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Litigation & Arbitration

Digitization of proceedings
conducted before **EU Courts**

Newsletter



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Introduction

This Newsletter sets out to provide an overview of the status of litigation digitization in Europe. As will be seen from the different contributions, the stage of development of justice digitization varies widely across jurisdictions. Still, it is very encouraging to see that digitization in litigation is becoming a reality in all European jurisdictions. Digitization is essential because it is a powerful instrument that can facilitate the conduct of litigation, whilst also allowing quick access to files and simplifying research. In this sense, the COVID pandemic showed us the need to take litigation digitization seriously to avoid an excessive reliance on paper and attempt to avoid the need to physically attend hearings and other procedural actions intended to be conducted orally.

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European Union

Digitization of proceedings conducted before EU Courts



e-Curia

European Union courts have been early in recognizing the potential of digital tools in court proceedings. As early as 2018, the European courts launched e-Curia, the electronic tool of the European courts, and made its use in proceedings mandatory.

All procedural documents must now be filed electronically using the e-Curia application.

The physical signing of procedural documents is replaced by the use of a personal username and password for filing documents in the e-Curia application, which is equivalent to a signature. This is intended to guarantee the authenticity of the document. By providing their personal username and password, representatives take responsibility for the content of the documents they submit.

e-Curia also constitutes the sole means of communication between the European courts and the parties. Service of all documents by the European courts is also made through the e-Curia application.

Attending Hearings by Videoconference

If a party's lawyer is unable to attend a hearing, he or she may request to appear via videoconference. This request, however, will only be granted if there are serious reasons, including health, safety, or other substantial considerations, preventing a party's lawyer from attending in person. The President of the Chamber shall inform the parties of the Court's decision on the use of videoconferencing.

If the request is approved, technical and interpreting tests will be conducted in advance. Only if these tests are successful may the hearing be conducted by videoconference and the parties will be notified accordingly. If the tests are unsuccessful, a normal hearing will be held.

Recording the Hearing

Only upon formal request to the President may a party obtain a recording of the hearing. It is a precondition that the party has taken part in the oral or written stage of the proceedings. The sound of the recording will be in the language used by the speakers at that hearing.

Conclusion

The General Court of the European Union has moved rapidly to digitize court proceedings through the mandatory use of e-Curia, a digital platform for all communications to and from the European courts. The European courts also allow videoconferencing for hearings, but this is mainly intended to provide a solution for lawyers who cannot physically attend.



Roeland Moeyersons

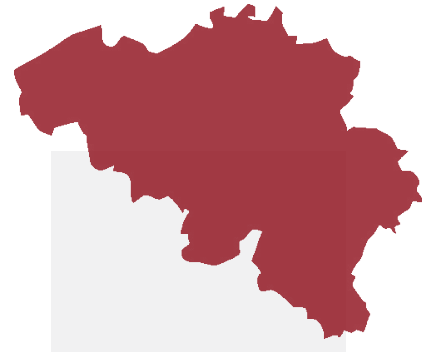
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| Belgium



Digitization of Belgian judicial proceedings

Society is going digital fast, and the Belgian Ministry of Justice is striving to keep up with this trend. Below we provide an overview of the major digital innovations in Belgium in the context of judicial proceedings.

Filing written pleadings and other documents

In 2015, Article 32ter was added to the Belgian Judicial Code. This provision created the legal framework for the digital filing of written pleadings, and as of 2018, it is indeed possible to file written pleadings with the courts via the e-deposit platform. At present, the digital filing of written pleadings is not yet available in criminal and juvenile cases, but it is envisaged that the e-deposit platform will be further expanded to include all courts and cases.

The law expressly provides that written pleadings filed via e-deposit do not need to be signed, as the e-deposit login procedure includes a verified identification of the user.

Currently, e-deposit can also be used for filing motions and sending letters to the court.

Public hearings conducted remotely

A bill on the use of videoconferencing in court proceedings is still awaiting approval in Parliament. If passed, it would provide a legal foundation for the use of videoconferencing in both civil and criminal cases.

Videoconferencing is not intended to replace physical hearings. Judges and parties would still be able to decide whether a hearing should take place electronically, in person or in some hybrid format.

Although as yet there is no legal framework formally authorizing the use of videoconferencing in court, several courts have begun to use videoconferencing in addition to or as an alternative to in-person hearings.

Recording of the public hearing

In Belgium, there is currently no legal framework for recording court hearings.

Just-on-web

The Belgian Constitution stipulates that court rulings must always be handed down in open court. As part of the digitization of court proceedings, in 2019 the term "public hearing" was replaced with "hearing." As a result, the option of uploading a court ruling to an online platform does now qualify as a legally valid method of delivering a court decision.

In 2021, the Ministry of Justice launched Just-on-web. This portal serves as the overall platform for the digitization of

Belgian courts. E-filing has been integrated into this Just-on-web platform. Moreover, court rulings can be accessed online via Just-on-web, although this is currently limited to judgments of the lower courts. Eventually, all judgments and decisions will be made available to parties through Just-on-web.

In the long term, it is even intended to make all judgments publicly available via Just-on-web, and that a powerful search engine will be added. For obvious privacy reasons, any judgments that are to be made publicly available will first be anonymized.

In addition to the digital availability of judgments through Just-on-web, in 2023 the Belgian Ministry of Justice launched the digitization of criminal court files with a view to providing digital access to criminal files for consultation.

Such digital access is also made possible through Just-on-web. At present, the first batch of criminal files is available online for the parties and their lawyers.

Although this is not formally regulated by law, we have found that in recent years the courts have been increasingly sending letters and copies of their rulings and decisions by e-mail as opposed to sending them by post.

Conclusion

As in other jurisdictions, Belgium's digitization of the justice system is currently underway. As part of this process, paper documents are being replaced by digital copies, and court documents can be exchanged and consulted via Just-on-web.

Perhaps because Belgium is a relatively small country and distances are less of an issue, the digitization of court proceedings is moving at a slower pace than elsewhere.



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Croatia



Electronic communication in civil proceedings

Croatia's current model of civil procedure digitization was established on the basis of a comprehensive amendment to the Code of Civil Procedure, the aim of which was to introduce a unified digitization system of civil cases. This model includes the establishment of NIAS, an electronic platform and the implementation of general regulations allowing the use of IT in general exploratory and enforcement proceedings. Modernizing and improving the efficiency of the courts will reassure citizens that their rights will be respected and that the courts will be impartial.

Electronic filing

Pursuant to Article 106.a of the Code of Civil Procedure:

- legal entities, public bodies (including state attorneys), lawyers, notaries, court experts, appraisers, and interpreters; bankruptcy trustees, and commissioners must submit their communications to the court electronically.
- Other than the above, electronic communication with the court office is entirely discretionary.

Several remote communication platforms and tools have been put in place in Croatia's judicial system, the use of which varies depending on the type of court or case.

As mentioned above, electronic filings are made via NIAS through which access to "e-Communication" is available subject to unique user identification. "e-Communication" is a web-based application that allows individuals to communicate electronically with the courts and to submit to and receive documents from the court electronically, and to check the status of files. Upon successful authentication of their identities, submissions are filed by the parties in PDF format using a certified electronic signature, which is legally equivalent to a handwritten signature.

IT tools and platforms

In addition to "e-Communication", there are other systems and platforms available offering digitized legal services. All courts in Croatia are connected through an integrated information system called "e-Filing" (e-Spis). The e-Filing system is connected to other systems, i.e. court register, personal records identification numbers, unique register of persons, e-BulletinBoard (e-oglasna ploča suda), criminal records, and the state attorney's office system. It is used for recording and monitoring data in court cases.

"e-Case" (e-Predmet) on the other hand, is a platform for parties to access information on the status of their court cases. It is a public and free service for parties, lawyers and other interested persons involved in court proceedings. This information includes the dates of past and scheduled hearings, the parties' initials, and a list of the actions taken during the proceedings, together with a brief description and the initials of the party that initiated the case.

"e-BulletinBoard" (e-Oglasna ploča sudova) is a free public service platform on which courts publish their rulings in PDF format and make them available to the public. Via a central search engine, it is possible to search for published decisions and other documents issued by municipal, county, commercial and administrative courts, the Tax Agency in enforcement proceedings and notaries.

Enforcement proceedings have also been digitized in recent years. Creditors may submit enforcement requests to notaries via the e-Enforcement (e-Ovrhe) system. This applies only to enforcement proceedings initiated on the basis of invoices, extracts from the Commercial Register and other documents specified in the Croatian Enforcement Act. Creditors in receipt of an enforcement decision may apply to the Croatian Financial Agency via the e-Enforcement system for enforcement of the court order against the debtor's bank accounts (i.e. seizure of funds from the debtor's bank accounts).

Remote hearings

The use of remote hearings was introduced in the wake of the COVID-19 pandemic.

Article 115 of the Code of Civil Procedure introduces the possibility of holding remote public hearings by means of videoconferencing.

According to this article, certain judicial procedures can be carried out away from court premises in certain cases, e.g. for reasons of convenience or to economize on time and costs.

Remote hearings and the submission of evidence by remote means must allow all participants in the proceedings to communicate in real time, making themselves visible to the presiding judge and ensuring a stable Internet connection.

Recordings of a public hearing

Pursuant to Article 126.a of the Croatian Code of Civil Procedure, the court on its own initiative or at the request of the parties shall decide on the electronic recording of a hearing. Out-of-court settlements, out-of-court proceedings, and proceedings held outside the courthouse are not recorded.

The established method of court recording involves first making an audio recording of all statements and testimonies of the parties to the proceedings, after which the recordings are transcribed by court staff. The audio recording of the hearing is made available to the parties and is an integral part of the court file. The parties may request a transcript of the electronic record.



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Czech Republic

Progressive Digitization of Civil Proceedings

Over the past few years the Czech Republic has been engaged in a gradual digitization of the justice system. The process is primarily taking place as a result of a number of projects implemented by the Ministry of Justice of the Czech Republic. As far as civil litigation is concerned, these projects focus primarily on the digitization of court records and the possibility of using videoconferencing in court proceedings.

Electronic Payment Orders

The possibility of issuing an electronic payment order was introduced in the Czech legal system as early as 2008. An electronic payment order is a special form of court order in civil proceedings issued at the request of the claimant. The procedure for issuing an electronic payment order is conducted electronically. It is a more cost-effective and faster alternative to the standard civil procedure. A claimant may apply for an electronic payment order where the value of the claim against a defendant does not exceed CZK 1,000,000 (approximately EUR 40,000). The application for an electronic payment order is submitted electronically on a special form using a special application. In the request, the claimant must set forth all relevant facts and attach documentary evidence available to substantiate the claim. If the facts as set out in the application show that the asserted right exists, the court will issue an electronic payment order. The order requires the defendant to pay the amount of the claim no later than 15 days after service of



the order. The defendant may file an objection to the electronic payment order within the above 15-day period. If the defendant files an objection, the electronic payment order is set aside and the court proceeds to decide the case according to the standard procedures.

Use of Videoconference in Civil Litigation

The COVID-19 pandemic showed the importance of allowing certain procedural acts to be conducted via videoconferencing. This possibility was introduced into the Code of Civil Procedure in 2017. In general, videoconferencing may be used to assist a party or an interpreter to attend a court hearing or to examine a witness or expert. The Court may use videoconferencing equipment only at the request of a party or where it finds it appropriate to do so. If videoconferencing is used, an officer of the court designated by the presiding judge must verify the identity of the person attending. Typically, videoconferencing is used to examine a party or a witness whose physical appearance in the courtroom is problematic, e.g. through imprisonment or health issues. However, videoconferencing will generally not be appropriate for the examination of a material witness whom the court needs to see in person.

Procedural Acts in Electronic Form

In general, the parties may file electronic submissions in three ways, namely: via e-mail, data box or via the web interface of the Ministry of Justice of the Czech Republic. Submissions can be made in standard data formats such as PDF, PDF/A, DOC, DOCX or XLS. The most commonly used method of electronic filing is via a data box. This system is guaranteed and secured by the state. A data boxes is set up by the Ministry of the Interior on request or as a mandatory requirement for certain persons. E-mail filings must be accompanied by a recognized electronic signature. If this is not the case, an identical document must be submitted to the court in paper form or via a data box within 3 days. Otherwise, the court will not consider the submission. Filing via the Ministry's web interface is done through interactive electronic forms and, as in the case of e-mail filing, must be accompanied by a valid, recognized electronic signature.

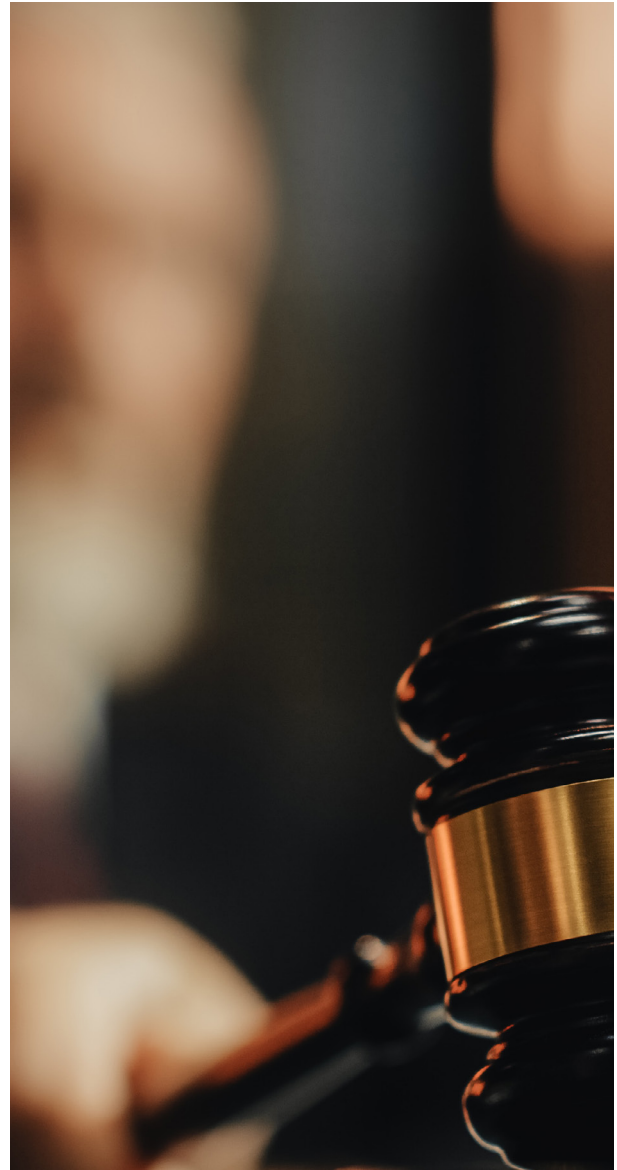
Paying Court Fees via QR Codes

Court fees in applications for electronic payment orders and filings to public registers, such as the Commercial Register, may be paid using QR codes.

Digital Court Files

Digitization will also eventually extend to court files. At present, case files are kept only in paper form. This means that if the parties wish to access any court documents on file, they must physically show up at the courthouse. This is expected to change in the coming years, as court records will become available in electronic form,

accessible via the Internet. A first step, to be implemented in 2024, is the digitization of insolvency proceedings.



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Finland

Digitization of Courts (E-Courts) in Finland

Overview

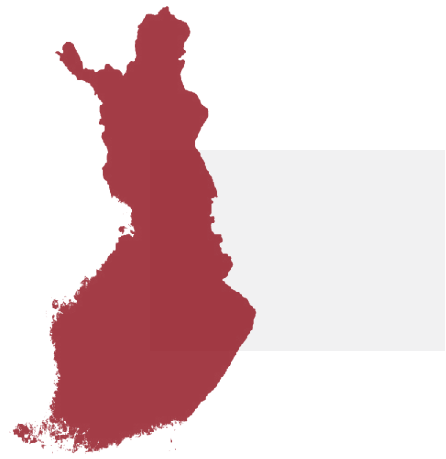
Finland is committed to improving the efficiency, accessibility, and transparency of its justice system through digital transformation. Initiatives such as AIPA, HAIPA, and HILDA (described in more detail below) underscore the commitment to seamlessly integrate electronic methods into legal proceedings.

Legal Framework

In 2019 the Finnish legal system was updated to improve efficiency and transparency via a number of amendments to the Code of Judicial Procedure (4/1734) and the Criminal Procedure Act (689/1997), among others. Certain legislation, such as the Law on Electronic Services and Communication in the Public Sector (13/2003), supports the transition by facilitating electronic interactions in legal proceedings. Guidelines from authorities such as the National Courts Administration and the Finnish Bar Association further assist the transition to a digital environment.

Electronic Communication

The move towards electronic communication in legal proceedings signals a paradigm shift in Finland. For example, AIPA is a project that facilitates the transition from paper-based legal proceedings to digital methods in general courts. The system has been operational



since 2017 and is gradually expanding in scope. The project is scheduled to be fully implemented by June 2024, with the addition of criminal cases. Currently, the AIPA system processes and resolves summary fine cases of the National Prosecutor's Office and secret coercive measures and petitions cases of the District Courts, as well as major litigation and protective measures cases. In addition, the General Courts and the Public Prosecutor's Office have access to AIPA's document management features via what mini-AIPA functions. In civil summary cases, such as uncontested debt claims, digital filing is already mandatory for individuals other than those acting in their private capacity.

An electronic system similar to AIPA in the general courts, HAIPA, has already been implemented in administrative and special courts. Using strong electronic authentication, the parties can interact on the platform with different authorities, including courts and other official bodies such as the Enforcement Agency. The system provides real-time updates on the progress of cases and allows individuals, companies and organizations to submit complaints, applications or other documents and to respond to requests for a hearing before the court. The court may use HAIPA to communicate decisions, requests for hearings, and other documents.

The electronic transmission of documents requires strong electronic authentication, and it is important to adhere to guidelines for naming electronic documents.

The HILDA initiative, led by the Finnish Ministry of Justice, is intended to transition from paper-based to electronic case management within the judicial administration. The project, which started in April 2016 and was completed in December 2023, sought to implement unified and modernized practices for handling administrative matters. Focusing on the justice administration, HILDA was dedicated to improving efficiency, transparency, and data security through the use of case management electronic methods. Upon completion of the initiative at the end of 2023, an e-service was made available to the legal administration, mostly for handling administrative cases. In the next phase, the goal is to enhance and harmonize the processing of administrative cases in the sector's agencies.

Remote Hearings, Evidence, and Records

Since 2003, Finland has gradually promoted remote access to court proceedings. Initially, telephone or other means of communication were allowed for preparatory hearings in civil cases and disputes and for the taking of oral evidence in certain circumstances. Since 2006, it has also been possible to hold preparatory hearings in criminal cases remotely.

In 2016, the provisions of the Code of Judicial Procedure were updated and the option of conducting hearings by video link was introduced. In 2019, this possibility was extended to all parties in civil and criminal cases. Digital hearings became more

common in Finland during the Covid-19 pandemic in 2020. Remote access is available over the preparatory meeting and during oral hearings, where parties may also take part remotely. Specific conditions vary from case to case.

The rules also provide for the use of video and telephone communications for the purpose of giving evidence at oral hearings, for reasons of illness, cost or difficulty in attending in person. The rules also cover issues of detention and secret coercion. There are no specific legal provisions on the participation of a judge in an oral hearing accessed remotely.

Some criticism has been levelled at the absence of a modern electronic official document exchange system. Exchanging documents by e-mail can be a challenge in situations where there is a substantial amount of evidence to be submitted, which gives rise to problems in sending large digital documents by e-mail.

Electronic Judgements

Information about judgments in general, administrative, and special courts is sent by email, and the judgment is available electronically. However, such e-mails are secured and judgments are accessible only through strong electronic identification. Electronic judgments are part of an ongoing digitization of the judicial process, contributing to the shift away from paper-based documents and records.

Conclusion

Finland's path to digitizing the judicial process has been steady and includes electronic communication, remote hearings, and electronic judgments. While the

legal framework and initiatives such as AIPA, HILDA, and HAIPA provide a good foundation, addressing financial and practical challenges such as funding and ensuring ongoing updates to legislation are crucial for successful integration into the country's legal practice.



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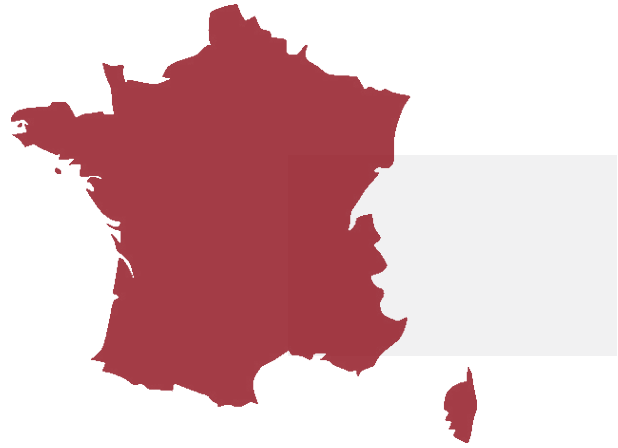


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France



Progressive digitalization of civil litigation in France

The legal framework for the digitization of civil litigation in France has been defined by successive regulations, including Decree No. 2005-1678 of December 28, 2005, Acts No. 2009-526 of May 12, 2009, No. 2016-1547 of November 18, 2016, No. 2019-222 of March 23, 2019, Decree No. 219-1333 of December 11, 2019, and Act No. 2021-1729 of December 22, 2021, all of which seek to simplify, clarify and expedite proceedings, in particular through the use of digital technologies.

The digitization of civil litigation includes the filing of actions before the courts, the service of documents, the consultation of files.

The electronic communication system is jointly managed by the Minister of Justice and the National Bar Council, which have created a single portal for the filing and monitoring of civil cases, accessible from a virtual private network for lawyers called "RPVA", which hosts the "e-barreau" application, available on the [website](#), using a USB key containing a government-approved European certificate with the identification numbers of the lawyer holding the key.

Electronic communication

The use of electronic communication by the parties and the courts is governed by Articles 748-1 to 748-8 of the French Code of Civil Procedure, which define the conditions applicable to the validity, security, confidentiality and storage of electronic exchanges.

Article 748-1 of the French Code of Civil Procedure, introduced by Decree No. 2005-1678 and amended in 2009, allows the sending, delivery and notification of procedural documents, including exhibits, notices, warnings or summonses, reports, minutes and enforceable copies of court decisions by electronic means. Specific provisions make the use of this method of communication mandatory, for example in ordinary judicial proceedings.

A messaging platform called ICT enables the parties and their lawyers to communicate with the court, request hearing dates prior to the service of writs of summons, register the writs of summons served, communicate exhibits between them, request the rescheduling of hearings, and consult the hearing calendar.

An electronic acknowledgement of receipt is sent by the addressee, indicating the date and, where applicable, the time of receipt.

Electronic digital systems for the signature of filed documents guarantee the authenticity of the parties' identities in electronic communications, the integrity of the documents sent, the security and confidentiality of exchanges, and the preservation of communications.

ICT also allows the courts to send the parties pre-trial documents, summons to conclude, orders closing the proceedings and court rulings.

Public hearings conducted remotely

French Act No. 2021-1729 of December 22, 2021 introduced article L. 111-12-1 into the French Code of Judicial Organization, which allows for hearings by videoconference in civil matters. If satisfied that there is a legitimate reason for doing so, judges may authorize a party, a witness, an expert or any other person required to appear to be heard by audiovisual means on request.

However, no technical guidelines for such a system are offered in the provisions specifying the technical procedures for holding a videoconference.

Videoconferencing cannot be imposed by the court. There is no right to conducting a hearing by remote methods of communication. The court has discretionary powers to refuse any requests to this effect.

Although remote hearings can reduce the time, cost and constraints associated with travel and can improve access to justice, they also raise technical, practical and ethical difficulties, such as the quality of the connection, the confidentiality of exchanges, identity verification, etcetera.

Finally, on March 10, 2023, the French Supreme Court held the first live broadcast of one of its hearings.

E-judgments

The French Order of November 20, 2020 on the electronic signature of court decisions in civil matters provides that any method used

to electronically sign a court decision must incorporate a certified electronic signature within the meaning of European Regulation (EU) 910/2014 of July 23, 2014 on electronic identification and trust services for electronic transactions in the internal market.

The qualified signature and the qualified certificate creation device are based on the identification of the agent, secured by the combination of a strictly personal identification device and a password.

Digital signature allows civil judgments to be issued electronically without the need for printing, manually sign. Because these rulings are digitized for service and archiving, the security and reliability of such judgments is enhanced, thus facilitating mutual recognition, particularly within the European Union in accordance with Article 81 of the Treaty on the Functioning of the European Union.



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Hungary

Digitization of Litigation - Hungary

The implementation and continued development of electronic-digital systems is evident across all areas of our lives, including legal proceedings. In Hungary, Act CCXXII of 2015 laid the foundation for electronic administration. Since January 2018, almost all official bodies, including legal representatives such as lawyers, must use electronic administration. The legislator's aim was to speed up and improve the efficiency of case proceedings and to simplify communication between the parties involved.

Client and Company Gateways as Prerequisites for Electronic Administration

In Hungary, individuals can manage their official affairs and communicate with the authorities via a client gateway, which can be accessed online after registration.

The company gateway serves the same function for legal entities. As of 2018, legal entities are required to register a company gateway through the authorized natural person representing the legal entity. Access to the company gateway requires that the person authorized to represent the legal entity has a client gateway.

Electronic Communication in Litigation

In Hungary, legal entities and individuals acting through a legal representative (e.g. a lawyer), must submit their documents to the courts electronically. Likewise, the courts



serve documents to these entities and individuals electronically. Individuals who are not required to use electronic communication and act personally and not through a lawyer may choose electronic communication by filing their legal documents electronically or by notifying the court of their intention to do so. Notice, however, that this is a prerogative as individuals are still entitled by law to communicate with the court by paper.

Individuals and corporations communicate electronically with the courts via the ÁNYK program. Parties who are required to communicate electronically submit their court documents via ÁNYK following successful identification through their client/company gateway and using the forms provided for certain categories of procedural actions.

The party required to communicate electronically must ensure that paper documents are digitized and that all documents are filed electronically in PDF format, authenticated with digital credentials. A paper document will only be submitted to the court in the case of electronic communication if it is necessary to produce and inspect the paper document, in particular because its authenticity is disputed.

If the file to be submitted to the Court (e.g. a video recording) exceeds the size limit, the party may submit the relevant attachments to the Court on a data carrier. However, it is important to note that the courts will only accept DVDs or USB flash drives for such submissions.

Once the document is submitted to the court, a response message is sent to the party's client/corporate gateway informing them acknowledging receipt and is then entered in the court fil. This provides users with immediate confirmation of the success of their submission.

Proper completion of electronic communications is essential. If the party required to communicate electronically fails to do so or does it improperly, the court will reject the document or render it ineffective, depending on the type of document.

Service of court decisions, including any documents produced in the proceedings, is conducted by the court and on the party's corporate gateway in a digitally authenticated PDF format.

Since January 1, 2024, court fees must be paid electronically. Payment of court fees by stamp has been abolished. Also as of this year, court fees can only be paid by bank transfer or using the electronic platform designated for this purpose.

The Code of Civil Procedure allows the court, of its own motion or upon request, to order that the parties, witnesses and experts be heard by electronic means if it would expedite the proceedings, if a normal hearing would involve significant difficulties or disproportionate costs, or if the personal protection of the witness warrants it. In our

experience, however, hearings conducted by electronic means are rare in practice, and courts still prefer to conduct hearings in person.

Electronic Communication with the Authorities

In cases where no electronic form is available in ÁNYK, especially in administrative proceedings, e-paper serves as a general-purpose electronic form service that allows the obligated party to submit documents to the relevant authority. In the e-paper interface, the individual must log in through his client gateway and submit the document from the company gateway of the entity he represents. The free-text submission attached to the form is authenticated in the e-Paper interface with digital credentials.

Anticipated Changes to Electronic Communication

In the second half of 2024, it is expected that court documents will no longer be filed via ÁNYK. Instead, a new platform, iFORM, will be introduced. Anyone required to use electronic communication will need to file court documents using these electronic forms. The use of iFORM will also be authenticated through the client or company gateway, but is expected to provide a more user-friendly interface for the parties involved in the proceedings.



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Italy

The progressive digitization of civil procedure in Italy

The rise of digital technologies has transformed the practice of law, providing new tools to handle judicial cases faster, more transparently, and more cost-effectively. Recognizing the digitization of justice as an important move to improve the efficiency of the Italian justice system, the Italian government has set the complete digitization of justice as its primary target for 2024. This process involves the use of artificial intelligence as an enabling technology in the judicial process, radically changing the way the courts learn and process the relevant facts for the purpose of resolving conflicts and enforcing the law.

The impact of digitization on the Italian civil justice system will be examined below, analyzing the progress made to date.

Filing of pleadings through a computer-based system (PTC)

Compulsory electronic filing of documents in civil proceedings has been incorporated in article 196c of the Implementing Provisions of the Italian Code of Civil Procedure.

This article provides that the filing of procedural acts and documents, including notices of registration, by the Public Prosecutor, the defense lawyer and the persons appointed or delegated by the judicial authority must be made by telematic means only. Similarly, the parties must submit the statements and documents of the persons appointed by them.



The filing of judgments and minutes of hearings must also be done by telematic means.

In addition, non-electronic filing may be authorized when the computer systems of the judiciary are down and there is a situation of urgency.

Telematic notifications

Legislative Decree 149/2022 (Cartabia Reform) amended Article 137 of the Italian Code of Civil Procedure. The new wording expressly provides for the inclusion of the lawyer in the list of individuals authorized to serve documents in civil proceedings. These notifications must be made exclusively electronically by certified electronic mail to anyone, both natural persons and legal entities, who are required to have a certified electronic mail or a qualified certified electronic delivery service.

Article 147 of the Code of Civil Procedure has also been amended and now sets out two different moments for completing service. For the notifying party, service is deemed to have been completed when the receipt of acceptance is generated; for the



addressee, service is deemed to have been completed on generation of the receipt of delivery.

Public hearings conducted remotely

Article 127 bis of the Italian Code of Civil Procedure, as amended by the Cartabia Reform, sets out the procedure for ordering a hearing to be held remotely, expressly stating that this provision also applies in the case of a public hearing.

Specifically, the judge may order that the hearing be held using remote audiovisual connections. The judge's order must be notified to the parties at least 15 days prior to the scheduled date of the hearing. Within

5 days of the notification of the order, either party may request that the hearing be held in person, and the judge shall issue a final ruling on such a request within 5 days. These time limits may be shortened if there are particular reasons of urgency. If such a request is made by only some of the parties, the judge may also order a hybrid hearing, i.e. one involving the physical and remote presence of the parties based on their preferences. Notice however that a party who has applied for a remote hearing can choose to appear in person. There is an express limitation on the use of remote telematic hearings: whenever the presence of parties other than the defense lawyer, the parties, the prosecutor and the judge's assistants is required.

Online minutes of a public hearing

Pursuant to Art. 130 of the Italian Code of Civil Procedure, the minutes of the hearing are drawn up by the clerk under the supervision of the judge, who must sign the minutes and read them to the interested parties, unless the law provides otherwise. The parties to the proceedings must also sign the minutes. If they fail or are unwilling to do so, this circumstance must be recorded in the minutes. Italian procedural laws provide that all procedural acts and measures may be carried out by means of computerized documents digitally signed by the parties or by the judge or, in the case of minutes, by the clerk; the computerized document thus serves the same purpose as a written document.

Electronic judgments

Judgments are written by the judge in electronic format, signed with a digital signature and kept in the court files by electronic means.

If the judge's order is in paper form, the clerk of the court or the secretary of the court office must take an electronic copy in accordance with legal provisions, including regulations, and place it in the computer file.

The judge must draft orders clearly and concisely, in a manner commensurate with the complexity of the dispute, including the nature, number of parties, value or nature of the interests involved. In the case of decisions subject to appeal, judges should set out the heads of decisions separately and number them.

Conclusion

The digitization of civil justice is a key driver for the positive transformation of the legal system. The adoption of digital technologies has shown that they can improve efficiency, reduce costs and make justice more accessible. However, it is equally important to address emerging challenges, such as data security and staff training, to ensure a smooth transition to a digital justice system. By embracing digitization, legal institutions can help shape a future in which justice is not only efficient, but also fair and accessible to all.



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| Malta

In recent years, the Maltese justice system has made several attempts to migrate to a digital system. However, the lack of alignment between stakeholders. Against this background, a new digital justice strategy was adopted in 2022 by the Ministry of Justice and Governance with the support of the European Commission. The implementation of the digital justice strategy is now expected to be completed by 2027.

The current digital system

At present, it is not possible to file court applications and other court-related documents digitally. Therefore, court documents still need to be physically filed. However, a digital platform providing court-related services is currently available. The platform provides a register of judgments available to the public as well as several other services, especially in civil matters, accessible to legal professionals.

The service of judicial proceedings is currently also performed physically. During the Covid 19 pandemic, some hearings were conducted remotely. However, after the pandemic, remote hearings have been phased out and all court hearings are held in court, with parties and legal professionals expected to appear physically. On the other hand, the minutes of the court hearings and the witness testimonies given during the court hearings in civil cases are available to the legal professionals on the court's digital platform.



Notably, efforts have been made to digitize the judicial system. However, it is evident that while improvements and changes have been made in civil proceedings, there are almost no services available digitally in criminal proceedings, except for the judgement issued after criminal proceedings have been concluded.

The planned digital system

With the Digital Justice Strategy, the Ministry of Justice and Governance plans to improve the quality and efficiency of justice through a better digital platform. Improvements to be implemented under the strategy include the digitization of criminal records and criminal courts, and the digitization of the register for legal professionals. The strategy also seeks to provide legal professionals with full access to case files, which is currently only available for certain court cases.

The Ministry's aim is to have a digital-by-default principle, which means that all court-related services will be available digitally, thus supporting the digital platform over the physical system. The digital-by-default principle includes, among other things, better

recognition of digitally signed electronic documents and a gradual introduction of a paperless system.

The key objectives of the Digital Justice Strategy are the electronic filing of court related documents, the provision of electronic certificates, electronic signatures and time stamps, an electronic payment gateway and digital access to case files.

Through the implementation of the digital justice strategy, Malta is undergoing a step-by-step transition from a predominantly physical registry system to an electronic environment. The overarching goals of this transformation include speedier access to information and improved accessibility for both the general public and legal practitioners.



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| North Macedonia

Digitization and interconnectedness are constantly evolving and have an increasingly more important function and impact in today's world. At the same time, the influence of these processes increasingly affects the operation of the judiciary, which cannot remain oblivious to the advantages offered by artificial intelligence and the progress and improvement of the technical and operational performance of ICT tools.

Unfortunately, the courts of the Republic of North Macedonia have not been able to achieve much success in the digitization of the judicial proceedings under the current Law on Judicial Proceedings of the Republic of North Macedonia from 2005. Still, some stages of the proceedings have been digitized, but only to a very small extent. New trends in efficiency, transparency and prompt and efficient access to justice require the introduction of new digitization mechanisms for a simplified handling of litigation.

Submission of pleadings through an ICT system

In addition to the possibility of filing written submissions with the Court Reception Department, the parties to a dispute may also file their submissions electronically with the competent courts. This is provided in Article 98(1) of the Law on Litigation Procedure of the Republic of North Macedonia, which reads as follows: "*Claims, counterclaims, legal remedies and other statements, proposals and announcements arising from a dispute shall be submitted in writing or by electronic means to the registry of the competent court (submissions)*".



Electronic service

The law provides that in addition to the standard methods of service (by mail, by a court officer, bailiff, notary or other person designated by law, directly at the court, etc.), court documents may also be served electronically.

During the proceedings, a party may apply for electronic service to the electronic mailbox at the electronic address specified in the application. If there is a change in the e-mail address or if the parties decide to withdraw the application for electronic service to an electronic mailbox, they are required to notify the court immediately.

Letters to lawyers, state authorities, i.e. state administration bodies, local self-government units, legal entities and individuals vested with public powers must be served electronically to an electronic mailbox.

Electronic notifications are sent through the court information system to the electronic address in the electronic mailbox of the addressee of the notification. Electronic notifications are considered to be effective on the date of receipt. When sending a notice to the electronic address of the addressee, the court's information system sends a report



that a written document has been sent from the court's information system, which the addressee is required to download.

E-mails must be retrieved from the e-mail box within eight days from the date of their sending. The addressee is informed that if the e-mail is not retrieved from the e-mail box within the prescribed period, the service shall be deemed to have been performed.

The addressee of the e-mail must prove his identity by means of his electronic signature, verify his e-mail box and electronically sign the document he is sending to the court, i.e. he must acknowledge receipt of the e-mail. If the document served electronically contains attachments which cannot be served electronically for technical reasons, the court will inform the addressee that the document and any attachments are available at the court's office and that the addressee must collect them no later than three days from the date of the notification; if the addressee fails to collect them within that period, the attachments will be deemed to have been duly served.

Public hearings conducted remotely

The Law on Litigation Procedure, as amended, does not envisage remote public hearings, but amendments proposed to the current Law are intended to address this issue.

The September 2020 draft law on litigation procedure contains a provision allowing for remote hearings. If the draft is approved, in circumstances where the parties are unable to physically appear in court owing to objective reasons, "the court may decide that the hearing is to be held outside the courthouse if the court deems it necessary

or to save time or money in the proceedings. The court may decide that the hearing is to be held remotely by means of a closed technical system for remote communication (videoconference) or that separate evidence is to be taken in this way".

From the above, it can be concluded that the North Macedonian judiciary is striving to achieve the goals of digitization not only of the judicial process, but of the entire judicial system.

Electronic minutes of public hearings

The 2005 Law provides for the audio recording of court proceedings in only where the necessary technical conditions exist.

At the start of the hearing, the judge must inform the parties and other participants in the proceedings that the hearing is going to be audio recorded. A copy of the transcript of the audio recording of the hearing is made available to each party and the participants of the hearing as specified by this Law. The audio recording becomes part of the case file stored in the Automated Case Management Information System (AKMIS). It is important to note that the audio recording may not be published, broadcast or used for purposes outside the court proceedings.

As already mentioned, the Republic of North Macedonia has not achieved any great successes in the digitization of the judicial process. However, the draft Law on Litigation Procedure, published in September 2020, raises the hope that in the future the Macedonian legislation will be aligned with new global digitization standards, thus paving the way for a faster and more efficient way of delivering justice.



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| Poland

Progressive digitization in civil procedure

In Poland the digitization of civil proceedings is underway. The current model is based on a comprehensive amendment to the Code of Civil Procedure, which was adopted on July 10, 2015. The amendment, effective as of September 8, 2016, was intended to introduce a unified ICT system for the regulation of civil proceedings. The model consists of general regulations on the use of IT in general exploratory proceedings and in electronic writ proceedings, including also certain procedures/activities in enforcement proceedings.

Filing of pleadings through an ICT system

Currently, pleadings may only be filed via the ICT system. This rule is based on Article 125 §21a of the Code of Civil Procedure, which provides that a party may choose to file pleadings using an ICT system. This is allowed only if it is technically feasible for the court.

Since the filing of pleadings through an ICT system is expected to generate an increasing number of electronic files, it should be noted that case files can be created and processed using information technology. The ICT system for court proceedings, in which two case files are created and processed, is maintained by the Minister of Justice, who is also the administrator of this system.



Electronic service

According to Article 1311(1) of the Code of Civil Procedure the service must be conducted by electronic means if the addressee has opted to submit statements or if he indeed has filed a written statement via an ICT system. However, addressees who have chosen to file pleadings electronically may opt out at any time under Article 1311 § 21 of the Code of Civil Procedure.

However, this rule does not apply in cases where a specific provision stipulates that documents may only be filed via the ICT system, e.g. in electronic payment order proceedings, electronic land and mortgage register proceedings and proceedings for registration in the Register of Entrepreneurs of the National Court Register.

Public hearings conducted remotely

The Code of Civil Procedure allows for certain judicial proceedings to be conducted outside the courtroom. Thus, a witness who is unable to appear in court due to illness or disability may be heard at his or her place of residence (Article 263 of the Code of Civil Procedure). Also, an item that cannot be physically delivered to the court may be

examined remotely. In addition, Article 151 § 2 of the Civil Code allows for public hearings to be held remotely via videoconference, at the request of the President of the Court of First Instance.

Electronic minutes of a public hearing

According to Article 157 § 2 of the Code of Civil Procedure, if it is technically impossible to record the proceedings using a sound recording device or an image and sound system, the minutes of the hearing must be drawn up only in writing. This may be due to malfunction or to the unavailability of adequate equipment in the court. Recordings are made using the appropriate equipment and software. Therefore, if these are not available the recording cannot take place.

E-judgments

Article 324 §4 of the Code of Civil Procedure provides that "in proceedings initiated through an ICT system (i.e. where a special provision so allows or where a party chooses to file pleadings via this system), the judgment may be recorded in an ICT system and signed electronically with a qualified electronic signature". This rule applies to payment orders, judgments, decisions of the president and decisions of the legal representative.

Conclusion

Poland is gradually moving towards the digitization of court proceedings. The ongoing digital transformation of civil proceedings reflects Poland's commitment to using technology to make the legal system more efficient, accessible and transparent.



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Portugal

Navigating the Digital Frontier: Progressive Digitization of Civil Procedure in Portugal

In an era marked by technological advances and the increasing reach of digital tools, jurisdictions are increasingly turning to digitization to better streamline and improve various sectors, including the justice system.

Portugal has been on a path of progressive digitization, seeking to use technology to make the judicial system more efficient, accessible and transparent.

Remarkably, the XXI Constitutional Government implemented a digital transformation program, which crystallized in an action plan for the various justice systems. The result is the *Justiça + Próxima* Action Plan, which seeks to lay the groundwork for a modern and multifaceted justice system capable of responding to the challenges of a constantly evolving society.

This innovative plan includes hundreds of measures to be implemented, including the installation of the first digital courtroom in the Tribunal da Comarca de Lisboa Oeste, in the Palácio da Justiça de Sintra, or the creation of the PAD - Distance Service Platform, which made it possible to carry out authentic acts via videoconference, such as deeds, divorces or the authorization of heirs.

It should be noted that justice digitization in Portugal started as early as the early 2000s with the implementation of the Citius computer platform. This was an important milestone for the use of electronic procedures in Portugal.



Citius allows petitions and documents to be filed digitally, thus ushering in a new judicial era characterized by the "dematerialization of judicial proceedings", which also translates into significant savings in paper and supplies.

Citius is an important tool for case management, document processing and communication between courts, lawyers and other legal actors and institutions. It is designed to streamline and expedite various legal processes dealt with by the Portuguese judiciary.

Adoption of Electronic Filing Systems

One of the major pillars of civil litigation digitization is the transition from traditional, paper-based to advanced electronic filing systems. The objective is to reduce dependence on paper, make legal processes more environmentally friendly and efficient, and speed up legal proceedings. Electronic filing allows the parties to submit procedural documents online, thus eliminating the need for physical appearance and correspondence. This measure also creates economies of scale and significantly reduces the administrative burden on legal professionals and the court, with the goal of a speedier, more transparent justice system.

Digital Case Management Systems

The purpose of a digital case management system is to centralize case management and monitoring platforms, offering an overall view of the various stages of court proceedings. These systems facilitate the organization of information and allow judges, lawyers, and court officials to efficiently access relevant data, which, in turn, helps to improve decision-making processes and ensure that cases move more smoothly through the system.

Online court services

Digitization is as much about automating existing processes as it is about making legal services more accessible. Portugal has been active in creating online court services that allow litigants, legal professionals and the general public to access various court-related services from home or the office. These services may include scheduling hearings, checking the status of cases, and filing documents electronically.

Electronic notifications for real-time updates

Communication is at the heart of legal proceedings, and digitization is poised to revolutionize such communication through the implementation of electronic service of documents. Instead of relying on the mail or other means of physical communications, the parties can receive real-time updates and notifications electronically. This not only speeds up the exchange of information, but also ensures that all interested parties are promptly informed of the progress of their cases.



Adapting to electronic evidence

As proceedings become increasingly intertwined with the digital world, the legal system must necessarily adapt to electronic evidence. Portugal's progressive approach involves the recognition and incorporation of electronic evidence, such as digital documents, emails and electronic records, into court proceedings. This not only reflects the changing nature of evidence in the digital age, but also ensures that the justice system remains relevant and effective.

Challenges and considerations

Security concerns to comply with the European Union's General Data Protection Regulations, the need for comprehensive training programs, and ensuring equal access to technology are some of the issues that need to be carefully addressed. In addition, it is crucial to strike a balance between the efficiency gained through digitization and the protection of individual rights in order to maintain the integrity of the legal system.

In conclusion, Portugal's ongoing digitization of the justice system recognizes the importance of technology and its impact on the Portuguese legal system and society in general. Electronic filing, digital case management, online court services, electronic notifications and the adaptation of electronic evidence are key in making the judicial system more efficient. As the digital frontier continues to evolve, Portugal is an example of how the adoption of technology can reshape the legal landscape, ensuring that justice is not only blind, but also technologically intelligent.



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| Serbia



Introduction

Generally speaking, Serbia has established a legal "e-Justice" framework. However, the implementation of the possibility to use electronic means of communication with the courts is still lacking. The legal framework applicable to the electronic filing of court documents and to other communications with the courts is laid down by the Law on Civil Procedure. Specifically, Articles 98, 104, 106, 129 of the Code of Civil Procedure provide that all written submissions and communications with the court may be made electronically subject to special legislation. However, practice shows that this option is rarely used.

Electronic filing of litigation documents

Pursuant to Serbian law, written submissions may be filed in court by e-mail, which is posted on the court's website. The court should acknowledge receipt of the electronic document, the date of acknowledgement marking the date of receipt. E-mail filing must be done in accordance with the Law on Electronic Document, Electronic Identification and Trust Services in Electronic Business.

According to this special law, electronic communication with the court requires the use of a qualified electronic signature. In addition, the Rules of Court Procedure set out provisions applicable to electronic communication. For example, written submissions must be in the form of an original electronic document and contain an electronic signature and an integrated time stamp. The court receives the submission

using special software, which verifies the electronic signature and time stamp and then sends an acknowledgement of receipt by e-mail within 6 working hours at the latest. However, this is rarely used in practice for a number of reasons.

Indeed, the main problem with electronic communication is the absence of advanced software for official exchange of written submissions. Instead, the electronic document is merely sent by e-mail. If the document includes many attachments, there are problems with the maximum size of the file transfer. Moreover, upon receipt of a written submission, the court does not send it electronically to the other party. Instead, the document is printed and sent by mail for lack of an organized system. In this sense, the system only helps the sending party, but not the receiving party.

In addition, the Law on Advocacy and the Rules of the Serbian Bar Association require lawyers to stamp their written submissions. Electronic signature does not constitute a lawyer's stamp. As a result, lawyers may risk having their written submissions (e.g. appeals) rejected on formal grounds. Also, if there is no message from the court confirming receipt, as is the case in practice, there is a risk of missing important deadlines.

Finally, if the court wishes to send the written submission electronically, it must obviously know the recipient's e-mail address. As there is no official database containing the email addresses of the litigants and their lawyers, this is rarely done in practice.

Hearings

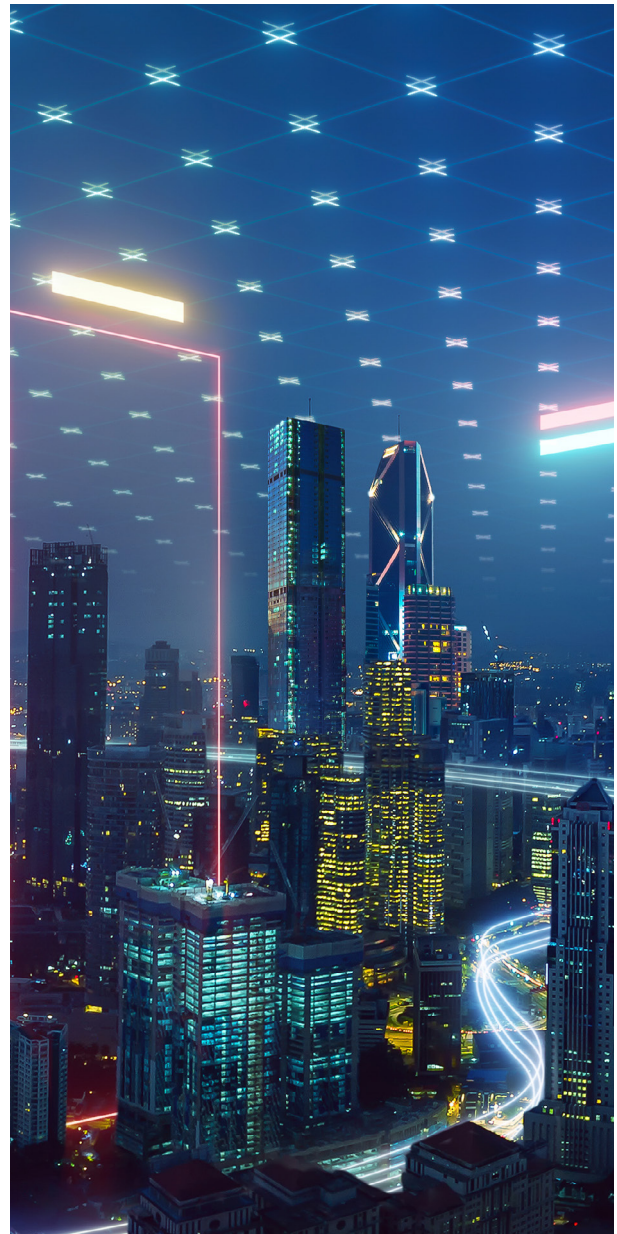
The Code of Civil Procedure only allows remote hearings through electronic means of communication of witnesses who have initially submitted a written statement. However, the court must first expressly decide that a witness or a party shall make such a statement, and this possibility is an exception to the rule that witnesses must be heard in person with no previous written statement. The same rules apply to depositions from the parties. As a result, remote hearings are rarely used in practice as they become only possible in respect of the parties and witnesses, in respect of whom the law provides that they must be heard in person.

Electronic records of hearings

According to the Law on Civil Procedure, minute of the hearings are drawn up by producing a transcript based on the judge's voice dictation. Minutes may also be based on shorthand notes or a recording made with a sound or optical recording device. In practice, the use of modern recording equipment is used only in specialized criminal courts.

Electronic rulings

According to the Law on Civil Procedure, a certified copy of the judgment is served to the parties with instructions on their right to file an appeal. As a result, electronic court decisions are not possible.



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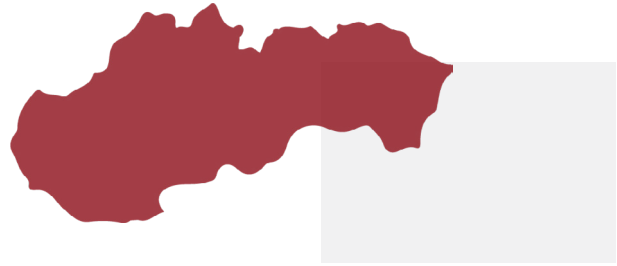
Digitization in civil litigation in the Slovak republic

In the last ten years, civil litigation has been increasingly digitized, the key elements of which are set out in the Law on E-Government. We believe that the process is far from being completed and that minor problems will be corrected. Following this, we expect further progress in this area.

Currently, electronic communication requires ID cards with special chips and valid certificates (electronic certified signatures). The main platform for communication is www.slovensko.sk, which is available for civil proceedings and some public administration services. The platform is available to lawyers and Slovak citizens in general. The use of this platform is mandatory for all legal entities (whether they are engaged in business or not) and individual entrepreneurs when communicating with public authorities (especially in the course of administrative proceedings) and courts.

At present, digitization should be obligatory (or may be voluntarily used, if specified) in the following cases/procedures:

- **Registration of companies and changes to data registered with the Commercial Registry and the Registry of Partners of Public Sector.** Although this does not fall within the normal remit of civil courts, this is one of the longer-established electronic services available related to the Commercial Register. Companies (and their statutory bodies) must submit their applications using electronic forms only. Otherwise, applications will not be



considered.

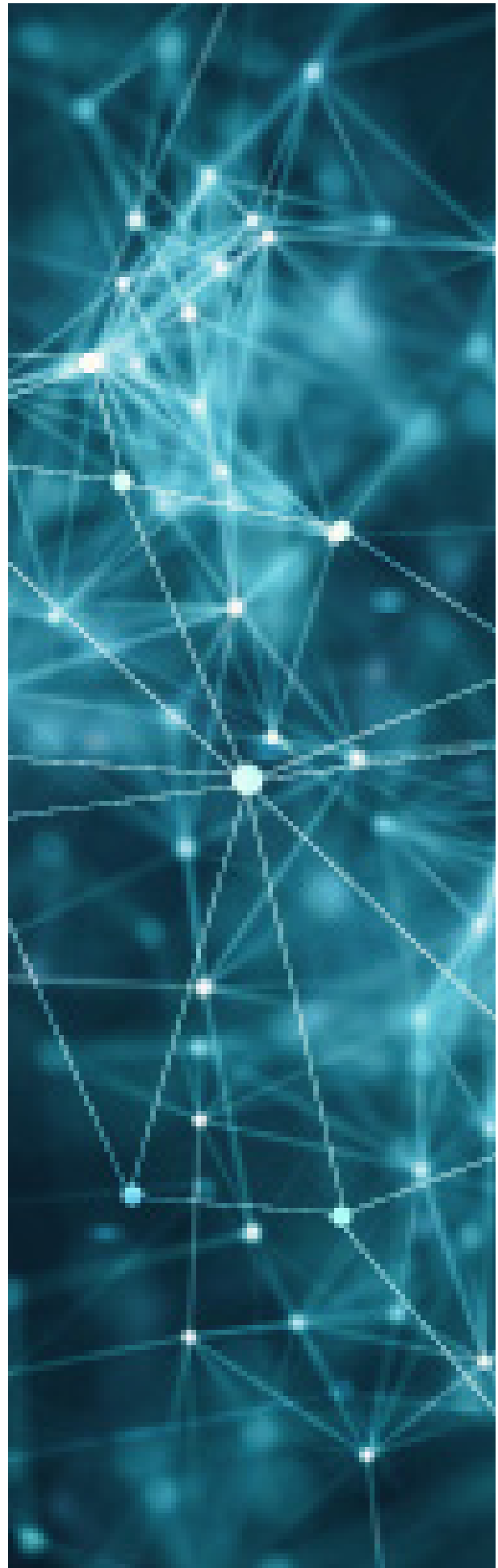
- **Payment orders** under the Act on Reminder Proceedings. Claimants may apply for a payment order, which, after a simplified procedure may become an enforcement title. Claimants must submit their applications using electronic forms only. Failure to do so would result in their application being dismissed).
- **Actions under the Civil Dispute Proceedings Code and the Civil Non-Dispute Proceedings Code or other submissions to existing cases;** Electronic filing is generally available for individuals with activated IDs with specific chips and valid certificates. Lawyers are generally required to file their actions and motions electronically (www.slovensko.sk); otherwise, a €20 fine per submission may be levied.
- **Service of court documents - submissions, calls, notifications and court decisions in existing cases to the parties from courts;** this is generally available for individuals with activated IDs with specific chips and valid certificates and activated service. For obvious reasons, lawyers are expected to have this service activated.
- **Enforcement petitions;** petitioners need to submit their applications via electronic forms only. Otherwise, the petition will be dismissed. Enforcement may also be sought via executors, who also must file their petition electronically.

- **Submission of applications for claims in bankruptcy and restructuring.**

Payment of court fees is simplified via payment orders, as well.

The following digitization/electronification measures are applied:

- **Electronic court files** for existing cases
 - This makes it easier for the parties to access court files, as these are available electronically on www.slovensko.sk (generally 24/7). However, not all existing cases have yet been electronically converted.
- **Audio-recording of hearings**– This is not applied in all cases, as it is subject to availability of the required technical equipment. Also, in some cases audio-recording is not effective, particularly in long, time-consuming hearings. Recordings are available in the electronic court file or may be transmitted on a tangible support at the applicant's expense.
- **Programs for simultaneous voice-to-text transcription** - this is subject to availability of the required technical equipment.
- **Hearings conducted remotely**– Use of this measure is exceptional (e.g. when a witness or an expert live abroad). Remote hearings also depend on the availability of adequate technical equipment in the relevant court. Moreover, judges are not inclined to use this measure. However, this measure is not applicable to all hearings taking into account the subject matter of the dispute, the stage of the proceedings, etc.).



Justice digitization in Slovakia has advantages and disadvantages, the latter being primarily related to a number of shortcomings in the measures themselves.

The main advantages of these measures are as follows:

- a. removal of the restriction on office hours of courts (especially in case of submission of actions, applications, etc.);
- b. faster service of court documents (elimination of risks of re-delivery and mis-delivery of court documents);
- c. effectiveness during oral hearings (elimination of the review of the minutes as to their adequacy and shorter oral hearings);
- d. reduction of particular fees for electronic submission.

The main disadvantages of the measures are as follows:

- a. requirement of valid certificates and chips in IDs (the chips in IDs have a shorter lifetime than the period of validity of the ID) and frequent update of the related software;
- b. in some cases, the obligatory electronic use is a hindrance;
- c. www.slovensko.sk interface is not user-friendly;
- d. some formats are not supported for electronic submission;
- e. submissions with oversized or many attachments (expert opinions, etc.) need administrative non-legal support in offices.



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Slovenia

Introduction

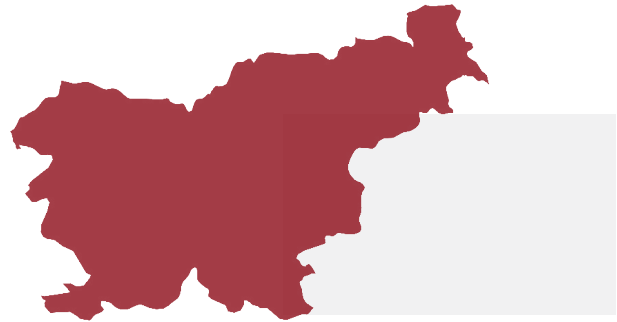
In Slovenia, the digitization of civil litigation started with the amendment of the Civil Procedure Act in 2002, which allowed the filing of applications (i.e. complaints, replies, appeals and other statements of defense) using electronic means. However, this amendment did not provide any real prospects for the electronic filing of court documents, as the remaining provisions of the Civil Procedure Act remained unchanged.

It was not until the 2007 amendment to the Civil Procedure Act, followed by a major amendment later in 2017, that the legal foundations were laid for the digitization of civil litigation.

Submission of applications through an ICT system

Pursuant to Article 105.b of the Civil Procedure Act, applications may be submitted in paper or electronically by uploading them to the e-justice information system maintained by the Supreme Court of the Republic of Slovenia.

Electronic filing was first introduced for bankruptcy, execution and land registry proceedings. As of January 15, 2024, applications and documents could be submitted and served electronically in inheritance proceedings, proceedings for the acquisition of full legal capacity of a child who has become a parent, proceedings for the authorization of marriage, matrimonial proceedings, proceedings for the establishment and denial of paternity and



maternity, proceedings for the protection of the best interests of the child, proceedings for the protection of housing in the event of dissolution of marriage, and proceedings under the Law on Prevention of Domestic Violence.

Electronic service

In proceedings in which electronic filing is available, court documents are served by secure electronic means to a secure electronic mailbox registered in the e-justice information system in accordance with Article 132 of the Code of Civil Procedure. Where a party submits a document electronically, it is presumed that the party wishes to be served by secure electronic means, unless it informs the court otherwise.

Whether or not electronic filing of documents is possible, the court may also serve documents by secure electronic means in cases where the parties notify the court that they wish for the documents to be served in this manner to a secure electronic mailbox.

Hearings conducted remotely

As a rule, hearings are conducted in court in accordance with Article 114 of the Code of Civil Procedure. However, pursuant to Article 114a of the Code of Civil Procedure,

if the parties agree, the court may allow them and their lawyers to appear remotely, provided that audio and visual transmission is available from the hearing venue to the place or places where the party or parties and their lawyers are located and vice versa (videoconference). Similarly, the court may also decide to take evidence by means of on-site inspection, examination of documents, hearing of parties and witnesses and by means of a court expert.

Electronic minutes of hearings

As a rule, the minutes of hearings is written in such a way that the chairman of the panel or, with his permission, a party or its lawyer or another participant in the proceedings dictates to the recorder what is to be included in the minutes (Article 124 of the Code of Civil Procedure).

However, pursuant to Article 125.a of the Code of Civil Procedure, the presiding judge may order an audio or audiovisual recording of all or part of the hearing. Even if it is recorded, a transcript of the audio recording must be drawn up within five days of the recording. The parties are entitled to inspect the recording and object to any mistakes in the transcript within five days of the delivery of the transcript.

Judgements in electronic form

According to Article 323 of the Civil Procedure Act, judgments can be issued in electronic form and electronically signed by the president of the panel.

Conclusion

Slovenia is proceeding gradually towards the digitization of the judicial system as a fundamental element for an efficient

and transparent administration of justice. Following the successful introduction of e-justice in bankruptcy, enforcement, land registry, family and inheritance proceedings, the implementation of e-commerce in other civil proceedings will be extended to allow electronic filing through the secure electronic court portal.



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Spain

Digitalization of Spanish judicial system

The 2000 Spanish Law of Civil Procedure has been subject to several reforms, the main objective of which has been to update access to justice for parties and professionals by introducing elements such as the electronic filing of pleadings and documents, the use of electronic means of communication and the adoption of technologies such as video-conferencing at hearings.

These measures gained momentum during the COVID pandemic and convinced all legal stakeholders of the benefits of an increasingly digital and remote justice system. However, it was found that the existing measures were inadequate. Therefore, on December 19, 2023, Royal Decree-Law 6/2023 was passed, approving regulations to encourage and simplify citizens' telematic intervention in judicial proceedings, to streamline the relationship with the judicial administration, and to optimize the technological processing of electronic court files.

Royal Decree-Law 6/2003 recognizes the right of every citizen to a personalized access to all legal proceedings, the right to access to information and services of the administration of justice, and defines a range of services that public administrations must guarantee.

The main developments in the area of digital efficiency are as follows:



Remote hearings

The new regulation extends remote hearings to all types of procedural acts. However, the hearing of parties and the testimony of witnesses and experts are considered as an exception and the physical presence of the participant will be required. Statements may only be taken electronically if the relevant party, witness or expert is based in a city other than the court's seat.

The transmission of judicial proceedings, hearings and other judicial proceedings that are required by procedural law to be held in open court may be possible if they are held with the remote participation of all persons participating in the proceedings.

Electronic service of court documents

As a general rule, all court communications are to be made electronically, except in the case of individuals who are not represented by a court agent, who may choose to communicate by paper or electronic means.

Access points and secure locations

Remote court proceedings must necessarily take place from a "secure access point" and a "secure location".

These "secure locations" must meet a number of requirements. For example, they must be equipped with devices qualifying as "secure access point" or guaranteeing, among other things, the verification of the identity of the participants and the autonomy of their intervention. Furthermore, the law imposes on competent authorities an obligation to provide judicial and public prosecutor's offices with the necessary technical means for this purpose.

Justice Folder and Electronic Court File

The Carpeta Justicia (Justice File) is an online space that offers services intended to maximize access to justice and provide personalized judicial attention. In the civil area, this platform includes facilities such as the electronic judicial file, which is a digital copy of all the documents, proceedings and records that have taken place in the case. This digital copy is accessible 24/7 and anywhere, and allows interested parties to review the proceedings, consult the status of cases and keep abreast of communications.

This service is currently in the pilot phase and is expected to be provided by the respective electronic court offices.

The implementation of this new regulation will constitute a major boost to the digitalization and efficiency of judicial procedures in Spain. In particular, in the area of notification, it can lead to a significant increase in the efficiency and timeliness of judicial procedures.



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