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Subject: Council Conclusions on the use of Artificial Intelligence in the field of
justice

At its meeting on 12-13 December 2024, the Council (Justice and Home Affairs) approved a set of Council conclusions on the use of Artificial Intelligence in the field of justice. The text as approved by the Council is set out in the [Annex](#).

**COUNCIL CONCLUSIONS ON
THE USE OF ARTIFICIAL INTELLIGENCE IN THE FIELD OF JUSTICE**

I. INTRODUCTION

1. In recent years, artificial intelligence (hereinafter: AI) has evolved greatly, has become more and more widespread. Its relevance for Member States' justice systems has significantly increased. This evolution provides considerable opportunities as well as challenges for the justice system and has highlighted the need and timeliness for newly adopted policies.
2. In parallel, the European Union and its Member States are witnessing a continuous development of legal, operational and technical solutions fostering judicial cooperation and access to justice in cross-border civil, commercial and criminal matters. Cross-border cooperation between Member States in sharing lessons learned, best practices, expertise and information on achievements in integrating AI into their respective justice systems is particularly important for ensuring equal access to justice across the EU.

3. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (hereinafter: AI Act) is the first comprehensive legislative instrument in the world to regulate AI. The AI Act classifies AI systems for certain applications in the fields of law enforcement, justice and alternative dispute resolution¹ as high-risk and subjects them to a set of requirements such as conformity assessment procedures and controls, with a view to ensuring a high level of trustworthiness.
4. The Council Conclusions of 9 June 2020 on shaping Europe’s digital future² drew attention to the challenges created by increased digitalisation in the European economy and society, including by AI. The Council Conclusions of 13 October 2020 on digitalisation on ‘Access to justice – seizing the opportunities of digitalisation’³ stressed the importance of digital transition in increasing the effectiveness and efficiency of justice systems. The Council Conclusions of 20 October 2023 on digital empowerment to protect and enforce fundamental rights in the digital age⁴, are centred on the digital empowerment of individuals and sectors that are key for the defence of fundamental rights, such as justice, as well as the construction of a safe digital environment where fundamental rights are properly protected.

¹ In particular AI systems intended to be used by a judicial authority or on their behalf to assist a judicial authority in researching and interpreting facts and the law and in applying the law to a concrete set of facts, or to be used in a similar way in alternative dispute resolution; (AI Act Annex III. paragraph 8. a.)

² Council conclusions on shaping Europe’s digital future, 2020/C 202 I/01, OJ C 202I, 16.6.2020, p. 1–12

³ Council Conclusions ‘Access to justice – seizing the opportunities of digitalisation’ 2020/C 342 I/01, OJ C 342I, 14.10.2020, p. 1–7

⁴ 14309/23

5. The European e-Justice Strategy (2024-2028) outlines strategic and operational objectives, identifies the actions necessary to achieve these objectives, and establishes the basis for a follow-up mechanism for monitoring progress on projects and initiatives presented by Member States or other stakeholders. This includes leveraging of innovative technologies to support the achievement of the outlined goals. Moreover, the Strategy acknowledges that digital transformation comes with a need to identify specific and appropriate actions adaptable to the challenges and opportunities resulting from AI and other emerging technologies.
6. In its Conclusions of 5 March 2024 on the application of the EU Charter of Fundamental Rights: promoting trust through effective legal protection and access to justice⁵ the Council invited the Commission to ensure that a fundamental rights perspective is included in all EU actions related to guaranteeing effective legal protection and access to justice, including by seizing the opportunities of digitalisation.
7. The Fundamental Rights Agency has published studies and reports on relevant related topics, such as the report “Getting the future right: Artificial intelligence and fundamental rights”⁶ and the report “Bias in algorithms - Artificial intelligence and discrimination”⁷.
8. A number of international organisations have also adopted significant documents in the field of AI. Special attention should be paid to:
 - a) the European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment of the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe⁸; alongside related guidelines of the CEPEJ on the use of AI in the Judiciary,

⁵ [7127/24](https://fra.europa.eu/en/publication/2020/artificial-intelligence-and-fundamental-rights)

⁶ <https://fra.europa.eu/en/publication/2020/artificial-intelligence-and-fundamental-rights>

⁷ <https://fra.europa.eu/en/publication/2022/bias-algorithm>

⁸ <https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c>

- b) the Organisation for Economic Co-operation and Development Council Recommendation on Artificial Intelligence⁹,
- c) the UN Human Rights Council Resolution (10 July 2024) on Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development¹⁰, especially its provisions on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers,
- d) the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law¹¹, which aims to ensure that the activities within the lifecycle of AI systems are fully consistent with the protection of human rights, democracy and the rule of law¹², and
- e) the Final report of the United Nations High-level Advisory Body on Artificial Intelligence on Governing AI for Humanity¹³.

⁹ <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>

¹⁰ <https://documents.un.org/doc/undoc/gen/g24/120/36/pdf/g2412036.pdf>

¹¹ Council of Europe Treaty Series - No. [225], [Vilnius, 5.IX.2024]

¹² It should be noted that the EU has already signed this Convention.

¹³ https://www.un.org/sites/un2.un.org/files/governing_ai_for_humanity_final_report_en.pdf

9. AI has tremendous transformative potential. Its use can facilitate access to justice, and improve timeliness, efficiency and effectiveness of judicial proceedings. More explicitly, it can help, inter alia with certain routine or auxiliary tasks, for example, guiding individuals through legal information, scheduling hearings, booking court rooms or preventing the re-identification of the persons concerned either by anonymising¹⁴ and pseudonymising¹⁵ court decisions, in compliance with data protection rules. Such improvements to judicial proceedings could be beneficial to both individuals and businesses in the EU. This would improve EU and Member States' legal systems, thus providing competitive advantages for the EU.
10. Some other use cases, present greater risks. Justice systems should nonetheless take advantage of these use cases, with appropriate safeguards, as AI has the potential to greatly assist judicial work, such as summarising judicial content, analysing case law, proposing texts, providing real-time interpretation, handling mass claims or supporting decision-making.
11. Research and innovation initiatives aimed at advancing the development of AI systems, tailored, in line with EU law for special legal applications, are important. Collaboration among academia, industry, judicial or other public authorities and justice professionals is key for driving innovation and fostering progress in this field.
12. The need to further train legal practitioners and administrative staff of judicial authorities involved in judicial proceedings, particularly in light of AI and other technological developments, at national and EU level, is also extremely important.

¹⁴ In line with Recital 26 of Regulation (EU) 2016/679 (General Data Protection Regulation).

¹⁵ According to Article 4(5) of Regulation (EU) 2016/679 (General Data Protection Regulation)

II. CONCLUSIONS OF THE COUNCIL

A. GENERAL CONSIDERATIONS

13. AI should be used in justice in full respect of the Charter of Fundamental Rights of the European Union and in compliance with, inter alia, the AI Act, the General Data Protection Regulation¹⁶ and the Law Enforcement Directive¹⁷, to ensure transparency, accountability, and oversight guaranteeing that AI systems are trustworthy as well as safe and that their use respects fundamental rights. These Conclusions align with, and do not express any intention to go beyond, the requirements for the design, development and use of AI systems, as set out in the AI Act.
14. Effective access to justice includes the right to an effective remedy, the right to a fair and public hearing within a reasonable time, the presumption of innocence and the right of defence as enshrined in Articles 47 and 48 of the Charter of Fundamental Rights of the European Union. These are key criteria in the design, development or use of AI systems. Access to justice should be guaranteed to all, even in situations where individuals do not use IT tools or services or are in vulnerable situations.

¹⁶ Regulation (EU) 2016/679 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 and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1–88

¹⁷ 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, OJ L 119, 4.5.2016, p. 89–131

15. Practical and user-friendly guidelines and standards are necessary for the ethical and responsible development and use of AI in justice, in accordance with the AI Act. Such guidelines and standards should be based on coordinated exchanges and cooperation between the Commission, the Member States and relevant stakeholders.
16. AI can support decision-making in judicial proceedings and alternative dispute resolution, but should not replace it: the final decision-making must remain a human-driven activity. The use of AI in this context is usually considered high-risk and should be transparent, appropriately traceable and explainable, and subject to human oversight. It is crucial to ensure that these principles are considered and assessed both at the design stage and throughout the whole lifecycle of AI systems used in the justice sector.
17. In addition, ensuring the availability of large amount of quality data is key to providing an environment conducive to the development of AI systems with added value.
18. The availability of anonymised or pseudonymised judicial decisions is an important enabler for AI applications in the field of justice, which require large-scale accessibility to these decisions to perform their analysis in particular in the training phase of the AI systems.
19. The Council invites the European Judicial Training Network and national authorities or bodies responsible for judicial training to take into account the need for training and empowering justice professionals to cope with the digitalisation of justice systems, in particular the use of AI in justice, to adapt to the evolving legal environment, to reduce digital skills gaps and to strengthen the awareness of the opportunities and risks posed by AI systems used in the justice field. Existing tools for the training focusing on digitalisation of justice, including AI for justice professionals, should be further developed and updated.

20. The Council supports the sharing of information and collaboration among Member States regarding the use of AI in justice - including through existing platforms -, focusing on priority topics and contributing to the objectives defined in the European e-Justice Strategy 2024-2028. This would allow for the identification of common use cases, and of their expected benefits, the challenges they pose and areas for improvement.

B. INVITATION TO THE COMMISSION

21. The Commission is invited to explore further the potential of AI in the justice field and assist Member States in implementing the AI Act
22. The Commission is invited to promote adequate funding for the research, development and use of AI in justice, with a view to increasing the overall competitiveness of the EU and its Member States, on a global scale, and limiting administrative burdens regarding access to EU funding opportunities.
23. These Council Conclusions are without prejudice to the negotiations on the post-2027 Multiannual Financial Framework.
24. The Commission is invited to support Member States in their aforementioned efforts to collect and share information.

25. The Commission is invited to create and operate, within its competencies, a common ‘Justice AI toolbox’, taking into account possible synergies with the already established ‘AI on demand platform’ and other EU initiatives regarding interoperability and sharing of resources and knowledge related to the development, deployment and use of AI systems. This Justice AI toolbox would be a repository of AI use cases (in particular, actors, scope, target, purpose, functionality, scenarios, expected benefits) and tools in the justice sector. The AI tools to be included in the toolbox, whether developed with or without EU funding, could be made available to all Member States. This Justice AI toolbox could foster the creation of common ground and use cases among Member States regarding the cross-border use of AI tools in justice.

C. INVITATION TO MEMBER STATES

26. In addition to the set of legal acts and policies at EU level, designed to enhance judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, Member States are invited to, where appropriate, capitalise on and adopt into their justice system new digital solutions, including AI, to further improve the efficiency, fairness and independence of the judiciary.

27. Member States are invited to explore the potential of constantly evolving AI systems, while ensuring compliance with fundamental rights, data protection rules and other applicable EU legislation.

28. In line with the European e-Justice Strategy 2024-2028, Member States are invited to collaborate and share information regarding the use of AI in justice as well as on AI tools, including essential features related to these tools, such as configuration or description of their functioning and the use of open-source software.

29. Taking into consideration the information in the “Justice AI toolbox” to be operated by the Commission, Member States are invited to exchange information and build common ground regarding use cases, the use of AI tools and their cross-border development , in order to improve justice systems and to prepare future interoperability solutions, taking into account the European Interoperability Framework, which is a commonly agreed approach to the delivery of European public services in an interoperable manner.
30. As already indicated¹⁸, support of and engagement with legal practitioners, IT professionals and competent authorities or bodies should be encouraged to better and timely address the challenges of digital transformation. In addition to the obligation to take measures to ensure, to their best extent, a sufficient level of AI literacy for all justice professionals using AI¹⁹, training for justice professionals and administrative staff of judicial authorities should focus on raising awareness. It should also promote a better understanding of the implications and risks associated with AI, enhance understanding of the changes in EU law responding to the needs of the digital economy and society, and improve the effective use of AI and other IT tools to promote the efficiency of justice systems, while being aware of inherent risks.
31. Member States are invited to invest in secure digital infrastructure and capability building in the field of justice to support the deployment of advanced technologies, including AI tools used in justice systems.
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¹⁸ Paragraph 19

¹⁹ See Article 4 of the AI Act.