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Subject:	Final results of the questionnaire on e-Filing and e-Delivery

1. As agreed at the meeting of the Working Party on e-Law (e-Justice) on 17 March 2015, delegations were asked to send their comments on the questionnaire as set out in 5443/15 by 31 March 2015.
2. As agreed at the meeting of the Working Party on e-Law (e-Justice) on 11 May 2015, the answers provided by the Member States will be used as an input for the joint meeting with legal practitioners and the judiciary on 19 June 2015 for a discussion related to the e-Communication systems used by the courts and national judicial administrations in the Member States.

3. The present document contains the answers provided by all 28 Member States¹².
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¹ DK general comment: The definition of e-filing and e-delivery is not perfectly clear. Thus, the questionnaire is answered using the interpretation that e-filing refers to a web-based portal where material can be submitted in digital forms or by uploading documents, whereas e-delivery refers to a system-to-system solution where data is exchanged.

² PL: Preliminary observations:

Firstly, Poland would like to clarify the e-filing definition. In Polish understanding it means the possibility to send documents to the judicial authority through electronic transmission, either to dedicated e-mail address or upload into the database accessible for the external user. PL considers the definition as limited to the sending of documents to the court (or prosecutor) and not covering f.i. the direct exchange of documents among professional legal representatives representing parties (so called mutual service). The delivery is understood as service (or notification) of documents by public authority (court, bailiff) to the parties and other participants of the process.

Secondly, PL is willing to provide information on technical conditionality of the e-filing and e-delivery. As there is a number of underlying legal issues, they should be discussed in appropriate institutional setting, like Commission ad hoc expert group or in the Council competent working party like COPEN or CDC.

Thirdly, PL welcomes the questionnaire as it will provide the ground for evidence-based analysis and may facilitate COM preparatory work. In fact, establishing cross-border e-delivery might prove dubious if appears that most case management systems are paper-based.

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I. GENERAL ASPECTS

1) **Is there an e-filing & e-delivery system in your country for judicial and justice-related communication? Between what types of organisations is it used?**

1. Austria

Yes, the Austrian e-filing & e-delivery system is called ERV (Elektronischer Rechtsverkehr) and was introduced in 1990. It is an instrument of electronic communication between the parties or their representatives of proceedings and courts and public prosecution offices in both directions. In addition the communication between lawyers as well as internal communication between courts is also supported. It covers all Austrian courts (district courts, regional high courts, courts of appeal, Supreme Court), all levels of public prosecution offices and all types of proceedings (e.g. civil, commercial, family, inheritance and criminal matters, business register, land register). Lawyers, notaries, banks, insurance companies, social security institutions and bars are obliged to use the e-filing & e-delivery system.

2. Bulgaria

There are initiatives for the implementation of an e-filing & e-delivery system for judicial and justice-related communication.

3. Croatia

e-Filing service called e-Tvrtka is established in process of registration Ltd in Business register between commercial courts and public notaries with support of One-Stop-Shop offices (OSS=HITRO.HR).

4. Cyprus

There is no established e-filing and e-delivery system. E-filing is only accepted for the filing of documents relating to European Regulations, for instance European Payment Order, but even in those cases the filing is completed manually

5. Denmark

When it comes to digital land registration there are an e-filing and an e-delivery system. E-filing is used by citizens and companies (incl. lawyers) and e-delivery is used mainly by financial branches. All communication is digital.

In criminal cases e-delivery of case material is possible between the prosecution service and the courts. Approximately 50 % of the communication is digital.

In other cases only encrypted e-mail is possible. It is not possible to estimate the digital coverage in this category of cases.

6. Estonia

Yes. Courts use Court Information System, which is connected to the [e-File](#) system. The e-File system combines the information systems of the police, the Prosecutor's Office, the courts and other bodies conducting proceedings, ensuring central sharing of proceedings information between parties and a quick and paperless data exchange. The Public E-File is a public portal for citizens, to access their court cases, receive documents from court and submit documents to the court. For contractual representative (lawyer, jurisconsult, procurator), notary, bailiff, trustee in bankruptcy, local self-government and public department it is mandatory (from 01.04.2015) to use the Public E-File.

7. Hungary

Yes, it is. This is a system for payment orders maintained by the Hungarian Chamber of Civil Law Notaries. With this system you can handle all the documents concerns to payment orders; however there is possibility to start the judicial execution procedure on this surface, but the rest of the execution procedure is paper based. The system is used by the attorneys, notaries, bailiffs and the debated parties.

8. Ireland

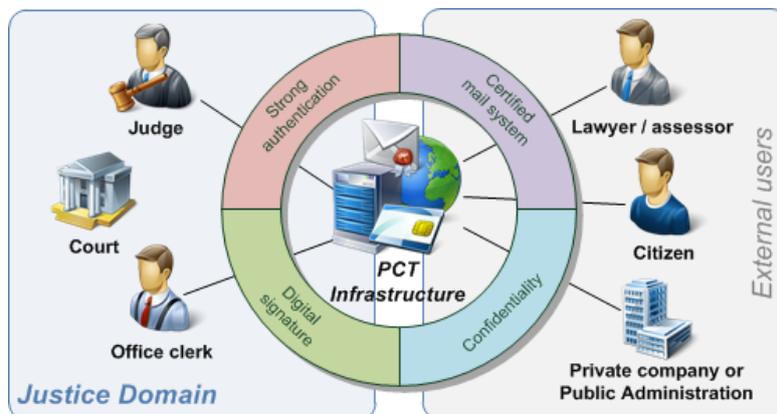
No – however the Courts Service is currently developing a platform which is intended to provide a full e-filing system in the future. This platform www.csol.ie currently hosts systems for insolvency applications, small claims applications and the case management systems for the Supreme Court and Court of Appeal. Of these only the insolvency application could be said to involve e-filing. The insolvency system manages interactions between the Courts Service and the Insolvency Service.

9. Italy

Yes, there is an e-filing & e-delivery system in Italy: It's called "processo civile telematico" (acronym PCT, which in English can be translated into "on-line civil trial"), a technical and organizational infrastructure developed by the IT Department of the Italian Ministry of Justice since 2003.

PCT enables interoperability between authorized users outside the Courts (e.g. lawyers, assessors, Public Administrations, citizens, private companies, etc.) and authorized users inside the Courts (judges and clerks), through a high-secure infrastructure which ensures reliability of transmissions, authenticity, integrity, non-repudiation and confidentiality.

The following picture illustrates the main abstract view of the actors involved and the main features of the infrastructure:



PCT provides two kinds of services:

- Asynchronous communications: transmission of electronic legal acts and official communications and notifications. For this kind of services, “certified mail” (called PEC, acronym for “Posta Elettronica Certificata”) and digital signature are adopted, according to national legislation and technical rules.
- Synchronous services, such as on-line access to information and electronic acts and documents stored in the File System. For these kinds of services, strong authentication is required in order to ensure certain e-identification of the user. The authentication is performed by specific external Access Points (authorized by the Ministry of Justice) or by the Italian e-Justice Portal provided by the Ministry of Justice. Besides, anonymous information on the status of the proceedings can be gained without any authentication through the Portal or via mobile apps (for iOS or Android devices) provided by the Ministry of Justice.

10. Malta

Yes, but this is used for specific services such as small claims or sharing of data between the Courts and the Attorney General’s Office. A homogeneous e-delivery platform is not in place.

11. The Netherlands

The answers to these questions take into account the upcoming changes in the communication with our Judiciary in Civil and Administrative cases. Expected is that from the 1st of January 2016, there will be a e-filing & e-delivery system in the Netherlands for all judicial communication within these legal fields. All legal professionals and companies will be obliged to communicate digitally with the courts. Citizens can communicate digitally if they want to, but are not obliged to do so.

12. Poland

- a) <https://www.e-sad.gov.pl/>- there is electronic judicial procedure (electronic payment order) and one court (Regional Court in Lublin – Zachód) competent for it. One court (section of District Court for Lublin) acts as court of appeal. The lawsuit is initiated via electronic account set up in the tele-information system for the electronic payment procedure. All other claimant documents are also downloaded through that account. The evidence is not attached but the proofs are mentioned in the lawsuit. The court, court clerk and court president acts are recorded in the IT system and signed with secure (advanced accordingly to EU law) e-signature. Claimant receives process documents via its account. The documents are served to defendant in traditional way (usually by post). However, when the defendant submits the document through electronic channel he/she is being served afterwards in the same (electronic) way.
- b) Courts in Poland are connected to the Electronic Platform of Public Administration Services (ePUAP). They have dedicated e-mail accounts on that Platform. Any user registered on the platform may file (send) documents to the court. However, there are some important limitations. Firstly, only administrative documents can be sent through this channel. The judicial proceedings documents may not be filed through this channel. If sent, they do not produce legal effect (f.i. they do not count as initiating proceedings, observing time limit, etc.).
- c) Draft Minister of Justice Regulation provides for the possibility of sending the commission rogatory between the courts through tele-information system or to the official court mail accounts within “gov.” domain.
- d) In the Prosecution there is a central system called CBD SIP. It allows for:
- collecting information on criminal proceedings – carried out in organizational units of the Prosecution – from local databases of the SIP Libra System,
 - searching for information in the Central Database,

- access to external databases – of some public institutions (Police, Ministry of Home Affairs, Ministry of Justice, Central Authority of the Prison Service, Central Statistical Office),
- creating systemic and administrative statistics,
- performing administrative functions.

13. Portugal

Yes. It's called CITIUS. The digital system CITIUS covers all communications between judges, bailiffs, prosecutors and lawyers. Bailiffs also use the HABILUS system and the enforcement agents have the digital system called SISAAE, which has a gateway to CITIUS.

14. Romania

There is no formal e-filing & e-delivery system for the judicial communications. Despite of this, during the trials the Romanian courts accept documents sent by e-mail by the parties, their legal representatives or their lawyers. When the case is filed the physical presence of the petitioner or his lawyer is mandatory and the file can't be started by an e-mail request.

15. Slovakia

There is a system in place where through an integrated portal (run by the Office of the Government – www.slovensko.sk) a whole range of services in the area of public administration is available to citizens and businesses.

In the area of justice there is a possibility to file the documents signed by electronic signature through this portal.

Delivery in electronic form is also conducted by means of the portal - entities have so called "electronic post-box" where the documents are being delivered. This type of delivery concerns citizens and businesses as well as public authorities.

An electronic post-box for a legal person is created and activated at the moment of establishment of this person. An electronic post-box for a natural person is created when the person reaches 18 years, however, it is activated only upon request of this person.

16. Spain

In the Spanish territory there are two main systems are Minerva and Procedure Management System (CMS = Case Management System) that acts as a file manager (e-filing) and Lexnet as electronic transport system for communications to / from the courts

17. Sweden

In Sweden there is a system for electronic communication (e-communication) between some of the public authorities in the judicial system. Following instructions from the Government, the authorities of the judicial system have for some years now been involved in a project to develop the management of criminal cases. There are four main aims with the project 1) efficiency of justice 2) enhanced quality of information 3) improved citizen services 4) increased knowledge.

This is achieved by making it possible for authorities to receive and deliver information electronically. By linking the authorities IT systems electronically a digitally joined-up judicial chain is created. The project is an extensive and long-term undertaking so therefore the work is being conducted in stages. At this stage of the project, an electronic information flow has been established between the authorities that manage the largest number of cases, i.e. the Swedish police, the Swedish Prosecution Authority, the Swedish Tax Agency, the Swedish Economic Crime Authority and the Swedish courts.

Another concrete example of e-filing and e-delivery system (depending on the meaning and definition of e-filing) is the system whereby citizens can file a police report electronically.

A number of other IT related projects are currently being developed within the separate judicial authorities. Much of this work seems to have a common direction towards developing e-services in order to establish more effective communication with citizens.

18. United Kingdom

a. England & Wales

For civil and family justice in England and Wales there is a system by which lawyers and parties to proceedings can communicate with the court by e-mail and file certain documents. More information can be found at:

<https://www.justice.gov.uk/courts/email-guidance#canfile>

There is also a Criminal Justice Service Secure Email Service (CJSM) which is open to use by all those involved in the criminal justice system – e.g. lawyers, police, prosecution service, courts, prisons and probation services. This provides encryption for e-mails. More information can be found at:

<http://www.cjsm.justice.gov.uk>

Civil and family lawyers can also sign up to and use CJSM.

However the Ministry of Justice is developing a number of digitally enabled components within an overall approach to implementing a national digital justice system. These components will enable information elements making up a case file or dossier to be stored once and then pulled to the user(s) in each part of the Justice System on an as-needed basis.

b. Scotland

In civil procedure in Scotland there is no such system currently.

In criminal procedure the Integration of Scottish Criminal Justice Information Systems (ISCJIS) has been running since 1996 and the sharing of information over the network is governed by technical standards agreed by members of the group. The main organisations involved are the police, prosecution, courts, prison service, criminal justice social workers (Scottish equivalent of probation officers) Scottish Children's Reporter Administration and the Scottish Legal Aid Board. These organisations use secure email to send or receive information / data and will store this within their own data centres, which is then backed up to another location. This is therefore more a type of 'e delivery' system with common standards, rather than an e filing system per se.

19. Greece

We don't have such a system in use. We have under construction integrated court case management system. The implementation is in an early stage.

20. Germany

In Germany there is a system for electronic communication between some of the parties in the judicial system. e-Filing services are especially established for:

- Business Registration between courts and public notaries
- Land Register
- Applications for payment orders.

21. France

In civil matters :

Lawyers and the State Counsel's Office can submit certain documents electronically:

- For courts of appeal: the notice of appeal and the notice of acting by counsel for the respondent (constitution de l'intimé). Lawyers can submit these via structured files (the contents of which do not have to be re-entered by the courts) and the State Counsel's Office can send them via an attached file.

- For regional courts (tribunaux de grande instance): the registration for an interim hearing (audience de référé), the listing for hearing and soon the appointment of a defence counsel (constitution en défense). (The contents of these files do not have to be re-entered by the courts.)

Any communication which will help the progress of proceedings is possible, through message exchanges between the applications used by the courts and either the lawyers' interface or the State Counsel's Office.

In district courts (tribunaux d'instance), it is also possible to computerise payment order procedures (by having bailiffs send requests to the court clerk's office electronically).

In criminal matters :

The CASSIOPEE application (Chaîne Applicative Supportant le Système d'Information Orienté Procédure Pénale Et Enfant)

In terms of function, CASSIOPEE covers all of the activities of the criminal courts (excluding police courts and sentence implementation courts) and is therefore at the core of the computerised criminal justice system. It is now fully operational, as every regional court in France and the overseas departments now uses the software (except in Mayotte, where its introduction is dependent on certain technical prerequisites, such as broadband deployment, being met and its users being trained in criminal proceedings). More generally, CASSIOPEE was designed to exchange 'structured' data (identification of parties and victims, offences classified according to the NATINF code, etc.) with other information systems of the same generation, both internal to the Ministry and managed by third parties, in order to avoid information being re-entered from one application to another, which can lead to errors and loss of time.

This is just the first phase in the implementation of systematic electronic exchanges between the relevant authorities. By building on work done elsewhere on the digitalisation of criminal proceedings and electronic procedural equivalents (see below), it should naturally be possible to envisage simultaneous transmission of full versions of digitalised proceedings.

In practice, the current priority for the CASSIOPEE project is to implement exchanges with the investigative services, not only because of the strategic issues at stake (particularly in relation to the updating of police files), but also because they would offer the greatest 'return on investment' for the courts.

This system will play a significant role in clearing most of the backlog at the prosecution service registries, by reducing the amount of time spent on data entry by 50% to 75% depending on the complexity of the proceedings.

In practice, as from June 2013, all of the regional courts receive records of proceedings from the gendarmerie entered using the National Gendarmerie's drafting software (Logiciel de rédaction de Procédures de la Gendarmerie Nationale - LRPNG).

As regards exchanges in the other direction – which could not be set up until the first system was in place because of the need to share a common identifier with the investigative services – a trial of the automatic update of data saved in the Ministry of the Interior's TPJ-TAJ criminal record files (an amalgamation of STIC and JUDEX) has been running since November 2014 in the jurisdiction of the court of appeal of Grenoble.

The aim of this exchange is to automate the transmission of any legal amendments which may be made and of any instructions to delete data in cases provided for by law (Article 230-8 of the Code of Criminal Procedure).

Lastly, another expected advantage of CASSIOPEE is that it will help to simplify administrative procedures for the general public.

The online 'pre-complaint' form currently allows the complainant to enter their contact details, in the form of an e-mail address and a mobile phone number. There are plans to add a new function to this online service to ask the complainant to consent to receive online updates on their complaint. This data and the number of the record of the proceedings would then be sent to CASSIOPEE electronically for processing, which would allow the complainant to automatically receive by e-mail the notifications provided for in the Code of Criminal Procedure, such as: 'a criminal investigation has been launched into the complaint', 'the Public Prosecutor's Office is considering how to proceed with the investigation', and 'the investigation into the complaint has been closed'.

This online system for tracking complaints, which will be restricted to property offences where the perpetrator is unknown, will be inaugurated in 2015 with a trial run at a regional court. A decision will then be taken as to whether to make it generally available.

The CASSIOPEE application also allows information to be exchanged with the National Criminal Records Office (Casier judiciaire national) (requesting B1 disclosure certificates through CASSIOPEE has been general practice since September 2013) and the sentence implementation services within both the courts and the prison service (via an interface with the APPI software, which has been in general use since June 2012).

Digitalisation of criminal proceedings (Numérisation des Procédures Pénales - NPP):

As part of the plan to develop new technologies introduced within the judicial services in 2007, every court of appeal and regional court has been equipped with NPP tools for digitalising criminal proceedings. These tools allow documents to be digitalised and converted from image files to text files using OCR software. They also allow files to be indexed and proceedings to be filed in an electronic document management system.

As from 2010, the vast majority of criminal proceedings giving rise to preparatory inquiries (more than 95 % of all investigation proceedings) have been digitalised, facilitating the reproduction, transmission and study of those voluminous proceedings by all the key players in the criminal justice chain, including lawyers, who benefit from the dissemination of such proceedings on CD or DVD.

The NPP tool therefore allows rapid familiarity with digitalised files, and this is enhanced by establishing secure electronic communication.

Parallel to NPP, there have been trials with computerised transmission of criminal proceedings by e-mail, based on a national framework agreement signed on 11 December 2008 between the Ministry of Justice and the National Gendarmerie. Since that date National Gendarmerie units have been able to transmit electronically proceedings giving rise to criminal prosecutions or proceedings against unknown perpetrators to regional courts. In the absence of an electronic signature, these documents - known as "electronic procedural equivalents" have no legal value. Nevertheless, this arrangement saves time and resources, and allows for better monitoring of investigations by public prosecutors. There has been a significant increase in such computerised transmissions of proceedings, which may be stored in NPP, over the past few years.

Other computer applications also facilitate exchanges with different State authorities.

APPI:

With regard to the execution of sentences, the APPI software, shared by the sentence implementation departments of the regional courts and the probation and rehabilitation services (SPIP), can be used to manage the files of persons placed in the hands of the judicial authority.

This application allows communication of data between these departments. APPI has a common national database, the confidentiality of which is ensured through secure access and the different user profiles.

In addition to the exchanges with CASSIOPEE (expanded on above), several interfaces have been installed in APPI, in particular automated updating of the criminal file (supplied by the Prisons Department's GIDE, the application for computerised management of detainees in institutions) and computerised exchanges of Sheet No 1 of the national criminal record (if the response is a "no B1" or in the event of inapplicable identity).

These exchanges prevent the registry from having to re-enter data into the application, thus saving time and limiting the risk of error.

MINOS:

As regards minor offences, the MINOS application has been integrated, since its deployment in the police courts and local courts in 2006, into a computerised criminal justice chain, piloted by the ANTAI (national agency for the computerised processing of offences, supervised by the Ministry of the Interior).

It is interfaced with the software of prosecution service officials (WinOMP) and that of Public Treasury fines (AMD), in order to facilitate computerised processing of the criminal justice chain for petty offences. Thus, for the first four categories of petty offence, the data entered by prosecution service officials are automatically transmitted and incorporated into MINOS, enabling simpler and more rapid processing and avoiding re-entry of the data; in the opposite direction, following the decision, the data entered in MINOS are also transmitted to prosecution service officials. This same arrangement exists downstream of the process, between MINOS and AMD, for the collection of fines.

Computerised exchanges with the National Criminal Records Office's application also enable prosecution service officials and the police court registry to make computerised requests for Sheets No 1 and to receive them (in the event of "no B1") directly in the application.

In 2013 and 2014, construction was started on several new sites in order to increase exchanges between applications.

Furthermore, in the course of rewriting the Public Treasury application, preparatory work has been launched to improve exchanges so that fines imposed by decisions in judgments or orders of summary punishment can be collected.

Finally, discussions are currently under way in order to establish computerised exchanges of electronic documents with the WinOMP application, so as to complete the computerisation of proceedings.

All this work should be continued throughout 2015.

22. Czech Republic

Yes, in the Czech Republic we use „certified data box“- kind of certified email communication which is obligatory used by all public institutions with other data box owners (eg. Lawyers, individuals).

23. Luxembourg

Non, mais un projet majeur d'informatisation de la justice appelé « PaperLess Justice » est en voie d'être mis en œuvre.

« PaperLess Justice » (JUPAL) fédère un ensemble de projets ayant pour objectif commun de favoriser la dématérialisation des échanges et des dossiers de la Justice, en matière civile et commerciale au Grand-Duché de Luxembourg. Ce programme entend dégager des progrès significatifs dans les années à venir, pour les citoyens, les professionnels, et la Justice globalement.

24. Slovenia

E-Filing

Yes. In Slovenia there are e-filing and e-delivery systems for judicial and justice related communication. It is used in communication between Notaries, Lawyers, Judicial Officers, State Attorneys and Courts. It is obligatory in cases of Land register, Insolvency and Enforcement cases. It can be used by parties in civil and criminal proceedings.

E-Delivery

It is also used in Slovenia. E-Delivery demands a secure email box, provided by external providers. It is mandatory for notaries to be able to receive court writs in Land register cases, for Lawyers in Insolvency cases, executors in execution cases. Currently it is used in the following procedures: Land register, Insolvency, Business register and Enforcement. It can also be used by other parties in civil proceedings, but it is not mandatory.

http://www.sodisce.si/sodni_postopki/izvrsba

25. Latvia

There is currently a virtual platform in development where it will be possible to submit a case filing using pre-set PDF templates which can be directly submitted via the website. After this procedure the submitted document goes directly to Court Information System's record management. This procedure will be available for all persons.

Currently person can submit their case filing electronically via e-mail. The documents have to be electronically signed.

26. Lithuania

The courts' electronic services to public in Lithuania are provided via the specific portal „e.teismas.lt“ (a.k.a. the EPP) which is operating since the 1st July, 2013. This e-filing and e-delivery system is used between courts and parties to the proceedings.

27. Finland

The electronic communication with the judiciary is in a transition phase in Finland. These answers do not yet take into account the reform of the case management systems for the Finnish courts and prosecutors. The existing case management systems in civil and criminal matters will be replaced gradually by the new AIPA Case Management system, to be used both in civil and criminal matters, starting in 2016-2017. AIPA will provide a number of new services for e-filing and e-delivery.

At the moment, e-filing is available for submitting applications for a summons in the case of uncontested claims, for legal aid applications (and for applying for defence counsel or a public legal aid attorney to be appointed and for attorneys applying for reimbursement for fees and costs from the State) and for enforcement applications (in the case of private law applications for the enforcement of debts that are based on a district court's ruling or judgment). It is also possible to send the application to the courts by e-mail. The text of the application can then be used by the court during the process.

Application for a summons in an undisputed debt collection case

Citizens and companies may file an application for a summons concerning an undisputed debt to the district court online by using the electronic services of the judicial administration. The e-services may be used in cases where the claim concerns one or several debtors who have not paid their debts but who do not deny the existence of the debt. Typical cases concern unpaid rents and telephone and electricity bills.

An application for a summons that has been filed via the e-services becomes pending immediately after it has been sent. The applicant may follow the processing of the application in the service. An email notification will be sent to the applicant once a judgment has been passed, and the judgment is made available in electronic form. A certified copy of the judgment in paper form is issued to a creditor having filed the application for a summons in the e-services only upon separate request of the creditor.

Application for enforcement

When the creditor has received a notification that a judgment establishing a payment liability has been passed, the creditor may directly go over from the e-services of the district court to the e-services of the enforcement authorities and file an application for enforcement. A judgment in paper form need no longer be submitted to the enforcement authorities, because they retrieve the judgments directly from the register of court decisions.

Via the e-services of the enforcement authorities, companies and corporations may also apply for the enforcement of receivables under public law that are enforceable without a judgment or a court order.

Applications directly to the information system of the district court and the enforcement authorities

Companies and corporations (debt collection agencies, the state, municipalities and other public bodies) that file plenty of applications for a summons may submit their applications directly to the information system of the district court and the enforcement authorities.

The SANTRA system

The Santra system, created already in 1993, is intended for the use of companies and corporations that file plenty of applications for a summons, such as professional debt collection agencies, the state and municipalities. Electronic filing of an application for a summons via Santra system is reserved for simple and undisputed "summary" debt collection cases. The system transfers the electronic applications sent by the plaintiff to the case management system of the district courts.

The creditor must be able to create in its own information system application records in a specified XML format. The file format descriptions for Santra are available at the Legal Register Centre, which after running the relevant tests approves the applicant as a user of the Santra system and the register of court decisions. The Santra user is able to retrieve the decisions of the district court from the register.

Requesting enforcement through the enforcement database

Petitioners who are filing a number of enforcement requests can submit their requests online through the enforcement database. Permission for filing requests in this way can be given in both civil and public cases. Requesting enforcement through the database is usually the most practical method in public cases, as such debts are usually directly distrainable and an attorney cannot be employed, meaning that attachments do not need to be filed with the request.

In private cases, the printed grounds for requesting enforcement must be submitted in the original paper form to the enforcement office when enforcement is requested for the first time. If the court judgement has been published in the online register of judgements, it does not have to be submitted to the enforcement office separately. In this event, it is enough that the judgement is referred to. Other documents, such as a power of attorney or a negotiable promissory note, must be submitted to the enforcement office in the original paper form.

Electronic Application for legal aid

Legal aid can be applied for by filling in an electronic form in the e-services.

Information on the matter for which legal aid is being sought and details on the income and assets of the applicant shall be given in the form. The legal aid decision is sent to the applicant as an e-letter.

E-services for attorneys

An attorney or a defence counsel may use the e-services to submit an electronic legal aid application on behalf of his or her client to the legal aid office or an electronic application for the appointment of a defence counsel to the court.

Claims for fees and compensations to be paid from state funds shall also be submitted to the court via the e-services.

28. Belgium

In 2014 we started with the setup of a system VAJA which stores the judgements in a central system, which is capable of delivering all kinds of copies and keeps track and has an exact electronic copy of the judgement. The system is operational for the courts of appeal and the ambition is to roll out the system to all courts in the coming 3 years.

e-deposit is the entry channel for conclusions in civil cases. The system is in pilot in the court of Appeal Antwerp. All the lawyers can upload conclusions for an existing case. The person who uploads a document receives a confirmation of his upload. A lawyer can at all-time choose to upload via e-deposit or to depose in paper his conclusion to the court. Interaction is between lawyers and the tribunal.

2) Could you give a rough indication of what percentage of all communication is covered by this system?

1. Austria

In civil proceedings we have a percentage of 95 percent of all applications. In enforcement proceedings we have a percentage of 75 percent of all applications. In European Order for Payment Procedure we have a percentage of 64 percent of all applications. Communication between police and prosecution offices is almost covered by 100 percent.

2. Bulgaria

No answer to this particular question.

3. Croatia

During year 2014, 50% of all Ltd are registered via e-Tvrtka service.

4. Cyprus

No answer to this particular question.

5. Denmark

Please see above under point I, 1).

6. Estonia

The statute of the e-File (see below) states what kind of information has to be entered into and transferred through the e-File. Basically all information between for example court-police-procurator are exchanged 100 % through the e-File.

The public portal of the e-File is used in 8 % of the overall cases for submitting documents in court proceedings.

7. Hungary

This system is the only way to present a payment order, thus all communication is covered by this system. However, there is possibility to present a payment order on paper by a notary, but in this case the notary will digitize it.

8. Ireland

Insolvency applications comprise less than 1% of all applications sent to the Courts Service in a calendar year.

9. Italy

In civil cases, communications and notifications from Courts (140 tribunals and 26 courts of appeals) to lawyers are 100% electronic. In 2014 over 12 million messages have been delivered, with an estimate of € 44 million of costs saved.

E-filing from lawyers and professionals to tribunals is about 90%, since it's mandatory for all acts excluding introductory ones. From 1/2/2014 to 31/01/2015 over 1.000.000 acts were received; only in January 2015 almost 400.000.

About 95% of all civil judges in tribunals use the system and the 100% of all their acts is in electronic format.

10. Malta

<5%

11. The Netherlands

This should be around 90%.

12. Poland

100% - in the area of system "activities".

13. Portugal

Judges, bailiffs, prosecutors and solicitors use it on a daily basis in every proceeding, for example, for allocating cases, dispatching, sentencing, serving documents, transferring proceedings, consulting relevant data in public agencies and seizing property.

Lawyers use it on a daily basis for introducing pleadings, in order to pay judicial costs, to ask for or obtain legal aid, to consult judicial proceedings and to serve documents to other lawyers in the same proceeding.

14. Romania

There is no formal e-filing & e-delivery system for the judicial communications. All the courts have access to e-mail.

15. Slovakia

We do not have exact numbers but for example 66% of all documents that are being filed to the business register is filed electronically using the portal.

16. Spain

Lexnet manages about 150,000 daily transactions (for calculation of cases must take into account that a case may require multiple transactions).

17. Sweden

The system whereby the authorities (see above) transmit information electronically is regulated in a regulation from 2014. The regulation states what kind of information and in what way the information is to be transmitted between the authorities. In other words, this information must be transmitted electronically (100 %). For more information see answer 3.

18. United Kingdom

a. England & Wales

It is difficult to estimate this. For example CJSM has around 3 million exchanges a month but this is a mix of e-communication, e-filing and e-services.

b. Scotland

ISCJIS is used to share the information necessary for criminal cases to progress through their different stages in the criminal justice system.

19. Greece

No answer to this particular question.

20. Germany

For the BR and the national payment order application the use of the Electronic Court and Administration Mailbox (EGVP) is mandatory for notaries and lawyers. Therefore the coverage is in these cases 100 %. For other cases it is up to the Länder to open the submission of application.

21. France

In civil matters before the courts of appeal (see point 1 above), cases with mandatory representation account for around 75 % of cases per year.

22. Czech Republic

Approx 50%

23. Luxembourg

N.A.

24. Slovenia

E-filing: approximately 550.000 submissions were received in electronic form, which is roughly 57% of all submissions.

E- delivery: in 2014, there have been 790.637 court writs served through e-delivery, which amounts to roughly 13% of all delivered court writs.

25. Latvia

It is possible to submit documents that are electronically signed via simple e-mail. Currently there are no precise data available on how many documents are submitted this way but the rough percentage is rather low.

26. Lithuania

It is estimated that the EPP covers 33, 91 % of communication between courts and parties to the proceedings in regard to all civil cases and 11, 21 % – of all administrative cases.

27. Finland

In uncontested claims the percentage of electronic applications is 70% (approximately 300 000 applications annually).

28. Belgium

VAJA : In the courts of appeal all judgments are prepared via the system

e-deposit is in start-up phase and too soon to give figures since it is only in 1 court operational in test phase.

3) Are there any legal requirements in relation to this system?

1. Austria

The main laws (beside some others) defining the legal basis for the e-filing & e-delivery system are a law (§§ 89a ff Gerichtsorganisationsgesetz) and a regulation (ERV-Verordnung 2006).

2. Bulgaria

No answer to this particular question.

3. Croatia

Communication between commercial courts and public notaries is regulated by the Law on Business register and sub-laws. Cases of registration Ltd via e-filing should be resolved (by court) in 24 hours.

4. Cyprus

No answer to this particular question.

5. Denmark

There are requirements regarding data protection and the use of encrypted e-mail.

6. Estonia

Yes, the statute of the e-File has established according to the following Codes:

Code of Civil Procedure

Code of Criminal Procedure

Code of Misdemeanor Procedure (in Estonian)

The procedure of submitting documents to the court (in Estonian)

7. Hungary

The “*Payment order system*” is regulated by the act L. of 2009 on Payment order.

8. Ireland

Insolvency cases and applications to the Courts Service are governed by the Personal Insolvency Act 2012.

Legislation required to underpin and further enhance e-filing for the Courts Service generally is expected to be contained in the Legal Services Regulation Bill although the proposed heads of bill have not yet been included.

9. Italy

PCT is regulated by specific norms and technical specifications.

10. Malta

Yes, please see below list:

- Electronic Commerce Act (Cap426);
- Data Protection Act (Cap440);
- Articles 337B-337H of the Criminal Code (Cap9) on ‘Of Computer Misuse’; and
- Other legislation in relation to specific documents being carried.

11. The Netherlands

Yes. The most important legal requirement in relation to this system is that people have to identify themselves electronically. Citizens use their digital identity called “DigiD”, companies use the digital identity called “eHerkenning”. Lawyers use their “Advocatenpas”.

12. Poland

The electronic injunction procedure for payment is regulated by the injunction procedure provisions of the civil procedure code with some particularities imposed by art. 505²⁸ - art. 505³⁷ of that code. The issues connected with electronic form of procedure are regulated in four Minister of Justice regulations issued on 28 December 2009. All texts may be consulted on the website.

13. Portugal

The legal requirements are set forth in Decree Order n. 280/2013 of 26th of August and in the Portuguese Code of Civil Procedure. According to these legal instruments:

- Judges, bailiffs and prosecutors are supplied with an electronic signature managed by a government agency;
- Lawyers and solicitors have to register with the competent agency;
- The IT system provides for specific modules that allow judges, prosecutors bailiffs and lawyers to access to the proceedings;
- The IT system contains forms to be e-filled by lawyers when introducing pleadings; the annexes have to be in a portable document format (PDF).

14. Romania

It is not the case.

15. Slovakia

The system is governed by law on eGovernment.

16. Spain

Yes and are provided in the following laws:

Code of Civil Procedure

Code of Criminal Procedure

Code of social Procedure

Administrative procedure law

Commercial code

Military criminal code

LexNET viene regulado por el R.D. 84/2007.

Law 18/2011 regulating the use of information technology and communication in the Administration of Justice.

17. Sweden

The above briefly explained project for e-communication between some of the judicial authorities is regulated in a regulation¹ from 2014 (SFS 2014:1085). The Regulation contains certain rules concerning the management of information by means of automated data processing between authorities within the justice system handling criminal investigations or criminal proceedings.

The public authorities referred to in the regulation are therefore obliged by law to send information about e.g. crime or suspected crime and the plaintiffs electronically. The starting point is that it should only be necessary to enter data once – this data should then be reused by other authorities in the judicial chain.

The work in this project also requires technology neutral rules. This means that legal obstacles, such as rules requiring documents in paper format etc. have had to be altered.

¹ the Swedish police, the Swedish Prosecution Authority, the Swedish Tax Agency, the Swedish Economic Crime Authority

18. United Kingdom

a. England & Wales

For the civil and family law system any documents delivered electronically to the court must comply with the usual requirements of the Civil Procedure Rules and the Family Procedure Rules for providing documents. If a document is to be filed by email that contains a statement of truth the document containing the original signature must be retained. The version of the document which is filed by email must satisfy one of the following requirements:

- the name of the person who has signed the statement of truth is typed underneath the statement;
- the person who has signed the statement of truth has applied a facsimile of his signature to the statement in the document by mechanical means;
- the document that is filed is a scanned version of the document containing the signed original statement of truth.

Information transmitted must comply with the Data Protection Act. Under CJSM information that includes personal details can be transmitted over the open internet only where the people about whom the personal details have been provided give consent.

b. Scotland

The Data Protection Act and associated Regulations

19. Greece

No answer to this particular question.

20. Germany

Communication between courts and applicants (e.g. public notaries) is regulated by the specific law (e.g. Law on Business register).

21. France

In civil matters:

Electronic communication in civil matters is governed by Title 21 of the Code of Civil Procedure, by Decree No 2009-1524 of 9 December 2009 on the appeal procedure with mandatory representation in civil matters and by Decree No 2012-366 of 15 March 2012 on the service of judicial officers' documents by electronic means and the international service of documents.

In criminal matters:

Inter-application exchanges (EIA) with the investigative services and the National Criminal Records Office result from the Ministry of Justice's Ministerial Programme for Modernisation and Simplification (PMMS), particularly in the context of improving public service in matters of justice for citizens and users by simplifying the standards and processes (interconnection of CASSIOPEE with the investigative services' applications in order to avoid multiple entry of the same information by the various parties involved in the criminal justice chain and to improve the quality of information held + modernisation of the operation of the National Criminal Records Office (CJN) to offer a 24/7 service to courts, allow electronic transmission of criminal records and optimise the administration of criminal records of legal persons.

A trial service allowing users to track their complaints on the Internet has been set up as a result of a decision of 18 December 2012 of the Inter-Ministerial Committee for the modernisation of public policy (CIMAP).

22. Czech Republic

System is available only for national use, data boxes are registered by the Ministry of Interior.

23. Luxembourg

N.A.

24. Slovenia

E-filing and e-delivery in civil proceedings is covered by the Rules on electronic operations in civil procedures.

25. Latvia

Legal requirements are set by Electronic Documents Law and portions of Civil Procedure Law.

26. Lithuania

National laws determine types of cases where the EPP is available for use. Currently, the EPP may be used only for communication in civil and administrative cases.

27. Finland

The user (citizen or company) has to be identified. Private persons log in to the service with their personal internet bank codes (provided by Finnish banks). Companies log in with corporation codes of the judicial administration.

28. Belgium

No answer to this particular question.

4) Could you briefly explain the technical requirements for connecting to the national e-filing & e-delivery system?

1. Austria

There is a defined system to system interface based on Web Services between clearing houses and the e-filing & e-delivery system. Users must be registered by the clearing houses with national bar associations and are uniquely authenticated via certificates for each transaction. The whole communication is secured via SSL encryption.

2. Bulgaria

No answer to this particular question.

3. Croatia

Communication is through common portal (provided by HITRO.HR) where public notaries submit request for registration of Ltd, electronically sign it and send it to commercial court application for Business register.

4. Cyprus

No answer to this particular question.

5. Denmark

The connection is based on web-services and it is only used in the Land Registration system.

6. Estonia

Courts, Prosecutor's Offices, Police and other e-File users have their own information systems. E-File itself does not have GUI, only xml-services. For using those xml-services every client system (Court Information System for example) must connect to x-road transportation layer and via this road all information will be transported to the e-File. E-File has complicated right and user role system, so everyone can only see metadata and documents which they have rights to.

There are no central requirements for the client systems, but rules for using x-road are defined centrally.

7. Hungary

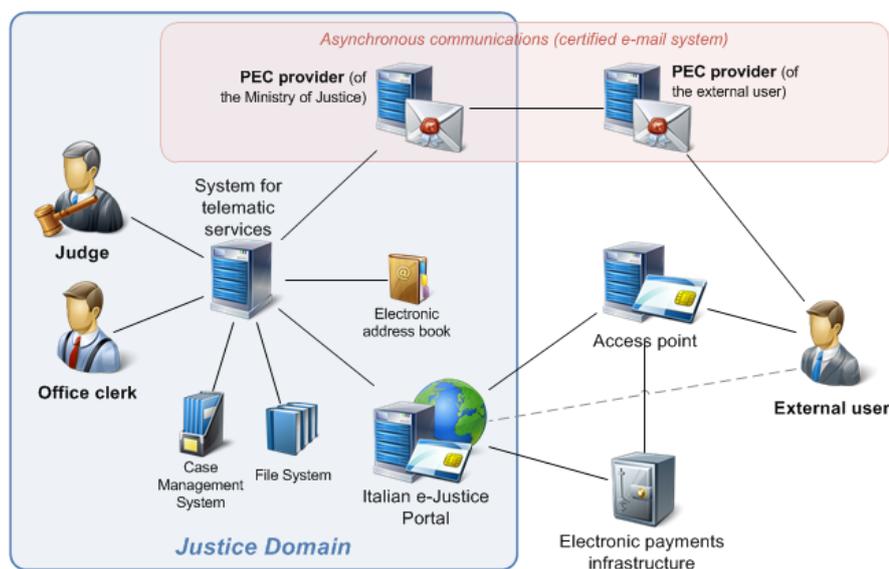
First of all, the future member should create an account with a unique username and a password, to get access to the payment order system. Beyond that the user must possess a secure-signature-creation device to be able to create a qualified e-signature and a time marker. The system provides facilities for the users to fill the application form concerns to the payment order, but they could also upload any other documents to prove their claim.

8. Ireland

The current platform is web based allowing for user interaction and case management. There are also web services which allow for system to system data exchanges.

9. Italy

The infrastructure that enables all services is illustrated in the following picture:



Asynchronous communications

Asynchronous communications are managed by the certified mail system (called PEC, acronym for “Posta Elettronica Certificata”) which is adopted according to national legislation and technical rules, valid for all public administrations and citizens.

In synthesis, these rules and specifications provide that mail messages receive an official delivery receipt in order to obtain certainty of the delivery and its exact time. Both messages and receipts are digitally signed by the sender’s provider and the recipient’s provider in order to ensure authenticity, non-repudiation and integrity.

For e-filing of legal acts by external users, the payload (i.e. the electronic act itself and all attachments) consists of an encrypted S-MIME envelope, which has to be attached to the PEC message.

The envelope must contain the legal act in PDF format, digitally signed by the author, together with a specific XML file providing structured information (according to the type of act), also digitally signed, and all documents attached to the legal act.

The official time of delivery to the court, to be considered in case of procedural deadlines, is the timestamp of the PEC delivery receipt sent back to the sender.

Once delivered to the court’s PEC mailbox, the PEC message is automatically retrieved and checked by the system, then the envelope is decrypted and the content is formally checked. A PEC message is sent back to the sender with the result of these checks, then the content is provided to the office clerk for definite acceptance and update of the Case Management System. A final PEC message is sent back to the sender with the result of the acceptance: from this stage the files are available for all parties involved in the proceeding for on-line queries.

A PEC message is also sent whenever an electronic communication or notification has to be delivered to the lawyers or to other recipients. In this case, the content and the message is automatically prepared and sent by the Case Management System after the registration of the specific procedural event and in case the recipient owns a PEC address (retrieved in the Electronic Address Book). Once sent, the system automatically retrieves the PEC receipts of the message from the PEC provider and stores them into the File System, alerting the office clerk in case of delivery failure (the PEC system tries to deliver the message within 24 hours).

Synchronous services

In order to obtain on-line access to non-anonymous information and to the electronic acts, the external user needs to be e-Identified through strong authentication (i.e. smart card, cryptographic tokens, etc), which is performed by an Access Point or by the Italian e-Justice Portal provided by the Ministry of Justice itself.

The holder of an Access Point – which becomes responsible for the e-Identification process of its users – can be a Bar Association, a public administration or a private company (with a minimum share capital of 1 million euros). The system must respect the security specifications defined by the Ministry of Justice, which gives explicit authorization after performing specific security checks.

The architecture of synchronous services implements an application-to-application interoperability: this means that queries on the Case Management System and on the File System are performed by specific web services available both for the Access Points and for external software, which can then develop their own user interfaces and/or integrate their own applications.

Electronic payments

The PCT Infrastructure also enables electronic payments, connecting both the Access Points and the Italian e-Justice Portal to the bank system through a specific infrastructure aimed to serve all public administrations. A highly secure connection is created in order to deliver an electronic receipt of payment back to the payer. The receipt is an XML file digitally signed by the bank, which is e-filed to the court as an official proof of payment of court fees or other taxes; the Case Management System checks the integrity and authenticity of the receipt ensuring single usage through a check on the central repository of all receipts.

10. Malta

A homogeneous e-Delivery system is not in place.

11. The Netherlands

As mentioned in the answer to question 3, citizens, companies and lawyers using the Judiciary's digital system have to identify themselves electronically. After this, they have access to the digital portal called "Mijn Zaak" ("My Case"). This gives them the possibility to upload and download documents and follow the state of the proceedings they are involved in. The judge will also work digitally in a system called "Mijn Werkomgeving" ("My Working Environment"). He or she will publish the verdict in the digital system. For certain parties that have a caseload of over 100 cases per year (for instance the Immigration Service), an automatized system will become available. Those parties do not have to upload through the portal, but can use an automatized system.

12. Poland

There is no national, e-filing and e-delivery system for the judicial proceedings.

13. Portugal

No answer to this particular question.

14. Romania

No answer to this particular question.

15. Slovakia

An electronic ID card is necessary to access the user account. In case of legal persons, an ID card of a person that acts on behalf of the legal person is required. A special code may also be issued in order to access the account.

16. Spain

For the LexNET system the requirements are:

- Digital certificate imported into a physical device (cryptographic card)
- Card reader and installed the software (drivers)
- Operating System Windows XP, Windows Vista or Windows 7 32-bit
- Browser Internet Explorer 6, 7, 8 or 9, Firefox or Chrome 14 21
- Having installed the Java Virtual Machine 1.6. or higher (JRE or JDK) signature component (applet LexNet)

17. Sweden

The system whereby authorities exchange information electronically is created by linking the different authorities' IT systems. A new common IT-platform has not been created. At the beginning of the project the authorities' IT systems were not designed in such a way that information could be processed in a uniform manner. Several of the authorities have therefore had to – and still have to – adapt their IT systems to the jointly defined terms, rules and routines. The involved authorities use a separate internet (Swedish Government Secure Intranet) when communicating electronically.

18. United Kingdom

a. England & Wales

The civil and family law system allows only certain formats of documents to be sent via e-mail. These are listed at: <https://www.justice.gov.uk/courts/email-guidance#canfile>

CJSM cannot be accessed by unsecured WiFi and information transmitted by CJSM must not be stored on unapproved 'cloud' services. More details of the technical requirements can be found at: <http://cjsm.justice.gov.uk/terms.html#wifi>

b. Scotland

It is not a e filing system. (see above) The main technical requirement for sending information electronically between Criminal Justice Organisations is a secure communications link. For Government departments and local authorities this generally means the Government Secure Intranet (GSI) or Extranet (GSX). The police use the Criminal Justice Extranet (CJX) and a number of Specialist Reporting Agencies also use the same network.

These secure communications services are provided under the PNN (Police National Network) contract.

19. Greece

No answer to this particular question.

20. Germany

The notaries and lawyers need a personal signature card to sign the applications and have to connect to the Electronic Court and Administration Mailbox (EGVP).

21. France

In civil matters:

National agreements provide for systems of exchanges set up between the virtual private network for courts (RPVJ) and the virtual private network for law practices (RPVA, developed by the National Council of Bar Associations) and, on the other hand, the virtual private network for court officers (RPVH).

22. Czech Republic

No special technology required, works through web interface, at the website
<https://www.mojedatovaschranka.cz>

23. Luxembourg

N.A.

24. Slovenia

Individual e-filing is implemented through web-portal, where the use of a newer internet browser is required. Additionally, most of the procedures require a valid qualified digital certificate.

In bulk filing, the use of prescribed XML format for submissions is mandatory (it is publicly available through web-portal), along with the use of a valid qualified digital certificate for signing the packet submissions.

E-delivery is performed through external contractors, providing secure mailboxes to the end users. It is mandatory for the external contractor to meet the technical requirements for e-delivery, published by the Supreme Court and to successfully pass the test of their system(s).

http://www.sodisce.si/sodni_postopki/izvrsba
<https://evlozisce.sodisce.si/esodstvo/index.html>

25. Latvia

The platform is developed to be used in web browser using http protocol. Access is provided using national eID card, internet banking authentication or username and password which are issued by Court administration.

26. Lithuania

The EPP is accessible for customers in several ways:

a) The customer may log in to the EPP via Electronic Government Gateway, which is the centralized state administrated platform for the public electronic services. This platform enables the authentication via electronic banking, identity cards and electronic signatures.

b) The customer may log in to the EPP by using the specific access data issued by the court. This option is especially comfortable for those, who due to any reasons may not authenticate via Electronic Government Gateway (e.g. foreigners).

27. Finland

The e-filing for citizens is using a web application and there are no technical requirements. For the SANTRA system and for requesting the enforcement through the enforcement database, the e-filing of applications also requires technical capabilities, ensuring that the application files are compliant with the XML file descriptions of the Finnish Legal Register Centre and that the data transfer between the systems is working.

28. Belgium

VAJA system is at this moment only for internal use. You need an account in the business application of the court. Without that, you do not have access to the information. In mid or long term the information could be disclosed to others but that is not defined yet.

The eID card is needed to logon to the website e-deposit. Strong identification is an absolute must for introducing conclusions in an existing case.

5) Does the system cover (in principle) all judicial and justice-related communication?

1. Austria

It covers all Austrian courts (district courts, regional high courts, courts of appeal, Supreme Court), all levels of public prosecution offices and all types of proceedings (e.g. civil, commercial, family, inheritance and criminal matters, business register, land register). Lawyers, notaries, banks, insurance companies, social security institutions and bars are obliged to use the e-filing & e-delivery system.

2. Bulgaria

No answer to this particular question.

3. Croatia

No, it is just for this specific process.

4. Cyprus

No answer to this particular question.

5. Denmark

The system does not cover all communication. It primarily covers Digital Land registration.

6. Estonia

Yes.

7. Hungary

No, this system is only for the payment orders. The other legal procedures are not automated, they are still paper based.

8. Ireland

No – the current platform is for civil cases only and any interaction with the judiciary (apart from the insolvency cases) is minimal.

9. Italy

Yes, it covers all judicial and justice-related communication.

10. Malta

No

11. The Netherlands

No, it only covers judicial and justice-related communication in Civil and Administrative cases. Within this limitation, the system does cover all judicial and justice-related communication.

12. Poland

The system covers only this particular procedure.

13. Portugal

We have a system that provides judges, prosecutors, bailiffs and lawyer with electronic access to the procedural documents or the case file by means provided by the platform CITIUS.

However, some information flows are limited in what concerns the criminal proceedings and in case of appeal to superior courts. In such cases, information can be delivered throughout e-mail.

14. Romania

No answer to this particular question.

15. Slovakia

The delivery in case of criminal proceedings is excluded from the scope of this system.

16. Spain

Yes, by various internal procedural systems that respond to our territorial relocation

17. Sweden

The electronic information flow is limited to some of the authorities in the judiciary and to certain information in the criminal proceedings.

18. United Kingdom

a. England & Wales

For civil and family law only documents of the type listed at <https://www.justice.gov.uk/courts/email-guidance#canfile> can be used in the system. In addition where a fee needs to be paid e-mail communication is not accepted nor is anything in adoption or insolvency proceedings or anything where the requirements of the Civil or Family Procedure Rules have not been followed.

b. Scotland

See questions 1 and 2.

19. Greece

No answer to this particular question.

20. Germany

Currently the system covers only certain services (see 2. and 3.).

21. France

In civil matters:

Not all judicial activity is covered by these systems of electronic communication in civil matters.

In criminal matters :

From 2016, it is intended that the CASSIOPEE application will be extended to the courts of appeal and the assize court, and will be connected to the court of cassation's information system.

In practice, all of the regional courts have been receiving gendarmerie proceedings that have been entered in the National Gendarmerie's drafting software (LRPGN) since June 2013.

Since March 2013, a similar system has been in the process of deployment in the regional courts in relation to police proceedings entered in the National Police's drafting software (LRPPN). Today, 116 courts benefit from this system.

It should be noted that this system will continue to be rolled out until the end of 2015.

As a result, those courts with a heavy case load, dealing for the most part with cases emanating from the national police, will see the potential savings in terms of processing time postponed until the police services in their district have been equipped.

22. Czech Republic

Yes for data box holders. Obligatory use by public institutions, other bodies might use it upon their decision.

23. Luxembourg

N.A.

24. Slovenia

Currently, the system covers judicial communications only in the following civil procedures: Land register, Insolvency, Enforcement.

It can however be used in all communications, covered by the Civil procedure act.

25. Latvia

If there is no need to participate in court hearing all the documents can be submitted and afterwards received electronically. So, in principle, it is possible to cover all related communication.

26. Lithuania

In principle, the EPP covers all judicial and justice-related communication as far as it concerns court proceedings and administration of justice (civil and administrative cases).

27. Finland

The existing systems cover e-filing only partly, but there are several development projects on e-filing and e-delivery, in addition to the AIPA project. According to the Act on Electronic Services and Communication in the Public Sector (13/2003), public authorities have in principle an obligation to arrange electronic communications to lodge a matter, within the bounds of their technical, financial and other resources.

28. Belgium

No, for VAJA this is only the end product, a judgement.

For e-deposit this is only a specific entry point (conclusion) in civil cases.

6) Could you give some objective information in this regard (e.g. dates and/or other facts)?

1. Austria

The figures for year 2014 are:

Number of participants: 9000

Total number of e-filings: 4.7 million

Total number of e-deliveries: 7.6 million

Total number of notifications on case numbers assigned: 2.8 million

Total number of all transactions: 15.1 million

In relation the total number of cases for all courts and prosecution offices were 3 million in 2014.

2. Bulgaria

No answer to this particular question.

3. Croatia

No answer to this particular question.

4. Cyprus

No answer to this particular question.

5. Denmark

No answer to this particular question.

6. Estonia

The start of the e-File project was decided by the Government of the Estonia in 2005. The main goal was to merge the information systems of institutions conducting proceedings of court cases, extra-judicial proceedings and pre-trial proceedings into a combined electronic procedural system. Technically, the e-File is a central storage of electronic documents and metadata that is inserted by the users of the information systems of different authorities in justice system. The storage of metadata related to all electronic documents, procedural operations and communication between information systems is the key of the simple electronic information exchange. The Public e-File is a public portal for citizens, to access their court cases, receive documents from court and submit documents to the court. Communication between parties takes place only via the x-road channel (x-road is a secure data exchange infrastructure established and supported by the Republic of Estonia). This ensures security of the data exchange. Public e-File first started in 2008 with the possibility to submit Payment Orders. From 2010 it is possible to see all types of cases and submit documents in them.

7. Hungary

The system started in 2012. During the first year 280020 application were sent, but from the following year to present time the amount of the application almost doubled. In 2014, 555083 application were sent. You can find at the bottom of the document the detailed statistics of the payment order system.

8. Ireland

No answer to this particular question.

9. Italy

(See next point).

10. Malta

N/A

11. The Netherlands

No, not yet.

12. Poland

The XVI th Civil Division of the Lublin Regional Court (now the VI th Civil Division of the Lublin-West Regional Court – in Lublin) was inaugurated on the 4th of January 2010. The Court, known as the electronic court (the e-court), considers cases under electronic writ of payment proceedings (electronic order for payment proceedings) introduced to the Civil Procedure Code in the Act of 9th January 2009 on the Amendment to the Civil Procedure Code and other Acts (as published in the Official Journal in 2009, number 26, item 156).

In:

- 2010 – 690.109,
- 2011 – 1.856.839,
- 2012 – 2.190.794,
- 2013 – 2.730.815,
- 2014 – 1.918.407 claims have been filed with the e-court.

The split for 2014 is 1.646.506 of civil cases, 271.679 of commercial cases and 222 of labour law case.

13. Portugal

Since 5th of January 2009, judicial authorities and the parties are obliged by law to send information electronically (Decree Order n. 114/2008, 6th February).

14. Romania

No answer to this particular question.

15. Slovakia

No answer to this particular question.

16. Spain

- Lexnet began operations in 2004 with the sending of 35,000 messages.
- In 2013 the new system over 43 million annual shipments.
- There have been today more than 150 million shipments.
- They are making 200,000 daily shipments.
- In 2014 the number of users grows to 50,000.
- 2015 is expected to further expand the use (new groups and new functionalities) and support mobile platforms

17. Sweden

The project whereby electronic information flows between some of the authorities in the judicial chain is an ongoing project. However it is already now evident that the case management within the authorities has become more effective. For example the Swedish police has reduced its amount of paperwork, 700 000 preliminary investigation reports are e.g. now sent electronically instead of in paper format.

18. United Kingdom

a. England & Wales

No answer to this particular question.

b. Scotland

ISCJIS is used for example to:

- facilitate the electronic transmission of reports and witness statements from police systems.
- implement technical and operational processes for sending, receiving and receipting these reports and for error/fault handling.
- improve speed and efficiency of information sharing between justice organisations

19. Greece

No answer to this particular question.

20. Germany

For BR the electronic submission of the application by the notaries is mandatory since 1st January 2007.

4.3 m companies are registered.

21. France

In civil matters :

Since 1 September 2011, electronic communication has been obligatory in civil matters before the courts of appeal where notices of appeal and notices of acting by counsel for the respondent are concerned, and since 1 January 2013 for all other acts for cases with mandatory representation.

Since 1 September 2011 and 1 January 2013 respectively, lawyers and the State Counsel's Office must use computerised processes, failing which legal decisions or measures in which they have been involved can be held to be inadmissible.

22. Czech Republic

In the scope of the Ministry of Interior.

23. Luxembourg

N.A.

24. Slovenia

E-filing was introduced in 2008 for enforcement cases based on authentic document, where two filing methods were introduced: e-filing through a web portal and bulk (packet) filing for large creditors using e-filing web services.

E-delivery was introduced in Business register and Insolvency cases in 2009, and later extended to Land register cases in 2011, followed by enforcement in 2014.

25. Latvia

No answer to this particular question.

26. Lithuania

No answer to this particular question.

27. Finland

The e-filing for citizens, companies and lawyers was opened at <https://asiointi.oikeus.fi> in 2010 and the SANTRA system was opened in 1993.

28. Belgium

VAJA is used in court of appeals (civil, criminal and labour). The system is in full operational mode for this tribunals as of 1.7.2014. At this moment there are about 50.000 judgements in the system and more than 200.000 copies are prepared on basis of the information in the system.

e-deposit is just starting up in 1 court. No specific figures yet. The intention is to roll out the e-deposit system to all courts of appeal before 30.06.2015.

7) Is it mandatory for practitioners to use the e-filing & e-delivery system (lawyers, judicial officers, other judicial authorities and, where applicable, notaries)?

1. Austria

Lawyers, notaries, banks, insurance companies, social security institutions and bars are obliged to use the e-filing & e-delivery system.

2. Bulgaria

No answer to this particular question.

3. Croatia

No, this way of communication is an option.

4. Cyprus

No answer to this particular question.

5. Denmark

It is mandatory in land registration cases, but is not mandatory in other cases.

6. Estonia

For contractual representative (lawyer, jurisconsult, procurator), notary, bailiff, trustee in bankruptcy, local self-government and public department it is mandatory (from 01.04.2015) to use the Public e-File. They may use other means only if they have a good reason for that.

7. Hungary

Yes, because this is the obligate way to handle these small claims.

8. Ireland

The system is mandatory for all insolvency cases (received from the Insolvency Service rather than legal practitioners) and for small claims applications (almost exclusively lay litigants). Apart from the Insolvency Service and small claims applications – there is no access to the system by parties external to Courts Service staff.

9. Italy

Since February 2013 it's mandatory to use e-delivery for communications and notifications in all civil cases from courts to lawyers and assessors (including notaries). Since November 2014 it's mandatory also to Public Administrations.

Since July 2014 it's mandatory for lawyers and assessors (including notaries) to e-file all acts and documents (except for introductory acts) in all civil cases in tribunals introduced after that date; since January 2015 it's mandatory even for cases introduced before July 2014.

Starting from July 2015 it will be mandatory also for all civil cases in Courts of Appeals.

Regarding judges, since July 2014 they are obliged to e-file civil injunctions.

10. Malta

No

11. The Netherlands

Yes, it is.

12. Poland

It is mandatory with regard to electronic payment order. The only way to use the electronic payment order platform is the electronic channel.

13. Portugal

Yes, according to Article 144 of the Portuguese Code of Civil Procedure, it is mandatory for practitioners to use the e-filing and e-delivery system in civil proceedings.

However, there are some exceptions (eg. where the parties are not represented by a lawyer, if the annexes are too large and exceed the system capacity or in case of force majeure).

Regarding criminal proceedings, the communication of the sentence through e-filing & e-delivering system, to the prison service, to the probation agency and to the competent court to enforce the penalty, is mandatory, according to Article 35 of Decree Order n. 280/2013, 26th August.

14. Romania

No answer to this particular question.

15. Slovakia

At this point it is not. As of August 2015, when all the legal persons will have created and activated their electronic post-box, they will be obliged to use them and the documents will only be sent to them in electronic form. Natural persons will still have choice whether they want to go electronic or use current system.

16. Spain

Yes, in any case it is on track to realize the mandatory use of the systems

17. Sweden

See question nr 3. Practitioners are not a part of the system.

18. United Kingdom

a. England & Wales

No. It is necessary for those who wish to use CJSM to register. Those who wish to use it have to agree to the terms and conditions, which sets out in great detail the levels of security expected of them.

b. Scotland

The system is used by criminal law authorities in relation to processing criminal cases and is compulsory for them. See questions 1 and 2.

19. Greece

No answer to this particular question.

20. Germany

Yes, it is mandatory for the above mentioned services.

21. France

In civil matters :

Only instructing lawyers are obliged to use computerised means for cases before the court of appeal with mandatory representation.

22. Czech Republic

Not mandatory for practitioners, but for public institutions.

23. Luxembourg

N.A.

24. Slovenia

See under I. Answer 1.

25. Latvia

The system is not required to be used on mandatory basis. It is certainly easier to fill and receive documents electronically but the law does not state that it has to be done electronically.

26. Lithuania

The national law provides that in civil and administrative cases the courts submit pleadings (suits) and other court documents which are dedicated to lawyers, legal assistants, bailiffs, bailiffs' assistants, notaries, state and municipal enterprises, institutions and organizations, financial institutions, insurance companies via the EPP. Accordingly, all those subjects receive documentation which is related to court proceedings' via the e-filing and e-delivery system.

27. Finland

No.

28. Belgium

No.

8) Does the system support structured data and/or unstructured data?

1. Austria

The system supports both structured and unstructured data. Technically the solution is based on Web Service Attachments and therefore any type of data can be transported. Practically XML Files cover the structured part and PDF Docs cover the unstructured part. Electronic applications for national payment orders, European payment orders and national enforcements must be submitted in fully structured way. In other cases at least basic information and parties are submitted structured. Additional documents (pleadings, documentary evidences) are sent as attachment.

2. Bulgaria

-

3. Croatia

System supports structured and unstructured data (scans of contract and other relevant documents).

4. Cyprus

No answer to this particular question.

5. Denmark

The system mainly supports structured data, but it also supports attachments with unstructured data.

6. Estonia

System supports structured data. There are different xml-services for different acts some services allow to add file (pdf, docx etc) information in file is not structured but it is always mandatory to add structured metadata.

7. Hungary

The system supports both types of data. The majority of the data are structured, but the users have the opportunity to add some unstructured data too. As the small claims could be really varied, the users need a platform to describe some specific details, or just add some comments to their cases. We should also mention, that every single application is automatically sent to a notary, thus the decision-making is not automated.

8. Ireland

Yes – structured data is primarily XML via web services, other structured data is enforced using drop down lists, there is limited provision for free text and the system also receives and generates PDF documents.

9. Italy

The system not only supports but pretends structured data for mandatory acts, in order to avoid manual data-entry.

10. Malta

Structured data entered into e-Forms.

11. The Netherlands

Yes, it does.

12. Poland

No answer to this particular question.

13. Portugal

No answer to this particular question.

14. Romania

No answer to this particular question.

15. Slovakia

Some templates allow structured data (for example filling of business register templates - registration, amendment, erasure of data from business register) but annexes to this templates allow only text format.

16. Spain

Yes both

17. Sweden

The system whereby authorities exchange information electronically supports both structured and unstructured data.

18. United Kingdom

a. England & Wales

No answer to this particular question.

b. Scotland

Structured data – follows the standards that are specified

19. Greece

No answer to this particular question

20. Germany

System supports structured and unstructured data (scans of relevant documents).
Electronic applications for payment orders have to be submitted in a fully structured way.

21. France

In civil matters :

Notices of appeal, notices of acting by counsel for the respondent, reservations for interim hearing dates, entries in the list of cases and, shortly, notices of acting by counsel for the defence and applications for orders for payment are structured data retrieved automatically by IT applications with which the courts of appeal, the regional courts and the district courts are equipped.

In criminal matters :

In relation to cross-application exchanges, "structured" data (the identities of respondents, victims, offences classified according to NATINF code, etc.) are exchanged.

22. Czech Republic

No.

23. Luxembourg

N.A.

24. Slovenia

The e-filing system supports structured data, whereas the structure is only exposed in bulk filing (in form of prescribed XML), in individual cases (where the e-filing is performed by using the steps, provided by the web portal) the structure of submissions is internal to the system.

In e-delivery, all messages are structured (following Technical specifications, published by the Supreme Court), using XML.

25. Latvia

Case filings that will be submitted using the newly developed platform will consist of structured data that will be automatically added and saved in Court information system for later processing.

26. Lithuania

The EPP supports structured and unstructured data.

27. Finland

The e-filing web application supports unstructured data, SANTRA system and the enforcement database support only structured data in XML format.

28. Belgium

Yes, there is both structured and unstructured data.

II. SPECIFIC ASPECTS

1) **Do you have a system that provides representatives of the parties with electronic access to:**

a. the procedural documents and/or the case file?

1. Austria

Yes, in civil and enforcement proceedings parties and the representatives have the electronic access to their cases.

2. Bulgaria

Currently we do not have such system.

3. Croatia

No answer to this particular question.

4. Cyprus

No answer to this particular question.

5. Denmark

In general, no such system is accessible. However, an electronic access can be achieved in land registration cases

6. Estonia

Yes, the Public e-File.

7. Hungary

As a general rule it does not, because the judicial proceedings are paper based, but some documents without legally binding force could be sent to the legal representative by email (e.g. records).

Concerning to the payment order system, the representatives are able to reach all the documents online. The Hungarian acts do not order to have a legal representative to start the payment order procedure, but usually the lawyers and attorneys have the technical basis to create an e-signature, so these procedures are mostly initiated by them.

8. Ireland

Essentially no – representatives of the parties have no access for any of the applications except for lay litigants who have access to documents and to case progression information.

9. Italy

Yes.

10. Malta

Copies of court decrees and court transcripts are electronically sent to the lawyers. High level Case information is available online.

11. The Netherlands

Yes.

12. Poland

The electronic payment injunction platform allows for the e-consultation of all documents of the case by the representatives.

13. Portugal

No answer to this particular question.

14. Romania

No answer to this particular question.

15. Slovakia

No answer to this particular question.

16. Spain

Yes, we have them and are called Cases Management Systems (CMS) internally, such as Minerva in the Courts or Fortuny in a PPO (Public prosecutor Offices),...

17. Sweden

No there is no such system in Sweden.

18. United Kingdom

a. England & Wales

No but note our future plans for digital delivery (digital case file and common platform) as outlined above will

b. Scotland

No

19. Greece

No answer to this particular question.

20. Germany

No answer to this particular question.

21. France

In civil matters :

Web services are made available to the National Council of Bar Associations which, on behalf of its members, has developed an interface named "e-barreau" from which lawyers are able to access and view cases they are involved in.

Bailiffs also have an interface named "e-huissiers", from which they are able to formalise their applications for orders for payment, request orders for costs, etc.

22. Czech Republic

No.

23. Luxembourg

NON.

24. Slovenia

Yes

25. Latvia

No answer to this particular question

26. Lithuania

The EPP provides parties and representatives of the parties with access to procedural documents and case files.

27. Finland

No answer to this particular question.

28. Belgium

Only two specific documents at this moment judgement (only internal use) and conclusion for e-deposit). No external consultation yet.

b. a dashboard containing information on current time scales and/or the date set for a hearing and/or the state of the proceedings?

1. Austria

Yes. Those who have electronic access to their cases get this information electronically. Additionally all participants of the e-filing & e-delivery system get summons for adding it into their local calendar.

2. Bulgaria

Currently we do not have such system.

3. Croatia

We do not have a system that provides representatives of the parties electronic access to documents and/or case file nor the dashboard.

But the status of the case is available via web portal (no documents). Access is public and personal data are anonymized. Also data on case status are delivered to personal mailbox on each change of the status (e-Citizen project).

4. Cyprus

No answer to this particular question.

5. Denmark

No such system is available.

6. Estonia

Yes, Public e-File. Timetable of all public hearings are also available in [Riigiteataja](#)

7. Hungary

The system informs the users about the deadlines of the procedure and the orders on deadlines are sent on paper too; moreover the system sends notifications by email about the documents received during the procedures.

8. Ireland

No – while this information is available in the system - as yet there is no integrated dashboard.

9. Italy

The answer is YES to both questions.

Representatives of the parties have on-line access to reliable and up-to-date information handled in the Court Management System and to legal acts and documents stored in the File System. This same service is also available for applications, so that these kinds of users can have their own software automatically synchronize their information and documents with the ones of the courts.

10. Malta

Yes these can be found on the Court's website for Civil Cases and the information includes case status, sitting dates and a verbale (record) of each sitting.

Link: <http://www.justiceservices.gov.mt/courtservices/CivilCases/default.aspx>

11. The Netherlands

Yes.

12. Poland

No answer to this particular question.

13. Portugal

No answer to this particular question.

14. Romania

The courts portal provides access to some case related information. On the portal there are published the number of the file, the name of the parties, the state of the proceedings, the hearings data and the solution /judgement resume.

15. Slovakia

No answer to this particular question.

16. Spain

Yes, we have agendas signaling Courts and agendas of each reservation courtrooms

17. Sweden

No answer to this particular question.

18. United Kingdom

a. England & Wales

No

b. Scotland

No

19. Greece

No

20. Germany

We do not have a system that provides representatives of the parties electronic access to documents and/or case file nor the dashboard.

21. France

In civil matters :

The ability to pre-book interim hearing dates before the regional courts allows lawyers to have access to planned hearings.

22. Czech Republic

Yes, application InfoCourt (<http://infosoud.justice.cz/public/search.jsp>), available in Czech only. Search according to the case number.

23. Luxembourg

NON.

24. Slovenia

Yes

25. Latvia

Currently, after logging into the system at tiesas.lv, participant can see info about the case, its participants, date of receiving, appealation dates, applications, decision texts and audio protocols (if created). Also one can see when the next court session is due – this is also available for non-registered users. The amount of information available depends on the type of participant in a given case.

26. Lithuania

The EPP provides parties and representatives of the parties with access to information about the date set for a hearing and the state of the proceedings related to the cases in which they are participating.

27. Finland

The e-filing web application provides the procedural documents and information on the progress of the proceedings.

28. Belgium

Not yet available.

2) How is access to this information controlled in the case of:

a. a lawyer?

1. Austria

Lawyers must be registered by the clearing houses together with national bar associations and are uniquely authenticated via certificates for access.

2. Bulgaria

No answer to this particular question.

3. Croatia

No answer to this particular question.

4. Cyprus

No answer to this particular question.

5. Denmark

No answer to this particular question.

6. Estonia

Public e-File is *accessible* only via ID-card or MobileID.

7. Hungary

No answer to this particular question.

8. Ireland

n/a – see previous answers

9. Italy

No answer to this particular question.

10. Malta

Basic Information for Civil Cases is available from the Court’s website without the need for authentication. More detailed information requires that the lawyer has registered for the Courts Lawyer services using their e-ID.

11. The Netherlands

A lawyer has to use a identify card for lawyers called “Advocatenpas”. He only has access to the *case* information he is legally entitled to.

12. Poland

No answer to this particular question.

13. Portugal

No answer to this particular question.

14. Romania

No answer to this particular question.

15. Slovakia

No answer to this particular question.

16. Spain

The lawyers can receive notifications with a digital certificate but they can not directly access to CMS

17. Sweden

No answer to this particular question.

18. United Kingdom

a. England & Wales

No answer to this particular question.

b. Scotland

n/a

19. Greece

No answer to this particular question.

20. Germany

No answer to this particular question.

21. France

In civil matters :

Lawyers must be in possession of an authenticator key in order to connect to the "e-barreau" interface.

22. Czech Republic

No answer to this particular question.

23. Luxembourg

N.A.

24. Slovenia

By using web-portal and a valid qualified certificate.

25. Latvia

No answer to this particular question.

26. Lithuania

Lawyer can connect to the EPP and have access to all above mentioned information if he or she represents the party to the proceedings.

27. Finland

The access is based on user identification.

28. Belgium

No electronic consultation at the moment. For the use of e-deposit the lawyers need an eID card.

b. a lawyer working in another Member State?

1. Austria

Our national e-filing & e-delivery system is open for lawyers in other MS as well. He needs to register at one national clearing house beforehand.

2. Bulgaria

No answer to this particular question.

3. Croatia

No answer to this particular question.

4. Cyprus

No answer to this particular question.

5. Denmark

No answer to this particular question.

6. Estonia

Public e-File is accessible only via Estonian ID-card or MobileID.

7. Hungary

No answer to this particular question.

8. Ireland

n/a – see previous answers

9. Italy

No answer to this particular question.

10. Malta

Basic Information for Civil Cases is available from the Court's website without the need for authentication.

11. The Netherlands

A lawyer working in another Member State will, for the short term, not have access to the digital system, as he cannot identify himself electronically with the "Advocatenpas".

12. Poland

No answer to this particular question.

13. Portugal

No answer to this particular question.

14. Romania

No answer to this particular question.

15. Slovakia

No answer to this particular question.

16. Spain

They can not accessed

17. Sweden

No answer to this particular question.

18. United Kingdom

a. England & Wales

No answer to this particular question.

b. Scotland

n/a

19. Greece

No answer to this particular question.

20. Germany

No answer to this particular question.

21. France

In civil matters :

Lawyers are registered at one bar only. It is the attachment to a bar which affords them the possibility of communicating with courts in whose jurisdiction that bar is located.

The regional court is itself within the jurisdiction of the court of appeal; this is the court before which the lawyer can appear.

The development of electronic communication is therefore geographically limited.

22. Czech Republic

No answer to this particular question.

23. Luxembourg

N.A.

24. Slovenia

Currently, only qualified digital certificates, issued by Slovenian CA`s are recognised by the system.

25. Latvia

No answer to this particular question.

26. Lithuania

Lawyer working in another Member State can have access to all information related to the case if he or she has a specific connection data issued by the court and if he or she represents the party to the proceedings.

27. Finland

The access is based on user identification.

28. Belgium

Lawyers in another member state can as an electronic identity card for non-residents.

c. another court (e.g. when a judgment is appealed)?

1. Austria

The content of each case including judgements is stored in the national court automation system and can be viewed by officials from every other national court under the condition that a lawful interest is indicated.

2. Bulgaria

No answer to this particular question.

3. Croatia

No answer to this particular question.

4. Cyprus

No answer to this particular question.

5. Denmark

a), b) and c): As mentioned above, there is only a system of electronic access in place regarding land registration cases and access requires a national digital signature.

6. Estonia

Courts can access the information through the Court Information System with password or ID card

7. Hungary

No answer to this particular question.

8. Ireland

This is currently being discussed between the business owners in the various jurisdictions and agreed protocol *is* expected shortly.

9. Italy

The access is controlled through the unique code assigned to each individual in Italy. This code must be correctly present in the information related to the proceeding in the Case Management System to which the external user wants to have access.

Since the code is *an* Italian feature, right now it's not possible for a lawyer working in another Member State to have access.

10. Malta

The same system is used by the different Courts therefore the information is inherently available to other Courts.

11. The Netherlands

When a judgement is *appealed*, the case file will be sent to another court automatically.

12. Poland

No answer to this particular question.

13. Portugal

No answer to this particular question.

14. Romania

All the information *is* public. It can be accessed consulting the courts portal.

15. Slovakia

No answer to this particular question.

16. Spain

No specific cases *could* access other courts or institutions as PPO

17. Sweden

No answer to this particular question.

18. United Kingdom

a. England & Wales

No answer to this particular question.

b. Scotland

n/a

19. Greece

No answer to this particular question

20. Germany

No answer to this particular question.

21. France

In civil matters :

No access.

22. Czech Republic

Applications InfoCourt, InfoDesk are available publicly, no authentication used/needed.

23. Luxembourg

N.A.

24. Slovenia

National courts have access to centralised case management systems.

25. Latvia

A lawyer (has to be registered as such in Court information system) can access the system using eID card, internet banking authentication or username and password which are issued by Court administration. Additionally from information available for all users there is also a Lawyer's calendar available – it allows for a lawyer to inform the court of his schedule regarding court proceedings or other matters. If lawyer works from another country then if he/she wants to apply using this status for access in Court information system he/she has to have a permit that allows to practice in Latvia. Courts access case files physically – they are sent from lower instance courts and also available electronically in Court information system.

26. Lithuania

All courts of the Republic of Lithuania have access to all information concerning cases in courts using the specific Lithuanian Court Information System "LITEKO".

27. Finland

The access is controlled by user rights management in the case management systems and by the Act on the National Information System of the Judiciary (372/2010).

28. Belgium

NA, the two systems are introduced in the court of appeal and not in the other courts.

3) What are the technical conditions for such access?

1. Austria

Access to the national *court* automation system and the lawful interest for the access itself is logged in the case and visible.

2. Bulgaria

No answer to this particular question.

3. Croatia

No answer to this particular question.

4. Cyprus

No answer to this particular question.

5. Denmark

Please see *above* under point II, 2).

6. Estonia

Computer (or *tablet* or mobile phone) with Internet access, ID-card reader and ID-card or mobile-ID (foreign citizens can also apply for Estonian ID-card)

7. Hungary

The future user must possess a secure-signature-creation device and a special identification card for *certification* to be able to create qualified e-signature and time marker.

8. Ireland

n/a – see *previous* answers

9. Italy

(See answer to point 4 of “General Aspects”, section starting with “Synchronous services”).

10. Malta

Basic information: None

Restricted information: User must have a valid e-ID and be registered as a lawyer with the Courts of Malta.

11. The Netherlands

See the answer to *question 3*, General aspects. The authentication methods allowed, require a STORK 2/3 level.

12. Poland

No answer to this particular question.

13. Portugal

No answer to this particular question.

14. Romania

The internet access is needed.

15. Slovakia

No answer to this particular question.

16. Spain

Digital certificate

17. Sweden

No answer to this particular question.

18. United Kingdom

a. England & Wales

No answer to this particular question.

b. Scotland

See question 4

19. Greece

No answer to this particular question.

20. Germany

No answer to this particular question.

21. France

In civil matters :

In relation to lawyers, the National Council of Bar Associations has developed a virtual private network for law practices (RPVA). The data are then transferred from the RPVA to the RPVJ (virtual private network for courts).

In relation to bailiffs, the national chamber has developed a virtual private network (RPSH) which communicates with the RPVJ.

22. Czech Republic

Web interface at the national justice website <http://infosoud.justice.cz/public/search.jsp>

23. Luxembourg

N.A.

24. Slovenia

Use a newer web browser for accessing the e-Courts web portal and a valid qualified digital certificate for authentication/authorisation.

25. Latvia

No answer to this particular question.

26. Lithuania

Parties to the proceedings and their representatives (e.g. lawyer) are enabled to connect to EPP using options mentioned above in answer No. 4 and can have access to all information related to the cases in which they are participating.

27. Finland

There are no specific technical conditions.

28. Belgium

e-deposit : eID card

VAJA : access to the business application (only for internal use at this moment)

4) Are certain types of documents excluded from electronic consultation, e.g. because they are confidential or sensitive or because of the nature of the document?

1. Austria

Sensitive *documents* can be technically blocked by the official competent for the case.

2. Bulgaria

No answer to this particular question.

3. Croatia

No answer to this particular question.

4. Cyprus

No answer to this particular question.

5. Denmark

Not in regard to *e-filing*/land registration cases.

In general, the *majority* of documents can be exchanged electronically, but not via an e-filing system or an e-delivery system. Encrypted mail must be used if a document contains sensitive or confidential information. However, in the majority of enforcement cases the original documents with handwritten signature are still required and can therefore not be exchanged electronically.

6. Estonia

It is prohibited to *submit* documents that include confidential information (for example about adoption and state secret) through Public e-File.

7. Hungary

No, there is not. As *the* system is a closed, the uploaded documents could be shown only by the parties or their legal representatives.

Payment order system	2010.	2011.	2012.	2013.	2014.	TOTAL
Application	280020	549737	549897	551549	555083	2486286
Injunction	280696	553392	560472	568212	569208	2531980
Abandonment	20	328	167	175	144	834
Rejection	2090	27237	26236	26506	24174	106243
Contradiction	11296	39769	38746	41220	38570	169601
Requests for execution order	9600	203906	345112	418450	391201	1368269
Executable documents	9240	200633	336161	409651	378328	1334013
Lawsuit	5496	37119	36582	38714	36273	154184

8. Ireland

n/a – see previous answers

9. Italy

Visibility of documents *depend* on the role of the user who asks for consultation and on the nature of the document.

10. Malta

Information related to sensitive cases such as Family Court Cases and minors are either restricted or anonymised.

11. The Netherlands

Yes. The judge can make the *decision* that some documents are excluded from electronic consultation. Parties that submit these documents can request the judge to make this decision.

12. Poland

No answer to this particular question.

13. Portugal

No answer to this particular question.

14. Romania

If the file is confidential the files related data are not published on the courts portal.

15. Slovakia

Currently, there is not such a system in place in the Slovak Republic. However, these issues are to be addressed under a project „Electronic case file“ which is in a preparation stage.

16. Spain

There is no limitation to access the staff of the Courts

17. Sweden

No answer to this particular question.

18. United Kingdom

a. England & Wales

No answer to this particular question.

b. Scotland

See previous answers as to the types of information shared.

19. Greece

No answer to this particular question.

20. Germany

No answer to this particular question.

21. France

In civil matters :

To access and view the cases contained in the lawyers' e-barreau interface, lawyers must be in possession of the information required to allow such access. However, the entirety of the data recorded in the applications with which the courts of appeal and the regional courts are equipped are available in this interface.

22. Czech Republic

Only information on stage and date of the hearing available, not documents.

23. Luxembourg

N.A.

24. Slovenia

Yes, depending on the procedure and the respective laws.

25. Latvia

Regulations currently do not determine documents that can't be submitted electronically due to their sensitive or confidential nature. Of course there are such documents but there are no restrictions imposed.

26. Lithuania

Parties to the proceedings can deliver all types of documents to the court using the EPP. Currently, there are no certain types of documents excluded from the electronic usage. However, there are some tools which help to ensure privacy of parties to the proceedings. The court can mark a document in the Lithuanian Court Information System "LITEKO" as confidential and after that parties to the proceedings can't access it.

27. Finland

Not automatically, but the access to the documents is defined by the Act on the National Information System of the Judiciary (372/2010).

28. Belgium

No electronic consultation yet.

The answers received will be compiled in a common document to be submitted to the joint cooperation meeting to be held in June 2015 with the judiciary and relevant legal practitioners.
