority to locate and summon the person and to book and adequately equipped courtroom while considering its work schedule. One Member State has implemented an automated booking system for videoconferences which ensures that contact and technical details are correct and known in advance. It is highlighted as a best practice.²⁵
- Some Member States suggest that it would be most beneficial to have an EU-wide technical solution to overcome the technical problem. The commission was invited to examine the possibility of providing a secure and interoperable system for cross border videoconferencing that could be used by all Member States. Moreover, it is considered best practice to include in Section H2 of the Annex A (form) the technical information and details of a technician for establishing a connection between issuing and executing authorities. Annex A should contain a specific box dedicated to this. Finally, a standard form was developed to be send by the executing authorities to the issuing authority to gather all technical information needed to facilitate the hearing and avoid technical problems. This should also be considered as a best practice.²⁶

²⁴ General Secretariat of the Council, *Final report on the tenth round of mutual evaluations on the implementation of the European Investigation Order (EIO)*, 10 December 2024, [pdf](#), p.69

²⁵ General Secretariat of the Council, *Final report on the tenth round of mutual evaluations on the implementation of the European Investigation Order (EIO)*, 10 December 2024, [pdf](#), p.69

²⁶ General Secretariat of the Council, *Final report on the tenth round of mutual evaluations on the implementation of the European Investigation Order (EIO)*, 10 December 2024, [pdf](#), p.69

European Commission for the efficiency of Justice (CEPEJ), “Guide on the use and development of remote hearings”, May 2025²⁷

This guide (initially published in 2021 and updated in May 2025) focuses on remote hearings during the trial phase. It contains a checklist for holding a remote or hybrid hearing.

It outlines the need to improve the current processes and tools used to conduct videoconferencing in a judicial context in most Member States. Some have very advanced systems deployed, sometimes customised for their needs and yet the level of adoption and actual use of the technology remains rather low. Indeed, some shortcomings of the systems have been identified, perhaps partially explaining this low level of use.

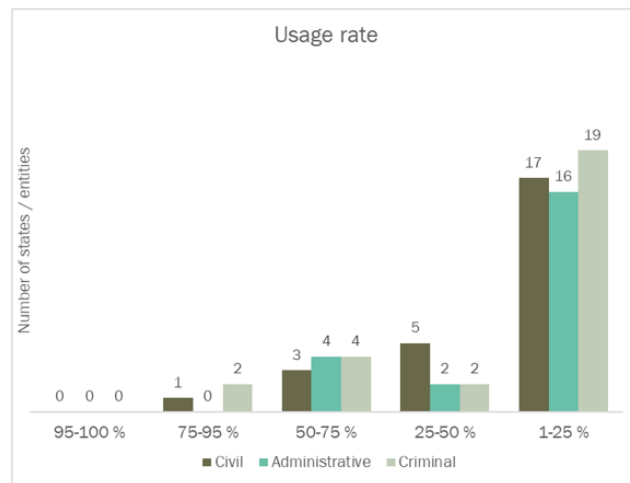


Figure 2 - Usage rate of VC across Europe

For example:

- Possibility of having private communications with the lawyer
- Simultaneous interpretation or automatic subtitling
- Automatic transcription of the exchanges
- Witness protection tools
- Digital barriers for disadvantaged people
- Identification and authentication of parties
- Management of evidence.

Effort should be put in improving the systems as the added value of using VC for remote hearings has been clearly demonstrated in a study conducted in the United Kingdom. The study highlighted that the majority of people attending their hearings remotely appeared more likely to be satisfied with their overall

²⁷ CEPEJ(2025)3Rev1

experience than those who attended in person.²⁸ However, even though most people did not encounter technical issues during their hearings, when it happened, it posed a significant challenge.

To this end, the document reflects on a series of best practices from various Member States, each linked to a guideline from the 2021 guide. Synthetically, it shows that Member States are implementing innovative and secure solutions to allow remote testimonies to happen while maintain integrity, confidentiality and reliability and addressing logistical challenges.²⁹ These findings constitute a valuable input to the VC4Justice study.

2.1.4. Conclusions

All the documents analysed in the scope of the present study are aligned on the key aspects to consider, the main challenges regarding the use of videoconferencing in criminal judicial proceedings and the recommendations to follow to tackle these potential issues.

The analysis of EU-funded projects, academic research, and institutional publications highlights six recurring challenges in the use of videoconferencing in criminal proceedings

- First, technical reliability remains a persistent issue: poor audio-visual quality, unstable connections, and inadequate equipment frequently disrupt hearings, especially in detention settings and cross-border cases.
- Second, the right to an effective defence is undermined when confidential communication between the defendant and counsel is not guaranteed, limiting real-time legal consultation.
- Third, the absence of harmonised legal standards across Member States leads to procedural uncertainty and inconsistent application, complicating mutual recognition and cross-border cooperation.
- Fourth, the use of videoconferencing diminishes the human dimension of justice by weakening non-verbal communication and courtroom dynamics, which are essential for assessing testimony and maintaining the authority of proceedings.
- Fifth, unequal access to technology and digital skills risks excluding vulnerable individuals, raising serious concerns about fairness and equality before the law.
- Sixth, interoperability challenges between national systems impede coordination, delay proceedings, and limit the effective use of EU legal instruments. Those six points will form a strong base for the next phase of the project where we will shape the desired future situation (TO-BE), ensuring a full alignment with the prevailing doctrine.

²⁸ Clark, J. (2021). Evaluation of remote hearings during the COVID-19 pandemic: Research report. HM Courts & Tribunals Service. https://assets.publishing.service.gov.uk/media/61b71ebd8fa8f5037b09c7b1/Evaluation_of_remote_hearings_v23.pdf (Clark, 2021, pp. 27, 29, 48, 55–56, 65–80, 82–83, 86)

²⁹ European Commission for the efficiency of Justice (CEPEJ), “Guide on the use and development of remote hearings”, May 2025, CEPEJ(20025)3Rev1, p 29.

2.2. European Union

2.2.1. Legal aspects

Consolidated Version of the Treaty on the Functioning of the European Union (TFEU) OJ C 326/47.

Chapter 4 of the TFEU sets out the competence of the European Union to act on judicial cooperation in criminal matters.

Article 82 sets out the principle of mutual recognition of judgements and judicial decisions as a basis for all the cooperation in the Union. It allows the European Parliament and the Council to take legislative action to:

- “Lay down rules and procedures for ensuring recognition throughout the Union of all forms of judgments and judicial decisions;
- prevent and settle conflicts of jurisdiction between Member States;
- support the training of the judiciary and judicial staff;
- facilitate cooperation between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.”³⁰

It also allows the creation of minimum rules via the adoption of Directives by the European Parliament and the Council for all criminal matters having a cross-border dimension. It shall concern:

- “Mutual admissibility of evidence between Member States;
- the rights of individuals in criminal procedure;
- the rights of victims of crime;
- any other specific aspects of criminal procedure which the Council has identified in advance by a decision [...]”³¹

Article 83 allows the European Parliament and the Council to take legislative action, by means of Directives to establish minimum rules concerning the definition of criminal offences and sanctions in the area of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis. The area of crimes are: “terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime”³²

³⁰ European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326, 26.10.2012. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E> (European Union, 2012, Art. 82(1))

³¹ European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326, 26.10.2012. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E> (European Union, 2012, Art. 82(2))

³² European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326, 26.10.2012. . <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E> (European Union, 2012, Art. 83(1))

Article 84 allows the European Parliament and the Council to act by legislative means to promote and support the action of Member States in the field of crime prevention, excluding any harmonization of the laws and regulations of the Member States.³³

Finally, Article 85 describes the mission of Eurojust which is to “support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.”³⁴ Therefore, it allows the European Parliament and the Council by means of Regulation to determine the field of action of Eurojust which includes:

- “The initiation of criminal investigations, as well as proposing the initiation of prosecutions conducted by competent national authorities, particularly those relating to offences against the financial interests of the Union;
- the coordination of investigations and prosecutions referred to in point (a);
- the strengthening of judicial cooperation, including by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network.”³⁵

It also emphasises that the prosecutions and formal acts of judicial procedures referred to in the text cited above shall be carried out by the competent national officials.³⁶

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 cooperation³⁷

Regulation (EU) 2023/2844 aims to establish the digital channel as the default option for cross-border judicial cooperation within the EU. However, its objective extends beyond mere digitalisation. The regulation seeks to enhance the efficiency and effectiveness of judicial procedures, reduce costs, minimise delays and administrative burdens, and strengthen the resilience of the judicial system (Recital 4).³⁸ All of these ensure, an improved access to justice guaranteeing the right to judicial protection.

Under this Regulation, videoconferencing in criminal matters shall be used only for the hearing of a suspect, accused or convicted person or a person who is “affected” by a freezing or confiscation order and

³³ European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326, 26.10.2012. . <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E> (European Union, 2012, Art. 84)

³⁴ European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326, 26.10.2012. . <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E> (European Union, 2012, Art. 85(1))

³⁵ European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326, 26.10.2012. . <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E> (European Union, 2012, Art. 85(1))

³⁶ European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326, 26.10.2012. . <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E> (European Union, 2012, Art. 85(2))

³⁷ European Union. (2023). 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. Official Journal of the European Union, L 2844, 27.12.2023. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R2844>

³⁸ Gascón Inchausti, F. (2024). The new regulation on the digitalisation of judicial cooperation in the European Union: Something old, something new, something borrowed and something blue. ERA Forum, 24(3), 535–552. <https://doi.org/10.1007/s12027-024-00782-z>

who is present in another Member State. Moreover, it cannot be used in all procedural contexts. The list of procedures that can be supported by videoconferencing is set in Art.6(1):

- “the hearing of a person for whom a European Arrest Warrant has been issued, as long as the decision has not been taken by the executing judicial authority [under (Art. 18(1)(a)) of Framework Decision 2002/584³⁹]the hearing of the sentenced person’s position regarding his or her transfer to another State for the enforcement of a custodial sentence [under (Art. 6(3)) of Framework Decision 2008/909⁴⁰]
- the hearing of the sentenced person before the decision on the imposition of a sentence is taken, in the context of the enforcement of a judgment or probation decision [under (Art. 17(4)) of Framework Decision 2008/947⁴¹]
- the hearing of the affected person prior to the adoption of decisions subsequent to the execution of a supervision measure as an alternative to provisional detention [pursuant to (Art. 19(4)) of Framework Decision 2009/829⁴²]
- the hearing of the person causing danger before issuing a European protection order [under (Art. 6(4)) of Directive 2011/99⁴³]
- the invocation by the affected person of a legal remedy against freezing and confiscation orders [under (Art. 33(1)) of Regulation 2018/1805⁴⁴].”

This Article is without prejudice to other Union legal acts that provide for the use of videoconferencing or other distance communication technology in criminal matters.⁴⁵ Indeed, these are not the only cases in which videoconferencing can be used. The European law provides additional instruments such as the European Investigation Order (EIO) and the Convention on Mutual Assistance in Criminal Matters between the EU countries (MLA) – described in the next section.

³⁹ Council of the European Union. (2002). Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. Official Journal of the European Union, L 190, 18.07.2002, pp. 1–20. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32002F0584>

⁴⁰ Council of the European Union. (2008). Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union. Official Journal of the European Union, L 327, 5 December 2008, pp. 27–46. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32008F0909>

⁴¹ Council of the European Union. (2008). Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. Official Journal of the European Union, L 337, 16 December 2008, pp. 102–122. https://eur-lex.europa.eu/eli/dec_framw/2008/947/oj/eng

⁴² Council of the European Union. (2009). Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention. Official Journal of the European Union, L 294, 11 November 2009, pp. 20–40. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32009F0829>

⁴³ European Parliament & Council of the European Union. (2011). Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order. Official Journal of the European Union, L 338, 21 December 2011, pp. 2–18. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32011L0099>

⁴⁴ European Parliament & Council of the European Union. (2018). Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders. Official Journal of the European Union, L 303, 28 November 2018, pp. 1–38. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32018R1805>

⁴⁵ European Parliament & Council of the European Union. (2023). 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. Official Journal of the European Union, L 327, 27 December 2023, pp. 1–38. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32023R2844>

The Regulation details the process to follow: the requesting authority asks the executing authority if the procedure can happen via videoconferencing. The national law of the requesting authority will govern the conduct of the videoconference (Recital 42). It is then up to the person to be heard to accept or refuse to participate via videoconferencing. It is important to note that two cumulative conditions must be met: first, the circumstances of the case must justify it and second, the suspect, accused or convicted shall have given his consent to participate (Art. 6(2)).

Several requirements regarding the consent of the person to be heard are also set out in the Regulation. The person shall have access to legal assistance if requested and shall be informed of the process as well as his procedural rights. His expression of consent shall appear in the records of the hearing. As an exception, the authority can resort to the use of videoconferencing without the consent if the hearing would pose a serious threat to public security or public health (Art 6(2)).

Other aspects are considered, such as:

- the storage of the recording to ensure its confidentiality during and after the hearing (Art 6(7)),
- the availability of private virtual rooms if the person and his lawyer are not physically sitting in the same room (Art 6(5)).
- the possibility to authenticate the person to be heard and ensure visual, auditive and oral communication (Recital 32).

Detailed practicalities such as the scheduling, the software, platform and/or equipment to be used and the equipment positioning are left to the discretion of the authorities.

Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (Article 3 and 24)⁴⁶

This Directive is mentioned in Regulation 2023/2844 as one of the instruments that already autonomously provides for the use of videoconferencing for the procedures under its own scope i.e. the execution of a European Investigation Order (EIO).

Under the European law, a EIO is a judicial decision which has been issued or validated by a judicial authority of a Member State ('the issuing State') to have one or several specific investigative measure(s) carried out in another Member State ('the executing State') to obtain evidence in accordance with this Directive.

The EIO may also be issued for obtaining evidence that is already in the possession of the competent authorities of the executing State (Art. 1).

A EIO can cover any investigative measure except for the setting up of a Joint Investigation Team (JIT) (Art. 3). It follows the form prescribed in Annex A of the Directive and includes mandatory basic information (Art. 5).

⁴⁶ European Parliament & Council of the European Union. (2014). Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. Official Journal of the European Union, L 130, 1 May 2014, pp. 1–36. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32014L0041>

The conditions for executing a EIO in the case of a hearing via videoconference are defined in the Directive (Art. 24), along with key distinction between the hearing of a witness and a suspected or accused person. The suspect or accused can refuse the use of videoconferencing while the consent of the witness is not required (Art. 24(2)).

The authorities of the issuing State and the executing State shall agree on the practical arrangements (Art. 24(3)). The executing authority shall then ensure that the person is informed, summoned to appear and that before the hearing starts his identity is authenticated (Art. 24(3)). As previously stated, the executing authority should ensure that the necessary infrastructure and tools are available but if it is not possible, it can be decided by mutual agreement that the issuing authority shall make it available (Art.24(4)). It is also the executing authority that shall bear all costs undertaken on the territory of the executing State.

Under article 24 (5), a few specific rules apply when the hearing is held by videoconference:

- The competent authority of the executing State shall be present during the hearing. They are responsible for ensuring the respect of fundamental principles of the law applicable in their State and of confirming the identity of the person to be heard.
- The hearing shall be conducted directly by the competent authority of the issuing State, under this State's law.
- An interpreter shall assist the person to be heard and shall be provided by the executing authority.
- Minutes shall be taken by the executing authority and forwarded to the issuing authority.

Recital 25 precises that the Directive sets rules for all stages of the criminal proceedings of an investigative measure, including the trial phase. A EIO can therefore be issued for the carrying out of a hearing via videoconference, even in a trial context.⁴⁷

Finally, in terms of costs, article 21, supported by Recital 13, puts the costs related to the execution of the EIO on the executing state. However, if the cost for execution is deemed exceptionally high, it can be discussed how the costs can be shared.⁴⁸

The Directive has been evaluated for the tenth time in 2024. The final report of this evaluation draws some interesting conclusions regarding the use of VC in the context of Article 24 of the Directive. These findings will be used in the Case Analysis Report (D3.6).

Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (Article 10)⁴⁹

This Convention is another instrument mentioned in Regulation 2023/2844 providing for the use videoconferencing under its own scope. This Convention allows the conduct of hearings via VC only for

⁴⁷Eurojust & European Judicial Network. (2019). Joint Note of Eurojust and the European Judicial Network on the practical application of the European Investigation Order. Eurojust.

https://www.eurojust.europa.eu/sites/default/files/assets/eurojust_ejn_joint_note_practical_application_european_investigation_order.pdf

⁴⁸ European Parliament & Council of the European Union. (2014). Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. Official Journal of the European Union, L 130, 1 May 2014, pp. 1–36.

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32014L0041>

⁴⁹ Council of the European Union. (2000). Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. Official Journal of the European Union, C 197, 12 July 2000, pp. 3–23. [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A42000A0712\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A42000A0712(01))

witness and experts. At the discretion of Member States, it can also be allowed for accused persons. In that case, the decision, and the way the VC shall happen shall be subject to an agreement between Member States.

As the rules are harmonised, the conditions related to the conducting of hearing via VC set out in Article 10 of the Convention are the same as the ones described in Article 24 of Directive 2014/41/EU (EIO) described in the point above. However, in the Convention, the expenses made in the requested Member State shall be fully refunded by the Requesting Member State.

Please see in Appendices 5.4 a BPMN (Business Process Model and Notation) diagram displaying the process as explained in the above-mentioned instruments.

Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA⁵⁰

As the project use case is within the penal context, the GDPR does not apply (art. 2.2.d GDPR). A specific EU Directive (2016/680) provides the legal framework for the processing of personal data. It applies to processing carried out by competent authorities (such as the police, gendarmerie, judiciary, customs, etc.) for law enforcement purposes, namely:

- Prevention and detection of criminal offenses
- Criminal investigations and prosecutions
- Execution of criminal penalties
- Protection against threats to public security

This Directive applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system (Article 2).

It provides for personal data to be :

- “processed lawfully and fairly;
- collected for specified, explicit and legitimate purposes and not processed in a manner that is incompatible with those purposes;
- adequate, relevant and not excessive in relation to the purposes for which they are processed;

⁵⁰ European Parliament, & Council of the European Union. (2016). Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. Official Journal of the European Union. <https://eur-lex.europa.eu/eli/dir/2016/680/oj/eng>



- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which they are processed;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.” (Art. 2)

The key distinction between the witnesses, suspects, accused and here, victims comes back in this Directive. Indeed, it provides that the data controller should, as far as possible, make a clear distinction between personal data of different data subjects : suspected people, accused people, victims and people who will testify (witnesses) (Art. 6⁵¹).

Finally, the Directive provides for a series of requirements regarding the keeping of logs, data protection by design and by default and security of the processing which will be considered in D3.6 Case Analysis Report as well as in D4.1 Solution Blueprint.

2.2.2. Business aspects

At EU level, three main actors are leading the digitalisation of Justice:

- **DG JUST – Directorate-General for Justice and Consumers:** DG JUST is responsible for developing and implementing EU policies on justice, fundamental rights, and consumer protection. Its work supports the EU’s priorities, including a digital future, a stronger European democracy, and the European Green Deal. A core part of its mission is to ensure a fair, safe and just society while promoting effective judicial cooperation across Member States.⁵²
- **Eurojust – The European Union Agency for Criminal Justice Cooperation:** Based in the Netherlands, Eurojust acts as a central hub where national judicial authorities coordinate efforts to combat serious, organised cross-border crime. Its role is to enhance cooperation between judicial bodies in EU Member States and partner countries during the investigation and prosecution of transnational crimes.⁵³ In 2024 alone, Eurojust facilitated 1,357 witness hearings, including 308 conducted via videoconference.⁵⁴
- **eu-LISA – European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice:** eu-LISA is responsible for developing, managing, and operating large-scale IT systems that support EU justice and home affairs. It has taken over

⁵¹ European Parliament, & Council of the European Union. (2016). *Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA* (Article 6). Official Journal of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016L0680>

⁵² European Commission. (n.d.). Justice and Consumers. European Commission. https://commission.europa.eu/about/departments-and-executive-agencies/justice-and-consumers_en

⁵³ Eurojust. (n.d.). Who we are. European Union Agency for Criminal Justice Cooperation. <https://www.eurojust.europa.eu/about-us/who-we-are>

⁵⁴ Eurojust. (2024). 2024 in figures. European Union Agency for Criminal Justice Cooperation. <https://www.eurojust.europa.eu/2024-figures>



the operational management of e-CODEX and oversees systems such as ECRIS-TCN, which enables judges and prosecutors to conduct “hit/no-hit” checks on non-EU offenders. In addition, eu-LISA is developing a secure collaboration platform for Joint Investigation Teams (JITs CP), which— together with Eurojust’s support—will significantly streamline cross-border cooperation and information exchange between judicial authorities.⁵⁵

- **FRA – European Union Agency for Fundamental Rights** : FRA is the Agency in charge of promoting the right of the European Charter of Fundamental Rights of the European Union. It does so by collecting and analysing data to provide evidence-based advice to EU institutions, Member States and national human rights institutions. According to its 2025-2027 Single Programming Document, FRA now has more responsibilities regarding judicial cooperation and access to justice in civil and criminal matters. While the resources dedicated to this area of work are limited, they are currently conducting a study aiming at analysing the impact of the digitalisation of justice systems and address the minimum fundamental rights safeguards required. In an interview conducted for the VC4Justice project, they indicated that more than 208 interviews were conducted, across all Member States and EU agencies and institutions. The results of this study will result in a report that should be published by the beginning of 2026. It will aim at providing guidance to justice authorities regarding the use of digital tools, including videoconferencing in justice system.⁵⁶

2.2.3. Organisational & contextual aspects

Since the European Union does not have per se judicial courtroom holding criminal proceedings, this aspect is not relevant. This being said, as a prominent international actor composed of multiple States, the European Union has substantial videoconferencing capabilities and a longstanding practice of using it, think about the European Parliament hearings, for example. While this is not in the scope of this study, it may be worth exploring it further in the future to capture and build on that experience.

2.2.4 Technical aspects

To date, there is no European system at the disposal of the Member States to hold videoconferencing exchange in the field of Justice.

However, e-EDES (e-Evidence Digital Exchange System)⁵⁷, based on e-CODEX infrastructure is a new tool, currently being implemented to support and facilitate judicial cooperation in criminal matters. Taking the form of a secure online portal for electronic requests and responses and the corresponding procedures, it aims at increasing the efficient use of mutual assistance procedures and standardized forms for obtaining electronic evidence.⁵⁸ In the context of the business case of this study, it is used to send and

⁵⁵ eu-LISA. (2024, March 7). Eurojust and eu-LISA discuss closer cooperation to support digitalisation of justice across Europe. European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice.

<https://www.eulisa.europa.eu/news-and-events/news/eurojust-and-eu-lisa-discuss-closer-cooperation-support-digitalisation-justice>

⁵⁶ FRA, Single Programming Document 2025-2027, p.41, https://fra.europa.eu/sites/default/files/fra_uploads/fra_spd_2025-2027_en.pdf

⁵⁷ Nicolau, C. (2023, November). eEvidence Digital Exchange System: Vision for 2031. EU-LISA Around Table.

https://www.eulisaroundtable.eu/eulisa_content/uploads/2023/11/eEDES_CNicolau_ses32.pdf

⁵⁸ European Commission. (2023, January 20). e-Evidence Digital Exchange System. European Commission. https://e-justice.europa.eu/topics/court-procedures/criminal-cases/tools-judicial-cooperation/e-evidence-digital-exchange-system_en

receive the EIO and therefore, request the hearings via videoconferencing. It should be fully implemented by all Member States by 2028.

At Eurojust level, PEXIP is used for coordination meetings and allows the simultaneous interpretation of the exchanges up to 10 different languages. The software allows the participants to hear only the language they selected, hearing directly the voice of a human interpreter like you would in a physical meeting with a headset. The interpreters are also connected to the call but only the people who selected the given language will hear them while the voice of the actual speaker will be cut.⁵⁹

2.3. Belgium

2.3.1. Legal aspects

The law of 25 April 2024 for the use of videoconferencing in judicial proceedings modified several judicial frameworks⁶⁰ to permit the use of videoconferencing in a range of procedures (both civil and criminal, including procedures concerning pretrial detention, execution of the prison sentences, execution of internment measures and in cases before the youth courts). Supported by an application named “JustCourt” (using Microsoft Teams services), it offers the possibility of having digital or hybrid audiences.

The generic articles concerning the safeguard and guarantees that should be present for the use of videoconference in all criminal proceedings as described above, are integrated in the Code of Criminal Procedure⁶¹ (further CCP), Book II, title VIbis called “The use of videoconferencing”. It provides a series of safeguards, as well as some guidelines on how to use videoconferencing in the different contexts that are foreseen. Considering the use case of this project, not all situations are to be detailed here, we will focus on the most relevant ones.

First, the rules apply to the use of “videoconference” and “videoconferencing systems” (art. 556,§1 CCP). These can be used in criminal cases, to allow one or more individuals, or their representatives, to appear, participate or preside at a hearing remotely (art. 557 CCP).

As explained in the explanatory memorandum accompanying the law of 25 April 2024, its framework also applies to the implementation of foreign requests to hear a witness, expert, suspect, defendant, accused or convicted person. As such, it filled a gap in Belgian law that was blocking the execution of the requests.⁶²

The main objective of the text is to ensure that the people attending the hearing by videoconference benefit from the same rights and obligations as someone who would attend the hearing in person (Art. 558,§1 CCP). The translation of procedural and fundamental rights applicable in physical presence is indeed essential as explained in section 2.1.2.

⁵⁹ Interview with Eurojust on 09/07/2025.

⁶⁰ Judicial Code, Code of criminal Procedure,, Law of 20th July 1990 on pretrial detention, Law of 17 May 2006 on the external legal status of those sentenced to prison sentences and the rights granted to the victim in the context of sentencing m, Law of 8 April 1965 on youth protection, the charging of minors who have committed an offence defined as a crime and reparation for the damage caused by this offence, Law of 5 May 2014 on internment measures

⁶¹ Belgique. (1808). Code d'instruction criminelle, as modified by the law of 25 April 2025, https://www.ejustice.just.fgov.be/cgi_loi/article.pl?language=fr&numac=1808121450&table_name=wet

⁶² Preparatory memorandum accompanying the law of 25 April 2024, DOC 55 3722/001, 1st December 2023, [55K3722001.pdf](#), page 54.

Article 558,§2 CCP sets general requirements for the future system. The system as well as his modalities of installation and functioning shall be further defined in an “Arrêté Royal” currently under drafting (art. 558,§3 CCP).

- The people attending should be able to participate effectively to the process and follow effectively and entirely the debates.
- The people attending should be able to express themselves, be seen and heard, without technical issues.
- If a lawyer is supporting the person appearing, the latter should be able to communicate effectively and confidentially with his lawyer during the videoconference.
- If there are more than one parties to the trial, they should be able to see and hear each other simultaneously, if the law allows it.
- Except if expressly provided for by law, it is forbidden to record, save or process the videoconferencing.
- The access to the videoconferencing system shall be granted via authentication protocols supported by the Federal Authority or via an authentication mean offering the same warranties (art. 558,§3 CCP).
- Moreover, according to Article 559, the system should allow for the publicity of hearings as well as the non-publicity for behind closed doors hearings (“huis-clos”).

Article 560 CCP further details the practical use of video conferencing, which should be compatible with the circumstances of the case. Article 560,§1 CCP provides a series of elements that could be considered for the evaluation of those circumstances namely the length of the proceedings, the number of parties, the possibility of interactions between the parties, the phase of the proceedings, the nature of the litigation, the complexity of the case, the assistance of a lawyer, the possibilities of appeal, the technical capacity of prisons, the residential situation of one of the parties and, lastly, the physical or psychological situation of the person to be heard.

Furthermore, article 560 CCP sets out the procedure for the use of videoconferencing when initiated by the court (§1), by an individual (§2), or when the court prohibits physical appearance or participation by an individual (§3).

It also stipulates that:

- Each party, as well as the Prosecutor’s Office, has the right to state its position on the suitability and possible use of videoconferencing (art. 560, §4 CCP)
- Videoconference participation requires the person’s prior consent, which can in some cases be presumed (art. 560, §5 CCP).
- Judges and clerks can also be allowed to preside over or participate in a hearing through videoconferencing (§6 CCP);
- The hearing of a witness or an expert is possible, including in the instruction phase, as long as the same conditions as the ones for a closed trial, referred to in article 561,§1, CCP are respected. It

is indeed important that the system used allows the verification of the presence of only the strictly necessary parties (§7).

- If, during a hearing, the court finds that conditions for videoconferencing are no longer met or that its use is no longer appropriate, it may suspend the hearing and order it to continue in person (§8).
- Interpreters and lawyers may be physically present in the courtroom, at the party's location, or in another location deemed suitable by the court (§9);
- Further practical and technical rules concerning the organisation and course of proceedings can be determined in an "Arrêté Royal" (§10).
- Court notifications related to the use of video conferencing are to be sent electronically, to the correct electronic address (§11).

Article 560, §7 plans for the hearing of a witness or an expert, including in the instruction, as long as the same conditions apply than for a closed trial, referred to in Article 561§1, are respected. It is indeed important that the system used allows for the presence of only the strictly necessary parties.

Art. 561 CCP contains specific rules applicable to hearings behind closed doors, aimed at guaranteeing the secret character of said proceedings. The Code of Criminal Procedure also provides for the use of videoconferencing in more specific situations.

First, for the investigation phase specifically, Article 112 of the Criminal Investigation Code provides for remote hearings, at the request of the king's prosecutor or the investigative judge if the witness is threatened. This option is considered as a protection measure. It can also be used to hear a witness that is located in another country when the reciprocity is guaranteed. Paragraph 3 of the same articles provides that a judicial police officer or a police officer shall be with the person to be heard, or a judicial authority from the other country if the person is located outside of Belgium. That authority shall be responsible for verifying the identity of the witness. The prosecutor or investigative judge shall draft an official report of the hearing, including the reason why it was decided to have it via videoconferencing. Finally, paragraph 5 explicitly mentions that the hearing shall always be audio visually recorded in the sense of Article 112ter which ensures that the recording is available in two examples. Both tapes are considered original and will be filed at the court registry as a piece of evidence.⁶³

Articles 158bis and 298 provide the same elements but in Court, at the request of the prosecutor or the investigative judge.⁶⁴

Lastly, at another step of the procedure, it can also be used to allow an accused person that is preventively detained to appear via VC for the settlement of the proceedings.⁶⁵

⁶³ Federal Public Service Justice. (n.d.). Code of Criminal Procedure: Article 112, [Banque de données Justel](#).

⁶⁴ Federal Public Service Justice. (n.d.). Code of Criminal Procedure: Article 158bis and 298, [Banque de données Justel](#).

⁶⁵ Federal Public Service Justice. (n.d.). Code of Criminal Procedure: Articles 567–588, [Banque de données Justel](#).

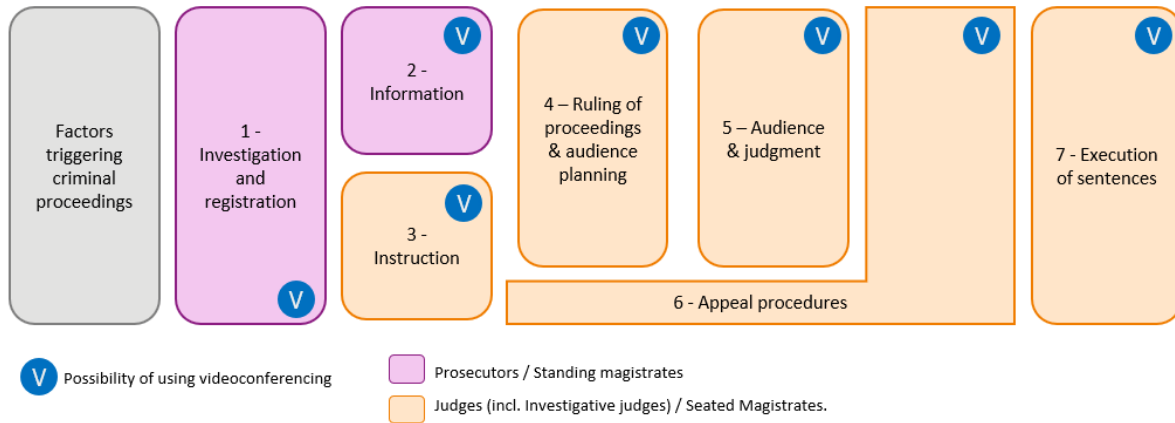


Figure 3 - Schematic representation of the criminal process and the use of videoconferencing - BE

Regarding the execution of an EIO, Belgium transposed the Directive 2014/41/EU in the Law of 22 May 2017 on the European Investigation Order in criminal matters.⁶⁶ It defines the actors that can play the role of the issuing authority in Belgium: A Judge, an Investigative Judge or a member of the public prosecution. The authority competent to receive and execute and EIO is the public ministry of the tribunal of the location competent to execute the investigation order. In specific cases, the federal prosecutor office is competent to receive an EIO whenever it is urgent, when it does not specify the location in Belgium or when it needs to be coordinated at national level. In those cases, the federal prosecutor's office can execute the EIO. If another Belgian authority receives the EIO, it shall transmit it to the public ministry competent locally.⁶⁷

Regarding the execution of an EIO, Belgium transposed the Directive 2014/41/EU in the Law of 22 May 2017 on the European Investigation Order in criminal matters.⁶⁸ It defines the actors that can play the role of the issuing authority in Belgium: A Judge, an Investigative Judge or a member of the public prosecution. However, it does not define precisely who should act as the executing authority. It shall be an authority of the Executing State, competent to take a decision and execute the EIO according to its national laws.

Lastly, it is interesting to mention that in Belgium, an authority has been appointed to manage the videoconferencing system called "Management Committee for the Central Register of Judicial Decisions and the Judicial Videoconferencing System". It is in charge of :

- Monitoring the respect of the objectives of the videoconferencing system,
- Supervise the functioning of the system, including the control of the access policy.
- Supervise the technical infrastructure

⁶⁶ Federal Public Service Justice. (2017, May 23). Law of 23 May 2017 amending the Code of Criminal Procedure and the Judicial Code [Numac 2017012230]. https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2025-07-02&pd_search=2017-05-23&numac_search=2017012230

⁶⁷ Federal Public Service Justice. (2017, May 23). Law of 23 May 2017 amending the Code of Criminal Procedure and the Judicial Code [Numac 2017012230]. https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2025-07-02&pd_search=2017-05-23&numac_search=2017012230

⁶⁸ Federal Public Service Justice. (2017, May 23). Law of 23 May 2017 amending the Code of Criminal Procedure and the Judicial Code [Numac 2017012230]. https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2025-07-02&pd_search=2017-05-23&numac_search=2017012230

- Reporting via a yearly public report.

The data protection regime is described in Article 567§4 CCP. It lists all the data that is required to be processed for the use of the videoconferencing system. It also lists the metadata generated by the connexion to the system. All this data is kept by the manager until all ordinary remedies have been exhausted, including appeal to the Court of Cassation to allow the control and the proof of the participation of the parties to the audience. They are also kept for a duration of 5 years for statistics and evaluation purposes.⁶⁹

Regarding data protection, in Belgium, Directive 2016/680 has been transposed in Title 2 of the Law of 30 July 2018. The obligations of the data controller and data processor are listed in Art 55-62 of the law while the rights of the data subject are listed in Articles 36-49. Rights of the data subject include the right to information, data rectification and completion. However, these rights are not absolute and can be limited to ensure the keeping of evidence, or when it is necessary and proportionate to avoid blocking the investigation or any other criminal procedure, to avoid the prevention and detection of criminal infractions, to ensure the protection of public safety, national safety and rights and liberties of other people.⁷⁰

2.3.2. Business aspects

Videoconferencing is used in Belgium for cross-border cases under a European Investigation Order (EIO) or a Mutual Legal Assistance (MLA) procedure as provided for by the related EU instruments.⁷¹ The connection is established via a real-time audiovisual link for hearings conducted during the investigation phase.

As outlined in the previous section, under Belgian law transposing Directive 2014/41 on the EIO, the competent authority to receive a request from another Member State is the local public prosecutor's office in the geographical area where the investigative measure must be carried out. In some cases, it can go to the federal prosecutor's office (Art 14, §1). The recognition or execution of the measure falls under the responsibility of either the public prosecutor or the investigative judge (Art. 16, §1).

A key aspect to consider in Belgium is its multilingual context. Requests may be submitted in any of the three official languages (French, Dutch, or German) plus English. However, if the request is in a language that does not correspond to the judicial district where it will be executed, the Belgian prosecutor is responsible for its translation, adding an additional procedural burden.

One of the primary challenges identified in the implementation of a videoconferencing process is ensuring the correct identification of the individual being heard. Currently, the authorities met in the interviews

⁶⁹Federal Public Service Justice. (n.d.). Code of Criminal Procedure: Articles 567–588. – Article 567 [Banque de données Justel](#).

⁷⁰ Federal Public Service Justice (2018, September 05), Law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data, https://www.ejustice.just.fgov.be/cgi_loi/article.pl?language=fr&sum_date=&pd_search=2018-09-05&numac_search=2018040581&page=1&lg_txt=F&caller=list&2018040581=1&trier=promulgation&view_numac=1808111701fx2022b30600fx1804032130fr&dt=LOI&pdd=2018-09-05&fr=f&text1=protection&choix1=et&choix2=et#LNK0013.

⁷¹ European Judicial Network. (2025, May 13). Hearing: by videoconference or other audiovisual transmission (A.12). European Judicial Network. Retrieved July 2, 2025, from <https://www.ejn-crimjust.europa.eu/ejn2021/FichesBelgesDetail/EN/A.12/230/-1>

have indicated that it remains the responsibility of the judicial or law enforcement authority present with the witness. This is done by manually checking the identity card.

Type of cases

Currently in Belgium, videoconferencing is mainly used in civil proceedings both in pre-trial and trial phase.

In criminal cases, VC is mainly used for “technical” audiences such as introductory audiences where only the schedule of filing of conclusions⁷² and the next audiences are discussed but not the facts of the case. However, if at such an audience it appears that all parties and the public prosecutor agree to have the case heard on the merits, by way of derogation from the first paragraph, the hearing may proceed, provided however that the case cannot be taken under deliberation.,

It can also be used for the counter interrogation of protected witnesses as regulated by Article 112 CCP. In Belgium, a distinction is made between protected witnesses and anonymous witnesses. In the latter category, the law distinguishes the fully anonymous testimony and the partially anonymous testimony. The fully anonymous testimony is only used in the context of aggravated organised criminality which is the business case of this study. Fully anonymous testimonies pose issues regarding fair process and defence rights as it makes it impossible to verify the identity of the witness which is key to determining the importance of it.⁷³ Therefore, it can only happen under strict conditions set out in Article 86bis of the CCP⁷⁴. The total anonymity can only be granted in cases where the protection measures offered by Article 75bis of the CCP on the protected witness are not sufficient. It can be requested by the investigative judge, by the prosecutor’s office or by the witness himself. There are two additional conditions:

- The witness or someone in his circle shall be greatly threatened and should have stated his intention not to testify because of this threat. Alternatively, it can be granted if there are serious reasons to believe that they are in danger or if the witness is a judicial authority.
- The facts that will be the subject of the interrogation are related to an offence under article 90 §§2 to 4 CCP or was committed in the context of a criminal organisation under Article 324bis of the criminal code. Therefore, the witnesses of our use case are eligible to total anonymity in Belgium as the related offence are committed as part of a criminal organisation – a drug trafficking organisation.

Moreover, Art 86ter, explaining the procedure to be followed by the investigative judge is implemented by the Royal Decree of 20 March 2003 providing technical specifications for the system to be used to hear a fully anonymous witness from another room.⁷⁵

⁷² This determines the date at which the parties will have to communicate their arguments. More explanations on: Droits Quotidiens. (2024, 23 août). Qu'est-ce que le calendrier d'échange de conclusions ? <https://www.droitsquotidiens.be/fr/question/quest-ce-que-le-calendrier-dechange-de-conclusions>

⁷³ Actualités du droit belge. (2014, 9 février). Le témoignage anonyme complet. <https://www.actualitesdroitbelge.be/droit-penal/droit-penal-abreges-juridiques/le-temoignage-anonyme-complet/le-temoignage-anonyme-complet>

⁷⁴ Belgique. (2002, 8 avril). Loi relative à l'anonymat des témoins. Moniteur belge. https://etaamb.openjustice.be/fr/loi-du-08-avril-2002_n2002009479.html

⁷⁵ Royal Decree of 20 March 2023, implementing Article 86ter CCP, https://www.ejustice.just.fgov.be/cgi_loi/article.pl?language=fr&sum_date=&pd_search=1808-11-27&numac_search=1808111701&page=1&lg_txt=F&caller=list&1808111701=7&trier=promulgation&view_numac=2022b30600fx1804032130fr&dt=CODE+D%27INSTRUCTION+CRIMINELLE&fr=f&choix1=ET#LNK0031

This type of situation is of special importance for the present study. Indeed, when the conditions are met, VC can be used as a tool to maintain anonymity while offering the possibility of counter-interrogation to the defence. Therefore, it allows to collect the testimony, sometimes key to the case, while maintaining all procedural rights. It has been used for this purpose by investigative judges at national level, but it has proven to be difficult technically speaking.]

VC has also been used for extraordinary cases for which many people where to be heard, from a long-distance location. The main example are the “Rwanda” trials in 2023.

The use of videoconferencing for audiences in Belgium started under the constraints of the COVID19 pandemic. After the regularisation of the situation by the adoption of the relevant law more use cases are emerging. However, not all use cases are equally easy to implement nor all judicial actors eager to use VC due to varying effort/value balance.

Actors

In Belgium, two distinct authorities can lead or cooperate in the context of an investigation: the prosecutor and the investigative judge⁷⁶ (“Onderzoeksrechter” in Dutch language or “Juge d’instruction” in French language).

The prosecutor is part of what is called the “standing magistrature”. Their role is to represent society in Court and to research and pursue infractions. Accordingly, they oversee the investigation and thus conduct the hearing of witnesses and suspects/accused in coordination with the police. For specific constraints measures, they must request the investigative judge, part of the “seated magistrature”. The case is not under investigation anymore but under judicial instruction.⁷⁷ Once the instruction is over, the file is handed over to the prosecutor’s office. Both are relevant actors in the project use case as they are both able to request a VC hearing via a EIO and to conduct the hearing.

However, they are not the only actors involved in the use of videoconferencing. Clerks also play a major role in the process. Indeed, they ensure the hearings happen smoothly and that all procedural requirements are met. It is especially important in a tense drug trafficking context when the lawyers do not have much to defend on the background/actual content of the case and might try to base the defence or procedural defects as indicated by the investigative judge interview. Often, there is no sufficient IT support offered. The clerks often take up that role, whether they were trained specifically to do it or not. Therefore, it is of great importance to take their point of view into consideration when drafting recommendation for the use of videoconferencing.

Finally, the last actors are the members of the ICT support, in charge of the management of the solution and/or the infrastructure such as the cameras, screen, microphones etc.

⁷⁶ Les tribunaux de Belgique. (n.d.). Le juge d’instruction. <https://www.rechtbanken-tribunaux.be/fr/les-personnes-dans-les-tribunaux/magistrature-assise/le-juge-dinstruction>

⁷⁷ Openbaar Ministerie & Ministère public. (n.d.). Procedure. Statistiek OM-MP portal. Retrieved July 2, 2025, from <https://stat.om-mp.be/corr/start/f/procedure.html>

Phase of the proceedings

Under Belgian Law, videoconferencing is currently mainly described in court during the trial phase. However, it could be used in all phases of the proceedings.

Belgium has been sentenced by the European Courts of Human Rights on the ground of Article 6§3 of ECHR (European Convention on Human Rights), in the case *Riahi v. Belgium*⁷⁸. The only witness of the case had been interrogated by an investigative judge, without the presence of the accused nor his lawyer. Therefore, they did not have the possibility to counter-interrogate him. The Court then refused to hear the witness again. The European Court of Human Rights ruled that the rights of defence were restricted in a manner incompatible with the requirements of a fair trial. This underlines the importance of confrontation and counter-interrogation as they increase the value of the testimony and therefore quality of justice. This should be reflected in the investigation phase hearings using VC. Moreover, the possibility of recording the hearing to make it available for re-listening by the judge or by defence lawyers should be studied.

2.3.3. Organisational & contextual aspects

First, time constraints can pose a challenge. Videoconferences are often requested last minute and given the tight schedule of judicial proceedings, ensuring the system is operational in time can be difficult. During the interviews, it was reported that using VC is almost doubling the clerk's workload instead of decreasing it. This is mainly due to the technology not being interoperable among Member States but also because the hardware is not practical and well implemented in the tribunals. The most basic infrastructure is often still missing.

Second, the equipment is mainly standard and not specifically adapted to the judicial environment. Mobile equipment was considered the preferred option to start with because it was cheaper and did not require modifications of the building. Moreover, it allowed the material to come to the professional instead of making the professional move to a dedicated VC room that he is not used to work in. However, mobile equipment proved to be a real burden for both clerks and IT employees. Indeed, it must be set up on every occasion which makes it error prone and requires a preparation time which is not always available.⁷⁹

Third, technical expertise is a critical factor. Judicial professionals may not always have the necessary skills to operate the system independently. To address this, a dedicated support team or a clear, comprehensive user manual should be readily available. While some systems offer remote assistance from the provider, issues are not always resolved immediately.⁸⁰ Also, it appears clearly that an on-site ICT support is lacking to facilitate the use of VC, with different service levels required depending on the judicial professional and the procedures.⁸¹ To mitigate this issue, each court has a local power user who assists with the provision of personal ICT equipment and offers first-line support for hardware and software issues..

Fourth, the judicial culture in Belgium still values physical presence. In all the interviews conducted with judicial professionals, they reported that the presence of all actors in the same rooms allow for a more

⁷⁸ *Riarhi v. Belgium*, No. 65400/10, European Court of Human Rights (2016, June 14).

⁷⁹ Workshop with clerks. (2025, April 16).

⁸⁰ Workshop with ICT, SPF Justice. (2025, March 21).

⁸¹ Overtime is common in the field of Justice, with magistrates & judges often working late and/or during the weekends.

qualitative justice. It is important for the judge first, who should be able to see all the parties but also to be able to observe the non-verbal communication ongoing. For clerks, it makes it easier to manage the practicalities of the audiences, to re-schedule when needed, to inform people of a change in the room, to ask them to wait, etc. For lawyers, human contact with their client is an important part of the job and it makes it easier for them to have confidential discussions. For the accused, it allows justice to have a real impact, to make them conscious about the consequences of their actions. Finally for victims/witnesses, it can be hard to be present in some cases, but it is often important for them to be there. The judicial system considers and aims at involving the victims more and more. The goal to ensure that justice has restorative role, which should be central, on top of its punitive role.⁸²

Lastly, the justice public organisation in Belgium is quite fragmented. Three main entities have decision power and are potential end-users of the videoconferencing technologies. The SPF/FPS Justice (Service Public Federal/Federal Public Service) is the public ministry in charge of Justice. It is their responsibility to create and implement the roadmap for the digital transformation of justice. As such they are leading the videoconferencing initiatives. Besides this organisation are the College of Courts et Tribunaux and the Public Prosecution Office. They both are the end users of the tools developed by the SPF Justice. Each of them has an ICT department that sometimes have their own initiatives and pilot projects. It makes it complicated to coordinate efficiently around the creation and improvement of the videoconferencing tools and to meet the needs of all actors involved.

New vs. old buildings

It is recognised that fixed material would be easier to use but the cost is currently blocking. Some tribunals are in more recent buildings, allowing for the easy installation of videoconferencing equipment. For the connectivity & network performance, the new buildings are nowadays built with this default consideration addressed during the conception phase.

However, some buildings are older, making it more complicated or even sometimes prohibited to install videoconferencing equipment. For example, Brussels' Palace of Justice is a listed building, making it more challenging to install fixed materials without damaging or impacting the overall architecture (specific authorisations required, more limited set up options, prior safeguarding measures, higher costs). Sometimes some rooms that were not planned to be used as hearing rooms were adapted to be used to conduct hearings via videoconferencing, but they often do not offer an ideal environment. Another challenge lies in the connectivity & network performance, older – sometimes listed – buildings may face heavy challenges (wall thickness & low Wi-Fi signal, absence of 4/5G signal, need to install cables with heavy and costly physical equipment to map the entire building).

2.3.4. Technical aspects

Different types of installations and equipment exist, depending on the specific needs and context of use.

⁸² Workshop with clerks. (2025, April 16).

Only recently built courts, such as in the city of Antwerp, are equipped with fixed camera systems that offer excellent sound and image quality while being easy to operate. However, these systems come at a high cost.

Alternatively, the ICT department of the SPF Justice provides mobile solutions kits composed of a mix of cameras, screens and/or microphones, depending on the size of the room to equip:

- S-size:
 - Where? For small spaces, such as an investigative judge's office, where a compact camera is sufficient in addition to the laptop camera and screen.
 - Equipment? "Videoconferencing kit" allowing anyone with a computer to connect via videoconferencing with high quality sound and images. It is composed of a camera (Jabra Panacast 4K), a conference speaker (Jabra Speak 750) and a larger screen.
- M-size:
 - Where? For medium-sized audience rooms, such as standard courts, larger cameras and multiple microphones and screens are needed.
 - Equipment? "Logitech Rally kit" connected to the PC managing the MS-Teams meeting. The setup is installed on a trolley with 2 speakers and a larger screen (65"). The microphones can be placed facing the different speakers.
- L/XL-size:
 - Where? In larger courtrooms, as during the Trial for the terrorist attack of Zaventem and Maalbeek or Rwanda, more advanced systems are necessary to ensure optimal coverage and clarity.
 - Equipment? Typically, several cameras and screens (86") and a fixed connection in the room or WiFi. That setup has to be managed by specialised staff.⁸³

Those kinds of setup can be permanent (Antwerpen/Justitia) or mobile (Rwanda/Pharmaceutica). This approach⁸⁴ defined during COVID is still in use. There is no advanced Service Catalogue outside of the above.

To ensure all attendees remain visible during the hearing, participants often connect with their personal laptop on top of the above-mentioned equipment. Ideally, an additional computer shall be dedicated to the meeting management & administration, but in practice it is often the Clerk's computer preventing him/her from performing other tasks. One reason for this is the absence of shared computer as a basic ICT security measure.

Specific set ups have been used to interrogate fully anonymous witnesses. There was no camera involved for the said witness, but two distinct microphones were used : one for the investigative judge conducting the hearing and one for the witness. They can be activated separately, and the witness microphone can only be on when the voice distortion is activated. The set up was to be managed by the investigative judge himself as they were the only one aware of the identity of the witness present in the room. It was difficult

⁸³ This equipment was presented during the first User Event organised in the context of the present study.

⁸⁴ This is available to the entire Belgian judicial system and not limited to the scope of the Business Case of this study (i.e., not only criminal justice).

to find the right level of voice distortion to ensure anonymity while ensuring comprehensiveness of the testimony. The probative value of the testimony, which is especially rare in these types of cases, depends on the quality of the interrogation and therefore is key. Moreover, this was particularly stressful as a mistake could have heavy consequences.⁸⁵

During our exchange, it appears the quality of communication is paramount. It is essential to maintain the same level of clarity and engagement as in-person hearings. Since videoconferencing introduces a mediated conversation, the system should allow for dynamic adjustments, such as zooming in on a speaker's face while also providing a full view of the courtroom. Judges must be able to clearly see and hear participants, ensuring seamless interaction. Additionally, in cases involving protected witnesses, the system should include features to blur faces and distort voices for anonymity.⁸⁶

In terms of software, Microsoft Teams and Cisco Webex – two American solutions – are currently in use. Recently, the SPF Justice has started to tailor its internal application based on MS Teams to better fit the Belgian context and needs. This journey is on-going, with the recent release of the application “JustCourt” in June 2025 focusing first on Police Courts perimeter. The scope of the application will be gradually extended in the coming years (Police Court > Civil Court > Family Court > Enterprise Court > Youth Court).

2.4. Netherlands

2.4.1. Legal Aspects

The use of videoconferencing in Dutch criminal proceedings are based on Article 131a of the Dutch Code of Criminal Procedure⁸⁷ and on Article 78a of the Dutch Criminal Code. These articles provide the legal basis for videoconferencing and allow more specific rules to be established by or pursuant to a general administrative order. These articles are the primary source for the use of videoconference during a hearing. On this basis, the Besluit videoconferentie (BWBR0019836) was adopted on 25 November 2022. This decree does not introduce a new legal norm but specifies the technical and procedural conditions for implementing videoconferencing as provided by Article 131a (Code of Criminal Procedure) and by Article 78a (Criminal Code). It has been implemented as an operational framework.

The Article 131a of the Dutch Code of Criminal Procedure⁸⁸ authorises the use of remote hearings. Namely the chairperson of the college, the judge, judge-commissary (Rechter-Commissaris), or functionary in charge of the hearing can decide to use video conferencing for the hearing. The decision to use video conferencing is then presented to the person-to-be-heard, their legal counsel, or relevant officer of justice for acceptance or refusal.

For some criminal cases, new exceptions are being drafted to be able to enforce the use of videoconferencing in certain cases to avoid abuse of procedures, budget and time. An example could be

⁸⁵ Interview with investigative judge. (2025, May 6).

⁸⁶ Workshop with ICT from SPF justice (2025, March 21).

⁸⁷ Ministerie van Justitie en Veiligheid. (n.d.). Wetboek van Strafvordering [BWBR0001903]. wetten.nl. Retrieved October 1, 2025, from <https://wetten.nl/BWBR0001903>

⁸⁸ Ministerie van Justitie en Veiligheid. (n.d.). Wetboek van Strafvordering [BWBR0001903]. wetten.nl. Retrieved October 1, 2025, from <https://wetten.nl/BWBR0001903>

organised crime cases where intimate knowledge of legal proceedings can be abused to stall the proceedings.^{98 98}

According to Article 2(1) of the Besluit Video Conferencing, videoconferencing is not permitted in two specific scenarios: initial hearings before the examining magistrate concerning pre-trial detention, and substantive hearings before a full bench court, unless the defendant or their legal counsel explicitly consents. Exceptions to these restrictions are allowed when justified by security concerns, as outlined in Article 2(2). Furthermore, Article 2(3) prohibits the use of videoconferencing if the individual to be heard suffers from a significant auditory or visual impairment that would compromise their ability to participate effectively.

The Besluit Video Conferencing also imposes procedural safeguards. Article 3 requires that the summons explicitly state the intention to use videoconferencing and provide the recipient with an opportunity to object. Any objection must be substantiated in writing and submitted in advance, with a decision rendered at least 24 hours prior to the scheduled hearing, as stipulated in Article 2 and 3. Recent interviews indicate that further changes will be implemented to curtail possible abuse of procedures.

The modernisation of the Dutch Code of Criminal Procedure further institutionalises the use of digital tools, including videoconferencing. The modernisation is part of an ongoing effort⁸⁹ and seeks to rework the Code of Criminal Procedure to be easier to understand and have the wording be more relevant to modern times as the original code dates from 1926. The full reworked texts are planned to be entered into force on April 1, 2029.⁹⁰

The first enactment act of the new code, containing Books 1 to 6, was submitted to the House of Representatives in March 2023. Books 7 and 8 and the first supplementary law are expected to be submitted to the House of Representatives in late 2024 and early 2025. Following consideration and approval by the House of Representatives, relevant parties will have at least three years for implementation (hence the 2029 date).

In short, this new Code, which is being implemented in phases, aims to streamline criminal proceedings and improve the performance of the justice system. It explicitly recognises the role of digital communication in enhancing access to justice and procedural efficiency.⁹¹

2.4.2. Business Aspects

The Dutch judiciary operates a dedicated videoconferencing infrastructure known as Rechtspraak Videoconferencing, which supports civil, criminal, and administrative proceedings. Videoconferencing is

⁸⁹ Government of the Netherlands. (n.d.). Why do we need a new Code of Criminal Procedure? In Modernisation of the Code of Criminal Procedure. <https://www.government.nl/topics/modernisation-code-of-criminal-procedure/why-do-we-need-a-new-code-of-criminal-procedure>

⁹⁰ Ministry of Justice and Security. (2024, April 24). New Code of Criminal Procedure enters into force April 1, 2029. Government of the Netherlands. <https://www.loc.gov/item/global-legal-monitor/2024-04-24/netherlands-new-code-of-criminal-procedure-under-consideration-by-legislature/>

⁹¹ Government of the Netherlands. (n.d.). Contents of the new Code of Criminal Procedure. <https://www.government.nl/topics/modernisation-code-of-criminal-procedure/contents-new-code-of-criminal-procedure>

particularly prevalent in cross-border judicial cooperation, especially under the European Investigation Order (EIO) and Mutual Legal Assistance (MLA) mechanisms.⁹²

The use of videoconferencing in the Netherlands dates back to 2004, with the first operational deployment occurring in 2008. Initially introduced to improve efficiency and reduce costs in immigration and aliens law cases, the system has since been expanded to encompass all types of legal proceedings.⁹⁸

The business rationale for adopting videoconferencing is multifaceted. It significantly reduces the need for prisoner transport, which is both costly and logistically complex. It also enables the verification of detention legality without requiring the physical transfer of detainees. Moreover, it enhances procedural efficiency and accessibility, particularly in international criminal matters, and reduces travel requirements for legal professionals.⁹³

Actors

A wide range of actors are involved in the implementation and operation of videoconferencing in the Dutch judicial system. Judges and public prosecutors are the primary decision-makers regarding the use of videoconferencing in individual cases. They assess whether the use of remote hearings is appropriate, considering the nature of the case and the rights of the parties involved.⁹³

Defence lawyers also play a critical role. They may choose to be physically present either in the courtroom or alongside their client at the remote location. This flexibility ensures that the right to legal counsel is preserved, even in remote settings.⁹³

The judiciary is supported by a network of technical and administrative staff. Court clerks and IT personnel are responsible for setting up and managing the videoconferencing equipment. In some courts, specially trained “superusers” are designated to provide technical assistance and ensure smooth operation during hearings.⁹⁸ Superusers are in essence user accounts used for system administration and have⁹³ full rights and permissions to all systems. A highly trusted role common in all companies and organisations that rely on IT.⁹⁴

The Public Prosecution Service (Openbaar Ministerie) and the police are also key stakeholders. They coordinate the logistics of remote hearings, particularly when detainees or witnesses are located in detention facilities or police stations. The Custodial Institutions Agency (Dienst Justitiële Inrichtingen, DJI) facilitates the technical setup in prisons and ensures secure connections for hearings involving detainees.⁹⁸

⁹² European Parliament and Council. (2014). Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters. Official Journal of the European Union, L130, 1–36. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0041>

⁹³ Rijksoverheid. (n.d.). Hoe werkt videoconferentie in rechtszaken? <https://www.rijksoverheid.nl/onderwerpen/rechtspraak-en-geschiloplossing/vraag-en-antwoord/hoe-werkt-videoconferentie-in-rechtszaken>

⁹⁴ Wikipedia contributors. (n.d.). Superuser. Wikipedia. <https://en.wikipedia.org/wiki/Superuser>

*Types of Cases*⁹⁸

The Besluit Video Conferencing Article 2 confirms that the Dutch legal system supports the use of videoconferencing in both immigration and criminal proceedings, including in cross-border contexts governed by the European Investigation Order (EIO) and Mutual Legal Assistance (MLA) frameworks.

The use of video conferencing for civil cases is not explicitly stated, but implied through official communication of the Dutch government⁹⁵, as well as the legal principles outlined in articles 19 & 20 (the right to be heard, and the requirement to prevent unreasonable delays) of the Dutch Code of Civil Procedure^{96, 93}.

2.4.3. Organisational & Contextual Aspects

The Netherlands employs a dual approach to videoconferencing infrastructure, combining fixed and mobile setups. Fixed systems are permanently installed in courtrooms⁹⁷ and detention facilities, while mobile “witness kits” are deployed by police and judicial authorities to enable flexible use in various locations^{98, 9898989898}.

The operational model includes on-site technical staff and clerks with advanced digital competencies who support the hearings. Specific roles, such as “superusers,” are designated to manage the technical aspects of the sessions. Judges retain control over key functionalities, such as muting and unmuting participants, and the system allows for the simultaneous connection of multiple rooms or courts.⁹³

Despite the widespread adoption of videoconferencing, the Dutch legal culture continues to place high value on physical presence, particularly in sensitive or high-stakes cases. Nonetheless, both the regulatory framework and practical implementation reflect a gradual shift toward hybrid models that combine physical and remote participation.⁹³

2.4.4. Technical aspects

The Besluit video conferentie mandates that all participants in a remote hearing must be able to communicate via direct audiovisual means, thereby establishing a baseline for technical quality and reliability.

While platforms such as Microsoft Teams and Webex were initially considered, the judiciary currently relies on Cisco equipment, which is integrated into secure, vandalism-resistant environments. A migration is underway to transition from Cisco (American multinational digital communication technology company) to Pexip (Norwegian-based software company that specializes in cross-platform video conferencing software), driven by considerations of cost-efficiency and the need for greater customisation.⁹⁸

⁹⁵ Rijksoverheid. (n.d.). Hoe werkt videoconferentie in rechtszaken? <https://www.rijksoverheid.nl/onderwerpen/rechtspraak-en-geschiloplossing/vraag-en-antwoord/hoe-werkt-videoconferentie-in-rechtszaken>

⁹⁶ Ministerie van Justitie en Veiligheid. (n.d.). Wetboek van Burgerlijke Rechtsvordering [BWBR0001827]. wetten.nl. Retrieved July 2, 2025, from <https://wetten.nl/BWBR0001827>

⁹⁷ European e-Justice Portal. (n.d.). vc_equipment_ver_1_nl_NL_en: Videoconferencing equipment in Dutch courts [PDF]. Retrieved July 2, 2025, from https://e-justice.europa.eu/sites/default/files/2014-07/vc_equipment_ver_1_nl_NL_en.pdf

⁹⁸ Interview with ICT for De Rechtspraak, (2025, June 19).

The Dutch videoconferencing system incorporates a range of industry-standard technical features to ensure secure and effective remote hearings. A roadmap is in place for integration with eIDAS (EU regulation with the stated purpose of governing electronic identification) and EDIW (EU Digital Identity Wallet that provides a safe means of digital identification for everyone in Europe) to facilitate cross-border identity verification, thereby enhancing trust and interoperability across Member States.⁹⁸⁹⁸

Security is a core component of the video conferencing system. End-to-end encryption is standard, with enhanced protocols applied in sensitive cases. In instances where institutional firewalls impede connectivity, encryption boxes are deployed on the client side to maintain secure communication.

To protect vulnerable participants, the system includes functionalities such as video blurring and voice distortion. Certain courtrooms are equipped for secure recording and streaming, particularly for high-profile cases. However, the use of recordings is rare and strictly regulated. When authorised, recordings are stored temporarily on secure digital media and retained only as long as necessary to produce official minutes.⁹⁸

The video conferencing system also supports the direct presentation of evidence within the videoconferencing interface, thereby streamlining procedural workflows. A dynamic mosaic view displays all participants simultaneously, promoting transparency and engagement.

The online court platform (the larger IT ‘environment’ that encompassed the video conferencing systems with all surrounding administration, planning, and management tools) offers a comprehensive suite of functionalities, including participant management, role-based access control, and administrative dashboards. It supports breakout rooms for confidential discussions between legal counsel and clients, as well as secure side meetings. Additional features include simultaneous interpretation, internal and external streaming, press feed integration, customisable layouts, and detailed session logging.⁹⁸

The IT platform is compatible with multiple devices, including Windows and macOS systems, as well as smartphones. It integrates seamlessly with Microsoft Office and other court management tools, such as planning systems, electronic signature platforms, and the ZittingsRoosterPlatform (ZRP).

In terms of interoperability, the system supports standard communication protocols such as WEBRTC (Web Real-Time Communication), SIP (Session Initiation Protocol), and H.323. It is designed to operate in conjunction with other videoconferencing platforms. Browser compatibility is ensured through mandatory access to camera and microphone functions, and pre-call technical tests are required to verify system readiness. The overarching objective is to enable seamless connectivity with systems in Belgium, France, and other EU Member States.

Despite these strengths, certain limitations persist. Some fixed and mobile setups are constrained by small screen sizes, which may hinder participant visibility. Additionally, while the dynamic mosaic view enhances engagement, it can occasionally obscure individual participants. Corporate firewalls may also block connections; in such cases, encryption boxes or codecs are used as technical workarounds.⁹⁸

The Tilburg study on video conferencing for the Dutch justice⁹⁹**Error! Bookmark not defined.** highlights the importance of conducting pre-hearing technical tests, ensuring the availability of technical support, and incorporating accessibility features.

2.5. France

2.5.1. Legal aspects

Legal basis

- French Ministry of Justice (2025, June 13). Loi du 13 juin 2025 visant à sortir la France du piège du narcotrafic - Law of June 13, 2025 aimed at getting France out of the narcotrafficking trap.
- French Ministry of Justice (2020, December 27). Article L706-71 Code de la procédure pénale - Article of the Criminal Procedure on the use of telecommunications during proceeding.
- French Ministry of Justice (2024, August 01). Circulaire relative au recours à la visioconférence en matière pénale - Circular on the use of videoconferencing in criminal matters.

The articles cited above are derived from positive law. The Law of June 13, 2025, aimed at freeing France from the trap of drug trafficking (Loi du 13 juin 2025 visant à sortir la France du piège du narcotrafic), was promulgated on June 13, 2025, and published in the Official Journal on June 14, 2025. This text translates into legislation the recommendations of the report they presented in May 2024 at the conclusion of the commission of inquiry into the impact of drug trafficking in France. It contains a series of measures to combat drug trafficking including the use of videoconferencing.

The Constitutional Council recently issued its decision on this law. Considering the importance of the safeguard attached to the defendant's physical appearance before the judge, the Council partially struck down Article 56, insofar as it established the exclusive use of videoconferencing as the principle for the appearance of individuals held in organized crime detention units and others.

Section 10 of paragraph I of Article 56 introduced a new Article 706-71-2 into the Code of Criminal Procedure, providing that when a detainee is assigned to a unit dedicated to combating organized crime, their appearance before an investigating court—as well as hearings related to pre-trial detention, its extension, and any related litigation—shall take place via videoconference.

Section 11 of the same paragraph created Article 706-79-2, establishing a similar mechanism for the benefit of specialized criminal courts when their jurisdiction covers courts located in overseas territories, specifically for hearings concerning pre-trial detention and appeals against decisions denying release.

Under these provisions, the court could, by exception, require the physical appearance of the individual either on its own initiative or at the request of the public prosecutor; the detainee themselves could not request it.

⁹⁹ de Vocht, D. L. F. (2022). Trials by video link after the pandemic: The pros and cons of the expansion of virtual justice. *China-EU Law Journal*, 8(1-2), 33–44. [The Use of Videoconferencing at Trial and Its Effects on the Rights of the Defense: A Study of the Future Regulation in The Netherlands | Tilburg Law Review](#)

In both cases, the Constitutional Council held that depriving the individual, for the entire duration of their pre-trial detention, of the possibility to appear physically before the investigating judge or the judge ruling on their detention constituted, given the importance of the safeguard attached to physical appearance before the competent court, a disproportionate infringement of the rights of the defence.

Articles L706-71 and L706-71-1 of the French Code of Criminal Procedure (Code de procédure pénale) a, recently amended by law no. 2023-22 of January 24, 2023, lay down guidelines for the use of telecommunications during criminal proceedings. These articles enable courts to use videoconferencing instead of the physical presence of the persons involved in criminal proceedings. It is designed to facilitate certain hearings without having to move detainees or witnesses, speed up proceedings by avoiding delays linked to transfers and travel and guarantee safety, particularly when dealing with detained or potentially dangerous persons.

Article L706-71 of the French Code of Criminal Procedure (Code de la procédure pénale) sets out the various situations in which videoconferencing can be used. In the context of this study, we will only detail situations relevant for our business case.

Competent court	Legal notice	Act	Objective pursued
Investigating judge	Videoconferencing as a matter of principle, unless there is a reasoned decision to the contrary.	Hearing, questioning of a detained person.	When justified by the needs of the investigation or when the detainee is assigned to a unit for combating organised crime, within the meaning of Article L224-5 of the Prison Code (Code pénitentiaire).
Judge of liberties and detention, trial court Including the court of appeal, Article 512 of the Code of Criminal Procedure	Possibility of opposition by the detainee - videoconferencing as a matter of principle unless there is a reasoned decision to the contrary.	Adversarial hearing prior to the placement in pretrial detention of a person detained for another reason Adversarial hearing on the extension of pre-trial detention.	When justified by the requirements of the investigation and in addition to the prisoner's refusal if there is a serious risk of public disorder or escape or if the case is particularly serious, or where the prisoner is assigned to a unit for combating organised crime, within the meaning of Article L224-5 of the Prison Code.
Investigation chamber, trial court Including the court of appeal, Article 512 of	Possibility of opposition by the detainee - videoconferencing as a	Hearings relating to disputes concerning pre-trial detention.	When justified by the needs of the investigation or when the detainee is assigned to a unit for combating organised



the Code of Criminal Procedure	matter of principle unless there is a reasoned decision to the contrary.		crime, within the meaning of Article L224-5 of the Prison Code.
President of the Assize Court Article 272 of the Code of Criminal Procedure	Agreement of the prosecutor and all parties - videoconferencing in principle unless there is a reasoned decision to the contrary.	Interrogation of the accused.	When justified by the needs of the investigation or when the detainee is assigned to a unit dedicated to combating organised crime, within the meaning of Article L224-5 of the Prison Code.
Court of jurisdiction Including the court of appeal, Article 512 of the Code of Criminal Procedure	Agreement of the prosecutor and all parties - videoconference in principle unless otherwise decided.	Appearance for a judgment or ruling on the public prosecution or civil action.	When justified by the needs of the investigation or when the detainee is assigned to a unit dedicated to combating organised crime, within the meaning of Article L224-5 of the Prison Code.
Attorney General and Public Prosecutor	Agreement between the prosecutor and all parties - videoconference in principle unless otherwise decided.	Interrogation on the basis of an arrest warrant or a warrant to bring the person before the court, a European arrest warrant, a request for provisional arrest, a request for extradition, or a request for arrest for the purpose of surrender.	When justified by the needs of the investigation or when the detainee is assigned to a unit for combating organised crime, within the meaning of Article L224-5 of the Prison Code.
First President of the Court of Appeal	Agreement of the prosecutor and all parties - videoconference in principle unless otherwise decided.	627-5, 695-28, 696-11, and 696-23 if the person is detained for other reasons.	When justified by the needs of the investigation or when the detainee is assigned to a unit dedicated to combating organised crime, within the meaning of Article L224-5 of the Prison Code.



Police court	Agreement between the prosecutor and all parties - videoconference in principle unless otherwise decided.	Interrogation of the defendant if the person is detained for other reasons.	When justified by the needs of the investigation or when the detainee is assigned to a unit dedicated to combating organised crime, within the meaning of Article L224-5 of the Prison Code.
Court of jurisdiction Including the court of appeal, Article 512 of the Code of Criminal Procedure	Consent of the detainee EXCEPT in cases of serious risk to public order or serious risk of escape, or where the detainee is particularly dangerous - solution of principle unless there is a reasoned decision to the contrary.	Hearing on placement in pre-trial detention or on the extension of pre-trial detention.	When justified by the needs of the investigation or when the detainee is assigned to a unit for combating organised crime, within the meaning of Article L224-5 of the Prison Code The objective of the proper administration of justice precludes the detainee from changing his mind after expressing his refusal (Court of Cassation, Criminal Chamber, November 29, 2017).
Court of jurisdiction Including the court of appeal, Article 512 of the Code of Criminal Procedure	The consent of the interested party is not required.	Request for release.	(Court of Cassation, Criminal Division, September 20, 2016).

Figure 4- Summary table of paragraph 4 of Article L706-71 of the Code of Criminal Procedure - FR

The text includes the possibility of using videoconferencing in cases where people are either located: (1) in distant places within Metropolitan France, (2) between Metropolitan France & the French overseas territories, and (3) between France and another EU Member State.

It should be noted that the article specifies that this recourse is only possible within the framework of the execution of a European Investigation Order (EIO) and in collaboration with a Member State of the European Union if the latter is “connected by telecommunications means guaranteeing the confidentiality of the transmission”. According to the same article, videoconferencing can only be used when justified by the needs of the investigation or inquiry.

The Article L706-71 also specifies how videoconferencing is to be applied when the person is assisted by a lawyer or interpreter. The latter may be present at the competent magistrate, court or commission, or with the person concerned. The lawyer must be able to talk to the person in question, confidentially, by means of audiovisual telecommunication.

There is no single article setting out the technical requirements for videoconferencing in criminal proceedings, but several texts provide a framework for its use. Article D47-12-6 of the French Code of Criminal Procedure¹⁰⁰ stipulates that a technical report must be drawn up and signed by a prison officer designated by the head of the prison once an audiovisual means of telecommunication has been used to bring detainees before the court. The purpose of this technical report, which includes details of equipment testing and connection start and end times, is to ensure that the hearing complies with current standards.

The circular 2024 - 11 / E1 - 02/08/2024 on the use of videoconferencing in criminal matters details best practices and requirements for the use of videoconferencing in criminal proceedings. In particular, it recommends:

All agents be provided with the tools they need to facilitate the use of videoconferencing. The circular mentions the use of the ROMEO¹⁰¹ application to facilitate the identification of available slots in rooms equipped with videoconferencing facilities. This tool also enables the requisition to be processed by the establishment's departments and the recorded data to be made more reliable.

Agents who do not have their own videoconferencing equipment will need to know exactly how to book rooms in the courtroom that are equipped with it, and a shared diary can be made available to them.

Lawyers should also be given access to a courtroom equipped with videoconferencing facilities, so that they can confer with their clients before the hearing begins. This best practice should avoid the need to suspend the hearing to carry out the confidential interview in the courtroom.

The circular invites court agents to get in touch with the local IT technicians (Technicien informatique de proximité - TIP) who have been deployed in every court since 2024. These technicians are responsible for preventive maintenance of videoconferencing equipment, to limit the risk of technical problems. In the event of a technical incident occurring during a hearing, the TIPs are called in to ensure rapid corrective maintenance of the equipment.

2.5.2. Business aspects

Videoconferencing is used in France for cross-border cases within the framework of a European Investigation Order (EIO) or a Mutual Legal Assistance (MLA) procedure. The connection is established via a real-time audiovisual link for hearings conducted during the investigation phase.

When a European investigation request is directed to France, it is sent directly to a jurisdiction where the investigative measure must be carried out. For this type of request, some French courts are beginning to use the e-EDES48 tool set up by the European Commission (refer to section 2.2.4). Depending on the facts and the type of investigation, it may be transferred to another jurisdiction in a different geographical area or one specialised in the relevant matters. This is particularly the case for certain organised crime

¹⁰⁰ Légifrance. (2023, December 28). Article D47-12-6 - Code de procédure pénale.

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006514961

¹⁰¹ ROMEO is the software used by the prison administration to manage and reserve internal videoconferencing rooms in detention facilities.

investigations, which are handled by the interregional jurisdictions specialised in those type of offenses (Juridictions interrégionales spécialisées – JIRS).

The law of March 9, 2004 on adapting justice to changes in criminal activities restructured a large part of the Code of Criminal Procedure by the JIRS. This law enabled France to equip itself with a judicial system equivalent to its European partners in order to respond to the evolution of more structured, diversified, and international crime.

Actors

The Specialised Interregional Jurisdictions (JIRS) are responsible for handling particularly complex cases, especially those involving organised crime and financial delinquency. A case is assigned to a JIRS rather than a standard jurisdiction when certain criteria are met, such as:

- A national or international dimension of the offenses.
- A plurality of perpetrators and accomplices, acting in a structured and hierarchical manner.
- Significant financial power of the criminal organisation.
- A high number of victims and substantial damage.

The JIRS were set up to improve coordination and expertise in dealing with these complex offences. They have specific investigative resources at their disposal, such as undercover operations and telephone tapping at specific locations. Referrals can be made in several ways:

By the public prosecutor's office: The public prosecutor may decide to assign a case to a JIRS when he or she considers that it requires enhanced investigative resources.

By examining magistrates: An examining magistrate may be appointed to deal with a case falling within the jurisdiction of a JIRS.

By judicial decision: Certain cases may be transferred to a JIRS due to their complexity or inter-regional impact.

There are 8 JIRS in France, each covering several departments and regions, enabling complex cases of organised crime and financial delinquency to be handled over a wide geographical area. This distribution is designed to ensure better coordination of investigations and enhanced expertise in these fields.

JIRS	Courts of Appeal	Scope of territorial jurisdiction over Courts of Appeal
Bordeaux	Bordeaux	Agen, Bordeaux, Limoges, Pau, Toulouse
Lille	Douai	Amiens, Douai, Reims, Rouen
Lyon	Lyon	Chambéry, Grenoble, Lyon, Riom
Paris	Paris	Bourges, Paris, Orléans, Versailles, Mamoudzou, Nouméa, Papeete, Saint-Denis de la Réunion, Saint-Pierre-et-Miquelon



Marseille	Aix-en-Provence	Aix-en-Provence, Bastia, Montpellier, Nîmes
Rennes	Rennes	Angers, Caen, Poitiers, Rennes
Nancy	Nancy	Besançon, Colmar, Dijon, Metz, Nancy
Fort-de-France	Fort-de-France	Basse-Terre, Fort-de-France

Figure 5-Summary table of the extended territorial jurisdiction of the 8 JIRS in France

The JIRS are now accredited with a national court for combating organised crime, the JUNALCO¹⁰² (Jurisdiction nationale de lutte contre le crime organisé), since Law 2019-222 of March 3, 2019. This new national court is dedicated to cases of “very great complexity”. The circular of December 17, 2019 specifies the conditions under which this court intervenes and its articulation with the Specialised Interregional Jurisdictions (JIRS). In particular, it deals with crimes and offenses relating to drug trafficking, structured criminal networks, serious financial offenses and crimes against individuals in organised gangs.

JUNALCO and the JIRS collaborate with liaison magistrates and liaison offices to strengthen judicial cooperation, particularly in cases of transnational organised crime. The function of liaison magistrate was created in 1993 by France, Italy and the Netherlands to improve judicial cooperation, particularly in the fight against organised crime in Europe. This initiative was subsequently extended to other forms of international judicial cooperation.

Although the function of liaison magistrate does not stem directly from a specific law, it is based on bilateral or multilateral agreements between States, and forms part of international mutual legal assistance arrangements. Liaison magistrates are appointed by the Ministry of Justice, and work in collaboration with the judicial authorities of partner countries.

Finally, the Law of June 13, 2025, aimed at freeing France from the trap of drug trafficking (Loi du 13 juin 2025 visant à sortir la France du piège du narcotrafic) allows the creation of a new national public prosecutor's office, the PNACO. The National Anti-Organised Crime Prosecutor's Office (Parquet National Anticriminalité Organisée - PNACO) will come into operation on 5 January 2026 and will be based on the model of the National Anti-Terrorist Prosecutor's Office (Parquet National Antiterroriste - PNAT) and the National Financial Prosecutor's Office (Parquet National Financier - PNF). The PNACO will have jurisdiction over the whole of France, enabling it to centralise the most serious cases of organised crime, particularly relating to drug trafficking, money laundering, corruption and organised cybercrime.

It will have concurrent jurisdiction with local public prosecutors' offices and the JIRS, but will be able to handle the most complex cases or those with an international dimension. It will be made up of specialised magistrates, including a public prosecutor for organised crime, appointed for a non-renewable seven-year

¹⁰² Ministère de la Justice. (2019, December 17). Circulaire relative à la compétence nationale concurrente du tribunal de grande instance et de la cour d'assises de Paris dans la lutte contre la criminalité organisée de très grande complexité, et à l'articulation du rôle des différents acteurs judiciaires en matière de lutte contre la criminalité organisée (JUSD1934576C) <https://www.justice.gouv.fr/circulaire-du-17-decembre-2019-relative-competence-nationale-concurrente-du-tribunal-grande-instance-cour-dassises>

term, as for the PNAT and the PNF. The PNACO will also include deputy prosecutors and vice-prosecutors with experience in the fight against organised crime.

Types of Cases

Articles L706-71 and L706-71-1 of the French Code of Criminal Procedure, recently amended by law no. 2023-22 of January 24, 2023, explain how videoconferencing can be used in criminal proceedings.

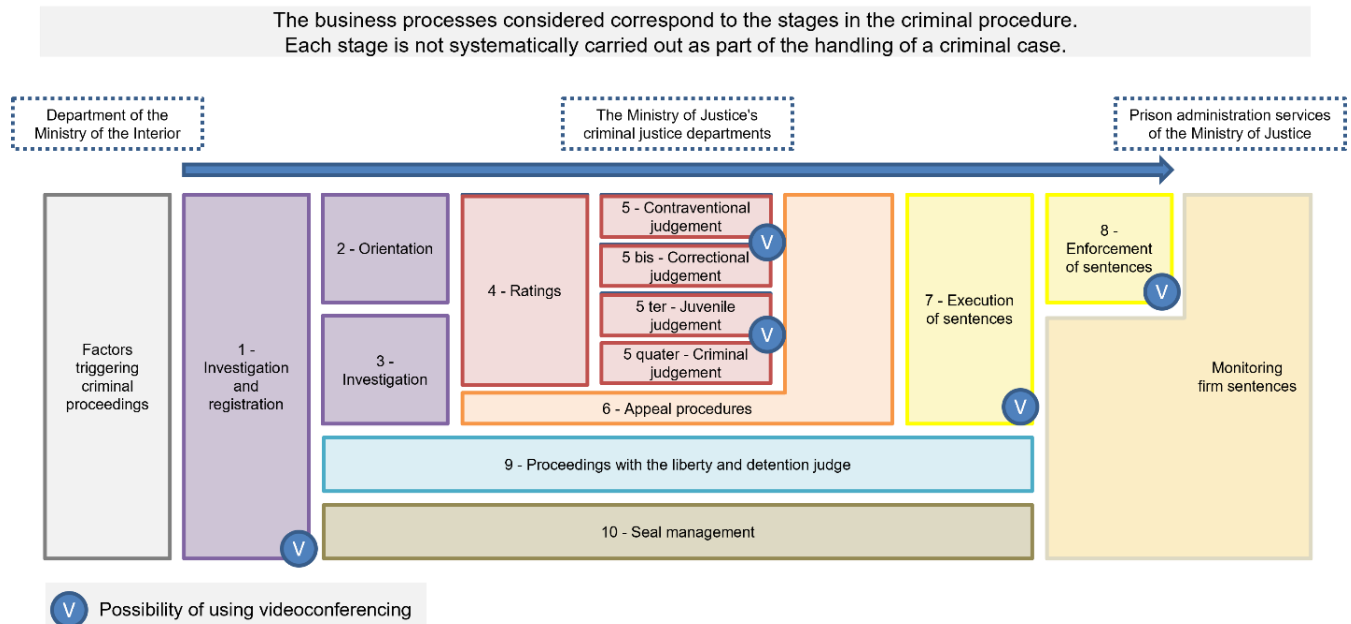


Figure 6-Schematic representation of the criminal process and the use of videoconferencing - FR

The use of video conferencing during the investigation phase: Videoconferencing during the investigation phase of criminal proceedings is a technological tool that is increasingly used to meet the requirements of efficiency, security, and speed of justice. It enables witnesses, victims, or suspects to be heard remotely, without having to travel physically, which can be crucial in sensitive contexts, such as cases involving vulnerable people or security risks. This method of communication also facilitates international judicial cooperation by making it possible to interview people located abroad.

The use of videoconferencing during the trial phase: In the trial phase of criminal proceedings, videoconferencing is a tool that makes it possible to reconcile the imperatives of justice with logistical, security, or health constraints. It can be used to enable a detained defendant, witness or expert to appear remotely, particularly when travelling is difficult or risky. The aim of this practice is to avoid postponing hearings, reduce transfer costs, and guarantee continuity of judicial activity.

The use of videoconferencing during the execution and enforcement of sentences: Videoconferencing is playing an increasingly important role in the enforcement and execution of sentences, by facilitating exchanges between prisoners, enforcement courts (such as the enforcement judge or the enforcement court) and the various players involved in criminal monitoring. In particular, it enables remote hearings to be held to rule on sentence adjustments (conditional release, semi-liberty, placement under electronic surveillance, etc.), without requiring the prisoner to be physically transferred, which limits security risks

and logistical costs. It can also be used for interviews with probation officers or for disciplinary hearings in prisons.

The use of videoconferencing must therefore be adapted to the various stakeholders and the different stages of criminal procedure. These stakeholders are numerous and require tools tailored to their professional needs to effectively manage change across all justice system personnel.

2.5.3. Organisational & contextual aspects

France funded a major plan to roll out videoconferencing within the justice system in 2021, following the Covid-19 pandemic. The goal was to standardize telephone and videoconferencing communications.

As part of the broader effort to modernize and optimize justice services in France, the Ministry of Justice has taken significant steps to strengthen IT support within its courts by establishing a network of Local IT Technicians (Techniciens Informatiques de Proximité – TIP). These technicians, along with Local IT Correspondents (Correspondants Locaux Informatiques – CLI), form Local IT Support Units (Cellules Informatiques de Proximité – CIP), whose mission is to assist court staff in adopting and using digital tools and services. These units are composed of full-time Local IT Correspondents and IT Technicians. They are physically based within the courts they serve, providing on-site expertise.

Through this service, court personnel receive support both in the technical aspects of videoconferencing (e.g., equipment setup) and in its functional use (e.g., training on videoconferencing software).

2.5.4. Technical aspects

The General Data Protection Regulation (GDPR) and Directive (EU) 2016/680¹⁰³, known as the "Law Enforcement Directive," together form the "European data protection package." The Law Enforcement Directive applies to data processing carried out by competent authorities (such as the police, gendarmerie, judiciary, customs, etc.) for law enforcement purposes, namely:

- Prevention and detection of criminal offenses
- Criminal investigations and prosecutions
- Execution of criminal penalties
- Protection against threats to public security

These two complementary frameworks were transposed into French law by Act No. 2018-493 of 20 June 2018 on the protection of personal data¹⁰⁴, which is incorporated into Chapter XIII of the French Data Protection Act (Loi Informatique et Libertés). This legislation imposes a set of technical, legal, and organizational measures to ensure a high level of protection for personal data processed by competent authorities (police, judiciary, customs, etc.).

¹⁰³ European Union. (2016). Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data. EUR-Lex. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L0680>

¹⁰⁴ France. (2018, June 20). Loi n° 2018-493 du 20 juin 2018 relative à la protection des données personnelles [JORF n° 141 du 21 juin 2018]. Légifrance. <https://www.legifrance.gouv.fr/eli/loi/2018/6/20/JUSC1732261L/jo/texte>

French legislation does not make any specific recommendations on software. However, it should be remembered that France has a strict data protection policy. The French national cybersecurity agency (“Agence Nationale de la Sécurité des Systèmes d'Information - ANSSI”) has created the SecNumCloud certification, a qualification issued to cloud service providers who guarantee a high level of security. It is particularly aimed at organisations of vital importance (“OIV”) and government agencies requiring enhanced protection against cyber threats. If, in the future, the European Commission deploys a cross-border tool, France will not be able to use it unless it is SecNumCloud-certified by ANSSI.

To address these security challenges and ensure service continuity, France chose the PEXIP¹⁰⁵ videoconferencing software solution—a Norwegian platform hosted in two geo-redundant Ministry datacenters.

This solution is currently deployed in :

- Around 700 meeting rooms across judicial sites. A typical courtroom kit includes dual screens and dual cameras on mobile pylons. In these meeting rooms, clerks control video/audio locally
- Around 350 dedicated videoconferences in armored equipment's rooms across judicial sites and correctional facilities. France aims to deploy at least 600 of these, most placed in secure and low-traffic areas.
- Second-generation flight-case mobile kits are also being deployed throughout the country, making it possible to take evidence and set up ad hoc courtrooms. The kit requires only a power socket and an Internet connection.
- Special kits are also available to guarantee anonymity. This anonymity can be achieved through the image and/or audio of the videoconference. This equipment is more expensive, costing between 10,000 and 20,000 euros.

Through its hardware and software, France is seeking to address several challenges. Ensuring high-quality interpretation is essential. Variable bandwidth remains a weak point in some areas. Hardware upgrades are needed for aging equipment still in use in certain jurisdictions, although PEXIP’s new virtualized eXIP nodes aim to reduce lifecycle costs.

3. Conclusions

3.1. Outline of high-level requirements.

Based on the desk and field research, a first set of high-level requirements has been captured. These requirements will be further detailed in the D.3.6 Case Analysis Report and, mostly, the D.4.1 Solution Blueprint.

¹⁰⁵ Pexip AS. (n.d.). Video technology platform: Secure video communications [Webpage]. <https://www.pexip.com/>

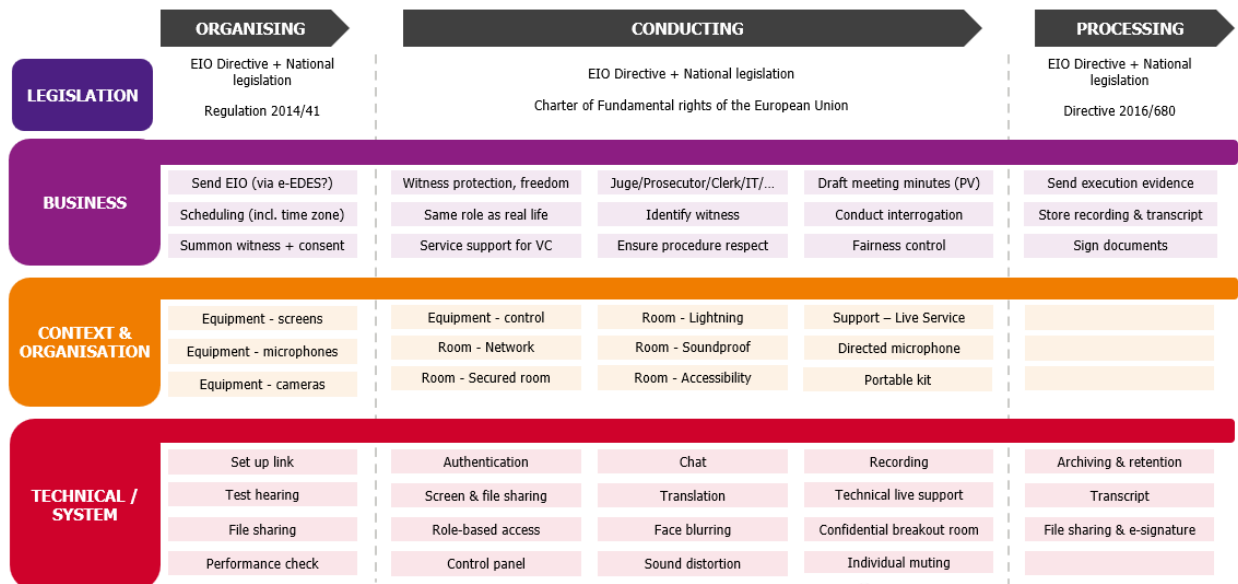


Figure 7 - Outline of high-level requirements

3.2. Conclusive remarks

The European legal framework governing the use of videoconferencing in judicial cooperation for criminal matters offers a mixed level of harmonisation, establishing a foundation for more digitalised collaboration among European authorities. However, the existing rules primarily focus on procedural aspects and frequently refer to national law. Furthermore, the framework does not yet specify clear technical or operational requirements, as the implementing acts related to Regulation (EU) 2023/2844 have not been adopted. This combination of factors makes it challenging to envision a centralised, homogeneous approach supporting judicial cooperation among Member States.

As the administration of justice remains primarily a national competence, it is important to recognise that the EU can only establish rules applicable in cross-border context as explained in Section 2.2.1, exposing the relevant articles of the TFEU (Treaty on the Functioning of the European Union). Consequently, the responsibility for implementing videoconferencing tools for domestic procedures lies with individual Member States. These tools are ultimately also the ones they will use for cross-border cases. This results in a fragmented landscape where different national solutions hinder interoperability. However, our analysis also reveals significant similarities, suggesting that videoconferencing practices are similar and could be further standardised, to a certain extent, across jurisdictions.

The analysis of the state of the art reveals a broad consensus in the literature regarding the challenges associated with the use of videoconferencing in the context of justice, as well as the key principles and requirements needed to address them. This consensus will serve as the guiding thread for our work, ensuring that all proposed future solutions are firmly rooted in respect for fundamental and procedural rights, aligned with the real needs of end users, and mindful of the impact that videoconferencing has on the quality of justice.

In terms of technical solutions, currently, there is no software solution on the market specifically designed to address the unique context and requirements of the justice sector. To date, it appears that only generic, commercially available products are being utilized, occasionally supplemented with custom adaptations. The following deliverables of the VC4justice project will aim at exploring how we can leverage on the existing landscape to further enhance the use of videoconference and ultimately judicial cooperation in criminal matters.

3.3. Limitations

#	Topic	Description
	Lack of academic literature	Remarkably, even 5 years after COVID, there remains a significant gap in the literature regarding the use of videoconferencing tools - their impact on communication and their limitations. This is even worse when it comes to the field of Justice.
	Limited geographical scope	The study does not explore the use of videoconferencing tools in judicial (cross-border) context outside of the EU (e.g., USA, Australia, Canada, etc.) due to budget and planning limitations. Nevertheless, non-EU states may have valuable experience and/or technical solutions.
	Market Research out of scope	Our study did not include market research. Due to the specific needs of Justice, a state of the art could be beneficial to support judicial authorities in their strategy to implement VC and support them for the procurement phase. Such study could consider the following: existing and emerging technologies, software product, equipment, level of maturity, adaptability, sovereignty, sustainability, transparency, license model.
	IO disregarded	International Organisation such as the Council of Europe (CoE), the International Criminal Court (ICC) or the International Court of Justice (ICJ) were not consulted due to time constraints. Nevertheless, these actors may have substantial interest if not experience in the use of VC due to their large geographical coverage.
	MS interviews limited	The project focused on a limited set of Member States due to time and budget constraints. We understand that the level of maturity on the use of and the equipment for VC differs greatly from one MS to another. We understand that some MS are leading the way (Sweden was mentioned multiple time, for example).

Figure 8 - Table of limitations

3.4. Next steps

This deliverable (D3.1) presents the results from the desk and field research phase. It directly feeds into the Case Analysis Report (D3.6) which will build on and expand this content as part of the project's iterative approach.

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5. Appendices

5.1. List of abbreviations

Abbreviation	Description
DG JUST	Directorate-General for Justice and Consumers
VC	Videoconferencing
EU	European Union
MS	Member State(s)
CEPEJ	European Commission for the Efficiency of Justice (from context, standard in justice documents, though not explicitly expanded in the excerpt)
E-ViVi	Enhancing Videorecorded Interviews and Virtual Hearings in Europe (project name)
SimpliVi	Simplifying Cross-Border Judicial Videoconferencing in Europe (project name)
e-CODEX	e-Justice Communication via Online Data Exchange
ICT	Information and Communication Technology
AS IS	Current situation (sometimes referenced as "AS IS situation")
TO BE	Future situation (sometimes referenced as "TO BE situation")
D3.1	Deliverable 3.1 (Desk & Field Research)
D3.5	Deliverable 3.5 (Legal Mapping)
D3.6	Deliverable 3.6 (Case Analysis Report)



JIRS	Juridictions interrégionales spécialisées (Interregional Specialized Jurisdictions, France)
EJN	European Judicial Network
Eurojust	European Union Agency for Criminal Justice Cooperation
eEDES	e-Evidence Digital Exchange System
VC4Justice	Videoconferencing for Justice Project
OM-MP	Openbaar Ministerie & Ministère public (Prosecution Service, BE/NL context)
JORF	Journal officiel de la République française
PDF	Portable Document Format
ERA	Europäische Rechtsakademie / Academy of European Law (from context in the citation "ERA Forum")

5.2. Legal mapping

Microsoft Excel document listing the main relevant legal text considered for the study, focusing on the European Union, Belgium, the Netherlands and France.

5.3. List of interviews

#	Organisation	Attendees	Date
1	Clerk	Court Clerks, Sopra Steria BNL	23/04/2025
2	Lawyer	Lawyer, Sopra Steria BNL	28/04/2025
3	Lawyer	Lawyer, Sopra Steria BNL	28/04/2025
4	First Instance court Mechelen	Investigative Judge, Sopra Steria BNL	06/05/2025
5	Court FR	Investigative Judge, Sopra Steria BNL, Sopra Steria FR	22/05/2025
6	Fed. Prosecutor's office	Prosecutors, Courts & Tribunals, Sopra Steria BNL	02/06/2025
7	DG JUST	EU COM – DG JUST, Sopra Steria BNL	03/06/2025



8	SimpliVi	SimpliVi, ICT Support office to Courts & Tribunals, Sopra Steria BNL	06/06/2025
9	French Ministry of Justice	Ministry of Justice, Sopra Steria BNL, Sopra Steria FR	17/06/2025
10	Rechtspraak	Informatie Manager, Sopra Steria BNL	19/05/2025
11	Court NL	Rechter Commissaries, Courts & Tribunals, Sopra Steria BNL	08/07/2025

5.4. List of workshops

#	Organisation	Attendees	Date
1	ICT Justice	ICT SPF Justice, Courts and Tribunals, Sopra Steria BNL	21/03/2025
2	Clerks	Courts and Tribunals, SPF Justice, Sopra Steria BNL	16/04/2025
3	DG JUST	EU-COM, DG JUST, Sopra Steria BNL	23/05/2025
4	DG JUST	EU-COM, DG JUST, Sopra Steria BNL	06/06/2025
5	Eurojust	Eurojust, Courts and Tribunals, Sopra Steria BNL	09/07/2025
6	FRA	FRA, Courts and Tribunals, Sopra Steria BNL	24/07/2025

