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Administrative Jurisdiction and e-Justice

Seminar of the Association of the Councils of State and the Supreme Administrative Jurisdictions of the European Union in cooperation with the Council of State of Greece and the scientific support of the Federal Administrative Court of Germany

Preliminary remark

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 main technical concepts used within the Member States' judicial systems.

The purpose of this survey is to obtain a picture of the present situation not mainly on a country-wide level, but to obtain information about the e Justice developments within the member organisations of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union.

Should you have any documentation (diagrams, tables, etc.) which illustrates aspects of the subject-matter of this questionnaire in relation to the situation in your institution, we would be grateful if you could make it available to us.

*Should you have any questions on how to reply to the questionnaire or require any assistance, please contact **Cornelie Butz**:*

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QUESTIONNAIRE

A. General information on the judicial system

A.1. Staff and bodies

Background:

The aim of questions A.1.1. to A.1.3. Is to give an approximate idea of the size of your institution.

A.1.1. How many people are employed at your institution?	
Note: The employees envisaged are e.g. judges, other specialised legal staff, office employees or administrative staff. Persons working at your institution in roles which have no judicial content (for instance: caretakers, cleaning staff,) are <u>not</u> included.	
Number of persons:	600
A.1.2. How many judges are there?	
Number of judges:	96
A.1.3. How many other specialised legal staff are there?	
Number of other specialised legal staff:	270

Other remarks re questions A.1.1. to A.1.3.:

“Specialised staff” refers to judges- rapporteur and advocates-general.

A.2. Organisation

Background:

We assume that a country's organisational and administrative structures influence the implementation and development of e-Justice concepts. In many Member States the structure of the judicial system contains both centralised and decentralised elements. Question A.2.1. aims to obtain a general impression of the approximate form of the administration/organisation in your country. Please estimate which of the following forms predominates.

A.2.1. How are the individual judicial authorities and courts in your country administered and organised?	
<p>Predominantly centralised administration/organisation of authorities/courts</p> <p><i>Note:</i> This means that a central authority (e.g. a federal ministry) administers the individual administrative units (e.g. courts).</p>	X <input type="checkbox"/>
<p>Predominantly decentralised administration/organisation of authorities/courts</p> <p><i>Note:</i> This means that several higher administrative authorities which are independent of, and on the same level as, one another (e.g. regional ministries) each administer a number of individual administrative units (e.g. individual courts).</p>	<input type="checkbox"/>

Predominantly autonomous administration/organisation of authorities/courts <i>Note:</i> This means that there are no higher administrative authorities, and that the individual administrative units of the various judicial authorities in your country (e.g. the courts) are self-administering.	<input type="checkbox"/>
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Other remarks re question A.2.1.: High courts are self-administering. Administrative courts and regional administrative courts, though they have to a certain extent, decision-making powers are administered by the Ministry of Justice.	
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A.3. IT facilities in the workplace and technical back-up

Background:

The aim of questions A.3.1. to A.3.3. is to ascertain what IT facilities workplaces in your institution are equipped with. This information should help to show the relationship between the IT facilities available in your organisation and the current state of development of concepts of e-Justice.

A.3.1. All workplaces

A.3.1. How many of the workplaces in your institution are equipped with		
Note: The employees envisaged are e.g. judges, other specialised legal staff, office employees or administrative staff. (cf. question A.1.1.)		
PCs:	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
E-mail:	< 10 %	<input checked="" type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
Internet:	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
Speech recognition:	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>

Other remarks re question A.3.1.:	
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A.3.2. Judges

A.3.2. How many judges' workplaces are equipped with		
PCs	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
E-mail	< 10 %	<input checked="" type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
Internet	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
Speech recognition	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
Other remarks re question A.3.2.: All judges and legal staff and 90 % of administrative staff are equipped with PCs. Every staff has access to Internet and can obtain an e-mail address; however, only certain judges (heads of units and section presidents etc.) have "official" e-mail addresses.		

A.3.3. Courtrooms

A.3.3. How many courtrooms are equipped with		
PCs	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
E-mail	< 10 %	<input checked="" type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
Internet	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
Speech recognition	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>

Other remarks re question A.3.3.:

A.4. Networking (connectivity) of courts

Background:

Questions A.4.1. to A.4.3. aim to ascertain whether and how the workplaces in your institution are networked. "Networking" or "networked" means that the various computer workstations are linked to one another by a dedicated technical connection. This makes it possible, for instance, to access, or communicate with, computers which are connected. Use of the Internet and e-mail alone is not what is meant.

A.4.1. Are the computers in the various buildings in your institution networked with one another? Note: This refers to the internal networking of computer workstations.		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Partially <input type="checkbox"/>
A.4.2. How are the administrative courts in your country networked with one another? Note: This refers to connections between different courts.		
The courts are not networked:		<input type="checkbox"/>
The courts are completely networked:		<input checked="" type="checkbox"/>
The courts are only networked regionally:		<input type="checkbox"/>
Other forms of network: Details: ...		<input type="checkbox"/>
A.4.3. If networking is in place, how is it implemented technically? Please explain:		
-All computers are networked with one another in our institution. Council of State Informatics System (DBS), software developed specifically for judicial use, enables users to reach documents and proceedings of all departments. Judges, judges-rapporteur, advocates-general and competent administrative staff can access necessary documents. Only restriction is that staff is prevented from intervening and making changes in documents which are not processed and maintained in their departments.		

Other remarks re questions A.4.1. to A.4.3.: **Administrative courts as being part of National Judiciary Informatics System (UYAP) are not connected to Council of State's network. UYAP establishes an electronic network covering all courts, offices of public prosecutors and law enforcement offices together with the central organisation of the Ministry of Justice. High courts (Constitutional Court, Court of Cassation and Council of State) are outside of UYAP.**

Note concerning the next question:

The next question, A.4.4., aims to ascertain whether the networking of courts corresponds to the organisational structure of the courts in your country or differs from it. This means, for instance, that there could be a centralised network structure although the courts are organised on a decentralised basis.

A.4.4. Does the networking of the courts correspond to the organisational structure of the courts in your country?	
Yes, predominantly <input checked="" type="checkbox"/>	No, predominantly <input type="checkbox"/>

Other remarks re question A.4.4.:

A.5. Technical back-up

Note concerning the next question:

The following question, A.5., aims to ascertain who is responsible for technical back-up of the equipment at the workplaces in your institution.

A.5. Who is responsible for technical back-up of workplaces (administration, maintenance, trouble-shooting, replacement) in your institution?	
Predominantly employees of the institution within the IT-department	<input checked="" type="checkbox"/> <input type="checkbox"/>
Predominantly employees of an external enterprise	<input type="checkbox"/>
Other	<input type="checkbox"/>
Please give details:	

Other remarks re question A.5.: **24 technical staff are responsible for technical back-up of workplaces. Employees of contracted external enterprise also make periodical maintenance of the system.**

B. *Electronic documentation*

Background:

Electronic documentation is an important element in concepts of e-Justice. This refers to technical solutions which replace, or supplement, traditional paper documentation in the judicial system with electronic documents. Apart from storing data, electronic documentation can also be processed and managed on a computer. The questions below aim to ascertain the nature of the legal framework in your country and the extent to which it has already been implemented technically within your institution.

B.1.1. Are there legislative or other rules in your country permitting judicial authorities and courts to maintain their documentation in electronic form?		
Yes, as a rule electronic documentation is permitted	<input checked="" type="checkbox"/> <input type="checkbox"/>	Exception: ...
No, as a rule electronic documentation is not permitted	<input type="checkbox"/>	Exception: ...
Note: If you have ticked this field and there are no exceptions, you can skip the next few questions. Please continue with the questionnaire from section C.		

Other remarks re question B.1.1.: **Law on Electronic Communication, Law on Electronic Signature, Law on Providing Universal Services, Law on Inspection of Broadcasts on Internet and some ad hoc rules in several laws regulate this area. Information Technologies and Communication Institute is the regulating organ. However, specific rules for judicial authorities to maintain their documentation in electronic form can be found in a Prime Minister's Circular dated February 27. 2003. Modernisation of justice, on the other hand, is included as one of the fundamental priorities in Accession Partnership and National Plan for the Adoption of the Acquis (NPAA) and accordingly UYAP system was introduced. UYAP regulations and the regulations issued by the competent authorities set general rules on substantive and procedural principles. Institutions using electronic means have discretion in choosing the type of proceedings. It must be stressed that there is not any provision in Law on Electronic Communication preventing administrative authorities from maintaining their documentation in electronic form.**

Note concerning the next question:

When making legal provision for electronic documentation, there are essentially two different patterns to be taken into consideration:

On the one hand, only the "metadata" of a judicial document; this means that the document itself is not stored electronically in full, but only data containing information on the judicial procedure concerned (e.g. names /

addresses of those involved in the proceedings, case numbers, dates).

On the other hand, the judicial documents may also be maintained electronically in their entirety. This means that all their component elements, i.e. including the actual contents of a judicial document (e.g. written submissions by legal counsel, grounds for a decision) can be managed and processed in an electronic documentation system. The next question, B.1.2., aims to ascertain what legal provision has been made for this in your country.

B.1.2. 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? More than one field may be ticked.	
B.1.3. To what extent is electronic documentation already in use?	
Legal provisions	Percentage use
Judicial documentation is maintained electronically in its entirety <input type="checkbox"/> Note: This means that documentation is paperless in your country	%
Only metadata are maintained electronically; the actual documents are maintained in paper form <input checked="" type="checkbox"/>	100 %
Judicial documentation is maintained electronically in its entirety, and also on paper <input type="checkbox"/>	%
Other option <input type="checkbox"/> <i>Please explain: ...</i>	%

Other remarks (e.g. exceptions) re questions B.1.2. to B.1.3.: **In UYAP system judicial documentation is maintained in its entirety and also on paper. In the Council's system "metadata" is maintained electronically.**

B.1.4. Are there types of procedure in which documentation <i>must</i> , by law, be maintained in electronic form by the authorities or courts?
No <input type="checkbox"/>
Yes <input checked="" type="checkbox"/> in the following types of procedure: ...

Other remarks re question B.1.4.: **Rules on procedures in which documentation must be maintained in electronic form are ad hoc: Law on Population Registry Services, Social Security Institution Act, and Law on Obtaining Information etc. In judicial area Law on the Organisation of the Ministry of Justice and Law on Judicial Records provide that documentation shall be maintained in electronic forms. See also, other remarks re question B.1.1.**

Note concerning the next question:

The next question aims to ascertain whether technical standards for electronic documentation exist in your country. This means, for instance, that technical standards governing the use of certain data file formats, data storage media or software applications may be prescribed by law.

B.2.1. Do technical standards exist for electronic documentation within the judicial system?
B.2.2. Is compliance with technical standards required by law or under other rules?

Mandatory technical standards exist	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Examples: ...
Compliance with technical standards is required by law or under other rules	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No uniform regulations <input type="checkbox"/>

Other remarks re questions B.2.1. and B.2.2.: **Compliance with technical standards is required by decisions of the Council of State Presidency and by rules set up by the Ministry of Justice in case of UYAP. See also, other remarks re question B.1.1.**

Note concerning the next question:

This question concerns the origin of technical solutions for electronic documentation. It aims to ascertain whether the software used in your institution was developed specifically for judicial use or is ordinary standard software.

B.2.3. What technical solution is used for electronic documentation? More than one field may be ticked.			
Software developed specifically for judicial use	<input checked="" type="checkbox"/>		
Standard market software	<input type="checkbox"/>	Examples: ...	

Other remarks re question B.2.3.: **In 1993 specific software was developed by an external enterprise in collaboration with judicial staff. This programme was renewed in 2004 after two years work. The software is completely unique.**

Note concerning the next question:

Question B.3. aims to ascertain to what extent the electronic documentation system directly influences the work of judges and whether they themselves work actively with the electronic documentation system or, for instance, leave this to their support staff.

B.3 If documentation is maintained electronically by your court: are judges personally involved in the maintenance of electronic documentation?				
not at all / hardly	partially	predominantly	throughout	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Other remarks re questions B.3 **Judges-rapporteur and advocates-general are personally involved in the maintenance of electronic documentation; whereas judges are not involved.**

Note concerning the next question:

The following question B.4. Concerns the archiving of judicial acts which exist in both electronic and paper form. We would like to know whether you send only the electronic version for archiving and destroy the paper version.

B.4.1. When judicial documents which are kept in both electronic and paper form are to be archived, can the paper versions be destroyed?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Other remarks re question B.4.1.: **Transmission of paper versions of the judicial documents into electronic form has been continuing for a long time. However, since the backlog is quite big and only two staff are in charge it seems to take more time. Parties to a case or other persons concerned can access to the archive without charge.**

Note concerning the next question:

A great advantage of electronic documentation systems is that they can be inspected from outside, as this can substantially reduce administrative effort. The following comments concern access to electronic documents by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers, etc.).

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.)? Multiple replies are possible.		
A print-out made by the court or the judicial authorities	Yes <input checked="" type="checkbox"/> Exceptions: ...	No <input type="checkbox"/>
Electronic transmission of the document or extracts from it by the court or the judicial authorities (e.g. by e-mail)	Yes: <input checked="" type="checkbox"/> Exceptions: ... High courts	No <input type="checkbox"/>
Direct access to the document via an internal network	Yes <input type="checkbox"/> Exceptions: ...	No <input checked="" type="checkbox"/>
Direct access to the document via a public network (e.g. Internet)	Yes <input checked="" type="checkbox"/> Exceptions: ... High courts	No <input type="checkbox"/>
Other inspection possibilities: - -		

Other remarks re question B.5.1.: **In UYAP system citizens can reach and examine their case information via Internet and learn the day fixed for the trial. They can be informed via web site about their case or hearing dates. They can submit their claims to the court by using their electronic signature and examine their files through Internet. Text messages can also be sent to the parties who need to be warned when to attend court. It allows users to ask for alerts to be sent to them whenever any chosen event occurs, by e-mail or text. Lawyers can initiate process and pay court fees from his/her office by use of VNP Technology and/or on network bars rooms through Internet banking and UYAP; litigate a claim or dispute to court or review his/her cases through electronic means; submit petition online via UYAP thanks to private passwords given to them. For the time being the network system of the Council has no direct link to *National Judicial Network Project (UYAP)*. The reason for this is that the Council had also owned its network system when Ministry of Justice began to develop UYAP. Necessary technical discussions are being made with the data processing center of Ministry of Justice and when technically possible our network system might be able to be linked to UYAP.**

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?		
Not feasible <input type="checkbox"/>	Completely feasible <input type="checkbox"/>	Partially feasible <input checked="" type="checkbox"/>

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.)? (You may make general comments here)

See, other remarks re question B.5.5.

C. Electronic communication with persons involved in proceedings

Background:

The advantages of electronic communication methods (e.g. e-mail) are utilised nowadays in practically all spheres of social and working life. These technologies lend themselves to use in the judicial sector as well, where multiple copies of extensive documents (e.g. judgments, charges, etc.) have to be distributed. Section C looks at the general legal conditions for electronic communication with the judicial system in your country, and how far they have already been met in technical terms.

Subsection C.1. deals with the electronic filing of documents with courts or by persons who are not directly employed in the judicial system or by judicial authorities (e.g. lawyers, parties, etc.): i.e. electronic submission of documents to courts (e.g. applications initiating proceedings).

Subsection C.2. considers the electronic "way back" for documents: i.e. the recipients of electronic documents are persons on the outside, while the senders are courts (e.g. judicial service of a judgment on the parties).

C.1. Transmission of documents: electronic submission

Filing of electronic documents with courts

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    graph LR
      A[parties, lawyers, etc.] -- envelope icon --> B[courts]
      style A fill:none,stroke:none
      style B fill:none,stroke:none
      style envelope fill:none,stroke:none
      
```

This subsection deals with the filing of electronic documents with courts. The senders of such documents are persons who are not directly employed in the judicial system or by judicial authorities (e.g. parties, lawyers).

C.1.1. 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? If already available: please indicate the rules or the law.
C.1.2. Has this been implemented technically within your institution?
C.1.3. Which percentage of documents are filed electronically?

Proceedings	Admissibility			Technical implementation		Use in %	
	No <input type="checkbox"/>	Yes, since: Recently Title: UYAP	Law / other rules planned X <input type="checkbox"/>	Yes X <input type="checkbox"/>	from	< 10 % <input type="checkbox"/>	10 % - 50 % <input type="checkbox"/>
Administrative court proceedings <i>No proceedings available</i> <input type="checkbox"/>						50 % - 90 % <input type="checkbox"/>	> 90 % X <input type="checkbox"/>
Administrative enforcement proceedings <i>No proceedings available</i> <input type="checkbox"/>						10 % - 50 % <input type="checkbox"/>	> 90 % X <input type="checkbox"/>

Other remarks re questions C.1.1. to C.1.3.: **This has not been implemented technically in our institution. See also, other remarks re questions B.5.1. and B.1.1.**

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?

Note: The question seeks to ascertain whether there are certain types of proceedings in your country which are generally considered unsuitable for the use of electronic communication methods.

Other remarks re question C.1.4.: **For the time being, there is no specific legislation relating this issue. However, Draft Law on Judicial Data Processing Institution ensuring the credibility and accuracy of judiciary to the highest degree, and accelerating functioning of it by means of cooperation with the Constitutional Court, Court of Cassation, Council of State, Court of Jurisdictional Disputes, High Council for Judges and Prosecutors, Supreme Election Board, civil/criminal and administrative judiciary organs, central and administrative units of the Ministry of Justice, offices affiliated or attached to Ministry of Justice is included in NPAA. This draft legislation and draft Law on the Protection of Personal Data are expected to be passed from the Parliament within next year. There is no "specific" legal provision preventing judicial authorities from filing certain types of proceedings with electronic means.**

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?

Note: The question seeks to ascertain whether there are certain types of documents which are generally considered unsuitable for electronic transmission in your country.

	No <input checked="" type="checkbox"/> <input type="checkbox"/>	Yes <input type="checkbox"/>
	Proceedings	Type of document (e.g. notarial documents, opinions)

Other remarks re question C.1.5.: **In our institution, only metadata is maintained with electronic means. Therefore, other documents cannot be viewed via Internet. Since there is not any specific legislation listing certain types of proceedings which are permissible for electronic filing; in principle every kind of documents can be processed and maintained electronically. The point is that what type of documents is allowed for electronic transmission. Answer to this question can be found in the Law on Obtaining Information:**

- **Official secrets related to security of state, foreign relations of state and national defence,**
- **Information of which declaration or untimely declaration could jeopardise economic interests of state and fair competition,**
- **Secret intelligence information,**
- **Information which can cause harms to private lives and freedom of correspondence of persons,**
- **Commercial secrets,**
- **Information on pending administrative or criminal inquisitorial proceedings declaration or untimely declaration of which could threaten security of proceedings and violate the right to respect family life and private life,**

shall not be given except in situations indicated in the said law.

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?

Note: The question asks whether it is possible to switch from one communication method to another in the course of proceedings.

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Other remarks re question C.1.6.: **This is possible in theory, but transmission from electronic form to the conventional one is not expected unless inevitable technical reasons forces to do so.**

Note concerning the next question:

There are often problems in getting new technical systems accepted: the people affected by the technical innovations either refuse to use them or fail to exploit their technical potential to the full. To overcome these difficulties it is worth offering inducements for the use of new technical systems. These could take the form of a reduction in the costs of proceedings, swifter processing or cash benefits. Questions C.1.7. and C.1.8. ask whether such inducements are offered in your country.

C.1.7. 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?

C.1.8. If so, for which types of proceedings does this occur and what inducements are offered?

No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
Proceedings	Type of inducement

Other remarks re questions C.1.7. and C.1.8.:

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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)? (You may make general comments here)

This can be considered only in UYAP context. But the system allowing electronic transmission of documents to the courts is very new; consequently, any assessment is hard to make.

C.2. Transmission of documents: electronic "way back"

Transmission of electronic documents to outsiders

parties, lawyers, etc. ← courts

This subsection deals with the transmission of electronic documents to persons involved in proceedings who are not part of the judicial system (e.g. parties, lawyers). The recipients are therefore persons not directly employed by the judicial system or judicial authorities. Senders are courts.

C.2.1. 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.

C.2.2. Has this been implemented technically?

C.2.3. What percentage of documents are filed electronically?

Proceedings	Admissibility			Technical implementation		Use in %	
	No <input type="checkbox"/>	Yes, since: Title:	Law / other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Administrative court proceedings <i>No proceedings available</i> X <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
Administrative enforcement proceedings <i>No proceedings available</i> X <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
Other proceedings ...		Yes, since: Title:	Law / other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

		Yes, since: Title:	Law / other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	<input type="checkbox"/> < 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 %
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Other remarks re questions C.2.1. to C.2.3.: **See, other remarks re question B.5.1.**

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?
Note: The question asks whether there are certain types of proceedings in your country which are generally considered unsuitable for the use of electronic communication methods.

Other remarks re question C.2.4.: **See, other remarks re question C.1.5.**

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?
Note: The question seeks to ascertain whether there are certain types of document which are generally considered unsuitable for electronic transmission in your country.

No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	
	Proceedings	Type of document (e.g. notarial documents, opinions)

Other remarks re question C.2.5.: **See, other remarks re question C.1.5.**

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? (You may make general comments here)
See, B.6.1.

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C.3. Further comments on electronic communication

C.3.1. 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?	
C.3.2. Is compliance with technical standards required by law or under other rules?	
Note: This means that the technical means of electronic communication are subject to specific rules. Technical standards may e.g. take the form of specific data file formats or software applications that have to be used.	
Technical standards exist	Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No <input type="checkbox"/> Examples: ... UYAP
Compliance with technical standards is required by law or other rules	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Not uniformly regulated <input type="checkbox"/>

Other remarks re questions C.3.1. and C.3.2.: See, other remarks re question B.5.1.
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C.3.3. How are the electronic documents transmitted?		
Note: This question concerns the method of transmission of electronic documents to the recipient.		
Via a separate network (Extranet)	Via the Internet	Other method (Please indicate):
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> ...

Other remarks re question C.3.3.: See, other remarks re question B.5.1.
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Note concerning the next question:

The following questions C.3.4. to C.3.6. ask whether documents transmitted are processed in such a way that "machine-machine communication" is possible, i.e. incoming documents can undergo further processing either fully or partially in computerised form.

C.3.4. Are data transmitted electronically transmitted in structured form for automated further processing?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
N.B. Please elaborate in your answer to question C.3.7.	
C.3.5. If so, which parts of the data sent are transmitted in structured form? More than one field may be ticked.	
The (meta-) data (e.g. names, addresses, dates, reference numbers, etc.)	<input type="checkbox"/>
The documents (e.g. reasons for a judgement, grounds for a claim, etc.)	<input checked="" type="checkbox"/>
C.3.6. How is structuring of the data implemented technically?	

Through the use of an electronic form X <input type="checkbox"/>	Sending of the data files in a data-exchange format, such as XML <input type="checkbox"/>	Other solution (Please indicate): <input type="checkbox"/>
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Other remarks re questions C.3.3. to C.3.6.: **This is the case only in UYAP.**

Note concerning the next question:

Points C.3.7. and C.3.8. deal with the origin of technical solutions for electronic communication. They aim to ascertain whether the software used in your country/institution was developed specifically for judicial use or is the ordinary standard software.

C.3.7. 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? More than one field may be ticked.

C.3.8. How widely used is the software?

Origin of the technical solution	Extent of its use
Standard market software <input type="checkbox"/> Examples: ...	%
Software developed specifically for judicial use X <input type="checkbox"/>	% *
Other software <input type="checkbox"/> Please give details: ...	%

Other remarks re questions C.3.7. and C.3.8.: *** 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 to the parties who wish to be warned by GSM operators. The only exception is that formal notification of decisions is also made by post. See, also other remarks re question B.5.1.**

C.4. Signatures

Signatures Directive :

<http://eur-lex.europa.eu/JOIndex.do?year=2000&serie=L&textfield2=13&Submit=Rechercher&submit=Rechercher&ihmlang>

C.4.1. 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)?

	No	Yes	Type of document / Procedure
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Simple signature within the meaning of Article 2, point 1, of the Directive 1999-12-13 of the European Parliament and of the Council on a Community framework for electronic signatures (Signatures Directive).	X <input type="checkbox"/>	<input type="checkbox"/>	
Advanced electronic signature within the meaning of Article 2, point 2, of the Signatures Directive.	X <input type="checkbox"/>	<input type="checkbox"/>	
Advanced electronic signature within the meaning of Article 5(1) of the Signatures Directive (qualified signature)	X <input type="checkbox"/>	<input type="checkbox"/>	
Other protection techniques:			
		<input type="checkbox"/>	
		<input type="checkbox"/>	

Other remarks re question C.4.1.: **In UYAP system advanced electronic signature (qualified signature) in the meaning of Article 5(1) of the Signature Directive is allowed. After 01. 07. 2008 all documents which are signed by e-signature are required to be sent in electronic environment.**

C.5. Video-conferencing

Background:

One reason why court proceedings are often costly and time-consuming is that those involved in the proceedings usually have to appear in person before the court. Video-conferencing is a way of improving the situation. Section C.5. investigates the legal framework-conditions for use of video-conferencing in your country's judicial system and the extent to which this has already been implemented technically.

C.5.1. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for courts or public prosecutor's offices to use video-conferencing so that proceedings can be conducted without some of the persons involved being physically present? If already available, please indicate the law or rules.

C.5.2. Has this been implemented technically?

C.5.3. To what extent is this actually used?

Proceedings	Admissibility			Technical implementation		Use in %	
	No	Yes, since: 2008	Law/other rules planned	Yes	from	< 10 %	<input type="checkbox"/>
Administrative court proceedings <i>No proceedings available</i> <input type="checkbox"/>	<input type="checkbox"/>	Title: UYAP	<input type="checkbox"/>	<input type="checkbox"/>		10 % - 50 %	<input type="checkbox"/>
						50 % - 90 %	<input type="checkbox"/>
						> 90 %	<input type="checkbox"/>
Administrative enforcement proceedings <i>No proceedings available</i> <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes, since:	Law/other rules planned	Yes	from	< 10 %	<input type="checkbox"/>
		Title:	<input type="checkbox"/>	<input type="checkbox"/>		10 % - 50 %	<input type="checkbox"/>
						50 % - 90 %	<input type="checkbox"/>
						> 90 %	<input type="checkbox"/>
Other proceedings							

.....		Yes, since: Title:	Law/other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
.....		Yes, since: Title:	Law/other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>

Other remarks re questions C.5.1. to C.5.3.: **Courts and other judicial units that are connected to UYAP are equipped with “video and audio recording” and “video conferencing” systems. These systems were tested in Ankara Courthouse and rolled out heavy criminal courts.**

C.5.4. Have you any experience of cross-border use of video-conferencing in the judicial system?
Example: Have there been court proceedings in your country where video-conferencing was used to link up with witnesses, experts or other persons involved from other countries?

No

Yes

Please describe your experience: ...

C.5.5. What experience do you have of the use of video-conferencing in the judicial system? (You may make general comments here)

In UYAP, integration with other national and international institutions databases is under consideration in the course of progress towards accession to the EU. It is also aimed to establish links to the central databases of the EU and EU member countries’ systems.

D. Presence on the internet of the judicial system

Background:

Many EU Member States post information about their judicial systems on the internet by way of an additional service to their citizens. The following questions investigate the extent to which there is such internet provision in your country.

D.1.1. Is there a national home page on which the courts make information available

No <input checked="" type="checkbox"/>	Planned <input type="checkbox"/>	Yes <input type="checkbox"/>
		URL:

D.1.2. Is there a national home page on which the Ministry of Justice (or other Ministries) makes information available?		
No <input type="checkbox"/>	Planned <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
		URL: http://adalet.gov.tr

Other remarks re questions D.1.1. and D.1.2.: **All public institutions including high courts have their own home pages.**

D.1.3. If courts and the Ministry of Justice (or other Ministries) do have national home pages, what information is made available electronically?			
Content:	No	Own editorial contributions	Links to foreign websites
Structure of the judicial system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lists of courts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lists of other judicial institutions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legislative measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judgments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Literature (essays and the like)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Register databases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Forms for printing out	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Forms for electronic transmission	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

D.2.1. Insofar as court judgments are posted on the internet, are they first rendered anonymous? N.B.: This means that the names and addresses of the persons involved in the proceedings are removed/rendered unrecognisable.	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

Other remarks re question D.2.1.: **In our institution and in UYAP system only results can be seen on Internet; formal notification is made by post as Law on Notification requires. Complete text of the judgments can only be viewed and downloaded from databanks which contain selected decisions. On databanks names and addresses of the persons are removed unrecognisable.**

D.2.2. Insofar as court judgments are posted on the internet, are they accessible free of charge by the public? N.B.: This means that the complete text of the judgments can be viewed and downloaded free of charge.	
Yes See, other remarks re question D.2.1.	No <input type="checkbox"/>

E. Prospects

Background:

The following question looks to the future. It seeks to ascertain whether there are plans for the development or implementation of new e-Justice concepts in your country.

E.1. General remarks on the situation regarding IT use in the judicial system or on planned e-Justice concepts in your country

See, other remarks re question B.6.1.1.

F. Other remarks

Background:

In case we have any queries concerning your replies to this questionnaire, please give details of a contact person.

F.1. Please state in this field who replied to the questionnaire for your institution and give that person's contact details (name, address, tel. number, e-mail address)

Name: Mr. Justice Namık Kemal ERGANİ

Address: DANIŞTAY, İhlamur Sok. No:4 Sıhhiye 06448 ANKARA/TURKEY

Tel: ++ 90 312 424 08 46

E-mail: namikerg@yahoo.co.uk

This questionnaire is based on a survey made by the European IT Academy of Law (Europäische EDV-Akademie des Rechts GmbH) in Merzig, Germany, during the German Presidency of the EU in 2007 for the Working Party on Legal Data processing (e-Justice). We kindly thank the authors Daniela Freiheit and Michael Hensen for permission to adapt the questionnaire.