

## **NOTE**

In view of the Association's seminar on the development of eJustice in May 2009, member institutions will find hereafter a questionnaire for the purpose of taking stock of the present situation concerning "eJustice" in their respective countries and institutions.

Member institutions are invited to give their answers to this questionnaire by ..... to the Secretary - general (Email: -----)

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

## **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 "eJustice", 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 eJustice. 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 eJustice developments within the member organisations of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union.

## **Note**

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: Tel.: 0049-341/20071600  
E-mail: Cornelie.Butz@bverwg.bund.de

**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.

<b>A.1.1. How many people are employed at your institution?</b>	
<b>Note:</b> 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:	240
<b>A.1.2. How many judges are there?</b>	
Number of judges:	55
<b>A.1.3. How many other specialised legal staff are there?</b>	
Number of other specialised legal staff:	18

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

## A.2. Organisation

### Background:

We assume that a country's organisational and administrative structures influence the implementation and development of eJustice 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?	
<b>Predominantly centralised administration/organisation of authorities/courts</b> <i>Note:</i> This means that a central authority (e.g. a federal ministry) administers the individual administrative units (e.g. courts).	<input type="checkbox"/>
<b>Predominantly decentralised administration/organisation of authorities/courts</b> <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).	<input checked="" type="checkbox"/>
<b>Predominantly autonomous administration/organisation of authorities/courts</b> <i>Note:</i> This means that there are no higher administrative authorities, and that the individual administrative units of the various judicial authorities in your country (e.g. the courts) are self-administering.	<input type="checkbox"/>

Other remarks re question A.2.1.:

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

Background:

The aim of questions A.3.1. to A.3.4. 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 eJustice.

#### A.3.1. All workplaces

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

### 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.:		

### 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 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 type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>

Other remarks re question A.3.3.:

There are no PCs in the courtrooms and no possibilities for speech recognition.

There are limited facilities for laptop usage, but only for court staff.

### 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 checked="" type="checkbox"/>
The courts are completely networked:	<input 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:

-
-

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 type="checkbox"/>	No, predominantly <input checked="" 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 Please give details:	<input type="checkbox"/>

Other remarks re question A.5.:



## **B. Electronic documentation**

### Background:

Electronic documentation is an important element in concepts of eJustice. 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>B.1.1.</b> 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: ...
<b>Note:</b> 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.:
-----------------------------------

### 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.

Legal provisions		Percentage use
Judicial documentation is maintained electronically in its entirety <input type="checkbox"/>		%
<b>Note:</b> This means that documentation is paperless in your country		
Only metadata are maintained electronically; the actual documents are maintained in paper form <input checked="" type="checkbox"/>		80 %
Judicial documentation is maintained electronically in its entirety, and also on paper <input checked="" type="checkbox"/>		20 %
Other option <input type="checkbox"/> <i>Please explain: ...</i>		%

Other remarks (e.g. exceptions) re questions B.1.2. to B.1.3.:

Data above applies to Federal Administrative Court.

B.1.4. Are there types of procedure in which documentation <i>must</i> , by law, be maintained in electronic form by the authorities or courts?	
No <input type="checkbox"/>	
Yes <input checked="" type="checkbox"/> in the following types of procedure: ... a) Since January 2007 register entries according to Commercial Code regulations are to be filed only electronically.	
b) Since December 2008 applications by lawyers for dunning procedures need to be filed	

electronically.

Other remarks re question B.1.4.:

Note concerning the next question:

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

**B.2.1. Do technical standards exist for electronic documentation within the judicial system?**

**B.2.2. Is compliance with technical standards required by law or under other rules?**

Mandatory technical standards exist    Yes        Examples: OSCI (Online Service Computer Interface) is a data transport specification and is used for the electronic mail box (EGVP= elektronisches Gerichts- und Verwaltungspostfach)

No   

Compliance with technical standards is required by law or under other rules

Yes   

No   

No uniform regulations   

Other remarks re questions B.2.1. and B.2.2.:

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

Other remarks re question B.2.3.:

Windream is an electronic document management system and is used in a pilot project at the Federal Administrative Court.

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>B.3</b> 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

Data above applies to Federal Administrative Court.

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.:

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"/> Practised by district courts (for instance LG Stuttgart, Baden Württemberg ) via electronic mail box (EGVP) Exceptions: ...	No <input type="checkbox"/>
Direct access to the document via an internal network	Yes Exceptions: ...	No <input checked="" type="checkbox"/>
Direct access to the document via a public network (e.g. Internet)	Yes: <input checked="" type="checkbox"/> Practised by administrative courts in Rhineland-Palatinate Exceptions: ...	No <input type="checkbox"/>
Other inspection possibilities: - -	Lawyers receive documents on DVD by public prosecutors	



In the case of your institution	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>

Other remarks re question B.5.5.:

In the case of the Federal Administrative Court this is not possible up to now.

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

Within the Federal Administrative court the system in place is technically working fine, but does not have many users so far. Interest in the system amongst judges is slowly increasing.

**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)

None.

### ***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*

```

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

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

**C.1.1.** In which types of proceedings is it legally permissible, or are legislative or other rules planned, for documents to be filed with courts in electronic form? If already available: please indicate the rules or the law.

**C.1.2.** Has this been implemented technically within your institution?

**C.1.3.** Which percentage of documents are filed electronically?

Proceedings	Admissibility	Technical implementation	Use in %
-------------	---------------	--------------------------	----------



<b>Administrative court proceedings</b>  <i>No proceedings available</i> <input type="checkbox"/>	No  <input type="checkbox"/>	Yes, since:  December 2004  for the Federal Administrative Court  Title: Verordnung über den elektronischen Rechtsverkehr beim BVerwG und beim BFH	Law / other rules planned  <input type="checkbox"/>	Yes  <input checked="" type="checkbox"/>	from	< 10 % <input checked="" type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
<b>Administrative enforcement proceedings</b>  <i>No proceedings available</i> <input type="checkbox"/>	No  <input checked="" 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"/>

<b>Financial court proceedings</b>  <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since: Same as Federal Administrative Court Title: Same as BVerwG	Law / other rules planned <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	from	< 10 % <input checked="" type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
<b>Social court proceedings</b>  <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since: December 2006 Title: Rechtsverordnung über den elektronischen Rechtsverkehr beim BSG	Law / other rules planned <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	from	< 10 % <input checked="" type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>

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

**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.

For criminal law proceedings electronic filing of documents is not permitted and not planned.

Other remarks re question C.1.4.:

**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 ✓	Yes <input type="checkbox"/>	
	Proceedings	Type of document (e.g. notarial documents, opinions)

Other remarks re question C.1.5.:  
 No documents are excluded, but the format of the data is limited to ASCII, Unicode, RTF, PDF, XML, MS Word and Open Office.

**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 ✓	No <input type="checkbox"/>
----------	--------------------------------

Other remarks re question C.1.6.:

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.

<b>C.1.7.</b> 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? <b>C.1.8.</b> If so, for which types of proceedings does this occur and what inducements are offered?		
No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	
	Proceedings	Type of inducement
	Administrative court proceedings	The number of copies of sometimes extensive documents handed over to the court by one of the parties is reduced

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

<b>C.1.9.</b> 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)
The electronic mailbox (EGVP) is working fine, but there are few users so far. The number of lawyers using this mailbox is increasing slowly.

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

*Transmission of electronic documents to outsiders*

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

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

**C.2.2.** Has this been implemented technically?

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

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

<b>Finance court proceedings</b>  <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since: Same as admin. court proceedings  Title: Same as admin. court proceedings	Law / other rules planned <input type="checkbox"/>	Yes  <input checked="" type="checkbox"/>	from	< 10 % <input checked="" type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
<b>Social court proceedings</b>  <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since:  Title:	Law / other rules planned <input type="checkbox"/>	Yes  <input checked="" type="checkbox"/>	from	< 10 % <input checked="" type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
<b>Other proceedings</b>						
Civil law proceedings		Yes, since: Same as above  Title: Same as above	Law / other rules planned <input type="checkbox"/>	Yes  <input checked="" type="checkbox"/>	from	< 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
Patent law proceedings		Yes, since: Same as above  Title: Same as above	Law / other rules planned <input type="checkbox"/>	Yes  <input checked="" 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.:

Percentage for civil and patent law proceedings not known.

**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.

For criminal law proceedings electronic transmission of documents is not permitted and not planned.

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 ✓	Yes <input type="checkbox"/>	
	Proceedings	Type of document (e.g. notarial documents, opinions)

Other remarks re question C.2.5.:

**C.2.6.** What experience do you have of electronic transmission of documents by the judicial authorities to persons involved in proceedings who are not part of the judicial system? (You may make general comments here)

At the Federal Administrative Court electronic transmission of documents to persons involved in proceedings runs technically without problems, but so far demand by lawyers has been very low.

**C.3. Further comments on electronic communication**





Yes <input type="checkbox"/>		No, not necessarily <input checked="" type="checkbox"/> <b>N.B.</b> Please elaborate in your answer to question C.3.7.
<b>C.3.5.</b> 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"/>
<b>C.3.6.</b> 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 checked="" type="checkbox"/>	Other solution (Please indicate): <input type="checkbox"/>

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

Data files can be sent in XML-format.

Standard for meta data exists (XJustiz), but is only recommended,

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.

<b>C.3.7.</b> 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.		
<b>C.3.8.</b> How widely used is the software?		
Origin of the technical solution		Extent of its use
Standard market software	<input type="checkbox"/> Examples: ...	%

Software developed specifically for judicial use (mailbox)	<input checked="" type="checkbox"/>	(for electronic)	70 %
Other software	<input type="checkbox"/>	Please give details: ...	%

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

#### C.4. Signatures

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 of the European Parliament and of the Council on a Community framework for electronic signatures (Signatures Directive).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If communication between court and lawyers is not important for the outcome of the case, simple signature can be used.
Advanced electronic signature within the meaning of Article 2, point 2, of the Signatures Directive.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	same as above.
Advanced electronic signature within the meaning of Article 5(1) of the Signatures Directive (qualified signature)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	-Necessary for the judgement (by the judge) and the application of the complaint (by the lawyer).

Other protection techniques:			
		<input type="checkbox"/>	
		<input type="checkbox"/>	

Other remarks re question C.4.1.:

### 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: Not known Title: Not known	Law/other rules planned <input type="checkbox"/>	Yes ✓	from	< 10 %	<input type="checkbox"/>
<b>Administrative court proceedings</b> <i>No proceedings available</i> <input type="checkbox"/>	<input type="checkbox"/>					10 % - 50 %	<input type="checkbox"/>
						50 % - 90 %	<input type="checkbox"/>
						> 90 %	<input type="checkbox"/>

<b>Administrative enforcement proceedings</b> <i>No proceedings available</i> <input type="checkbox"/>	No <input checked="" 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"/>
<b>Financial court proceedings</b> <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since: 2002 Title: Not known	Law/other rules planned <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	from	< 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
<b>Social court proceedings</b> <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since: Not known Title: Not known	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"/>
<b>Other proceedings</b>						
.....		Yes, since:  Title:	Law/other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>
.....		Yes, since:  Title:	Law/other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % <input type="checkbox"/> 10 % - 50 % <input type="checkbox"/> 50 % - 90 % <input type="checkbox"/> > 90 % <input type="checkbox"/>

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

Witnesses can testify by using video-conferencing.

The Federal Administrative Court has the technical equipment in place, but does not use its video-conferencing facility.

**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: No 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)

No experience.

***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.

<b>D.1.1.</b> Is there a national home page on which the courts make information available		
No ✓	Planned <input type="checkbox"/>	Yes <input type="checkbox"/>
		URL:
<b>D.1.2.</b> Is there a national home page on which the Ministry of Justice makes information available?		
No <input type="checkbox"/>	Planned <input type="checkbox"/>	Yes ✓

	URL: <a href="http://www.bmj.de">www.bmj.de</a> <a href="http://www.justiz.de">www.justiz.de</a>
--	---

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

On the federal level, there is no homepage on which the courts make information available. This exists only on the state level.

**D.1.3.** If courts and the Ministry of Justice 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 type="checkbox"/>
Lists of courts	<input type="checkbox"/>	<input type="checkbox"/>	✓
Lists of other judicial institutions	<input type="checkbox"/>	<input type="checkbox"/>	✓
Legislative measures	<input type="checkbox"/>	<input type="checkbox"/>	✓
Judgments	<input type="checkbox"/>	<input type="checkbox"/>	✓
Literature (essays and the like)	<input type="checkbox"/>	<input type="checkbox"/>	✓
Register databases	<input type="checkbox"/>	<input type="checkbox"/>	✓
Forms for printing out	<input type="checkbox"/>	<input type="checkbox"/>	✓
Forms for electronic transmission	<input type="checkbox"/>	<input type="checkbox"/>	✓
Other information	<input type="checkbox"/>	<input 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 ✓	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 ✓	No □
----------	---------

### ***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 eJustice concepts in your country.

**E.1.** General remarks on the situation regarding IT use in the judicial system or on planned eJustice concepts in your country

There is no federal concept, but individual concepts on state level.

### ***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)



Thank you very much for your cooperation

