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The Internet and its potential dangers represent a real challenge for the information society, as discussed during the 52<sup>nd</sup> congress of the UIA held in Bucharest last year. The opening of markets and the well-worn concept of "globalisation" bring about, in addition to the obvious advantages for the world economy, a series of disadvantages with regard to the increase in cross-border crime. This new framework obliges the European Union to increase the level of co-operation between the authorities of its member States.

In this regard, from the start of the application of the Council Framework Decision 2002/584/JAI of June 13, 2002 on the European arrest warrant and surrender procedures between States, the legal profession requires a professional network to be established among lawyers which gives top priority both to professional confidentiality and security in communications in line with the legal and police co-operation set by institutions such as the European Union Judicial Cooperation Unit, Eurojust, or the European Police Office, Europol.

In this fight against growing international organised crime, and terrorism and crime in general, the Internet plays a key role in overcoming distance and gaining professional speed and efficiency in allowing direct, immediate and fluid communication. Lawyers already communicate with other lawyers to whom they may send fully confidential and urgent information relating to their clients. In practice, security in Internet communications still remains an important obstacle to overcome.

In this context, the legal professions of five European countries decided in 2006 to undertake a project focused on improving coordination of the defence in cross-border criminal cases and making communications more secure by providing a secure platform

# Penalnet

*Making communications more secure  
in the cross-practice of law in Europe*

## I Pere Luis HUGUET

among accredited colleagues. Founded by the Criminal Justice Program of the European Commission, PenalNet has also become the first project that the legal profession has undertaken in line with recent the Union's "e-Justice" programme, and certainly one of the reasons why the European Commission has given priority to technological projects for the forthcoming requests for proposals.

The origins of PenalNet as an initiative of the legal profession can be found in the successful case of the Spanish *RedAbogacia*, a platform of secure online services for lawyers, the high point of a project for implementing electronic signatures among a large group of 150,000 professionals nationwide. The General Council of Spanish Bar Associations, a government body of the 83 Spanish Bars, presented PenalNet to the Directorate-General for Justice, Freedom and Security of the European Commission and received important support through a subsidy in order to carry it out. The National Councils of the French, Hungarian, Italian and Romanian Bars showed a marked interest in becoming partners in its development.

The working team was set up immediately and comprised a group of political leaders who represent the five national bar associations involved, and a series of technical staff, lawyers and experts in digital certification from each of the partner countries.

Today, following four working meetings and many hours invested in its development, PenalNet is now in the pilot stage towards what it aims to be: a completely secure platform where international criminal lawyers can identify themselves and communicate with each other. The platform will be publicly launched in Madrid during the second half of the year.

Physical identification of the lawyers is made possible thanks to the use of the CCBE's

(Council of European Bars and Law Societies) European Professional Identity Card. For Internet use, a new feature has been added to this card: a cryptographic chip, whereby a qualified digital certificate is generated, according to the standards defined by the electronic signature directive. This grants the equivalence between any documents signed with this digital certificate and a document signed by hand.

As for the secure network, the signature allows encrypted communications (SSL sessions) and guarantees the authenticity of the documents exchanged over the Internet. The European lawyer's digital

registered on the platform to send secure electronic mails to addressees not registered on PenalNet.

Once registered on the PenalNet platform with his or her digital signature, the lawyer becomes part of a directory of accredited criminal lawyers, through which he or she can initiate or develop relationships with other professional colleagues from his/her own country or another country that is part of the project. The PenalNet directory, which is permanently updated, ensures that its accredited members share the same interests and professional needs, but also provides, unlike the popular social networks of Web 2.0, the advantage of ensuring in a

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certificate also provides confidence to third parties through the institutional bar associations, which will accredit the lawyer's professional status.

The electronic signature for professional communications is the key for exchanging confidential case information with full security for the parties: the lawyer issues the communication certain that the message is not going to be modified, and that the recipient will receive it since the system itself sends an e-signed acknowledgement of receipt to the sending lawyer.

As for the efficient communications network, PenalNet will confirm the sending and the reading of electronic mails and to notify the interested party both by SMS and by electronic mail. This system also provides electronic evidence of the receipt and the content with full legal validity. PenalNet also allows the criminal lawyers

certifiable way the professional identity and status of its members through the digital certificate. Unlike ordinary electronic mail, the use of the digital certificate guarantees compared with methods such as electronic mail, the integrity and non-manipulation of the information sent and any attached documents.

In order to overcome the potential obstacle of technical training for lawyers, PenalNet also plans to provide a series of courses to instruct users on the tool's advantages. Communications will also be constant thanks to a periodic e-newsletter with information on the most important criminal issues in the European Union.

Subscription to the PenalNet project now is available to lawyers from the five countries that comprise PenalNet which covers the costs for the participation of 300 lawyers

from each country. Applications may be made through the respective competent Bar associations.

After 2010, PenalNet will open itself to all interested European Bars and will provide a basis for future development of crossborder communications of lawyers in the European Union.

The prestigious website of the European Commission [www.epractice.eu](http://www.epractice.eu) (over 15,000 members from 48 countries, including 27 member states of the European Union) has recognized PenalNet with the "Editor's Choice" designation as one of the most interesting projects published on that portal, based on given its innovation and relevance to the European legal profession.

For more information on the project and its services, please visit the PenalNet Website [www.penalnet.eu](http://www.penalnet.eu).

Pere Luis HUGUET  
*Councillor in Charge of Technologies  
of the Consejo General de la Abogacía  
Brussels, Belgium*