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**CONSEIL CONSULTATIF DE JUGES EUROPEENS  
CONSULTATIVE COUNCIL OF EUROPEAN JUDGES  
(CCJE)**

**Questionnaire sur la dématérialisation du processus judiciaire et  
l'utilisation des nouvelles technologies par les juges  
et le personnel des tribunaux**

**Questionnaire on the non-materialisation of the judicial process  
and the use of it by judges and court staff**

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# Albania

## 1. Access to courts

Legal proceedings may not be instigated by electronic means.

## 2. Procedure within courts

The court communicate with the parties by traditional means.

Specific electronic means don't exist for the communication between lawyers and courts.

Electronic files don't exist.

## 3. Oral hearing

The draft decision written by the rapporteur and personal notes are accessible for judges in computer, but only in some courts.

The complete file, which is not in an electronic form, is accessible for the parties' lawyers during the hearing.

Technical equipment has been installed in some courts enabling to project documents on screens visible to judges, parties and audience.

Oral hearings are audio or video recorded only in some courts.

Video conference is used in public hearing, but only in the Serious Crimes Court, for the hearing of witnesses, including those who are provided for protection in an official proceeding concerning an organized criminal activity or other serious offense, and for the hearing of experts. It's foreseen by Penal Procedure Code, articles 361/7, 361/a/1, 363/3.

Courts that are equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings.

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 4. Information services for judges

There are central databases accessible for judges containing:

Database run by State	Database run by European Center
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input checked="" type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

## **5. Practical court work**

It's the work of the court staff to write, deliver and register the documents.

Judges write their decisions themselves on their computer.

In drafting a judicial decision a judge should bear in mind his/her constitutional and legal obligations. Thus, the legal framework provides for some guidelines that must be followed from judges in drafting the decision.

Courts at all level have established a unified practice in drafting legal decisions, based on international recommendations and the legal framework.

Every judge should follow the relevant model during the drafting process of a decision.

They can use structure or model of decision available in a database.

Modern technology is not used to monitor the length of proceedings, but only for case flow management within the court.

Yes, there are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. Under the Law "On Organization of the Judicial Power in the Republic of Albania", High Council of Justice can use the relevant data which serve to the evaluation system of judges and knowing their work load and efficiency.

## **6. Internet**

Internet is accessible for each judge in his/her office and this access is not limited.

Most of district courts, court of appeals and the High Court of Albania do have their own website. The content of the website includes generally lawsuits or hearings pending, the calendar of trials or hearings, decisions or judgments released by the law court, providing for the easy way how to find and get them, assistance to public providing for helpful and useful information on court proceedings and case management, how to contact the respective law court. It also includes publications and periodicals, a photo and video gallery and announcements on court activities.

## **7. Use of private personal computers/laptops by judges and court staff**

A judge may use his private PC/laptop for professional purposes at home or on the way home and back.

Usually, e-mails may not be sent from the court to a judge's private e-mail address and vice versa containing professional information, because it requires special technical safeguards, that the court doesn't provide for. The situation is the same for all court staff.

## **8. Use of data**

The data contained in the procedure is also used for statistics by the chief- judge and High Council of Justice.

It's the court staff or inspectors of the High Council of Justice who produces those statistics.

## **9. Data security**

There are requirements applicable to processing data in courts. Under the laws "On the Right to Information on Official Documents" and "On Personal Data Protection" there are rules on access to data by the person concerned or other persons/institutions.

There is not a special Data Protection Commissioner in each court or a judge, who is dealt with IT at the Judiciary. This additional task is covered by chief administrator, who is called chancellor.

## **10. Participation of judges**

Judges are implicated in the relevant decisions concerning the implementation of IT in courts. Under the relevant law, it's the Board of the Office for Administering Judicial Budget which decides about the electronic infrastructure of a court. This board is composed of four chief-judges of district courts , of two chief-judges of courts of appeal, of one Justice of the High Court, of the Chief-Justice of the High Court and of one representative of the Ministry of Justice.

## **11. Conclusion**

We think, there is a big advantage of the development of IT in courts regarding efficiency of judges in administration of justice, on one hand, and the cost of time and money that parties spend on instigating legal proceedings and during the whole procedure followed by the court, on the other. So, judges, the court staff, parties or their lawyers, witnesses, experts, journalists and everyone who is concerned can save much time under those circumstances of the electronic infrastructure of a court.

It also helps to save some considerable space in the premises of courts and to use it for different purposes. As for any of disadvantages of the development of IT in courts we think, those can be faced with special regulations and safeguards.

# AUSTRIA

## 1. Access to courts

- a) May legal proceedings be instigated by electronic means?  
YES
- b) Is there relevant legislation?  
YES, THERE IS
- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

**there are special providers, which have been licensed by the ministry of justice. if one has the technical facilities and pay a certain fee; you can use this way to instigate a proceeding. it is mandatory for lawyers to use this way of instigating a proceeding.**

- d) To what extent are legal proceedings instigated by electronic means in practice?  
**due to the fact that most of the proceedings are instigated by lawyers or other professional clients the percentage is very high**

## 2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?  
**no there is no difference, except of the fact that distribution to other parties of the case is easier, and the production of payment order is automatically done and needs only to be examined and signed by the judge**
- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?  
**yes it differs. payment orders in civil cases and initial orders in the enforcement procedure are very much supported by routines of the computer. in other cases the main follow up by use of it is to register the case and its development, to store some documents belonging to the case and to use a central post-delivery unit (used for summons and several court decisions).**
- c) How does the court communicate with the parties:

With parties who use electronic means themselves:	With other parties:
<input type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input checked="" type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

- d) Do specific electronic means exist for the communication between lawyers and courts? Please specify.  
**for lawyers it is mandatory to use electronic means (see above 1 c)**
- e) Do electronic files exist?  
**no, with the exception of files for the register of commercial enterprises and at the public prosecutors offices for small claims against unidentified suspects both are very short time procedure therefore all the questions raised under f) to j) do not apply.**

- f) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?
- g) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?
- h) Must paper documents be kept? If yes, how long?
- i) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?
- j) Do parties have access to the complete court file:
- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

- k) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?  
**yes after registration they get a code of access to their file.**
- l) Is the access to electronic files within the court regulated? Please specify.  
**if the judge in charge of the case does not limit the access to the file everybody within the courtsystem has access to every file**
- m) Have judges/court staff access:

Judges		Court staff	
<input checked="" type="checkbox"/>	to all court files?	<input checked="" type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

- a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?  
**no**
- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?  
**no, (with the exception of some very extended cases where special equipment was asked for by the judge and provided by the ministry)**
- c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?  
**no**
- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?  
**in some courts**
- e) Are oral hearings audio or video recorded?  
**in civil and in most of the criminal cases (with the exception of the most serious one) it is possible that the judge summarizes the hearing including the testimonies by dictating it on an audio-tape.**
- f) Is video conference in public hearing used:
- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.



**the civil procedural code as well as the criminal procedural code provide the possibility to use video conference facilities. it is up to the court to decide if the person is examined at the court or by video conference. in some cases the consent of the parties is needed.**

- g) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.

**publishing houses specialised on judicial matters; social security agency**

#### 5. Practical court work

- a) What is the work of the judge:

- in writing the documents?

**it is up to the judge how he/she files documents: the traditional way is that the judge dictates the decision on a tape; which afterwards is transferred into a written document by the staff: if there is something to be corrected it is either done by the judge directly or on his/her order by the staff. more and more judges write the whole or essential parts of the decision by themselves: one of the reasons is that there is no staff available to do the work as speedy as necessary**

in delivering the documents?

The judges orders which document is delivered to whom. The delivering is done by the staff normally using the post sometimes directly by the staff (executive officers)

- in registering the documents?

- There is no task of the judge in registering the documents but he/she is to a certain degree responsibly if the registration is correct.

- b) What is the work of the court staff:

- in writing the documents?

- **it is task of the staff to write the documents as it is ordered (dictated) by the judge**
- in delivering the documents?  
**the staff organizes the delivering of the document, which is normally done by a central post delivery unit, to which the documents are transferred by it or in cases of utmost urgency if ordered so by the judge delivered by executive officers, who belong to the staff**
- in registering the documents?  
**it is task of the staff to register the documents**
- c) Is there enough staff to do this work? Please specify.  
**there should be more staff in times, when there is more work than usual and when not everybody is in work (holidays, illness)**
- d) Do judges write their decisions themselves on their computer?  
**see lit a)**
- e) Do judges use specific techniques (e.g. voice recognition, structure or model of decision available in a database)? Please specify.  
**some judges use voice recognition; there are some forms available, which could be used for very simple decisions (e.g. transferring a file to another court, which has jurisdiction on the case; fixing the costs of an interpreter) but not for judgements. but many judges create their own set of texts, which they can incorporate in similar decisions.**
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (e.g. alert system)?  
**yes; there is a list of pending decisions every month, and a list of all cases pending more than half a year once a year.**
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify  
**such data could be produced easily but in order to omit undue influence these statistics are published on the level of courts only not on the level of the individual judge.**

## 6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.  
**there is internet access for each judge; there are certain sites where the judge has to identify the reason, why he/she uses this site (e.g. sites the content of which is classified as entertainment; pornographic; drugs; facebook)**
- b) Do all courts have their own website? Please specify which court and the content of the website.  
**no there is only a website run by the ministry of justice and another run by the supreme court, the content of which includes the presentation of the court and its members and some press releases concerning recent decisions of or events at the court.**

## 7. Use of private personal computers/laptops by judges and court staff

- a) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **there is no explicit rule: some persons are equipped with laptops by the ministry (e.g. executive officers, judges of the supreme court, court inspectors) these are provided with direct access to the internal network: they should not use these computers for other applications:**
- b) May e-mails be sent from the court to a judge's private e-mail address and vice versa containing professional information ?  
**there is no rule**
- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.  
**see b)**
- d) Is the situation the same for all court staff?  
**yes but see a) and b)**

## 8. Use of data

- e) Is the data contained in the procedure used for another aim than the procedure itself?  
**some of this information is used for statistical purposes**
- f) Is this data used for statistics?  
**yes**
- g) If yes:  
- who produces these statistics?  
**the statistics are produced by the ministry of justice. most of them are an automatic outcome of different computer routines**  
- how and by whom are these statistics used?  
**most are used inside the justice system by those who are responsible of the management (ministry of justice; presidents pf court; personalsenate, which is a body responsible for the distribution of cases); some are also used for general statistics on the justice system which every year is part of the statstical handbook produced by the central statistical office of the republic or by the parlament which requests a report on the impact of a new law.**

## 9. Data security

- a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?
- Yes  
 No
- b) If yes, are there requirements applicable to processing data in courts?
- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.
- c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?  
**there is a special task of the supreme court to decide on data protection issues in the justice system. there have been some cases. there is on data protection commissioner at each court.**
- d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?  
**see above c)**

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

**the decisioins on the electronic infrastructur are very much centralized. most aspects are decided by the ministry of justice, some minor questions are decided by the presidents of the four oberlandesgerichte. there is no effective involmment of other judges.**

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

# Azerbaijan

## Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges/court staff

### 1. Access to courts

- e) May legal proceedings be instigated by electronic means? **No.**
- f) Is there relevant legislation? **No.**
- g) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)
- The parties must submit the claim with a qualified electronic signature
  - The parties must fill in a downloadable form to be submitted electronically
  - Other, please specify. **Parties must send electronically signed documents by e-mail.**
- h) To what extent are legal proceedings instigated by electronic means in practice? **We are started implementing DMS and CMS**

### 2. Procedure within courts

- n) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? **May be similar.**
- o) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? **Yes**
- p) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

- q) Do specific electronic means exist for the communication between lawyers and courts? Please specify. **No.**
- r) Do electronic files exist? **Yes**  
 - If an electronic file exist, is there a paper file as well? **Yes**  
 - If both exist, which is the "authentic" file? **Paper.**
- s) If yes, is there relevant legislation? **Yes**
- t) What are the main requirements with respect to electronic files? **Files will have electronic signature and standard form.**
- u) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? **Not yet for today.**
- v) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?
- w) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? **Documents will be accepted by courts and transferring to electronic format.**
- x) Must paper documents be kept? If yes, how long? **Yes. Depending on regulations.**

y) What is the procedure when a judge's or court clerk's hand signature is prescribed? **DHand signature must be approved by stamp.**  
Does digital signature exist? **No.**

z) Do parties have access to the complete court file:  
 Yes, always  
 Yes, but only with specific conditions  
 No

Please indicate, if appropriate, the relevant legislation.

aa) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **No.**

bb) Is the access to electronic files within the court regulated? Please specify. **By login and password within his jurisdiction.**

cc) Have judges/court staff access:

Judges		Court staff	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

h) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **Yes.**

i) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **Yes.**

j) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **No.**

k) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **No.**

l) Are oral hearings audio or video recorded? **Yes.**

m) Is video conference in public hearing used:  
 for the hearing of witnesses?  
 for the hearing of experts?  
 for the hearing of parties?  
 other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

n) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings? **While only Supreme Court has. In nearest future all other courts will have to.**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.

#### 5. Practical court work

- h) What is the work of the judge:
- in writing the documents? **Yes.**
  - in delivering the documents? **Yes.**
  - in registering the documents?
- i) What is the work of the court staff:
- in writing the documents? **Yes.**
  - in delivering the documents? **Yes.**
  - in registering the documents? **Yes.**
- j) Is there enough staff to do this work? Please specify. **Yes.**
- k) Do judges write their decisions themselves on their computer? **Yes.**
- l) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No.**
- m) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **Yes. Only in Supreme Court.**
- n) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify **Yes. For statistics, for search**

#### 6. Internet

- c) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. **Yes. Unlimited access.**
- d) Do all courts have their own website? Please specify which court and the content of the website. **No.**

#### 7. Use of private personal computers/laptops by judges and court staff

- h) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **Yes.**
- i) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **Yes.**
- j) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. **No.**

k) Is the situation the same for all court staff? **Yes.**

## 8. Use of data

l) Is the data contained in the procedure used for another aim than the procedure itself? **Yes.**

m) Is this data used for statistics? **Yes.**

n) If yes:

- who produces these statistics? **Department of generalization of judicial practice and statistics.**

- how and by whom are these statistics used? **Chairman, head of departments, other government bodies. For control and other aims. On paper or electronic format.**

## 9. Data security

e) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

f) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

g) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? **No.**

h) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? **No.**

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts? **Administration of courts, Ministry of justice. Yes judges implicated.**

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**Advantages of the development of IT in courts:**

**Accelerate the process of consideration of the cases in courts;**

**Simplify the work of judges and court employees;**

**Simplify the filing to the court by citizens;**

**Will enable to the parties operate and simply manner to obtain full information regarding the current status of the case;**

**Strengthen control over court proceedings;**

**Increase citizens' confidence to the courts;**

**Ets.**

# Belgique

## 1. Accès aux tribunaux

- i) Les procédures judiciaires peuvent-elles être initiées par des moyens électroniques ?

*A ce jour, pas encore.*

- j) Existe-t-il une législation en la matière ?

*La Belgique a adopté depuis 2005 plusieurs textes législatifs relatifs à la procédure par voie électronique, notamment la « Loi du 10 août 2005 instituant le système d'information Phénix », la « Loi du 10 juillet 2006 relative à la procédure par voie électronique » et la « Loi du 5 août 2006 modifiant certaines dispositions du Code judiciaire en vue de la procédure par voie électronique »*

*La loi instituant le système d'information Phénix règle notamment la gestion et la conservation électroniques des dossiers judiciaires, la banque de données de jurisprudence et l'aide à la gestion et à l'administration des institutions judiciaires. Certains aspects de cette loi sont déjà entrés en vigueur, notamment la banque de données de jurisprudence. Le but est d'aboutir à terme à un système de procédure électronique totalement intégré entre les différents degrés de juridiction. En matière pénale, ce système devrait permettre notamment des interconnexions entre les services du parquet et des tribunaux (transfert des dossiers pénaux, des actes de procédure vers les tribunaux etc.).*

*Malheureusement, à l'exception de la banque de données de jurisprudence, l'entrée en vigueur de cette législation et la prise des mesures d'exécution sont régulièrement reportées. La cause en est que l'infrastructure informatique est à ce point complexe, qu'elle n'a, à ce jour, pas encore pu être mise au point. Toutefois, des projets pilotes sont mis sur pied dans plusieurs cours et tribunaux afin de mettre au point un nouveau système informatique appelé à être applicable sur le plan national..*

- k) Quelles sont les exigences principales permettant d'initier une procédure judiciaire par moyen électronique ? (plusieurs choix possibles).

*Dès lors que la procédure par voie électronique n'est, à ce jour, pas encore possible, la question est sans objet.*

- Les parties doivent soumettre leur demande avec une signature électronique
- Les parties doivent remplir un formulaire téléchargeable et le soumettre électroniquement
- Autre. Veuillez spécifier.

- l) En pratique, dans quelle mesure les procédures judiciaires sont-elles initiées par des moyens électroniques ?

*A ce jour, d'aucune manière.*

## 2. Procédure devant les tribunaux

- dd) Une fois la demande faite électroniquement, la procédure diffère-t-elle de la procédure traditionnelle ?

*Dès lors que la procédure par voie électronique n'est, à ce jour, pas encore possible, la question est sans objet.*

- ee) La procédure électronique diffère-t-elle en fonction du type d'affaires (civiles, pénales, administratives, etc.)



*Dès lors que la procédure par voie électronique n'est, à ce jour, pas encore possible, la question est sans objet.*

ff) Comment le tribunal communique-t-il avec les parties :

<i>Avec les parties qui utilisent elles-mêmes des moyens électroniques :</i>	<i>Avec les autres parties :</i>
<input checked="" type="checkbox"/> <b>par des moyens traditionnels.</b>	<input checked="" type="checkbox"/> <b>par des moyens traditionnels.</b>
<input type="checkbox"/> en utilisant les moyens de communication électronique ?	<input type="checkbox"/> en utilisant les moyens de communication électronique ?
<input type="checkbox"/> les deux ?	<input type="checkbox"/> les deux ?

gg) Existe-t-il des moyens électroniques spécifiques de communication entre les avocats et les tribunaux ? Veuillez préciser.

*Il n'existe pas de moyen spécifique. Il est cependant courant que certaines communications se fassent par voie électronique (courriel, télécopie).*

hh) Est-ce qu'il existe des dossiers électroniques ?

*Non !*

- Si un dossier électronique existe, existe-t-il également un dossier papier ?
- Si les deux existent, lequel est le dossier « authentique » ?

ii) Le cas échéant, existe-t-il une législation en la matière ?

*Voir ce qui est dit dans la réponse à la question 1. b).*

jj) Quelles sont les principales exigences concernant les dossiers électroniques ?

*Dès lors que la procédure par voie électronique n'est, à ce jour, pas encore possible, la question est sans objet.*

kk) Existe-t-il une réglementation et des protections spécifiques concernant les dossiers électroniques contenant des informations sensibles (par ex. sur la santé, sur les services secrets, etc.) ?

*Dès lors que la procédure par voie électronique n'est, à ce jour, pas encore possible, la question est sans objet.*

ll) Que se passe-t-il lorsque l'authenticité d'un document électronique est mise en doute/controversée par une partie ?

*Dès lors que la procédure par voie électronique n'est, à ce jour, pas encore possible, la question est sans objet.*

mm) Quelle est la procédure utilisée par les parties et le tribunal si une partie veut soumettre un document qui **n'est pas** sous la forme électronique (document papier par ex.) ?

*Dans l'état actuel de la législation en vigueur, tous les documents sont déposés au dossier de la procédure sous forme papier.*

nn) Les documents "papier" doivent-ils être conservés ? Le cas échéant, combien de temps ?

*Ils doivent être conservés et ce, en principe, pendant 30 ans.*

oo) Quelle est la procédure lorsque la signature manuelle d'un juge ou d'un greffier est requise ? La signature électronique existe-t-elle ?

*Dans l'état actuel de la législation en vigueur, toute signature du juge et du greffier est manuscrite.*

pp) Les parties ont-ils accès au dossier judiciaire complet :

- Oui, toujours.**  
 Oui, mais sous certaines conditions  
 Non

Veillez préciser le cas échéant la réglementation en vigueur.

*La législation prévoit que toute partie peut avoir accès au dossier de la procédure au greffe.*

qq) Les parties ou leurs avocats ont-ils la possibilité de suivre l'état de la procédure via internet (sécurisé) ?

*C'est possible dans certaines juridictions pilotes et pour les autres, les systèmes permettant cette possibilité sont en préparation.*

rr) L'accès du personnel judiciaire aux dossiers électroniques est-il réglementé? Veuillez préciser.

*Dès lors que la procédure par voie électronique n'est, à ce jour, pas encore possible, la question est sans objet.*

ss) Accès aux dossiers par les juges et le personnel des tribunaux :

Juges :	Personnel des tribunaux :
<input type="checkbox"/> à tous les dossiers ?	<input type="checkbox"/> à tous les dossiers ?
<input checked="" type="checkbox"/> <b>uniquement aux dossiers entrant dans leur compétence.</b>	<input checked="" type="checkbox"/> <b>uniquement aux dossiers entrant dans leur compétence.</b>

### 3. Les audiences

o) Existe-t-il des audiences utilisant des moyens électroniques (par ex. les juges ont les dossiers électroniques sur un ordinateur) ?

*Normalement non. Les seuls moyens électroniques à l'audience sont les ordinateurs utilisés par le greffier en vue d'établir le procès-verbal d'audience ou pour établir certains documents. Il peut arriver que ces ordinateurs soient reliés par Internet aux bases de données électroniques.*

p) Les expertises, les projets de décisions rédigées par le rapporteur ou les notes personnelles sont-elles accessibles aux juges sur leurs ordinateurs portables?

*Actuellement, quasiment tous les projets de jugements sont rédigés par voie électronique et communiqués entre collègues par cette même voie.*

*Quant aux expertises, il est possible qu'elles soient adressées au greffe et aux parties par voie électronique, mais pour être valables, elles doivent être déposées au dossier de la procédure en original sous forme papier portant la signature manuscrite de l'expert.*

q) Le dossier complet est-il accessible par les parties et les avocats pendant les audiences (également sur ordinateur portable)?

*Oui, mais par consultation au greffe. En effet, il n'y a pas de dossier électronique. Il est par contre fréquent que les parties ou leurs avocats s'échangent les pièces et actes qu'elles ont établis par voie électronique.*

r) Un équipement technique a-t-il été installé dans les tribunaux pour permettre de projeter sur écran des documents visibles par les juges, les parties et le public?

*Dans certains cas, oui (devant les cours d'assises, notamment), mais ce n'est pas la règle générale.*

s) Les audiences sont-elles enregistrées (audio ou vidéo)?

*Non.*

t) L'audience publique peut-elle être complètement ou partiellement remplacée par une vidéo-conférence? Veuillez décrire la pratique?

*Il existe certains projets pilotes. C'est le cas lorsque la juridiction est géographiquement éloignée de l'endroit où habitent les parties et leurs avocats. La vidéo-conférence permet de filmer le juge qui tient son audience publique dans une salle d'audience et de filmer en même temps les avocats et les parties qui se trouvent à distance dans un lieu également public. Chacun peut ainsi suivre les actes de l'autre en temps réel et les débats se déroulent de cette manière.*

u) L'utilisation de la vidéo-conférence est-elle réglementée?

*Non !*

v) Si possible, veuillez préciser combien de tribunaux sont équipés de moyens électronique appropriés et suffisants pour assister les juges, les greffiers et les parties durant les audiences?

	100% des tribunaux	+50% des tribunaux	-50% des tribunaux	-10% des tribunaux
Accès aux dossiers électroniques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Base de données électroniques pour la jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ecran et projecteurs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Accès à internet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vidéo-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Enregistrement vidéo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Enregistrement audio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Services d'information pour les juges

Existe-t-il, au niveau central, des bases de données accessibles au juge :

<i>Base gérée par l'Etat</i>	<i>Base gérée par une institution privée</i>
<input checked="" type="checkbox"/> <b>Législation nationale</b>	<input checked="" type="checkbox"/> <b>Législation nationale</b>
<input checked="" type="checkbox"/> <b>Législation européenne</b>	<input checked="" type="checkbox"/> <b>Législation européenne</b>
<input checked="" type="checkbox"/> <b>Jurisprudence nationale</b>	<input checked="" type="checkbox"/> <b>Jurisprudence nationale</b>
<input type="checkbox"/> Jurisprudence internationale	<input checked="" type="checkbox"/> <b>Jurisprudence internationale</b>
<input type="checkbox"/> Articles juridiques	<input checked="" type="checkbox"/> <b>Articles juridiques</b>

Veuillez préciser, le cas échéant, l'institution privée.

## 5. Travail pratique dans les tribunaux

o) En quoi consiste le travail du juge :

- **dans la rédaction des documents ? oui.**
- dans la transmission des documents ?
- dans l'enregistrement des documents ?

p) En quoi consiste le travail du personnel du tribunal :

- **dans la rédaction des documents ? non**
- **dans la transmission des documents ? oui**
- **dans l'enregistrement des documents ? oui** (on présume qu'il faut entendre par « enregistrement » la conservation des actes et pièces de procédure)

q) Y-a-t-il assez de personnel pour accomplir ces tâches ? Veuillez préciser.

*Non.*

r) Les juges rédigent-ils eux-mêmes leurs décisions sur leur ordinateur ?

*C'est le cas de la toute grande majorité d'entre eux.*

s) Les juges utilisent-ils des techniques spécifiques telles que: reconnaissance vocale, structure ou modèle de décision disponible sur les bases de données? Veuillez préciser.

*Lorsqu'ils le font, c'est une initiative personnelle de leur part. La plupart des juges ont leurs propres modèles ou des modèles en vigueur dans leur juridiction qui sont conservés dans leur propre base de données.*

t) Les nouvelles technologies sont-elles utilisées pour surveiller la durée des procédures et la gestion du flux des affaires au sein des tribunaux (système d'alerte par exemple) ?

*C'est actuellement le cas. Cela sert de système d'alerte.*

u) Les données concernant le travail effectué par chaque juge sont-elles rassemblées dans une base de données susceptible d'être utilisée pour des statistiques, pour des évaluations, etc. ? Veuillez préciser.

*C'est en partie le cas. Il est tenu pour chaque juge des statistiques sur le nombre d'affaires attribuées et le nombre de décisions rendues. Ces statistiques sont conservées dans des bases de données tenues au sein de la juridiction dont il fait partie et peuvent servir pour ses évaluations périodiques.*

## 6. Internet

e) Le juge a-t-il accès à internet depuis son bureau ? Cet accès est-il limité ? Veuillez préciser.

*Oui.*

f) Les tribunaux disposent-ils tous de leur propre site internet ? Veuillez préciser quels tribunaux et le contenu du site.

*La Cour de cassation, les cours d'appel et plusieurs tribunaux ont leur site internet. Ces sites comportent des informations sur la composition de la juridiction et de ses chambres, les attributions de celles-ci, les jours et lieux de leurs audiences et, parfois, les affaires fixées. Ils comportent également des informations générales sur certains aspects des différents types de procédure (conditions de recevabilité, délais à respecter, possibilités de recours etc.).*

## 7. Utilisation des ordinateurs personnels par les juges et le personnel des tribunaux

- o) Un juge peut-il utiliser son ordinateur (portable) personnel à des fins professionnelles (par ex. à la maison ou sur le trajet maison/tribunal) ?

*Cela va sans dire !*

- p) Des e-mails contenant des informations professionnelles peuvent-ils être envoyés du tribunal vers l'adresse privée du juge et vice-versa ?

*Bien sûr !*

- q) Cela nécessite-t-il des protections techniques spécifiques (par ex. exclusion de l'accès à des tiers, aux membres de la famille, etc.) ? Veuillez préciser.

*Lorsqu'ils émanent de l'ordinateur personnel du magistrat, il n'y a pas de protection particulière. Par contre, lorsque le magistrat utilise l'ordinateur mis à la disposition par le ministère de la Justice, celui-ci est pourvu de protections particulières, empêchant l'accès des tiers. Ces protections sont tellement strictes, que l'utilisation de cet ordinateur en devient excessivement laborieuse.*

- r) La situation est-elle la même pour l'ensemble du personnel des tribunaux ?

*Oui.*

## 8. Utilisation des données

- s) Les données figurant dans la procédure sont-elles utilisées à d'autres fins que la procédure elle-même ?

*Elles peuvent l'être à des fins statistiques, en prenant bien soin de veiller à ce que les données restent anonymes.*

- t) Ces données sont-elles utilisées à des fins statistiques ?

*Voir la réponse à la question ci-dessus.*

- u) Le cas échéant :

- qui produit ces statistiques ?
- comment et par qui ces statistiques sont-elles utilisées ?

*Ces statistiques sont produites par la juridiction elle-même et utilisées par elle. Elles sont également communiquées dans le rapport annuel de chaque juridiction.*

## 9. Sécurité des données

- i) Existe-t-il une législation permettant de protéger les données personnelles utilisées dans l'infrastructure électronique du tribunal ?

*Il existe une législation sur la protection des données personnelle. Elle est, en règle, applicable dans tous les secteurs où des banques de données sont utilisées. Toutefois, il n'existe pas de législation spécifique dans ce domaine, applicable aux cours et tribunaux.*

- j) Le cas échéant, les exigences suivantes sont-elles applicables:

*Eu égard à la réponse donnée ci-dessus, la question est sans objet.*

- règles sur l'accès aux données personnelles par la personne concernées ou par d'autres personnes/institutions
- obligation de correction ou de suppression le cas échéant

autres. Veuillez préciser.

- k) S'il existe un Commissaire à la protection des données au niveau national, s'est-il déjà penché spécifiquement sur la question des nouvelles technologies dans le domaine de la justice?

*Non !*

- l) Existe-t-il un Commissaire à la protection des données propre à chaque tribunal (par ex. un juge qui aurait cette tâche supplémentaire spécifique)?

*Non !*

## **10. Participation des juges**

Qui prend les décisions concernant l'infrastructure électronique des tribunaux? Les juges sont-ils impliqués dans les décisions pertinentes concernant l'installation des nouvelles technologies au sein des tribunaux?

*La décision est, en principe, prise par les services compétents du ministère de la Justice. Il n'y a pas de concertation avec les juges dans ce domaine, ce qui est éminemment regrettable. Cela mène souvent à des choix inadéquats et malheureux.*

## **11. Conclusion**

Pouvez-vous donner votre opinion sur les avantages et les inconvénients du développement des nouvelles technologies au sein des tribunaux?

*Les nouvelles technologies comportent nombre d'avantages ! Elles font partie de la vie moderne et du fonctionnement de toute institution. Elles permettent une plus grande rapidité dans l'administration de la Justice et une meilleure fonctionnalité eu égard au fait que l'usage de ces technologies est entrée dans les mœurs. La transmission des pièces et des actes de la procédure s'en voit grandement facilitée. Elle permet aussi un accès rapide et quasi illimité à la documentation juridique tant nationale qu'internationale.*

*Il convient, toutefois, d'être vigilant pour la protection de la vie privée et, surtout, pour que la Justice demeure humaine. Il ne faudrait pas que la généralisation des procédures par voie électronique ait pour effet que le contact indispensable entre le juge et le justiciable soit rompu.*

# Bosnia and Herzegovina

## 1. Access to courts

m) May legal proceedings be instigated by electronic means?

No.

n) Is there relevant legislation?

No.

o) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

p) To what extent are legal proceedings instigated by electronic means in practice?

## 2. Procedure within courts

tt) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

uu) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

vv) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both?	<input type="checkbox"/> both?

ww) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

The communication is conducted through attorneys' private addresses, business addresses of court officers or judges and business addresses of prosecutors and their associates.

xx) Do electronic files exist?

Yes, they do but only to a certain extent. Owing to the fact that the High Judicial and Prosecutorial Council of BiH (HJPC) implemented the Court Management System (CMS) Project in the Court of BiH in September 2010, the cases opened after that date, as well as those opened earlier but that were active in that period exist also in electronic form (in addition to the paper file), while the old cases are managed only on paper. It should be noted that the CMS does not include the complete case file but only the documents drafted by the Court or the Prosecutor's Office of BiH (if the case concerned also exists in electronic form at the Prosecutor's Office of BiH). The documents entered in the CMS are not signed or stamped by the Court and are mostly Word documents and other information entered in the database.

- If an electronic file exists, is there a paper file as well?

Yes.

- If both exist, which is the "authentic" file?

The paper file is the only authentic file, given that the CMS file is not complete. Moreover, the CMS files have no signature or stamp of the Court. The CMS is intended to facilitate the work and access to the files by judges and their associates, so they do not have to take case files from the Records Office for consultations since they are now accessible in the computer.

yy) If yes, is there relevant legislation?

No.

zz) What are the main requirements with respect to electronic files?

The existence of software which would be able to support the electronic management of a great number of cases; introduction of electronic case registration; a high level of security and a variety of restrictions on confidential data access; a high level of computer literacy among the population (parties); training of court staff, attorneys, prosecutors and population in general.

aaa) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

bbb) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

ccc) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

The Court receives a document, attaches it to the relevant case file and responds to the party in writing if the Court is required to respond.

ddd) Must paper documents be kept? If yes, how long?

Yes, permanently.

eee) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

Each document produced by the Court of BiH requires the judge's signature and in some cases the signature of the court officer (e.g. verdicts). Digital signature does not exist.

fff) Do parties have access to the complete court file:

- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

ggg) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

No. The Court's website contains only general information about the status of a specific proceeding, such as a brief case summary, scheduled hearing, and pronounced verdict. The Public and Outreach Section prepares this information.

On the other hand, judges and their advisors have the possibility to follow the proceedings electronically (through video streaming from the courtrooms) whenever the proceedings are open for the public.

hhh) Is the access to electronic files within the court regulated? Please specify.

The HJPC Project has introduced the Court Management System (CMS) in all courts in BiH. CMS is not regulated by law, but by internal HJPC rules. The entire judicial staff underwent a training to use the CMS and apply the Instructions for Use issued by the HJPC.

iii) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input checked="" type="checkbox"/>	to all court files?	<input checked="" type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

This does not apply to the access to the CMS electronic case files. Only the judges and the staff working on the specific case have the access. There is also the possibility of accessing the paper file at the Records



Office.

**3. Oral hearing**

w) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

The only oral hearings based on electronic means are the examinations of witnesses via video link from other countries, as part of international legal assistance.

x) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

Draft decisions written by the rapporteur judge are not entered in the database; they are accessible on computer only if the judge sends them by email to the panel members for consideration. There is a shared folder (accessible by judges and professional staff) containing the documents facilitating the work of judges and their associates. These may include professional opinions of judges or associates (research papers) presented at internal meetings, collegiums, seminars etc.

y) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

No.

z) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

Yes.

aa) Are oral hearings audio or video recorded?

Yes, they are both audio and video recorded. The Court has eight courtrooms six of which are equipped for audio and video recording, while two have only audio recording equipment.

bb) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

The Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters regulating the matter of international legal aid via video link is applicable in BiH.

cc) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

The answer relating to the Court of BiH: At the Court of BiH it is not possible to access the electronic files; there is an electronic database of the Court's decisions; the courtrooms are equipped with projectors; the court officer and the typist who attend the hearing have access to the internet in the courtroom; the Court has two courtrooms equipped with technical means for establishing audio-video link; of eight courtrooms six have the equipment for audio-video recording of the trial, while two have only the possibility of audio recording. It is important to note that the Court of BiH is the best equipped court in BiH and one of the best equipped courts in the region.

The answer relating to other courts:

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

access				
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

We have prepared this answer in consultation with the HJPC of BiH. It should be emphasized that as for the first two questions we have in mind the access to the CMS files as explained above. They are not complete electronic files which could replace the paper files.

**4. Information services for judges**

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

There are official internet websites providing the information listed above, such as websites of the Court of BiH, HJPC, ICTY, Entity Supreme Courts, Constitutional Court of BiH.

Please specify the private institution.

**5. Practical court work**

- v) What is the work of the judge:
  - in writing the documents? Yes.
  - in delivering the documents? The judge issues the order for delivery of the documents to the parties.
  - in registering the documents? Yes. However, the judges often engage the staff to work on the cases and give them instructions to act upon through the CMS which also includes work on document registration.
- w) What is the work of the court staff:
  - in writing the documents? Yes.
  - in delivering the documents? Yes.
  - in registering the documents? Yes.
- x) Is there enough staff to do this work? Please specify. Yes, for the time being. However, the CMS to some extent slowed the case processing down which required the hiring of additional staff. On the other hand, the continued increase of the number of judges in the Court of BiH calls for the increase of administrative and professional staff supporting the work of the judges.
- y) Do judges write their decisions themselves on their computer?

Judges write some decisions themselves on their computer; some judges use the services of the typists; some decisions are drafted by legal officers.

- z) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

The judges often use templates for decision drafting. The templates are available in the CMS which contains 28,000 templates designed to uniform the work of all courts.

- aa) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

Alert system is used only in cases in which a person is ordered into custody. The judge and his associate receive by email information on the expiry of a deadline for a certain action (review of justification of custody or extension of custody). There is also a possibility of entering the "expiry of important deadline" category into the CMS which enables the monitoring of all statutory deadlines thus preventing their expiry.

- bb) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc? Please specify

Yes. The CMS enables review of cases and the case status at the moment of its assignment to a judge. Management Reports on the judges' work on the cases are available only to the President of the Court and Heads of the Records Offices (there are two Records Offices in the Court of BiH).

## 6. Internet

- g) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. Yes. Access to some internet websites including, among many others, Facebook and YouTube is limited.

- h) Do all courts have their own website? Please specify which court and the content of the website.

Below are the Courts that have their own websites on the "pravosudje.ba" judicial web portal. The Courts and the Prosecutor's Offices' websites contain basic information about the institution, current events, online case review, trial schedule etc.

Okružni privredni sud u Trebinju Trebinje District Commercial Court	<a href="http://pravosudje.ba/vstv/faces/index.jsp?ins=165">http://pravosudje.ba/vstv/faces/index.jsp?ins=165</a>
Okružni privredni sud u I. Sarajevu Istočno Sarajevo District Commercial Court	<a href="http://pravosudje.ba/vstv/faces/index.jsp?ins=164">http://pravosudje.ba/vstv/faces/index.jsp?ins=164</a>
Okružni privredni sud u Doboju Doboj District Commercial Court	<a href="http://pravosudje.ba/vstv/faces/index.jsp?ins=163">http://pravosudje.ba/vstv/faces/index.jsp?ins=163</a>
Kantonalni sud u Mostaru Mostar Cantonal Court	<a href="http://ksud-mostar.pravosudje.ba">http://ksud-mostar.pravosudje.ba</a>
Osnovni sud Brčko Distrikta Brčko District Basic Court	<a href="http://ossud-brckodistriktbih.pravosudje.ba">http://ossud-brckodistriktbih.pravosudje.ba</a>
Apelacioni sud Brčko Distrikta Brčko District Appellate Court	<a href="http://apsud-brckodistriktbih.pravosudje.ba">http://apsud-brckodistriktbih.pravosudje.ba</a>
Kantonalni sud u Tuzli Tuzla Cantonal Court	<a href="http://ksud-tuzla.pravosudje.ba">http://ksud-tuzla.pravosudje.ba</a>
Kantonalni sud u Bihaću Bihać Cantonal Court	<a href="http://ksud-bihac.pravosudje.ba">http://ksud-bihac.pravosudje.ba</a>
Općinski sud u Tuzli Tuzla Municipal Court	<a href="http://opsud-tuzla.pravosudje.ba">http://opsud-tuzla.pravosudje.ba</a>
Općinski sud u Tešnju Tešanj Municipal Court	<a href="http://opsud-tesanj.pravosudje.ba">http://opsud-tesanj.pravosudje.ba</a>
Federalno tužilaštvo F BiH Federation of BiH Prosecutor's Office	<a href="http://ft-fbih.pravosudje.ba">http://ft-fbih.pravosudje.ba</a>
Kantonalno tužilaštvo Kantona Sarajevo Sarajevo Cantonal Prosecutor's Office	<a href="http://kt-sarajevo.pravosudje.ba">http://kt-sarajevo.pravosudje.ba</a>
Kantonalno tužilaštvo Posavskog kantona-Orašje Posava Canton-Orašje Cantonal Prosecutor's Office	<a href="http://kt-orasje.pravosudje.ba/">http://kt-orasje.pravosudje.ba/</a>
Tužilaštvo Hercegovačko-neretvanskog kantona Herzegovina-Neretva Cantonal Prosecutor's Office	<a href="http://kt-mostar.pravosudje.ba">http://kt-mostar.pravosudje.ba</a>
Tužiteljstvo Srednjobosanskog kantona Central Bosnia Cantonal Prosecutor's Office	<a href="http://kt-travnik.pravosudje.ba">http://kt-travnik.pravosudje.ba</a>

Osnovni sud u Bijeljini Bijeljina Basic Court	<a href="http://ossud-bijeljina.pravosudje.ba">http://ossud-bijeljina.pravosudje.ba</a>
Okružni sud u Bijeljini Bijeljina District Court	<a href="http://oksud-bijeljina.pravosudje.ba">http://oksud-bijeljina.pravosudje.ba</a>
Republičko tužilaštvo RS RS Prosecutor's Office	<a href="http://rt-rs.pravosudje.ba">http://rt-rs.pravosudje.ba</a>
Kantonalno tužilaštvo Zapadnohercegovačkog kantona West Herzegovina Cantonal Prosecutor's Office	<a href="http://kt-sirokibrijeg.pravosudje.ba">http://kt-sirokibrijeg.pravosudje.ba</a>
Kantonalni sud u Odžaku Odžak Cantonal Court	<a href="http://ksud-odzak.pravosudje.ba">http://ksud-odzak.pravosudje.ba</a>
Općinski sud u Livnu Livno Municipal Court	<a href="http://opsud-livno.pravosudje.ba">http://opsud-livno.pravosudje.ba</a>
Okružni sud u Trebinju Trebinje District Court	<a href="http://oksud-trebinje.pravosudje.ba">http://oksud-trebinje.pravosudje.ba</a>
Osnovni sud u Prnjavoru Prnjavor Basic Court	<a href="http://ossud-prnjavor.pravosudje.ba">http://ossud-prnjavor.pravosudje.ba</a>
Općinski sud u Orašju Orašje Municipal Court	<a href="http://opsud-orasje.pravosudje.ba">http://opsud-orasje.pravosudje.ba</a>
Osnovni sud u Doboju Doboj Basic Court	<a href="http://ossud-doboj.pravosudje.ba">http://ossud-doboj.pravosudje.ba</a>
Okružni sud u Banjoj Luci Banjaluka District Court	<a href="http://oksud-banjaluka.pravosudje.ba">http://oksud-banjaluka.pravosudje.ba</a>
Kantonalni sud u Livno Livno Cantonal Court	<a href="http://ksud-livno.pravosudje.ba">http://ksud-livno.pravosudje.ba</a>
Kantonalno tužilaštvo Kantona 10 Livno Canton 10 Livno Prosecutor's Office	<a href="http://kt-livno.pravosudje.ba">http://kt-livno.pravosudje.ba</a>
Kantonalni sud u Novom Travniku Novi Travnik Cantonal Court	<a href="http://ksud-novitrvnik.pravosudje.ba">http://ksud-novitrvnik.pravosudje.ba</a>
Okružno tužilaštvo u Doboju Doboj District Prosecutor's Office	<a href="http://ot-doboj.pravosudje.ba">http://ot-doboj.pravosudje.ba</a>
Okružni sud u Doboju Doboj District Court	<a href="http://oksud-doboj.pravosudje.ba">http://oksud-doboj.pravosudje.ba</a>
Kantonalno tužilaštvo Zeničko-dobojskog kantona Zenica-Doboj Cantonal Prosecutor's Office	<a href="http://kt-zenica.pravosudje.ba">http://kt-zenica.pravosudje.ba</a>
Općinski sud u Kaknju Kakanj Municipal Court	<a href="http://opsud-kakanj.pravosudje.ba">http://opsud-kakanj.pravosudje.ba</a>
Okružno tužilaštvo Banja Luka - SPECIJALNO TUŽILAŠTVO Banjaluka District Prosecutor's Office-SPECIAL PROSECUTOR'S OFFICE	<a href="http://spectuz-banjaluka.pravosudje.ba/">http://spectuz-banjaluka.pravosudje.ba/</a>
Osnovni sud u Gradišci Gradiška Basic Court	<a href="http://ossud-gradiska.pravosudje.ba">http://ossud-gradiska.pravosudje.ba</a>
Kantonalni sud u Sarajevu Sarajevo Cantonal Court	<a href="http://ksud-sarajevo.pravosudje.ba/">http://ksud-sarajevo.pravosudje.ba/</a>
Osnovni sud u Derventi Derventa Basic Court	<a href="http://ossud-derventa.pravosudje.ba/">http://ossud-derventa.pravosudje.ba/</a>
Općinski sud u Travniku Travnik Municipal Court	<a href="http://opsud-travnik.pravosudje.ba/">http://opsud-travnik.pravosudje.ba/</a>
Općinski sud u Bugojnu Bugojno Municipal Court	<a href="http://opsud-bugojno.pravosudje.ba/">http://opsud-bugojno.pravosudje.ba/</a>
Osnovni sud u Modriči Modriča Basic Court	<a href="http://ossud-modrica.pravosudje.ba/">http://ossud-modrica.pravosudje.ba/</a>
Osnovni sud u Mrkonjić Gradu Mrkonjić Grad Basic Court	<a href="http://ossud-mrkonjicgrad.pravosudje.ba">http://ossud-mrkonjicgrad.pravosudje.ba</a>
Općinski sud u Goraždu Goražde Municipal Court	<a href="http://opsud-gorazde.pravosudje.ba/">http://opsud-gorazde.pravosudje.ba/</a>
Općinski sud u Konjicu Konjic Municipal Court	<a href="http://opsud-konjic.pravosudje.ba/">http://opsud-konjic.pravosudje.ba/</a>
Općinski sud u Zenici Zenica Municipal Court	<a href="http://opsud-zenica.pravosudje.ba/">http://opsud-zenica.pravosudje.ba/</a>

Općinski sud u Kiseljaku Kiseljak Municipal Court	<a href="http://opsud-kiseljak.pravosudje.ba">http://opsud-kiseljak.pravosudje.ba</a>
Općinski sud u Visokom Visoko Municipal Court	<a href="http://opsud-visoko.pravosudje.ba">http://opsud-visoko.pravosudje.ba</a>
Općinski sud u Žepču Žepče Municipal Court	<a href="http://opsud-zepce.pravosudje.ba">http://opsud-zepce.pravosudje.ba</a>
Kantonalni sud u Zenici Zenica Cantonal Court	<a href="http://ksud-zenica.pravosudje.ba">http://ksud-zenica.pravosudje.ba</a>
Kantonalni sud u Goraždu Goražde Cantonal Court	<a href="http://ksud-gorazde.pravosudje.ba">http://ksud-gorazde.pravosudje.ba</a>
Osnovni sud u Sokocu Sokolac Basic Court	<a href="http://ossud-sokolac.pravosudje.ba">http://ossud-sokolac.pravosudje.ba</a>
Osnovni sud u Višegradu Višegrad Basic Court	<a href="http://ossud-visegrad.pravosudje.ba">http://ossud-visegrad.pravosudje.ba</a>
Općinski sud u Gradačcu Gradačac Municipal Court	<a href="http://opsud-gradacac.pravosudje.ba">http://opsud-gradacac.pravosudje.ba</a>
Osnovni sud u Novom Gradu Novi Grad Basic Court	<a href="http://ossud-novigrad.pravosudje.ba">http://ossud-novigrad.pravosudje.ba</a>
Osnovni sud u Kotor Varošu Kotor Varoš Basic Court	<a href="http://ossud-kotorvaros.pravosudje.ba">http://ossud-kotorvaros.pravosudje.ba</a>
Općinski sud u Cazinu Cazin Municipal Court	<a href="http://opsud-cazin.pravosudje.ba">http://opsud-cazin.pravosudje.ba</a>
Osnovni sud u Tesliću Teslić Basic Court	<a href="http://ossud-teslic.pravosudje.ba">http://ossud-teslic.pravosudje.ba</a>
Osnovni sud u Prijedoru Prijedor Basic Court	<a href="http://ossud-prijedor.pravosudje.ba">http://ossud-prijedor.pravosudje.ba</a>
Općinski sud u Zavidovićima Zavidovići Municipal Court	<a href="http://opsud-zavidovici.pravosudje.ba">http://opsud-zavidovici.pravosudje.ba</a>
Općinski sud u Velikoj Kladaši Velika Kladaša Municipal Court	<a href="http://opsud-velikakladusa.pravosudje.ba">http://opsud-velikakladusa.pravosudje.ba</a>
Općinski sud u Živinicama Živinice Municipal Court	<a href="http://opsud-zivinice.pravosudje.ba">http://opsud-zivinice.pravosudje.ba</a>
Okružni sud u Istočnom Sarajevu Istočno Sarajevo District Court	<a href="http://oksud-istocnosarajevo.pravosudje.ba">http://oksud-istocnosarajevo.pravosudje.ba</a>
Općinski sud u Gračanici Gračanica Municipal Court	<a href="http://opsud-gracanica.pravosudje.ba">http://opsud-gracanica.pravosudje.ba</a>
Osnovni sud u Zvorniku Zvornik Basic Court	<a href="http://ossud-zvornik.pravosudje.ba">http://ossud-zvornik.pravosudje.ba</a>
Općinski sud u Bosanskoj Krupi Bosanska Krupa Municipal Court	<a href="http://opsud-bosanskakrupa.pravosudje.ba">http://opsud-bosanskakrupa.pravosudje.ba</a>
Općinski sud u Ljubuškom Ljubuški Municipal Court	<a href="http://opsud-ljubuski.pravosudje.ba">http://opsud-ljubuski.pravosudje.ba</a>
Općinski sud u Kalesiji Kalesija Municipal Court	<a href="http://opsud-kalesija.pravosudje.ba">http://opsud-kalesija.pravosudje.ba</a>
Općinski sud u Širokom Brijegu Široki Brijeg Municipal Court	<a href="http://opsud-sirokibrijeg.pravosudje.ba">http://opsud-sirokibrijeg.pravosudje.ba</a>
Osnovni sud u Vlasenici Vlasenica Basic Court	<a href="http://ossud-vlasenica.pravosudje.ba">http://ossud-vlasenica.pravosudje.ba</a>
Osnovni sud u Trebinju Trebinje Basic Court	<a href="http://ossud-trebinje.pravosudje.ba">http://ossud-trebinje.pravosudje.ba</a>
Općinski sud u Čapljini Čapljina Municipal Court	<a href="http://opsud-capljina.pravosudje.ba">http://opsud-capljina.pravosudje.ba</a>
Osnovni sud u Foči Foča Basic Court	<a href="http://ossud-foca.pravosudje.ba">http://ossud-foca.pravosudje.ba</a>
Kantonalni sud u Širokom Brijegu Široki Brijeg Cantonal Court	<a href="http://ksud-sirokibrijeg.pravosudje.ba">http://ksud-sirokibrijeg.pravosudje.ba</a>
Općinski sud u Sanskom Mostu Sanski Most Municipal Court	<a href="http://opsud-sanskimost.pravosudje.ba">http://opsud-sanskimost.pravosudje.ba</a>
Općinski sud u Mostaru Mostar Municipal Court	<a href="http://opsud-mostar.pravosudje.ba">http://opsud-mostar.pravosudje.ba</a>
Općinski sud u Bihaću Bihać Municipal Court	<a href="http://opsud-bihac.pravosudje.ba">http://opsud-bihac.pravosudje.ba</a>

### 7. Use of private personal computers/laptops by judges and court staff

- v) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)  
Yes.
- w) May e-mails be sent from the court to a judge's private e-mail address and vice versa containing professional information?  
Yes, provided that the information is not confidential.
- x) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify.  
No.
- y) Is the situation the same for all court staff?  
Yes.

### 8. Use of data

- z) Is the data contained in the procedure used for another aim than the procedure itself?  
Yes, the data are used for statistical reporting, analysis of monitoring the length of case proceedings, analysis of certain type of cases etc.
- aa) Is this data used for statistics?  
Yes.
- bb) If yes:  
- who produces these statistics?  
Records Offices or professional staff, depending on the type of statistics.
- how and by whom are these statistics used?  
It depends on the party requesting information; they include statistics agencies, Court of BiH, HJPC, Ministry of Justice, Ministry of Security and the like.

### 9. Data security

- m) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?
- Yes  
 No
- n) If yes, are there requirements applicable to processing data in courts?
- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.
- o) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?  
No.
- p) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?  
No.

### 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

This matter is primarily dealt with by the Information and Communications Section in consultation with the management of the Court. Judges may participate in that process if they are interested to do so.

## **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

The CMS electronic system has recently been introduced in BiH. The system functions with some limitations. At first, many judges expressed their dissatisfaction with the introduction of this system because it slowed down their work to a certain extent, since each action undertaken in the proceedings should be entered in the CMS. The authorization for CMS data entry has therefore been given to the legal officers to lift excessive workload from the judges.

One of the system deficiencies is the fact that it does not contain electronic case files which can replace the paper files. Rather, at the moment it only represents a large database the contents of which depends to a large extent on the commitment or knowledge of an associate or judge and on what information they will enter in the system, if at any. There are no sanctions for failure to enter information in the CMS. This directly affects the quality of the statistics received from the CMS.

On the other hand, the broadening of the circle of persons who can enter data in the case managed through the CMS may increase the risk of making confidential information (by a human error) available to a large number of people. All legal officers working with the judges and all judges have access to the CMS database. All these persons have the authorization to enter changes in their cases and can access any other case of the Court entered in the CMS.

A continued training of the staff on the use of IT in courts is necessary so that its introduction would not be useless or a complicating factor, but one which would facilitate the work of the Court.

# Bulgaria

## 1. Access to courts

- q) May legal proceedings be instigated by electronic means? – **no**
- r) Is there relevant legislation? - **no**
- s) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible) - **see answer 1.a**

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

- d) To what extent are legal proceedings instigated by electronic means in practice? - **see answer 1.a**

## 2. Procedure within courts

- jjj) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? - **see answer 1.a.**

- kkk) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? - **see answer 1.a.**

- lll) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means? –
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both? - <b>yes</b>
	Court communicates with parties by traditional means (ex. summons served by a court official, by post or through a courier service, etc.; by means of telephone, telex, telefax, telegram; publications in State Gazette, etc.) and by using electronic communications (an electronic address named by a party)

- mmm)  Do specific electronic means exist for the communication between lawyers and courts? Please specify. – **no**

- nnn)  Do electronic files exist? – **no** (but some documents - orders, judgements, minutes, and information about the hearings fixed and the judgements delivered are accessible via internet)
- If an electronic file exist, is there a paper file as well? (yes)
  - If both exist, which is the “authentic” file? (the paper one)

- ooo) If yes, is there relevant legislation? - **no**, there is relevant legislation only in respect of paper files.

- ppp)  What are the main requirements with respect to electronic files? - **see answer 2.f**

- qqq) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? - **see answer 2.f**



rrr) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? – **see answer 2.e & 2.f**

sss) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? - the documents shall be lodged with the registry or at a court hearing; in both cases a possibility for the other party to impugn the evidence (after its communication in the first case) is provided.

ttt) Must paper documents be kept? If yes, how long? – **yes**, for a different period of time depending on the type of the file (or the register) and the court in which the latter is kept – **5, 10, 25, 75, 100 years**

uuu) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? – **hand signature is the only possible signature**

vvv) Do parties have access to the complete court file:

- Yes, always**
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

www) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? – **yes, in 25% of the courts** (the system is in process of introduction at the rest of the courts); information about the dates of the hearings and the judgements delivered is accessible on the courts' web sites

xxx) Is the access to electronic files within the court regulated? Please specify - **see answer 2.f.**

yyy) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files? <b><u>Yes</u></b> – except to secret files - to which only judges in charge have access	<input type="checkbox"/>	to all court files? <b><u>Yes</u></b> – except to secret files, to which only certain clerks (who are granted access to secret information) have access
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

dd) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? - **no**

ee) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? - **no**

ff) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? – **no**

gg) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? - **no**

hh) Are oral hearings audio or video recorded? - **no**

ii) Is video conference in public hearing used:

- for the hearing of witnesses? - **yes**
- for the hearing of experts? - **yes**
- for the hearing of parties? - **yes**
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate

### Code of Penal Procedure

Interrogation of the accused party - Art. 138

(7) The accused party shall not be interrogated by letter rogatory or through a video conference, except where he or she is outside the territory of the country and the interrogation will not obstruct discovery of the objective truth.

#### Interrogation of witnesses - Art. 139

(7) (Amended, SG No. 32/2010, effective 28.05.2010) Any witness outside the territory of Bulgaria may also be interrogated through a video or phone conference in compliance with the provisions of this Code.

(8) (New, SG No. 32/2010, effective 28.05.2010) Interrogating a witness within the territory of Bulgaria through a video or phone conference may be conducted in trial proceedings, as well as in pre-trial proceedings subject to the conditions and procedures laid down in Article 223.

(9) (New, SG No. 32/2010, effective 28.05.2010) In cases within the scope of paragraph 8, the interrogation shall be conducted in compliance with the provisions of this Code, and the identity of the witness shall be verified by a judge from the court of first instance in the area where the witness is located.

#### Interrogation of children and young persons as witnesses - Art. 140

(5) (New, SG No. 109/2008) Children or minors may also be interrogated as witnesses, where necessary, via a video conference.

#### Interrogation of a witness with a secret identity - Article 141

(1) (Amended, SG No. 32/2010, effective 28.05.2010) Pre-trial authorities and the court shall interrogate the witness with a secret identity and undertake all possible measures to keep his or her identity secret, also in cases where witnesses are interrogated, through a video or phone conference.

(2) Transcripts of the records for interrogation of the witness that do not bear his/her signature should be submitted forthwith to the accused party and to the defence counsel thereof, and in court proceedings - to the parties who may put questions to the witness in writing.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) Any interrogations as per the procedure of Article 139(8) of a secret identity witness shall be conducted by applying the method of voice alternation, and any interrogation through a video conference shall be conducted with the witness's image having been altered. Prior to commencing the interrogation, a judge from the court of first instance in the area where the witness is located shall verify that the person to be interrogated is the same person who has been given the identification number under Article 123(4)(6).

(4) (New, SG No. 32/2010, effective 28.05.2010) Paragraphs 1-3 shall apply accordingly to interrogations of persons in respect of whom a measure for protection has been effected under Article 6, Paragraph 1, items 3, 4 and 5 of the Protection of Individuals under Threat in Relation to Criminal Proceedings Act.

#### Interrogating undercover officers as witnesses - Article 141a

(New, SG No. 32/2010, effective 28.05.2010) (1) Undercover officers shall be interrogated as witnesses in compliance with the procedure of Article 139(8), with the interrogated officer's voice having been altered. In the case of video conference interrogation, both the interrogated undercover officer's voice and image shall be altered.

#### Obligations of the expert witness - Art. 149

(6) An expert who is outside the territory of the country may be interrogated through a video or phone conference, where so required in view of the circumstances of the case.

#### Interrogation of individuals through a video or phone conference - Article 474

(1) (Amended, SG No. 32/2010, effective 28.05.2010) The judicial body of another state may conduct an interrogation, through a video or phone conference, of an individual who appears as a witness or expert in the criminal proceedings and is located in the Republic of Bulgaria, as well as an interrogation with the participation of an accused party only if such interrogating does not run counter to the fundamental principles of Bulgarian law. An interrogation through a video conference involving the accused party or a suspect may only be conducted upon their consent and once the participating Bulgarian judicial authorities and the judicial authorities of the other state agree on the manner in which the video conference will be conducted.

(2) The request for interrogation filed by a judicial body of the other state should indicate:

1. The reason why the appearance in person of the individual is undesirable or impossible;
2. The name of the judicial body of the other state;
3. The data of individuals who shall conduct the interrogation;
4. The consent of the individual who shall be interrogated as a witness or expert through a phone conference;
5. Consent of the accused party who will take part in an interrogation hearing through a video conference.

(3) Bulgarian competent authorities in the field of criminal proceedings shall implement requests for interrogation through a video or phone conferences. A request for interrogation through a video or phone conference shall be implemented for the needs of pre-trial proceedings by the National Investigation Service. For the need of judicial proceedings, a request for interrogation through a phone conference shall be implemented by a court of equal standing at the place of residence of the individual, and for interrogation through a video conference - by the Appellate Court at the place of residence of the individual. The competent Bulgarian authority may require the requesting party to ensure technical facilities for interrogation.

(4) The interrogation shall be directly conducted by the judicial authority of the requesting state or under its direction, in compliance with the legislation thereof.

(5) Prior to the interrogation the competent Bulgarian authority shall ascertain the identity of the person who needs to be interrogated. Following the interrogation a record shall be drafted, which shall indicate:

1. The date and location thereof;
2. The data of the interrogated individual and his or her consent, if it is required;
3. The data of individuals who took part therein on the Bulgarian side;
4. The implementation of other conditions accepted by the Bulgarian party.

(6) An individual who is abroad may be interrogated by a competent Bulgarian authority or under its direction through a video or phone conference where the legislation of said other state so admits. The interrogation shall be conducted in compliance with Bulgarian legislation and the provisions of international agreements to which the Republic of Bulgaria is a party, wherein the above means of interrogation have been regulated.

(7) The interrogation through a video or phone conference under Paragraph 6 shall be carried out in respect of pre-trial proceedings by the National Investigation Service, whereas in respect of trial proceedings - by the court.

(8) The provisions of Paragraphs 1 - 5 shall apply mutatis mutandis to the interrogation of individuals under Paragraph 6.

**jj)** If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings? (**see answer 3.a –3.f;** no information about number/%)

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State – <b>no</b></i>	<i>Database run by a private institution - <b>yes</b></i>
<input type="checkbox"/> national legislation	<input type="checkbox"/> national legislation - yes
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation - yes
<input type="checkbox"/> national case-law	<input type="checkbox"/> national case-law - yes
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law -yes
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles - yes

Please specify the private institution - private commercial companies

## 5. Practical court work

- cc) What is the work of the judge:
- in writing the documents? - **yes**
  - in delivering the documents? - **no**
  - in registering the documents? - **no**
- dd) What is the work of the court staff:
- in writing the documents? - **no**
  - in delivering the documents? - **yes**
  - in registering the documents? - **yes**
- ee) Is there enough staff to do this work? Please specify – **yes**, approximately
- ff) Do judges write their decisions themselves on their computer? - **yes**
- gg) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify - **no**
- hh) Is modern technology used to monitor the length of proceedings and for case flow management within the court (e.g. alert system)? – **yes**
- ii) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc.? Please specify – **yes**: at the Supreme Judicial Council – about years of service, rank; at the relevant courts – about: the number of judgements and orders delivered within certain periods, the number of judgements delivered within/out of the time-limits set/the delay; the number of judgements and orders confirmed/quashed upon appeal; the periods within which cases are completed.

## 6. Internet

- i) Is internet accessible for each judge in his/her office? Is this access limited? Please specify – **yes**, each judge has unlimited access to internet in the office
- j) Do all courts have their own website? Please specify which court and the content of the website – **yes**; the content usually includes map of the site, press centre, news, court administration, list of the judges/the experts, searching machine about cases/hearings fixed,/judgements delivered, information about cases of media interest, enforcement proceedings, forms, courts' bank accounts for taxes, laws, internal rules of the court, reports, useful links, questions.

## 7. Use of private personal computers/laptops by judges and court staff

- cc) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) - **yes**
- dd) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? – **no**
- ee) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. – **see answer 7.b**
- ff) Is the situation the same for all court staff? - **yes**

## 8. Use of data

- gg) Is the data contained in the procedure used for another aim than the procedure itself? - **no**
- hh) Is this data used for statistics? - **yes**
- ii) If yes:
- who produces these statistics? - court clerks

- how and by whom are these statistics used? – the statistic data is used by the courts' presidents, the Ministry of Justice, the Supreme Judicial Council with respect to reports, analysis, evaluations, case management policy

## 9. Data security

q) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

**Yes** (Personal Data Protection Act – contains general rules on personal data protection + internal rules of each court)

No

r) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions - **yes**

correction and deletion requirements - **yes**

other. Please specify.

s) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? - **no**

t) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? - **no** (there are IT specialists at each court)

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? – **The Supreme Judicial Council upon courts' presidents' proposals**. Are judges implicated in the relevant decisions concerning the implementation of IT in courts? – **no**

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

- easier and more effective case management /prevents omissions and excessive delays/faster processing of a case
- easier and less time consuming access to information about the state of a case/documents/forms to be filled in
- cheaper proceedings (electronic communications)
- facilitates collection of evidence (video/audio conference)
- easier and less time consuming access to law/jurisprudence/research work
- enables judges to deliver well motivated decisions and judgements, taking into account all possible information
- brings courts closer to people (courts web sites, possibilities to get information via internet).

# Croatia

**1. Access to courts**

t) May legal proceedings be instigated by electronic means?

**In last amendments to the Criminal Procedural Act and Act on Procedure Before Administration Court there is provision that proceedings can initiated bay electronic means. For time being this provisions did not came into force because implementation of these rules are subject to delivering several bylaws and decisions which have not been delivered yet.**

u) Is there relevant legislation?

**Yes. See answer above.**

v) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

w) To what extent are legal proceedings instigated by electronic means in practice?

**Please see explanation under answer 1.a.  
For time being there is no possibility to initiate proceeding electronically.**

**2. Procedure within courts**

zzz) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

**Once when it will be possible procedure will not differ from traditional procedure.**

aaaa) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

**Yes, because different laws are regulating different types of procedure.**

bbbb) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<b>X</b> by traditional means?	<input checked="" type="checkbox"/> <b>X</b>
	<input type="checkbox"/> <b>by</b> traditional means?
by using electronic communication?	<input type="checkbox"/> by using electronic communication?
both?	<input type="checkbox"/> both?

cccc) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

**dddd)** Do electronic files exist?- **NO**  
 - If an electronic file exist, is there a paper file as well?  
 - If both exist, which is the "authentic" file?

eeee) If yes, is there relevant legislation?

ffff) What are the main requirements with respect to electronic files?

gggg) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

hhhh) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

iiii) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

**Parties are allowed to submit that kind on evidence during the hearings or out of the hearings by mail or delivering the documents directly to the court through office of the court.**

jjjj) Must paper documents be kept? If yes, how long?

**Yes. All files have to be kept in the archive of the court. Length depends on the type of the case and type of the claim, but time goes form minimum five years to maximum 30 years with exception of the cases which have to be kept for ever (e.g. land register cases, cases of importance for historical or other reasons etc.)**

**Judgment in the case is kept permanently even when file is destroyed.**

kkkk) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

**NO**

llll) Do parties have access to the complete court file:

- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

**This is proscribed by procedural laws and Book of Rules**

mmmm) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

**No, for time being with exception for land register cases where status of the case can be followed by internet. Croatia is in the faze of implementing so called e- file where court registry will be kept electronically and then parties will be able to follow status of the case via internet.**

nnnn) Is the access to electronic files within the court regulated? Please specify.

**Please see answer under 2.n.**

oooo) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

**3. Oral hearing**

kk) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

**No.**

ll) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

**No.**

mm) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

**No.**

nn) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

**Some courts, biggest ones have such equipment.**

oo) Are oral hearings audio or video recorded?

**No, even in the Criminal Procedural Act there is such possibility and draft of new amendments of Civil Procedural Act leaves such possibility if the court has adequate equipment**

pp) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

**There is no such possibility.**

qq) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**4. Information services for judges**

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

**Databases run by private institutions are accessible if they are on the internet.**

Please specify the private institution.



## 5. Practical court work

- jj) What is the work of the judge:
- **in writing the documents?**
  - in delivering the documents?
  - in registering the documents?

- kk) What is the work of the court staff:
- in writing the documents?
  - **in delivering the documents?**
  - **in registering the documents?**

- ll) Is there enough staff to do this work? Please specify.

**It is not possible to give exact answer to this question because situation is not the same in all courts. Majority of courts have sufficient number of court staff , and some courts where inflow of cases is larger suffer form constant lack of court personnel.**

- mm) Do judges write their decisions themselves on their computer?

**It depends how judge is organizing their work. First instant judges have their own secretary and they in most cases dictate the judgment to them. Appellate judges are mostly writing their own decisions or they are dictating them and tape is transcribed by the office of the court.**

- nn) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

**Judges are using model of decision from their own data base.**

- oo) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

**Yes.**

- pp) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

**Yes. All data concerning quantity and quality of work is kept in digital form it is used for evaluation of his/hers work.**

## 6. Internet

- k) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

**Yes with no limitation.**

- l) Do all courts have their own website? Please specify which court and the content of the website.

Courts have their own website. It is used for delivering major information about court, hearings , judges, office hours, information about decisions, case-law etc.

## 7. Use of private personal computers/laptops by judges and court staff

- jj) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

**Yes and they mostly do so.**

- kk) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?

**Yes.**

ll) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

**No.**

mm) Is the situation the same for all court staff?

**Yes.**

## 8. Use of data

nn) Is the data contained in the procedure used for another aim than the procedure itself?

**No because it is prohibited by the law. Only by order of the court.**

oo) Is this data used for statistics?

pp) If yes:

- who produces these statistics?

- how and by whom are these statistics used?

## 9. Data security

u) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

v) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

w) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

**Such position does not exist in Croatia but data protections rights are protected through procedure before administrative courts.**

x) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

No, but through procedure proscribed in Law on right for access to information each court has to have such officer

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

**Yes. Judges are involved in process of implementing IT technology in the court as consultants because final decision lay within the Ministry of Justice.**

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**In my personal opinion we should be cautious with use of IT technology in the courts. It can be used for statistical purposes and for tracing the case flow and to replace standards registration procedures.**

**Of course IT can be of outmost help to gain necessary information about case law, legislation and to share case law among courts.**

**In real judges work as it can be helpful in same scope it can block role of a judge because expectations form society on the courts and judges where there is wide usage of new technologies can be unrealistic depending only on the fact that judges and courts are using IT.**

Of course IT technology usage is welcomed for all standard procedures where there is no need for **special creativity from judges or court staff.**

# Cyprus

## 1. Access to courts

x) May legal proceedings be instigated by electronic means?  
**No , but we are in the process of establishing in the near future together with DITS (Department of Information Technology Systems) the office automation system, which includes among other, the institution of legal proceedings electronically that is the filing of the action or application etc.**

y) Is there relevant legislation?

**Currently proceedings may not be commenced by electronic means. However the Supreme Court, responsible for the matter, is now in the process of revising the Civil Procedure Rules and this is one item to be discussed at least as an alternative method of filling a writ of summons or other originating procedure.**

z) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

**We are at a primary stage of creating the OAS (Office Automation System), therefore, we do not yet know the detailed specifications of the system.**

aa) To what extent are legal proceedings instigated by electronic means in practice?

**See answer 1c**

## 2. Procedure within courts

pppp) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

**See answer 1c**

qqqq) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

**See answer 1c**

rrrr) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

ssss) Do specific electronic means exist for the communication between lawyers and courts?  
 Please specify.

**At the moment by email, fax or letter.**

**tttt) Do electronic files exist? N/A**

- If an electronic file exist, is there a paper file as well?
- If both exist, which is the "authentic" file?

uuuu) If yes, is there relevant legislation?

vvvv) What are the main requirements with respect to electronic files?

**We do not yet know the legal or technical requirements.**

wwww) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

**As we already know these will be included.**

xxxx) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

**See answer 1c**

yyyy) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

**See answer 1c**

zzzz) Must paper documents be kept? If yes, how long?

**The practice that is now followed is that paper documents in civil and criminal cases are kept for 10 years following the delivery of judgment. Paper documents that are of a legal or historical interest and all Assize Court Cases, are kept with the Public Registry Commissioner and are not destroyed.**

aaaa) What is the procedure when a judge's or court clerk's hand signature is prescribed? **The registry hands over the document following the prescribed procedure for hand signature to the Judge or Officer concerned.**

Does digital signature exist? **N/A at the moment**

bbbb) Do parties have access to the complete court file:

- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

**Civil Procedure Rules (O63 R9)- The answer concerns the procedure used today .**

cccc) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

**Not at the moment. However this would be possible with OAS.**

dddd) Is the access to electronic files within the court regulated? Please specify.

**N/A - Since access to documents is regulated today the same would apply to electronic files when OAS is Installed. The practice today is that the parties have access to the file and any other interested person can apply to the president of the court to obtain leave upon good ground to have access to a file.- Civil Procedure Rules (O63 R10 1.and 2)**

eeee) Have judges/court staff access:

<i>Judges</i>	<i>Court staff</i>
---------------	--------------------

<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

**3. Oral hearing**

- rr) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **No**
- ss) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **N/A**
- tt) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **Only the file.**
- uu) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **This is possible in specific cases where the need arises.**
- vv) Are oral hearings audio or video recorded? **No**
- ww) Is video conference in public hearing used:
  - for the hearing of witnesses? **It is possible to have certain evidence taken (for example of children in rape cases) by audiovisual means. In such cases the vulnerable witness is protected from seeing the accused or the lawyer and only the judge may have eye contact.**
  - for the hearing of experts? **With the Court's prior approval**
  - for the hearing of parties? **If one of the parties is victim. Please see answer (hearing of the witness)**
  - other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

- xx) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**According** Electronic data base of jurisprudence 100% of courts have access but not during oral hearings (we buy access codes from private institution)

**4. Information services for judges**

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
------------------------------	--

<input checked="" type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input checked="" type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution. [www.leginetcy.com](http://www.leginetcy.com) / [www.cylaw.com](http://www.cylaw.com) and other international EU web pages. The database run by State is [www.cygazette.com](http://www.cygazette.com) (Government Printing Office)

**5. Practical court work**

- qq) What is the work of the judge: **N/A as regards electronic Justice**
  - in writing the documents?
  - in delivering the documents?
  - in registering the documents?
- rr) What is the work of the court staff: **N/A as regards electronic Justice**
  - in writing the documents?
  - in delivering the documents?
  - in registering the documents?
- ss) Is there enough staff to do this work? Please specify. **We are understaffed.**
- tt) Do judges write their decisions themselves on their computer? **Some of them do, otherwise they use the services of Court stenographers for dictating the Judgment which is the usual method.**
- uu) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.  
**No**
- vv) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?  
**No**
- ww) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify  
**Yes but these are not necessarily available in a separate database for each individual judge.**

**6. Internet**

- m) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.  
**Internet accessibility exists for every judge in their offices, not limited in any way.**
- n) Do all courts have their own website? Please specify which court and the content of the website.  
**No, at the moment only the Supreme Court has an available website in which general information is available about the Supreme Court and its judges as well as the general justice system. Case law of importance is also included.**

**7. Use of private personal computers/laptops by judges and court staff**

- qq) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **Yes**
- rr) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **Yes**
- ss) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

### Yes by connection through V P N (Virtual Private Network)

tt) Is the situation the same for all court staff?

**No**

### 8. Use of data

uu) Is the data contained in the procedure used for another aim than the procedure itself?

**No**

vv) Is this data used for statistics?

**Yes**

ww) If yes:

- who produces these statistics? **The Court Registry**

- how and by whom are these statistics used? **Mainly by the Supreme Court for following up the workload and the flow of cases and for questionnaires.**

### 9. Data security

y) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes

No

z) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions

correction and deletion requirements

other. Please specify.

aa) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

**Yes but since we do not have yet installed the OAS there was no intervention from the commissioner**

bb) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

**No. The Data protection Commissioner is an independent Authority and deals with the protection of personal information relating to an individual against its unauthorized and illegal collection, recording and further use and it also grants the individual certain rights, i.e. the right of information, the right of access and gives him the possibility to submit to the Office complaints relating to the application of the Law.**

### 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

**The Supreme Court with the cooperation with the DITS (Department of Information Technology Systems)**

### 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**Unfortunately, we cannot provide any information or share any experience since we do not yet, have the necessary experience.**



# Czech Republic

## 1. Access to courts

bb) May legal proceedings be instigated by electronic means?

Yes

cc) Is there relevant legislation?

Yes

dd) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)



The parties must submit the claim with a qualified electronic signature



The parties must fill in a downloadable form to be submitted electronically



Other, please specify.

In some civil proceedings (commercial register) parties must fill in a downloadable form which they can submit either electronically or on paper.

ee) To what extent are legal proceedings instigated by electronic means in practice?

No statistics has been made so far, but in major part the legal proceedings are instigated by traditional means.

## 2. Procedure within courts

ffff) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

No

gggg) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

No

hhhh) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both?	<input checked="" type="checkbox"/> both?

iiii) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

No

jjjj) Do electronic files exist? Yes, but only in the bankruptcy proceedings

- If an electronic file exist, is there a paper file as well? Yes

- If both exist, which is the "authentic" file? It is planned to be the electronic file in the future

kkkk) If yes, is there relevant legislation?

Yes

llll) What are the main requirements with respect to electronic files?

Adequate data protection, trained staff

mmmm) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

Yes

nnnn) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

The party claiming the non-authenticity has to prove it.

oooo) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

The court has to convert the document into the electronic form.

ppppp) Must paper documents be kept? If yes, how long?  
Yes, it differs on the type of document and case.

qqqqq) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?  
Yes, the digital signature is equal to the hand signature.

rrrrr) Do parties have access to the complete court file:  
 Yes, always  
 Yes, but only with specific conditions  
 No

Please indicate, if appropriate, the relevant legislation.

Relevant procedure code (Criminal Procedure Code, Civil Procedure Code, Administrative Procedure Code)

sssss) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?  
YES

ttttt) Is the access to electronic files within the court regulated? Please specify.  
Judges and the court staff has access only to the electronic files within their jurisdiction

uuuuu) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

yy) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?  
No

zz) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?  
No

aaa) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?  
No

bbb) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?  
Yes, but not in every court.

ccc) Are oral hearings audio or video recorded?  
Yes

ddd) Is video conference in public hearing used:  
 for the hearing of witnesses?  
 for the hearing of experts?  
 for the hearing of parties?  
 other? Please specify.

The relevant legislation counts with the possibility of the video conference for the hearing of witnesses or experts, but it is not used in the practice.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

eee) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of	+50% of	-50% of	-10% of
--	---------	---------	---------	---------

	<i>courts</i>	<i>courts</i>	<i>courts</i>	<i>courts</i>
Electronic files access (concerning only the courts dealing with the bankruptcy cases)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input checked="" type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.

ASPI – software produced by Wolters Kluwer ČR, a.s.

#### 5. Practical court work

xx) What is the work of the judge:

- in writing the documents? Writing/dictating the decisions and notices
- in delivering the documents? Instruct the staff to deliver the documents
- in registering the documents? None

yy) What is the work of the court staff:

- in writing the documents? Writing down the dictated/recorded decisions and notices
- in delivering the documents? Sending and other providing of the delivery of the court documents
- in registering the documents? Providing all the process of the registering

zz) Is there enough staff to do this work? Please specify.

Yes

aaa) Do judges write their decisions themselves on their computer?

They can either write them on their computer on their own or dictate them to the court administrative staff

bbb) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. Yes they can use the voice recognition or decision forms despite the decisions on merits.

ccc) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

Yes

ddd) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

Yes, there is an intra network system which provide that kind of information for statistical purposes.

#### 6. Internet

- o) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.  
Yes, the internet is accessible for each judge from his office without any limits. Besides, some of the internet websites are restricted by the server of the Ministry of Justice (advertising sites, entertainment sites, etc.)
- p) Do all courts have their own website? Please specify which court and the content of the website.  
There is a central web server administered by the Ministry of Justice for all judicial institutions. At this server, each court has its own "subwebsite" providing basic and general information about the court, contacts, official working hours, official clipboard, etc.

### 7. Use of private personal computers/laptops by judges and court staff

- xx) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)  
Yes
- yy) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?  
Yes
- zz) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.  
No
- aaa) Is the situation the same for all court staff?  
Yes

### 8. Use of data

- bbb) Is the data contained in the procedure used for another aim than the procedure itself?  
No
- ccc) Is this data used for statistics?  
Yes
- ddd) If yes:  
- who produces these statistics?  
Courts
- how and by whom are these statistics used?  
These statistics are used by the Ministry of Justice for the evaluation of the effectiveness of the justice system.

### 9. Data security

- cc) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?
- Yes  
 No
- dd) If yes, are there requirements applicable to processing data in courts?
- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.
- ee) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?  
There is the Office for the Personal Data Protection charged by these matters. It is not known whether it has already dealt with IT and the judiciary.

ff) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

No

### **10. Participation of judges**

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

Ministry of Justice, Judges are not much involved in the deciding process concerning the implementation of IT in courts.

### **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

The courts have to use the IT only to meet the formal requirements of "electronization of justice", but it does not usually result in more efficient, economical and quicker justice for both courts and individuals. In practise, all electronic submissions are printed and have to be administered. Thus, they result in more work for the courts – they have to administer the electronic submission as well as its printed copy. Even though some of the proceedings (bankruptcy, commercial register) can be instigated only by a filled in downloadable interactive form, the courts do not have at their disposal an adequate interactive decision form in which they would just copy the information given by the party. Instead, they have to rewrite the whole decision. The software designed for the courts is usually "user unfriendly" and it is not suitable for the quick and effective search of relevant information. There is not enough money for the appropriate hardware and software that would meet the requirements of the true electronization of justice.

Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges/court staff

## 1. Access to courts

- a) May legal proceedings be instigated by electronic means? *No. For the time being no case could be instigated by electronic means. The Land Registration Court however uses electronic means.*
- b) Is there relevant legislation? *Yes. According to the Land Registration Act (as amended by act number 539 from 2006) registrations of titles to land, mortgages and other charges are currently handled entirely on the basis of electronic means. General legislation on the matter was passed in year 2004, but has not entered into force, ref. section 148a and 156a of the Administration of Justice Act. The minister of justice is authorized to decide, when these sections (and similar sections in other acts) shall enter into force.*
- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)
- The parties must submit the claim with a qualified electronic signature
  - The parties must fill in a downloadable form to be submitted electronically
  - Other, please specify. *Entry into force of the legislation on digital communication will take place, only when courts are technologically ready to receive files electronically. An improved administrative system may be ready during the second half of 2011, and said system is expected to pave the way for a partial implementation of section 148a. Qualified electronic signature is used in the Land Registration System. Also section 148a presumes, that electronic claims or communications are to be submitted using an electronic signature.*
- d) To what extent are legal proceedings instigated by electronic means in practice? *Not for the time being except for the Land Registration Court.*

## 2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? *Once the legislation shall enter into force, electronic communication will become part of court procedures, and at that time there will not be any difference.*
- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? *It is too early to tell. Section 148a is a framework for both civil and criminal cases. The Danish Court Administration is authorized to set down more detailed rules concerning digital communications with the courts, se section 148a, part 2. Such rules have not yet been issued.*
- c) How does the court communicate with the parties: *The presiding judge has the power to determine in which manner communication from the Court to the parties shall be exchanged. This may therefore include any of the below options, ref. section 154 part 1 of the Administration of Justice Act. For the time being electronic communication from a court however is without prejudice to legal effects for instance of absents, cut off of procedural time limits etc.*

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input checked="" type="checkbox"/> by using electronic communication?	<input checked="" type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both?	<input checked="" type="checkbox"/> both?

- d) Do specific electronic means exist for the communication between lawyers and courts? Please specify. *In the Land Registration System the Land Registration Court exchanges encrypted e-mail correspondence with lawyers, banks and others, who have facilities to operate encrypted e-mail correspondence. All Danish courts have facilities for informal e-mail correspondence, so it is possible for lawyers to correspond with the courts in an informal way.*
- e) Do electronic files exist? *Yes, in the Land Registration System. Except for the Land Registration Court there are no official electronic court files. The official court files are in hard-copy, but judgements and other communications from the court are normally also saved electronically.*  
- If an electronic file exist, is there a paper file as well? *Yes, except in the Land Registration System.*  
- If both exist, which is the "authentic" file? *The paper file, except in the Land Registration System.*
- f) If yes, is there relevant legislation? *Se section 148a and 156a of the Administration of Justice Act, section 237a and 237b of the Insolvency Act, section 115a and 115b of the Administration of the Estates of Deceased Persons Act and the Land Registration Act.*
- g) What are the main requirements with respect to electronic files? *Except for the Land Registration System practical arrangements have not yet been put in place.*
- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? *Yes. According to the Act on handling personal data, particularly sensitive personal information may not be recorded, kept or used except as required in order to exercise judicial power.*
- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? *According to the Land Registration Act a registered document normally will be upheld, if the beneficiary is in good faith. The question does not appear to relate to procedures within other courts. Disagreement between the parties of a case regarding the authenticity of a document will be handled according to the facts of the individual case. There are no special provisions for disagreement regarding electronic documents except in the Land Registration Act and in the Danish act concerning dealing with securities, se chapter 19 in this act.*
- j) If parties wish to submit documents which are not in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? *It is no longer possible in the Land Registration System to submit documents on paper for registration. Persons without a digital signature have to make use of an authorized person with a digital signature. In the other courts parties may submit documents on paper at any time.*
- k) Must paper documents be kept? If yes, how long? *Yes. The duration of archiving differs.*

l) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? *Denmark has an elaborate official system for digital signatures. A judge or a court clerk, however, may not use their digital signature to sign official correspondence. A physical signature on paper is required. High security digital signature is used by court staff only for registration in the land register.*

- m) Do parties have access to the complete court file:
- Yes, always (normally)
  - Yes, but only with specific conditions
  - No

Please indicate, if appropriate, the relevant legislation. *About parties' access to court documents in civil cases see chapter 24 in the Administration of Justice Act. About parties' access to court documents in criminal cases, please see chapter 66 in the same act. The access does not include internal working document such as records of the courts' deliberations. In criminal cases, access can be restricted when it is strongly needed in the interests of foreign states, the security of the state, the investigation of the case or the security of others.*

n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? *No.*

o) Is the access to electronic files within the court regulated? Please specify. *Yes, it is regulated by internal procedures.*

p) Have judges/court staff access: *(Court files are in paper format. Access requires physically browsing paper documents.)*

Judges		Court staff	
<input checked="" type="checkbox"/>	to all court files?	<input checked="" type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? *That may happen.*

b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? *Yes, in partial.*

c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? *No.*

d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? *Generally no. A handful of court rooms are equipped with such devices as part of a pilot scheme to gain experience in support of future investment decisions.*

e) Are oral hearings audio or video recorded? *Yes. In approximately half of the courts, audio recordings are made in criminal cases of defendant's and witnesses' evidence.*

- f) Is video conference in public hearing used:
- for the hearing of witnesses?
  - for the hearing of experts?
  - for the hearing of parties?
  - other? Please specify.



Please indicate the relevant legislation as well as the restrictions, if appropriate. *All of the above may apply; nevertheless video conferences take place so far mostly on an experimental basis and only in a handful of court rooms.*

- g) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> None
Audio recording	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
<input checked="" type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input checked="" type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution. – *Thomson Reuters dominates the market.*

#### 5. Practical court work

- a) What is the work of the judge:
- in writing the documents? *Some judges prefer to type some documents by themselves.*
  - in delivering the documents? *No work*
  - in registering the documents? *No work*
- b) What is the work of the court staff:
- in writing the documents? *To type documents based on hand-written drafts or dictation machine recordings.*
  - in delivering the documents? *This is done by specialized staff.*

- in registering the documents? *This is fully the job of the court staff*
- c) Is there enough staff to do this work? Please specify. *Yes.*
- d) Do judges write their decisions themselves on their computer? *Yes, some judges prefer to do so.*
- e) Do judges use specific techniques (e.g. voice recognition, structure or model of decision available in a database)? Please specify. *No.*
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? *Yes.*
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc.? Please specify. *No.*

#### **6. Internet**

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. *Accessibility: Yes. Access limitations: No.*
- b) Do all courts have their own website? Please specify which court and the content of the website. *Yes. All Danish courts have websites. There are 31 different sub-sites, one for each court. They can all be accessed via [www.domstol.dk](http://www.domstol.dk). They contain practical information such as business hours, telephone numbers, news, lists of cases to be held, job opportunities, statistics. A common policy for website contents applies to all courts. Each court maintains its own sub-site.*

#### **7. Use of private personal computers/laptops by judges and court staff**

- a) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) *No. All judges are, however, offered to use an electronically secured remote desktop access system. This enables them to access the computer systems of their court from their home without compromising data safety.*
- b) May e-mails be sent from the court to a judge's private e-mail address and vice versa containing professional information? *No.*
- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. *N/A*
- d) Is the situation the same for all court staff? *Remote desktop access is for selected staff only.*

#### **8. Use of data**

- e) Is the data contained in the procedure used for another aim than the procedure itself? *Yes, for statistical purposes only.*
- f) Is this data used for statistics? *Yes, it is used for statistical purposes.*
- g) If yes:  
- who produces these statistics? *The Court Administration.*

- how and by whom are these statistics used? *By the courts themselves and by The Court Administration. Statistics are used in order to analyze the case flow and productivity at the courts. Allocation of resources may in part be based on such statistical data.*

#### 9. Data security

a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

- Yes  
 No

b) If yes, are there requirements applicable to processing data in courts? *Internal regulations*

- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? *No such commissioner.*

d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? *No such commissioners.*

#### 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts? *The Court Administration decides. Judges and staff take part in planning and discussions, mostly such work is organized as committee work.*

#### 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

*The use of information technology in Danish courts follows the same principles that apply for e-government.*

*E-government has come a long way the past recent years, and Denmark occupies a leading position in this field. The goal is to keep and improve this position. With its new strategy, the Government and the local authorities will build on the good experiences and further improve the unique Danish way of cooperating and taking joint initiatives in order to seize the opportunities arising in an increasingly digitalized society.*

*Digitalization shall be focused on creating improvements in the service to citizens and businesses;*

*Digitalization shall enable resources to be transferred from an administration focused to a citizen-focused service*

*Coordination and prioritization of digitalization efforts in the public sector shall be implemented through increasing cross-governmental collaboration at all levels.*

*An e-government strategy exists. An English translation of the Danish e-government Strategy for 2007-2010 may be accessed at [http://modernisering.dk/fileadmin/user\\_upload/documents/Projekter/digitaliseringsstrategi/Danish\\_E-government\\_strategy\\_2007-2010.pdf](http://modernisering.dk/fileadmin/user_upload/documents/Projekter/digitaliseringsstrategi/Danish_E-government_strategy_2007-2010.pdf).*

*A new strategy paper that will cover the period to 2015 will be issued during 2011.*

*OECD published its evaluation of the Danish e-government project in April of 2010. OECD concluded that Denmark is at the front of development and implementation of digital government services.*

# Finland

## 1. Access to courts

ff) May legal proceedings be instigated by electronic means?

Yes, they can. An application for summons, answer and different documents can be sent by electronic means. A project concerning legal aid applications by electronic means is being piloted in two district courts.

gg) Act on Electronic services and Communication in the Public Sector 13/2003 with later amendments. The scope of the Act is as follows:

### Section 1- Objective

The objective of this Act is to improve smoothness and rapidity of services and communication as well as information security in the administration, in the courts and other judicial organs and in the enforcement authorities by promoting the use of electronic data transmission. The Act contains provisions on the rights, duties and responsibilities of the authorities and their customers in the context of electronic services and communication.

hh) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature  
 The parties must fill in a downloadable form to be submitted electronically  
 Other, please specify.

ii) To what extent are legal proceedings instigated by electronic means in practice?

In criminal cases the main rule is that the prosecutor sends the indictment to the court in electronic form. Paper version is made later and sent to the accused person.

In civil law cases only very rarely. One reason is the outdated data processing systems, which makes the simultaneous correspondence between the parties and the court quite demanding.

## 2. Procedure within courts

vvvvv) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

No, it does not.

wwwww) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

No, it does not

xxxxx) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both?	<input type="checkbox"/> both?

yyyyy) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

Emails are used in this purpose.

- zzzzz) Do electronic files exist?  
- If an electronic file exist, is there a paper file as well?

Yes, there is. At present there is a project going on in the administration of justice the aim of which is to create a system of an electronic file for all the material relating to a case. Results of this project have to waited till 2014-15.

- If both exist, which is the "authentic" file?

At present, the paper file.

- aaaaaa) If yes, is there relevant legislation?

See above under 1. b)

- bbbbbb) What are the main requirements with respect to electronic files?

They need to be attachments.

- ccccc) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

Electronic files are printed out and put up in a secret folder. Sensitive information is sent in a coded email.

- dddddd) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

To our knowledge, there have been no such cases.

- eeeeee) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

Documents are delivered by ordinary mail or by registered mail. In some cases the parties may use private delivery service.

- ffffff) Must paper documents be kept? If yes, how long?

As a rule, yes. Time depends on the nature of the document.

- gggggg) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

No, it does not exist.

- hhhhh) Do parties have access to the complete court file:

- Yes, always  
 Yes, but only with specific conditions

It is an important part of fair trial that the parties have access to the complete file. However, the deliberations of the court are kept confidential and so are the possible P.M:s made by the court preparing the decision. In some special cases the State's public safety may demand that some information is kept confidential.

- No

Please indicate, if appropriate, the relevant legislation.

Code of Judicial Procedure, Act on the Publicity of Court Proceedings in General Courts (370/2007); a translation of the Act 370/2007 is attached to the delivery of these answers, see especially Sections 1, 9 and 12.

iiiiii) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

No, there is no such possibility.

jjjjjj) Is the access to electronic files within the court regulated? Please specify.

Yes, it is. The so-called Kyösti –inquiry data system is covered by the Act on the nation-wide data system of the judicial administration.

kkkkkk) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input checked="" type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

fff) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

Yes, they are.

ggg) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

If a draft decision is written by the rapporteur, then the draft and the notes are accessible for judges in computer.

hhh) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

No, it is not.

iii) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

Yes, to some extent.

jjj) Are oral hearings audio or video recorded?

Yes, they are audio recorded.

kkk) Is video conference in public hearing used:

for the hearing of witnesses?

for the hearing of experts?

for the hearing of parties?

other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

Code of Judicial Procedure, Chapter 17. See, for example

#### **Section 34a (360/2003)**

(1) A witness, another person to be heard for probative purposes or a party may be heard in the main hearing without his or her appearance in person with the use of a video conference or other appropriate technical means of communication, where the persons participating in the hearing have an audio and video link with one another, if the court deems that this is suitable and

(1) the person to be heard cannot, due to illness or another reason, appear in

person in the main hearing, or his or her personal appearance in proportion to the significance of the testimony would cause unreasonable costs or unreasonable inconvenience;

(2) the credibility of the statement of the person to be heard can be reliably assessed without his or her personal appearance in the main hearing;

(3) the procedure is necessary in order to protect the person to be heard or a person related to him or her in the manner referred to in chapter 15, section 10, subsection 2 of the Criminal Code, from a threat directed at life or health; or

(4) the person to be heard has not reached the age of 15 years or he or she is mentally incapacitated.

(2) A party shall be reserved an opportunity to put questions to the person being heard.

(3) In the cases referred to above in subsection 1(1) and 1(2), however, also a telephone may be used in the hearing.

III) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.

The Finlex service and Edilex service, the latter of which also comprises law review articles, are provided in cooperation with **Edita**, which is a public limited company owned by the Finnish state.

#### 5. Practical court work

eee) What is the work of the judge:

- in writing the documents? Documents that are directly connected with the court's decision are written by the judge. Other documents are often written by the court staff.
- in delivering the documents? The delivery is made by the court staff.
- in registering the documents? Documents are registered by the court staff.



- fff) What is the work of the court staff:
- in writing the documents? See above.
  - in delivering the documents? See above.
  - in registering the documents? See above.

ggg) Is there enough staff to do this work? Please specify.

In general, more staff would be very welcome, but the situation changes from court to court. No exact figures can be given.

hhh) Do judges write their decisions themselves on their computer?

Yes, they do. Secretaries may modify the documents.

iii) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

Yes, there are document templates in the diary data system which judges can make use of.

jjj) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

Yes, in some courts but not in all.

kkk) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc.? Please specify

Yes, there are such databases. They are used for statistical purposes but not for evaluation of individual judges.

## **6. Internet**

q) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

Yes, it is and it is not limited.

r) Do all courts have their own website? Please specify which court and the content of the website.

There is [www.oikeus.fi](http://www.oikeus.fi) for all courts, [www.kko.fi](http://www.kko.fi) for the Supreme Court and [www.kho.fi](http://www.kho.fi) for the Supreme Administrative Court.

## **7. Use of private personal computers/laptops by judges and court staff**

eee) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

A judge may work on his own computer and save the document on a usb-device for further elaboration in court. See below c).

fff) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?

No, it is forbidden for data protection purposes.

ggg) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify.

Usb-devices are checked when installed on Courts computer. Judges have at their disposal "official" laptops that can build a connection to Courts data systems via a secure Virtual Private Network – client.

hhh) Is the situation the same for all court staff?

For judges and referendaries, yes. This far only judges have "official" laptops.

## 8. Use of data

iii) Is the data contained in the procedure used for another aim than the procedure itself?

No, it is not.

jjj) Is this data used for statistics?

Yes, it is.

kkk) If yes:

- who produces these statistics?

Business Intelligence –data warehouse run by a state data center called Oikeushallinnon tietotekniikkakeskus and also by court staff.

- how and by whom are these statistics used?

Statistics are used for various needs, for example by the Ministry of Justice to follow the general situation and work load of different courts and by the court presidents to follow the different aspects of their own court. Statistics may also be used by the court staff in general for different purposes.

## 9. Data security

gg) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

hh) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

ii) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

Yes, to both questions.

jj) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

Yes, there is.

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

The strategic decisions are made on Ministry level. Preparatory work is often made by working groups in which judges are represented. The voice of judges is also heard during the implementation.

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

Easy access to all material and speediness are valuable advantages, but we still have a long way to go. Lack of financial resources and competent personnel are slowing down the process. I am not sure that feasible results are at hand as planned 2014-15.

## 1. Accès aux tribunaux

jj) Les procédures judiciaires peuvent-elles être initiées par des moyens électroniques ?

*Les procédures judiciaires ( autres que pénales ) peuvent être en principe engagées par les parties et suivies par des moyens électroniques.*

*En matière pénale comme en matière civile, l'informatique est également utilisée par les services des greffes des juridictions comme mode d'enregistrement et de suivi des procédures*

kk) Existe-t-il une législation en la matière ?

*Sur la communication électronique entre les parties et la juridiction en matière civile : articles 748-1 et suivants du code de procédure civile.*

*Sur la gestion informatique des procédures par les juridictions : voir notamment, en matière pénale, le décret n° 2009-528 du 11 mai 2009 autorisant la mise en œuvre d'un traitement automatisé dénommé « Cassiopée ».*

ll) Quelles sont les exigences principales permettant d'initier une procédure judiciaire par moyen électronique ? (plusieurs choix possibles).

- Les parties doivent soumettre leur demande avec une signature électronique : *oui*
- Les parties doivent remplir un formulaire téléchargeable et le soumettre électroniquement
- Autre. Veuillez spécifier.

mm) En pratique, dans quelle mesure les procédures judiciaires sont-elles initiées par des moyens électroniques ?

*Pour l'instant, les procédures civiles ne sont entièrement dématérialisées qu'à la Cour de cassation : les recours en cassation, ainsi que toutes les pièces se rapportant à ces recours, font l'objet d'envois exclusivement électroniques.*

*La communication électronique entre les cabinets d'avocats et les juridictions est en cours d'application devant les autres juridictions.*

*Par ailleurs, des expérimentations ont été entreprises devant certains tribunaux, notamment pour faciliter l'accomplissement en ligne de certaines démarches par les citoyens ( par exemple : obtention d'une copie de décision de justice ; demande de certificat de non-recours ; demande de permis de visite pour un détenu ).*

## 2. Procédure devant les tribunaux

lllll) Une fois la demande faite électroniquement, la procédure diffère-t-elle de la procédure traditionnelle ?

*Il n'y a pas de différence fondamentale entre les deux types de procédure, sinon le fait que, si les dispositions de la « procédure traditionnelle » prévoient des transmissions d'actes de procédure en plusieurs exemplaires, ces dispositions ne s'appliquent pas à la procédure électronique ( article 748-3 du code de procédure civile ).*

mmmmm) La procédure électronique diffère-t-elle en fonction du type d'affaires (civiles, pénales, administratives, etc.)

nnnnn) Comment le tribunal communique-t-il avec les parties :

*Si la procédure est dématérialisée, les échanges doivent être réalisés par des moyens électroniques. Tel est le cas actuellement à la Cour de cassation : les recours sont formés et instruits selon une procédure dématérialisée aussi bien pour les avocats qui saisissent la Cour que pour cette juridiction, qui communique sous la même forme avec les conseils des parties.*

Par ailleurs, les parties elles-mêmes, indépendamment des informations que doivent leur communiquer leurs avocats, peuvent se connecter ( avec un mot de passe ) sur le site internet de la Cour de cassation pour connaître l'état d'avancement de leur affaire.

Avec les parties qui utilisent elles-mêmes des moyens électroniques :	Avec les autres parties :
<input type="checkbox"/> par des moyens traditionnels ?	<input type="checkbox"/> par des moyens traditionnels ?
<input type="checkbox"/> en utilisant les moyens de communication électronique ?	<input type="checkbox"/> en utilisant les moyens de communication électronique ?
<input type="checkbox"/> les deux ?	<input type="checkbox"/> les deux ?

ooooo) Existe-t-il des moyens électroniques spécifiques de communication entre les avocats et les tribunaux ? Veuillez préciser.

Voir la réponse ci-dessus

ppppp) Est-ce qu'il existe des dossiers électroniques ?

Voir les réponses précédentes

- Si un dossier électronique existe, existe-t-il également un dossier papier ?
- Si les deux existent, lequel est le dossier « authentique » ?

*Le dossier électronique remplace le dossier papier à la Cour de cassation.*

*Une place particulière subsiste cependant pour la décision de la juridiction :*

*L'article 748-5 du code de procédure civile prévoit en effet que « l'usage de la communication par voie électronique ne fait pas obstacle au droit de la partie intéressée de demander la délivrance, sur support papier, de l'expédition de la décision juridictionnelle revêtue de la formule exécutoire ».*

*Pour l'instant en effet, les décisions juridictionnelles conservent, pour les originaux, un format papier, avec signatures effectives du juge et du greffier.*

qqqqq) Le cas échéant, existe-t-il une législation en la matière ?

rrrrr) Quelles sont les principales exigences concernant les dossiers électroniques ?

*Les procédés techniques utilisés doivent garantir la fiabilité de l'identification des parties à la communication électronique, l'intégrité des documents adressés, la sécurité et la confidentialité des échanges, la conservation des transmissions opérées et permettre d'établir de manière certaine la date de l'envoi et celle de la réception par le destinataire.*

sssss) Existe-t-il une réglementation et des protections spécifiques concernant les dossiers électroniques contenant des informations sensibles (par ex. sur la santé, sur les services secrets, etc.) ?

ttttt) Que se passe-t-il lorsque l'authenticité d'un document électronique est mise en doute/controversée par une partie ?

uuuuu) Quelle est la procédure utilisée par les parties et le tribunal si une partie veut soumettre un document qui **n'est pas** sous la forme électronique (document papier par ex.) ?

*Le juge peut toujours autoriser ou exiger la production d'un document qui a été établi en original sur support papier.*

vvvvv) Les documents "papier" doivent-ils être conservés ? Le cas échéant, combien de temps ?

*La réglementation de l'archivage des juridictions fait notamment l'objet d'une circulaire du ministre de la justice du 10 septembre 2003, modifiée le 30 juin 2009.*

*Sont prévues les règles de durée de conservation des documents, variables selon leur nature.*

wwwww) Quelle est la procédure lorsque la signature manuelle d'un juge ou d'un greffier est requise ? La signature électronique existe-t-elle ?

Elle n'existe pas actuellement pour les juges et les greffiers.

xxxxxx) Les parties ont-ils accès au dossier judiciaire complet :

- Oui, toujours  
 Oui, mais sous certaines conditions  
 Non

Veillez préciser le cas échéant la réglementation en vigueur.

yyyyyy) Les parties ou leurs avocats ont-ils la possibilité de suivre l'état de la procédure via internet (sécurisé) ?

Réponse donnée à la rubrique c )

zzzzzz) L'accès du personnel judiciaire aux dossiers électroniques est-il réglementé? Veuillez préciser.

aaaaaa) Accès aux dossiers par les juges et le personnel des tribunaux :

Juges :	Personnel des tribunaux :
<input checked="" type="checkbox"/> à tous les dossiers ?	<input type="checkbox"/> à tous les dossiers ?
<input type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?	<input checked="" type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?

### 3. Les audiences

mmm) Existe-t-il des audiences utilisant des moyens électroniques (par ex. les juges ont les dossiers électroniques sur un ordinateur) ?

*A la Cour de cassation, les décisions sont délibérées par les membres de la chambre utilisant les ordinateurs installés en salle d'audience.*

nnn) Les expertises, les projets de décisions rédigés par le rapporteur ou les notes personnelles sont-elles accessibles aux juges sur leur ordinateur ?

Oui

ooo) Le dossier complet est-il accessible par les parties et les avocats pendant les audiences (également sur ordinateur) ?

*Non. Les parties reçoivent communication, avant l'audience de la Cour de cassation, des seuls documents non couverts par le secret ( rapport du conseiller rapporteur ; avis de l'avocat général ).*

ppp) Un équipement technique a-t-il été installé dans les tribunaux pour permettre de projeter sur écran des documents visibles par les juges, les parties et le public ?

*Il n'y a pas de règle systématique : cette installation est possible, selon la nature des affaires.*

qqq) Les audiences sont-elles enregistrées (audio ou vidéo) ?

*En matière pénale : enregistrement des interrogatoires par les juges d'instruction en matière criminelle ( article 116-1 du code de procédure pénale ) ; enregistrement possible des débats en matière criminelle ( article 308 du code de procédure pénale ).*

*Enregistrement audiovisuel ou sonore des audiences publiques devant les juridictions administratives et judiciaires, lorsque cet enregistrement présente un intérêt pour la constitution d'archives historiques de la justice ( article L221-1 du code du patrimoine ).*

*En matière administrative, possibilité de faire un enregistrement sonore, visuel ou audiovisuel des mesures d'instruction ordonnées avant jugement ( article R626-2 du code de justice administrative ).*

rrr) La vidéo-conférence est-elle utilisée lors des audiences :

- pour l'audition des témoins ?
- pour l'audition des experts ?
- pour l'audition des parties ?
- autre ? Veuillez préciser.

Veuillez préciser la législation en vigueur et les restrictions prévues, le cas échéant.

*La vidéo-conférence peut être utilisée pour l'ensemble de ces opérations en matière pénale ( article 706-71 du code de procédure pénale ) et en matière civile ( article L111-12 du code de l'organisation judiciaire ).*

*Des textes particuliers peuvent également prévoir l'utilisation de cette technique de communication ( par exemple : l'article L552-12 du code de l'entrée et du séjour des étrangers et du droit d'asile, pour le déroulement des audiences relatives à la prolongation des décisions de rétention administrative des étrangers en situation irrégulière sur le territoire français ).*

sss) Si possible, veuillez préciser combien de tribunaux sont équipés de moyens électroniques appropriés et suffisants pour assister les juges, les greffiers et les parties durant les audiences ?

	100% des tribunaux	+50% des tribunaux	-50% des tribunaux	-10% des tribunaux
Accès aux dossiers électroniques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base de données électroniques pour la jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ecran et projecteurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accès à internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vidéo-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement vidéo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement audio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Services d'information pour les juges

Existe-t-il, au niveau central, des bases de données accessibles au juge :

Base gérée par l'Etat	Base gérée par une institution privée
<input checked="" type="checkbox"/> Législation nationale	<input checked="" type="checkbox"/> Législation nationale
<input checked="" type="checkbox"/> Législation européenne	<input checked="" type="checkbox"/> Législation européenne
<input checked="" type="checkbox"/> Jurisprudence nationale	<input checked="" type="checkbox"/> Jurisprudence nationale
<input checked="" type="checkbox"/> Jurisprudence internationale	<input checked="" type="checkbox"/> Jurisprudence internationale
<input type="checkbox"/> Articles juridiques	<input checked="" type="checkbox"/> Articles juridiques

*Le droit français ( législation et jurisprudence des Conseil constitutionnel, Conseil d'Etat et Cour de cassation ) fait l'objet d'une mise en ligne sur le site internet du service public Legifrance, d'accès gratuit.*

Veuillez préciser, le cas échéant, l'institution privée.

*Editeurs de bases de données et de revues juridiques*

#### 5. Travail pratique dans les tribunaux

- III) En quoi consiste le travail du juge :
- dans la rédaction des documents ?
  - dans la transmission des documents ?
  - dans l'enregistrement des documents ?

*Rédaction des décisions et, dans les procédures dématérialisées, enregistrement de ces décisions.*

- mmm) En quoi consiste le travail du personnel du tribunal :
- dans la rédaction des documents ?
  - dans la transmission des documents ?
  - dans l'enregistrement des documents ?

*Enregistrement et transmission de documents se rapportant aux procédures.*

- nnn) Y-a-t-il assez de personnel pour accomplir ces tâches ? Veuillez préciser.

*Fonctionnaires de juridictions en effectifs notablement insuffisants.*

- ooo) Les juges rédigent-ils eux-mêmes leurs décisions sur leur ordinateur ?

*La tendance est à la généralisation de la rédaction des jugements sur ordinateur.*

- ppp) Les juges utilisent-ils des techniques spécifiques (reconnaissance vocale, modèles de décision) disponibles sur les bases de données ? Veuillez préciser.

*La reconnaissance vocale est pratiquée.*

*Le recours à des trames de décisions se développe, notamment pour le traitement des contentieux dits « de masse ».*

*Les nouvelles technologies sont surtout le moyen pour les juges d'avoir un accès plus facile à la documentation juridique disponible en ligne.*

*A la Cour de cassation, les juges disposent d'un « bureau virtuel », qui leur permet d'avoir accès à l'ensemble des pièces des procédures dont ils ont besoin pour traiter leurs dossiers et préparer les audiences, de disposer de l'ensemble des informations juridiques nécessaires. En outre un formulaire informatique a été conçu pour permettre aux juges de la Cour de préparer leurs rapports et projets de décisions, en leur fournissant des cadres préétablis et des informations pratiques sur les différents cas de figure auxquels ils peuvent être confrontés.*

- qqq) Les nouvelles technologies sont-elles utilisées pour surveiller la durée des procédures et la gestion du flux des affaires au sein des tribunaux (système d'alerte par exemple) ?

*Les nouvelles technologies sont un instrument d'établissement des statistiques, de surveillance des flux et de gestion des affaires.*

- rrr) Les données concernant le travail effectué par chaque juge sont-elles rassemblées dans une base de données susceptible d'être utilisée pour des statistiques, pour des évaluations, etc. ? Veuillez préciser.

*Ces informations sont établies et utilisées par la juridiction concernée.*

## **6. Internet**

- s) Le juge a-t-il accès à internet depuis son bureau ? Cet accès est-il limité ? Veuillez préciser.

*Accès possible.*

- t) Les tribunaux disposent-ils tous de leur propre site internet ? Veuillez préciser quels tribunaux et le contenu du site.

*Les cours d'appel et les tribunaux de première instance disposent de sites internet permettant au public d'avoir accès à un certain nombre d'informations relatives au fonctionnement général de ces juridictions ( par exemple : les adresses des services, les jours et heures d'audiences, les modalités d'accomplissement de certaines démarches ).*



## 7. Utilisation des ordinateurs personnels par les juges et le personnel des tribunaux

lll) Un juge peut-il utiliser son ordinateur (portable) personnel à des fins professionnelles (par ex. à la maison ou sur le trajet maison/tribunal) ?

*Oui, mais il ne peut avoir accès sur son ordinateur personnel aux données confidentielles accessibles seulement par un réseau intranet/justice.*

mmm) Des e-mails contenant des informations professionnelles peuvent-ils être envoyés du tribunal vers l'adresse privée du juge et vice-versa ?

*Non.*

nnn) Cela nécessite-t-il des protections techniques spécifiques (par ex. exclusion de l'accès à des tiers, aux membres de la famille, etc.) ? Veuillez préciser.

ooo) La situation est-elle la même pour l'ensemble du personnel des tribunaux ?

## 8. Utilisation des données

ppp) Les données figurant dans la procédure sont-elles utilisées à d'autres fins que la procédure elle-même ?

*Non.*

qqq) Ces données sont-elles utilisées à des fins statistiques ?

*Oui.*

rrr) Le cas échéant :

- qui produit ces statistiques ?

*Ministère de la justice et juridictions concernées.*

- comment et par qui ces statistiques sont-elles utilisées ?

*Les utilisateurs sont également le ministère de la justice et les juridictions.*

*Etudes de contentieux et d'évolution des saisines judiciaires, établissement de tableaux de bord, statistiques de durée des procédures etc...*

## 9. Sécurité des données

kk) Existe-t-il une législation permettant de protéger les données personnelles utilisées dans l'infrastructure électronique du tribunal ?

*La protection des données personnelles est assurée par la loi du 6 janvier 1978 qui a institué la Commission nationale informatique et libertés.*

ll) Le cas échéant, les exigences suivantes sont-elles applicables :

- règles sur l'accès aux données personnelles par la personne concernée ou par d'autres personnes/institutions
- obligation de correction ou de suppression le cas échéant
- autres. Veuillez préciser.

*Tout traitement informatique de données permettant de constituer des fichiers et d'identifier des personnes physiques doit être déclaré à la Commission nationale informatique et libertés ( CNIL ), la loi donnant en principe à toute personne le droit de connaître les informations le concernant et de faire procéder à leur éventuelle correction, si celles-ci sont inexactes.*

mm) S'il existe un Commissaire à la protection des données au niveau national, s'est-il déjà penché spécifiquement sur la question des nouvelles technologies dans le domaine de la justice?

nn) Existe-t-il un Commissaire à la protection des données propre à chaque tribunal (par ex. un juge qui aurait cette tâche supplémentaire spécifique) ?

*La CNIL consacre l'un de ses dossiers ( consultables sur le site internet de cette Commission ) aux différents fichiers policeljustice, en précisant notamment les conditions dans lesquelles les personnes physiques peuvent exercer leur droit de consultation et de rectification.*

#### **10. Participation des juges**

Qui prend les décisions concernant l'infrastructure électronique des tribunaux ? Les juges sont-ils impliqués dans les décisions pertinentes concernant l'installation des nouvelles technologies au sein des tribunaux ?

*Les décisions sont prises, au niveau national, par le ministère de la justice, avec le concours des juridictions.*

#### **11. Conclusion**

Pouvez-vous donner votre opinion sur les avantages et les inconvénients du développement des nouvelles technologies au sein des tribunaux ?

*Avantages : efficacité et simplification de traitement des procédures, facilitation du travail des juges, notamment en leur permettant d'avoir un accès plus aisé à la documentation juridique disponible.*

*Inconvénients : coût des équipements et de la formation initiale ou permanente requise ; une certaine rigidité des systèmes.*

# Germany

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**Preliminary remark:** Apart from the federal courts of cassation, under the federal system in Germany the courts of all branches are the responsibility of the Länder. Rules and standards of information technology in the courts therefore vary slightly from Land to Land. In addition, introduction of information technology is, of course, a process subject to continuing changes and improvements. In the answers, it is attempted to give the broad picture of the present status in Germany as it appears on average from the data available for the Länder.

## 1. Access to courts

nn) May legal proceedings be instigated by electronic means?

In principle, electronic access to initiate legal proceedings is admitted by federal law. In practice, admission depends on whether the Federal Government (for the courts of the federation) and the Länder have introduced electronic access by statutory instrument.

So far, such instruments have been passed at the federal level for the Bundesgerichtshof, Bundesverwaltungsgericht, Bundespatentgericht, Bundesfinanzhof – Federal Supreme Court, Federal Administrative Court, Federal Patent Court, Federal Tax Court.

Regulations in the Länder differ.

Most important is the small claims proceedings (gerichtliches Mahnverfahren) which have been introduced in slightly different forms in the Länder (often in co-operation of some of the Länder) and which are completely automated. Here creditors with a large number of small claims debtors apply electronically, although, in theory, applications on paper are still admissible. Lawyers are obliged to apply electronically.

Contentious proceedings can be initiated electronically in some of the Länder in tax courts, in administrative courts and on a pilot basis in a family court.

In non-contentious proceedings, applications to the company and merchants' register have to be brought electronically. In the register of associations and in the land registry, applications may be put in electronically. These proceedings are conducted by the courts electronically. The land registry, company register and register of associations are kept in electronic databases.

An overview may be found under

[http://www.justiz.de/elektronischer\\_rechtsverkehr/index.php](http://www.justiz.de/elektronischer_rechtsverkehr/index.php)

oo) Is there relevant legislation?

**Federal Law:**

§ 41a Strafprozessordnung (code of criminal procedure),

§ 130a Zivilprozessordnung (code of civil procedure),

§ 14 subs. 2 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG, code of procedure in family and non-contentious cases),

§ 46c Arbeitsgerichtsgesetz (code of procedure in labour courts),

§ 55a Verwaltungsgerichtsordnung (code of procedure in administrative courts),

§ 52a Finanzgerichtsordnung (code of procedure in tax cases),

§ 8a Handelsgesetzbuch (commercial code)

§ 135 Grundbuchordnung (land registry act).

§ 690 Subs. 3 Zivilprozessordnung (small claims proceedings)

**Exmples on the Land level:**

**Statutory instruments in Northrhine-Westphalia:**

- [Verordnung \(VO\) dated 01.12.2010](#) (court of appeal in administrative cases, administrative court in Minden, tax courts)

- [VO dated 19.12.2006](#) (company register)

- [VO dated 13.04.2010](#) (proceedings according to § 101 Subs. 9 Urheberrechtsgesetz .- copyright law – before the regional court in Cologne).

- [VO dated 31.08.2005](#) (elektronic divorce cases, pilot project at the local court in Olpe)

pp) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature – **This is the rule**
- The parties must provide a detailed description of the claim - **as is the case in non-electronic applications**
- The parties must fill in a downloadable form to be submitted electronically - **in some proceedings**
- Other, please specify.

qq) To what extent are legal proceedings instigated by electronic means in practice?

**Apart from the small claims cases and from proceedings where, like in the company register, electronic applications are mandatory, where 90 to 100 percent of the applications are brought electronically, initiation by electronic means is rarely used. Initiation is most common perhaps in tax cases, where both tax lawyers and tax advisers representing the clients and the offices of the inland revenue are in a position to communicate electronically. Once proceedings brought in the traditional way are pending, an exchange of electronic data is not uncommon.**

**2. Procedure within courts**

bbbbbbb) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

**No, but communication is electronic as far as possible. In small claims cases, once the defendant has objected, the electronic file will be printed and the proceedings will be transferred into a traditional civil case.**

ccccccc) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

**Generally not. Within the court, work may differ because electronic files may be available for the judges. Courts with electronic proceedings usually keep electronic files using document management systems.**

ddddddd) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input checked="" type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

eeeeeee) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

**Communication between courts and lawyers may happen via electronic court post box (EGVP). This software allows transfer of documents between lawyers, lawyers and courts, and government offices in a legally binding form. (cf. § 174 Subs. 3 Zivilprozessordnung). See also [www.eqvp.de](http://www.eqvp.de).**

ffffff) Do electronic files exist?  
 - If an electronic file exist, is there a paper file as well?  
 - If both exist, which is the “authentic” file?

**Electronic files exist only as a complimentary file to the official file, the paper file being the authentic file. Small claims cases run on electronic files until they pass into traditional proceedings. Company register is solely electronic. In certain proceedings (e.g. big criminal cases), so-called secondary electronic files are being used. The advantage is that documents can be provided for all those concerned on CD and reference is quick and easy.**

ggggggg) If yes, is there relevant legislation?

**Cf. 1 a) and b)**

hhhhhhh) What are the main requirements with respect to electronic files?

**No special requirements. They have to be complete, readily available, authentic (no alterations possible).**

iiiiiii) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

**None. Special regulations applying to paper files (e.g. concerning confidential information, in camera proceedings) would have to apply to an electronic file.**

jjjjjjj) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

**Such a disput has not arisen so far. One would assume that printouts would be available to reconstruct the correct file, likewise if an electronic file is lost.**

kkkkkkk) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

**They would be put into the (leading) paper file). In solely electronic proceedings documents would be scanned or may even be rejected.**

lllllll) Must paper documents be kept? If yes, how long?

**Yes, because, as a rule, the paper file is the relevant file. (Exception: Small claims cases, company register)**

mmmmmmm) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

**Digital signatures are possible but as yet rarely used.**

nnnnnnn) Do parties have access to the complete court file:

Yes, always, **subject to cases where access to a paper file might be restricted (confidential information etcetera)**

Yes, but only with specific conditions

No

Please indicate, if appropriate, the relevant legislation.

**Special regulations concerning the parties' access to electronic court files do not yet exist. In principle, access has to be guaranteed, if necessary by printout.**

ooooooo) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

**As a rule, the parties cannot get the state of proceedings be remote electronic access. In some courts, pilot projects are under way, e.g. to allow information via internet concerning the time of the trial, the outcome of a case etcetera.**

pppppp) Is the access to electronic files within the court regulated? Please specify.

**There are no special regulations.**

qqqqqq) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

**3. Oral hearing**

ttt) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

**Cf. 2 e) – secondary electronic files.**

uuu) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

**In the court, always, provided the documents are stored in a document management system.**

vvv) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

**Generally not, cf. a)**

www) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

**Yes, in many courts, especially criminal courts.**

xxx) Are oral hearings audio or video recorded?

**As a rule not. Exceptions apply e.g. where a witness is heard by videoconference.**

yyy) Is video conference in public hearing used:  
 for the hearing of witnesses?  
 for the hearing of experts?  
 for the hearing of parties?  
 other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

**This is possible under exceptional circumstances for witnesses, experts, parties and other participants in criminal proceedings, in civil proceedings if the parties agree. For relevant legislation cf. sections 58a, 247 a, 251 code of criminal procedure and s. 128 a code of civil procedure.**

**S. 58a code of criminal procedure allows recording of witness statements in pre-trial proceedings and in the trial e.g., if there is a risk that the witness may not be present at the trial, if the witness is under 18 years of age, he or she is the victim of the crime and if it is in his or her interest not to be present at the trial. S. 247a provides that the witness may be heard outside the trial court room if there is an imminent risk that he may suffer severely by having to give testimony in the presence of the other participants of the trial; in this case, the testimony has to be transmitted simultaneously into the court room.**

zzz) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
X national legislation	X national legislation
X European legislation	X European legislation
X national case-law	X national case-law
X international case-law	X international case-law
X law review articles	X law review articles

Please specify the private institution.

**Juris (state-run private company), Beck-online, Lexis and others. The Länder provide access to different databases, Juris however is common for all.**

#### 5. Practical court work

sss) What is the work of the judge:

- in writing the documents?
- in delivering the documents?
- in registering the documents?

**It is the task and the duty of judges to take all necessary measures for the judicial determination of a given case. This includes studying the court file, analysing the facts, determining the issues, researching the applicable law and court decisions, setting down the case for trial, drafting pre-trial orders, sitting in the trial and writing the final decision.**

**An increasing number of judges (especially younger judges) do write their decisions themselves on their computer. Computers are invariably provided in the office. Many judges also use their privately owned computers and write their draft decisions at home.**

**Other judges dictate their draft judgments which are then typed by the service personnel. In most courts digital dictating systems are available.**

**Very few (mostly older) judges provide a hand-written draft decision.**

**Judges are free to use whatever medium they prefer. Only in the full electronic company register work on the computer is obligatory; the Federal Judicial Service Court (Dienstgerichtshof) has held recently, that a judge is not entitled to rely on his judicial independence to demand printouts of all electronic documents but instead has to use the computer because the law provides that in the company register all documents have to be produced electronically.**

**Judges are not expected to register documents. In case of digitally recorded documents, judges would have to transfer the digital recording into the computer system.**

- ttt) What is the work of the court staff:
- in writing the documents?
  - in delivering the documents?
  - in registering the documents?

**Court staff has to write documents if they are not written by the judges. They have to register and deliver the documents, invariably using special computer programmes supplied by the court administration.**

- uuu) Is there enough staff to do this work? Please specify.

**Court staff varies among the Länder. Under the staff work-load system introduced throughout the judiciary in Germany, many courts are short-staffed by up to 20 percent. This applies especially to the larger Länder in former West Germany and to Berlin, whereas (due to a reduction in the caseload) Länder in former East Germany are sufficiently staffed.**

- vvv) Do judges write their decisions themselves on their computer?

**Cf. a)**

- www) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

**Voice recognition is increasingly available, if judges wish to make use of it. Nearly in all courts and proceedings, specially designed programmes are introduced which provide all relevant data of the case (parties, lawyers, addresses, legal aid calculators etcetera) and which also offer model standard decisions as an option for the judge to use as a basis for his or her decision. In addition all judges have access to legal databases containing decisions of federal courts and courts of appeal. Some databases also offer commentaries of basic codes (civil code, criminal code, procedural codes) and other publications.**

- xxx) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

**Data of cases are collected for statistical purposes (e.g. file-number, the amount in dispute, the duration of the proceedings or the way of termination of proceedings etcetera). These data are accumulated and analysed on a court-by-court basis. No data as to the quality of work of the individual judge are being collected.**

- yyy) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

**Cf. f). Documents created by judges are kept and stored in the court computer system under the relevant case file. No data as to the quality of work of the individual judge are being collected.**

## **6. Internet**

- u) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

**Yes, in all courts.**

- v) Do all courts have their own website? Please specify which court and the content of the website.

**Nearly all courts have their own websites. It is the aim of judicial administrations that all courts have their own websites. This should be achieved in the near future.**



Generally, court websites follow a common corporate design introduced by the relevant ministry of justice. Within this design, courts are usually free and also obliged to create the contents of their websites. For this purpose, a special tool (content management system) is provided.

Court websites usually contain information concerning

- physical access to courts (road maps, opening hours, public transport, parking),
- contact data,
- the rules concerning the distribution of cases among panels and judges (Geschäftsverteilungsplan)
- press releases,
- links to a database of published decisions
- links to various application forms

## **7. Use of private personal computers/laptops by judges and court staff**

sss) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

Rules and regulations vary slightly among the Länder. As a rule, it is accepted that judges use their private personal computers and/or notebooks for judicial work, especially if they write their draft decisions themselves. In this case, judges are invariably expected to take all necessary precautions to avoid that unauthorized persons can have access to confidential data (which always includes the text of a draft decision). In some Länder, judges are explicitly bound to encrypt the data and to delete and remove data from their computers once the case is closed and to keep model decisions only in an anonymous form. In case of violation, the judge may be held responsible.

Access of the private computer to the court network is generally not admitted. In rare cases, e.g. under family-friendly work plans, notebooks are provided by the courts and access to the court network (with encryption programmes and through a tunnelled access programme) is allowed.

ttt) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?

With a few exceptions in some of the Länder, e-mail between the judge's office e-mail account and his private e-mail account is generally possible. The transfer of confidential data in an "open" e-mail is not permitted. It is the responsibility of the judge to provide for data protection by either using other means of transfer or by using encryption programmes. Some courts offer external access to the office account on the basis of a secure entrance (e.g. outlook web access)

uuu) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

**Cf. b)**

In some of the Länder, office computers are not open to USB or CD data transfer or access is only admitted on specific grounds. In most cases, however, USB data transfer is possible, again with the judge being responsible for data protection. USB sticks are generally password protected and data are supposed to be encrypted before being transferred on the USB stick.

Data protection is the responsibility of the judge. He is expected to use available protective tools like external hard disks, password protection, encryption programmes, separation of the computer from a network, network safeguards and firewalls etcetera.

vvv) Is the situation the same for all court staff?

This applies to judges (and prosecutors), in most courts also to greffiers (Rechtspfleger) but generally not to the support staff. Service personnel (typists, secretaries, court officers) usually have an office e-mail account but in most courts only restricted access to the internet.

## 8. Use of data

www) Is the data contained in the procedure used for another aim than the procedure itself?

This depends on the computer programme supporting the relevant proceedings. In some programmes, e.g., data of lawyers may be kept in a supporting database in order to select them (name, address, fax-numbers etcetera) when these lawyers appear in another case.

xxx) Is this data used for statistics?

Data of cases are collected for statistical purposes (e.g. file-number, the amount in dispute, the duration of the proceedings or the way of termination of proceedings etcetera). These data are accumulated and analysed on a court-by-court basis.

yyy) If yes:

- who produces these statistics?

- how and by whom are these statistics used?

Statistics are first of all produced by the courts themselves and then accumulated on the levels of the higher courts and the ministry of justice. They are used for numerous purposes, e.g. fair distribution of judicial and non-judicial staff among the court districts and courts, fair distribution of caseload within the courts, reporting on the performance of the judiciary on the regional, national and European level etcetera.

## 9. Data security

oo) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

pp) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

qq) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

Occasionally. Problems that have arisen are not specific for judicial work but typical for information technology (e.g. data not having been sufficiently erased from a hard disk before the computer was sold)

rr) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

Yes.

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

Final decisions come on the level of the ministry of justice or even the Land government. Before new programmes are being introduced, however, extensive consultations with experts

at all levels of the judiciary take place. In addition, staff councils and councils of the judiciary at court, court of appeal or at the Land level have to be consulted under the relevant staff council law. New forms of IT can, as a rule, only be implemented with the consent of the staff council or, in the absence of such consent, by a decision of the Land cabinet.

## **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

For internal work in the courts, IT is now absolutely necessary. Quality of work, timely disposal of the caseload as well as efficient organisation of work and staff assignment would be impossible without IT support. Work by hand would in no way guarantee a similar level and quality of the work in courts.

Exchange of information and research would equally be impossible at the present level without some kind of IT support.

In standard proceedings like undisputed small claims cases, proceedings in the land registry, company and merchants' register, nearly all steps of a case can be done electronically.

In contentious cases (civil, criminal, family), document management systems, registering the cases and managing trials is unthinkable without IT support. Relevant computer programmes are, however, very complicated, because they have to mirror all the possible steps and varieties of proceedings and they have to offer a combination of structured data and individual texts.

Programming, testing and updating these programmes according to ever-changing substantive and procedural law is an enormous task which requires substantial financial resources. Even if outside support by contractors can be secured, court staff is to a large extent bound to specify demands and to test the programmes.

The more the production of texts is individual the smaller is the benefit of IT in handling a case. Experiments with total IT use in civil cases have shown that it is very difficult to imagine an ergonomic electronic workplace which allows file-reading, research and writing. Split-screens do not serve this demand. It may therefore be doubted that judges may in the near future be prepared to work at a desk with two or three wide screens. Secondary electronic files are an important tool in large cases with a great amount of documents.

As regards access to courts, there appears to be still a limited demand for initiating a case by electronic communication.

Consequently, emphasis should be put on development of internal IT and electronic communication as well as on easy communication between the courts, offices, lawyers and parties, whereas developing methods to initiate proceedings by electronic communication should not have a high priority.

# Hungary

## 1. Access to courts

rr) May legal proceedings be instigated by electronic means?

**Yes, in the following types of procedure:**

- company registration proceedings and amendment notification proceedings
- civil procedure

ss) Is there relevant legislation?

- **Articles 32-64 of Act V of 2006 on Public Company Information, Company Registration and Winding-up Procedure**

- Articles 394/B – 394/E of Act III of 1952 on Civil Procedure (the rules have to be applied stepwise: from 1 July 2011 to 30 June 2012, then from 1 July 1 2012)

tt) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

uu) To what extent are legal proceedings instigated by electronic means in practice?

## 2. Procedure within courts

rrrrrr) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? **Yes.**

sssssss) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

**Yes, for example different rules pertain to litigious and non-litigious proceedings.**

tttttt) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input checked="" type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input checked="" type="checkbox"/> both? <b>Depending on whether the proceeding is litigious or non-litigious, and whether the party is a company or not.</b>

uuuuuu) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

Yes, via the legal counsel's official port of entry.

vvvvvv) Do electronic files exist?  
 - If an electronic file exist, is there a paper file as well?  
 - If both exist, which is the "authentic" file?

If the necessary means of communication between the party and the court is electronic, the electronic is considered authentic.

wwwwww) If yes, is there relevant legislation?

- Act on Civil Procedure.
- Act XXXV of 2001 on Electronic Signature.

xxxxxxx) What are the main requirements with respect to electronic files?

It depends on the type of the electronic document. The electronic document can be – according to the Act on Civil Procedure – authentic instrument or private document.

A private document shall – until proven otherwise – have full probative value verifying that the issuer has in fact made the statement it contains, or undertakes to consider himself bound by such statement if – e. g. – the electronic document is executed by the issuer’s certified electronic signature (Articel 196 of the Act on the Civil Procedure).

yyyyyyy) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

No, general rules are guiding (Article 119.§ of the Act on Civil Procedure).

zzzzzzz) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

There is no special rule; The court shall evaluate the evidence as a whole, and shall rule relying on its conviction.

aaaaaaaa) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

Parties cannot submit documents other than electronic if electronic communication is a must in a given procedure.

bbbbbbbb) Must paper documents be kept? If yes, how long?

Yes, length depends on the type of case.

ccccccc) What is the procedure when a judge’s or court clerk’s hand signature is prescribed? Does digital signature exist? **Yes.**

ddddddd) Do parties have access to the complete court file:  
 Yes, always  
 Yes, but only with specific conditions  
 No

Please indicate, if appropriate, the relevant legislation.

- Act V of 2006 on on Public Company Information, Company Registration and Winding-up Procedure
- Act on Civil Procedure (Article 119.§)

eeeeeee) Do the parties or their lawyers have the possiblity to follow the state of the proceedings via internet (secured)? **No.**

ffffff) Is the access to electronic files within the court regulated? Please specify.

Yes, access is regulated and the rules are laid down by judicial IT staff.

ggggggg) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

**3. Oral hearing**

aaaa) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **Yes, see f.**

bbbb) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **No.**

cccc) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **No.**

dddd) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **No.**

eeee) Are oral hearings audio or video recorded?

- As considered necessary, for example if:**
- there is a witness absent or abroad
  - there is some hindrance
  - within the framework of witness protection

ffff) Is video conference in public hearing used:  
 for the hearing of witnesses?  
 for the hearing of experts?  
 for the hearing of parties?  
 other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

gggg) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* The National Council of Justice operates two mobile equipment that allows the audiovideo conferencing and recording in every court according to the ordering of the given court.

**4. Information services for judges**

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
X national legislation	X national legislation

<input checked="" type="checkbox"/> X European legislation	<input checked="" type="checkbox"/> X European legislation
<input type="checkbox"/> national case-law	<input checked="" type="checkbox"/> X national case-law
<input type="checkbox"/> international case-law	<input checked="" type="checkbox"/> X international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

**Every court has a contract with at least one private institution.**

### 5. Practical court work

zzz) What is the work of the judge:

- in writing the documents? **none**
- in delivering the documents? **none**
- in registering the documents? **none**

aaaa) What is the work of the court staff:

- in writing the documents? **yes**
- in delivering the documents? **yes**
- in registering the documents? **yes**

bbbb) Is there enough staff to do this work? Please specify. **Yes.**

cccc) Do judges write their decisions themselves on their computer?

As a general rule, no. However, more and more judges write their decisions themselves.

dddd) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

Yes. Decision sample, dictaphone.

eeee) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

Yes, there is a special monitoring system, called BIIR (Integrated Information System of Court), with which heads of courts and professional divisions can track the procedures.

ffff) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

Yes. The database of BIIR is suitable indicate the workload of the judges and number of the pending cases and timeliness of the cases.

### 6. Internet

w) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

Yes, without restrictions.

x) Do all courts have their own website? Please specify which court and the content of the website.

**No, the 65% of the courts has own website.**

**The content of the websites is:**

- the organisation and structure of the court (divisions, panels)
- profile of heads of courts
- list of judges
- distribution of cases
- other information for the public

## 7. Use of private personal computers/laptops by judges and court staff

zzz) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **Yes.**

aaaa) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?

Yes, if there is no restriction on the entitlement to this.

bbbb) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

No, this field has internal regulation of informatics.

cccc) Is the situation the same for all court staff? **Yes.**

## 8. Use of data

dddd) Is the data contained in the procedure used for another aim than the procedure itself?

Not the data concerning the merits the case.

eeee) Is this data used for statistics?

Yes.

ffff) If yes:

- who produces these statistics?

The courts; and the parts are put together and analyzed by the Office National Council of Justice.

- how and by whom are these statistics used?

The courts, the National Council of Justice and the President of the Supreme Court use the statistics for increasing the capacity of the justice.

The statistical report should be suitable for the comparative analysis of the performance and the effectiveness and for creating the proportional workload.

On to the proposal of the president of the National Council of Justice, the Supreme Court can exceptionally assign another court having the same competence as the competent court to decide on the given case or on the group of particular cases. A precondition of such an order shall be the reasoning why the judgement on the given case or on the group of the given cases can not be ensured within a reasonable time and all data related to the number of cases, human resources of the court, etc. should be listed as well that justify the extraordinary and unproportional workload of the given court. Before submitting the proposition the opinion of the concerned court – and of the prosecutor general in criminal cases – should be obtained.

## 9. Data security

ss) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

tt) If yes, are there requirements applicable to processing data in courts?



- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

uu) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

The Data Protection Commissioner has no competence in this matter.

vv) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? **Yes.**

#### **10. Participation of judges**

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

**The National Council of Justice.**

#### **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**Electronic communication makes proceedings faster and more effective. It is very important for the companies, as actors of business, to get a decision in time, therefore Hungarian legislation primarily focuses on regulating electronic communication in procedures in which one or both of the parties are companies.**

# Iceland

## 1. Access to courts

- a) May legal proceedings be instigated by electronic means? **In legal proceedings by electronic means computers are only used to write what goes on in the court procedure as well as there are used digital recordings of oral reports of plaintiffs, defendants and witnesses. In Iceland there are two instances; district courts (8) and the Supreme Court. In the Supreme Court electronic means are not used except for judgements of the district courts are sent to the Supreme Court both electronically and in paper.**
- b) Is there relevant legislation? **According to Icelandic law of procedure judges are allowed to have written on computers what is registered during legal proceedings as well as to use digital tape recording/video tape recording during hearings.**
- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify. **There are no special requirements.**

- d) To what extent are legal proceedings instigated by electronic means in practice?  
**The parts often send the plaintiff's complaint and the defendant's answer and the prosecution the indictments to the district courts by electronic means.**

## 2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?
- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?
- c) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication? <b>Yes</b>	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both? <b>Yes</b>

- d) Do specific electronic means exist for the communication between lawyers and courts? Please specify.
- e) Do electronic files exist? **Yes.**  
 - If an electronic file exist, is there a paper file as well? **Yes.**  
 - If both exist, which is the "authentic" file? **The paper file.**
- f) If yes, is there relevant legislation? **Yes.**
- g) What are the main requirements with respect to electronic files?
- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? **Yes.**
- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? **See answer to J).**
- j) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? **All court documents are in paper form.**
- k) Must paper documents be kept? If yes, how long? **All court paper documents are kept first in the courts' archives and then sent to the National archives of Iceland and kept there for good.**

- l) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? **No.**
- m) Do parties have access to the complete court file:
- Yes, always. **Yes.**
  - Yes, but only with specific conditions
  - No

Please indicate, if appropriate, the relevant legislation.

- n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **No.**
- o) Is the access to electronic files within the court regulated? **No.** Please specify.
- p) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction? <b>Yes.</b>	<input type="checkbox"/>	only to files within their jurisdiction? <b>Yes.</b>

### 3. Oral hearing

- a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **Yes.**
- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **Yes.**
- c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **No.**
- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **Yes.**
- e) Are oral hearings audio or video recorded? **Yes (audio recorded).**
- f) Is video conference in public hearing used:
- for the hearing of witnesses? **No.**
  - for the hearing of experts? **No.**
  - for the hearing of parties? **No.**
  - other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

- g) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input checked="" type="checkbox"/> <b>Yes</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/> <b>Yes</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/> <b>No</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/> <b>Yes</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/> <b>No</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/> <b>Yes</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Video recording	<input type="checkbox"/> <b>No</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input type="checkbox"/> national legislation <b>Yes</b>	<input type="checkbox"/> national legislation <b>No</b>
<input type="checkbox"/> European legislation <b>No</b>	<input type="checkbox"/> European legislation <b>No</b>
<input type="checkbox"/> national case-law <b>Yes</b>	<input type="checkbox"/> national case-law <b>No</b>
<input type="checkbox"/> international case-law <b>No</b>	<input type="checkbox"/> international case-law <b>No</b>
<input type="checkbox"/> law review articles <b>No</b>	<input type="checkbox"/> law review articles <b>No</b>

Please specify the private institution.

#### 5. Practical court work

- a) What is the work of the judge:
  - in writing the documents? **Yes. The judgements.**
  - in delivering the documents? **No.**
  - in registering the documents? **No.**
- b) What is the work of the court staff:
  - in writing the documents? **Not the judgements but other files.**
  - in delivering the documents? **Yes.**
  - in registering the documents? **Yes.**
- c) Is there enough staff to do this work? Please specify.
- d) Do judges write their decisions themselves on their computer? **Yes.**
- e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No.**
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **No.**
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify. **There is a database where the cases are registered and the work of each judge is kept for statistics and evaluations.**

#### 6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. **Yes. The access is unlimited except for pornographic material.**
- b) Do all courts have their own website? Please specify which court and the content of the website. **All courts (9) have their own website.**

#### 7. Use of private personal computers/laptops by judges and court staff

- a) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **No.**
- b) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **Yes.**
- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. **Yes. Each judge has his own password.**

d) Is the situation the same for all court staff? **Yes.**

### 8. Use of data

e) Is the data contained in the procedure used for another aim than the procedure itself? **No.**

f) Is this data used for statistics? **Yes.**

g) If yes:

- who produces these statistics? **The Judicial Council and the Supreme Court.**

- how and by whom are these statistics used? **The statistics are mostly used by the Judicial Council and the Supreme Court to measure the case load and occasionally by scholars as material for articles about legal matters and the media for public information.**

### 9. Data security

a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes. **Yes.**

No

b) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions. **Yes.**

correction and deletion requirements. **Yes.**

other. Please specify.

c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? **No.**

d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? **No.**

### 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts? ~~**The Judicial Council and the Supreme Court. The judges are not implicated in the relevant decisions in that concern.**~~

### 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**The advantages are overwhelming. All data information is accessible on a server and therefore easy to work with. Data security is therefore of high importance. There has been discussions in Iceland about using video taping of hearings and video conferencing but before the legislation must be amended.**

## 1. Access to courts

- e) May legal proceedings be instigated by electronic means?

Yes, in Italy proceedings before civil and criminal courts, administrative tribunals and courts of accounts may - under legislation in force - be initiated electronically. However, due to the lack, in practice, of implementation measures, at present the main procedural steps that may be taken electronically are:

- in 130 court offices, consultation from remote points access (e.g. at accredited law firms) of information, contained in court records, concerning civil proceedings through an electronic platform (Polisweb);
- in 24 courts, electronic filing of party submissions and documents, through a secure crypted connection network, apt to form a dematerialised proceeding dossier, automatically inputting court records through XML data; the documents are in PDF format; in all 24 courts this function is legally valid only for the civil summary proceeding of payment order issuing (injunction de payer); in the court of Milan only, parties may also file "written submissions" during ordinary civil proceedings;
- in 11 courts, electronic filing also concerns enforcement of civil decisions on immovable property; in the court of Bologna, it also concerns bankruptcy proceedings.

As one can note, activity is therefore partial, and only concerning some civil proceedings in pilot courts. Also, dematerialisation is not complete, since paper documents are still kept, either in parallel with electronic filing, or are nonetheless filed afterwards.

Please see enclosures for details.

One should add that, other than the above mentioned national project of the Ministry of Justice, many other initiatives concerning IT exist in single districts and courts.

- f) Is there relevant legislation?

The relevant legislation may be consulted on.

<http://www.processotelematico.giustizia.it/pdapublic/index.jsp?sid=1&id=4&pid=4>

The main pieces of legislation are:

- decree of the President of the Republic n. 123 of 13 February 2001;
- art. 51 of the decree-law n. 122 of 28 June, 2008, converted into L. n. 133 of 6 August 2008, as amended by art. 4.1 of decree-law 29 December 2009, n. 193, converted into Law n. 24 of 22 February 2010.

- g) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- |                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | The parties must submit the claim with a qualified electronic signature     |
| <input type="checkbox"/>            | The parties must fill in a downloadable form to be submitted electronically |
| <input type="checkbox"/>            | Other, please specify.  |

- h) To what extent are legal proceedings instigated by electronic means in practice?

As mentioned before, actual "instigation" may only concern requests for payment orders in some courts; after the order has been issued, the paper documents have to be filed in order to obtain the title.

For the rest, the success of the experiments underway may be measured by way of number of "acts" that were filed electronically.

In the period from January 2009 to September 2010 75.186 documents were filed electronically, with the following monthly movement:



**2. Procedure within courts**

q) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

No.

r) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

*Although dematerialisation should concern all procedures, at the moment only some civil activities are being (partially) dematerialised.*

s) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input checked="" type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

t) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

*Lawyers are under an obligation to declare, in each proceeding, the electronic address to which they accept to receive communication. Due to the lack of generalised certified post address requirement, the system is little used, also due to the need that new legislation of 2010 is expected to be implemented.*

u) Do electronic files exist?

- If an electronic file exist, is there a paper file as well? Yes
- If both exist, which is the "authentic" file? *They are parallel.*

v) If yes, is there relevant legislation?

*See above.*

w) What are the main requirements with respect to electronic files?

*Characteristics and security requirements are provided for by general legislation on digital documentation, and by specific decrees of the Minister of Justice.*

*Details concerning architecture and management of data flows are provided in a synthetic form in [http://www.processotelematico.giustizia.it/pdapublic/resources/Dettaglio\\_architettura\\_flussi.pdf](http://www.processotelematico.giustizia.it/pdapublic/resources/Dettaglio_architettura_flussi.pdf)*

x) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

*Yes. Such special rules are also provided by the general legislation on privacy protection.*

- y) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

*Article 20 of the Code of digital administration recognises as a written document an electronic document signed by way of a digital or qualified signature, to guarantee identifying the author, integrity and non modifiability of the document. Being equivalent to a written document, the general rules concerning refusal to recognise one's signature apply, so that the other party may apply for judicial verification of authenticity (usually, by way of an expertise).*

- z) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

*Not applicable at the moment, since a paper submission is always possible.*

- aa) Must paper documents be kept? If yes, how long?

*Not applicable.*

- bb) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

Yes

- cc) Do parties have access to the complete court file:

- Yes, always  
 Yes, but only with specific conditions  
 No

Please indicate, if appropriate, the relevant legislation.

*See above.*

- dd) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

*Yes. See what mentioned above concerning "Polisweb".*

- ee) Is the access to electronic files within the court regulated? Please specify.

*Yes. Each civil judge working on electronic file may view general information, may consult files that are assigned to him/her, and may decide to share and "make visible" some of his "model" measures to other judges. A system is being experimented, in order to have "chambre de conseils" (deliberating meetings) of panels in an electronic way.*

- ff) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

### **3. Oral hearing**

- h) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

*No.*

- i) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

*Only on an experimental basis.*



j) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

*Only on an experimental basis.*

k) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

*No.*

l) Are oral hearings audio or video recorded?

*Yes, only in some criminal trials.*

m) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

*Under some specific Mafia-trial regulations, witnesses in criminal hearings may be heard from remote, protected sites. Also, the accused may participate in the trial by videoconference.*

n) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*See data above.*

#### 4. Information services for judges

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

#### 5. Practical court work

- h) What is the work of the judge:
  - in writing the documents?
  - in delivering the documents?
  - in registering the documents?

*Judges in Italy – due to lack of sufficient staff – mostly write and deliver themselves most documents. In criminal trials, court staff assists only in drafting the minutes of the trial, often with shorthand personnel.*

- i) What is the work of the court staff:
  - in writing the documents?
  - in delivering the documents?
  - in registering the documents?

*The court staff registers documents and forwards them to the parties, as well as receives documents filed by them.*

- j) Is there enough staff to do this work? Please specify.

*No. It is a long-standing expectation of judges to have their own secretaries and assistants.*

- k) Do judges write their decisions themselves on their computer?

*Yes.*

- l) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

*Judges have their own models, but general models are not provided. Some judges do use voice recognition.*

- m) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

*On a yearly basis, a check is done on duration of procedures. Specific rules apply when a case lasts too long (adjournments are no longer granted, etc.). A “commission of flux” of procedures is established in each court of appeals.*

- n) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

*Yes. The electronic registers provide this information.*

## **6. Internet**

- c) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

*The access is limited according to general policies of the Ministry of Justice. Not all offices, especially, have internet.*

- d) Do all courts have their own website? Please specify which court and the content of the website.

*Most courts have their website, with general information on contacts, hearing days, etc. Some websites also provide information relevant for access to justice (explanations on proceedings, their duration, costs, etc.).*

## **7. Use of private personal computers/laptops by judges and court staff**

- h) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

Yes

- i) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?

*Yes. Of course, this is general information (i.e. on training, circular letters coming from the Ministry, etc.).*

- j) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

*When accessing webmail from outside the court, the judge has to certify his access through a password. No intranet access is possible from outside the court. In the future, "distance work" will be possible through a certified POA.*

- k) Is the situation the same for all court staff?

*No: court staff may not access from outside.*

## 8. Use of data

- l) Is the data contained in the procedure used for another aim than the procedure itself?

No

- m) Is this data used for statistics?

Yes.

- n) If yes:  
- who produces these statistics?

*The Ministry of Justice.*

- how and by whom are these statistics used?

*They are used for: case management; judge and court evaluation; general criminal policy; mobility of judges and staff.*

## 9. Data security

- e) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

- f) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

- g) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

*Yes. The Commissioner has issued some Resolutions concerning justice.*

- h) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

*The court chair prepares every year a planning document about minimum standard data security in each court. There are judges entrusted with general supervision of data processing and use of IT. At the High Council for Justice, a specific Technical Structure is also operating, in order to make use of data for organisational purposes.*

## **10. Participation of judges**

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

*General programmes are within the competence of the Ministry of Justice. Also the High Council for Justice has some competences (see above). In each court of appeals, some judges appointed by the High Council are the contact persons for IT; they have “reference” judges for IT in each court.*

## **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

*While IT is certainly a challenge for the traditional way of managing the judicial activity, it is also a tool to improve efficiency, flexibility and comfort of all the interested parties (judges, staff, citizens appearing as justice seekers, accused, witnesses, etc.).*

*IT makes also procedures transparent and apt to be measured and controlled; in this, technology makes justice speedier and closer to users.*

*IT is also an important court management tool, as it helps in measuring resources available and needed.*

# Latvia

## 1. Access to courts

- i) May legal proceedings be instigated by electronic means? **NA**
- j) Is there relevant legislation? **NA**
- k) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible) **NA**

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

- l) To what extent are legal proceedings instigated by electronic means in practice? **NA**

## 2. Procedure within courts

- gg) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? **NA**
- hh) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? **NA**
- ii) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

### At the moment the court communicates only by traditional means.

- jj) Do specific electronic means exist for the communication between lawyers and courts? Please specify. **NA**
- kk) Do electronic files exist? **NA**  
 - If an electronic file exist, is there a paper file as well?  
 - If both exist, which is the "authentic" file?
- ll) If yes, is there relevant legislation? **NA**
- mm) What are the main requirements with respect to electronic files? **NA**
- nn) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? **NA**
- oo) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? **NA**
- pp) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? **NA**
- qq) Must paper documents be kept? If yes, how long? **NA**
- rr) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? **NA**
- ss) Do parties have access to the complete court file:  
 Yes, always

- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation. **NA**

**Accessibility issues regarding adjudicated cases that have not been instigated by electronics means is regulated by the Law On Judicial Power, the Law on Freedom of Information, and some procedural laws. According to the Law on Judicial Power:**

**A case examined during open court shall be restricted access information after the coming into force of the final court adjudication and shall be available in accordance with the Law on Freedom of Information.**

**A case shall, until the coming into force of the final court adjudication in this case, be available only for those persons, for whom such rights have been provided for in procedural laws.**

A case examined during open court or closed session shall be available for other State administrative institutions and judicial power institutions, if it is necessary for these institutions for the performance of the functions thereof. The recipient of the information shall insure the protection of information provided for in the law.

**A case examined during a closed session shall become as restricted access information when 20 years have past after coming into force of the final court adjudication in this matter.**

**A case, which has been examined during the closed session in the interests of keeping of the State secret, shall become as restricted access information upon termination of the time period of secrecy of information present in the case.**

**A case shall become as a restricted information when 75 years have passed after coming into force of the final court adjudication in the matter examined during the closed session regarding determination of the origin of a child, the confirmation and cancellation of adoption, divorce or non-existence and declaring a person to be lacking capacity to act due to mental illness or mental deficiency.**

tt) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **NA**

From the end of 2008, persons may refer to the section "E-Services" to receive information on ongoing proceedings in a certain cases. In this section, one can learn when a case is initiated, when the following hearing would take place, information on the decisions to be made, complaints lodged and the result of the proceedings.

uu) Is the access to electronic files within the court regulated? Please specify. **NA**

vv) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

**Judges have access to all court cases submitted in paper form. The court staff (secretary, assistant of a judge) – only to files within their jurisdiction.**

### 3. Oral hearing

- o) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **NA**
- p) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **NA**
- q) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **NA**
- r) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

There are technical possibilities to project documents, slides, or graphics on screen in case of necessity.

s) Are oral hearings audio or video recorded?

**According to the Criminal Procedural Law, a court session shall be recorded in full amount using sound or image recording or other technical means, and a note regarding such recording shall be made in the minutes of the court session. Materials obtained as a result of the utilization of the technical means shall be attached to a criminal case and stored until the day when the limitation period specified by law ends for the most serious criminal offence incriminated for an accused.**

- t) Is video conference in public hearing used:
- for the hearing of witnesses?
  - for the hearing of experts?
  - for the hearing of parties?
  - other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

At present, courts in Latvia aren't equipped with video and audio conferencing tools, but this option has been used by 9 courts in their criminal proceedings, and the necessary equipment was rented by the Court Administration from other institutions.

After implementation of project „Modernization of courts in Latvia“ (the deadline is 30 June 2012) all courts will be equipped with videoconference and audio recordings and necessary amendments will be done in legislation concerning administrative and civil procedure. In the framework of this project, it is planned to equip prisons with such a tools as well.

u) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties **during oral hearings? NA**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As mentioned above in (f) video and audio conferencing have been used by 9 courts in the criminal proceedings.

**4. Information services for judges**

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
<input checked="" type="checkbox"/> national legislation <b>X</b>	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation <b>X</b>	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law <b>X</b>	<input type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law <b>X</b>	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

## 5. Practical court work

- o) What is the work of the judge:
  - in writing the documents? **Judges are preparing documents.**
  - in delivering the documents? **No.**
  - in registering the documents? **No.**
- p) What is the work of the court staff:
  - in writing the documents? **Yes.**
  - in delivering the documents?
  - in registering the documents? **Yes.**
- q) Is there enough staff to do this work? Please specify.

According to the Court Administration, at the moment, given the current number of judges, the amount of staff is sufficient. It would be necessary to increase the number of judges and proportionally – the number of staff as well.

- r) Do judges write their decisions themselves on their computer? **Yes.**
- s) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No.**
- t) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **No.**
- u) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

Yes. All data concerning the work of each judge contained in Court Information System.

## 6. Internet

- e) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. Internet is accessible for each judge in his/her office and the access is not limited.
- f) Do all courts have their own website? Please specify which court and the content of the website.

Each court doesn't have own website. There is united court portal [www.tiesas.lv](http://www.tiesas.lv). The content is: information on judicial system, contact information, court statistics, information on the kinds of proceedings, their main characteristic features and differences, information on sources of judicial information, like books, newspapers and researches, court sitting calendars. Likewise, one can get acquainted with the possibilities to address judicial institutions, as well as to find useful links for further detailed information and answers to frequently asked questions. The most important decisions in civil cases and criminal cases, as well as all judgments of administrative courts are featured in the portal.

## 7. Use of private personal computers/laptops by judges and court staff

- o) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **Yes. There are no IT controls prohibiting usage of private computers.**
- p) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **Yes. There are no IT controls prohibiting sending mails to private e-mails and vice versa.**
- q) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

**Computers owned by courts are provided with user name and passwords, which are used to access to a computer.**



- r) Is the situation the same for all court staff? **Yes.**

### 8. Use of data

- s) Is the data contained in the procedure used for another aim than the procedure itself? **Yes.**
- t) Is this data used for statistics? **Yes.**
- u) If yes:
- who produces these statistics?  
**Court information system.**
  - how and by whom are these statistics used?

Court Administration and Ministry of Justice use the statistical data to analyse the work of courts and judges, to analyse their workload and to assess the necessary for amendments in regulations with the purpose, for example, to improve court proceedings. The statistics are available for public use and it is used by individuals and legal entities, and other public institutions.

### 9. Data security

- i) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

**Yes**  
 **No**

- j) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

**There are Rules of Cabinet of Ministers that established the procedure, according to which courts should publish information on Internet, and there are Rules of Cabinet of Ministers that established the procedure, according to which the right to access to Court Information System is granted to public institutions.**

- k) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?  
**There is public institution –Data State Inspection.**
- l) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? **No.**

### 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

**No.**

### 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**Development of IT speeds up the processing and circulation of court documents. Implementation of videoconferencing and audio recording will improve accessibility of courts and speed up court proceedings. By installing audio recording, the workload of court secretaries will be reduced. By implementing video conferencing, the use of recourses (both, human and financial) will be reduced in the light of conveying duty. Participants of cases will be ensured a better access to a court, i.e. they can go to the nearest court and, by means of a video conference, take part in a court sitting. Thus expenses and time of the participants of a case will be reduced. Persons with special needs will also be ensured a better access to a court by allowing them to use mobile video conference equipment.**



# Lithuania

## 1. Access to courts

m) May legal proceedings be instigated by electronic means?

*A complaint instigating legal proceedings may be sent to an administrative court by electronic means (e. g., fax or e-mail). However, within three days an original written copy of the complaint should be submitted or sent to the respective administrative court.*

*In addition, in civil cases legal proceedings for issuing a payment order may be instigated by electronic means.*

n) Is there relevant legislation?

*Currently there is no specific legislation on this matter. However, it is expected that within 2011 the Parliament of Lithuania will pass respective amendments on e-justice of the Code of Civil Procedure and the Law on Proceedings in Administrative Cases.*

o) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature  
 The parties must fill in a downloadable form to be submitted electronically  
 Other, please specify.

*A complaint instigating legal proceedings may be sent to an administrative court by electronic means (e. g., fax or e-mail). Qualified electronic signature is not required. However, within three days an original written copy of the complaint should be submitted or sent to the administrative court concerned.*

*If an interested party wishes to submit a request for issuing a payment order in a civil case via internet, it has to download special (computer) program and using it fill in certain forms (information). The claim must to be submitted with a qualified electronic signature.*

p) To what extent are legal proceedings instigated by electronic means in practice?

*It is not common practice to instigate legal proceedings in administrative cases by electronic means. Popularity of electronic filing of a request for issuing a payment order in civil cases is growing. Currently this system is not common, because officially it will commence on 4<sup>th</sup> April 2011.*

## 2. Procedure within courts

ww) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

*No.*

xx) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

*There is no general electronic procedure in Lithuania yet.*

yy) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

*Usually by traditional means.*

*Usually by traditional means.*

zz) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

*There is no generally applicable or specific means of electronic communication between lawyers and courts.*

aaa) Do electronic files exist?

*No.*

- If an electronic file exist, is there a paper file as well?

- If both exist, which is the "authentic" file?

bbb) If yes, is there relevant legislation?

–

ccc) What are the main requirements with respect to electronic files?

*There is no electronic case file in Lithuania.*

ddd) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

*There are special regulations and safeguards for such documents irrespective of their format.*

eee) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

*There are no general rules on this issue.*

fff) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

*There is no electronic case file in Lithuania. If a party wishes to submit document which is not in an electronic form, it must submit (via post or directly) the original document. Certified or even a simple copy of a document is also allowed, but the court may ask to provide the original one. After the receipt of the document, the court usually makes at least preliminary check of its admissibility and then puts it into paper case file.*

ggg) Must paper documents be kept? If yes, how long?

*There is no electronic case file in Lithuania. The term of keeping paper case file depends on the type of a case. For example, an ordinary administrative case file should be kept for 10 years, a civil case file – from 5 to 75 years.*

hhh) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

*Judges always make hand signatures. The digital signature is not used in court proceedings yet.*

iii) Do parties have access to the complete court file:

Yes, always

Yes, but only with specific conditions

No

Please indicate, if appropriate, the relevant legislation.

*Parties have access to the complete court file, unless part of it is protected by the law.*

jjj) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

*The parties or their lawyers may follow the state of the proceedings via internet only in civil cases regarding payment order. In other cases they can only find the date of the court hearing. Judgments of higher courts as a general rule are also publicly available at the internet.*

kkk) Is the access to electronic files within the court regulated? Please specify.

*There is no electronic case file in Lithuania.*

lll) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

*If it is necessary, as a general rule the judge or court staff may access to all court files.*

### **3. Oral hearing**

v) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

*No.*

w) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

*The document may be sent to an interested judge via e-mail or accessible via internal network of the court.*

x) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

*No.*

y) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

*Some courts have such equipment.*

z) Are oral hearings audio or video recorded?

*Oral hearings are audio recorded.*

aa) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

bb) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	<i>100% of courts</i>	<i>+50% of courts</i>	<i>-50% of courts</i>	<i>-10% of courts</i>
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Most judges, court clerks and parties are not used to, do not want (need) to and do not use electronic equipment during oral hearings. So there is no pressing demand for full electronic equipment during oral hearings, except audio recording which is peremptory according to the law. However, in cases of necessity, most (if not all) courts are able to provide internet access (via internet – access to data base of national jurisprudence) and with an assistance of the National Courts Administration – video recording, video and audio conferencing, screen projectors (some courts have such equipment itself). Still one should note that there are no clear rules or traditions, laying down the courts' obligation to provide parties with respective electronic equipment during the hearing of the case. As far as access to the internet is concerned, the party may simply use its own mobile internet technologies (which are widely available in Lithuania), if it wishes to access the internet in the court-room. So the answer to this question basically depends on the situation at issue and mutual respect, understanding and cooperation between the courts and participants of the case.*

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

*Database of national case-law – JSC "Leksinova".*

#### 5. Practical court work

- v) What is the work of the judge:  
- in writing the documents?

*The judge writes judgments, decrees of the court and other documents of judicial nature.*

- in delivering the documents?

*The court staff takes care of delivering the documents.*

- in registering the documents?

*The court staff takes care of registering documents.*

- w) What is the work of the court staff:  
- in writing the documents?

*The court staff writes notices, requests, draft judgments and decrees and other documents of non-judicial nature.*

- in delivering the documents?

*The court staff usually submits relevant documents to the postal company for the delivery to the addressee.*

- in registering the documents?

*The court staff registers necessary documents in the information system of Lithuanian courts – LITEKO.*

- x) Is there enough staff to do this work? Please specify.

Yes.

- y) Do judges write their decisions themselves on their computer?

Yes.

- z) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

*In specific cases model decisions for writing judgments are used by judges. Most of the courts have internal rules specifying formal structure of the decision.*

- aa) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

Yes.

- bb) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

*Yes. All cases and most significant events of the procedure are registered in the information system of Lithuanian courts – LITEKO. All judgments of the courts can be found in this system. LITEKO system may provide information about the length of the proceedings, number of resolved cases, etc.*

## 6. Internet

- g) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

*Yes, internet is accessible for each judge in his/her office without any limitations.*

- h) Do all courts have their own website? Please specify which court and the content of the website.

*Most courts (some local, all regional courts, the Court of Appeals, the Supreme Administrative Court and the Supreme Court) have their own websites. According to the law, the website of the institution should contain at least information about the functions, structure, activities, contacts, as well as news, actual legal and other data within the sphere of the institution.*

*For example, the website of the Supreme Administrative Court contains this information:*

- *About the Court: general information about the court and the judges; how to apply to court; how the court works; the system of administrative courts; information about public works, supply or service contracts; financial reports; statistics;*
- *Laws related with the work and competence of the Court;*
- *Pending normative cases;*
- *Case-law of the Court: search engine of judgments and decisions; summaries of the Court's case-law; Court's bulletins and annual reports; the classifier of cases;*
- *Dates (calendar) of hearings (search engine);*
- *Structure and contacts: structure and contacts; how to find us; useful links;*
- *Admission of interested persons: rules for serving persons; how to communicate with the Chairman of the Court; visits to the Court;*
- *News;*
- *Open courts to open society: information about the measures to make the work of the Court more transparent and open to the society;*
- *Questions.*

*In addition, on the front page of the website of the Supreme Administrative Court one can find topical news of the Court, information about the opportunities of career in the Court and possibility to order the bulletin of the Court via internet, etc.*

## 7. Use of private personal computers/laptops by judges and court staff

- v) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

*There are no general rules regarding the use of judge's private PC/laptop for professional purposes. However, there can be local regulations within a separate court on this issue. In practice, private PC/laptops are sometimes used for professional purposes.*

- w) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?

*There is no generally applicable and explicit prohibition to do it. However, there can be local regulations within a separate court on this issue.*

- x) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

*There are no general rules on this issue. However, there can be local regulations within a separate court on this issue. Nevertheless, an obligation to ensure the security of the information may be derived from the status and functions of the judge as such.*

- y) Is the situation the same for all court staff?

Yes.

## 8. Use of data

- z) Is the data contained in the procedure used for another aim than the procedure itself?

*Yes. This data may be supplied to the other institutions, if this information is necessary in order to perform functions of these institutions set by the law. In addition, this data may be used for statistics, increasing transparency and openness of the courts (for example, by providing public access to judgments and decisions of the courts), scientific and academic purposes, etc.*

- aa) Is this data used for statistics?

Yes.

- bb) If yes:

- who produces these statistics?

*It depends on the type and purpose of the data. Some information may be produced by the court personnel (e. g., the amount of pending or resolved cases of a certain judge), while the other – only by the administrator of the court information system (LITEKO).*

- how and by whom are these statistics used?

*It depends very much on the type and purpose of the data. For example, some statistical data (e. g., number of resolved and pending cases, stability of judgments, duration of proceedings, etc.) may be used by the court when submitting its assessment in an evaluation procedure regarding the judge who applies for a higher position in a court system.*

## 9. Data security

- m) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No



n) If yes, are there requirements applicable to processing data in courts?

- rules on access to data by the person concerned or other persons/institutions
- correction and deletion requirements
- other. Please specify.

o) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

*There is established the State Data Protection Inspectorate. According to the law, however, the mentioned institution has no right to monitor processing of personal data in courts.*

p) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

No.

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

*It depends on the type and purpose of the infrastructure. The budgetary allocations to the court system should first of all be approved by the Parliament of Lithuania. So the Government (who submits draft budget law to the Parliament) and the Parliament have some influence and decision making power on the development of the electronic infrastructure of the courts. As far as a development of the electronic infrastructure relating to the whole court system (within the approved budgetary allocations) is concerned, the main decisions are made by the Judicial Council – an executive body of the self-governance of courts ensuring the independence of courts and judges. This institution consists only of judges (partly elected and partly taking a position by a virtue of their office). The Judicial Council may also appoint a working group (consisting of judges, courts' servants, specialists, etc.) for analysis and preparation of proposals on various issues concerning electronic infrastructure, its use and development. As a general rule all courts concerned is asked (may) submit their opinion and/or comments on all specific programmes, questions, issues and/or solutions related with major IT projects. Within a single court, maintenance and development of the electronic infrastructure is a responsibility of court's chancellor (if there is no chancellor – chairman of the court). Participation of judges in this procedure depends on the traditions (practice) and/or rules of organizing the work (activities) within the court (if existing).*

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

*The development of IT in courts has more advantages than disadvantages. The use of information technologies in the litigation process has among other the following visible benefits:*

- 1. an increase in the openness of the activities of the courts;*
- 2. transparency of the courts' activities;*
- 3. an optimisation, simplification and facilitation of the litigation process;*
- 4. a shorter litigation process;*
- 5. lower litigation costs;*
- 6. the dissolution of physical distances; the courts are drawn closer to the society;*
- 7. an increase in the efficiency of using public funds made available to the courts;*
- 8. the reduction of workload of the court staff and judges.*

*Thus proper, thoughtful and careful use of secure and reliable IT technologies may increase the quality of litigation as a whole.*

*Still I think that in any case electronic procedures should fully comply with fundamental procedural principles (e. g., oral hearing, direct participation, publicity, fairness, etc.). But the latter do not constitute an obstacle to the introduction of IT into court proceedings – sometimes we just have to reconsider the content of some general tenets of the proceedings by taking into account fast development of the way we live our lives today.*

# Luxembourg

## 1. Accès aux tribunaux

q) Les procédures judiciaires peuvent-elles être initiées par des moyens électroniques ?

**Non**

r) Existe-t-il une législation en la matière ?

s) Quelles sont les exigences principales permettant d'initier une procédure judiciaire par moyen électronique ? (plusieurs choix possibles).

- Les parties doivent soumettre leur demande avec une signature électronique
- Les parties doivent remplir un formulaire téléchargeable et le soumettre électroniquement
- Autre. Veuillez spécifier.

t) En pratique, dans quelle mesure les procédures judiciaires sont-elles initiées par des moyens électroniques ?

## 2. Procédure devant les tribunaux

mmm) Une fois la demande faite électroniquement, la procédure diffère-t-elle de la procédure traditionnelle ?

nnn) La procédure électronique diffère-t-elle en fonction du type d'affaires (civiles, pénales, administratives, etc.)

ooo) Comment le tribunal communique-t-il avec les parties :

<i>Avec les parties qui utilisent elles-mêmes des moyens électroniques :</i>	<i>Avec les autres parties :</i>
<input type="checkbox"/> par des moyens traditionnels ?	<input type="checkbox"/> par des moyens traditionnels ?
<input type="checkbox"/> en utilisant les moyens de communication électronique ?	<input type="checkbox"/> en utilisant les moyens de communication électronique ?
<input type="checkbox"/> les deux ?	<input type="checkbox"/> les deux ?

ppp) Existe-t-il des moyens électroniques spécifiques de communication entre les avocats et les tribunaux ? Veuillez préciser.

**Non**

qqq) Est-ce qu'il existe des dossiers électroniques ?

**Partiellement oui ! Admis en matière civile (art. 1322-1 C. civ. pour la preuve des actes sous seing privé)**

- Si un dossier électronique existe, existe-t-il également un dossier papier ?

**Oui**

- Si les deux existent, lequel est le dossier « authentique » ?

**Pas de préférence prévue dans les textes**

rrr) Le cas échéant, existe-t-il une législation en la matière ?

**Art. 1322-1 c. civ., précité**

**Audition des mineurs**

**Art. 48-1 code d'instruction criminelle (audition des témoins pendant l'enquête préliminaire)**

sss) Quelles sont les principales exigences concernant les dossiers électroniques ?

ttt) Existe-t-il une réglementation et des protections spécifiques concernant les dossiers électroniques contenant des informations sensibles (par ex. sur la santé, sur les services secrets, etc.) ?

**Loi sur la protection des données personnelles**

uuu) Que se passe-t-il lorsque l'authenticité d'un document électronique est mise en doute/controversée par une partie ?

vvv) Quelle est la procédure utilisée par les parties et le tribunal si une partie veut soumettre un document qui **n'est pas** sous la forme électronique (document papier par ex.) ?

www) Les documents "papier" doivent-ils être conservés ? Le cas échéant, combien de temps ?

**Oui**

xxx) Quelle est la procédure lorsque la signature manuelle d'un juge ou d'un greffier est requise ? La signature électronique existe-t-elle ?

**Non**

yyy) Les parties ont-ils accès au dossier judiciaire complet :

- Oui, toujours
- Oui, mais sous certaines conditions
- Non

Veillez préciser le cas échéant la réglementation en vigueur.

zzz) Les parties ou leurs avocats ont-ils la possibilité de suivre l'état de la procédure via internet (sécurisé) ?

**Non**

aaaa) L'accès du personnel judiciaire aux dossiers électroniques est-il réglementé? Veuillez préciser.

**Non**

bbbb) Accès aux dossiers par les juges et le personnel des tribunaux :

<i>Juges :</i>	<i>Personnel des tribunaux :</i>
<input type="checkbox"/> à tous les dossiers ?	<input type="checkbox"/> à tous les dossiers ?
<input checked="" type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?	<input checked="" type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?

### 3. Les audiences

cc) Existe-t-il des audiences utilisant des moyens électroniques (par ex. les juges ont les dossiers électroniques sur un ordinateur) ?

**Seulement dans des cas très exceptionnels (dossier très volumineux)**

dd) Les expertises, les projets de décisions rédigés par le rapporteur ou les notes personnelles sont-elles accessibles aux juges sur leur ordinateur ?

**Oui**

ee) Le dossier complet est-il accessible par les parties et les avocats pendant les audiences (également sur ordinateur) ?

**Non**

ff) Un équipement technique a-t-il été installé dans les tribunaux pour permettre de projeter sur écran des documents visibles par les juges, les parties et le public ?

**Non**

gg) Les audiences sont-elles enregistrées (audio ou vidéo) ?

**Non**

hh) La vidéo-conférence est-elle utilisée lors des audiences :

- pour l'audition des témoins ?
- pour l'audition des experts ?
- pour l'audition des parties ?
- autre ? Veuillez préciser.

**La possibilité existe, mais n'est pratiquement jamais utilisée**

Veillez préciser la législation en vigueur et les restrictions prévues, le cas échéant.

- ii) Si possible, veuillez préciser combien de tribunaux sont équipés de moyens électroniques appropriés et suffisants pour assister les juges, les greffiers et les parties durant les audiences ?

	100% des tribunaux	+50% des tribunaux	-50% des tribunaux	-10% des tribunaux
Accès aux dossiers électroniques	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base de données électroniques pour la jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ecran et projecteurs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accès à internet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vidéo-conférence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio-conférence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement vidéo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement audio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Services d'information pour les juges

Existe-t-il, au niveau central, des bases de données accessibles au juge :

Base gérée par l'Etat	Base gérée par une institution privée
<input checked="" type="checkbox"/> Législation nationale	<input type="checkbox"/> Législation nationale
<input checked="" type="checkbox"/> Législation européenne	<input type="checkbox"/> Législation européenne
<input checked="" type="checkbox"/> Jurisprudence nationale	<input type="checkbox"/> Jurisprudence nationale
<input type="checkbox"/> Jurisprudence internationale	<input type="checkbox"/> Jurisprudence internationale
<input type="checkbox"/> Articles juridiques	<input type="checkbox"/> Articles juridiques

Veillez préciser, le cas échéant, l'institution privée.

#### 5. Travail pratique dans les tribunaux

cc) En quoi consiste le travail du juge :

- **dans la rédaction des documents**

dd) En quoi consiste le travail du personnel du tribunal :

- **dans la transmission des documents ?**
- **dans l'enregistrement des documents ?**

ee) Y-a-t-il assez de personnel pour accomplir ces tâches ?

**Oui**

ff) Les juges rédigent-ils eux-mêmes leurs décisions sur leur ordinateur ?

**Une large majorité des juges le fait**

gg) Les juges utilisent-ils des techniques spécifiques (reconnaissance vocale, modèles de décision) disponibles sur les bases de données ? Veuillez préciser.

**Des modèles tirés de la jurisprudence nationale**

hh) Les nouvelles technologies sont-elles utilisées pour surveiller la durée des procédures et la gestion du flux des affaires au sein des tribunaux (système d'alerte par exemple) ?

**Oui**

- ii) Les données concernant le travail effectué par chaque juge sont-elles rassemblées dans une base de données susceptible d'être utilisée pour des statistiques, pour des évaluations, etc. ? Veuillez préciser.

**Statistiques générales lors de la présentation du rapport d'activité annuel**

## 6. Internet

- i) Le juge a-t-il accès à internet depuis son bureau ? Cet accès est-il limité ? Veuillez préciser.

**Oui, mais limité ; exclusion de sites illicites et de communication (face-book, etc.)**

- j) Les tribunaux disposent-ils tous de leur propre site internet ? Veuillez préciser quels tribunaux et le contenu du site.

**Il existe un seul site pour l'ensemble des juridictions : le « portail Justice » (www.justice.public.lu)**

## 7. Utilisation des ordinateurs personnels par les juges et le personnel des tribunaux

- cc) Un juge peut-il utiliser son ordinateur (portable) personnel à des fins professionnelles (par ex. à la maison ou sur le trajet maison/tribunal) ?

**Oui**

- dd) Des e-mails contenant des informations professionnelles peuvent-ils être envoyés du tribunal vers l'adresse privée du juge et vice-versa ?

**Oui**

- ee) Cela nécessite-t-il des protections techniques spécifiques (par ex. exclusion de l'accès à des tiers, aux membres de la famille, etc.) ? Veuillez préciser.

**Non**

- ff) La situation est-elle la même pour l'ensemble du personnel des tribunaux ?

**Oui**

## 8. Utilisation des données

- gg) Les données figurant dans la procédure sont-elles utilisées à d'autres fins que la procédure elle-même ?

**Oui, mais à des fins statistiques uniquement**

- hh) Ces données sont-elles utilisées à des fins statistiques ?

**Oui**

- ii) Le cas échéant :

- qui produit ces statistiques ?

**Tribunaux, par l'intermédiaire de leurs greffes**

- comment et par qui ces statistiques sont-elles utilisées ?

**Etat**

## 9. Sécurité des données

- q) Existe-t-il une législation permettant de protéger les données personnelles utilisées dans l'infrastructure électronique du tribunal ?

**Règles internes**

- r) Le cas échéant, les exigences suivantes sont-elles applicables :

- règles sur l'accès aux données personnelles par la personne concernée ou par d'autres personnes/institutions
- obligation de correction ou de suppression le cas échéant

autres. Veuillez préciser.

- s) S'il existe un Commissaire à la protection des données au niveau national, s'est-il déjà penché spécifiquement sur la question des nouvelles technologies dans le domaine de la justice?

**Oui**

- t) Existe-t-il un Commissaire à la protection des données propre à chaque tribunal (par ex. un juge qui aurait cette tâche supplémentaire spécifique) ?

**Oui**

#### **10. Participation des juges**

Qui prend les décisions concernant l'infrastructure électronique des tribunaux ? Les juges sont-ils impliqués dans les décisions pertinentes concernant l'installation des nouvelles technologies au sein des tribunaux ?

**Oui**

#### **11. Conclusion**

Pouvez-vous donner votre opinion sur les avantages et les inconvénients du développement des nouvelles technologies au sein des tribunaux ?

# Malta

## 1. Access to courts

- u) May legal proceedings be instigated by electronic means?  
*Not at the moment. But there are certain projects going on that may lead to electronic filing and notification of judicial acts.*
- v) Is there relevant legislation?  
*The Code of Civil Procedure (Chapter 12 of the Laws of Malta) provides regulations for procedure with electronic means. However, these regulations have not yet been implemented.*
- w) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible) *N/A*
- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.
- x) To what extent are legal proceedings instigated by electronic means in practice? *N/A*

## 2. Procedure within courts

- cccc) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? *N/A*
- dddd) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? *N/A*
- eeee) How does the court communicate with the parties: *by traditional means.*

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

- ffff) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

*On the Justice services website (gov.mt) lawyers can access the records of proceedings and check the adjournment of all civil cases. They can only access inputted data, and not communicate directly with the Court.*

- gggg) Do electronic files exist? *Yes, in the other island of Gozo. There is a paper file as well which is considered as the 'official' file.*
- If an electronic file exist, is there a paper file as well? *See above*
- If both exist, which is the "authentic" file? *See above*

- hhhh) If yes, is there relevant legislation? *no*

- iiii) What are the main requirements with respect to electronic files? *n/a*

- jjjj) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? *no*

- kkkk) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? *n/a*

- llll) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

*Documentenets have to be filed personally and have to be signed.*

- mmmm) Must paper documents be kept? If yes, how long?

*Paper files are always kept. When the case is decided, all the documents are archived.*

nnnn) What is the procedure when a judge's or court clerk's hand signature is prescribed? **When such signature is prescribed, the judge or court clerk has to sign . No digital signatures exist for court acts.**

oooo) Does digital signature exist? **No**

pppp) Do parties have access to the complete court file: **Yes always.**

- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

qqqq) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **Yes. Data consists of records of proceedings and judgments.**

rrrr) Is the access to electronic files within the court regulated? Please specify. **Judges have access to all court files. Court Staff have limited access.**

ssss) Have judges/court staff access: **see above.**

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

jj) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **No**

kk) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **No**

ll) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **File is accessible during the hearing, and in some cases documents can be screened eg during Jury cases.**

mm) Are oral hearings audio or video recorded? **No**

nn) Is video conference in public hearing used: **in special cases, eg some family cases and certain commercial cases where foreign parties are involved for hearing witnesses.**

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

oo) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings? **Electronic equipment is available in most halls.**

	<i>100% of courts</i>	<i>+50% of courts</i>	<i>-50% of courts</i>	<i>-10% of courts</i>
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
<input type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution. **Yes on Government Website.**

#### 5. Practical court work

- jj) What is the work of the judge:
- in writing the documents? **Judge writes judgement (mostly on computer)**
  - in delivering the documents? **Judgement is read and delivered in court.**
  - in registering the documents? **Decision is registered by Court staff.**
- kk) What is the work of the court staff:
- in writing the documents? **They either type the handwritten document or format the document into the Court template.**
  - in delivering the documents? **Judgements are put on line for parties to download.**
  - in registering the documents? **Decisions and records of proceedings are inputted in the Court system. Court recorders are in charge of audio recordings of all evidence. These are then transcribed.**
- ll) Is there enough staff to do this work? Please specify. **Each judge is supposed to have a judiciary team, consisting of a deputy registrar, hall clerk, court assistant and a court recorder or court messenger.**
- mm) Do judges write their decisions themselves on their computer? **Yes**
- nn) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No**
- oo) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **Not through modern technology.**
- pp) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify **Yes, Data consists of records of proceedings and judgements.**

#### 6. Internet

- k) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. **Yes. Sometimes access to certain sites is denied at certain hours.**
- l) Do all courts have their own website? Please specify which court and the content of the website. **There is one website. It contains all the information on pending cases which is available to all judges.**

#### 7. Use of private personal computers/laptops by judges and court staff

- jj) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **Yes**
- kk) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **Yes at the discretion of the judge. However, judges have a court email address which is more secure.**
- ll) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. **The Court email address is available only to the judge and the support unit of this email address.**
- mm) Is the situation the same for all court staff? **No.**

## 8. Use of data

nn) Is the data contained in the procedure used for another aim than the procedure itself?

**No only for statistical purposes.**

oo) Is this data used for statistics? **Yes**

pp) If yes:

- who produces these statistics?

- how and by whom are these statistics used?

**Statistics are produced from data inputted in the computer system by the service providers. These statistics are used by the court staff whenever asked to produce certain data. These are also put on line and may be viewed by the public without any restriction. They can be used for research purposes or parliamentary questions.**

## 9. Data security

u) Does legislation exist to protect personal data processed through the electronic infrastructure of a court? **No**

Yes  
 No

v) If yes, are there requirements applicable to processing data in courts? **n/a**

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

w) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? **no**

x) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? **no**

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts? ~~Court administration and chief justice is consulted.~~

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**I am in favour of IT in court because it facilitates our work and gives quicker results.**

# Monaco

## 1. Accès aux tribunaux

y) Les procédures judiciaires peuvent-elles être initiées par des moyens électroniques ?

Non

z) Existe-t-il une législation en la matière ? **Non**

aa) Quelles sont les exigences principales permettant d'initier une procédure judiciaire par moyen électronique ? (plusieurs choix possibles).

- Les parties doivent soumettre leur demande avec une signature électronique
- Les parties doivent remplir un formulaire téléchargeable et le soumettre électroniquement
- Autre. Veuillez spécifier.

bb) En pratique, dans quelle mesure les procédures judiciaires sont-elles initiées par des moyens électroniques ?

## 2. Procédure devant les tribunaux

ttt) Une fois la demande faite électroniquement, la procédure diffère-t-elle de la procédure traditionnelle ?

uuuu) La procédure électronique diffère-t-elle en fonction du type d'affaires (civiles, pénales, administratives, etc.)

vvvv) Comment le tribunal communique-t-il avec les parties :

<i>Avec les parties qui utilisent elles-mêmes des moyens électroniques :</i>	<i>Avec les autres parties :</i>
<input type="checkbox"/> par des moyens traditionnels ?	<input type="checkbox"/> par des moyens traditionnels ?
<input type="checkbox"/> en utilisant les moyens de communication électronique ?	<input type="checkbox"/> en utilisant les moyens de communication électronique ?
<input type="checkbox"/> les deux ?	<input type="checkbox"/> les deux ?

wwww) Existe-t-il des moyens électroniques spécifiques de communication entre les avocats et les tribunaux ? Veuillez préciser.

xxxx) Est-ce qu'il existe des dossiers électroniques ?

- Si un dossier électronique existe, existe-t-il également un dossier papier ?

- Si les deux existent, lequel est le dossier « authentique » ?

yyyy) Le cas échéant, existe-t-il une législation en la matière ?

zzzz) Quelles sont les principales exigences concernant les dossiers électroniques ?

aaaaa) Existe-t-il une réglementation et des protections spécifiques concernant les dossiers électroniques contenant des informations sensibles (par ex. sur la santé, sur les services secrets, etc.) ?

bbbbbb) Que se passe-t-il lorsque l'authenticité d'un document électronique est mise en doute/controversée par une partie ?

ccccc) Quelle est la procédure utilisée par les parties et le tribunal si une partie veut soumettre un document qui **n'est pas** sous la forme électronique (document papier par ex.) ?

dddd) Les documents "papier" doivent-ils être conservés ? Le cas échéant, combien de temps ?

eeee) Quelle est la procédure lorsque la signature manuelle d'un juge ou d'un greffier est requise ?  
La signature électronique existe-t-elle ?

ffff) Les parties ont-ils accès au dossier judiciaire complet :

- Oui, toujours  
 Oui, mais sous certaines conditions  
 Non

Veillez préciser le cas échéant la réglementation en vigueur.

gggg) Les parties ou leurs avocats ont-ils la possibilité de suivre l'état de la procédure via internet (sécurisé) ?

hhhh) L'accès du personnel judiciaire aux dossiers électroniques est-il réglementé? Veuillez préciser.

iiii) Accès aux dossiers par les juges et le personnel des tribunaux :

<i>Juges :</i>		<i>Personnel des tribunaux :</i>	
<input type="checkbox"/>	à tous les dossiers ?	<input type="checkbox"/>	à tous les dossiers ?
<input type="checkbox"/>	uniquement aux dossiers entrant dans leur compétence ?	<input type="checkbox"/>	uniquement aux dossiers entrant dans leur compétence ?

### 3. Les audiences

pp) Existe-t-il des audiences utilisant des moyens électroniques (par ex. les juges ont les dossiers électroniques sur un ordinateur) ?

qq) Les expertises, les projets de décisions rédigés par le rapporteur ou les notes personnelles sont-elles accessibles aux juges sur leur ordinateur ?

rr) Le dossier complet est-il accessible par les parties et les avocats pendant les audiences (également sur ordinateur) ?

ss) Un équipement technique a-t-il été installé dans les tribunaux pour permettre de projeter sur écran des documents visibles par les juges, les parties et le public ?

tt) Les audiences sont-elles enregistrées (audio ou vidéo) ? **Non**

uu) La vidéo-conférence est-elle utilisée lors des audiences : **Non mais les outils techniques existent**

- pour l'audition des témoins ?  
 pour l'audition des experts ?  
 pour l'audition des parties ?  
 autre ? Veuillez préciser.

Veillez préciser la législation en vigueur et les restrictions prévues, le cas échéant.

vv) **Si possible, veuillez préciser combien de tribunaux sont équipés de moyens électroniques appropriés et suffisants pour assister les juges, les greffiers et les parties durant les audiences ? Il n'y a qu'un seul tribunal à Monaco**

	<i>100% des tribunaux</i>	<i>+50% des tribunaux</i>	<i>-50% des tribunaux</i>	<i>-10% des tribunaux</i>
Accès aux dossiers électroniques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base de données électroniques pour la jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ecran et projecteurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Accès à internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vidéo-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement vidéo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement audio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Services d'information pour les juges

Existe-t-il, au niveau central, des bases de données accessibles au juge :

<i>Base gérée par l'Etat</i>	<i>Base gérée par une institution privée</i>
<input type="checkbox"/> <b>Législation nationale</b>	<input type="checkbox"/> Législation nationale
<input type="checkbox"/> Législation européenne	<input type="checkbox"/> Législation européenne
<input type="checkbox"/> <b>Jurisprudence nationale</b>	<input type="checkbox"/> Jurisprudence nationale
<input type="checkbox"/> Jurisprudence internationale	<input type="checkbox"/> Jurisprudence internationale
<input type="checkbox"/> <b>Articles juridiques</b>	<input type="checkbox"/> <b>Articles juridiques</b>

Veuillez préciser, le cas échéant, l'institution privée. **Dalloz**

#### 5. Travail pratique dans les tribunaux

qq) En quoi consiste le travail du juge :

- **dans la rédaction des documents, Le juge rédige l'exposé des faits, des motifs et le dispositif de la décision.**
- **dans la transmission des documents, lors d'exécution de commissions rogatoires et de commissions rogatoires internationales**
- dans l'enregistrement des documents ?

rr) En quoi consiste le travail du personnel du tribunal :

- **dans la rédaction des documents ? Le greffe procède à la mise en page de la décision avec les identités et coordonnées des parties et de leurs conseils.**
- **dans la transmission des documents ? Le greffe peut notifier les décisions rendues aux parties et à leurs conseils, il s'occupe également des convocations des parties aux audiences**
- **dans l'enregistrement des documents ? Le greffe enregistre les assignations et les requêtes.**

ss) Y-a-t-il assez de personnel pour accomplir ces tâches ? Veuillez préciser.

**Oui.**

tt) **Les juges rédigent-ils eux-mêmes leurs décisions sur leur ordinateur ? Oui pour la plus grande majorité d'entre eux.**

uu) **Les juges utilisent-ils des techniques spécifiques (reconnaissance vocale, modèles de décision) disponibles sur les bases de données ? Le système de reconnaissance vocale est actuellement à l'étude**

vv) Les nouvelles technologies sont-elles utilisées pour surveiller la durée des procédures et la gestion du flux des affaires au sein des tribunaux (système d'alerte par exemple) ? **Non**

ww) Les données concernant le travail effectué par chaque juge sont-elles rassemblées dans une base de données susceptible d'être utilisée pour des statistiques, pour des évaluations, etc. ? **Non**

#### 6. Internet

m) **Le juge a-t-il accès à internet depuis son bureau ? Cet accès est-il limité ? Veuillez préciser. L'accès est limité et à la discrétion des administrateurs réseaux**

n) **Les tribunaux disposent-ils tous de leur propre site internet ? Veuillez préciser quels tribunaux et le contenu du site. Oui étant précisé qu'il n'y a qu'un seul tribunal à Monaco**

#### 7. Utilisation des ordinateurs personnels par les juges et le personnel des tribunaux

- qq) Un juge peut-il utiliser son ordinateur (portable) personnel à des fins professionnelles (par ex. à la maison ou sur le trajet maison/tribunal) ? **Oui**.
- rr) Des e-mails contenant des informations professionnelles peuvent-ils être envoyés du tribunal vers l'adresse privée du juge et vice-versa ? **Oui**
- ss) Cela nécessite-t-il des protections techniques spécifiques (par ex. exclusion de l'accès à des tiers, aux membres de la famille, etc.) ? Veuillez préciser. **Aucune**
- tt) La situation est-elle la même pour l'ensemble du personnel des tribunaux ? **Oui**

#### 8. Utilisation des données

- uu) Les données figurant dans la procédure sont-elles utilisées à d'autres fins que la procédure elle-même ? **Non**
- vv) Ces données sont-elles utilisées à des fins statistiques ? **Oui**
- ww) Le cas échéant :
- qui produit ces statistiques ? **Les chefs de juridiction**
  - comment et par qui ces statistiques sont-elles utilisées ? **Pour les archives et une éventuelle diffusion à la presse**

#### 9. Sécurité des données

- y) Existe-t-il une législation permettant de protéger les données personnelles utilisées dans l'infrastructure électronique du tribunal ? **Non mais une Charte informatique a été élaborée à l'initiative des juges.**
- z) Le cas échéant, les exigences suivantes sont-elles applicables :
- règles sur l'accès aux données personnelles par la personne concernée ou par d'autres personnes/institutions
  - obligation de correction ou de suppression le cas échéant**
  - autres. Veuillez préciser.
- aa) S'il existe un Commissaire à la protection des données au niveau national, s'est-il déjà penché spécifiquement sur la question des nouvelles technologies dans le domaine de la justice ? **Non**
- bb) Existe-t-il un Commissaire à la protection des données propre à chaque tribunal (par ex. un juge qui aurait cette tâche supplémentaire spécifique) ? **Non**

#### 10. Participation des juges

Qui prend les décisions concernant l'infrastructure électronique des tribunaux ? Les juges sont-ils impliqués dans les décisions pertinentes concernant l'installation des nouvelles technologies au sein des tribunaux ? La Direction des Services Judiciaires prend les décisions et notamment en matière budgétaire mais les avis des juges peuvent être sollicités

#### 11. Conclusion

Pouvez-vous donner votre opinion sur les avantages et les inconvénients du développement des nouvelles technologies au sein des tribunaux ? **Une plus grande réactivité, une facilité accrue de gestion des dossiers, la quasi-impossibilité de perdre les procédures, en revanche il peut exister des problèmes liés à l'authenticité des actes de procédure et de fait à la confidentialité. La dématérialisation des procédures implique également que les parties en cause aient accès à Internet et sachent manier l'outil informatique.**

# Montenegro

## 1. Access to courts

- cc) May legal proceedings be instigated by electronic means? **Yes, it may be a great deal.**
- dd) Is there relevant legislation? **Yes, there is.**
- ee) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)
- The parties must submit the claim with a qualified electronic signature  
 The parties must fill in a downloadable form to be submitted electronically  
 Other, please specify. **They can be downloading from, but they have to submit personally.**
- ff) To what extent are legal proceedings instigated by electronic means in practice? **They are instigated in a smaller degree**

## 2. Procedure within courts

- jjjj) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? **It is still not possible to issue claims electronically.**
- kkkk) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? **It is not possible.**
- llll) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

- mmmm) Do specific electronic means exist for the communication between lawyers and courts? **Please specify. There are now electronic means for the communication.**
- nnnn) Do electronic files exist? **Only paper files exist.**  
 - If an electronic file exist, is there a paper file as well?  
 - If both exist, which is the "authentic" file?
- oooo) If yes, is there relevant legislation?
- pppp) What are the main requirements with respect to electronic files?
- qqqq) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?
- rrrr) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? **It is regular traditional procedure.**
- ssss) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? **By the end of 10 years.**
- tttt) Must paper documents be kept? If yes, how long? **No, it doesn't.**
- uuuu) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

vvvvv) Do parties have access to the complete court file:

- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

wwwww) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **No**

xxxxx) Is the access to electronic files within the court regulated? Please specify. **No**

yyyyy) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

ww) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **No**

xx) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **No**

yy) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **Yes**

zz) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **Yes**

aaa) Are oral hearings audio or video recorded? **Only audio hearing**

bbb) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

ccc) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

#### 5. Practical court work

xx) What is the work of the judge:

- **in writing the documents?**
- in delivering the documents?
- in registering the documents?

yy) What is the work of the court staff:

- in writing the documents?
- **in delivering the documents?**
- **in registering the documents?**

zz) Is there enough staff to do this work? Please specify. **Yes**

aaa) Do judges write their decisions themselves on their computer? **Yes, somebody does.**

bbb) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No**

ccc) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **No**

ddd) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify **Yes.**

#### 6. Internet

o) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. **Only in some high courts the access is available.**

p) Do all courts have their own website? Please specify which court and the content of the website. **Yes, high court in Podgorica and it contains the decisions and public announcement.**

#### 7. Use of private personal computers/laptops by judges and court staff

xx) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **No**

yy) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **No**

zz) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. %

aaa) Is the situation the same for all court staff? %

## 8. Use of data

- bbb) Is the data contained in the procedure used for another aim than the procedure itself? %
- ccc) Is this data used for statistics? %
- ddd) If yes:  
- who produces these statistics?  
- how and by whom are these statistics used?

## 9. Data security

- cc) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?
- Yes %  
 No
- dd) If yes, are there requirements applicable to processing data in courts?
- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements %  
 other. Please specify.
- ee) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? %
- ff) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? %

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts? **The administrations of the Court Council.**

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts? **It could affect on better efficiency of the work of judges and court staff.**

# Netherlands

## 1. Access to courts

gg) May legal proceedings be instigated by electronic means?

At present, proceedings may be instigated by electronic means in administrative cases .

In the Agenda for the Judiciary 2011-2014 (the multi annual strategic plan) the Judiciary has expressed the goal that in 2014 legal proceedings in all civil, criminal and administrative proceedings can be instigated by electronic means. To that purpose a number of pilot projects which allow parties to instigate a case by electronic means are running, e.g. for money claims and insolvency cases.

hh) Is there relevant legislation?

Yes, on the 1<sup>st</sup> of July 2010 the Act on "Electronic communication in administrative proceedings before the court" (Wet elektronisch verkeer met de bestuursrechter") came into force.

ii) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify - The parties must fill in a form on a secured web site to be submitted electronically.

jj) To what extent are legal proceedings instigated by electronic means in practice?

This has been possible since October 2010, since then the number of cases filed by electronic means are doubling each month (at present 216 cases in total).

## 2. Procedure within courts

zzzzz) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

No, the normal rules apply as to the rules of proceedings.

aaaaaa) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

Yes.

bbbbbb) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both	<input checked="" type="checkbox"/> both

ccccc) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

In family and civil law cases lawyers can access the case-register through a secured website. In family law proceedings there is a possibility to submit petitions and documents relevant for the procedure electronically.

dddddd) Do electronic files exist?

- If an electronic file exist, is there a paper file as well?
- If both exist, which is the "authentic" file?

Yes, in criminal procedures electronic files exist in cases that are dealt with by a single judge. In these cases either the public prosecution or the court scans the paper file. In more complex cases that are dealt with by a three judge panel the e-file is being developed

There is also a pilot-project which introduces the use of electronic files in insolvency cases.

The authentic file is the one that reaches the court first.

eeeeee) If yes, is there relevant legislation?

A decree that regulates the electronic police report came into force on 1 February 2011. Legislation is being prepared which will deal with the e-file in criminal cases.

After the procedure at the court the legislation concerning Public Records is relevant.

fffff) What are the main requirements with respect to electronic files?

1. Integrity of the data (meaning the data are correct and reliable).The electronic version should be identical to the non-electronic version and in case of doubt the parties involved and the judge should have access to the original documents.

2. An electronic signature is also required. This signature should be of the highest possible security level.

ggggg) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

The regulations are stated in the Personal Data Protection Act. Furthermore security measures may be introduced through special authorisations which will limit and protect access to certain sources or information.

hhhhh) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

Parameters have been introduced for e-files with the aim of limiting discussions on the authenticity (automatic conversion of documents in PDF-a and adding date etc). Nevertheless if authenticity is controversial the electronic document will not be taken in consideration during trial. A new electronic document will be made which will be taken in consideration during trial. Legislation which will regulate this issue is being drafted.

iiiiii) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

The regular procedure will be followed.

jjjjj) Must paper documents be kept? If yes, how long?

The original paper file is being kept.

For closed cases a Central Digital Archive is being set up for e-files. The rules are set out by the Public Records Act.

kkkkk) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

A hand signature is always required. A digital signature for the judges and court clerks is in development. The main obstacle is the level of security of such a digital signature.

lllll) Do parties have access to the complete court file:



Yes, always

Yes, but specific conditions may apply due (to protect witnesses)



No

Please indicate, if appropriate, the relevant legislation.

The Dutch Criminal Procedural Code and the Personal Data Protection Act.

mmmmmm) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

At present this is possible for lawyers through a secured web-site in civil and family law cases both in first instance and in appeal.

nnnnnn) Is the access to electronic files within the court regulated? Please specify.

Yes, judges and court staff may only access electronic files in cases that are allocated to them.

oooooo) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

ddd) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

Yes, in criminal procedures by a single judge. For more complex cases that are dealt with by a three judge panel this is in development.

eee) Are the expertise, the draft decision written by the reporter and personal notes accessible for judges in computer?

Yes, in criminal procedures.

fff) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

No, the feasibility to develop this will be studied.

ggg) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

It is being installed in every court in the Netherlands (19 first instance courts, 5 courts of appeal, the Supreme Court and three superior administrative courts).

hhh) Are oral hearings audio or video recorded?

It is possible to record an oral hearing, but it is not standard.

iii) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

In detention cases of aliens (awaiting expulsion) video conference in public hearing is used.

jjj) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of	+50% of	-50% of	-10% of
--	---------	---------	---------	---------

	<i>courts</i>	<i>courts</i>	<i>courts</i>	<i>courts</i>
Electronic files access	■	□	□	□
Electronic data base of jurisprudence	■	□	□	□
Screen projectors	■	□	□	□
Internet access	■	□	□	□
Video conferencing	■	□	□	□
Audio conferencing	■	□	□	□
Video recording	■	□	□	□
Audio recording	■	□	□	□

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
■ national legislation	■ national legislation
□ European legislation	□ European legislation
□ national case-law	□ national case-law
□ international case-law	□ international case-law
□ law review articles	□ law review articles

Please specify the private institution.

The Netherlands Council for the Judiciary has developed Porta Juris. Porta Juris is a portal which contains all the above stated databases. The databases of private institutions are accessible through the central database for the Judiciary. The Council for the Judiciary pays for the licences.

#### 5. Practical court work

- eee) What is the work of the judge:
- in writing the documents?
  - in delivering the documents?
  - in registering the documents?

The judge will either get a draft decision from the court clerk or draft the decision himself, depending on the sector and the level (first instance, appeal or cassation). The judges have no role in delivering and registering the documents. This is done by the administration of the courts (registration) and bailiffs (delivering of the case)

- fff) What is the work of the court staff:
- in writing the documents?
  - in delivering the documents?
  - in registering the documents?

In the first instance courts the decisions are prepared by the judicial support staff. The courts are not responsible for the delivering of the documents. The court registration registers the documents.

- ggg) Is there enough staff to do this work? Please specify.

In general yes, but on local levels difficulties may occur.

- hhh) Do judges write their decisions themselves on their computer?

See under a.

- iii) Do judges use specific techniques (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

On a national level wizards and formats have been made for (a part of ) standard documents, decisions and verdict in all sectors (civil, criminal, administrative).

- jjj) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

Yes all cases are registered in the primary process systems. Queries have been built which will provide the courts on a local level with data which may be used to monitor the length of proceedings etc.

- kkk) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

Yes, but only statistical information is used.

## **6. Internet**

- q) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

Yes. There are no limitations, but there is a protocol for emails and internet use.

- r) Do all courts have their own website? Please specify which court and the content of the website.

There is one overarching web site for the whole judicial organisation ([www.rechtspraak.nl](http://www.rechtspraak.nl)) on which every court has a sub website. The sub web sites contain the contact information of the court, news of the court and general information about the court.

An intranet for the judicial organisation also exists, which also has a national part and local websites for the courts.

## **7. Use of private personal computers/laptops by judges and court staff**

- eee) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

Yes, it's their own responsibility.

- fff) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information?

No, this is not in compliance with the national protocol for email and internet use. In the near future, judges and the staff will be able to log-in at home on the secured network of the court.

- ggg) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify.

Not applicable.

- hhh) Is the situation the same for all court staff?

Yes.

## **8. Use of data**

- iii) Is the data contained in the procedure used for another aim than the procedure itself?

No.

jjj) Is this data used for statistics?

No.

kkk) If yes:

- who produces these statistics?
- how and by whom are these statistics used?

On a local level data could be used for statistics, but only if it is in compliance with the Personal Data Protection Act

On a national level data are used for statistics, but these data only concern the number of specific types of cases. These statistics are used for benchmarking and for the financing of the Judiciary (The Netherlands has an output based financing system).

## 9. Data security

gg) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

hh) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
correction and deletion requirements  
other. Please specify.

The Personal Data Protection Act states that each organisation should set up standards. The Government has developed standards that are also used by the Judiciary.

ii) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

The Dutch Data Protection Authority is the supervisor and occasionally advises the Judiciary (in the case of e-Archives).

jj) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

No, but there is a special Data Protection Commissioner at the Netherlands Council for the Judiciary who works for the whole Judiciary.

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

The IT governance structure for the Dutch Judiciary is organised as follows:

IT-Direction - The Council for the Judiciary ;

IT-Demand – For each IT project judges and other court staff are invited to join the project teams;

IT-Implementation – “Spir-it”, the IT implementation organisation of the Judiciary

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

Access to justice implies nowadays that the judiciary communicates also electronically. If the judiciary fails to perform in this area it will lose public trust.



It is perhaps useful to distinguish several dimensions of the use of IT by the judiciary. One dimension is the development of websites that can provide general and more individual information (help desks) to the citizens and that offer easy access to relevant case-law and other sources of information. Another dimension is the development of e-filing of cases. Of pivotal importance are guarantees with regard to the security of these systems, also in view of data protection, and with regard to the authenticity of the electronic documents. Where relevant, personal contact between the judge and the parties in a hearing should be maintained. A third dimension is the development of IT-systems for internal use by the judges and the staff (access to legal sources, wizards, formats etc.).

The goal of the Netherlands Council for the Judiciary is that by 2014 all cases can be brought digital to trial, that the progress in the proceedings can be followed through the Internet and that in some cases the proceedings will be entirely digital, except for the oral statements.

Experience shows that IT projects are complex, very costly and are not always successful. The development of IT instruments in smaller pilots is advisable.

## Norway

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### General introductory remarks:

The Norwegian Dispute Act (of 17 June 2005 no. 90 relating to mediation and procedure in civil disputes) entered into force 1. January 2008. The Committee who prepared the draft version underlined that the new Dispute Act should be adapted to modern information and communications technology.

The Committee referred to it being an explicit objective of the Government that electronic communications and the use of networks as infrastructure for interaction shall become as accepted as traditional written communication and documentation. It also pointed out that modern information and communications technology includes much more than remote communication between parties and the court. Modern technology does for instance provide new opportunities for persons with various types of disabilities to participate in oral court hearings. Technology also provides better tools for active management of cases. It furthermore provides much better access for the general public to those parts of the procedural documents which are open to inspection, to the rulings of the court, etc. The Committee pointed out that electronic communications with and within the courts will bring the courts into line with the method of communication used in the rest of society. It is of importance that the courts and the legal system do not fall significantly behind in terms of communications. This relates to electronic communication of written submissions, exhibits, judicial rulings, etc. The Committee also pointed out that the method of conducting meetings is in the process of changing in many parts of society. Meetings are to a considerable extent taking place in the form of long-distance meetings. Generally speaking there should be advantages to procedural materials being capable of being compiled in the form of electronic folders. This will also improve the scope for inspection of procedural materials.

The Government Bill was adopted with minor adjustments by the Parliament in 2005.

The Norwegian court system is in process of establishing and implementing the necessary technology and infrastructure for fulfilling the aim of using modern information and communications technology. Some of the main issues are how to establish a technical platform, a safe system for electronic signature and proper interface between the courts and the court users.

### **1. Access to courts**

kk) May legal proceedings be instigated by electronic means?

**No. The process of establishing *inter alia* instigation of legal proceedings electronically is under development.**

ll) Is there relevant legislation?

**Yes, but incomplete and not fully adapted to the challenges connected with electronic justice.**

mm) What are the main requirements for instigating legal proceedings by electronic means?  
(multiple choice possible)

**Not applicable**

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

nn) To what extent are legal proceedings instigated by electronic means in practice?

**Not applicable.**

### **2. Procedure within courts**

ppppp) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

**Not applicable.**

qqqqqq) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

**Not applicable.**

rrrrrr) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both?	<input type="checkbox"/> both?

ssssss) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

**No.**

tttttt) Do electronic files exist? **No.**  
- If an electronic file exist, is there a paper file as well?  
a. If both exist, which is the "authentic" file?

uuuuuu) If yes, is there relevant legislation?

vvvvvv) What are the main requirements with respect to electronic files?

**Not applicable.**

wwwwww) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

**Not applicable.**

xxxxxx) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

**Not applicable.**

yyyyyy) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

**By ordinary mail or fax.**

zzzzzz) Must paper documents be kept? If yes, how long?

aaaaaaa) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? **No.**

bbbbbbb) Do parties have access to the complete court file:

- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

**No. Not by electronic justice.**

ccccccc) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

**No.**

dddddd) Is the access to electronic files within the court regulated? Please specify.

**Not applicable.**

eeeeee) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

**3. Oral hearing**

kkk) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

**No.**

lll) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

**Not applicable.**

mmm) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

**No.**

nnn) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

**Yes.**

ooo) Are oral hearings audio or video recorded?

**No.**

ppp) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

qqq) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input checked="" type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution. **The Lovdata Foundation, Gyldendal Akademisk (publisher), Universitetsforlaget (publisher)**

#### 5. Practical court work

- lll) What is the work of the judge:
- in writing the documents? **X**
  - in delivering the documents?
  - in registering the documents?

mmm) What is the work of the court staff:

- in writing the documents?
- in delivering the documents? **X**
- in registering the documents? **X**

nnn) Is there enough staff to do this work? Please specify.

No. The Norwegian courts are among those in Europe with the lowest ratio staff/judges.

ooo) Do judges write their decisions themselves on their computer? **Yes.**

**ppp)** Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

**Some models of decisions are available in the database.**

qqq) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

**Yes.**

rrr) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

**Yes, by a report module in the case management system.**

#### 6. Internet

s) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

**Yes, unlimited access.**

t) Do all courts have their own website? Please specify which court and the content of the website.

**Yes, all courts have their own website, containing information on court procedure and cases, press services, court services, transparency, information for schools, judicial dictionary and relevant links to other websites.**

#### **7. Use of private personal computers/laptops by judges and court staff**

lll) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

**Yes.**

mmm) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ?

**Yes, under safeguarding restrictions.**

nnn) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

**Yes, see answer to 7 a.**

ooo) Is the situation the same for all court staff?

**Yes.**

#### **8. Use of data**

ppp) Is the data contained in the procedure used for another aim than the procedure itself?

**Yes.**

qqq) Is this data used for statistics?

**Yes.**

rrr) If yes:

- who produces these statistics?

**The National Courts Administration and the individual court.**

- how and by whom are these statistics used?

**They are used for annual reports, for information purposes for the court leadership in management of the court, and information to the public.**

#### **9. Data security**

kk) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes  
 No

**Cases treated under judiciary procedural law are exempt from national legislation protecting personal data (personregisterloven). Only procedural limitations apply.**

ll) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

mm) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

**See 9a.**

nn) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? **No**

#### **10. Participation of judges**

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

The National Courts Administration decides the electronic infrastructure, but the leadership of the individual courts are involved in the decisions concerning their courts. Judges also participate in working groups and steering committees concerning the development and implementation of IT in courts.

#### **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**See the introductory remarks.**

# Poland

## 1. Access to courts

oo) May legal proceedings be instigated by electronic means?

**Yes, but only in one kind of proceeding – adjudication of payment writs (enforcement of a past due debt) by electronic means (“e-court”)**

pp) Is there relevant legislation?

**Yes**

qq) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

rr) To what extent are legal proceedings instigated by electronic means in practice?

**In electronic payment order**

## 2. Procedure within courts

ffffff) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

**No**

ggggggg) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

**hhhhhhh) It is possible only in civil procedure – payment order in e-court**

iiiiiii) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input checked="" type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

jjjjjjj) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

**No, they don't exist**

kkkkkkk) Do electronic files exist? **Yes, but only in e-court**

- If an electronic file exist, is there a paper file as well? **No**

- If both exist, which is the “authentic” file?

lllllll) If yes, is there relevant legislation? **Yes**

mmmmmmm) What are the main requirements with respect to electronic files? **Parties have to submit their personal identification numbers (PESEL)**

nnnnnnn) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

**No**

oooooooo) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? **In that event, case is subject to traditional proceeding in normal court (not electronic).**



ppppppp) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? **A traditional proceeding is followed**

qqqqqqq) Must paper documents be kept? If yes, how long? **No**

rrrrrrr) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? **Not yet**

sssssss) Do parties have access to the complete court file:

- Yes, always
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

ttttttt) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **Not in each kind of cases, only in "e-court"**

uuuuuuu) Is the access to electronic files within the court regulated? Please specify. **No, it is only regulated with reference to cases dealt with via "e-court".**

vvvvvvv) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

**3. Oral hearing**

rrr) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **The electronic means help, but also we use paper forms.**

sss) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **It is possible but we use paper form.**

ttt) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **No**

uuu) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **We have just started to use it (primarily for certain important cases e.g. affairs that draw media interest).**

vvv) Are oral hearings audio or video recorded? **Not yet**

www) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

**It is used very seldom, in very complicated cases.**

Please indicate the relevant legislation as well as the restrictions, if appropriate.

xxx) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
<input checked="" type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input checked="" type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input checked="" type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.

**“Wolters Kluwer Polska” company runs a “LEX” database that is used by some of the judges.**

#### 5. Practical court work

sss) What is the work of the judge:

- in writing the documents? **Writes sentences, court decisions, written statement on the grounds of sentence**
- in delivering the documents? **Judge does not do it**
- in registering the documents? **Judge does not do it**

ttt) What is the work of the court staff:

- in writing the documents? **Proofreading, wording, copying the documents**
- in delivering the documents? **Dispatch and transmitting of the documents** (via post or email)
- in registering the documents? **Computer and traditional paper registering.**

uuu) Is there enough staff to do this work? Please specify. **It is not sufficient.**

vvv) Do judges write their decisions themselves on their computer? **Not all, however many of them do.**

www) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No they don't, there are no technical possibilities for that.**

xxx) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **There are no systems like that are used.**

yyy) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify. **Yes – in Courts of Appeal „SAWA” computer system is available to this end; in other courts statistics are run in paper form.**

#### 6. Internet

u) Is internet accessible for each judge in his/her office? **Yes, rather**  
Is this access limited? **No**  
Please specify.

- v) Do all courts have their own website? Please specify which court and the content of the website.  
**Most of them have their own websites. They contain addresses, forms, office hours.**

#### 7. Use of private personal computers/laptops by judges and court staff

- sss) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **Yes, however the judge must take care about the confidentiality of data.**
- ttt) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **No**
- uuu) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. **No**
- vvv) Is the situation the same for all court staff? **Yes**

#### 8. Use of data

- www) Is the data contained in the procedure used for another aim than the procedure itself? **No**
- xxx) Is this data used for statistics? **No**
- yyy) If yes:  
- who produces these statistics? -  
- how and by whom are these statistics used?

#### 9. Data security

- oo) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?
- Yes  
 No
- pp) If yes, are there requirements applicable to processing data in courts?
- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.
- qq) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? **Yes**
- rr) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? **Yes**

#### 10. Participation of judges

Who decides about the electronic infrastructure of a court?

**1) Ministry of Justice, 2) President of court.**

Are judges implicated in the relevant decisions concerning the implementation of IT in courts? **Rather not**

#### 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

**It makes registration of cases and retrieving statistical data easier, accelerates a process of obtaining information about the cases. However, effective procedures safeguarding the confidentiality of data and safety from its destruction or loss are important.**

# Roumanie

## 1. Accès aux tribunaux

ss) Les procédures judiciaires peuvent-elles être initiées par des moyens électroniques ?

Les procédures judiciaires ne sauraient être lancées par l'intermédiaire des moyens électroniques, mais il existe la possibilité de citer les parties dans les causes civiles, par courriel ou par tout autre moyen de communication.

tt) Existe-t-il une législation en la matière ?

L'art.132<sup>1</sup> du Code de procédure civile, modifié par la Loi 202/2010 prévoit, à l'alinéa 2 que " Les juges disposeront la vérification de la mise en pratique des procédures de citation et de communication disposées pour chaque délai. Le cas échéant, l'instance va ordonner la prise de mesures de réfection de ces procédures. Outre ces mesures, l'instance pourra disposer que la notification des parties soit faite téléphoniquement aussi, tout comme par télégraphe, télécopie, courriel ou tout autre moyen de communication qui assure, selon le cas, la transmission du texte de l'acte soumis à la communication ou l'assignement de se présenter à délai, tout comme la confirmation de la réception de l'acte, respectivement de l'assignement, si les parties ont indiqué à l'instance les données afférentes, à cet égard. Si la notification est faite par téléphone, le greffier rédige une note indiquant la modalité de la notification et son objet ».

uu) Quelles sont les exigences principales permettant d'initier une procédure judiciaire par moyen électronique ? (plusieurs choix possibles).

- Les parties doivent soumettre leur demande avec une signature électronique
- Les parties doivent remplir un formulaire téléchargeable et le soumettre électroniquement
- Autre. Veuillez spécifier.

Pas de réponse possible, par rapport à la réponse au point a).

vv) En pratique, dans quelle mesure les procédures judiciaires sont-elles initiées par des moyens électroniques ?

Pas de réponse possible, par rapport à la réponse au point a).

## 2. Procédure devant les tribunaux

wwwwww) Une fois la demande faite électroniquement, la procédure diffère-t-elle de la procédure traditionnelle ?

L'inexistence des procédures judiciaires dans la modalité électronique ne peut pas conduire à une réponse à ce point.

xxxxxxx) La procédure électronique diffère-t-elle en fonction du type d'affaires (civiles, pénales, administratives, etc.)

La réponse est impossible par rapport au point a).

yyyyyyy) Comment le tribunal communique-t-il avec les parties :

<i>Avec les parties qui utilisent elles-mêmes des moyens électroniques :</i>	<i>Avec les autres parties :</i>
<input checked="" type="checkbox"/> par des moyens traditionnels ?	<input checked="" type="checkbox"/> par des moyens traditionnels ?
<input type="checkbox"/> en utilisant les moyens de communication électronique ?	<input type="checkbox"/> en utilisant les moyens de communication électronique ?
<input type="checkbox"/> les deux ?	<input type="checkbox"/> les deux ?

Le Tribunal communique avec les parties utilisant la procédure traditionnelle.

zzzzzzz) Existe-t-il des moyens électroniques spécifiques de communication entre les avocats et les tribunaux ? Veuillez préciser.

Il n'est pas possible de répondre à cause de l'inexistence de procédures judiciaires par modalités électroniques.

aaaaaaa) Est-ce qu'il existe des dossiers électroniques ?

- Si un dossier électronique existe, existe-t-il également un dossier papier ?
- Si les deux existent, lequel est le dossier « authentique » ?

Il n'est pas possible de répondre à cause de l'inexistence de procédures judiciaires par modalités électroniques.

bbbbbbb) Le cas échéant, existe-t-il une législation en la matière ?

Il n'est pas possible de répondre à cause de l'inexistence de procédures judiciaires par modalités électroniques.

ccccccc) Quelles sont les principales exigences concernant les dossiers électroniques ?

Il n'est pas possible de répondre à cause de l'inexistence de procédures judiciaires par modalités électroniques.

ddddddd) Existe-t-il une réglementation et des protections spécifiques concernant les dossiers électroniques contenant des informations sensibles (par ex. sur la santé, sur les services secrets, etc.) ?

Il n'est pas possible de répondre à cause de l'inexistence de procédures judiciaires par modalités électroniques.

eeeeeee) Que se passe-t-il lorsque l'authenticité d'un document électronique est mise en doute/controversée par une partie ?

Il n'est pas possible de répondre à cause de l'inexistence de procédures judiciaires par modalités électroniques.

ffffff) Quelle est la procédure utilisée par les parties et le tribunal si une partie veut soumettre un document qui **n'est pas** sous la forme électronique (document papier par ex.) ?

Les parties peuvent former des demandes dans les dossiers ouverts au Tribunal, soit en transmettant ces demandes par la poste, par télécopie, ou par courriel, soit en se présentant, personnellement, au Service de greffe de l'instance, pour déposer des demandes recevant de numéros d'enregistrement et la mention de l'enregistrement est aussi faite dans un registre spécial.

ggggggg) Les documents "papier" doivent-ils être conservés ? Le cas échéant, combien de temps ?

Oui, les documents sur papier, respectivement les dossiers tout comme les cartons qui contiennent les décisions des juges doivent être conservés, respectivement, archivés. Les cartons contiennent 100 décisions, chacun, réunies en ordre numérique, par années et séparément, par matières, les cartons étant conservés par le greffier en chef ou, selon le cas, par le greffier en chef de la chambre, pour une durée de 6 mois, à partir de la date de la dernière décision, date après laquelle le tout est remis aux archives en vue de la conservation.

Les dossiers sur support papier sont conservés pendant 10 ans, tandis que les cartons aux décisions le sont pour 50 ans.

hhhhhhh) Quelle est la procédure lorsque la signature manuelle d'un juge ou d'un greffier est requise ? La signature électronique existe-t-elle ?

Les arrêts, dans les affaires civiles, sont signés par les juges et par le greffier. Aux termes de l'art. 261 al. 2 du Code de procédure civile au cas où, après prononciation, l'un des juges se trouve en impossibilité de signer la décision, le président de l'instance signera celle-ci à sa place et si la personne se trouvant en impossibilité de signer est le greffier, la décision sera signée par le greffier en chef, mention étant faite sur la cause qui avait empêché le juge ou le greffier de signer la décision.

Dans les affaires pénales, en conformité avec l'art. 309 du Code de procédure pénale, le résultat de la délibération est noté dans une minute qui doit avoir le contenu prévu pour le dispositif de la décision. La minute est signée par les membres de la formation de jugement. Aux termes de l'art. 312, du même code, le jugement ou la décision est rédigée par l'un des juges qui ont participé à la solution de l'affaire, étant signée par tous les membres du complet et par le greffier. En cas d'empêchement de l'un des membres de la formation de jugement, de signer, la décision est signée à sa place par le président de la formation. Si le président de la formation de jugement est lui aussi empêché de signer, la décision sera signée par le président du tribunal. Lorsque l'empêchement concerne le greffier, la décision est signée par le greffier en chef. Dans tous ces cas, l'on fait mention, sur la décision, de la cause qui s'est trouvée à l'origine de l'empêchement. Il n'existe de signature électronique ni pour les juges ni pour le greffier.

- iiiiiii) Les parties ont-ils accès au dossier judiciaire complet :
- Oui, toujours
  - Oui, mais sous certaines conditions
  - Non

Veuillez préciser le cas échéant la réglementation en vigueur.

Aux termes de l'art. 92 du Règlement d'ordre intérieur des instances judiciaires, il est prévu que la priorité à la consultation du dossier de l'affaire revient aux parties, aux avocats et aux représentants des parties, aux experts et interprètes désignés dans l'affaire. Les dossiers concernant les affaires qui ont été ou qui sont jugées en audience secrète, les affaires concernant les adoptions, ainsi que ceux concernant l'autorisation des perquisitions et la confirmation et l'autorisation des ententes, tout comme les affaires concernant l'enregistrement des conversations téléphoniques peuvent être consultés uniquement par les parties, les avocats ou les représentants de ceux-ci, les experts et les interprètes désignés dans l'affaire, dans les conditions de la loi. C'est de la même manière que peuvent être consultés les documents et les évidences spéciales de l'instance qui supposent la confidentialité.

- jjjjjjj) Les parties ou leurs avocats ont-ils la possibilité de suivre l'état de la procédure via internet (sécurisé) ?

Les parties et les avocats ont la possibilité de connaître le lieu où se trouve le dossier, en consultant certaines mentions du dossier dans le cadre d'un logiciel au niveau national connu sous le nom d'ECRIS.

- kkkkkkk) L'accès du personnel judiciaire aux dossiers électroniques est-il réglementé? Veuillez préciser.

L'accès du personnel judiciaire au dossier électronique n'est pas réglementé.

- lllllll) Accès aux dossiers par les juges et le personnel des tribunaux :

<i>Juges :</i>	<i>Personnel des tribunaux :</i>
<input type="checkbox"/> à tous les dossiers ?	<input type="checkbox"/> à tous les dossiers ?
<input checked="" type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?	<input checked="" type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?

### 3. Les audiences

- yyy) Existe-t-il des audiences utilisant des moyens électroniques (par ex. les juges ont les dossiers électroniques sur un ordinateur) ?

Les juges ne disposent pas de dossier électronique sur leur ordinateur.

- zzz) Les expertises, les projets de décisions rédigés par le rapporteur ou les notes personnelles sont-elles accessibles aux juges sur leur ordinateur ?

Les expertises ou les notes du personnel ne sont pas accessibles aux juges, sur l'ordinateur. Les juges ont pourtant la possibilité d'accéder à leurs propres décisions, sur ordinateur, mais uniquement dans leur propre bureau et non pendant les audiences.

aaaa) Le dossier complet est-il accessible par les parties et les avocats pendant les audiences (également sur ordinateur) ?

Non, les parties et les avocats n'ont pas le droit d'accéder, pendant les audiences, au dossier, sur ordinateur, sauf, uniquement, au dossier proprement dit, en papier.

bbbb) Un équipement technique a-t-il été installé dans les tribunaux pour permettre de projeter sur écran des documents visibles par les juges, les parties et le public ?

Oui, la possibilité existe, lorsqu'on estime qu'il faut recourir à l'équipement électronique, voire à la projection vidéo.

cccc) Les audiences sont-elles enregistrées (audio ou vidéo) ?

Oui, mais seulement en matière pénale, les audiences, à toutes les instances, sont enregistrées en audio. Il suit qu'au délai de 14 mois, soient enregistrés en audio au niveau du système judiciaire aussi les audiences en matière civile.

dddd) La vidéo -conférence est-elle utilisée lors des audiences :

- pour l'audition des témoins ?
- pour l'audition des experts ?
- pour l'audition des parties ?
- autre ? Veuillez préciser.

Veuillez préciser la législation en vigueur et les restrictions prévues, le cas échéant.

Dans le contenu de l'art 86<sup>2</sup> du Code de procédure pénale, il est prévu que si des preuves ou des indices de base existent que la vie, l'intégrité corporelle, ou la liberté du témoin ou d'une autre personne se trouvent en danger, le procureur ou, suivant le cas, l'instance de jugement, peut acquiescer que le témoin soit entendu sans être présent, physiquement, à l'endroit où se trouve l'organe d'enquête pénale ou dans la salle où se déroule l'audience, et cela par l'intermédiaire des moyens techniques.

Le témoin peut être entendu par l'intermédiaire d'un réseau de télévision, son image et sa voix étant distorsionnées, afin qu'il ne puisse être reconnu.

En cas de jugement, les parties et les avocats des parties peuvent adresser des questions, sans intermédiaire, au témoin entendu. Le président de la formation de jugement rejette les questions inutiles ou susceptibles de conduire à l'identification du témoin. La déclaration du témoin entendu dans les conditions mentionnées et enregistrée par des moyens techniques audio et vidéo est transcrite, intégralement.

Au cours de l'enquête pénale, un procès-verbal est rédigé, dans lequel on reflète, exactement, la déclaration du témoin et ce procès-verbal est signé par le procureur ayant assisté à l'audition du témoin et par l'organe d'enquête pénale, étant ultérieurement déposé au dossier de la cause. La déclaration du témoin, en transcription, sera, également, signée par celui-ci, et sera conservée au dossier déposé au Parquet, dans un endroit spécialement réservé, en enveloppe scellée, dans des conditions de maximale sécurité.

Au cours du jugement, la déclaration du témoin sera signée par le procureur ayant assisté à l'audition du témoin et par le président de la formation de jugement. La déclaration du témoin, transcrite, sera signée aussi par le témoin et conservée au dossier déposé à l'instance.

Le support sur lequel se trouve enregistrée la déclaration du témoin, en original, scellé du sceau du parquet ou suivant le cas, de l'instance de jugement devant laquelle la déclaration a été faite, est conservé dans les conditions prévues. Le support qui contient des enregistrements effectués au cours de l'enquête pénale sera remis, à la fin de l'enquête pénale, à l'instance compétente, accompagné du dossier de l'affaire et sera conservé dans les mêmes conditions.

eeee) Si possible, veuillez préciser combien de tribunaux sont équipés de moyens électroniques appropriés et suffisants pour assister les juges, les greffiers et les parties durant les audiences ?

Il n'est pas possible de remplir le tableau mentionné en bas.

	100% des	+50% des	-50% des	-10% des
--	----------	----------	----------	----------

	<i>tribunaux</i>	<i>tribunaux</i>	<i>tribunaux</i>	<i>tribunaux</i>
Accès aux dossiers électroniques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base de données électroniques pour la jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ecran et projecteurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accès à internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vidéo-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio-conférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement vidéo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement audio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Services d'information pour les juges

Existe-t-il, au niveau central, des bases de données accessibles au juge :

<i>Base gérée par l'Etat</i>	<i>Base gérée par une institution privée</i>
<input checked="" type="checkbox"/> Législation nationale	<input checked="" type="checkbox"/> Législation nationale
<input type="checkbox"/> Législation européenne	<input checked="" type="checkbox"/> Législation européenne
<input type="checkbox"/> Jurisprudence nationale	<input checked="" type="checkbox"/> Jurisprudence nationale
<input type="checkbox"/> Jurisprudence internationale	<input checked="" type="checkbox"/> Jurisprudence internationale
<input type="checkbox"/> Articles juridiques	<input checked="" type="checkbox"/> Articles juridiques

Veuillez préciser, le cas échéant, l'institution privée.

Il y a plusieurs institutions privées, comme par exemple, la Compagnie Informatique de Piatra Neamt, C.H. Beck.

#### 5. Travail pratique dans les tribunaux

zzz) En quoi consiste le travail du juge :

- dans la rédaction des documents ?
- dans la transmission des documents ?
- dans l'enregistrement des documents ?

Le juge rédige les arrêts judiciaires.

aaaa) En quoi consiste le travail du personnel du tribunal :

- dans la rédaction des documents ?
- dans la transmission des documents ?
- dans l'enregistrement des documents ?

Le personnel du Tribunal rédige les minutes des audiences, remplit des assignations, à transmettre aux parties et aux autres personnes visées par les affaires qui sont sur le rôle, enregistre les demandes formées par les personnes mentionnées et les avocats, pour ce qui est de l'accès aux affaires en examen.

bbbb) Y-a-t-il assez de personnel pour accomplir ces tâches ? Veuillez préciser.

Oui, il existe du personnel qui peut accomplir ces tâches : greffiers, archivistes, régistres.

cccc) Les juges rédigent-ils eux-mêmes leurs décisions sur leur ordinateur ?



Oui, les juges, en leur grande majorité, rédigent leurs décisions sur l'ordinateur.

dddd) Les juges utilisent-ils des techniques spécifiques (reconnaissance vocale, modèles de décision) disponibles sur les bases de données ? Veuillez préciser.

On n'utilise pas les techniques spéciales, disponibles dans les bases de données.

eeee) Les nouvelles technologies sont-elles utilisées pour surveiller la durée des procédures et la gestion du flux des affaires au sein des tribunaux (système d'alerte par exemple) ?

Il n'existe pas de technologies nouvelles pour surveiller la durée des procédures et la gestion du flux des causes dans le cadre des Tribunaux.

ffff) Les données concernant le travail effectué par chaque juge sont-elles rassemblées dans une base de données susceptible d'être utilisée pour des statistiques, pour des évaluations, etc. ? Veuillez préciser.

Oui, il existe des situations statistiques qui reflètent le travail de chaque juge, respectivement, le nombre d'audiences auxquelles il a participé, dans divers stades processuels, le nombre des dossiers dans lesquels il a été donnée une solution et le nombre de dossiers rédigés.

## **6. Internet**

w) Le juge a-t-il accès à internet depuis son bureau ? Cet accès est-il limité ? Veuillez préciser.

Oui, le juge a la liberté d'accès à l'Internet, dans son bureau, de manière illimitée.

x) Les tribunaux disposent-ils tous de leur propre site internet ? Veuillez préciser quels tribunaux et le contenu du site.

Cinq Tribunaux, sur 41, et 2 Cours d'Appel, sur 15, ont déjà leur propre site sur internet. Coté éléments communs, ces sites contiennent des données portant sur les audiences, les dossiers, la jurisprudence, des données d'intérêt public, et certains sites contiennent même des données statistiques à caractère général.

## **7. Utilisation des ordinateurs personnels par les juges et le personnel des tribunaux**

zzz) Un juge peut-il utiliser son ordinateur (portable) personnel à des fins professionnelles (par ex. à la maison ou sur le trajet maison/tribunal) ?

Non.

aaaa) Des e-mails contenant des informations professionnelles peuvent-ils être envoyés du tribunal vers l'adresse privée du juge et vice-versa ?

Des messages électroniques de service ne peuvent pas être envoyés aux adresses personnelles du juge et la situation inverse n'est non plus possible.

bbbb) Cela nécessite-t-il des protections techniques spécifiques (par ex. exclusion de l'accès à des tiers, aux membres de la famille, etc.) ? Veuillez préciser.

On ne peut pas fournir une réponse, en tenant compte de la réponse au point b).

cccc) La situation est-elle la même pour l'ensemble du personnel des tribunaux ?

On ne peut pas fournir une réponse, en tenant compte de la réponse aux points b) et c).

## **8. Utilisation des données**

dddd) Les données figurant dans la procédure sont-elles utilisées à d'autres fins que la procédure elle-même ?

Non.

eeee) Ces données sont-elles utilisées à des fins statistiques ?

Non.

ffff) Le cas échéant :

- qui produit ces statistiques ?
- comment et par qui ces statistiques sont-elles utilisées ?

Non.

## 9. Sécurité des données

ss) Existe-t-il une législation permettant de protéger les données personnelles utilisées dans l'infrastructure électronique du tribunal ?

Il n'existe pas de législation de nature à permettre la protection des données personnelles utilisées dans l'infrastructure électronique du tribunal. Il existe, pourtant, une législation en matière de protection des données des personnes, en général, à savoir la Loi n° 677/2001.

tt) Le cas échéant, les exigences suivantes sont-elles applicables :

- règles sur l'accès aux données personnelles par la personne concernée ou par d'autres personnes/institutions
- obligation de correction ou de suppression le cas échéant
- autres. Veuillez préciser.

Dans le cadre des décisions judiciaires placées sur le site des instances, les données personnelles des parties sont anonymisées.

uu) S'il existe un Commissaire à la protection des données au niveau national, s'est-il déjà penché spécifiquement sur la question des nouvelles technologies dans le domaine de la justice ?

L'Autorité Nationale de Surveillance des Opérations sur les Données à Caractère Personnel n'a pas de responsabilités spécifiques en ce qui concerne les nouvelles technologies en le domaine de la Justice.

vv) Existe-t-il un Commissaire à la protection des données propre à chaque tribunal (par ex. un juge qui aurait cette tâche supplémentaire spécifique) ?

Il n'existe pas de service de protection des données dans chaque Tribunal, mais le service informatique s'occupe de l'anonymisation des décisions.

## 10. Participation des juges

Qui prend les décisions concernant l'infrastructure électronique des tribunaux ? Les juges sont-ils impliqués dans les décisions pertinentes concernant l'installation des nouvelles technologies au sein des tribunaux ?

Les décisions concernant l'infrastructure électronique des Tribunaux sont prises par la direction de l'instance et les spécialistes de l'informatique du département de ressort. Oui, les juges sont consultés à propos des nouvelles technologies.

## 11. Conclusion

Pouvez-vous donner votre opinion sur les avantages et les inconvénients du développement des nouvelles technologies au sein des tribunaux ?

Il existe des avantages réels fournis par les nouvelles technologies aux instances, dans le sens de la fluidisation des activités et d'une information beaucoup plus rapide sur le dossier. Elles permettent aussi la consultation du dossier, par les parties et leurs avocats, d'une manière bien complète et de locations bien différentes.

Le désavantage présenté est beaucoup plus réduit, dans le sens qu'il existe la possibilité de perdre certaines données ou de voir parfois le système faillir à des moments où cela peut affecter la marche des travaux ou le déroulement d'une audience.

L'utilisation des nouvelles technologies dans le domaine de la justice est pourtant la modalité la plus rapide et performante, du point de vue qualitatif, de réaliser un acte de justice moderne, rapide et transparent.

# Slovakia

## 1. Access to courts

ww) May legal proceedings be instigated by electronic means?

YES – in civil and administrative proceedings,  
NO – in criminal proceedings

xx) Is there relevant legislation?

YES – Art 42(1) of Civil Proceedings Code No. 99/1963 Coll. – claim as to the merits submitted by electronic means must also be done in written (paper) form in 3 days; it is not necessary to submit claim in paper form when it is submitted by electronic means with a qualified electronic signature

yy) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

zz) To what extent are legal proceedings instigated by electronic means in practice?

1% - 2%

## 2. Procedure within courts

mmmmmm) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

NO

nnnnnn) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

Civil and administrative proceedings NO, criminal proceedings cannot be instigated by electronic means

ooooooo) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both?	<input type="checkbox"/> both?

pppppp) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

NO- common mail, common electronic means

qqqqqq) Do electronic files exist?

NO

- If an electronic file exist, is there a paper file as well?

- If both exist, which is the "authentic" file?

rrrrrr) If yes, is there relevant legislation?

ssssss) What are the main requirements with respect to electronic files?

tttttt) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

uuuuuuu) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

vvvvvvv) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

wwwwwww) Must paper documents be kept? If yes, how long?  
YES – 20 years

xxxxxxx) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?  
Digital signature of judge or court clerk doesn't exist.

yyyyyyy) Do parties have access to the complete court file:  
 Yes, always  
 Yes, but only with specific conditions  
 No

Please indicate, if appropriate, the relevant legislation.  
Art 44 of Civil Proceedings Code No. 99/1963 Coll.,  
Art 69 of Criminal Proceedings Code No. 301/2005 Coll.,  
Art 23 of Administrative Proceedings Code No. 71/1967 Coll.

zzzzzzz) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?  
Partially – only day of oral hearing or promulgation of decision

aaaaaaaa) Is the access to electronic files within the court regulated? Please specify.

bbbbbbbbb) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

ffff) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?  
NO

gggg) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?  
NO

hhhh) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?  
NO in computer, only in paper form

iiii) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?  
NO - except of Special Criminal Court

jjjj) Are oral hearings audio or video recorded?  
Audio recorded

kkkk) Is video conference in public hearing used:  
 for the hearing of witnesses?  
 for the hearing of experts?  
 for the hearing of parties?  
 other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.  
Art 134, 135(3), 136(3), 271 of Criminal Proceedings Code No. 301/2005 Coll.

IIII) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input checked="" type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.  
ASPI, EPI, CH BECK

#### 5. Practical court work

gggg) What is the work of the judge:  
- in writing the documents

hhhh) What is the work of the court staff:  
- in writing the documents  
- in delivering the documents  
- in registering the documents

iiii) Is there enough staff to do this work? Please specify.  
YES

jjjj) Do judges write their decisions themselves on their computer?  
YES, they also may use audio recording

kkkk) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.  
model decision available in a database

IIII) Is modern technology used to monitor the length of proceedings and for case flow management within the court (e.g. alert system)?  
only in statistics

- mmmm) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc.? Please specify  
YES - decisions

## 6. Internet

- y) Is internet accessible for each judge in his/her office? Is this access limited? Please specify.  
YES, all websites necessary for their work, e. g. websites of Slovak courts, international courts, Slovak courts' case-law, international courts' case-law, news, database of national legislation, European legislation, national and international case-law, law review articles run by private institutions are accessible. Access to another websites is limited.
- z) Do all courts have their own website? Please specify which court and the content of the website.  
NO, only Constitutional Court and Supreme Court have their own websites; regional and district courts publish information (day of oral hearing, decisions) on the website of the Ministry of Justice of the Slovak Republic

Content of the Constitutional Court's website [www.concourt.sk](http://www.concourt.sk) :

About Constitutional Court

Justices

Case-law (search in a database)

Information

International activities

Collection of Constitutional Court's case-law

Documents

Content of the Supreme Court's website [www.nsud.sk](http://www.nsud.sk):

About Supreme Court

Justices

Case-law (search in a database)

Day of oral hearing

Information

International activities

Documents

Links

Contact

## 7. Use of private personal computers/laptops by judges and court staff

- gggg) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)  
NO
- hhhh) May e-mails be sent from the court to a judge's private e-mail address and vice versa containing professional information?  
NO
- iiii) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify.
- jjjj) Is the situation the same for all court staff?  
YES

## 8. Use of data

- kkkk) Is the data contained in the procedure used for another aim than the procedure itself?  
NO
- llll) Is this data used for statistics?  
YES

- mmmm) If yes:  
- who produces these statistics?  
Court clerks  
- how and by whom are these statistics used?  
by judges, senior court clerks

## 9. Data security

ww) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

- Yes – Act 428/2002 Coll. on personal data protection, civil Proceedings Act No. 99/1963 Coll., Criminal Proceedings Act No. 301/2005 Coll., Administrative Proceedings Act No. 71/1967 Coll.  
 No

xx) If yes, are there requirements applicable to processing data in courts?

- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.

yy) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

NO

zz) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

Senior court clerks and judges

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

Ministry of Justice of the Slovak Republic for district and regional courts, Chief Justice of the Supreme Court of the Slovak Republic for the Supreme Court of the Slovak Republic

## 11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

From my point of view it is useful to have both paper file and electronic file. The “authentic” one will be paper file. Thus, every audio conference or audio hearing before the court shall have its own transcript in written form.

Electronic files must be subject of higher protection of data via protection of IT system (e.g. from hackers) against misuse or abuse of this data. It is necessary to appoint persons who will be in charge of putting information to the electronic file (judge, clerk, rapporteur) with aim to avoid multiple entries to it.



# Slovenia

## 1. Access to courts

- a) May legal proceedings be instigated by electronic means?

Certain legal proceedings (e.g. land register, civil, insolvency and enforcement proceedings) may be instigated by electronic means.

- b) Is there relevant legislation?

The instigation by electronic means is regulated by respective legislation, e.g. the Rules on electronic commerce in civil proceedings.

- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

The parties must submit the claim with a qualified electronic signature  
The parties must fill in a downloadable form to be submitted electronically

- d) To what extent are legal proceedings instigated by electronic means in practice?

The use of electronic means in civil and insolvency proceedings is new - therefore it is too early to evaluate its significance in practice. The significance of electronic means in enforcement proceedings is big – in 2008 a fully computerized system for filing of requests and issuing of warrant of executions on the basis of “authentic instruments” (certain types of documents which can establish merely a probability of the existence of a claim, including e.g. invoices) was introduced.

## 2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

If the debtor in enforcement proceedings files an objection after the warrant of execution has been issued the case is transferred to ordinary civil procedure.

- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

Yes.

- c) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
	by traditional means
by using electronic communication	
both (depending on the proceedings)	

- d) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

In a fully computerized system for filing of requests and issuing of warrant of executions on the basis of “authentic instruments” in enforcement proceedings warrants of executions are issued and serviced to parties in electronic form only. In insolvency proceedings too, court decisions are issued in electronic form only. In civil proceedings “paper” decisions are issued as well.

- e) Do electronic files exist? Yes, see above d.  
- If an electronic file exist, is there a paper file as well? See above d.  
- If both exist, which is the “authentic” file? If both exist, they are equal.

- f) If yes, is there relevant legislation? Yes, there is relevant legislation – the Electronic commerce and electronic signature act (based on the EU Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures) is its most important source.
- g) What are the main requirements with respect to electronic files? The main requirements are: an electronic signatures which is based on a qualified certificate and which is created by a secure-signature-creation device; provided certain conditions are fulfilled an electronic signature has the same legal effectiveness and admissibility as evidence in legal proceedings as a handwritten signature.
- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? Data protection is regulated by law.
- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? The main rule is that the authenticity of a document an electronic signature is not denied legal effectiveness solely on the grounds that it is in electronic form. Standard rules of evidence apply.
- j) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? If submitting of documents on paper are not provided by law (e.g. in enforcement proceedings on the basis of “authentic instruments”) such legal actions shall have no legal effect.
- k) Must paper documents be kept? If yes, how long? If both, paper and electronic forms of a document exist, standard rules for keeping documents apply.
- l) What is the procedure when a judge’s or court clerk’s hand signature is prescribed? Does digital signature exist? The electronic signature exists – the main prerequisite is an electronic signatures which is based on a qualified certificate and which is created by a secure-signature-creation device.
- m) Do parties have access to the complete court file:  
Yes, but only with specific conditions
- n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? No.
- o) Is the access to electronic files within the court regulated? It is regulated by special guidelines established by the Board of service-users (a body founded at the Supreme Court). About the board of service-users see 10.
- p) Have judges/court staff access:

<i>Judges</i>	<i>Court staff</i>
only to files within their jurisdiction	only to files within their jurisdiction

**3. Oral hearing**

- a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? Video conferences.
- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? No.
- c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? No.
- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? Yes.
- e) Are oral hearings audio or video recorded? The system for audio recording of oral hearings was introduced recently and it is still in its pilote stage.
- f) Is video conference in public hearing used:
  - for the hearing of witnesses
  - for the hearing of experts
  - for the hearing of parties

These matters are regulated by the Civil procedure Act and Criminal procedure Act. Both of them allow the use of videoconferences.

- g) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access			<input type="checkbox"/>	
Electronic data base of jurisprudence	<input type="checkbox"/>			
Screen projectors		<input type="checkbox"/>		
Internet access		<input type="checkbox"/>		
Video conferencing		<input type="checkbox"/>		
Audio conferencing		<input type="checkbox"/>		
Video recording		<input type="checkbox"/>		
Audio recording		<input type="checkbox"/>		

**4. Information services for judges**

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

All databases are accessible for judges via the Supreme Court's website, only partly that information is provided by a private company.

### **5. Practical court work**

- a) What is the work of the judge:
  - in writing the documents?
  - in delivering the documents?
  - in registering the documents?

Judges write/dictate their documents.

- b) What is the work of the court staff:
  - in writing the documents?
  - in delivering the documents?
  - in registering the documents?

Court staff writes, delivers and registers documents.

- c) Is there enough staff to do this work? In general, yes.
- d) Do judges write their decisions themselves on their computer? It is up to a judge to decide whether to write a document by himself or to dictate it.
- e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? No.
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? Yes
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Yes – data concerning the quantity and quality (number of cases reviewed at the appeal court) of work.

### **6. Internet**

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Internet is accessible without limitations.
- b) Do all courts have their own website? Please specify which court and the content of the website. All courts have their website concerning e.g. a basic information about a court, a list of judges and court staff, schedule of oral hearings, auctions, a catalogue of standard forms, latest news, a link the Supreme Court website including case law...

### **7. Use of private personal computers/laptops by judges and court staff**

- a) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) Yes, provided certain safeguards are respected.
- b) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information? No.
- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? See above b.
- d) Is the situation the same for all court staff? Yes.

### **8. Use of data**

- e) Is the data contained in the procedure used for another aim than the procedure itself? No.

f) Is this data used for statistics? Yes.

g) If yes:

- who produces these statistics? These statistics are produced by courts.

- how and by whom are these statistics used? They are used by courts, the Judicial Council and the Ministry of Justice to evaluate the workload and the work of courts and judges.

## **9. Data security**

a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes

b) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions  
correction and deletion requirements

c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? There is no Data Protection Commissioner, this is a task of a court staff member at the Supreme Court who is responsible for public information.

d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? No.

## **10. Participation of judges**

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

The decisions about the electronic infrastructure are taken by judiciary, that is by a special body founded within the framework of the Supreme Court – the Information Centre. The Information Centre (chaired by a judge) is responsible for the selection and supply of IT equipment for all courts, its maintenance, construction of specialized software, special emphasis is given to cooperation in the education of end users. Judges play a major role in the relevant decisions concerning the implementation of IT in courts as they constitute the majority in the Board of users which (pursuant to the Courts Act) defines the strategy of the IT development in courts.

## **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

In my opinion there are two major advantages of the IT development in Slovenia:

- the decisions about the electronic infrastructure are taken by judges who know what suits best their needs (see above 10):

- a fully computerized system for filing of requests and issuing of warrant of executions on the basis of “authentic instruments” which substantially reduced the backlogs in enforcement proceedings.

## 1. Accès aux tribunaux

aaa) Les procédures judiciaires peuvent-elles être initiées par des moyens électroniques ?

**En Espagne, à ce jour, il n'est pas possible de saisir une juridiction par voie électronique. Toutefois, des projets et certaines réalisations législatives sont en cours pour concevoir des outils destinés à procéder pour la disponibilité des formulaires de saisine des tribunaux et de requête, téléchargeables sur l'internet pour certaines juridictions. (Au civil pour les procédures d'injonction de payer et de faible quantité, en générale pour tous les procédures simplifiées et accélérées Au domaine social pour certains réclamations )**

bbb) Existe-t-il une législation en la matière ?

**La législation envisage la possibilité d'utilisation de moyens électroniques mais il faut que l'exécutif facilite ces moyens aux tribunaux.**

ccc) Quelles sont les exigences principales permettant d'initier une procédure judiciaire par moyen électronique ? (plusieurs choix possibles).

Les parties doivent soumettre leur demande avec une signature électronique  
**Oui**

Les parties doivent remplir un formulaire téléchargeable et le soumettre électroniquement  
**Oui**

Autre. Veuillez spécifier.  
**Il faut aussi que l'organisation judiciaire s'adapte à les applications informatiques. C'est une question de facilitation moyens matérielles par l'exécutif , c'est-à-dire de la compétence budgétaire et d'exécution par le Ministère de la Justice et les Départements de Justice des « Communautés Autonomes » ( Gouvernements Régionaux ) , aux quelles on a transfert la compétence pour la facilitation moyens matérielles pour le fonctionnement de l'Administration de la Justice en Espagne**

ddd) En pratique, dans quelle mesure les procédures judiciaires sont-elles initiées par des moyens électroniques ?

**Comme on a dit ci-dessus à ce jour, il n'est pas possible de saisir une juridiction par voie électronique.**

## 2. Procédure devant les tribunaux

cccccccc) Une fois la demande faite électroniquement, la procédure diffère-t-elle de la procédure traditionnelle ?

**À ce jour on ne peut pas faire la demande électroniquement. Mais elle est déjà inscrite électroniquement au tribunal, avec un numéro et les données des parties, nature de l'affaire, etc. Cependant, on utilise encore le papier.**

dddddddd) La procédure électronique diffère-t-elle en fonction du type d'affaires (civiles, pénales, administratives, etc.)

**Oui, on a envisagée des différents procédures électroniques par raison non seulement de la juridiction compétente (civil, pénal, administrative, du travail ...), mais aussi du type de procédure dans chaque juridiction qu'exige un parcours particulier.**

eeeeeeee) Comment le tribunal communique-t-il avec les parties :

Avec les parties qui utilisent elles-mêmes des moyens électroniques :	Avec les autres parties :
<input type="checkbox"/> par des moyens traditionnels ?	<input type="checkbox"/> par des moyens traditionnels ? <b>X</b>
<input type="checkbox"/> en utilisant les moyens de communication électronique ?	<input type="checkbox"/> en utilisant les moyens de communication électronique ?
<input type="checkbox"/> les deux ? <b>X</b>	<input type="checkbox"/> les deux ?

**En général la Loi Organique du Pouvoir Judiciaire (LOPJ) prévoit dans l'article 230 ( en Anglais ) :**

**Article 230.**

1. Courts and Tribunals may use whatever technical, electronic, IT and distance communication systems they deem expedient for the furtherance of their activities and the exercise of their functions subject to the limitations established in Public Act 5/1992, October 29th, and other applicable laws.

2. Documents issued by means of the following systems regardless of their support will have the same validity and efficacy as an original document provided that their authenticity and integrity is observed and that it complies with the requirements foreseen in procedural laws.

3. Proceedings conducted by means of computerised technologies will guarantee adequate identification and exercise of judicial duties by the competent body, as well as confidentiality, privacy and safety of personal data in the terms established in this law.

4. Persons who request the judicial protection of their rights and interests may communicate with the jurisdictional bodies by means of the technical systems mentioned in paragraph (1) hereunder, when compatible with the available resources at Courts and Tribunals and moreover when guarantees and requirements contemplated in the legal proceedings in question are complied with.

5. The Council General of the Judiciary will issue regulations on requirements and other terms and conditions governing the creation and management of automated data files held under the responsibility of judicial bodies in order to ensure compliance with Public Act 5/1992, October 29th - Personal Data Treatment.

Computer programs and applications used in the administration of justice must be previously approved by Council General of the Judiciary which will guarantee their compatibility. 64

IT systems used by in the administration of justice must be compatible between them in order to facilitate their communication and integration in the terms established by the Council General of the Judiciary.

**En Espagne, on a approuvé un Plan de modernisation du système de justice. Ce Plan comprend la mise en œuvre d'un complexe système, d'amélioration des systèmes de communication électronique et échanges d'informations entre les tribunaux et leur environnement.**

**Cette réorganisation s'est traduite dans le Plan stratégique pour la modernisation du système de justice 2009-2012 adopté le 18 Septembre 2009. Ce document rassemble une série de réformes législatives, des changements organisationnels et des améliorations technologiques qu'on doit mettre au point au cours des trois prochaines années.**

**Le plan stratégique comprend 147 mesures concrètes, articulées en 6 axes stratégiques et est structuré en 3 grandes politiques: la politique de modernisation, de protection et de la transparence, et la politique de coopération.**

**La réforme de la législation procédurale pour la mise en œuvre de la magistrature du Nouveau Bureau (Nouvelle Officine Judiciaire, NOJ), qui a été approuvé à l'unanimité par le Parlement, modifie un total de 16 Lois ordinaires et 4 Lois organiques, dont la Loi Organique du Pouvoir Judiciaire (LOPJ) lui-même.**

**Le plan comprend un calendrier pour la mise en œuvre, qui sera détaillé dans des successifs**

*plans opérationnels annuels.*

*Parmi les principales actions du plan, celles relatives à l'impulsion de la Nouvelle Officine Judiciaire (NOJ) ne peut être mis en œuvre que à la base de la modernisation procédurale. On a prévu le fonctionnement de la NOJ en utilisant des critères de flexibilité, efficacité, efficience, la rationalisation des travaux et de la gestion, intégrant également l'utilisation des technologies de l'information et de communication (TIC) .*

*Ces principes se manifestent dans une nouvelle structure qui modifie le modèle d'office judiciaire classique et dans lequel deux unités clairement différenciés peuvent être distingués: les unités de soutien direct et des services communs de procédure,*

*- les unités de soutien direct du juge ( UPAD) sont dédiées a donner son soutien aux juges et aux magistrats dans l'exercice de leurs fonctions judiciaires. Elles fonctionnent comme une équipe administrative et technique pour le juge ou le magistrat*

*- Services communes de la procédure (SCP). Ils ne sont pas intégrés dans un organe judiciaire spécifique, mais elles sont chargées de fournir des services à plusieurs d'entre eux. Ils agissent sous la supervision d'un greffier et disposent d'unités spécialisées pour mener à bien la gestion et le soutien dans les procédures judiciaires, en la communication, l'enregistrement la distribution, la gestion des cas, l'exécution, etc.*

*La mise en œuvre généralisée des nouvelles technologies et des outils informatiques appropriés est également nécessaire pour le déploiement approprié de la NOJ , spécifiquement l'implantation des dossiers électroniques*

*Mais les « expériences pilotes » pour l'implantation de la NOJ dans certains lieux à partir du mois du mai 2010, ont posée beaucoup de problèmes, dénoncées par les mêmes Juge , Associations Judiciaires et par le « Conseil General du Pouvoir Judiciaire » ( CGPJ), au plan organisationnelle, et de fonctionnement en concret. En fait on a demande par la plupart des Associations Judiciaires, la suspension du processus d'implantation NOJ, jusqu'à la résolution des problèmes posées.*

*En ce qui concerne les usagers des tribunaux, l'une des applications les plus courantes est l'utilisation d'un site internet du tribunal susceptible de fournir diverses informations sur l'activité du tribunal (en concret, le suivi électronique des affaires).*

*Pour la communication entre le tribunal et les parties dans toutes les juridiction , il' existe la possibilité d'utilisation de formulaire électronique.*

*La communication électronique est utilisée même si la demande initiale est en papier.*

ffffff) Existe-t-il des moyens électroniques spécifiques de communication entre les avocats et les tribunaux ? Veuillez préciser.

*Il existe un système qui s'appelle « lexnet » qui permet la communication par e-mail avec les représentants des parties en la procédure (les « procuradores », une sorte d'avoués). Cette communication électronique a pleine valeur légale.*

*Dans les « Communautés Autonomes » ( Gouvernements Régionaux ) , aux quelles on a transféré la compétence pour la facilitation moyens matérielles pour le fonctionnement de l'Administration de la Justice en Espagne, existent systèmes électroniques pour la facilitation des applications informatiques au service de l'administration de la justice.*

*Il' existe une convention signée le 30 septembre 2009 par le Conseil General du Pouvoir Judiciaire, le Ministère de la Justice , le Procureur General de l'État , au quel sont adhérees les « Communautés Autonomes aux quelles on a transféré la compétence pour la facilitation moyens matérielles pour le fonctionnement de l'Administration de la Justice », où on a établi un système qui permet l'interopérabilité et la sécurité, à travers des plates-formes technologiques nécessaires, l'exploitation intégrée et conjointe des toutes les applications informatiques au service de l'administration de la justice (EJIS) .*

*Dans le Code de Procédure Civile ( « Ley de Enjuiciamiento Civil « ), il existe une régulation spécifique, en relation avec la présentation des écrits procédurales, aux effets d'accomplissent des exigences délais du procès, selon l' article 135.5 en anglais :*



**Article 135. Submittal of written statements for the purposes of the time requirements of procedural acts.**

(...)

5. When the Judicial Offices and the parties intervening in proceedings have the technical means for the sending and normal reception of initiating written statements and other written statements and documents so that the authenticity of the communication is guaranteed and there is a reliable record of the forwarding and full reception, together with the dates of these, the written statements and documents may be sent by such means, with acknowledgement of reception, and these shall be considered to be submitted for the purposes of the exercise of rights and compliance with duties recorded in the receipt accrediting submittal. In the event that the submittal takes place on a non-working day or at a non working time for procedural purposes in accordance with law, it shall be construed to have been done on the following first working day and at the first work hour.

For the purposes of evidence and compliance with the legal requirements which require disposing of the original documents or reliable copies, the provisions set forth in Article 162.2 herein shall apply.

When the submittal of peremptory written notices within a time limit by the technical means referred to in this paragraph is not possible due to the unplanned interruption of the telematic or electronic communications services, the sender may submit these at the Court Office on the first working day following accompanied by the justification of the said interruption.

ggggggggg) Est-ce qu'il existe des dossiers électroniques ?

**Seulement dans certains tribunaux à titre de nouvelle expérience (« Audiencia Nacional », a Madrid). Il y des plans du Ministère de la Justice pour l'implantation du dossier électronique dans autres organes juridictionnels**

- Si un dossier électronique existe, existe-t-il également un dossier papier ?

**Oui**

- Si les deux existent, lequel est le dossier « authentique » ?

**Encore celui en papier**

hhhhhhhhh) Le cas échéant, existe-t-il une législation en la matière ?

**La législation n'empêche pas la « digitalisation » des expédients. Il s'agit d'une question de moyens matériel .**

**Le Conseil des Ministres a reçu au mois Décembre 2010 un rapport du Ministre de la Justice, sur l'avant - projet de Loi sur l'utilisation des technologies de l'information et de la communication dans l'administration de la justice, qui vise à réglementer les aspects fondamentaux du droit à la l'utilisation des technologies de l'information par les citoyens et les professionnels dans leurs relations avec l'administration de la justice, et à établir les conditions nécessaires à la disposition entièrement en format électronique toutes les procédures judiciaires.**

**La régulation proposée c'est la traduction en Espagne du Plan d'action e-Justice de l'Union Européenne, qui procure une stratégie visant à améliorer l'administration de la justice pour le bénéfice des citoyens.**

**Elle apporte un soutien juridique pour le remplacement des dossiers papier par les électroniques, les communications par courrier ordinaire à la communication par courriel sécurisé, de la signature écrit à la numérique et des archives physiques à la base de données.**

iiiiiiii) Quelles sont les principales exigences concernant les dossiers électroniques ?

**La sécurité en l'accès.**

**La nécessité d'incorporer documents originaux que ne peuvent pas facilement être introduits.**

**Pour le juge il est toujours difficile étudier un dossier (spécialement s'il s'agit d'un « volumineux » dossier) sur l'écran**

jjjjjjjj) Existe-t-il une réglementation et des protections spécifiques concernant les dossiers électroniques contenant des informations sensibles (par ex. sur la santé, sur les services secrets, etc.) ?

**Ça n'existe pas encore car, comme on disait, les dossiers électroniques n'existent pas encore de façon généralisée - voir réponse paragraphe f) -**

kkkkkkkk) Que se passe-t-il lorsque l'authenticité d'un document électronique est mise en doute/controversée par une partie ?

**La question doit être soumise aux mêmes règles que la controverse sur l'authenticité d'un document en papier, mais avec l'expertise au cas échéant de la technologie des TIC .**

**Dans le Code de Procédure Civile ( « Ley de Enjuiciamiento Civil » ), il existe une réglementation spécifique, en relation avec la façon présentation des documents publics , selon l' article 267 en anglais :**

**Article 267. Manner of presentation of public documents.**

*When the documents which have to be provided in accordance with the provisions in Article 265 are public and may be presented as a simple copy, on paper, electronically through a digitalised image enclosed as a schedule which shall have to be signed **with a recognised electronic signature** and, if its authenticity is challenged, **the original records, copy or certification of the document may be consulted in order to provide evidence***

lllllllll) Quelle est la procédure utilisée par les parties et le tribunal si une partie veut soumettre un document qui **n'est pas** sous la forme électronique (document papier par ex.) ?

**On doit apporter le document à la procédure. Si l'autre partie ne dit rien, le document est considéré authentique. Mais si l'autre partie met en doute son authenticité, il faut une expertise après laquelle il y aura une décision judiciaire sur la question.**

mmmmmmmm) Les documents "papier" doivent-ils être conservés ? Le cas échéant, combien de temps ?

**Oui, en principe ils sont conservés dans la procédure. Mais, en général, si la partie a besoin du document on peut lui rendre en laissant dans le dossier une copie authentifiée par le greffier.**

**On doit conserver les documents « papier » ,dans les archives judiciaires avant le cours du délai pour le prescription extinctive d'un droit réel , ou d'un droit personnel . Ces délais sont fixées par la législation substantive .**

**La Loi Organique du Pouvoir Judiciaire (LOPJ) prévoit dans l'article 230 ( en Anglais ) :**

**Article 235.**

*The interested parties will have access to books, files and judicial records which are not restricted as provided by law in terms of their exhibition, testimony or certification.*

nnnnnnnn)Quelle est la procédure lorsque la signature manuelle d'un juge ou d'un greffier est requise ? La signature électronique existe-t-elle ?

**Les décisions les plus importantes (jugements) doivent être signés par le juge. D'autres (ordonnances sur requête, par exemple), peuvent être signés par le greffier. Il n'existe pas encore la signature électronique pour les Juges - voir réponse paragraphe f) -**

**Elle est prévue pour les greffiers. Selon le libellée de l'Article 147 du Code de Procédure Civile ( « Ley de Enjuiciamiento Civil » ) , en anglais :**

**Article 147. Recording of procedures through image and sound recording systems.**

( ... )

*As long as the necessary technical means are available, the Court Clerk shall ensure the authenticity and integrity of whatever may have been recorded or reproduced through **the use of recognised electronic signatures** or any other security system offering such guarantees under the law. In such a case, the holding of a hearing shall not require the Court Clerk's presence in the chamber, unless*

*the parties have requested it at least two days before the hearing is to be held or, exceptionally, should the Court Clerk deem it necessary due to the complexity of the matter, the amount and nature of the evidence to be taken, the number of people involved, the possibility of any incidents that cannot be recorded coming about or the existence of any other equally exceptional circumstances that may justify it. In such cases, the Court Clerk shall issue a succinct record under the terms contained in the preceding article.*

( ... )

( ... )

oooooooo) Les parties ont-ils accès au dossier judiciaire complet :

- Oui, toujours
- Oui, mais sous certaines conditions
- Non

Veuillez préciser le cas échéant la réglementation en vigueur.

***Oui, excepté quand le juge d'instruction accorde le secret du dossier. Il ne peut durer plus, en principe, d'un mois, avec la possibilité d'une prolongation presque jusqu'à la fin de la phase d'instruction.***

pppppppp) Les parties ou leurs avocats ont-ils la possibilité de suivre l'état de la procédure via internet (sécurisé) ?

***Pas encore***

qqqqqqqq) L'accès du personnel judiciaire aux dossiers électroniques est-il réglementé? Veuillez préciser.

***Pas encore***

rrrrrrrr) Accès aux dossiers par les juges et le personnel des tribunaux :

<i>Juges :</i>	<i>Personnel des tribunaux :</i>
<input type="checkbox"/> à tous les dossiers ?	<input type="checkbox"/> à tous les dossiers ?
<input type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?	<input type="checkbox"/> uniquement aux dossiers entrant dans leur compétence ?

***Les juges et les fonctionnaires des tribunaux ont accès seulement aux dossiers entrant dans leur compétence.***

### **3. Les audiences**

mmmm) Existe-t-il des audiences utilisant des moyens électroniques (par ex. les juges ont les dossiers électroniques sur un ordinateur) ?

***Non, car l'utilisation de dossiers électroniques n'est pas encore généralisée.***

nnnn) Les expertises, les projets de décisions rédigés par le rapporteur ou les notes personnelles sont-elles accessibles aux juges sur leur ordinateur ?

***Non***

oooo) Le dossier complet est-il accessible par les parties et les avocats pendant les audiences (également sur ordinateur) ?

***Non***

pppp) Un équipement technique a-t-il été installé dans les tribunaux pour permettre de projeter sur écran des documents visibles par les juges, les parties et le public ?

***Non, sauf dans certains audiences spécialement « médiatiques », ou par autres raisonnements .***

qqqq) Les audiences sont-elles enregistrées (audio ou vidéo) ?

***Oui, il est obligatoire tant pour le civil comme pour le pénal. Au civil selon le libellé du dit Code de Procédure Civile ( « Ley de Enjuiciamiento Civil « ), en anglais : Article 146. Recording procedures.***

1. Court any procedural actions not consisting of written statements or documents shall be recorded by means of certificates and procedural steps. Wherever technical means are used to record or reproduce them, the Court Clerk shall ensure the authenticity of whatever may have been thus recorded or reproduced.

2. Where the law requires a record to be issued, such record shall reflect everything that may have been performed with the necessary length and detail.

Should procedures have to be registered in a medium that is apt for recording or reproduction under this Act and should the Court Clerk be equipped with a recognised electronic signature or any other security system which according to the law ensures the authenticity and integrity of whatever may be recorded, the electronic document thus generated shall be the record for all intents and purposes.

Should it be impossible to use the guarantee mechanisms set forth in the preceding paragraph, the Court Clerk shall state the following details in the record: number and type of procedure, place and date held, duration, persons attending the hearing, the parties' petitions and requests, in the event of proposals for the taking of evidence, statement of relevance and order in the performance of the same, decisions issued by the Judge or Court, along with any other circumstances or incidents that cannot be recorded in such medium.

In such cases, or where the recording means set forth in this article cannot be used due to any other cause, the records shall be digital and may not be hand-written, except where the court in which the hearing is held should lack such equipment.

**Article 147. Recording of procedures through image and sound recording systems.**

Any oral procedures in hearings and appearances held before the Court, shall be recorded in a medium capable of recording and reproducing images and sound.

As long as the necessary technical means are available, the Court Clerk shall ensure the authenticity and integrity of whatever may have been recorded or reproduced through the use of recognised electronic signatures or any other security system offering such guarantees under the law. In such a case, the holding of a hearing shall not require the Court Clerk's presence in the chamber, unless the parties have requested it at least two days before the hearing is to be held or, exceptionally, should the Court Clerk deem it necessary due to the complexity of the matter, the amount and nature of the evidence to be taken, the number of people involved, the possibility of any incidents that cannot be recorded coming about or the existence of any other equally exceptional circumstances that may justify it. In such cases, the Court Clerk shall issue a succinct record under the terms contained in the preceding article.

The safekeeping of the electronic document serving as a medium for the recording shall be the Court Clerk's responsibility.

The parties may request copies of the original recordings at their own expense

rrrr) La vidéo-conférence est-elle utilisée lors des audiences :

- pour l'audition des témoins ? **Oui**
- pour l'audition des experts ? **Oui**
- pour l'audition des parties ? **Oui**
- autre ? Veuillez préciser.

Veuillez préciser la législation en vigueur et les restrictions prévues, le cas échéant.

**Ce qui exige la législation est que le greffier, présent au lieu ou l'audition se tient, doit garantir l'identité des personnes qui sont de l'autre côté de l'écran, en leur demandant la présentation et l'exhibition de leur carte d'identité ou d'autre document d'identification (voir réponse à la question 2 f)**

ssss) Si possible, veuillez préciser combien de tribunaux sont équipés de moyens électroniques appropriés et suffisants pour assister les juges, les greffiers et les parties durant les audiences ?

	100% des tribunaux	+50% des tribunaux	-50% des tribunaux	-10% des tribunaux
Accès aux dossiers électroniques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base de données électroniques pour la	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

jurisprudence				
Ecran et projecteurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accès à internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vidéo-conférence	<input type="checkbox"/>	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>
Audio-conférence	<input type="checkbox"/>	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement vidéo	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement audio	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Services d'information pour les juges

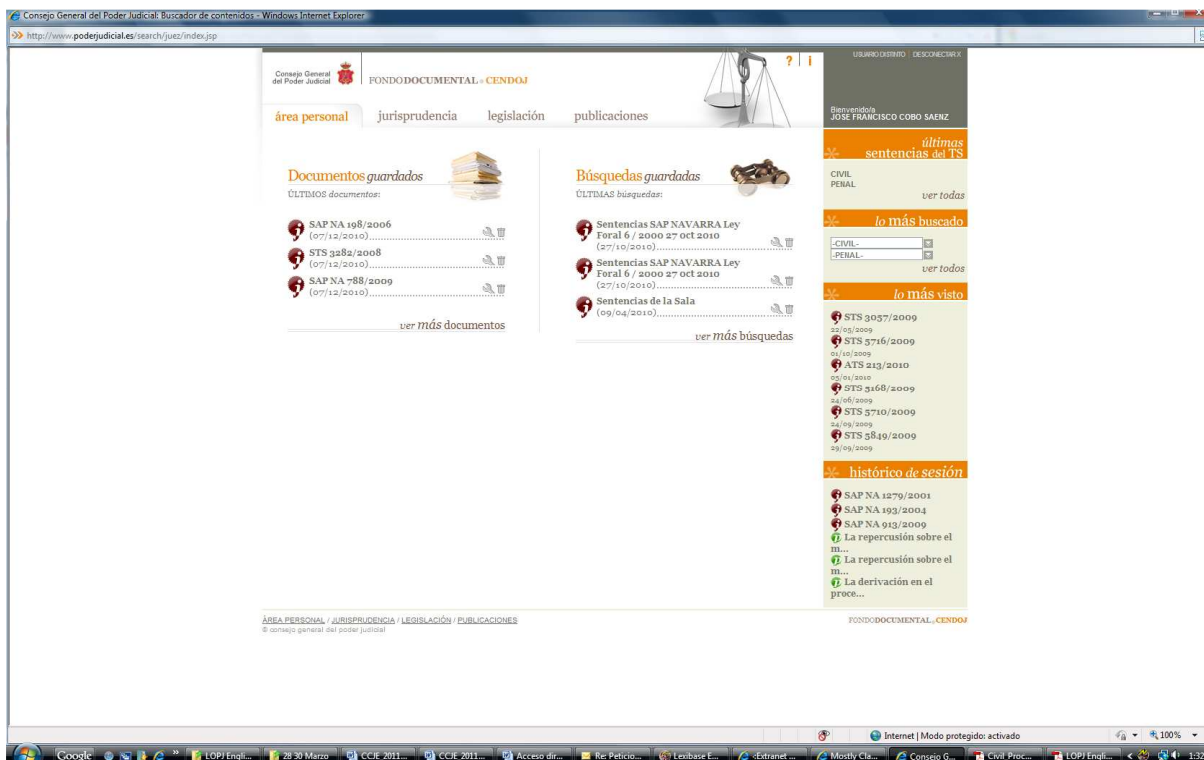
Existe-t-il, au niveau central, des bases de données accessibles au juge :

Base gérée par l'Etat		Base gérée par une institution privée	
<input type="checkbox"/> Législation nationale	X	<input type="checkbox"/> Législation nationale	X
<input type="checkbox"/> Législation européenne	X	<input type="checkbox"/> Législation européenne	X
<input type="checkbox"/> Jurisprudence nationale	X	<input type="checkbox"/> Jurisprudence nationale	X
<input type="checkbox"/> Jurisprudence internationale	X	<input type="checkbox"/> Jurisprudence internationale	X
<input type="checkbox"/> Articles juridiques	X	<input type="checkbox"/> Articles juridiques	X

Veuillez préciser, le cas échéant, l'institution privée.

**Le Conseil Général du Pouvoir Judiciaire se met d'accord avec des institutions privés (principalement des entreprises éditoriales juridiques) pour fournir les juges avec des bases de données.**

**Dans l'extranet du Conseil Général du Pouvoir Judiciaire, existe un site spécifique pour le Centre National de Documentation Judiciaire ( CENDOJ ) , avec accès spécifiques pour la jurisprudence, législation, publications juridiques , en continue mis à jour .**



## 5. Travail pratique dans les tribunaux

nnnn) En quoi consiste le travail du juge :

- dans la rédaction des documents ? **Rédaction des jugements et d'autres décisions**
- dans la transmission des documents ? **Ce n'est pas sa fonction**
- dans l'enregistrement des documents ? **Ce n'est pas sa fonction**

oooo) En quoi consiste le travail du personnel du tribunal :

- dans la rédaction des documents ? **Rédaction des décisions de simple ordination procédurale**
- dans la transmission des documents ? **Ils utilisent l'e-mail (« lexnet » et systèmes informatiques assimilées des Communautés Autonomes ). C'est à dire, ils envoient les copies des décisions par moyens électroniques.**
- dans l'enregistrement des documents ? **Ils enregistrent les documents aux ordinateurs.**

pppp) Y-a-t-il assez de personnel pour accomplir ces tâches ? Veuillez préciser.

**Le personnel n'est pas ni suffisamment nombreux ni suffisamment formé.**

qqqq) Les juges rédigent-ils eux-mêmes leurs décisions sur leur ordinateur ?

**Oui, dans une grande majorité**

rrrr) Les juges utilisent-ils des techniques spécifiques (reconnaissance vocale, modèles de décision) disponibles sur les bases de données ? Veuillez précisez.

**Ils utilisent les bases de données, et aussi, quelques fois, des modèles existant dans les programmes fournis par l'exécutif (Ministère de la Justice ou Communauté Autonome)**

ssss) Les nouvelles technologies sont-elles utilisées pour surveiller la durée des procédures et la gestion du flux des affaires au sein des tribunaux (système d'alerte par exemple) ?

**Elles ne sont pas suffisamment utilisées avec ces finalités. Mais le Conseil Général du Pouvoir Judiciaire est en train de mettre en place un système pour le suivi télématique des procédures, ce qui permettra d'établir un sorte de « service d'inspection virtuelle » pour tous les tribunaux de pays.**

tttt) Les données concernant le travail effectué par chaque juge sont-elles rassemblées dans une base de données susceptible d'être utilisée pour des statistiques, pour des évaluations, etc. ? Veuillez préciser.

**Oui, l'entrée d'affaires pour chaque juge, le numéro de jugements peut être utilisé pour les statistiques mais très souvent, en pratique, on utilise encore les moyens manuels pour compter les dossiers et les jugements.**

## 6. Internet

aa) Le juge a-t-il accès à internet depuis son bureau ? Cet accès est-il limité ? Veuillez préciser.

**Oui, sans limite. Les juges ont même été munis récemment d'un modem portable pour utiliser à l'ordinateur de chez eux.**

bb) Les tribunaux disposent-ils tous de leur propre site internet ? Veuillez préciser quels tribunaux et le contenu du site.

**Il y a un site Internet (extranet) pour le Conseil Général du Pouvoir Judiciaire. Il y a des informations sur l'activité du Conseil, des concours, consultation du bulletin officiel, des documents provenant des cours de formation, un magazine de presse, un e-mail corporatif et aussi la possibilité d'accès à des bases de données on line.**



**7. Utilisation des ordinateurs personnels par les juges et le personnel des tribunaux**

nnn) Un juge peut-il utiliser son ordinateur (portable) personnel à des fins professionnelles (par ex. à la maison ou sur le trajet maison/tribunal) ?

**Oui**

ooo) Des e-mails contenant des informations professionnelles peuvent-ils être envoyés du tribunal vers l'adresse privée du juge et vice-versa ?

**Oui**

ppp) Cela nécessite-t-il des protections techniques spécifiques (par ex. exclusion de l'accès à des tiers, aux membres de la famille, etc.) ? Veuillez préciser.

**Non**

qqq) La situation est-elle la même pour l'ensemble du personnel des tribunaux ?

**Non, il y a des restrictions pour le personnel**

**8. Utilisation des données**

rrr) Les données figurant dans la procédure sont-elles utilisées à d'autres fins que la procédure elle-même ?

**Non**

sss) Ces données sont-elles utilisées à des fins statistiques ?

**Non, le statistique utilise seulement données « externes » à la procédure tels que numéro de procédures, délais, etc.**

ttt) Le cas échéant :

- qui produit ces statistiques ? **Le greffier et le Conseil Général du Pouvoir Judiciaire**
- comment et par qui ces statistiques sont-elles utilisées ? **Par le même Conseil pour évaluer l'activité des juges ou la nécessité de nouveaux organes. Les tribunaux informent la presse chaque année sur ses donnes, ce qui donne lieu souvent à des interventions publiques sur le fonctionnement de la justice.**

**9. Sécurité des données**

aaa) Existe-t-il une législation permettant de protéger les données personnelles utilisées dans l'infrastructure électronique du tribunal ?

**Oui, la loi de protection des données personnels .**

**En concret la Loi Organique 15/1999, de 13 décembre vise à garantir et à protéger, à l'égard du traitement des données personnelles, les libertés civiles et les droits fondamentaux des individus, et surtout leur honneur et leur vie privée personnelle et familiale.**

bbb) Le cas échéant, les exigences suivantes sont-elles applicables :

- règles sur l'accès aux données personnelles par la personne concernée ou par d'autres personnes/institutions **Oui**
- obligation de correction ou de suppression le cas échéant
- autres. Veuillez préciser.

ccc) S'il existe un Commissaire à la protection des données au niveau national, s'est-il déjà penché spécifiquement sur la question des nouvelles technologies dans le domaine de la justice?

**Il existe une Agence pour la Protection des Données Personnels. On ne pense pas qu'elle ait décidé sur des questions concernant des nouvelles technologies dans le domaine de la justice. Normalement elle travaille sur infraction des normes de protection de données personnelles par moyens traditionnels.**

ddd) Existe-t-il un Commissaire à la protection des données propre à chaque tribunal (par ex. un juge qui aurait cette tâche supplémentaire spécifique) ?

**Non**

## **10. Participation des juges**

Qui prend les décisions concernant l'infrastructure électronique des tribunaux ? Les juges sont-ils impliqués dans les décisions pertinentes concernant l'installation des nouvelles technologies au sein des tribunaux ?

**C'est l'exécutif qui prend les décisions sur cette matière car c'est le gouvernement qui a l'obligation légale de fournir les juges avec les moyens matériels et personnels nécessaires pour sa fonction. Normalement ils demandent l'avis des juges.**

## **11. Conclusion**

Pouvez-vous donner votre opinion sur les avantages et les inconvénients du développement des nouvelles technologies au sein des tribunaux ?

Incorporer les nouvelles technologies au fonctionnement des tribunaux est essentiel pour sa pleine modernisation.

**Les inconvénients peuvent être la peur aux nouveautés des juges et fonctionnaires et aussi le manque d'argent, en temps de crise, pour entreprendre une si vaste tâche.**



## 1. Accès aux tribunaux

h) Les procédures judiciaires peuvent-elles être initiées par des moyens électroniques ?

*Oui, en ce qui concerne les procédures civiles et pénales dans les cantons et au niveau de la Confédération; les procédures judiciaires administratives au niveau fédéral peuvent aussi être initiées par voie électronique.*

i) Existe-t-il une législation en la matière ?

*Le Code de procédure pénale suisse (CPP; Recueil systématique des lois fédérales (RS) 312.0) et le Code de procédure civile suisse (CPC; RS 272) contiennent des dispositions autorisant le dépôt de mémoires par les parties et la notification électronique par les tribunaux dans les cantons; la Loi sur le Tribunal fédéral (LTF; RS 173.110) contient des dispositions similaires pour les affaires traitées par la Cour suprême de la Suisse:*

- Art. 130 CPC, art. 110 al. 2 CPP, art. 42 al. 4 LTF: transmission électronique des actes des parties;
- Art. 139 CPC, art. 86 CPP, art. 60 al. 3 LTF: notification par voie électronique;
- Art. 143 al. 2 CPC, art. 91 al. 3 CPP, art. 48 al. 2 LTF: respect du délai en cas de transmission électronique;
- Art. 39 al. 2 LTF: domicile en cas de notification par voie électronique.

*Ces dispositions légales sont complétées par des dispositions réglementaires:*

- Règlement du Tribunal fédéral sur la communication électronique avec les parties et les autorités précédentes (RCETF; RS 173.110.29) pour les procédures devant le Tribunal Fédéral Suisse;
- Ordonnance du Conseil fédéral sur la communication électronique dans le cadre de procédures civiles et pénales et de procédures en matière de poursuite pour dettes et de faillite (RS 272.1);
- Ordonnance du Conseil fédéral sur la communication électronique dans le cadre de procédures administratives (RS 172.021.2).

*Le législation fédérale mentionnée ci-dessus peut être consultée sur le site internet de la Chancellerie fédérale: <http://www.admin.ch/ch/f/rs/rs.html>*

j) Quelles sont les exigences principales permettant d'initier une procédure judiciaire par moyen électronique ? (plusieurs choix possibles).

Les parties doivent soumettre leur demande avec une signature électronique  
*La signature électronique doit être une signature électronique qualifiée; le détenteur d'une telle signature a dû s'identifier personnellement au moyen d'une pièce d'identité valable lors de l'achat du certificat de signature.*

Les parties doivent remplir un formulaire téléchargeable et le soumettre électroniquement  
*Au niveau fédéral et dans certains cantons*

Autre. Veuillez spécifier.  
*La communication électronique doit passer par une plateforme de distribution sécurisée agréée par la Confédération suisse (Département fédéral des finances) qui est notamment en mesure de délivrer des attestations de la date et de l'heure du dépôt d'un mémoire ou de la notification d'un jugement. On peut se représenter la plateforme de distribution comme un office de poste électronique. Des envois recommandés avec accusé de réception peuvent être adressés sous forme électronique; dans ce cas le destinataire du message ne peut prendre possession du message qu'au moyen de son certificat de signature électronique.*

k) En pratique, dans quelle mesure les procédures judiciaires sont-elles initiées par des moyens électroniques ?

*La possibilité pour les parties de déposer des mémoires par voie électronique et pour les tribunaux de notifier leurs jugements a été introduite au début 2007 pour le Tribunal Fédéral Suisse et au début 2011 pour les instances judiciaires cantonales. En conséquence, l'utilisation de cette possibilité est encore très marginale (moins de 5 % des cas sont initiés par voie électronique).*

## 2. Procédure devant les tribunaux

h) Une fois la demande faite électroniquement, la procédure diffère-t-elle de la procédure traditionnelle ?

NON

i) La procédure électronique diffère-t-elle en fonction du type d'affaires (civiles, pénales, administratives, etc.)

NON

j) Comment le tribunal communique-t-il avec les parties :

<i>Avec les parties qui utilisent elles-mêmes des moyens électroniques :</i>	<i>Avec les autres parties :</i>
<input type="checkbox"/> par des moyens traditionnels ?	<input checked="" type="checkbox"/> par des moyens traditionnels ?
<input checked="" type="checkbox"/> en utilisant les moyens de communication électronique ? <i>En principe</i>	<input type="checkbox"/> en utilisant les moyens de communication électronique ?
<input checked="" type="checkbox"/> les deux ? <i>Si la partie le désire ou que c'est plus simple pour le tribunal</i>	<input type="checkbox"/> les deux ?

k) Existe-t-il des moyens électroniques spécifiques de communication entre les avocats et les tribunaux ? Veuillez préciser.

NON, les avocats communiquent de la même manière avec les tribunaux que les parties qui estent elles-mêmes en justice

l) Est-ce qu'il existe des dossiers électroniques ?

- Si un dossier électronique existe, existe-t-il également un dossier papier ?

- Si les deux existent, lequel est le dossier « authentique » ?

*En Suisse, il existe deux fournisseurs principaux d'applications de gestion de dossiers de tribunaux: DeltaLogic S.A. avec l'application Tribuna et Abraxas Juris S.A. avec l'application Juris. Le Tribunal Fédéral Suisse ainsi que les cantons de Zurich, Vaud et Genève possèdent leur propre application de gestion de dossiers. Toutes les applications permettent la consultation à l'écran de toutes ou d'une partie seulement des pièces du dossier. Dans la plupart des cas, les documents du tribunal sont "visibles" à l'écran ainsi que les documents adressés par voie électronique au tribunal. En revanche, en règle générale, les documents qui sont adressés par voie postale traditionnelle au tribunal ne sont ni scannés, ni saisis d'une autre manière pour être intégrés au dossier électronique.*

*En règle générale, le dossier papier est le dossier de référence "authentique" qui est archivé. Il existe des exceptions dans le domaine des procédures administratives en matière d'assurances sociales: La caisse AVS pour les Suisses de l'étranger gère ses dossiers de façon exclusivement électronique. Il en va de même, à notre connaissance, de l'office des assurances sociales du canton de Bâle-Ville. Dans ce cas, les documents adressés sous une forme papier sont scannés et l'original détruit.*

m) Le cas échéant, existe-t-il une législation en la matière ?

*Il existe des lois et des ordonnances en matière d'archivage qui consacrent, en ce qui concerne les tribunaux, le principe de l'archivage sur papier. Les exceptions en matière d'assurances sociales font l'objet d'une réglementation spécifique.*

n) Quelles sont les principales exigences concernant les dossiers électroniques ?  
*Les exigences sont les mêmes que celles en matière d'archivage électronique, à savoir: Les documents électroniques doivent être:*

- *authentiques: ils doivent être ou correspondre à l'original tant par rapport à la forme que par rapport au contenu;*

- *non modifiables: ils ne doit pas être possible de modifier la version définitive d'un document électronique après coup;*

- *conservables à long terme: cela signifie que le format doit être un format suffisamment standard pour pouvoir être encore lu des années plus tard. Actuellement, il existe deux formats qui sont adoptés le plus souvent pour l'archivage de documents électroniques: le format tif (une image du document est conservée) ou le format PDF/A; une transformation des documents après 10 ou 15 ans en un autre format semble inévitable selon les perspectives actuelles.*

o) Existe-t-il une réglementation et des protections spécifiques concernant les dossiers électroniques contenant des informations sensibles (par ex. sur la santé, sur les services secrets, etc.) ?  
*NON, les principes généraux en matière de protection des données sont applicables. Certains documents particulièrement sensibles sont conservés sous forme chiffrée.*

p) Que se passe-t-il lorsque l'authenticité d'un document électronique est mise en doute/controversée par une partie ?  
*Les règles ordinaires de la procédure concernée sont applicables.*

q) Quelle est la procédure utilisée par les parties et le tribunal si une partie veut soumettre un document qui **n'est pas** sous la forme électronique (document papier par ex.) ?

*La partie peut soit saisir le document dans un format électronique et l'adresser au tribunal par voie électronique, soit le lui adresser dans le format papier par courrier postal traditionnel. Le choix de la transmission par voie électronique n'oblige pas de tout envoyer par voie électronique dans une procédure déterminée.*

r) Les documents "papier" doivent-ils être conservés ? Le cas échéant, combien de temps ?

*Les lois et ordonnances en matière d'archivage règlent la durée de conservation des documents, quel que soit le support. Ainsi, par exemple, pour le Tribunal Fédéral Suisse, les principes applicables en matière d'archivage sont régis par l'Ordonnance du Tribunal fédéral portant application de la loi fédérale sur l'archivage (RS 152.21). L'art. 2 de cette ordonnance prévoit que les documents qui présentent une valeur archivistique sont archivés et conservés durablement. L'art 3 de l'ordonnance précitée contient l'énumération des documents essentiels d'une procédure qui doivent être conservés durablement. Il s'agit:*

- des mémoires des parties
- de l'arrêt attaqué
- de la correspondance échangée pour les besoins de la procédure
- du rapport et du projet d'arrêt
- des déterminations écrites des juges et greffiers relatives à l'affaire
- des ordonnances et des décisions
- de l'arrêt du Tribunal Fédéral Suisse
- des pièces relatives à des échanges de vues.

*Ainsi, depuis sa création comme autorité permanente de la Confédération helvétique en 1874, le Tribunal Fédéral Suisse a conservé la très grande majorité des dossiers et tous les originaux de ses décisions depuis 1848.*

s) Quelle est la procédure lorsque la signature manuelle d'un juge ou d'un greffier est requise ? La signature électronique existe-t-elle ?

*L'original papier, destiné notamment aux archives pour la conservation durable, est signé par le président de la cour compétente et par le greffier. En cas de notification électronique, le jugement papier original est scanné en format PDF et ensuite signé par signature électronique par le greffier uniquement (art. 47 Règlement du Tribunal fédéral; RTF; RS 173.110.131).*

t) Les parties ont-ils accès au dossier judiciaire complet :

- Oui, toujours
- Oui, mais sous certaines conditions
- Non

Veuillez préciser le cas échéant la réglementation en vigueur.

*Art. 101 et 108 CPP; art. 53 al. 2 CPC; art. 56 LTF.*

u) Les parties ou leurs avocats ont-ils la possibilité de suivre l'état de la procédure via internet (sécurisé) ?

*NON*

v) L'accès du personnel judiciaire aux dossiers électroniques est-il réglementé? Veuillez préciser.  
*Le personnel judiciaire est soumis au secret de fonction. Une gestion des droits d'accès informatique dans les applications restreint, dans la mesure où cela s'avère nécessaire, les accès aux documents.*

w) Accès aux dossiers par les juges et le personnel des tribunaux :

Juges :		Personnel des tribunaux :	
<input checked="" type="checkbox"/>	à tous les dossiers ?	<input checked="" type="checkbox"/>	à tous les dossiers ?
<input type="checkbox"/>	uniquement aux dossiers entrant dans	<input type="checkbox"/>	uniquement aux dossiers entrant dans

leur compétence ?	leur compétence ?
-------------------	-------------------

*Il existe des droits d'accès différenciés selon l'avancement du dossier et des droits d'accès différenciés pour la lecture (tous) et l'écriture (réservée aux collaborateurs chargés de l'administration du dossier)*

### 3. Les audiences

- q) Existe-t-il des audiences utilisant des moyens électroniques (par ex. les juges ont les dossiers électroniques sur un ordinateur) ?

*La situation diffère d'un tribunal à l'autre. En règle générale, les juges statuent sur un dossier papier.*

- r) Les expertises, les projets de décisions rédigés par le rapporteur ou les notes personnelles sont-elles accessibles aux juges sur leur ordinateur ?

*Dans la mesure où ces documents sont disponibles sous forme électronique, ils sont joints au dossier et accessibles à l'écran.*

- s) Le dossier complet est-il accessible par les parties et les avocats pendant les audiences (également sur ordinateur) ?

*En règle générale, les parties et les avocats ont leur propre dossier sur le support qu'ils ont choisi.*

- t) Un équipement technique a-t-il été installé dans les tribunaux pour permettre de projeter sur écran des documents visibles par les juges, les parties et le public ?  
*A notre connaissance, cette pratique n'est pas courante en Suisse.*

- u) Les audiences sont-elles enregistrées (audio ou vidéo) ?

*En principe, les audiences ne sont pas enregistrées.*

*En procédure civile, des enregistrements peuvent être effectués (art. 235 al. 2 CPC). En procédure pénale, la direction de la procédure peut ordonner l'enregistrement complet ou partiel d'actes de procédure (art. 76 al. 4 CPP)*

*L'art. 71 CPP interdit les enregistrements audio et vidéo par des tiers dans le bâtiment du tribunal de même que les enregistrements d'actes de procédure à l'extérieur du bâtiment.*

- v) La vidéoconférence est-elle utilisée lors des audiences :

- x pour l'audition des témoins ?  
 x pour l'audition des experts ?  
 x pour l'audition des parties ?  
 autre ? Veuillez préciser.

Veuillez préciser la législation en vigueur et les restrictions prévues, le cas échéant.

*La vidéoconférence est parfois utilisée lors des auditions (cf. art. 78 al. 6 CPP) mais cette utilisation revêt un caractère exceptionnel.*

- w) Si possible, veuillez préciser combien de tribunaux sont équipés de moyens électroniques appropriés et suffisants pour assister les juges, les greffiers et les parties durant les audiences ?

	100% des tribunaux	+50% des tribunaux	-50% des tribunaux	-10% des tribunaux
Accès aux dossiers électroniques	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base de données électroniques pour la jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ecran et projecteurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accès à internet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vidéoconférence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audioconférence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement vidéo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enregistrement audio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Services d'information pour les juges

Existe-t-il, au niveau central, des bases de données accessibles au juge :

<i>Base gérée par l'Etat</i>	<i>Base gérée par une institution privée</i>
<input checked="" type="checkbox"/> Législation nationale	<input checked="" type="checkbox"/> Législation nationale
<input checked="" type="checkbox"/> Législation européenne	<input checked="" type="checkbox"/> Législation européenne
<input checked="" type="checkbox"/> Jurisprudence nationale	<input checked="" type="checkbox"/> Jurisprudence nationale
<input checked="" type="checkbox"/> Jurisprudence internationale	<input checked="" type="checkbox"/> Jurisprudence internationale
<input type="checkbox"/> Articles juridiques	<input checked="" type="checkbox"/> Articles juridiques

Veuillez préciser, le cas échéant, l'institution privée.  
Par exemple, *Swisslex* ou *Weblaw*.

#### 5. Travail pratique dans les tribunaux

- En quoi consiste le travail du juge :
  - e) dans la rédaction des documents ? *OUI*
  - f) dans la transmission des documents ? *NON*
  - g) dans l'enregistrement des documents ? *NON*
- En quoi consiste le travail du personnel du tribunal :
  - h) dans la rédaction des documents ? *NON (sauf les greffiers)*
  - i) dans la transmission des documents ? *OUI*
  - j) dans l'enregistrement des documents ? *OUI*
- Y-a-t-il assez de personnel pour accomplir ces tâches ? Veuillez préciser. *OUI. En règle générale, les tribunaux disposent de personnel en quantité et qualité suffisantes. En raison de l'entrée en vigueur au 1.1.2011 de nouveaux codes de procédure en matière civile et pénale, les cantons ont dû s'adapter et ont parfois engagé du personnel supplémentaire. Il n'est pas exclu que certains cantons qui n'ont pas engagé de juges et de personnel supplémentaires se trouvent temporairement en situation de pénurie de personnel.*
- Les juges rédigent-ils eux-mêmes leurs décisions sur leur ordinateur ?  
*L'organisation varie d'un canton à l'autre, les cantons étant souverains en matière d'organisation judiciaire. On peut cependant estimer que souvent les juges de première instance rédigent leurs décisions eux-mêmes sur leur ordinateur et qu'en 2e et 3e instance ce travail est plutôt effectué par les greffiers.*
- Les juges utilisent-ils des techniques spécifiques (reconnaissance vocale, modèles de décision) disponibles sur les bases de données ? Veuillez précisez.

*Toutes les applications de gestion de dossiers mentionnées dans la réponse à la question 2 e) possèdent des modèles de décisions (structures et éléments de texte); certains juges utilisent la reconnaissance vocale mais il s'agit d'exceptions.*

- Les nouvelles technologies sont-elles utilisées pour surveiller la durée des procédures et la gestion du flux des affaires au sein des tribunaux (système d'alerte par exemple) ?

*OUI, cela est intégré dans les applications pour gestion de tribunaux.*

- Les données concernant le travail effectué par chaque juge sont-elles rassemblées dans une base de données susceptible d'être utilisée pour des statistiques, pour des évaluations, etc. ? Veuillez préciser.

*L'évaluation du travail des juges est réglée de façon différente dans chaque canton. Le principe de l'indépendance du juge fait qu'une évaluation de son travail ne doit pas y porter atteinte. En règle générale, le nombre et le type de dossiers traités par un juge sont répertoriés et font l'objet de statistiques périodiques; la durée des procédures en cours est également contrôlée. Selon le type d'affaires, les affaires en cours depuis une durée assez longue (6 mois, une année, deux ans) font l'objet d'un suivi particulier et la durée de la procédure doit être motivée par la direction de la procédure.*

#### 6. Internet

- c) Le juge a-t-il accès à internet depuis son bureau ? Cet accès est-il limité ? Veuillez préciser.

OUI, en règle générale sans limitation.

- d) Les tribunaux disposent-ils tous de leur propre site internet ? Veuillez préciser quels tribunaux et le contenu du site.

*Les ordres judiciaires cantonaux possèdent tous leur propre site internet; la liste des sites internet des tribunaux suisses se trouve à l'adresse suivante:*

<http://www.bger.ch/fr/index/press/press-inherit-template/press-jurisdiction-links/press-jurisdiction-links-gerichte-schweiz.htm>

## **7. Utilisation des ordinateurs personnels par les juges et le personnel des tribunaux**

- h) Un juge peut-il utiliser son ordinateur (portable) personnel à des fins professionnelles (par ex. à la maison ou sur le trajet maison/tribunal) ?

*Chaque ordre judiciaire cantonal a équipé ses juges de façon différente et réglé la question de façon différente.*

- i) Des e-mails contenant des informations professionnelles peuvent-ils être envoyés du tribunal vers l'adresse privée du juge et vice-versa ?

*Oui, si nécessaire, par une plateforme de messagerie sécurisée ou de façon chiffrée.*

- j) Cela nécessite-t-il des protections techniques spécifiques (par ex. exclusion de l'accès à des tiers, aux membres de la famille, etc.) ? Veuillez préciser.

*Chaque ordre judiciaire cantonal a équipé ses juges de façon différente et réglé la question de façon différente.*

- k) La situation est-elle la même pour l'ensemble du personnel des tribunaux ?

*Chaque ordre judiciaire cantonal a équipé son personnel de façon différente et réglé la question de façon différente.*

## **8. Utilisation des données**

- l) Les données figurant dans la procédure sont-elles utilisées à d'autres fins que la procédure elle-même ?

*OUI, à des fins statistiques et afin d'alimenter une banque de données interne contenant les données relatives aux parties et aux autorités, permettant ainsi la réutilisation de celles-ci.*

- m) Ces données sont-elles utilisées à des fins statistiques ?

*OUI*

- n) Le cas échéant :

- qui produit ces statistiques ?

- comment et par qui ces statistiques sont-elles utilisées ?

*En règle générale, les ordres judiciaires cantonaux et les tribunaux de la Confédération produisent leurs statistiques. L'application permettant la production de statistiques est liée à l'application de gestion de dossiers des tribunaux.*

## **9. Sécurité des données**

- e) Existe-t-il une législation permettant de protéger les données personnelles utilisées dans l'infrastructure électronique du tribunal ?

*Les lois de procédure, les lois relatives à l'archivage et la loi fédérale sur la protection des données sont applicables selon la nature des documents et le stade d'avancement de la procédure.*

- f) Le cas échéant, les exigences suivantes sont-elles applicables :  
*Chaque ordre judiciaire cantonal est équipé de façon différente et a réglé la question de la sécurité des données de façon différente.*

- règles sur l'accès aux données personnelles par la personne concernée ou par d'autres personnes/institutions
- obligation de correction ou de suppression le cas échéant
- autres. Veuillez préciser.

- g) S'il existe un Commissaire à la protection des données au niveau national, s'est-il déjà penché spécifiquement sur la question des nouvelles technologies dans le domaine de la justice?

*Préposé fédéral à la protection des données*

- h) Existe-t-il un Commissaire à la protection des données propre à chaque tribunal (par ex. un juge qui aurait cette tâche supplémentaire spécifique)?

*En règle générale, il existe une personne chargée d'une telle fonction au sein des ordres judiciaires mais cela n'est pas forcément un juge; cette tâche peut être confiée à un greffier ou à un responsable de la gestion administrative du tribunal.*

## **10. Participation des juges**

Qui prend les décisions concernant l'infrastructure électronique des tribunaux ? Les juges sont-ils impliqués dans les décisions pertinentes concernant l'installation des nouvelles technologies au sein des tribunaux ?

*Chaque ordre judiciaire cantonal a réglé les compétences décisionnelles de façon différente. Parfois l'équipement informatique est de la compétence de l'ordre judiciaire, parfois il relève du département informatique du canton (pouvoir exécutif). Les utilisateurs, dont les juges, sont en règle générale impliqués dans les choix techniques mais à des degrés variables. Souvent, ce ne sont pas l'ensemble des juges qui participent aux décisions concernant les nouvelles technologies mais cette tâche est confiée à une délégation de juges.*

## **11. Conclusion**

Pouvez-vous donner votre opinion sur les avantages et les inconvénients du développement des nouvelles technologies au sein des tribunaux ?

*L'introduction des nouvelles technologies a contribué à une amélioration de l'efficacité de la gestion des dossiers des tribunaux et à un accès facilité à la jurisprudence et aux autres données en ligne utiles à la résolution des affaires.*

# The Former Yugoslav Republic of Macedonia

## 1. Access to courts

eee) May legal proceedings be instigated by electronic means?

No, it is still not possible to instigate legal proceedings in the Republic of Macedonia by electronic means.

fff) Is there relevant legislation?

There is legislation that opens up possibilities for instigating proceedings by electronic means, namely:

1. On **03.05.2001** the **Law on Data in Electronic Form and on Electronic Signature** was adopted, **Official Gazette of the RM No. 34/2001**.

This Law regulates electronic operation that involves use of information and telecommunication technology, and use of data in electronic form and of electronic signature in court and administrative proceedings and in payment operations, unless otherwise prescribed by law.

2. On **21.08.2009**, the **Law on Electronic Management** was adopted, **Official Gazette of the RM No. 105/2009**.

This law regulates the work of the ministries, other authorities of the state administration, organisations established by law and other state authorities, courts, the public prosecution and the public attorney, of legal and other entities and persons that have been authorised by law to perform public duties, municipal authorities, the authorities of the City of Skopje and of the municipalities of the City of Skopje (hereafter Authorities), in the exchange of data and documents in electronic form, or carrying out administrative services by electronic means, when stipulated by law.

ggg) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

**OTHER:**

It is necessary to adopt amendments to the Law on Litigation Proceedings, the Law on Criminal Proceedings, the Law on Misdemeanour Offences, the Law on Inheritance, introducing the possibility for parties to file complaints and other submissions by electronic means.

hhh) To what extent are legal proceedings instigated by electronic means in practice?

## 2. Procedure within courts

ssssssss) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

tttttttt) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

uuuuuuuu) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?



vvvvvvvv) Do specific electronic means exist for the communication between lawyers and courts?  
Please specify.

Yes, they exist, and that is established in:

**The Amendments to the Law on Supplements to the Law on Litigation Proceedings - Official Gazette of the RM, No. 116 from 01.09.2010.**

Article 15 para 3 stipulates that the party is required to provide in the written submissions filed with the court his/her e-mail address.

Article 18 of the same Law provides that: "If the submission is sent by electronic means, the sending day is regarded as the day of filing with the court to which it has been addressed to".

This means that the party may send the response to a complaint or any other written submission to the court also in electronic form.

Article 22 of the Law states that: "The court is required to give or send by electronic means to each of the present parties a copy of the Record from para (1) of this article. Within 15 days as of the day of the hearing, at the request of the absent party, the Court will issue or send by electronic means to that party a copy of the records from the hearing which was not attended by the respective party."

According to this amendment to the Law on Litigation Proceedings, the court is required to send to the party, among other, a copy of the record from the held hearing by electronic means.

Article 25 of the Law provides that: "The delivery of written records to attorneys at law, state authorities or authorities of the state administration, of the local self-government, respectively, to legal entities and persons with public authorities, is carried out by electronic means to the electronic mail box."

Article 26 states that: "A party that has been duly requested to attend a hearing or has been notified to undertake specific action, that does not appear before the court regardless of the reason, creates no further obligation for the court to invite. At its request, the court is obligated in the court to serve summons stating the day and hour of the hearing to be held, as well as a copy of the record in written or electronic form, or in the form of an audio recording from the previously held hearing.

(2) If the court, due to whatever reason, is not working on the day of the scheduled hearing, the court is required to publish on its internet site and in a visible place in the court the day and hour of the new hearing, and the party is required to inform itself of the same."

Article 27 states: "(1) The delivery by electronic means is carried out through the information system of the court to the address of the electronic mail box of the recipient of the delivery.

(2) The delivery by electronic means is regarded as carried out on the day of the receipt of the written document by electronic means.

(3) The information system of the court sends, simultaneously to the sending of the written document to the recipient of the delivery to his/her electronic address, also a notification that the information system of the court has dispatched a written document that the owner of the address must collect.

(4) The electronic mail must be collected from the electronic mail box within eight days as of the date of its sending, at the latest.

(5) In the notification from para (3) of this article, the recipient of the delivery is warned that if the electronic mail is not collected from the electronic mail box in the deadline prescribed in para (4) of this article, the delivery will be regarded as completed.

(6) The recipient of the electronic mail confirms his/her identity, reviews his/her electronic mail box, and electronically signs the written document to be sent to the court, and confirms the receipt of electronic mail through his/her electronic signature.

wwwwwwwww) Do electronic files exist?

- If an electronic file exist, is there a paper file as well?
- If both exist, which is the "authentic" file?

1. Electronic files.

Electronic files exist in the courts, in line with the electronic management of cases through the software solution – the ACMIS programme, for all filed cases upon which the court is acting, from all areas: the civil, criminal, misdemeanour, non-litigation and investigation areas. The electronic files contain and keep summons for hearings, records from the hearings held, as well as the court decisions.

## 2. Paper files

The paper files contain and keep complains or indictments, respectively, and all written evidence, evidence of delivery carried out to the parties, and court decisions.

The authentic file is the file maintained on paper, because it contains the entire written documentation for a specific case.

Pursuant to the Court Rules of Procedure and the Law on Management of the Case Flow in Courts, management of both electronic and paper files is obligatory for all courts in the RM, regardless of their jurisdiction and competence.

xxxxxxx) If yes, is there relevant legislation?

Yes, the Court Rules of Procedure and their Amendments, published in the Official Gazette of the RM, No. 157 from 28.12.2009 - article 7-a :

- “1. ACMIS is an automatised computer system for management of court cases;
2. electronic file is taken to mean all data (facts) and documents in the case which are maintained and kept in electronic form.

yyyyyyyy) What are the main requirements with respect to electronic files?

The courts act according to:

- the Rulebook on the Manner and Procedure for Management of Court Cases Using Information Technology, published in the Official Gazette of the RM No. 70/09 from 08.06.2009,
- the Amendments to the Court Rules of Procedure, published in the Official Gazette of the RM No. 157 from 28.12.2009,
- the Law on Management of the Case Flow in Courts, published in the Official Gazette of the RM No. 171/10 from 30.12.2010.

zzzzzzzz) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

aaaaaaaa) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

Until now, no such doubt or controversy has been expressed by the parties.

bbbbbbbbb) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

Courts act in accordance with the provisions of:

- the Law on Litigation Proceedings,
  - the Law on Criminal Proceedings,
  - the Law on Misdemeanour Offences,
  - the Law on Non-litigation Proceedings,
  - the Court Rules of Procedure,
  - the Instruction on Handling Documentary Material and Archives in Office Operation.
- These laws and bylaws prescribe precisely the action required for procedures regulating the receipt and procedures regulating written submissions. (Articles 98-102 of the Law on Litigation Proceedings; Articles 72-73 of the Law on Criminal Proceedings; Court Rules of Procedure, Articles 108-116).

### **The Law on the Supplements to the Law on Litigation Proceedings Official Gazette of the RM, No. 116 from 1.09.2010**

#### Article 15

Article 98 is amended as follows:

“(1) The complaint, the response to the complaint, the legal remedies and other statements, proposals and notifications provided outside of the hearing are to be submitted in writing or by electronic means to the reception department of the competent court (submissions).

(2) The submissions are required to carry a stamp by an attorney at law, with the exception of those compiled by authorised representatives, as stipulated in article 81 para (1) line 2 and line 3 of this Law.

(3) The submissions need to be understandable and must contain all that is necessary for them to be acted upon. They particularly must contain the designation of the court, the name and surname with a confirmation of identification, place of residence or place of temporary residence, respectively, of the parties, or the name and registered offices of the legal entity registered in the Central Register of the Republic of Macedonia or other register, with confirmation through evidence from the respective register, the legal representatives and authorised representatives, if such exist, the subject of the dispute, the value of the dispute, the content of the statement and the signature of the applicant or the electronic signature, the e-mail address and the contact telephone number.

(4) The submissions filed by attorneys at law, a state authority or an authority of the state administration, units of the local self-government, legal entities and persons performing public authority, in additions to the data from para (3) of this article, need to contain also data on the electronic mail box, for the purpose of delivery of writings registered in accordance with the law.

(5) In the submission, the party is required to state its single personal identity number or the single entity identity number of the legal entity during registration.

(6) If the statement also contains a claim, the party needs to state in the submission also the facts on which the claim is based, as well as evidence when required.

(7) The statement provided with the submission may, instead of along with a submission, be provided verbally on record, as an affidavit, with the litigation court.

(8) A submission by an attorney at law must necessarily contain a stamp or an electronic signature of the attorney at law, and an attorney duty stamp as prescribed by a special law, otherwise the submission will be regarded as unduly submitted, and the court will reject it. Until the adoption of a special law which regulates the attorney at law duty stamp, the submission from an attorney at law must necessarily contain a stamp or an electronic signature, respectively.”

#### Article 99

(1) The submissions that are to be delivered to the opposing party are presented to the court in a sufficient number of counterparts for the court and for the opposing party. This procedure is to be followed also when the submission contains enclosures.

(2) If the opposing party comprises several individuals with a single legal representative or authorised representative, the submissions and enclosures for all respective individuals may be presented in one copy.

#### Article 100

(1) The documents enclosed to the submission are submitted in an original, a transcript or a photocopy.

(2) If the party encloses an original document, the court will retain the document, and will allow the opposing party to review it. When the need for the retaining of the respective document at the court ceases, the court will return it to the submitting party at his/her request, but the court may request that the submitting party encloses to the file a transcript or a photocopy thereof.

(3) If the enclosed document is a transcript or a photocopy, the court will, at the request of the opposing party, invite the submitting party to provide the court with an original document, and will allow the opposing party to review it. If and when necessary, the court will determine a deadline in which the document is to be presented or reviewed, respectively.

(4) No appeal is allowed against these decisions.

#### Article 101

(1) If the submission is unintelligible or does not contain all it needs so that action can be taken upon it, the court will advise the submitting party to correct the submission.

(3) If the submission which is tied to a deadline is corrected or supplemented and presented to the court in the deadline specified for the supplementation or correction, it will be regarded as submitted to the court on the day it had been originally submitted for the first time.

(4) The submission will be regarded as withdrawn if it is not returned to the court in the established deadline, and if it is returned without correction or supplementing, it will be rejected.

#### Article 16

A new para (1) is added to Article 101 as follows:

“(1) Submissions presented by an authorised representative, which are unintelligible or do not contain the data from article 98 paras (3), (4), (5) and (8) of this Law or which have not been presented in a sufficient number of copies when submitted in writing, will be rejected by the court.”

### **COURT RULES OF PROCEDURE**

#### 1. Receipt of written documents

##### Article 107

The receipt of written documents (submissions, records, money letters, telegrams, packets and other deliveries) is carried out in a designated place in the court office. When receiving written documents, special care is taken to remove the deficiencies which may cause difficulties or hinder action upon them.

##### Article 108

Written documents are received during any working hour, and the day, the hour and minute of receipt are marked thereon.

Outside of regular working hours and on days when the court is not working, only telegrams, faxes and other urgent written documents are to be received.

The receipt is carried out by a designated clerk.

##### Article 109

The clerk responsible for receipt of written documents directly from parties may not refuse the receipt of written documents addressed to the court.

If the document contains formal deficiencies (e.g. it is not signed, lacks the enclosures listed in the text, the address of the party is not stated), the clerk will advise the respective party of the shortcomings and request that they be remedied.

If the party insists that the written documents be received contrary to the advice, the clerk will accept them and the advice will be entered into the written documents themselves.

If the court is not competent to act upon the submission, the clerk will direct the party to the competent authority, but if the respective party still insists that the submission is accepted, the clerk will do so and will enter the notification into the submission.

##### Article 110

The clerk designated for receiving documents confirms the receipt of the submission by imprinting a receipt stamp on the copy of the written documents.

##### Article 111

The receipt of written documents from other authorities is confirmed by impressing a date and legible signature and stamp in the delivery log book, on the delivery note, on the return note and on the copy of the written documents, if enclosed.

The time of receipt is indicated by marking the hour and minute in cases when stipulated by specific regulations or when decided by the president of the court.

This information is indicated on the envelope of the received submission, if the clerk carrying out the receipt is not authorised to open it.

##### Article 112

The receipt of written documents addressed to the court by mail and the collecting of mail from post-boxes is carried out by an authorised clerk.

If mail with designated value or registered mail is damaged, the authorised clerk will refuse the receipt, and will request the post office that its condition and content be ascertained by a commission, upon which he/she will receive the mail along with the protocol of the ascertained situation

##### Article 113

If the receiving clerk is not authorised to open the mail, he/she is required immediately after the receipt, upon placing on the envelope the date and time of receipt (hour and minute), to hand it over to the authorised clerk to open it. This especially pertains to mail addressed personally to a president of a court, to a judge, an investigation judge, to mail marked as confidential or strictly confidential and mail concerning job advertisements/applications, public tenders etc. Such mail is to be handed

over to the president of the court, the judge or the investigation judge, respectively, unopened, and the envelope with a statement of the last will to the competent judge.  
The handover of ordinary mail to the designated clerk to open is carried out directly, and of registered mail marked as confidential or strictly confidential and other kind of mail whose receipt is to be confirmed in writing, through a log book.

## **The Law on Criminal Proceedings**

### **Article 72**

- (1) Private complaints, indictments and prosecution proposals of the injured party as a plaintiff, proposals, legal remedies and other statements and announcements, are submitted in a written form or are given verbally on record.
- (2) Submissions under para 1 of this Article must be comprehensible and contain all that is necessary in order for them to be acted upon.
- (3) Unless stated otherwise in this Law, the court will summon the submitting party that has presented the incomprehensible submission or the submission that does not contain all that is necessary in order for it to be acted upon, to correct or supplement, respectively, the submission, and if he/she fails to do so within the prescribed deadline, the court will reject the submission.
- (4) In the summons for correction or supplementing, respectively, of the submission, the submitting party is to be warned of the consequences of failure to act.

### **Article 73**

- (1) Submissions that are pursuant to this Law submitted to the opposing party are to be submitted to the court in a sufficient number of copies for the court and for the other party.
- (2) If such submissions are not submitted to the court in a sufficient number of copies, the court will summon the submitting party within a specified deadline to present a sufficient number of copies. In case of failure to act upon the order of the court, the court will make necessary copies at the expense of the submitting party.

ccccccccc)Must paper documents be kept? If yes, how long?

Yes. Written documents must be kept for a specified period of time pursuant to the Law on Archive Material, and particularly in line with the Instruction on the Manner and Technique for Handling Documentary Material and Archive Material in Office and Archive Operation (Official Gazette of the RM 60/97), as well as with the Court Rules of Procedure, which establish the time periods for keeping documents, as follows:

### **Article 207**

The following is to be kept permanently in the courthouse and is not delivered to the competent archive for keeping:

1. cases of construction nature with plans and agreements pertaining to the courthouse;
2. the documentation of entities entered into court registers;
3. deed and intabulation books with collections of documents, plans and blueprints with all to them pertaining documents, materials for founding, corrections in the public records, and publication of deed and intabulation books, appropriate entry records and ancillary books, as well as old deed and intabulation books upon their renewal;
4. wills and other separately kept documents, together with the signature on the documents and the appropriate directories;
5. criminal cases - rulings on criminal offences for which a life sentence or a 20 year prison sentence has been given;
6. procedural cases - rulings and agreements pertaining to status disputes and cases when the litigation proceedings have been halted and not continued after the completion of one year as of the intermission, for as long as the intermission continues.
7. probate cases – death certificates, records for division of probate assets and decisions for inheritance;
8. cases relating to pronouncing missing persons dead and to proving death, to removal of capacity for work, and to child adoption;
9. collections of writs and instructions;
10. documentation on employment and list and records of court employees, as well as salary lists;
11. entry books for criminal, litigation, non-litigation and bankruptcy cases, as well as appropriate registers.

The cases from items 2, 3, 5, 9 and 11 are handed to the competent archive upon the expiry of the stipulated deadline.

#### Article 208

Case files that are not for permanent keeping are removed from the archive upon the expiry of the following deadlines:

1. 20 (twenty) years for cases from the criminal area for which a sentence of over 3 years incarceration has been given, and 10 (ten) years as of the decision becoming valid and binding in other criminal cases;
2. 30 (thirty) years as of the day of the decision becoming valid and binding in litigation cases pertaining to real property legal claims over immovable property;
3. 30 (thirty) years for cases in non-litigation proceedings regarding immovable property, probate and deed-intabulation related cases, as of the day of the decision becoming valid and binding.
4. 5 (five) years as of the day of the carried out, stayed or terminated enforcement of cases in enforcement proceedings;
5. 10 (ten) years for cases relating to court administration;
6. 5 (five) years as of the date of the delivery of the second instance decision for all cases in second instance;
7. 10 (ten) years as of the day of completion of the proceedings in cases pertaining to administrative-court proceedings;
8. 10 (ten) years as of the day of completion of the proceedings in all other cases;
9. 5 (five) years as of the day of the decision becoming valid and binding in misdemeanour proceedings;
10. 3 (three) years in criminal cases initiated upon a private complaint in which the proceedings have been halted, criminal cases in which a fine, a suspended sentence or a court warning has been given, for payment orders, for litigation and non-litigation cases in which the proceedings have been completed by withdrawing of the complaint of due to other formal reasons.

#### Article 209

Entry books and registers, with the exception of those listed in article 207 of the Court Rules of Procedure, are kept for as long a period as the case files registered therein are kept as well. The entry books for certifications and the financial records with the evidential documentation are kept 10 (ten) years as of the last annual closure.

ddddddddd) What is the procedure when a judge's or court clerk's hand signature is prescribed?  
Does digital signature exist?

Yes, pursuant to the Law on Data in Electronic Form and Electronic Signature as well as to the Amendments to the Law on Litigation Proceedings and the Law on Criminal Proceedings, whenever the court sends court written documents to the parties, they are sent from the electronic mail of the court, with there being an electronic signature of the court.

eeeeeeeeeee) Do parties have access to the complete court file:  
 Yes, always  
 Yes, but only with specific conditions  
 No

Please indicate, if appropriate, the relevant legislation.

The Law on Litigation Proceedings:

#### Article 144

- (1) The parties are entitled to review, copy or photocopy the documents of the proceedings in which they participate.
- (2) All other persons with a justifiable interest may be allowed to review, copy or photocopy specific documents in the presence of an authorised person in the court. When the proceedings are in progress, an approval for this is given by the judge presiding over the panel or the individual judge, respectively, and when the proceedings have been completed, by the president of the court or by the by him/her appointed authorised person.

The Law on Criminal Proceedings:

#### Article 124

(1) The defendant is entitled to reviewing the documents and to reviewing the case files which serve as evidence after he/she has been interrogated.

ffffff) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

gggggggg) Is the access to electronic files within the court regulated? Please specify.

The ACMIS Court Information System allows parties via internet to have insight into the scheduled hearings and inquests for all cases in the court, and also into the published anonymised decisions of the court.

hhhhhhhh) Have judges/court staff access:

Judges		Court staff	
<input checked="" type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

tttt) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

Pursuant to the Law on Management of the Case Flow in Courts and the Court Rules of Procedure, oral hearings are held over the ACMIS, where later, upon the completion of the hearing, the record is electronically archived into the electronic file.

uuuu) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

The written decision of the judge is accessible only to the judge who has prepared it and is electronically archived in the case file.

vvvv) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?

wwwv) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

In the course of the entire proceedings, the parties and their authorised representatives have full access to the file – to the case in dispute in the court.

In addition, all courts in the RM have installed computers, so-called kiosks, through which the parties have access to the electronic file.

xxxx) Are oral hearings audio or video recorded?

#### The Law on Supplements to the Law on Litigation Proceedings (Official Gazette of the RM No. 116 from 1.09.2010):

##### Article 119-a

(1) The individual judge or the judge presiding over the panel, respectively, manages the process of audio recording the hearing.

(2) The audio recording of the hearing is carried out on a secure medium for audio recording, and the audio track from the held hearing may not be altered.

(3) The technical part of the process for audio recording is carried out by the record keeper, who is capable of handling the system for audio recording.

(4) At the beginning of the hearing, the judge notifies the present parties and other participants in the proceedings, that the hearing will be recorded, and that the recording is an audio track of the held hearing.

(5) A copy of the audio record from the held hearing is handed over to each party and to the participants at the hearing, in a manner prescribed with this law.

(6) The audio record from the held hearing is part of the court case file, which is maintained in the automatised computer system for management of court cases (ACMIS).

(7) The audio recording may not be published, aired or used for purposes and objectives outside of the court proceedings.

(8) The technical conditions for the audio recording and the manner of audio recording of the hearing, as well as the keeping and storing of the audio track are prescribed in the Court Rules of Procedure.

Article 119-b

(1) The party or the participant in the proceedings may verbally during the hearing, or through a written submission after the completion of the hearing, request the court to issue a written version of the audio track.

(2) The written version of the audio track should contain all that has been recorded on the audio track. The written version of the audio track must be created in the form of a record in writing.

(3) The individual judge, or the judge presiding over the panel, and the record keeper, or the court clerk, respectively, verifies with his/her signature the authenticity of the written version of the audio track.

(4) The written version of the audio track is a constituent part of the court case file.

(5) For the written version of the audio track, a court tax is to be paid pursuant to law, which becomes part of the costs of the proceedings.”

- yyyy) Is video conference in public hearing used:
- for the hearing of witnesses?
  - for the hearing of experts?
  - for the hearing of parties?
  - other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

Video conferencing is not practiced in public hearings, as it is not established by law.

zzzz) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**4. Information services for judges**

Are there central databases accessible for judges containing:

Database run by State	Database run by a private institution
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.



## 5. Practical court work

uuuu) What is the work of the judge:

- in writing the documents?

The judge actively participates in the writing of rulings and decisions, schedules subsequent hearing in the course of one, etc.

- in delivering the documents?

The judge does not participate in the delivery of documents, as that is the responsibility of the court delivery service.

- in registering the documents?

The judge does not participate in the registering of documents, as that is the responsibility of the court archive.

vvvv) What is the work of the court staff:

- in writing the documents?

The writing of rulings, although it is possible for the judge to do it, is a responsibility of the expert assistants and court apprentices which have been allocated to the respective judge.

- in delivering the documents?

That is the responsibility of court delivery clerks.

- in registering the documents?

That is the responsibility of the court clerks in the court archive.

wwwv) Is there enough staff to do this work? Please specify.

Almost all courts in the RM have a shortage of administrative staff.

xxxx) Do judges write their decisions themselves on their computer?

It is possible for the judge to write his/her rulings, but the writing of rulings is a responsibility of the expert assistants and court apprentices.

yyyy) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

No, the judges do not use specific techniques, such as voice recognition. Each judge has in his/her cabinet and in the courtroom a desktop computer, which is accessed only through a password known only to the judge.

zzzz) Is modern technology used to monitor the length of proceedings and for case flow management within the court (e.g. alert system)?

Yes, the modern technology consists of a software solution, the court automatised system ACMIS, in which the deadlines for acting upon case files are established pursuant to the legal deadlines of the Law on Litigation Proceedings, the Law on Criminal Proceedings, the Law on Misdemeanour Offences, the Law on Non-litigation Proceedings, etc. Through simple search through the ACMIS, data can be obtained on:

- (un)timely scheduled – acted upon cases,
- (un)timely held hearings,
- (un)timely prepared decisions,
- (un)timely published rulings.

aaaaa) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

Yes, the amendments from the Law on Amendments to the Law on the Judicial Council, introduce the preparation of a form for the monthly workload a judge; this form will also facilitate the assessment of judges.

The data base from which the monthly reports will be drawn is the ACMIS, through which the monthly reports of the judges are prepared.

## INSTRUCTION FOR USING THE TABLE FOR THE MONTHLY WORKLOAD OF JUDGES

The name and surname of the judge is filled and the court where he/she works.

The screenshot shows a Microsoft Excel spreadsheet titled "osnoven sud prilep nova norma 14.06.2009 prazna.xls". The table structure is as follows:

ОСНОВЕН СУД		БР.	Јануари	Февруари	Март	Прво тромесечје	Април	Мај	Јуни	Второ тромесечје	Јули	Август	Септември	Трето тромесечје	Октомври	Ноември	Децември	Четврто тромесечје	Вкупно
СУДИЈА :																			
ВКУПНО	Нерешени предмети на почетокот на месецот	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	НОВОПРИМЕНИ	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Дадени на друг судија	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Примени од друг судија	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Вкупно примени	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	ПРЕДМЕТИ ВО РАБОТА - УКИНАТИ ОД АПЕЛАЦИОНЕН СУД	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	РЕШЕНИ УКИНАТИ ПРЕДМЕТИ ОД АПЕЛАЦИОНЕН СУД	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Нерешени предмети на почетокот на месецот	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	НОВОПРИМЕНИ	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Дадени на друг судија	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Примени од друг судија	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Вкупно примени	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО ВО РАБОТА	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

The first part of the table marked in yellow is filled in automatically. This part reveals the summary of the work of a judge, i.e. all the cases processed by him/her.

The screenshot shows a zoomed-in view of the first part of the table, with the following structure:

ОСНОВЕН СУД		БР.	Јануари	Февруари	Март	Прво тромесечје	Април	Мај	Јуни	Второ тромесечје	Јули
СУДИЈА :											
ВКУПНО	Нерешени предмети на почетокот на месецот	3	0	0	0	0	0	0	0	0	0
	НОВОПРИМЕНИ	4	0	0	0	0	0	0	0	0	0
	Дадени на друг судија	5	0	0	0	0	0	0	0	0	0
	Примени од друг судија	6	0	0	0	0	0	0	0	0	0
	Вкупно примени	7	0	0	0	0	0	0	0	0	0
	ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ	8	0	0	0	0	0	0	0	0	0
	ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ	9	0	0	0	0	0	0	0	0	0
	НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ	10	0	0	0	0	0	0	0	0	0
	ПРЕДМЕТИ ВО РАБОТА - УКИНАТИ ОД АПЕЛАЦИОНЕН СУД	11	0	0	0	0	0	0	0	0	0
	РЕШЕНИ УКИНАТИ ПРЕДМЕТИ ОД АПЕЛАЦИОНЕН СУД	12	0	0	0	0	0	0	0	0	0
	Нерешени предмети на почетокот на	13	0	0	0	0	0	0	0	0	0

**ENTRIES ON INVESTIGATION**

Depending on the jurisdiction of the court, one of the gray rectangles is selected.

	A	C	E	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
14	ВКУПНО	НОВОПРИМЕНИ	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15		Дадени на друг судија	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16		Примени од друг судија	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17		Вкупно примени	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18	ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ		18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19	ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ		19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20	НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ		20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21	ИСТРАТИ	Основна надлежност	ВКУПНО ВО РАБОТА	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22		ВКУПНО РЕШЕНИ	22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23		НЕРЕШЕНИ	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24	Проширена надлежност	ВКУПНО ВО РАБОТА	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25		ВКУПНО РЕШЕНИ	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26		НЕРЕШЕНИ	26	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
27	Организиран криминал	ВКУПНО ВО РАБОТА	27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
28		ВКУПНО РЕШЕНИ	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
29		НЕРЕШЕНИ	29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
30	Нерешени предмети на почетокот на месецот		30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31	НОВОПРИМЕНИ		31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32	Дадени на друг судија		32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

We will take the example of a **court with expanded jurisdiction**.

Following a click on the gray rectangle, a new window opens, where you select first the month – in this case monthly report of the month of January.

	A	C	E	G	H	I	J	K	L	M	N	O	P
21	ИСТРА	Основна надлежност	ВКУПНО ВО РАБОТА						0	0	0	0	
22			ВКУПНО РЕШЕНИ						0	0	0	0	0
23			НЕРЕШЕНИ						0	0	0	0	0
24	Проширена надлежност	ВКУПНО ВО РАБОТА						0	0	0	0	0	
25		ВКУПНО РЕШЕНИ						0	0	0	0	0	
26		НЕРЕШЕНИ						0	0	0	0	0	
27	Организиран криминал	ВКУПНО ВО РАБОТА						0	0	0	0	0	
28		ВКУПНО РЕШЕНИ		28	0	0	0	0	0	0	0	0	
29		НЕРЕШЕНИ		29	0	0	0	0	0	0	0	0	
30	Нерешени предмети на почетокот на месецот		30	0	0	0	0	0	0	0	0	0	

The following is entered into the window:

- unresolved cases from the previous month,
- newly received cases,
- cases received from another judge,

- cases given to another judge,
- cases solved in the course of the month.

The screenshot shows an Excel spreadsheet with a data entry form overlaid. The form is titled "Истраги-Проширена надлежност" and is set for the month of "Јануари". It contains the following data:

Month	Нерешени предмети	Новопримени	Примени од друг судија	Дадени на друг судија	Решени предмети
Јануари	87	12	1	2	14

The background table in the spreadsheet has the following structure:

Row	Column A	Column C	Column E	Column G	Column H	Column I
24		Проширена надлежност		ВО РАБОТА		24
25				РЕШЕНИ		25
26				РЕШЕНИ		26
27		зиран инанал		ВКУПНО ВО РАБОТА		27

After all the fields have been filled in, "ENTER" is selected so that the data can be entered into the table. Entry of a report for the subsequent month:

The screenshot shows the same Excel spreadsheet as above, but the data entry form is now set for the month of "Февруари". The "Нерешени предмети" field is highlighted in yellow and contains the value 87. The other fields are empty.

Month	Нерешени предмети	Новопримени	Примени од друг судија	Дадени на друг судија	Решени предмети
Февруари	87				

By selecting again the gray rectangle, the month of February is selected, whereby the table automatically computes the cases carried over from the previous month, as the field of "Unresolved cases" is yellow and hence is not to be filled in. Only field such of unresolved cases, etc., are filled in, depending on the work of the judge, same as in previous procedure.

In line with the jurisdiction of the court, the judge fills in the necessary fields:

	A	C	H	I	J	K	L	M	N	O	P
20	ИСТРАГИ	НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ		20	0	0	0	0	0	0	0
21		Основна надлежност	ВКУПНО ВО РАБОТА		21	0	0	0	0	0	0
22			ВКУПНО РЕШЕНИ		22	0	0	0	0	0	0
23			НЕРЕШЕНИ		23	0	0	0	0	0	0
24		Проширена надлежност	ВКУПНО ВО РАБОТА		24	0	0	0	0	0	0
25			ВКУПНО РЕШЕНИ		25	0	0	0	0	0	0
26			НЕРЕШЕНИ		26	0	0	0	0	0	0
27		Организиран криминал	ВКУПНО ВО РАБОТА		27	0	0	0	0	0	0
28			ВКУПНО РЕШЕНИ		28	0	0	0	0	0	0
29	НЕРЕШЕНИ		29	0	0	0	0	0	0		

In regard to investigative activities, the table is filled in according to the jurisdiction of the court and the work of the judge.

	A	C	E	G	H	I	J	K	L	M	N	O	P
38	ИСТРАЖНИ ДЕЈА	О.И.Д.	ВКУПНО ВО РАБОТА		38	0	0	0	0	0	0	0	
39			ВКУПНО РЕШЕНИ		39	0	0	0	0	0	0		
40			НЕРЕШЕНИ		40	0	0	0	0	0	0		
41		РАЗНИ О.И.Д. К.Р.И.	ВКУПНО ВО РАБОТА		41	0	0	0	0	0	0		
42			ВКУПНО РЕШЕНИ		42	0	0	0	0	0	0		
43			НЕРЕШЕНИ		43	0	0	0	0	0	0		
44		РАЗНИ О.И.Д. К.Р.И.О.К.	ВКУПНО ВО РАБОТА		44	0	0	0	0	0	0		
45			ВКУПНО РЕШЕНИ		45	0	0	0	0	0	0		
46			НЕРЕШЕНИ		46	0	0	0	0	0	0		
47	Нерешени предмети на почетокот на месецот		47	0	0	0	0	0	0	0			

Judges who adjudicate criminal cases fill in the table in line with the jurisdiction of the court. Similarly, in cases where judges adjudicate in a panel of five, the row of the table specifying "five" is filled, depending whether the respective judge is the presiding judge or a member of the panel. Judges working on organised crime fill in the table in a similar way.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
54	ОСНОВНА НАДЛЕЖНОСТ	НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
55			ВКУПНО ВО РАБОТА	55	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
56		ВКУПНО РЕШЕНИ	56	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
57		НЕРЕШЕНИ	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
58		ВКУПНО ВО РАБОТА	58	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
59		ВКУПНО РЕШЕНИ	59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
60	ПРОШИРЕНА НАДЛЕЖНОСТ	НЕРЕШЕНИ	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
61			ВКУПНО ВО РАБОТА	61	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
62				ВКУПНО РЕШЕНИ	62	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
63		ПЕТОРКА	ПРОШИРЕНИ	63	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
64				ВКУПНО ВО РАБОТА	64	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
65					ВКУПНО РЕШЕНИ	65	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
66		ПЕТОРКА	ЧЕТИ	66	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
67				ВКУПНО ВО РАБОТА	67	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
68					ВКУПНО РЕШЕНИ	68	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
69		КРИВИЧНИ ПОЛНОМОЌИНИ	ОРГАНИЗИРАН КРИМИНАЛ	69	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
70				ВКУПНО ВО РАБОТА	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
71					ВКУПНО РЕШЕНИ	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
72	ПЕТОРКА		ПРОШИРЕНИ	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
73				ВКУПНО ВО РАБОТА	73	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
74					ВКУПНО РЕШЕНИ	74	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

The participation of judges in a “criminal panel” in basic and expanded jurisdiction is filled in thus:

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z				
75	РАЗЛИКОВНИ ПРЕДМЕТИ	ЗАВОДНИЦИ	75	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
76			ВКУПНО ВО РАБОТА	76	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
77				ВКУПНО РЕШЕНИ	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
78		НЕРЕШЕНИ	78	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
79		ВКУПНО ВО РАБОТА	79	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
80			ВКУПНО РЕШЕНИ	80	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
81		НЕРЕШЕНИ	81	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
82		КРИВИЧЕН СОВЕТ	ПРОШИРЕНИ	82	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
83				ВКУПНО ВО РАБОТА	83	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
84					ВКУПНО РЕШЕНИ	84	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
85		КРИВИЧЕН СОВЕТ С.О.К.	ПРОШИРЕНИ	85	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
86				ВКУПНО ВО РАБОТА	86	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
87					ВКУПНО РЕШЕНИ	87	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
88		КРИВИЧЕН СОВЕТ С.О.К.	ПРОШИРЕНИ	88	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
89				ВКУПНО ВО РАБОТА	89	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
90	ВКУПНО РЕШЕНИ				90	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
91	КРИВИЧЕН СОВЕТ С.О.К.	ПРОШИРЕНИ	91	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
92			ВКУПНО ВО РАБОТА	92	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
93				ВКУПНО РЕШЕНИ	93	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
94	Повторување на постапката	ПРОШИРЕНИ	94	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
95			ПРОШИРЕНИ	95	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Judges working in organised crime fill in their participation in the “criminal panel” here:

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Row	Column	Content	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
75	H	НЕРЕШЕНИ	75	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
76	H	ВКУПНО ВО РАБОТА	76	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
77	H	ВКУПНО РЕШЕНИ	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
78	H	НЕРЕШЕНИ	78	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
79	H	ВКУПНО ВО РАБОТА	79	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
80	H	ВКУПНО РЕШЕНИ	80	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
81	H	НЕРЕШЕНИ	81	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
82	H	ВОЛНО ВО РАБОТА	82	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
83	H	ВОЛНО РЕШЕНИ	83	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
84	H	НЕРЕШЕНИ	84	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
85	H	ВОЛНО ВО РАБОТА	85	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
86	H	ВОЛНО РЕШЕНИ	86	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
87	H	НЕРЕШЕНИ	87	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
88	H	ВОЛНО ВО РАБОТА	88	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
89	H	ВОЛНО РЕШЕНИ	89	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
90	H	НЕРЕШЕНИ	90	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
91	H	ВОЛНО ВО РАБОТА	91	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
92	H	ВОЛНО РЕШЕНИ	92	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
93	H	НЕРЕШЕНИ	93	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
94	H	ПОВТОРУВАЊЕ НА ПОСТАПКАТА	94	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
95	H	ПОВТОРУВАЊЕ НА ПОСТАПКАТА	95	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Miscellaneous criminal operations, requests and repeating of proceedings are entered by the judges, regardless of the jurisdiction of the court here:

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Row	Column	Content	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
75	H	НЕРЕШЕНИ	75	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
76	H	ВКУПНО ВО РАБОТА	76	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
77	H	ВКУПНО РЕШЕНИ	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
78	H	НЕРЕШЕНИ	78	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
79	H	ВКУПНО ВО РАБОТА	79	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
80	H	ВКУПНО РЕШЕНИ	80	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
81	H	НЕРЕШЕНИ	81	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
82	H	ВОЛНО ВО РАБОТА	82	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
83	H	ВОЛНО РЕШЕНИ	83	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
84	H	НЕРЕШЕНИ	84	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
85	H	ВОЛНО ВО РАБОТА	85	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
86	H	ВОЛНО РЕШЕНИ	86	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
87	H	НЕРЕШЕНИ	87	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
88	H	ВОЛНО ВО РАБОТА	88	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
89	H	ВОЛНО РЕШЕНИ	89	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
90	H	НЕРЕШЕНИ	90	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
91	H	ВОЛНО ВО РАБОТА	91	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
92	H	ВОЛНО РЕШЕНИ	92	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
93	H	НЕРЕШЕНИ	93	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
94	H	ПОВТОРУВАЊЕ НА ПОСТАПКАТА	94	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
95	H	ПОВТОРУВАЊЕ НА ПОСТАПКАТА	95	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Judges who act upon criminal cases and thereto actions, fill them in here.

	A	C	E	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	
95	Повторување на постапката				Доволено повторување	95	0	0	0	0	0	0	0	0	0	0	0	0	0	0
96					Надворешно повторување	96	0	0	0	0	0	0	0	0	0	0	0	0	0	0
97	КРИВИЧНИ МАЛОПЕТНИ	ВКУПНО	Нерешени предмети на почетокот на месецот		97	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
98			НОВОПРИМЕНИ		98	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
99			ДАДЕНИ НА ДРУГ СУДИЈА		99	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
100			ПРИМЕНИ ОД ДРУГ СУДИЈА		100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
101			Вкупно примени		101	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
102		ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ				102	0	0	0	0	0	0	0	0	0	0	0	0	0	0
103		ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ				103	0	0	0	0	0	0	0	0	0	0	0	0	0	0
104		НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ				104	0	0	0	0	0	0	0	0	0	0	0	0	0	0
105		РАЗЛИКНИ ДЕЙСТВИЈА	КРИВИЧНИ МАЛОПЕТНИ	ВКУПНО ВО РАБОТА		105	0	0	0	0	0	0	0	0	0	0	0	0	0	0
106				ВКУПНО РЕШЕНИ		106	0	0	0	0	0	0	0	0	0	0	0	0	0	0
107	НЕРЕШЕНИ			107	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
108	РАЗЛИКНИ ДЕЙСТВИЈА		ВКУПНО ВО РАБОТА		108	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
109			ВКУПНО РЕШЕНИ		109	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
110			НЕРЕШЕНИ		110	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
111	Нерешени на почетокот на месецот				111	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Misdemeanour cases and cases relating to enforcement of sanctions are filled in in a similar manner.

	A	C	E	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	
110			д		НЕРЕШЕНИ	110	0	0	0	0	0	0	0	0	0	0	0	0	
111	ПРЕКРШОЧНИ ПРЕДМЕТИ	ВКУПНО ВО РАБОТА	Нерешени на почетокот на месецот		111	0	0	0	0	0	0	0	0	0	0	0	0	0	
112			Новоримени		112	0	0	0	0	0	0	0	0	0	0	0	0	0	0
113			Дадени на друг судија		113	0	0	0	0	0	0	0	0	0	0	0	0	0	0
114			Примени од друг судија		114	0	0	0	0	0	0	0	0	0	0	0	0	0	0
115			Вкупно примени		115	0	0	0	0	0	0	0	0	0	0	0	0	0	0
116		ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ				116	0	0	0	0	0	0	0	0	0	0	0	0	0
117		ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ				117	0	0	0	0	0	0	0	0	0	0	0	0	0
118		НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ				118	0	0	0	0	0	0	0	0	0	0	0	0	0
119		РАЗЛИКНИ ДЕЙСТВИЈА	ПРЕКРШОЧНИ ДЕЙСТВИЈА	вк. работа		119	0	0	0	0	0	0	0	0	0	0	0	0	0
120				вк. решени		120	0	0	0	0	0	0	0	0	0	0	0	0	0
121	вк. нерешени			121	0	0	0	0	0	0	0	0	0	0	0	0	0		
122	Нерешени предмети на почетокот на месецот				122	0	0	0	0	0	0	0	0	0	0	0	0	0	
123	во работа	НОВОПРИМЕНИ		123	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
124		Дадени на друг судија		124	0	0	0	0	0	0	0	0	0	0	0	0	0	0	



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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	X	Y	Z	AA	AB	
120			вс. решени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
121			вс. нерешени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
122			нерешени предмети на почетокот на месецот						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
123			новопримени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
124			Додани на друг судски						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
125			Привлечени од друг судски						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
126			Вкупно тражени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
127			ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
128			ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
129			НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
130			вс. работи						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
131			вс. решени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
132			нерешени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
133			вс. работи						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
134			вс. работи						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
135			нерешени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
136			нерешени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
137			вс. работи						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
138			вс. работи						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
139			нерешени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
140			вс. работи						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
141			нерешени						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
142			нерешени предмети на почетокот на месецот						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
143			Новопримена						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## CIVIL CASES

Similarly as in the investigation, criminal and misdemeanour cases, the first thing to be presented is the overall work of the court as well.

	A	C	E	G	H	I	J	K	L	M	N	O	P
139		MERKI NA BEZBEDNOST		вк. работа		139	0	0	0	0	0	0	0
140				вк. решени		140	0	0	0	0	0	0	0
141				нерешени		141	0	0	0	0	0	0	0
142		Нерешени предмети на почеток на месецот				142	0	0	0	0	0	0	0
143		Вкупно во работа	Новопримени			143	0	0	0	0	0	0	0
144			Дадени на друг судија			144	0	0	0	0	0	0	0
145			Примени од друг судија			145	0	0	0	0	0	0	0
146			Вкупно примени			146	0	0	0	0	0	0	0
147		ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ				147	0	0	0	0	0	0	0
148		ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ				148	0	0	0	0	0	0	0
149		НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ				149	0	0	0	0	0	0	0

Depending on the work of the judge in adjudicating civil cases, the rows are filled in for disputes of small value, property disputes, family, bankruptcy, disputes, etc.

	A	C	E	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
150		СПОРОВИ ОД МАЛА ВРЕДНОСТ		ВКУПНО ВО РАБОТА		150	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
151				ВКУПНО РЕШЕНИ		151	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
152				НЕРЕШЕНИ		152	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
153		ИМУМНИ СПОРОВИ ИЛИ ИМУМНОСТ		ВКУПНО ВО РАБОТА		153	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
154				ВКУПНО РЕШЕНИ		154	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
155				НЕРЕШЕНИ		155	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
156		ИМУМНИ СПОРОВИ ИЛИ ИМУМНОСТ		ВКУПНО ВО РАБОТА		156	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
157				ВКУПНО РЕШЕНИ		157	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
158				НЕРЕШЕНИ		158	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
159		СВЕДЛИВИ СПОРОВИ		ВКУПНО ВО РАБОТА		159	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
160				ВКУПНО РЕШЕНИ		160	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
161				НЕРЕШЕНИ		161	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
162		РАБОТНИ СПОРОВИ		ВКУПНО ВО РАБОТА		162	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
163				ВКУПНО РЕШЕНИ		163	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
164				НЕРЕШЕНИ		164	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
165		ТРГОВСКИ СПОРОВИ		ВКУПНО ВО РАБОТА		165	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
166				ВКУПНО РЕШЕНИ		166	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
167				НЕРЕШЕНИ		167	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
168		ИЛИ ИМУМНОСТ ВО ПРИКЛУКОВИ		ВКУПНО ВО РАБОТА		168	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
169				ВКУПНО РЕШЕНИ		169	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
170				НЕРЕШЕНИ		170	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
171		ИЛИ ИМУМНОСТ ВО ПРИКЛУКОВИ		ВКУПНО ВО РАБОТА		171	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
172				ВКУПНО РЕШЕНИ		172	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
173				НЕРЕШЕНИ		173	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Cases regarding “Court Administration” registered in the “SU” entry book are to be entered thus.

	A	C	E	G	H	I	J	K
222			Повторување на постапката	примени		222	0	0
223				Дозволено повторување		223	0	0
224				Недозволено повторување		224	0	0
225	АДМИНИСТРАТИВНА РАБОТА НА СУДОТ					225	0	0
226			КРИВИЧНИ ПРЕДМЕТИ	ВКУПНО ВО РАБОТА		226	0	0
227				ВКУПНО РЕШЕНИ		227	0	0

The cases quashed by the Appellate Court are entered in the following rows:

	A	C	E	G	H	I	J	K	L	M	N	O	P
226	УКИНАТИ ПРЕДМЕТИ	КРИВИЧНИ ПРЕДМЕТИ		ВКУПНО ВО РАБОТА	226	0	0	0	0	0	0	0	
227				ВКУПНО РЕШЕНИ	227	0	0	0	0	0	0	0	
228				НЕРЕШЕНИ	228	0	0	0	0	0	0	0	
229		ГРАЃАНСКИ ПРЕДМЕТИ		ВКУПНО ВО РАБОТА	229	0	0	0	0	0	0	0	
230				ВКУПНО РЕШЕНИ	230	0	0	0	0	0	0	0	
231				НЕРЕШЕНИ	231	0	0	0	0	0	0	0	
232		ПРЕШОЧНИ ПРЕДМЕТИ		ВКУПНО ВО РАБОТА	232	0	0	0	0	0	0	0	
233				ВКУПНО РЕШЕНИ	233	0	0	0	0	0	0	0	
234				НЕРЕШЕНИ	234	0	0	0	0	0	0	0	
235	УКИНАТИ ПРЕДМЕТИ ПО			ВКУПНО ВО РАБОТА	235	0	0	0	0	0	0	0	

The rows for the quashed case decisions upon extraordinary legal remedies and old cases in all areas are filled in the same manner.

	A	C	E	G	H	I	J	K	L	M	N	O	P	Q	R
234				НЕРЕШЕНИ		234	0	0	0	0	0	0	0	0	0
235	УКИНАТИ ПРЕДМЕТИ ПО ВОНРЕДНИ ПРАВНИ ЛЕКОВИ			ВКУПНО ВО РАБОТА		235	0	0	0	0	0	0	0	0	0
236				ВКУПНО РЕШЕНИ		236	0	0	0	0	0	0	0	0	0
237				НЕРЕШЕНИ		237	0	0	0	0	0	0	0	0	0
238	СТАРИ КРИВИЧНИ ПРЕДМЕТИ			ВКУПНО ВО РАБОТА		238	0	0	0	0	0	0	0	0	0
239				ВКУПНО РЕШЕНИ		239	0	0	0	0	0	0	0	0	0
240				НЕРЕШЕНИ		240	0	0	0	0	0	0	0	0	0
241	СТАРИ ГРАЃАНСКИ ПРЕДМЕТИ			ВКУПНО ВО РАБОТА		241	0	0	0	0	0	0	0	0	0
242				ВКУПНО РЕШЕНИ		242	0	0	0	0	0	0	0	0	0
243				НЕРЕШЕНИ		243	0	0	0	0	0	0	0	0	0
244	СТАРИ ПРЕКРШОЧНИ ПРЕДМЕТИ			ВКУПНО ВО РАБОТА		244	0	0	0	0	0	0	0	0	0
245				ВКУПНО РЕШЕНИ		245	0	0	0	0	0	0	0	0	0
246				НЕРЕШЕНИ		246	0	0	0	0	0	0	0	0	0

The table on the manner of resolving cases, as well as misdemeanour and criminal cases outdated under statute of limitations are filled in the same manner.

	A	C	E	G	H	I	J	K	L	M	N	O	P	Q	R	S
246				НЕРЕШЕНИ		246	0	0	0	0	0	0	0	0	0	0
247	СО ПРЕСУДА			КРИВИЧНО		247	0	0	0	0	0	0	0	0	0	0
248				ГРАЃАНСКО		248	0	0	0	0	0	0	0	0	0	0
249				ПРЕКРШОЦИ		249	0	0	0	0	0	0	0	0	0	0
250	СО СПОГОДБА			КРИВИЧНО		250	0	0	0	0	0	0	0	0	0	0
251				ГРАЃАНСКО		251	0	0	0	0	0	0	0	0	0	0
252	НА ДРУГ НАЧИН			КРИВИЧНО		252	0	0	0	0	0	0	0	0	0	0
253				ГРАЃАНСКО		253	0	0	0	0	0	0	0	0	0	0
254				ПРЕКРШОЦИ		254	0	0	0	0	0	0	0	0	0	0
255	ЗАСТАРЕНИ КРИВИЧНИ			РЕЛАТИВНО		255	0	0	0	0	0	0	0	0	0	0
256				АПСОЛУТНО		256	0	0	0	0	0	0	0	0	0	0
257	ЗАСТАРЕНИ ПРЕКРШОЧНИ			РЕЛАТИВНО		257	0	0	0	0	0	0	0	0	0	0
258				АПСОЛУТНО		258	0	0	0	0	0	0	0	0	0	0
259				ИСТРАГИ О.И.Д. ДЕЈСТВИЈА		259	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

The achieved monthly norm is presented here.

	A	C	E	G	H	I	J	K
258		САСТАВЕНИ ПИРЕКШОЦИ			АПСОЛУТНО	258	0	0
259	ОСТВАРЕНА ОРИЕНТАЦИОНА НОРМА			ИСТРАГИ О.И.Д. дејствија		259	0.0	0.0
260				КРИВИЧНО		260	0.0	0.0
261				ГРАЃАНСКО		261	0.0	0.0
262				ПРЕКРШОЦИ		262	0.0	0.0
263				КРИВИЧНО		263	0	0

This is the part where decisions of the Appellate Courts are filled in.

	A	C	E	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	
263	ВКУПНО ОБЖАЛЕНИ			КРИВИЧНО		263	0	0	0	0	0	0	0	0	0	0	0	0	
264				ГРАЃАНСКО		264	0	0	0	0	0	0	0	0	0	0	0	0	0
265				ПРЕКРШОЦИ		265	0	0	0	0	0	0	0	0	0	0	0	0	0
266	ПОТВРДЕНИ			КРИВИЧНО		266	0	0	0	0	0	0	0	0	0	0	0	0	
267				ГРАЃАНСКО		267	0	0	0	0	0	0	0	0	0	0	0	0	0
268				ПРЕКРШОЦИ		268	0	0	0	0	0	0	0	0	0	0	0	0	0
269	УКИНАТИ			КРИВИЧНО		269	0	0	0	0	0	0	0	0	0	0	0	0	
270				ГРАЃАНСКО		270	0	0	0	0	0	0	0	0	0	0	0	0	0
271				ПРЕКРШОЦИ		271	0	0	0	0	0	0	0	0	0	0	0	0	0
272	ДЕЛУМНО УКИНАТИ			КРИВИЧНО		272	0	0	0	0	0	0	0	0	0	0	0	0	
273				ГРАЃАНСКО		273	0	0	0	0	0	0	0	0	0	0	0	0	0
274	ПРЕИНАЧЕНИ			ПРЕКРШОЦИ		274	0	0	0	0	0	0	0	0	0	0	0	0	
275				КРИВИЧНО		275	0	0	0	0	0	0	0	0	0	0	0	0	0
276				ГРАЃАНСКО		276	0	0	0	0	0	0	0	0	0	0	0	0	0
277				ПРЕКРШОЦИ		277	0	0	0	0	0	0	0	0	0	0	0		

If a judge was on sick leave in the course of the year, his/her absence is recorded here,

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ОСНОВЕН СУД	БР.	Јануари	Фебруари	Март	Прво тримесечје	Април	Мај	Јуни	Второ тримесечје	Јули	Август	Септември	Трето тримесечје	Октомври	Ноември	Декември	Четврто тримесечје	Вкупно	
ВУКОВО	Нерешени предмети на почетокот на месецот	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	НОВОПРИВНИ	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Дадени на друг судија	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Примени од друг судија	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Возно кривичка	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	ПРЕДМЕТИ ВО РАБОТА - УКИНАТИ ОД ДЕЛЕГАЦИОНЕН СУД	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	РЕШЕНИ УКИНАТИ ПРЕДМЕТИ ОД ДЕЛЕГАЦИОНЕН СУД	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	ИСТРАЖИ	Нерешени предмети на почетокот на месецот	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		НОВОПРИВНИ	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Дадени на друг судија		15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Примени од друг судија		16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Возно кривичка		17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ		18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ		19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ		20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО ВО РАБОТА		21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО РЕШЕНИ		22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
НЕРЕШЕНИ		23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО ВО РАБОТА		24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО РЕШЕНИ	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		

whereby he/she enters the absence in portions of 0.5, 1, 1.5, 2 or 2.5 months.

After the table has been filled in, it must be saved in an "xls" format under the name of the respective judge for whom it is being filled in.



FILLING OUT OF THE TABLE BY THE JUDICIAL COUNCIL OF THE RM WHEN ASSESSING JUDGES

This part of the table represents full implementation of the changes in the Law on the Judicial Council of the RM in relation to assessment of judges  
The table reveals the quality of a respective judge in the civil, criminal and misdemeanour areas.  
The table also presents the percentage of reversed case decisions, as well as the norm achieved by the judge - Quantity.

ОЦЕНКА	278	ПРОЦЕНТ НА УКИНАТИ ПРЕДМЕТИ	ПРОЦЕНТ НА ПРЕИНАЧЕНИ ПРЕДМЕТИ	ВКУПНО БОДОВИ	Област	Предмети во работа	Решени предмети	Остаток норма
КВАЛИТЕТ ВО ГРАЃАНСКО	279	0,0	0,0	0,0	Истраги	0	0	0,0
					Кривични	0	0	0,0
КВАЛИТЕТ ВО КРИВИЧНО	281	0,0	0,0		Прекршоци	0	0	0,0
					Граѓански и ВПП	0	0	0,0
КВАЛИТЕТ ВО ПРЕКРШОЦИ	283	0,0	0,0		Извршни	0	0	0,0
					Оставина и ликвидации	0	0	0,0
КВАНТИТЕТ	283		0,0		ВКУПНО	0	0	0,0

Оценка	Вкупен процент на укинати предмети	Вкупен процент на преиначени предмети
Незадоволително	#DIV/0!	#DIV/0!

Бодови за укинати предмети	Бодови за преиначени предмети	Вкупно бодови
0	0	

ПОЧИТУВАЊЕ НА РОКОВИ (Чл. 109)	БОДОВИ СОГЛАСНО чл. 114
	Бодови согласно чл. 112
<b>КАЗНЕНИ БОДОВИ</b>	0

The table automatically:

- computes the percentage of quality of quashed case decisions in all areas,
- computes the percentage of reversed case decisions,
- awards pursuant to law points on the basis of percentages achieved,
- computes the total number of points.

The Judicial Council of the RM, through the windows on “respecting deadlines pursuant to article 109”, “points pursuant to article 114” and “points pursuant to article 112”, awards the judge additional points, which the table again computes automatically.

The Judicial Council through the window on penalties awards also points, which the table later automatically subtracts from the total number of points, so that the table automatically calculates the assessment of the judge.

FILLING OUT OF THE TABLE BY THE JUDICIAL COUNCIL OF THE RM WHEN ASSESSING PRESIDENTS OF COURTS

Similarly as in the process of assessing judges, the table automatically determines the percentage of resolved cases, resolved old cases, as well as the ratio between quashed and resolved cases.



The Judicial Council awards points pursuant to article 122 of the Law and pursuant to article 114, after which the table automatically computes the total number of points achieved, and on the basis thereof also the assessment of the judge.

ОЦЕНКА	278	ПРОЦЕНТ	Остварени бодови	ВКУПНО БОДОВИ	Област	Предмети во работа	Решени предмети	Остаток норма		
ВКУПНО РЕШЕНИ ПРЕДМЕТИ	279	0,0	0	0	Истраги	0	0	0,0	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; text-align: center;"> <b>БОДОВИ СОГЛАСНО чл. 114</b> </div>	
ВКУПНО РЕШЕНИ СТАРИ ПРЕДМЕТИ	281	#DIV/0!	0		Кривични	0	0	0,0		
СООДНОС НА УКИНАТИ И РЕШЕНИ ПРЕДМЕТИ	283	#DIV/0!	0		Прекршоци	0	0	0,0		
					Граѓански и ВПП	0	0	0,0		
					Извршни	0	0	0,0		
					Оставина и ликвидации	0	0	0,0		
					<b>ВКУПНО</b>	<b>0</b>	<b>0</b>	<b>0,0</b>		
<b>БОДОВИ КОИ ГИ ВПИШУВА СУДСКИОТ СОВЕТ на РМ</b>		<b>БОДОВИ</b>		Оценка						
БОДОВИ СОГЛАСНО ЧЛ. 122 Ефикасно организирана работа во поглед на функционирање на судот		283		Вкупно бодови по чл. 122		<b>Незадоволително</b>				
				<b>0,0</b>						
БОДОВИ СОГЛАСНО ЧЛ. 122 Информирање на јавноста за работата на судот		284								
БОДОВИ СОГЛАСНО ЧЛ. 122 Примена на информатичка технологија		284		ВКУПНО БОДОВИ ПО СИТЕ КРИТЕРИУМИ						
БОДОВИ СОГЛАСНО ЧЛ. 122 Финансиското работење на судот		284		<b>0,0</b>						
КАЗНИ БОДОВИ		284								

## 6. Internet

- cc) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

Each judge is allowed access to the internet, of course not to all web pages, with access being limited only to the judicial institutions in the country, the web pages of the daily newspapers, the web pages of the Official Gazette of the RM, and also to the web page "pravo.org.mk".

- dd) Do all courts have their own website? Please specify which court and the content of the website.

Yes, each court must necessarily have its own web page, which is uniform for all courts.

The web page offers the following data:

- history of the court,
- its location,
- description of the jurisdiction/competence of the court,
- names and surnames of court judges,
- names and surnames of court staff,
- published decisions,
- monthly and annual reports,
- court practice,
- more important laws,
- various instructions for citizens on court proceedings.

## 7. Use of private personal computers/laptops by judges and court staff

- uuuu) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

A judge may be allowed to use his/her private computer/laptop.

- vvvv) May e-mails be sent from the court to a judge's private e-mail address and vice versa containing professional information ?

Depending on the content of the professional information, it is possible to a certain degree to send e-mails to the private e-mail account of a judge. Moreover, each judge is required to provide his/her private e-mail address to the Judicial Council of the RM.

- wwww) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify.

Access to the private e-mail of the judge is necessarily possible only to the judge and no one else. However, notifications from the court to the private e-mail are sent only if the judge is absent for a longer period of time or is on official travel.

- xxxx) Is the situation the same for all court staff?

No, this is not the case for court staff.

## 8. Use of data

- yyyy) Is the data contained in the procedure used for another aim than the procedure itself?

Data on proceedings may be used also for different purposes, namely:

- number of committed criminal offences,
- number of adopted rulings on divorce,
- number of rulings on family violence.

zzzz) Is this data used for statistics?

Yes, for monitoring statistics and for other research for the needs of natural persons and legal entities.

aaaaa) If yes:

- who produces these statistics?

These statistics are generated by the ACMIS.

- how and by whom are these statistics used?

They are used by different natural persons and legal entities upon prior consent by the Supreme Court of the RM and by the president of the court, depending on whether the information in question is classified or not (for example, data on divorce, awarding of child support, etc.).

## 9. Data security

eee) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

- Yes Yes, the following laws are in existence: the Courts Act, the Court Rules of Procedure, the Law on Litigation Proceedings, the Law on Criminal Proceedings, the Law on Management of the Case Flow in Courts.
- No

fff) If yes, are there requirements applicable to processing data in courts?

- rules on access to data by the person concerned or other persons/institutions
- correction and deletion requirements
- other. Please specify.

ggg) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

There are information centres providing assistance to all courts, the first one at the Supreme Court of the RM and the second one at the Ministry of Justice, and they are responsible for protection of court data.

hhh) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

There are persons responsible in the abovementioned centres, but they are not judges, but IT specialists.

## 10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

Decisions on the electronic infrastructure of all courts are made jointly by the Supreme Court of the RM and the Court Budget Council in regard to provision of equipment and replacement of old information equipment with new. Firstly, opinions are collected from all basic and appellate courts through the authorised commissions for information equipment established by the Supreme Court of the RM and the Court Budget Council; on the basis of these findings, a plan and strategy are prepared for provision of equipment to all courts in the RM.

### **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

This questionnaire is too short for all the advantages of the introduction of information technology in the courts to be presented, but the basic benefits must be enumerated, namely:

- decrease in the costs of courts in regard to material resources for their basic operation,
- expedited work of the courts in relation to the application of computers in courts proceedings,
- access to a great amount of information,
- interlink age of courts into a single common automatised court system - ACMIS,
- access to a data base of official gazettes and legislation,
- ongoing updating on new changes in the legislation.

## Sweden

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### Question 1

- a) No, a legal proceeding can't be instigated by electronic means only. The law (e.g. förvaltningsprocesslagen (1971:291)) states that a personal signature is required. However if the court receive an e-mail with a statement that someone wishes to appeal, it is forwarded to the correct instance in the court hierarchy as an appeal. It then has to be sent to the appellant for a signature. If the appellant doesn't sign, the appeal will be dismissed.

b-d) N/A

### Question 2

a-b)N/A

- c) The courts generally use traditional means (post or fax) to communicate with all parties. However general questions (not concerning a particular case) sent to the court by e-mail are generally responded to by e-mail, as are requests for judgments. E-mail received by the court is printed and kept in paper version but usually not in an electronic version.
- d) No.
- e) Yes, e.g. every judgment is saved as a pdf-file. And all documents drawn up by the courts are saved electronically. There is always a paper file as well. The paper file is considered the authentic file.
- f) Yes, there are several laws and decrees.
- g) -
- h) Yes. E.g. you are not allowed to search for sensitive information, and preferably sensitive information shouldn't be kept electronically. When you listen to recordings made in camera (i.e. when the hearings weren't public) you are logged. The computer system can handle secret addresses or personal data. The Secrecy Act (Offentlighets- och sekretesslagen (2009:400)) is applicable also to electronic documents.
- i) As the courts don't deal much with electronic documents besides the ones drawn up by the court itself (and also has a paper copy) it hasn't been an issue.
- j) That's how the communication usually takes place; hence it's not a problem.
- k) Yes.
- l) No, digital signature doesn't exist.
- m) Yes, the parties generally have access to the complete court file (in paper) unless there are special circumstances and its secret according to the Secrecy Act. However the parties do not have automatic access to the recordings of witness statements, they have to ask for a copy to get it.
- n) No.
- o) The electronic files are under the same regulations as paper files.
- p) Judges and court staff have access to all court files. However it is only staff taking part in the adjudication process that can edit information, the others can only read information.

### Question 3

- a) Judges in administrative courts have access to digital recordings of witness statements from inferior courts. There is also the possibility to have oral hearings through video conference. In general courts, the courts of appeal and the Supreme Court see video tapings of witness statements and hearings of the parties from the district courts. They also have the possibility to have oral hearings through video conference.
- b) The expertise (when existing) is usually on paper. The draft decision is electronically accessible to the judges; the personal notes are generally not.
- c) No, not in computer, but on file if they have saved all communication.
- d) Yes

- e) See answer to question 3 a
- f) Yes, it's sometimes used for hearing of witnesses, experts or parties.
- g) All courts have electronic files access, electronic data bases of jurisprudence, screen projectors, internet access, video conferencing, video recording and audio recording.

#### Question 4

There are State-run databases for national legislation, European legislation, international case-law and law review articles accessible to all judges. There are many different databases run by private institutions covering all the different areas, but each court decides for them which ones they're going to use. E.g. Karnov, Infotorg, Zetéo

#### Question 5

a-b) In administrative courts reporting clerks and judges write judgments on their computers. The secretaries at the offices deliver and register the documents. Some documents are registered by reporting clerks and/or judges and some documents register automatically in the court's computer system (VERA).

In general courts judges generally write judgments on their computers themselves; occasionally law clerks are allowed to write them. The secretaries deliver and register the documents.

- c) Normally, yes
- d) Yes, when it's not already written by a reporting clerk (see question 5 a-b).
- e) Yes, there are models for some decisions, e.g. decisions concerning review permits.
- f) Yes, in the courts' computer systems (VERA) and through a certain statistics program (SIV)
- g) Yes, you can search through VERA and SIV

#### Question 6

- a) Yes every judge has access to internet. It's limited so that websites that could contain security risks and websites that calls for pornography, games and betting are not accessible and some sites are restricted so as not to slow down the system.
- b) Most of the courts have their own website containing contact information and general information about the court.

#### Question 7

- a) Yes a judge may use a private PC/laptop for professional purposes, it's regulated through decrees, (e.g. DVFS 2006:2 - Domstolsverkets föreskrifter om informationssäkerhet för gemensamma IT-system.) However if the document contains information classified as secret they are not allowed to save it on their private hard drive, instead they have to use e.g. a USB-memory.
- b) Yes, unless it's classified as secret.
- c) No
- d) Yes

#### Question 8

- a) Yes, it is used as a database and for statistics.
- b) Yes
- c) The Swedish courts administration produce the statistics. It is used by The Swedish courts administration and the courts.

#### Question 9

- a) Yes

- b) Yes, there are rules on access to data by the person concerned or other persons/institutions in the Secrecy Act. There are also rules on correction and deletion requirements.
- c) No
- d) No

**Question 10**

The Swedish courts administration decides together with the president or chief judge

**Question 11**

The advantages of the development of IT in courts are considerable. It has facilitated and rationalized the work in many ways. I can't see any major disadvantages with the development that has taken place.

# Turkey

## 1. Access to courts

- iii) May legal proceedings be instigated by electronic means? Yes, It may be initiated but only in those courts where electronic case management systems are used.
- jjj) Is there relevant legislation? There are no specific provisions concerning filing of lawsuit in an electronic way.
- kkk) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)
- The parties must submit the claim with a qualified electronic signature
  - The parties must fill in a downloadable form to be submitted electronically
  - Other, please specify. It is also possible to file a type written paper lawsuit in the Court (which is most frequent way to file a lawsuit).
- lll) To what extent are legal proceedings instigated by electronic means in practice? Very seldom

## 2. Procedure within courts

- iiiiiii) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? No the procedure is the same, because the defendant may not have access to internet or to computer facilities.
- jjjjjjjj) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? It may be different however, at this stage it's difficult to make any conclusion how different they are because this system is under construction.
- kkkkkkkkk) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input checked="" type="checkbox"/> both?	<input checked="" type="checkbox"/> both?

- lllllllll) Do specific electronic means exist for the communication between lawyers and courts? Please specify. There are no specific electronic means except of e-mail however, it is very common to communicate with lawyers and parties in general by telephone and inform about the date of the hearing or any other procedural matter. Such telephone conversation is recorded and is considered as official communication.

- mmmmmmmmm) Do electronic files exist? Yes  
 - If an electronic file exist, is there a paper file as well? Yes, together with electronic file there are paper files which are included in case file. Electronic files are on the web page of the appropriate court to be viewed and downloaded by the parties who access them through their passwords.



- If both exist, which is the "authentic" file? The authentic is the one which is signed by the judge i.e. the one included in the case file.

nnnnnnnnn) If yes, is there relevant legislation?

ooooooooo) What are the main requirements with respect to electronic files?

ppppppppp) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? There are no special procedural regulations, however, it is a general rule that some information (through various Acts of Parliament) are regarded as private or commercial secrets and certain rules are applied in relation to such information. Usually, the parties are sent their own passwords for their own case which allows them to view the proceedings related with that particular case. No one can access to that site without password.

qqqqqqqqq) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? The electronic document at this stage exists only to facilitate the parties to have access to them through internet. The authentic documents (signed by judge) as mentioned above are included in case file.

rrrrrrrrr) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? The parties may either send them through ordinary post, or file them in the court's chancellery. They can also bring paper documents at the trial however, the issue whether or not such documents are attached to the case file shall be solved by the judge according to procedural rules.

sssssssss) Must paper documents be kept? If yes, how long? The case files (consisting of paper documents) are usually kept for 10 years although there is no specific stipulation how long they can be kept.

ttttttttt) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? Electronic signature is used by secretary of hearing when the minutes are recorded on the CD. In such case, an electronic signature code (numbers) is printed on the paper and included in the case file.

uuuuuuuuu) Do parties have access to the complete court file:  
 Yes, always. The Civil Procedural Code stipulates the parties should have access to all case file.  
 Yes, but only with specific conditions  
 No

Please indicate, if appropriate, the relevant legislation.

vvvvvvvvv) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? The parties and their lawyers can, may have access to all procedural documents that are uploaded to appropriate web-page. However, the judgements and the minutes of the hearings are uploaded within certain period of time after hearing and not immediately after the hearing.

wwwwwwwww) Is the access to electronic files within the court regulated? Please specify. As I mentioned above the parties receive their own password which allows them to view that particular case and not all cases.

xxxxxxxxx) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input checked="" type="checkbox"/>	to all court files?	<input checked="" type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

aaaaa) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? Many courts use electronic recording systems which allows to record the hearing on CD which is attached to the case file.

bbbbbb) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? Only the judgment which was announced at the hearing and signed by the judge can be accessed in an electronic way.

ccccc) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? Usually, during hearing the case file is situated at the table of the judge who reviews it at the hearing, so technically it is not accessible, but if the parties would like any document to be explored they may do so through filing a motion at the hearing.

dddddd) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? In some court rooms there are special equipment installed to allow the parties to view at the monitors situated at their tables in the court room any recording on CD or DVD.

eeeeee) Are oral hearings audio or video recorded? In many courts hearings are audio recorded.

fffff) Is video conference in public hearing used:

- for the hearing of witnesses?
- for the hearing of experts?
- for the hearing of parties?
- other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate. This tool is not installed yet, however there are plans to install it in near future.

ggggg) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Video recording	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

#### 5. Practical court work

bbbb) What is the work of the judge:

- in writing the documents? Writing of the judgment and ruling is a direct function of the judge as well as general solution of the cases.
- in delivering the documents? It is not the function of the judge;
- in registering the documents? It is not the function of the judge;

cccc) What is the work of the court staff:

- in writing the documents? Writing of the procedural documents are the main function of the staff.
- in delivering the documents? Delivery of the documents can also be attributable to the staff./
- in registering the documents? Registration of the documents are done by the chancellery.

dddd) Is there enough staff to do this work? Please specify. Yes, there is enough staff to do all the above mentioned.

eeee) Do judges write their decisions themselves on their computer? Sometimes the judges write the decisions themselves (when the decision may be on a complicated case). Sometimes they use their assistance of the clerks in writing decisions.

ffff) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. Structure and Model decisions are always used when writing a procedural document.

gggg) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? Yes, electronic case management system is used to monitor time frames.

hhhh) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc.? Please specify. Yes, electronic case management system allows to collect certain statistics.

#### 6. Internet

ee) Is internet accessible for each judge in his/her office? Is this access limited? Please specify. Yes, internet is accessible for each judge in his/her office.

- ff) Do all courts have their own website? Please specify which court and the content of the website. Most of the courts have their own web pages.

#### **7. Use of private personal computers/laptops by judges and court staff**

- bbbb) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) Yes, the judge may use his/her private computer.
- cccc) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information? There are no restrictions on sending such information.
- dddd) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify. There are no such requirements so far.
- eeee) Is the situation the same for all court staff? The situation is the same for all court staff.

#### **8. Use of data**

- ffff) Is the data contained in the procedure used for another aim than the procedure itself? It can only be used for statistics or for academic purposes, in the latter case the materials may be issued in a form excluding reveal of any personal information.
- gggg) Is this data used for statistics? Yes, it is used for statistics.
- hhhh) If yes:  
- who produces these statistics? The Supreme Court produces such statistics.  
- how and by whom are these statistics used? The yearly statistics are published in a special edition and circulated within general public and court system.

#### **9. Data security**

- iii) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?
- Yes  
 No
- jjj) If yes, are there requirements applicable to processing data in courts?
- rules on access to data by the person concerned or other persons/institutions  
 correction and deletion requirements  
 other. Please specify.
- kkk) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? No, there is no such institution.
- lll) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? No, there is no such institution.

#### **10. Participation of judges**

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

Usually, the court management makes the decision about the electronic infrastructure, the judges sometimes usually take part in decision making process as well as in creating the case management systems together with IT professionals.

### **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

IT development is essential in court because it allows to make many things faster and make the courts activity more transparent and more user friendly.