Conclusions
of the seminar „*The ACA-Europe Information Network*“
(November 7, 2014, Brno)

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The seminar „*The ACA-Europe Information Network*“ held in Brno, Czech Republic, on November 7, 2014, and hosted by the President of the Supreme Administrative Court Josef Baxa, was focused on electronic tools used and maintained by legal specialists. Many members of the analytical and documentation departments and/or judges took part in this event organised by the present Czech presidency of the ACA-Europe (hereinafter referred to as "ACA").

The programme was divided into three round tables: first round table was dedicated to the Forum on the ACA website, the second round table dealt with the JuriFast and DecNat databases and during the third round table some examples of national e-procedures were presented.

The first round table (L. Dutheillet de Lamothe, Chr. Stassart, L. Záhradníková) on the Forum described it as an internet platform which can be used by each Member State jurisdiction to ask questions how a legal problem concerning the EU law (but not necessarily) is solved in other Member States. National correspondents of supreme judicial bodies are responsible for answering these questions. The seminar pointed out that the Forum must be an active and useful tool however, it seems that it is not working very well. We need to improve the functioning of the Forum, primarily for the correspondents to be more active. The person posing questions would always like to get answers even if the answer is that there is no relevant case-law in a specific field. To reach this goal the list of national correspondents shall be updated. The Forum thus needs to appoint responsible persons in each Member State who will check new questions and reply to them regularly. Bur who should it be? Some members think that judges are not the appropriate group since they are loaded with their own work. The optimal solution would be that the advisors or lawyers working in the analytical and documentation services would monitor and answer the questions. However, some smaller courts have no such department or, they have only one person to deal with international affairs of the court; therefore they need to find the best practices to cope with the requirements of the Forum, e. g. to cooperate with judges or assistants.

The problem when to use the Forum should also be taken into account. The members of the seminar agreed that posing the question online shall be the last resort in order not to burden the national correspondents with too much work. Should the legal specialist find no relevant case-law, he/she can ask the Forum as an *ultima ratio* in handling their case. But to make the answer useful for the ruling on the case it must be given in a reasonable time (within weeks). A proposed special regime on urgent questions can be also introduced.

During the seminar some problems with logging in to the Forum were mentioned; password requirements and other technical matters were also discussed. The interesting point is that the EU Commission suggested providing a translation engine to ACA what would possibly eliminate the language barriers even on the Forum.

The second round table (Chr. Stassart, E. Thibaut, C. Butz) on databases maintained by ACA, JuriFast a DecNat, was focused on the contribution to JuriFast by ACA members. There are no obvious problems with DecNat database which is available in both French and English and accessible to all users. The main language is French in which the database is imported and translated into English.

After presenting some facts and figures related to both databases, the participants focused on the quality and usefulness of the summaries uploaded by the supreme jurisdictions. The conclusion is that the decisions to be summarized are always chosen by a group of people, mostly from the analytical and documentation services or EU law departments. In some countries the decisions are chosen by a judge or a judge has to approve the choice, eventually the judge himself/herself can summarize and upload the decision. Generally, it seems that picking and uploading the decisions is currently quite a standardised procedure that shows three possible channels through which the summaries are acquired: from the analytical departments, in collaboration with a judge or from judges themselves in case they have no technical or specialised staff. Several questions were raised: should judges make a summary themselves? The advantage of doing so in such a way is that a judge knows the decision best since he wrote it or gave the ruling. There are of course negative views since the judges have mostly no time to do so. The second question concerned the idea of uploading cases without any EU law element but still very interesting or important for the supreme jurisdiction. (e. g. free access to information). Most of the members agreed on that topic.

There is also another aspect that cannot be disregarded – that of the quality and usefulness of summaries. As we know, there are some formal requirements imposed on those who write the summaries. They shall be no longer than maximum 300 words but some member jurisdictions produce very long summaries; on the other hand some courts upload useless short documents that fail to fulfil the purpose of a summary, or send no summaries at all. The differences in the quality and length shall be eliminated. There will always be a difference in the number of uploaded decisions among the member jurisdictions, but each of them should focus on regular monitoring of their internal case-law database and choosing suitable cases for the JuriFast purposes. The ACA's General Secretariat has introduced the possibility to send summaries in the original language which will be translated into English by an agency.

Suggestions on improving JuriFast included the classification system. The existing system seems to be too broad and incomplete. One of the proposals was to create a working group that would be responsible for drafting a new classification system for JuriFast.

The JuriFast database is generally very successful and has been continuously developed since its launch in 2003. The key factors of its success are: direct supply from the member courts, reasonable timescale, direct access by users, final decision available after preliminary ruling of the ECJ, and direct link to DecNat.

The third round table (C. Butz, G. Debersaques, L. Dutheillet de Lamothe, A. Roztočil) was focused on the presentation of recent developments in E-Justice (facts and figures) and the use of electronic procedures in selected Member States (Belgium, France, Czech Republic). It seems that the progress has been very slow in the past five years. Nowadays there are too many different systems in the courts that are not compatible. Some of the users (parties to the proceedings, judges) have negative experience with these tools as they are very complicated from

the technical point of view; their software is not intuitive either. It seems that most of the electronic submissions are addressed to administrative authorities; many of them also transmit documents electronically on the "way back". Such transmission is possible via the Internet but also other more secure media. The courts and other bodies make use of electronic signatures, timestamps and other certificates. Generally, there is no exclusion of the type of the proceedings but some documents can be excluded from electronic submission (e. g. evidence).

For instance the system in Belgium, which was introduced in 2014, was developed in cooperation with the Belgian Bar, although not every court has the same system because of the character of the country. It is accessible to all parties and every party can opt in for the e-procedure – it is not an obligation but opting in is definitive for the case. There can be also a combination of physical evidence and electronic documents.

From the presentations of Belgian, French and Czech e-procedures I have made the -following conclusions: 1) the e-justice systems were launched with the goal to save money but the goal is not always reached (printing electronic documents in the Czech Republic), 2) the e-systems can deal with almost all contemporary digital formats, 3) recent development is not so fast as it was in the first stage since the introduction of the E-Justice programme until 2009, 4) the aim is to have a unified software environment and to share the data among the courts; it is sometimes difficult to achieve, 5) the effectiveness of the e-procedure can be sometimes questionable: some complainants can currently send their submissions or files to almost all the courts and administrative bodies without any costs or limits.

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