

Colophon

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From the Secretary-General's desk

New technologies have assumed increasing importance in our judicial systems, both in terms of their accessibility by the litigants and legal practitioners and their use by judges.

An important European political agreement was reached at the last Justice and Home Affairs Council during the German Presidency in June 2007. The idea was to increase the use of information and documentation technologies in a cross-border European context.

In March 2009, the Justice Forum also dedicated one of its meetings to European e-Justice and the rollout of a Web portal which would act as a 'one-stop shop' for justice matters at European level. The Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union was represented there.

The seminar which was held in Athens, in the context of the association's activities in cooperation with the Council of State of Greece and with the scientific support of the Federal Administrative Court of Germany, was completely in line with these European initiatives, but was more targeted than these. Specifically, it focused on dealing with the central issue raised by the use of information and documentation technologies in the judicial system, and in particular on which information and communication technologies to introduce in our administrative courts and how, and which procedure should be used.

Therefore this seminar tried to adopt a more pragmatic approach geared towards the best practices which have become a European reference tool, and in particular the conditions for designing and implementing an ICT project applied to the judicial system.

To this end, a questionnaire was drawn up which took account of the characteristic features of administrative courts. The responses provided by the seminar participants offered a snapshot of the situation in each of the supreme courts which are members of the association in terms of the extent to which information and communication technologies have been introduced in their organisation. Sifting through these data produced a cogent study of some 112 pages, which is available on the association's website www.juradmin.eu in the 'Colloquia' section under the heading 'Seminars'.

A general report was prepared and presented during the seminar by Ms Butz, head of the Documentation Department of the Federal Administrative Court of Germany. It is the subject of the present newsletter.

From the report it emerges that five judicial systems are in the vanguard in terms of using e-Justice: Estonia, France, Portugal, Turkey and the UK. Lord Justice BURNTON, a judge at the Court of Appeal (Royal Courts of England and Wales) presented, with a lot of panache, a pilot project currently being tried out at the commercial chambers of the Royal Courts of England and Wales in cooperation with a panel of specialist legal firms. This project concentrates on the procedure for submitting requests electronically. He was followed by Mr MARTIN-LAPRADE who very dynamically and enthusiastically demonstrated the effectiveness of using the hardware and software available to everyone in processing cases at the Administrative Court of Appeal of which is the President. Lastly, Mr WASMEIER, Principal Administrator of the Directorate-General for Justice, Freedom and Security (DG JLS) of the European Commission closed the seminar, talking about what progress had been made at European level and current projects or projects which will be launched soon, which appeared essential in view of the role of European projects as a driving force to stimulate national initiatives.

In this way, the seminar is part of discussions which are essential to the future of the Councils of State and of the supreme administrative courts that belong to them. In an area where keeping a close watch on technology is crucial, it is the first step in a process which by its very nature is evolving and which the association intends to guide: the seminar to be held in Istanbul on 1 October 2009 will be the occasion for the Council of State of Turkey to present the integrated e-Justice system which has been put in place there.

In this domain the association has the task of promoting exchanges of best practices which can only be useful as part of the design and implementation of the projects which are being prepared by the supreme administrative courts. It aims to meet this challenge.

Yves Kreins
Secretary-General

Conclusions of the Seminar of Athens

The e-Justice seminar consisted of *three parts*:

- In the first part, Ms BUTZ, the head of the Documentation Department of the Federal Administrative Court of Germany, presented the general report compiled on the basis of the responses to the questionnaire which were provided by the seminar participants.
- In the second part, two participants made presentations that sought to take a dynamic approach to the subject-matter of the seminar. Lord Justice BURNTON presented the computerised system for submitting requests which was being tried out in commercial chambers of the Royal Courts of England and Wales, while Mr MARTIN-LAPRADE, President of the Administrative Court of Appeal of Paris, discussed the computerised system for processing cases which had already been implemented in the administrative courts falling under his responsibility.
- In the third part, Mr WASMEIER, Principal Administrator of the Directorate-General for Justice, Freedom and Security (DG JLS) of the European Commission, gave participants an overview of the initiatives developed at EU level among others with a view to establishing a European e-Justice portal in the near future.

General report – overview

The responses to the questionnaire – 24 in all – provided an overview of the progress the Councils of State and Supreme Administrative Courts had made in terms of implementing ICT solutions in two areas: the submission of case files to the courts and their processing, and archiving of the documents in the file.

It emerged that all the courts have excellent technological coverage, with 23 courts having PCs at 90% or more of workplaces, and one – in Cyprus – at 50% to 90% of workplaces): in other words, a PC is provided at every workplace. All magistrates have a PC with an Internet connection and e-mail. The situation in courtrooms is just as good, with 22 courts having at least 90% adapted technological equipment. Moreover, 19 courts have networking (either internal networking or interconnectivity with other judicial authorities at the same level or at a lower level)¹. In contrast, courts make only scant use – if at all – of voice recognition technology in practice.

The answers showed that the judicial system, especially the supreme administrative courts, are particularly well equipped in terms of technological infrastructure, meaning that the relevant parties are ready for the development of e-Justice. Certain supreme administrative courts have already gone a long way down this road, as we will explain below.

Against this background, two essential questions were addressed:

- To what extent does the judicial system make use of electronic documents, i.e. technological solutions which can replace paper?
- How are documents communicated electronically between the people involved in judicial proceedings?

¹ The report analysing the responses to the questionnaire offers a very interesting overview of this aspect from a technical point of view (see pp. 15-18).

- Use of electronic documentation

The use of electronic documentation is authorised and organised in 15 courts², providing access to laws, rules and regulations and/or to judicial rulings. However, with one exception – Romania (which has authorised the destruction of paper documents) – the courts either manage judicial metadata electronically but archive it on paper or they simultaneously use electronic documents and paper.

A logical question arising from the use of electronic documents is whether technical standards have been drawn up which are applied in proceedings. Eleven courts report the existence of such technical standards. Of them, eight (Estonia, France, Germany, Hungary, Poland, Portugal, Romania and Turkey) state that these standards are legally binding. Meanwhile, eight courts in their responses indicate that no technical standards currently cover the procedure for electronic file management and/or archiving. It is also worth noting that judges only very rarely, if ever, intervene in the management of electronic documentation.

External consultation of the electronic documentation (by parties and their lawyers) generally involves the following:

- ✓ a printout by the court or the judicial authorities (in 14 courts out of 16);
- ✓ electronic transmission of the document or of extracts by the court or the judicial authorities (in 12 courts out of 17);
- ✓ direct access via a public network (e.g. the Internet) (in 10 courts out of 17).

Five courts indicate that external access to all electronic documentation is feasible (France, Greece, Luxembourg, Romania and the UK – although in the UK it is not utilised) and six courts (Estonia, Ireland, Italy, Portugal, Spain and Turkey) report that external access to some electronic documentation is possible. However, only four courts (Greece, Ireland and Romania: 90% or more; and Portugal: 50% to 90%) indicate that external parties actually make use of their access to electronic documentation.

- Organisation of electronic communication

Requests and/or documents related to the proceedings are submitted electronically to nine courts (only some 10% of submissions in Belgium, the Czech Republic, France, Germany and Spain; 50% to 90% in Italy; and over 90% in Finland, Portugal and Turkey). However, in most instances it is possible to revert to the traditional method of transmission (i.e. paper documents) during the proceedings.

Financial incentives have been put in place to promote electronic submissions. These involve either reducing the cost of the proceedings (in Portugal, and in Slovakia to the level of the district courts) or requiring fewer copies to be submitted, e.g. in Germany.

Documents relating to the judicial proceedings are submitted electronically to ten courts (only some 10% of submissions in Austria, Belgium, France, Germany, Greece and Italy; 10% to 50% in Spain; and over 90% in the Czech Republic, Estonia and Portugal). Documents in most of these instances are submitted via the Internet.

As regards how electronic submissions are authenticated, the response rate in terms of application of the Signature Directive is relatively low, with only nine courts (the Czech Republic, Denmark, Estonia, Germany, Italy, Portugal, Romania, Spain and Turkey) indicating that they make use of the system provided for in this directive (Articles 2 and 5).

² As regards legislation, Estonia, Portugal and Turkey are the best prepared because rules and regulations there were adopted with the specific aim of providing structure to the principle of using electronic documentation.

Video-conferencing is not only allowed but also technically implemented in Estonia, Finland, France, Germany, Portugal, Romania, Slovenia, Spain and Turkey, with Portugal and Spain making most use of this technique (over 90%).

An interesting aspect of e-Justice which still needed to be explored, with a view at least to developing the European e-Justice portal, was obtaining data about the presence of the judicial system on the Internet. All the courts have a Web presence, either as part of a national home page or their own home page on the Internet. Moreover, judgments are available free of charge on the Internet in 20 Member States. In 17 of these Member States, the data are made anonymous before being published there.

The advantage of this overview of judgments is not only that it exists but most importantly that it provides some interesting pointers to the progress made by supreme courts in terms of e-Justice. The process of using e-Justice – while gradual in its nature – has clearly started.

Presentation of two projects implementing ICT applied to the judicial system

Lord Justice BURNTON presented the pilot project currently being tried out at commercial chambers of the Royal Courts of England and Wales in cooperation with a panel of specialist legal firms. This project concentrates on the procedure for submitting requests electronically via a secure site. Standard forms have been developed in Adobe Acrobat Professional to submit data relating to the case and also calculate the cost of the judicial proceedings triggered by submission of the request. This project which was notable in terms of its simplicity (with regard to both its design and use) enabled the participants to assess how useful such a system was, so facilitating the courts' access to ICT, and to make optimal use of the possibilities already available on the market, avoiding the need to use specially developed products. This project also provided a chance to acknowledge the contribution that the test phase can certainly make to generalising an e-Justice project.

Mr MARTIN-LAPRADE also provided the seminar participants with a particularly illuminating example of the effectiveness of using the hardware and software available to everyone in processing cases at the Administrative Court of Appeal (Paris) of which is the President. He showed that all the documents in a file could be 'digitised' not only for registration and storage purposes, but also so that they could be used as the exclusive medium – in other words, definitively banishing the use of paper – during the preparation of cases and deliberations.

Presentation of initiatives in progress at European level

Mr WASEIER outlined the initiatives in progress at European level. Among these initiatives, the launch of a European e-Justice portal is certainly the initiative which captured the imagination of the seminar participants the most. This portal, which aims to be the 'one-stop shop' for citizens and legal professionals and businesspeople, will feature:

- information about, among other items, the rights of victims and the accused in criminal proceedings, general principles (European judicial network in civil and commercial matters) and the cost of civil proceedings, of legal assistance, of mediation and of information about video-conferencing;
- specific information tools (link to European databases and interface with national databases/registers and the judicial atlas);
- dynamic forms and online tools (European payment order, application for legal assistance, etc.).

The speaker also stressed the key consultative and cooperative role that the Justice Forum – in which the association participates – plays in the design and implementation of the e-Justice portal and of the ICT tools which are applied to judicial systems.

Some conclusions

In the eyes of all the participants, the seminar clearly emerged as the forum *par excellence* for exchanging information about the existing situation with regard to the application of ICT in the judicial system of their Member States. It highlighted two best practices, from the UK and France, while not forgetting other systems which have already been implemented, for example in Estonia, Portugal and Turkey. A number of participants also announced projects they had launched: Belgium (digitisation of documents submitted by the parties), France (the Aramis project), Ireland (civil cases), the Netherlands, Slovenia (criminal cases) and Spain.

All the participants understood that e-Justice is more than just a faze. The application of ICT to the submission of requests and documents in judicial proceedings and also in processing cases is absolutely necessary in terms of access to justice and the effectiveness of justice both at national level and as part of cross-border proceedings, the optimal management of cases (in all areas of civil, criminal and administrative law) and the archiving of data, and in terms of the rationalisation of the relevant material and of human resources.

The concept of a European e-portal launched by the European Council with the support of the European Commission, which – it has been announced – will be set up by the end of 2009 is very much part of this picture and will certainly be the driving force behind developing and/or furthering the implementation of e-Justice projects in the judicial systems of the Member States. This intervention by the EU should also facilitate the standardisation of electronic documents and forms of transmission.

General Report on the Seminar of Athens

Chapter I Introduction

The advantages of modern information and communication technologies are increasingly being used in EU Member States' judicial systems. Decision-makers in all EU countries have already looked into the question of "e-Justice", and in many Member States a legal framework permitting the use of modern technologies in the judicial system is already in place.

Given the multiplicity of judicial systems in the EU, there are inevitably many different concepts of e-Justice. At present, it is very difficult to give a comprehensive overview of the different technical concepts used within the Member States' judicial systems.

This survey aims to provide an overview of current e-Justice developments in the member institutions of the Association and is based on twenty-four questionnaires with data from Austria, Belgium, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey and the UK.

Participants answered 64 questions from a survey carried out by the European IT Academy of Law in Merzig, Germany on behalf of the Working Party on Legal Data Processing (e-Justice) during the German EU Presidency in 2007, which was then adapted to the administrative court system. The Association would like to thank the authors Mrs FREIHEIT and Mr HENSEN for their permission to use their work. Mrs FREIHEIT took an active part in organising the Athens Seminar and without her and her colleague, Mr KURTH, this report would not have been possible.

The feedback from the member institutions which was provided in the questionnaires was sometimes overwhelming. Participants spent many hours collecting data and looking for materials on e-justice in their respective countries. Many thanks for their work which contributed to a lively seminar in Athens. A list of the answers on the questionnaire and the questionnaire is available on the Association's website : www.juradmin.eu , item "colloquium", sub item "seminar".

Chapter II SURVEY

- **STAFF AND BODIES**

- **Questions:**

A.1. a) How many people are employed at your institution?

b) How many judges are there?

c) How many other specialised legal staff are there?

a) The size of member institutions varies considerably. The administrative courts in **France** employ 3,300 people, as opposed to 26 in **Luxembourg**. While there are, of course, differences in the size of the countries, more important is the difference in the setup and also in the functions of the institutions. Some are mere law courts, whereas others have advisory functions to their respective governments or 'deal with other business' like budgeting for all courts (**Slovenia**). **Poland** not only gave the numbers for the Supreme Administrative Court, but also the figures for the Provincial Administrative Courts. There were quite a number of comments on this question in the 'Other remarks' section of the questionnaire.

b) The number of judges varies too. **France** has 1,300 judges, while **Ireland** has nine.

c) In **France** there are 1,750 other specialised legal staff, whereas in **Ireland** there are three. The support staff perform various tasks. Many are involved in preparing cases, give opinions and draft judgments (for example in **Estonia**). Others work as documentalists (for instance in **Belgium** and **Germany**). Others are employed at the Information Technology Centre of the court (**Slovenia**).

- **ORGANISATION**

- **Question:**

A.2. Organisation of the judicial system

The item “Tour d’Europe” (website of the Association: www.juradmin.eu) gives an overview of the judicial system’s organisation.

- **IT FACILITIES IN THE WORKPLACE AND TECHNICAL BACK-UP**

- **Question:**

A.3. IT facilities in the workplace and technical back-up

- a) IT at all workplaces
- b) IT at the judges' workplaces
- c) IT in courtrooms

a) In general, courts have very good access to IT facilities. Twenty-three institutions have PCs at more than 90% of all workplaces. **Cyprus** has coverage of 50% to 90%.

At 21 institutions more than 90% of all workplaces have e-mail facilities. **Romania** and **Spain** have coverage of 50% to 90%, while less than 10% of workplaces in **Turkey** have e-mail access.

The Internet is available at more than 90% of all workplaces, while **Belgium** and **Romania** have coverage of 50% to 90%.

Speech recognition is only widely available in **Slovenia**, where over 90% of all workplaces have this. In all other institutions, less than 10% of workplaces have speech recognition facilities. In **Poland**, speech recognition is not used in administrative courts at all.

In **Estonia**, all employees have access to the Supreme Court intranet and can access their documents from outside the courthouse via an MS Windows remote desktop connection.

b) In all institutions, judges are equipped with a PC and can use the Internet. It is also common for judges to use e-mail, with coverage of more than 90% in 22 institutions. In **Turkey**, only certain judges (e.g. section presidents) have official e-mail addresses, hence coverage is less than 10%. In **Cyprus**, 50% to 90% of the judges have e-mail. Speech recognition is again not very widespread. Twenty institutions use it for less than 10% of their judges. **Croatia** and **Turkey** provided no data on judges' speech recognition facilities. In **Italy**, 70% of the judges have speech recognition equipment, but less than 10% actually use it. In **Spain**, about 10% to 50% of the judges have speech recognition. In **Estonia** and **Poland**, judges do not use speech recognition. Some judges in the **Czech Republic** are testing speech recognition programs.

In **Ireland**, Supreme Court judges not only have a PC in their office, but they are also supplied with a laptop or tablet and a Blackberry. All PCs and tablet PCs have digital dictation software installed.

In **Greece**, all judges of the Council of State are equipped with a laptop.

c) The IT equipment in courtrooms varies, but most institutions have PCs and Internet and e-mail access in these rooms. The administrative courts of **Croatia** and **Luxembourg** do not have courtrooms of their own, but use other rooms or halls. PC coverage in twelve institutions is over 90%, while five institutions have coverage of less than 10%. **Finland** and **Ireland** use PCs in 10% to 50% of their courtrooms, while **Austria**, **Denmark** and **Estonia** have PCs in 50% to 90% of these rooms. **Austria** uses laptops instead of PCs in its courtrooms.

Ten institutions provide e-mail access in more than 90% of their courtrooms, and seven have this in less than 10% of their courtrooms. In **Finland** and **Ireland**, 10% to 50% of courtrooms have e-mail, while it is provided in 50% to 90% of courtrooms in **Austria, Denmark** and **Spain**.

In 13 institutions, the Internet is available in more than 90% of courtrooms. In five institutions, less than 10% of courtrooms have Internet access. The Internet is available in 10% of courtrooms in **Finland** and **Ireland**, while **Austria** and **Denmark** provide Internet access in 50% to 90% of their courtrooms.

In 18 institutions, speech recognition is available in less than 10% of courtrooms. Only **Romania** offers speech recognition in 10% to 50% of its courtrooms.

France is testing Wi-Fi (wireless LAN) in some courtrooms. In **Estonia**, the Supreme Court building has wireless Internet access. **Estonia** and **Ireland** have digital audio recording facilities in their Supreme Court courtrooms.

- **NETWORKING (CONNECTIVITY) OF COURTS**

- **Questions:**

A.4. Networking (connectivity) of courts

- a) Computers in your institution networked with one another**
- b) Administrative courts in your country are not networked**
- c) Administrative courts in your country are completely networked**
- d) Administrative courts are only networked regionally**
- e) Other forms of networks**
- f) If networking is in place, how is it implemented technically?**
- g) Does the networking of the courts correspond to the organisational structure of the courts?**

a) Computers in an institution – whether it uses one or more buildings – are usually networked with one another. Nineteen institutions have this technical setup. Only **Slovakia** and **Hungary** have no computer network in their courts. **Cyprus** is partially networked (registry department of the court) and no data were received from the **UK** and from **Croatia**.

In **Estonia**, “every employee can save working documents on the network drive of its structural unit (chamber or servicing department), which can be accessed by all the employees of that structural unit through the Supreme Court Intranet”.

b) In seven countries (**Belgium, Cyprus, Denmark, Germany, Greece, the Netherlands, Slovakia**) the administrative courts/council of state are not networked with one another. No data were received from **Croatia**.

In **Ireland**, there is no separate administrative court system (High Court and Supreme Court act as administrative courts).

c) In 15 countries, the administrative courts are completely networked with one another (**Austria, Estonia, Finland, France, Hungary, Ireland, Italy, Luxembourg, Poland, Portugal, Romania, Slovenia, Spain, Turkey** and **the UK**).

In **Turkey**, there is a national Judiciary Informatics System (UYAP) covering all courts, offices of public prosecutors and law enforcement offices and the central organisation of the Ministry of Justice. The High Courts (Constitutional Court, Court of Cassation and Council of State) are not on this network.

In the **Czech Republic**, the Supreme Administrative Court shares part of its information system (i.e. the case law database) with the regional administrative courts.

d) **Greece** has a regional network of administrative courts of first instance and appellate courts covering Athens and Thessaloniki.

e) No other types of networks were reported.

f) Technology for implementing a nationwide network:

- VPN/IP (Virtual Private Network): **Estonia, France, Poland**
- WAN (Wide Area Network): **France, Italy, Slovenia, the UK**
- Web Service: **Greece, Portugal**
- Ethernet, Novell NetWare: **Austria**

More detailed information is provided in the questionnaires submitted by **Ireland, Portugal and Slovenia**.

g) In 15 Member States, the networking of courts predominantly corresponds to the organisational structure of the courts (**Croatia, Czech Republic, Estonia, Finland, Hungary, Ireland, Italy, Luxembourg, Poland, Portugal, Romania, Slovenia, Spain, Turkey and the UK**). No data were received from **Belgium and Slovakia**. In seven countries (**Austria, Cyprus, Denmark, France, Germany, Greece and the Netherlands**), organisational structure and networking do not correspond.

- **TECHNICAL BACK-UP**

- **Questions:**

A.5. Responsibility for technical back-up at workplaces in your institution

- a) predominantly employees of the institution within the IT department**
- b) predominantly employees of an external enterprise**
- c) other possibilities**

a) Most institutions use employees from their own IT departments for technical back-up. Sixteen institutions reported this kind of setup.

b) The **Croatia, Ireland and the UK** predominantly use an external enterprise.

c) **Spain** has a mixed system of internal and external support. In **Cyprus**, the government's IT department is responsible for technical back-up; in **Portugal**, the Institute of Information Technologies in Justice (ITIJ), an autonomous public agency, takes care of planning, execution and services in the IT arm of the judiciary. The **Czech Republic** works with an external enterprise which deals with issues related to the IT system of the Supreme Administrative Court.

- **ELECTRONIC DOCUMENTATION**

- **Question:**

B.1. Electronic documentation

- a) Are there legislative or other rules in your country permitting judicial authorities and courts to maintain their documentation in electronic form?**
 - aa) Yes, as a rule electronic documentation is permitted.**
 - ab) No, as a rule electronic documentation is not permitted.**

a) General remark for understanding this section: 'electronic documentation' in this question does not mean maintaining complete judicial files in electronic form.

aa) Fifteen institutions reported that as a rule electronic documentation is permitted. However, the rules and regulations governing this documentation vary very considerably from country to country. Some countries allow electronic documents without extensive legislation being in place.

Estonia takes its regulations from the Code of Civil Procedure for civil courts, which also apply to administrative courts. There is a substantial body of legislation, addressing exchanges of judgments between courts, submission of electronic documents to courts, serving participants of proceedings with electronic documents, etc. In **Portugal**, electronic documentation seems to be most comprehensive, based on regulations from 2003. In **Italy**, legislation for legal recognition of electronic documents is still in progress, but electronic documentation is already permitted. In **Luxembourg**, no specific legislation exists, but electronic documentation is permitted. In **Austria**, electronic documentation is based on instructions received by the president of the court. In **Slovenia**, electronic documentation is permitted as a rule, but so far this has not been implemented in the field of administrative law. In **Turkey**, administrative authorities are free to maintain their documentation in electronic form.

In **Belgium**, the Council of State publishes electronic documents via a database called “reflex”, which contains legislative texts from 1487 to today. As yet, there has seemingly been no legislation on electronic documentation. In **Greece**, no special legislation exists, but there is an internal Council of State directive to make documents in electronic form available through the information system.

ab) At present, no electronic documentation is permitted in 7 countries: in **Cyprus**, in the **Czech Republic** (where legislation regarding electronic documentation is expected in the second half of 2009), in **Hungary** (with the exception of the register of commerce), in **Ireland** (where use of electronic documentation can be permitted by the President of the High Court), in the **Netherlands** (with the exception of the Town and Country Planning Act), in **Slovakia** and in the **UK** (where its introduction will depend on the success of a pilot project at the Commercial Court in London – this project was presented at the seminar).

- **Question:**

B.1. Electronic Documentation

b) If documents can be maintained electronically, must the documents be maintained electronically in their entirety or is documentation consisting of both electronic and paper documents also legally permissible?

ba) Judicial documentation is maintained electronically in its entirety.

bb) Only metadata of a judicial document are maintained electronically; the actual documents are maintained in paper form.

bc) Judicial documentation is maintained electronically in its entirety, and also on paper.

bd) Other option.

ba) Only **Romania** reports that entire judicial documents are maintained electronically. In **Hungary**, only commercial courts maintain judicial documents in their entirety in electronic form, while the other courts still use documents in paper form.

bb) Eight institutions only maintain the metadata of judicial documents in electronic form, and store the document itself on paper. The extent to which this happens varies amongst the institutions. **Austria, Greece, Hungary** and **Turkey** report 100% use of this system. This rate is presumably the same in **Finland** and **Luxembourg** (no actual percentage was given). **Germany** indicates that 80% of its system is based on this principle, while **Italy** scores 70%.

bc) In seven institutions judicial documentation in its entirety is maintained electronically and additionally on paper. **Denmark** and **Estonia** presumably only use this system (100%) (no percentage was given), while the percentages for **Belgium** and **Portugal** are 60%, for **Italy** 30%, for **Germany** 20% and for the **Netherlands** 45%.

In **Estonia**, written (paper documents) and electronically signed documents have equal legal effect. An accessible and valid electronic document does not have to be printed out on paper.

No data for either of the possibilities mentioned above were given by **Croatia, the Czech Republic, Slovakia or Slovenia**.

bd) In **France**, judicial documents (like conclusions, judgements and metadata) are usually in electronic form. Documents submitted by parties are usually in written form. However, certain (fiscal) courts have been testing an integrated electronic approach for all judicial documents since 2005. In **Ireland**, case records and metadata of cases of the Supreme Court are maintained electronically, while written submissions and judgements are maintained both electronically and in paper form. In **Poland**, judicial documents are maintained entirely electronically. Documents submitted by parties may also be in written form, but some metadata of these documents are stored electronically. In **Spain**, documentation is mainly in paper form, but documents are also transmitted electronically, e.g. by using an electronic signature. In **Portugal**, the law stipulates that documents are stored electronically except for those cases where this is not possible. In a transition period, a paper version of the documents is also stored in case there is a failure of the IT system. In **Turkey**, judicial documents are maintained electronically in their entirety in the UYAP system, whereas in the Council of State's system only metadata is available electronically. In **Hungary**, the commercial courts maintain their entire judicial documents electronically, while the other courts only maintain metadata electronically.

"In **Ireland**, the Courts Service is currently working on a project concerning the implementation of a single and integrated Civil Case Management System. It is envisaged that electronic filing of documents enabling lawyers (and others ...) to submit documents electronically to the Courts Service would be implemented as part of this initiative. This initiative is in its early stages and is currently addressing the standardisation of business processes."

A similar project is under way at the Federal Administrative Court in **Germany**.

- **Question:**

B.1. Electronic documentation

d) Are there types of procedure in which documentation *must*, by law, be maintained in electronic form by the authorities or courts?

Twelve countries reported they did not have such types of procedure.

No data were provided by **Croatia, Cyprus, the Czech Republic, Slovakia or Slovenia**. Seven countries have mandatory documentation in electronic form for various kinds of procedures. Not all of them apply to proceedings in administrative law. **Belgium** states that at the Council of State "an electronic copy of the disputed ruling is sent to the registry in the two days following registration (Article 7 of the Royal Decree of 30 November 2006)". **Germany** and **Hungary** report electronic entries into the Commercial Register as prescribed by law and in **Hungary** documentation at the Commercial Courts must be in electronic form for the whole procedure. **Germany** asks for applications by lawyers in dunning procedures to be filed electronically. The **Netherlands** requires procedures concerning the Town and Country Planning Act to be in electronic form. **Portugal's** procedures are already predominantly electronic. In case a document of a party in a legal case comprises more than 100 pages, no paper copy needs to be supplied to the court. **Romania** asks for electronic documents "in subsequent proceedings". In **Turkey**, there is a Law on Judicial Records that provides for documentation to be maintained in electronic form.

In **Estonia, Ireland** and **Italy**, there is no direct law concerning this matter, but legal practices which have the same practical effect (see description in the questionnaires).

- **Questions:**

B.2. Technical standards

a) Do technical standards exist for electronic documentation within the judicial system?

b) Is compliance with technical standards required by law or under other rules?

a) No technical standards for electronic documentation exist in 8 countries: **Austria Belgium, Finland, Ireland, Luxembourg, the Netherlands, Spain** and **the UK**.

No data were received for this question from **Croatia, Cyprus, the Czech Republic, Slovakia or Slovenia**.

Technical standards for electronic documentation exist in 11 countries: **Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Poland, Portugal, Romania and Turkey**. Examples that were given varied. There were purely technical standards like OSCI (**Germany**) and X-Road (**Estonia**), general interoperability standards (**France**) and standards for electronic signatures (**Portugal**). Others listed ISO standards 9000 and 9001 (**Romania**). Text formats were also given. For instance ASCII, RTF, PDF, .doc format (**Belgium, Estonia and Poland**). **Greece** mentioned MS Word and MS Excel as software standards.

b) Eleven countries do not require compliance with technical standards by law or other rules (Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands, Spain and the UK). Four countries stated that compliance was required by law (**Estonia, France, Germany and Portugal**). **Greece** and **Poland** specified that they had internal rules within their institutions. As regards the Council of State, the same applies to **Turkey**.

- **Question:**

B.2. Technical standards

- c) **What technical solution is used for electronic documentation?**
 - ca) **Software developed specifically for judicial use**
 - cb) **Standard market software**

ca) Fifteen institutions use software specially developed for electronic communication (**Austria, Belgium, Denmark, Estonia, France, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Turkey and the UK**). This software is presumably most often used for managing cases or administering metadata of cases. Digital signature software is also mentioned. No data were received from **Croatia, Cyprus, the Czech Republic, Slovakia or Slovenia**.

Germany also has specially designed software for case management (not indicated in the questionnaire).

cb) Standard software products in use for electronic documentation were reported by 11 institutions (**Belgium, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Poland, Romania and the UK**). Several product types were mentioned:

- Databases and database management systems: FileMaker (**Belgium**);
- Oracle, SQL (**Romania**), MS Access (**Luxembourg**);
- Document management system: windream (**Germany**);
- Enterprise Content Management System: Open Text (**France**);
- Other: MS Office, Open Office, Adobe Reader, Lotus Notes.

- **Question:**

B.3. If documentation is maintained electronically by your court: are judges personally involved in the maintenance of electronic documentation?

Answer	Total number of Member States	Countries
Not at all / hardly	5	Hungary, Ireland, the Netherlands, Spain, the UK
Partially	10	Estonia, Finland, France, Germany, Greece, Italy, Luxembourg, Poland, Romania, Turkey

Predominantly	4	Austria, Belgium, Denmark, Portugal
Throughout	---	None

No data were received from **Croatia, Cyprus, the Czech Republic, Slovakia or Slovenia. Italy and the UK** indicated that the present situation might change in the near future. In **Portugal**, judges take an active part in the electronic workflow of case management. The same applies to the administrative courts in **France** which are experimenting with electronic documentation of the entire judicial file.

- **Question:**

B.4. When judicial documents which are kept in both electronic and paper form are to be archived, can the paper versions be destroyed?

Answer	Total number of Member States	Countries
Yes	1	Romania
No	4	Belgium, Denmark, Finland, the Netherlands
Other	6	Estonia (Supreme Court): Print-outs of digitally signed documents are made and stored permanently. France : Archives consist of paper documents only. Greece : Archives of the Council of State consist of documents in paper and in electronic form. Luxembourg : Only paper documents are archived. Poland : After a certain period, some paper files are destroyed (there are exceptions). Turkey : There is a backlog of the transmission of paper versions of judicial documents into electronic form.

The other countries did not provide answers to this question.

- **Question:**

B.5.1. What possibilities are available under the law in your country for the inspection of electronic documents by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers, etc.)?

- A print-out made by the court or the judicial authorities
- Electronic transmission of the document or extracts from it by the court or the judicial authorities (e.g. by e-mail)
- Direct access to the document via an internal network
- Direct access to the document via a public network (e.g. Internet)
- Other inspection possibilities

Answer:	Print-out made by the court or the judicial authorities	Electronic transmission of the document or extracts from it by the court or the judicial authorities (e.g. e-mail)	Direct access to the document via an internal network	Direct access to the document via a public network (e.g. Internet)	Other inspection possibilities
Total number of Member States:	16	17	16	17	-
Yes:	14	12	2 Portugal and Romania	10	-

No:	2 Belgium, Netherlands	5 Austria, Belgium, Denmark, Luxembourg, the Netherlands	14	7 Austria, Belgium, Denmark, the Netherlands, Portugal, Romania, Spain	
Remarks:	Estonia, UK: An electronic copy may also be obtained when the document is stored electronically.	Belgium: Exceptions are possible at the Council of State.	Estonia: An e-file public portal is being created (not implemented for administrative courts).	Germany: Internet access is not possible at the Federal Administrative Court.	Germany: Lawyers can receive full-text documents on DVD from the Attorney General's Office in special cases.

Direct Internet access to documents (not always the full text) is very widespread:	
France	Parties enter a code to gain Internet access to metadata and the document history. This also applies to the fiscal courts, which are experimenting with electronic filing of an entire document. According to the Administrative Law Code, transmission of electronic documents is not permitted.
Greece	Parties can follow their case on the website of the Council of State. Access is provided via a special code.
Turkey	The UYAP system allows for extensive communication via Internet between parties, lawyers, the court and citizens. Lawyers can pay court fees via Internet banking.
UK	In the case of two judicial inquiries of great public interest, transcripts of evidence and judgments were placed on the Internet.

- **Question:**

B.5.2. Is access to electronic documents for purposes of inspection by persons involved in proceedings but not directly employed in the judicial system (parties, lawyers, etc.) already technically feasible within your institution?

France (since 2005 for the fiscal courts), **Greece, Luxembourg** and **Romania** report that this is completely technically feasible. In the **UK**, access is feasible but is not offered.

The following countries report that access to electronic documents for inspection purposes is partially technically feasible: **Estonia** ("Access to internal databases is possible on the basis of requests for information via electronic registers of documents"), **Ireland, Italy** ("inspections are only carried out in some cases"), **Portugal, Spain** and **Turkey** ("metadata are recorded electronically by a registrar and proceedings can be followed up by the people concerned via the website of the Council of State").

Austria, Belgium, Denmark, Finland, Germany and **Hungary** report that it is not technically feasible.

No data were received from **Croatia, the Czech Republic, the Netherlands, Slovakia** or **Slovenia**.

- **Question:**

B.5.3/5.4. Are there technical standards for inspection of electronic documents by persons involved in proceedings who are not directly employed in the judicial system? Is compliance with technical standards required by law or under other rules?

Answer	Total number of Member States	Countries
Yes, technical	9	Compliance required by law or under other rules: Finland (Act on Electronic Services)

standards exist		and Communication in the Public Sector), France, Hungary, Italy, Portugal, Romania, Spain and Turkey No compliance required by law or under other rules: Poland
No, no technical standards exist	10	Austria, Belgium, Denmark, Estonia, Germany (no uniform regulation as far as compliance required by law or under other rules is concerned), Greece, Ireland, Luxembourg, the Netherlands, the UK
No data received	4	Croatia, the Czech Republic, Slovakia, Slovenia

- **Question:**

B.5.5. In the case of your institution, how often is document inspection by persons involved but not directly employed in the judicial system (parties, lawyers, etc.) already carried out electronically?

Percentage	Total number of Member States	Countries
More than 90%	3	Greece, Ireland, Romania
50% - 90%	1	Portugal
10%-50%	2	Italy, Luxembourg
Less than 10%	9	Austria, Denmark, Finland, France, Hungary, the Netherlands, Poland, Spain, the UK
No data received	8	Belgium, Croatia, Czech Republic, Estonia, Germany, Slovakia, Slovenia, Turkey

- **Question :**

B.6.1. What experience do you have of the introduction of electronic documents within the judicial system?

Denmark	Creates a better flow in case management.
Estonia	In the administrative court procedure the majority of advocates and administrative agencies have got used to submitting documents in electronic form. This is recommended under Article 334(2) of the Code of Criminal Procedure (CCP): where possible, the participants in the proceedings shall endeavour to provide the court with electronic copies of the submitted procedural documents. Lawyers must submit applications, appeals and other documents to the court in electronic form unless there is a good reason to submit a procedural document in some other form (Article 336(5) of the CCP).
Finland	Applications to the courts may be lodged in electronic form (by e-mail). That works well.
France	Although individuals generally have no objection to the introduction of electronic documents, we note that a lot of pressure (presumably from above) is needed to change an entity's operational methods (chamber, court, etc.), since the individualistic culture of magistrates and the collegiate nature of these activities discourage 'anarchic' initiatives: it is difficult to combine reading (and correcting) the same documents on screen and on paper if they are designed to be part of a collegiate workflow system.
Germany	Within the Federal Administrative Court the system in place is technically working fine, but does not have many users so far. Interest in the system amongst judges is slowly increasing.

Greece	For the Council of State, judgments and metadata about the recorded cases have been introduced since 2000. All this makes it a lot easier to process case files and prepare cases.
Italy	National laws are available, but specific laws on the administrative judicial system are not yet in place. Electronic documentation has been used in many cases, where documents are provided in the form of CD-ROMs, pen drives (USB), etc.
Luxembourg	The electronic documentation makes operations more rational, which saves time.
Portugal	Insofar as the IT system of the administrative and fiscal courts has not yet been extended to the Supreme Administrative Court of Portugal, this court has no experience of the introduction of electronic documents. As for the other administrative courts, according to the Report of the High Council of Administrative and Fiscal Courts, judges magistrates of the Public Prosecutor's office, registrars and judicial officials have expressed their satisfaction, despite a number of flaws and some difficulties in the IT management of files which can generally be overcome by monitoring the system.
Spain	We are now starting with the new 'digital expedient' philosophy. This is a major issue which has to be dealt with before the results can be evaluated. We are encountering many difficulties: various external agents whose work overlaps, different distribution systems, etc.
Turkey	Since parties have been able to obtain information about their cases on the Internet, the number of personal appeals to the clerk's offices of the Council has significantly decreased. It also saves a lot of time in terms of recording case files and drafting decisions compared to the old system. The system also has a significant impact on the standardisation of all documents and processes and on the research capacity of the Council by creating a data mining capability for the future. However, electronic processing and the possibility for people outside the Court to inspect documents could be regarded as an important step towards eliminating the barriers which prevent citizens from obtaining access to the judicial system and towards creating transparency in justice. But we must point out that our system needs to be developed in many respects: creation of electronic applications, storing all documents in their entirety in electronic form, use of electronic signatures, electronic transmission of judicial documents to the parties, etc.
United Kingdom	Electronic documentation has been used in large-scale trials, with documents being provided in the form of CD-ROMs.

- **Question :**

B.6.2. What experience do you have of the introduction of access to electronic documents by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers, etc.)?

France	On a voluntary basis, we already note strong demand. However, this is coming from people who have already switched over to electronic media in their own activities. Others are still hesitant to convert their documents to electronic form if their involvement is a one-off.
Greece	Since 2007, the parties and their lawyers have been able to follow how their cases are progressing (see remark for question B.5.1.); those interested can consult the cause list and submit electronic requests to obtain a progress report (in this case they must electronically complete the form provided).
Italy	Lawyer organisations manage access authorisation to electronic documents.
Poland	CBOIS [external electronic database of administrative court cases, in which only judicial documents are available (not whole files)] – has been operational since 1 October 2007. This database is available on the Internet (orzeczenia.nsa.gov.pl).
Portugal	Insofar as the IT system of the administrative and fiscal courts has not yet been extended to the Supreme Administrative Court of Portugal, this court has no experience of the introduction of electronic documents. However, according to the information provided by the Ministry of Justice, the legal counsels of the parties have expressed their satisfaction, in particular with the ability to follow and consult

	case files online. This means that they do not have to travel, keep to the opening hours of registries, etc. But they have also flagged up a few difficulties, for example slowness when the documents are submitted to the court.
Spain	We have occasionally noticed some resistance from the staff to the use of new technologies, for a number of reasons: fears about using the digital signature, and a lack of confidence in the use of electronic means to replace paper documents.

- **ELECTRONIC COMMUNICATION WITH PERSONS INVOLVED IN PROCEEDINGS**
- **FILING OF ELECTRONIC DOCUMENTS WITH COURTS**
- **Questions :**

C.1.1./C.1.2./C.1.3. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for documents to be filed with courts in electronic form? Has this been implemented technically within your institution? Which percentage of documents are filed electronically?

Topic	Total number of Member States	Countries
Electronic submission is permissible	2	Slovakia (since 15 October 2008), but not implemented yet; Slovenia (since 13 June 2007), but not implemented yet
Electronic submission is permissible and implemented	9	Belgium (since 1 December 2006, usage less than 10%); Czech Republic (since 2005, usage less than 10%); Finland (since 2003, usage between 50% and 90%); France (since 2005, usage less than 10%); Germany (since 2004, usage less than 10%); Italy (usage between 50% and 90%); Portugal (since 1 January 2004, usage more than 90%); Spain (since 2009, usage less than 10%); Turkey (since recently, usage more than 90%)
Regulations on electronic submission are planned	5	Czech Republic, Greece, Poland, Portugal, Turkey
Electronic submission is not permissible	6	Croatia, Cyprus, Denmark, Italy, Luxembourg, (Romania)
No proceedings available	7	Austria, Cyprus, Estonia, Luxembourg, the Netherlands, Slovenia, Spain

- **Question :**

C.1.4. For which types of individual proceedings not listed in the previous question is electronic filing of documents with courts and judicial authorities not permissible, and not planned?

Finland and **Portugal** report no exceptions. In **Estonia** and **Ireland**, this issue has not yet been addressed. **Germany** reports that electronic filing of documents for criminal proceedings is not permitted and not planned. **Spain** mentions proceedings of Military Courts as an exception. The **Czech Republic** reports that in the field of justice in electoral matters electronic filing is not permitted. Ten Member States provided no data for this question.

- Question :

C.1.5. Are there types of individual proceedings where electronic filing of documents with your institution is legally permissible in principle but where certain documents are excluded?

Belgium, Estonia, Finland, Germany, Italy, and Slovakia report that they do not exclude any specific types of documents. **Turkey** states that confidential material like secrets related to state security, foreign relations or national defence might be excluded from electronic filing. **Finland** also mentions the exclusion of confidential material. France reports that exclusion is possible because of technical difficulties with plans and maps. The **Czech Republic** states that the individual judge determines whether certain documents are not suitable for electronic transmission, since there are no special legal provisions. No data were provided by 11 Member States for this question.

- Question :

C.1.6. Where proceedings were initiated electronically or by conventional means, is it still possible to change the method of transmission at a later stage?

Changing the method of transmission is allowed in 10 member states (**the Czech Republic, Denmark, Germany, Estonia, Finland, France, Portugal, Romania, Spain and Turkey**). **Turkey** indicated this was a theoretical choice only, since parties are not expected to use conventional means unless inevitable technical reasons force them to do so. Seven Member States do not allow the method of transmission to be changed from electronic proceedings to conventional means or vice versa (**Austria, Cyprus, Hungary, Ireland, Italy, Luxembourg and the Netherlands**). Six countries did not provide any data for this question. The Belgian Council of State indicated that the question was not applicable to the situation in **Belgium**.

- Question :

C.1.7./C.1.8. Are there types of proceedings where persons involved who are not part of the judicial system are offered inducements for transmitting documents to the judicial authorities electronically? If so, for which types of proceedings does this occur and what inducements are offered?

Sixteen countries reported no inducements for transmitting documents to the judicial authorities in electronic form. **Germany** stated a small benefit when using electronic transmission in administrative court proceedings: The number of copies of sometimes extensive documents to be handed over to the court by one of the parties is reduced. **Ireland** mentions some advantages of the on-line Small Claims System in District Courts: Customers can lodge a claim at any time of day, any day of the year – not only during office hours. They can lodge a claim from their home or office, saving them both time and travel costs. They can track the status of a claim any time. **Portugal** reports an inducement which can save parties money: In administrative proceedings court fees are reduced to 75% of the original amount if a party submits documents electronically. **Slovakia** offers similar benefits at the district court level (50% reduction of court fees). However, there is no material benefit when submitting electronic documents to the Supreme Court of the Slovak Republic.

- Question :

C.1.9. What experience do you have of electronic transmission of documents to the judicial authorities by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers etc.)?

Czech Republic	In my opinion, one of the most significant problems involved in electronic transmission of documents to the judicial authorities is how to archive these documents (especially 'transcripts' of electronic applications initiating proceedings).
Estonia	In the Tallinn Circuit Court, the contractual representatives prefer electronic exchanges of documents for administrative matters. Electronic transmission is also preferred by the

	participants in proceedings themselves, when they are informed of this possibility. All procedural documents are sent electronically to solicitors, lawyers, representatives of (state) agencies and those participants in proceedings who have given their e-mail address to the court. Only those documents that cannot be scanned are sent by post or by bailiff/courier. In addition, postal services are used to return original documents and send files to circuit courts if files are too big to be sent by e-mail.
Germany	The electronic mailbox (EGVP) is working fine, but there have not been many users so far. The number of lawyers using this mailbox is increasing slowly.
Greece	The public makes little use of the possibility to electronically request the progress reports issued by the Council of State.
Italy	E-mail may be used for informal correspondence and the submission of outline arguments.
Portugal	Electronic transmission of documents to the judicial authorities by parties' legal counsels has increased.
United Kingdom	E-mail may be used for informal correspondence and the submission of outline arguments. Written judgments are distributed in draft to lawyers for the parties on a confidential basis in advance of their being delivered formally, and lawyers are invited to communicate any typographical errors or other obvious errors to the judiciary.

- **TRANSMISSION OF ELECTRONIC DOCUMENTS TO OUTSIDERS**

- **Question :**

C.2.1./C.2.2./C.2.3. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for your institution to transmit documents in electronic form to persons involved in proceedings who are not part of the judicial system? If available: please indicate the rules or the law. Has this been implemented technically? What percentage of documents are filed electronically?

Topic	Total number of Member States	Countries
Electronic transmission is permissible	2	Slovakia (since 15 October 2008, but not implemented yet in the Supreme Court), Slovenia (not implemented yet in the field of administrative law).
Electronic transmission is permissible and implemented	10	Belgium (since 1 December 2006; usage less than 10%), , the Czech Republic (since January 2005; usage less than 10%), Estonia (since 1 September 2006; usage presumably more than 90%), France (since 2005; usage less than 10%), Germany (since July 2001; usage less than 10%), Greece (since 2007 except for the Council of State; usage less than 10%), Italy (usage less than 10%), Austria (usage less than 10%), Portugal (since 1 January 2004; usage more than 90%), Spain (since 2007; usage between 10% and 50%).
Regulations on electronic transmission are planned	6	Austria, the Czech Republic, Estonia, Greece, Italy, Poland
Electronic transmission is not permissible	5	Cyprus, Denmark, Finland, Luxembourg, Romania
No proceedings available / No data received	5 (6)	Croatia, Ireland, Luxembourg, the Netherlands, Turkey (and Spain for certain administrative proceedings)

- **Question :**

C.2.4. For which types of individual proceedings not listed in the previous question is electronic transmission of documents by judicial authorities to persons involved in proceedings who are not part of the judicial system not permissible in principle, and not planned?

Thirteen countries did not submit data for this question. In **Estonia** and **Hungary**, no such proceedings are provided for. In **Ireland**, this issue has not been addressed. In **Portugal**, no types of proceedings have been excluded from electronic transmission. In **Germany**, electronic transmission of documents is not permitted and there are no plans to introduce it for criminal law proceedings.

- **Question :**

C.2.5. Are there types of individual proceedings where electronic transmission of documents to persons involved in proceedings who are not part of the judicial system is legally permissible in principle but where certain documents are excluded?

No country mentions any special type of proceedings where certain documents are excluded from transmission to persons involved in proceedings who are not part of the judicial system. However, **Portugal** describes how access is granted to electronic documents: "The case files are consulted on a PC, available in the registries, or on the site <http://www.taf.mj.pt>. The extent to which someone can transmit documents and consult files depends on the type of party concerned, which is the criterion which determines access restrictions. To this end, an electronic file is continually updated with the data for which parties are authorised to consult the files, their level and access and their digital certificate. Only parties with a certified electronic signature are given access to the site <http://www.taf.mj.pt>."

- **Question :**

C.2.6. What experience do you have of electronic transmission of documents by the judicial authorities to persons involved in proceedings who are not part of the judicial system?

Estonia	Electronic transmission of documents is the general rule for solicitors and administrative agencies. As for the appellants, this depends on the possibilities they have. If electronic transmission is possible and the person agrees to this, electronic transmission is used for procedural documents. About 75% of the procedural correspondence of the Tallinn Administrative Court is sent out electronically, 10% with bailiffs and 15% with the Eesti Post. In the Tartu Administrative Court it is estimated that about 80% of documents are sent electronically. If no confirmation of receipt is received for documents sent by e-mail, the documents are posted by ordinary mail (such cases are not numerous).
Germany	At the Federal Administrative Court there are no technical problems with the electronic transmission of documents to persons involved in proceedings, but so far there has been very little demand from lawyers.
Italy	A procedure for exchanging data and documents between the Administrative Court and the "AVVOCATURA DI STATO" is being tested.
Portugal	According to the information from the Ministry of Justice, the legal counsels of the parties have expressed their satisfaction, in particular with the ability to follow and consult case files online. This means that they do not have to travel, keep to the opening hours of registries, etc. But they have also flagged up a few difficulties, for example slowness when the documents are submitted to the court if they are not accompanied by an electronic file and the registrar needs to put them in electronic form.
Spain	A lot of difficulties for users, mainly due to a fear of new technologies.

- **Question :**

C.3.1./C.3.2. Are there technical standards for electronic transmission of documents between the judicial authorities and persons involved in proceedings who are not part of the judicial system? Is compliance with technical standards required by law or under other rules?

Fourteen countries have technical standards for electronic transmission of documents between the judicial authorities and persons involved in proceedings who are not part of the judicial system. Of those countries, Estonia, Finland, Hungary, Italy, Portugal, Romania, Slovakia, Spain and Turkey require compliance with technical standards by law or under other rules. Examples for standards are PDF (Portable Document Format), RTF (Rich Text Format), OSCI (Online Services Computer Interface), ASCII (American Standard Code for Information Interchange) or web browsers like Internet Explorer. In **Austria, Belgium, Denmark, Germany, Greece, Luxembourg, the Netherlands**, and

Poland, there is no requirement for compliance with technical standards set by law or under other rules.

- **Question :**

C.3.3. How are the electronic documents transmitted?

Topic	Total number of Member States	Countries
Transmission via a separate network (Extranet)	1	Denmark
Transmission via Internet	18	Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Luxembourg, Poland, Portugal, Romania, Slovakia, Spain, Turkey, Germany (plus Intermediary)
No data received / Not applicable	5	Austria, Croatia, Cyprus, Slovenia, the UK

- **Question :**

C.3.4./C.3.5./C.3.6. Are data electronically transmitted in structured form for automated further processing? If so, which parts of the data sent are transmitted in structured form? How is structuring of the data implemented technically?

Incoming electronic data are transmitted in structured form for automated further processing in **Hungary, Ireland, Italy, Luxembourg, Portugal, Spain, Turkey** and **the UK**. Metadata (e.g. names, addresses, dates and reference numbers) are transmitted in structured form in **Greece, Hungary, Italy, Portugal** and **Spain**. Complete documents (e.g. reasons for a judgment, grounds for a claim) are transmitted in structured form for automated further processing in **Greece, Hungary, Italy** (partially), **Luxembourg, Turkey** and **the UK**. Technical implementation of the data structuring involves sending data files in a data-exchange format, such as XML (**Germany, Ireland, Spain**) or via an electronic form (**Hungary, Romania, Turkey**). No data were received for this question from **Croatia, Cyprus, Slovakia** and **Slovenia**.

- **Question :**

C.3.7./C.3.8. Which technical solution is used for the electronic transmission of documents between the judicial system and persons involved in proceedings who are not part of the judicial system? How widely used is the software?

Topic	Total number of Member States	Countries
Software developed specifically for judicial use	13	the Czech Republic, Denmark (case-management systems), Estonia (courts' information system), France : "The application which has been developed (Télérecours) is a Web portal where the parties can consult metadata, the history and progress of their case (Https/Html interface), view memos, letters and other documents by opening files using the Web interface (transfer via Https) and read their e-mails.", Germany (for electronic mailbox), Hungary, Italy, Poland (CBOIS), Portugal, Spain, Turkey and the UK .
Standard market software	7	Austria (Groupwise), Denmark (MS Word, MS Outlook), Finland, Italy (MS Word, MS Outlook), Poland (MS Office), Romania, the UK (MS Word, MS Outlook)
Both above-mentioned possibilities	4	Denmark, Italy, Poland, the UK

Extent of use	-	Czech Republic (80%), Denmark (100%), Estonia (100%), France (100%), Hungary (100%), Poland (100%), Portugal (100%), Romania (100%).
Remarks	-	Turkey: "In UYAP all kinds of documents related to the cases can be transmitted to the courts by persons involved in proceedings who are not part of the judicial system; they can review documents in their case files via electronic means. Text messages containing information about when to attend court can be sent by mobile phone operators to the parties who want to be warned. The only exception is that formal notification of decisions is also provided by post. ..."

- **SIGNATURES**

- **Question :**

C.4. How does your institution ensure the authenticity and integrity of the data sent in the course of electronic communication between courts, judicial authorities and persons involved in proceedings who are not part of the judicial system? For what types of document are such protection techniques particularly used (e.g. applications initiating proceedings)?

Topic	Total number of Member States	Countries
Use of simple signature (Article 2 (1) of the EU Signatures' Directive)	5	Denmark (for letters), Germany (if communication between court and lawyers is not important for the outcome of the case), Italy, Romania, Turkey.
Use of advanced signature (Article 2 (2) of the EU Signatures' Directive)	3	Germany (if communication between court and lawyers is not important for the outcome of the case), Portugal, Turkey.
Use of qualified signature (Article 5 (1) of the EU Signatures' Directive)	6	Denmark (statements for experts), Germany (necessary for the judgment (by the judge) and the application of the complaint (by the lawyer)), Estonia (digitally signed documents can be submitted in all types of court proceedings and in all court instances), Spain, Turkey (used in UYAP system), Czech Republic (used for all types of "official electronic communication" for administrative court proceedings).
Other protection techniques	1	France: "Identification and authentication of the user login/password) and protection via an electronic security protocol (https connection). The documents are saved as read-only PDFs with a watermark including the dates and times of receipt (time-stamping by the court). During the trials, the transmission of a document by this means in an authenticated session is equivalent to signature of the document."
No data received	14	Austria, Belgium (the Council of State is excluded), Croatia, Cyprus, Finland, Greece, Hungary (the Supreme Court is excluded), Ireland, Luxembourg, the Netherlands, Poland (administrative courts are excluded), Slovakia (the Supreme Court is excluded), Slovenia (administrative courts are excluded), the UK

Other remarks: **France:** "During the trials relating to tele-procedures, no electronic signature system has been implemented (the parties are currently notified of the final judgment for each case in paper format with handwritten signatures, but the rest of the procedure is entirely electronic). The implementation of a public key infrastructure (PKI) does not cause any technical difficulties and is conceived as part of the generalisation of the system".

- **VIDEO-CONFERENCING**

- **Question :**

C.5.1./C.5.2./C.5.3. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for courts to use video-conferencing or public prosecutor’s offices so that proceedings can be conducted without some of the persons involved being physically present? If already available, please indicate the law or rules. Has this been implemented technically? To what extent is this actually used?

Topic	Total number of Member States	Countries
Video-conferencing is permissible/a legal or other rule is planned	11	Estonia (since 1 September 2006), Finland , France (since 2005), Germany , Ireland , Portugal (since 2000), Romania (since 2007), Slovenia (since 01.10.2008), Spain (since 2006), Turkey (since 2008) and the UK (since 2004)
Video-conferencing is implemented technically	9	Estonia , Finland , France , Germany , Portugal , Romania , Slovenia , Spain , Turkey
Usage of video-conferencing	6	Estonia (less than 10%), France (less than 10%), Germany (no usage), Portugal (more than 90%), Romania (between 10% and 50%), Slovenia (no usage), Spain (more than 90%), the UK (less than 10%)
No data received / No proceedings available	7	Austria , Belgium , Croatia , Greece , Hungary , the Netherlands , Poland
Video-conferencing is not permissible	6	Czech Republic , Cyprus , Denmark , Italy , Luxembourg , Slovakia

- **Question :**

C.5.4. Do you have any experience of cross-border use of video-conferencing in the judicial system?

Fourteen countries reported they had no experience of cross-border use of video-conferencing. **Estonia**, **Ireland** and **Spain** mentioned that video-conferencing had not been used for administrative court proceedings. **Croatia** did not provide any data for this question.

- **Question :**

C.5.5. What experience do you have of the use of video-conferencing in the judicial system?

Estonia: “The Tallinn Administrative Court has a couple of procedural conferences a month only with the expulsion centre of the Citizenship and Migration Board. Sometimes hearings have to be postponed due to bad quality or lack of signal and the accused at trial has to be brought to the court. Over the past two years, according to the information of the Ministry of Justice, there have been two cross-border video-conferences. As cross-border conferences require the fine-tuning of technical parameters of the connection, the Centre of Registers and Information Systems, an agency within the sphere of administration of the Ministry of Justice, has always been involved. So far cross-border conferences have not been used in administrative court procedure, because there are very few cross-border cases in the administrative courts.”; **France:** “Title: Only in the Department and overseas territories”; **Ireland:** “Over the past two years approximately 20 live video conferences have taken place whereby witnesses have given evidence from a remote location in another jurisdiction (the U.S. being the most common). Most if not all of the witnesses involved have been expert witnesses who

could not have travelled to Ireland and accordingly could not have given evidence without the use of this facility.”; the **UK**: “Video conferencing is often used in commercial and other cases where witnesses are abroad.”

- **PRESENCE ON THE INTERNET OF THE JUDICIAL SYSTEM**

- **Question :**

D.1.1./D.1.2. Is there a national homepage on which the courts make information available / the Ministry of Justice makes information available?

Most countries have a national homepage on which courts provide information. The exceptions are **Germany, Greece and Turkey**. In these three countries, the different courts all have their own homepages. Almost all the Ministries of Justice of the Member States have an Internet presence –only **Spain’s** Ministry of Justice is still in the process of developing a homepage.

- **Question :**

D.1.3. If there are national homepages, what information is made available electronically?

Type of content on the homepage:		No content mentioned in the list is published	Editorial contributions by the courts or the ministries themselves are published	Links to foreign websites
Structure of the judicial system		4	21	6
Lists of courts		3	19	9
Lists of other judicial institutions		1	18	11
Legislative measures		5	16	7
Judgments		1	19	11
Literature (essays and the like)		10	11	7
Register databases		7	10	6
Forms	For printing out	7	14	4
	For electronic transmission	10	10	4
Other information:		2	16	10

- **Question :**

D.2.1. Insofar as court judgments are posted on the Internet, are they first rendered anonymous?

Court judgments are rendered anonymous before being posted on the Internet in 17 countries. In **Turkey**, databases containing selected judgments also make decisions anonymous before publishing them on the Internet. Five countries include recognisable personal data in their decisions at the time of Internet publication. However, there are exceptions to the rule. The **UK** renders judgments anonymous “if they concern children or if there is another good reason for anonymity”. In **Italy**, “people involved can ask the court to remain anonymous in the judgment documentation”. In **Ireland**, there are exceptions for family law cases and cases concerning certain sexual offences. In **Cyprus**, “only the names of the parties appear on the judgment and not their addresses”. In **Belgium**, “the identity of the appellants is always omitted in non-admission judgments and orders handed down in cases concerning the application of the law on foreigners so as to protect particular vulnerable people, such as political refugees and their relatives who have stayed in their country of origin.”

- **Question :**

D.2.2. Insofar as court judgments are posted on the Internet, are they accessible free of charge by the public?

Court judgments can be accessed on the Internet by the public free of charge in 19 countries, while this only applies to judgments of the Council of State in **Greece**. Three countries (**Cyprus, Denmark and Spain**) report that their judgments are not accessible free of charge. **Turkey** does not specify whether there are costs or not.

- **PROSPECTS**

- **Question :**

E. General remarks on the situation regarding IT use in the judicial system or on planned e-justice concepts in your country

Belgium	<p>The registry of the Council of State is about to launch a project to 'digitise' the documents transmitted by the parties. In the long term, this project will enable all the incoming documents to be distributed immediately to the magistrates responsible for the case and an electronic file to be set up.</p> <p>In parallel, the growing demand from legal counsels for electronic exchanges has led to the decision to launch, in the near future, a pilot project for electronic transmission of documents between the Council of State and certain lawyers.</p>
Czech Republic	<p>The Ministry of Justice of the Czech Republic is currently drafting plans with regard to 'complex' e-Justice – i.e. proceedings (including administrative court proceedings) are being selected for full 'electronisation' in the near future.</p>
Denmark	<p>The courts plan to implement an e-justice strategy, but this will not happen in the near future.</p>
Estonia	<p>The Estonian government has set a goal to collect and maintain data concerning judicial proceedings (and, in addition, also pre-trial proceedings of criminal and misdemeanour matters) in digital form and to implement an e-file system for that purpose. E-file is a digital information system which guarantees an operative overview of the parties in criminal, civil, administrative and misdemeanour cases of different phases of proceedings, procedural acts and decisions taken. E-file system is a database belonging to the state information system, developed by the Ministry of Justice (the Centre of Registers and Information Systems – an agency in the Ministry's administrative field, is in charge of IT development, in cooperation with the Riigikogu, the Police Board, the Ministry of Finance and the Ministry of Economic Affairs and Communications).</p> <p>The aims of the E-file system can be briefly explained as follows:</p> <ul style="list-style-type: none"> provide legal certainty– a person can see the proceedings which have been initiated against him or her; save a lot of time – the possibility of initiating court proceedings (file an action for support, etc.) from one's home computer; save taxpayers' money – this eliminates a lot of useless work, e.g. double input; provide equal access to information for participants in the proceedings; provide security – the data are not in a paper file on a shelf but on a password-protected server, which can only be accessed by using an ID card and the related password (safer than ordinary Internet bank security code card) simplify the work of institutions – double input of data is impossible and once the data is in an E-file, it can be accessed from another linked information system; shorten the processing time for cases – officials do not input the same information again and again – after input, the data are saved in a central computer (no need for input at each investigating authority) and the next institution can access the data on the server. Since the data are not input more than once, the number of input errors decreases. <p>At the time of writing, the E-file system has been implemented in criminal proceedings. For example, the Prosecutor's Office sends the statement of charges to a court via the E-file system and no documents on paper are sent to the court. Also, in civil proceedings it is possible, via the E-file system, to submit a petition for application of expedited procedure with regard to a payment order, and monitor the progress of the petition in the court via a public E-file. After authentication (ID card), access is guaranteed to just those court cases in which the person is directly involved. Access is guaranteed to the extent established in procedural laws.</p> <p>The transition to the E-file system in administrative court proceedings is currently in the planning phase.</p>
Finland	<p>E-justice is a broad concept. Electronic transmission is all the time under</p>

	construction and planning.
France	<p>As far as the administrative jurisdiction, administrative courts and administrative courts of appeal are concerned, a project to completely overhaul the information system for legal disputes, known as the Aramis project, which includes 'digitising' proceedings and which allows for hybrid procedures (electronic/electronic, electronic/paper and paper/paper) is under development. It will be rolled out on a pilot site in the second half of 2010 and will be generalised in 2011.</p> <p>As regards judges working with only electronic media (court of first instance files and appeal files and electronic documents), advanced trials are also under way to determine the ergonomics of the workplace (working on a number of screens), the format and organisation of files, tools for processing and annotating documents, collaborative drafting and group work. These trials should lead to a new application called 'Poste du contentieux' (Case Corner) which will be part of the Aramis project.</p>
Germany	There is no federal e-justice framework, but rather individual concepts in individual federal states.
Greece	We envisage specifically being able to submit requests electronically and use video-conferencing and giving the public (and not only the parties) the chance to access all the judgments of the Council of State (rather than just a summary of these judgments).
Ireland	<p>As stated, innovations such as the online public search system developed for the High Court and the online Small Claims system in the District Court have been developed in recent years.</p> <p>In addition, a pilot project under development, managed by a Judge of the Supreme Court, is the Irish Sentencing Information System (ISIS) which is investigating the feasibility of establishing an electronic database covering sentences and other penalties imposed for criminal offences. This will assist judges when considering the sentence to be imposed in an individual case. The objective of a sentencing information system is to enable a judge, by entering relevant criteria, to access information about the range of sentences and other penalties imposed for particular types of offence in previous cases.</p> <p>Electronic submissions to the Supreme Court are becoming more common. The Judges of the Supreme Court communicate via e-mail and use IT software proficiently. The use of IT is also increasing in other courts.</p> <p>It can be expected that the use of IT in all areas of the Supreme Court's work will increase in the coming years.</p>
Netherlands	Legislation is in progress. This will take some years.
Portugal	<p>Future developments (short- to medium-term strategy):</p> <p>Regarding the IT system of the administrative and fiscal courts (SITAF):</p> <ol style="list-style-type: none"> plan to implement this system in the other high courts (Supreme Administrative Court and Southern Administrative Central Court) in the short term ; introduction of character recognition, enhancement of automatic document production, reformulation of workflow and resolution of a few technical problems which were flagged up regarding operation of the hardware; launch of preparatory studies to create a single platform between SITAF and the IT system of the ordinary courts (CITIUS). <p>With regard to video-conferencing, the implementation of more effective solutions is being studied.</p>
Slovenia	<p>With the deployment of the IT CMS system for criminal cases, the court IT systems will cover 95% of all cases received by Slovenian courts.</p> <p>Further development will focus on providing new horizontal services to users (both citizens and employees). Main areas for future development:</p> <ul style="list-style-type: none"> - enabling IT business process support in all of the existing IT systems - electronic submission and delivery of cases and case-related data using central printing, enveloping and dispatching of court documents, further implementation of G2G, C2G, B2G court services and interfaces to the court IT systems, thus improving the accessibility of court services for everyone.

No data were received from six Member States.
