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Administrative Jurisdiction and e-Justice

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

Preliminary remark

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

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

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

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

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

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QUESTIONNAIRE

A. General information on the judicial system

A.1. Staff and bodies

Background:

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

| | |
|---|-------------|
| A.1.1. How many people are employed at your institution? | |
| Note: The employees envisaged are e.g. judges, other specialised legal staff, office employees or administrative staff. Persons working at your institution in roles which have no judicial content (for instance: caretakers, cleaning staff,) are <u>not</u> included. | |
| Number of persons: | 230 (1.412) |
| A.1.2. How many judges are there? | |
| Number of judges: | 85 (515) |
| A.1.3. How many other specialised legal staff are there? | |
| Number of other specialised legal staff: | 145 (897) |

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

Numbers in brackets show how many people (persons in general, judges and other specialised staff) are employed in the Provincial Administrative Courts (courts of first instance).

Numbers outside the brackets show employees of The Supreme Administrative Court (court of second instance).

A.2. Organisation

Background:

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

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

| | |
|---|-------------------------------------|
| <p>Predominantly autonomous administration/organisation of authorities/courts</p> <p><i>Note:</i> This means that there are no higher administrative authorities, and that the individual administrative units of the various judicial authorities in your country (e.g. the courts) are self-administering.</p> | <input checked="" type="checkbox"/> |
|---|-------------------------------------|

Other remarks re question A.2.1.:

In general, The Supreme Administrative Court is the court of second (and last) instance in the meaning of procedure and the President of this court have the same administrative position and competences as the Minister of Justice. Despite this, the Provincial Administrative Courts (which are courts of first instance) have wide self-administering competences. That's why we have chosen third answer.

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

Background:

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

A.3.1. All workplaces

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

Other remarks re question A.3.1.:

Given answers refer to The Supreme Administrative Court.

In the Provincial Administrative Courts workplaces are equipped with PCs, E-mail, Internet in 50 to 90 %.

Administrative courts do not use speech recognition at all.

A.3.2. Judges

| A.3.2. How many judges' workplaces are equipped with | | |
|---|-------------|-------------------------------------|
| PCs | < 10 % | <input type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input checked="" type="checkbox"/> |
| E-mail | < 10 % | <input type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input checked="" type="checkbox"/> |
| Internet | < 10 % | <input type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input checked="" type="checkbox"/> |
| Speech recognition | < 10 % | <input checked="" type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input type="checkbox"/> |
| Other remarks re question A.3.2.: Given answers refer to The Supreme Administrative Court. In the Provincial Administrative Courts judges' workplaces are equipped with PCs, E-mail, Internet in almost 90 %. Judges do not use speech recognition. | | |

A.3.3. Courtrooms

| A.3.3. How many courtrooms are equipped with | | |
|---|-------------|-------------------------------------|
| PCs | < 10 % | <input type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input checked="" type="checkbox"/> |
| E-mail | < 10 % | <input type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input checked="" type="checkbox"/> |
| Internet | < 10 % | <input type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input checked="" type="checkbox"/> |
| Speech recognition | < 10 % | <input checked="" type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input type="checkbox"/> |
| Other remarks re question A.3.3.: Given answers refers to both: The Supreme Administrative Court and the Provincial Administrative Courts. Speech recognition is not available in courtrooms. | | |

A.4. Networking (connectivity) of courts

Background:

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

| | | |
|---|--------------------------------|---------------------------------------|
| A.4.1. Are the computers in the various buildings in your institution networked with one another? Note: This refers to the internal networking of computer workstations. | | |
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Partially <input type="checkbox"/> |
| A.4.2. How are the administrative courts in your country networked with one another? Note: This refers to connections between different courts. | | |
| The courts are not networked: | | <input type="checkbox"/> |
| The courts are completely networked: | | <input checked="" type="checkbox"/> |
| The courts are only networked regionally: | | <input type="checkbox"/> |
| Other forms of network: Details: ... | | <input type="checkbox"/> |
| A.4.3. If networking is in place, how is it implemented technically? Please explain: | | |
| - We use encrypted VPN channels. - | | |

| |
|--|
| Other remarks re questions A.4.1. to A.4.3.: |
|--|

Note concerning the next question:

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

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

| |
|-----------------------------------|
| Other remarks re question A.4.4.: |
|-----------------------------------|

A.5. Technical back-up

Note concerning the next question:

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

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

| |
|---|
| Other remarks re question A.5.: |
| In some situations, external enterprise is responsible for technical back-up of workplaces. |

B. *Electronic documentation*

Background:

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

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

| |
|---|
| Other remarks re question B.1.1.: |
| In principle, there are no legally binding acts (in constitutional meaning), which would obligate and permit administrative courts to maintain documentation in electronic form. Despite this, there are other rules, so called internal acts (regulations) taken by the President of The Supreme Administrative Court, which allow administrative courts to maintain their documentation in electronic form. By "documentation" we understand only judgements, reasoning (justification), etc. We do not maintain whole judicial files in electronic form. |

Note concerning the next question:

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

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

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

Note concerning the next question:

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

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

| |
|---|
| Other remarks re question B.2.3.: Software developed specifically for judicial use: OSO system (internal base), CBOIS (internal and external base) |
|---|

Note concerning the next question:

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

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

| |
|--|
| Other remarks re questions B.3 From time to time judges prepare electronic form of such documents like: rulings, reasoning (justification). |
|--|

Note concerning the next question:

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

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

| |
|---|
| Other remarks re question B.4.1.: After particular period of time whole judicial files (in paper form) are destroyed. There are some exclusions. |
|---|

Note concerning the next question:

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

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

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

Other remarks re question B.5.1.:

Only judicial documents (such as ruling, reasoning, justification) made by courts may be inspected as indicated.

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

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

Other remarks re question B.5.2.:

Access is partially feasible because persons involved in proceedings but not directly employed in the judicial system can inspect only documents which are anonymous (without names).

B.5.3. Are there technical standards for inspection of electronic documents by persons involved in proceedings who are not directly employed in the judicial system?

B.5.4. Is compliance with technical standards required by law or under other rules?

Note: This means that the technical means of electronic inspection are subject to specific rules. Technical standards may e.g. take the form of specific data file formats, data storage media or software applications that have to be used.

| | | |
|---------------------------|--|---|
| Technical standards exist | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Examples: only web browser is required |
|---------------------------|--|---|

| | |
|---|--|
| Compliance with technical standards is required by law or under other rules | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not uniformly regulated <input type="checkbox"/> |
|---|--|

Other remarks re questions B.5.3. and B.5.4.:

Regulation N° 9 taken by the President of The Supreme Administrative Court on 11th July 2007 do not require compliance with technical standards. Web browser usage is natural consequence of possibility of access to judicial documents via Internet.

| | | |
|--|-------------|-------------------------------------|
| B.5.5. How often is document inspection by persons involved but not directly employed in the judicial system (parties, lawyers, etc.) already carried out electronically? | | |
| In the case of your institution | < 10 % | <input checked="" type="checkbox"/> |
| | 10 % - 50 % | <input type="checkbox"/> |
| | 50 % - 90 % | <input type="checkbox"/> |
| | > 90 % | <input type="checkbox"/> |

Other remarks re question B.5.5.:
 We do not have enough data in this field, so we can only estimate how often document inspection is carried out.

B.6.1. What experience do you have of the introduction of electronic documents within the judicial system? (You may make general comments here)

CBOIS [internal electronic base of all cases (and judicial documents) within administrative courts] - in function since 1st October 2007

OSO system (internal base of all cases within The Supreme Administrative Court) - in function since 1998

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

CBOIS [external electronic base of cases within administrative courts, in which only judicial documents are available (not whole files)] - in function since 1st October 2007. Access is granted via Internet (orzeczenia.nsa.gov.pl).

C. Electronic communication with persons involved in proceedings

Background:

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

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

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

C.1. Transmission of documents: electronic submission

Filing of electronic documents with courts

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

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

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

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

At the moment there are no legally binding acts (in constitutional meaning), which would create obligations for courts to deal with electronic form of documents filled by parties or lawyers. According to judicial administrative procedure, such documents (even electronically signed) have no legal power. However there are plans to include administrative courts and bind them with electronic form of documents.

Right now it's impossible to say in which direction legislative process will go, so we can't answer questions C.1.4-C.1.8.

C.1.4. For which types of individual proceedings not listed in the previous question is electronic filing of documents with courts and judicial authorities not permissible, and not planned?
Note: The question seeks to ascertain whether there are certain types of proceedings in your country which are generally considered unsuitable for the use of electronic communication methods.

Other remarks re question C.1.4.:

see other remarks re questions C.1.1. to C.1.3.

| | | |
|--|---------------------------------|--|
| C.1.5. Are there types of individual proceedings where electronic filing of documents with your institution is legally permissible in principle but where certain documents are excluded? | | |
| Note: The question seeks to ascertain whether there are certain types of documents which are generally considered unsuitable for electronic transmission in your country. | | |
| No <input type="checkbox"/> | Yes <input type="checkbox"/> | |
| | Proceedings | Type of document (e.g. notarial documents, opinions) |
| | | |
| | | |
| | | |

Other remarks re question C.1.5.:
 see other remarks re questions C.1.1. to C.1.3.

| | |
|---|--------------------------------|
| C.1.6. Where proceedings were initiated electronically or by conventional means, is it still possible to change the method of transmission at a later stage? | |
| Note: The question asks whether it is possible to switch from one communication method to another in the course of proceedings? | |
| Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Other remarks re question C.1.6.:
 see other remarks re questions C.1.1. to C.1.3.

Note concerning the next question :

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

| | |
|--|---------------------------------|
| C.1.7. Are there types of proceedings where persons involved who are not part of the judicial system are offered inducements for transmitting documents to the judicial authorities electronically? | |
| C.1.8. If so, for which types of proceedings does this occur and what inducements are offered? | |
| No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| | Proceedings |
| | Type of inducement |
| | |

| | | |
|--|--|--|
| | | |
|--|--|--|

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

see other remarks re questions C.1.1. to C.1.3.


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

In practice of Department of Judicial Information of The Supreme Administrative Court, electronic transmissions of documents by parties or lawyers sometimes occur. Such transmissions have no legal power, but the Department responds to them.

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

Transmission of electronic documents to outsiders

parties, lawyers,
etc.



←

courts

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

C.2.1. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for your institution to transmit documents in electronic form to persons involved in proceedings who are not part of the judicial system? If available: please indicate the rules or the law.

C.2.2. Has this been implemented technically?

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

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

| | | | | | | |
|---|--------------------------------|---------------------------|--|---------------------------------|------|--|
| Administrative enforcement proceedings <i>No proceedings available</i> <input type="checkbox"/> | No <input type="checkbox"/> | Yes, since: Title: | Law / other rules planned <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> | from | < 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/> |
| Other proceedings | | | | | | |
| - | | Yes, since: Title: | Law / other rules planned <input type="checkbox"/> | Yes <input type="checkbox"/> | from | < 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/> |
| - | | Yes, since: Title: | Law / other rules planned <input type="checkbox"/> | Yes <input type="checkbox"/> | from | < 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/> |

Other remarks re questions C.2.1. to C.2.3.:

At the moment there are no legally binding acts (in constitutional meaning), which would allow and oblige courts to send documents in electronic form to parties or lawyers.

As mentioned above (see other remarks re questions C.1.1. to C.1.3), legally binding electronic “way back” is planned. Right now it`s not possible to say in which direction legislative process will go. We can`t answer questions C.2.4-C.2.5.

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

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

| |
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| |
| |
| |
| |

Other remarks re question C.2.4.:

| |
|--|
| |
| |
| |
| |

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

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

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

Note concerning the next question:

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

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

Other remarks re questions C.3.3. to C.3.6.:

It will be regulated in legally binding act.

Note concerning the next question:

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

| C.3.7. Which technical solution is used for the electronic transmission of documents between the judicial system and persons involved in proceedings who are not part of the judicial system? More than one field may be ticked. | | | |
|--|-------------------------------------|--|---------------------------|
| C.3.8. How widely used is the software? | | | |
| Origin of the technical solution | | | Extent of its use |
| Standard market software | <input checked="" type="checkbox"/> | Examples: MS OFFICE standard e-mail clients | approximately 20 % |
| Software developed specifically for judicial use | <input checked="" type="checkbox"/> | | approximately 80 % |
| Other software | <input type="checkbox"/> | Please give details: ... | % |

Other remarks re questions C.3.7. and C.3.8.:

Software developed specifically for judicial use: CBOIS (external base);

C.4. Signatures

Signatures Directive :

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

| C.4.1. How does your institution ensure the authenticity and integrity of the data sent in the course of electronic communication between courts, judicial authorities and persons involved in proceedings who are not part of the judicial system? For what types of document are such protection techniques particularly used (e.g. applications initiating proceedings)? | | | |
|---|-------------------------------------|--------------------------|------------------------------|
| | No | Yes | Type of document / Procedure |
| Simple signature within the meaning of Article 2, point 1, of the Directive 1999-12-13 of the European Parliament and of the Council on a Community framework for electronic signatures (Signatures Directive). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Advanced electronic signature within the meaning of Article 2, point 2, of the Signatures Directive. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Advanced electronic signature within the meaning of Article 5(1) of the Signatures Directive (qualified signature) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Other protection techniques: | | | |
| | | <input type="checkbox"/> | |
| | | <input type="checkbox"/> | |
| Other remarks re question C.4.1.: | | | |
| Right now administrative courts are excluded from process of ensuring authenticity and integrity of the data sent in the course of electronic communication. There are plans to include courts with such procedures and requirements. | | | |

C.5. Video-conferencing

Background:

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

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

C.5.2. Has this been implemented technically?

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

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

Other remarks re questions C.5.1. to C.5.3.:

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

No

Yes
 Please describe your experience: ...

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

-

D. Presence on the internet of the judicial system

Background:

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

| D.1.1. Is there a national home page on which the courts make information available | | |
|--|-------------------------------------|---|
| No <input type="checkbox"/> | Planned <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> |
| | | URL: www.nsa.gov.pl |
| D.1.2. Is there a national home page on which the Ministry of Justice (or other Ministries) makes information available? | | |
| No <input type="checkbox"/> | Planned <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> |
| | | URL: www.ms.gov.pl |

Other remarks re questions D.1.1. and D.1.2.:

Administrative courts are not dependent on Ministry of Justice.

D.1.3. If courts and the Ministry of Justice (or other Ministries) do have national home pages, what information is made available electronically?

| Content: | No | Own editorial contributions | Links to foreign websites |
|--------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Structure of the judicial system | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Lists of courts | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Lists of other judicial institutions | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Legislative measures | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judgments | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Literature (essays and the like) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Register databases | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Forms for printing out | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Forms for electronic transmission | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other information | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

D.2.1. Insofar as court judgments are posted on the internet, are they first rendered anonymous?
N.B.: This means that the names and addresses of the persons involved in the proceedings are removed/rendered unrecognisable.

| | |
|--|--------------------------------|
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|--|--------------------------------|

Other remarks re question D.2.1.:

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

N.B.: This means that the complete text of the judgments can be viewed and downloaded free of charge.

| | |
|--|--------------------------------|
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|--|--------------------------------|

E. Prospects

Background:

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

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

| |
|--|
| |
|--|

F. Other remarks

Background:

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

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

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