

### Automatic processing

Modern information technology has rapidly and substantially changed our everyday life. Civil judicial proceedings must react accordingly to face the challenges this brings to provide a framework for justice which can keep up with the expectations of modern societies.

In recent years more and more Member States have introduced changes in law which allow for the use of modern communication and information technologies in civil judicial proceedings. These changes allow communication between the judicial authorities and the parties concerned with the proceedings by new channels such as the internet.

In some cases procedures may be initiated by an electronic application sent by the claimant via the internet to the court; in other cases courts have the authority to serve judicial documents electronically to the parties; and in other cases all communications are conducted electronically. There are some Member States, where the use of internet for communication purposes is accepted for almost all kind of civil proceedings, while in others it is restricted to certain special types of proceedings.

The use of modern communication technologies in civil proceedings must not jeopardise the fundamental rights of the parties involved. Access to justice may not be prevented by the fact that a certain means of communication technology is not available to a party. In addition to that, national legislation should ensure that communication via the internet does not threaten the appropriate protection of sensitive data used in the course of the proceedings.

**To obtain detailed information about the relevant legal environment in the Member States, please select one of the flags listed on the right hand side.**

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### Automatic processing - Belgium

#### 1 Is it possible to initiate court proceedings via the internet?

The relevant provisions have been implemented in the form of the "Phenix" laws, more specifically:

The Act of 10 July 2006 relating to legal proceedings conducted by electronic means (Moniteur belge/Belgisch Staatsblad, 7 September 2006);

The Act of 5 August 2006 amending certain stipulations of the Belgian Judicial Code relating to legal proceedings conducted by electronic means (Moniteur belge/Belgisch Staatsblad, 7 September 2006);

The Phenix laws owe their name to the information technology project of the same name that was intended to automate all of the courts in Belgium, in order that the entire judicial procedure could take place electronically in due course.

Since 31 December 2012, two laws have been in existence that have implemented parts of the Phenix laws referred to above. These are:

The Act of 31 December 2012 containing various stipulations, especially relating to justice;

The Act of 31 December 2012, containing various stipulations relating to justice.

The partial entry into force of the Phenix laws does not, in itself, bring about the automation of legal proceedings, as this primarily takes the form of stipulations that can also be applied to legal proceedings carried out on paper. The "conventional" non-automated proceedings are therefore still the rule.

In the meantime, the registries and administration offices of the Public Prosecutor's Offices will be provided with a "case management application" that will enable them to process all documents and information electronically. At the present time, a study is underway to identify possible methods that will enable procedural documents and items of evidence to be transferred to the Court Registry by electronic means.

#### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Not applicable.

#### 3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Not applicable.

#### 4 Should the details of the claim be provided in any particular format?

Not applicable.

#### 5 How is transmission and storage of data secured?

Not applicable.

#### 6 Is it necessary to use any kind of electronic signature and/or time record?

Not applicable.

#### 7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Not applicable.

#### 8 Is it possible to withdraw a claim that has been initiated via the internet?

Not applicable.

#### 9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Not applicable.

#### 10 In terms of the electronic procedure what happens if the defendant responds to the claim?

Not applicable.

#### 11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

Not applicable.

#### 12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Not applicable.

#### 13 Can judicial documents, and particularly judgments, be served via the internet?

Not applicable.

#### **14 Can judicial decisions be given electronically?**

Not applicable.

#### **15 Can an appeal be made and its decision served via the internet?**

Not applicable.

#### **16 Is it possible to initiate enforcement proceedings via the internet?**

Not applicable.

#### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Not applicable.

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### **Automatic processing - Germany**

#### **1 Is it possible to initiate court proceedings via the internet?**

In principle the law does allow this. However, in practice it is not yet possible everywhere, across all the federal states (*Länder*) and in all kinds of proceedings. The question whether it is permitted depends on whether and to what extent the state concerned has chosen to introduce regulations providing for it. More information is available from the court services (*Landesjustizverwaltungen*) of the federal states.

#### **2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Whether it is permitted depends on whether and to what extent the relevant federal state has introduced regulations providing for it. More information is available from the court services of the federal states. Some proceedings can be conducted entirely electronically. Examples include registration proceedings, the payment order procedure (*Mahnverfahren*) and, in some cases, proceedings for misdemeanours (*Ordnungswidrigkeiten*).

#### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

Where the federal states have introduced regulations providing for electronic legal procedures (see question 1), electronic documents can be filed at any time.

#### **4 Should the details of the claim be provided in any particular format?**

The technical requirements are specified by the federal state regulations (see question 1).

#### **5 How is transmission and storage of data secured?**

The technical requirements are specified by the federal state regulations (see question 1). Generally they require that documents be sent using the OSCi format (online services computer interface), which is a component of the software solution used, known as EGVP (electronic courts and administration mailbox).

#### **6 Is it necessary to use any kind of electronic signature and/or time record?**

The message itself does not necessarily have to be signed. The individual applications submitted require whatever type of signature is specified in the relevant procedural rules. Generally, this is a qualified electronic signature.

#### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

There may be court fees; it depends on the type of case. There are various ways to pay: invoice, direct debit and electronic payment.

#### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

This can be done. The usual rules apply.

#### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

There is no obligation to use the internet. The usual rules apply.

#### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

The usual rules apply.

#### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

The usual rules apply.

#### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

In principle the law does allow this. However, in practice it is not yet possible everywhere, across all the federal states and in all kinds of proceedings. The question whether it is permitted depends on whether and to what extent the state concerned has chosen to introduce regulations providing for it. More information is available from the court services of the federal states.

#### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Section 174(3), first sentence, of the Code of Civil Procedure (*Zivilprozessordnung*) provides that decisions may be served on lawyers, notaries, bailiffs and tax advisers in electronic form. Decisions may be served on other parties in electronic form only if they have expressly consented to receiving electronic documents.

In practice, this happens mainly in registry proceedings.

#### **14 Can judicial decisions be given electronically?**

Yes, transmission of a judgment of the court in electronic form is generally possible. In practice, it happens mainly in registry proceedings.

#### **15 Can an appeal be made and its decision served via the internet?**

It is possible to file an appeal by this route if a federal state regulation has provided for electronic legal procedures at the court in question. Section 174(3), first sentence, of the Code of Criminal Procedure provides that decisions may be served on lawyers, notaries, bailiffs and tax advisers in electronic form. Decisions may be served on other parties in electronic form only if they have expressly consented to receiving electronic documents.

#### **16 Is it possible to initiate enforcement proceedings via the internet?**

No, this is not possible.

#### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

This is not generally possible. However, some federal states do provide for it, at least in cases before the administrative and revenue courts ( *Verwaltungsgerichte, Finanzgerichte*). Some federal states also provide for it in land registry and other registry cases.

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## Automatic processing - Estonia

### 1 Is it possible to initiate court proceedings via the internet?

Yes, court proceedings may be initiated using the e-File procedural information system (hereinafter: *the e-File system*).

The system is accessible via the following URL: <https://www.e-toimik.ee/>.

### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

The system may be used in civil, administrative, criminal and misdemeanour matters. In the case of civil and administrative court procedure, it is possible to initiate a court case and file documents and appeals for proceedings. In criminal and misdemeanour proceedings, it is possible to submit a limited number of documents for existing court proceedings.

Exclusively via the internet it is possible to submit an application for the expedited procedure for payment orders in debt claims and in claims for support.

### 3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

This service is available around the clock.

### 4 Should the details of the claim be provided in any particular format?

In order to file a court case, you will need to fill in the details using the forms provided. They differ according to the type of proceedings and petition, but they are all in a similar format: you will need to provide general information about the case, details about the parties, any documents attached to the petition and any details relating to the payment of the state fee.

The form for submitting information for the expedited procedure for payment orders is more detailed, and the whole petition should be entered in the form of metadata.

### 5 How is transmission and storage of data secured?

In order for the system to recognise a person logging in, they must log in to the e-File system using their ID-card or Mobile-ID. The portal is secure. When logging in to the portal (with an ID-card or Mobile-ID), users will only be provided access to proceedings and data that relate to them. Persons with no connection to the proceedings will not be given any access to those details. In order to transmit data, X-Road, the electronic information exchange layer of the state information systems, is used. It is a technical and organisational environment which enables secure Internet-based data exchange between the state information systems.

### 6 Is it necessary to use any kind of electronic signature and/or time record?

If the law requires certain types of documents to be signed, this will be done electronically using an ID-card. Procedural documents may be filed via the e-File system using a digital signature. If the case is referred to court, the e-File system automatically saves the date on which the court case was initiated. A person who forwards a document initiating a court case or another procedural document to a court via the e-File system will be sent automatic confirmation of receipt by e-mail stating the date and time the document was received by the court.

### 7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

A state fee is payable for those acts which, in accordance with the law, are subject to a state fee. In general, the state fee is to be paid before applying for the act to be performed. State fees can be paid via a bank link in the e-File system, as well as outside the system via internet banking or in bank branches.

For many acts, lower state fees apply when filing petitions or applications via the e-File system, rather than in other ways (e.g. on paper).

### 8 Is it possible to withdraw a claim that has been initiated via the internet?

A plaintiff may withdraw a claim until the end of pre-trial proceedings, by filing a petition with the court concerning the withdrawal of the action. With the defendant's consent, an action may be withdrawn until such time as the court decision concerning the action enters into force. The court should be informed of the withdrawal of the action in writing or a record should be made in the minutes. An application can also be submitted to the court via the eFile system.

### 9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

There is no obligation to reply via the internet. The defendant may reply via the internet, electronically, by fax or in writing.

### 10 In terms of the electronic procedure what happens if the defendant responds to the claim?

There is no difference between proceedings initiated via the internet or in any other way. The way the proceedings are handled depends on the subsequent action taken by the body conducting the proceedings and may differ depending on the type of proceedings, as well as on the type of claim.

If, in the expedited procedure for payment orders, a debtor files an objection, the court will continue to hear the matter by means of an action or it will terminate the proceedings. This depends on the petitioner's request.

Civil matters may be resolved by way of written proceedings if the parties submit a relevant petition, or the court may decide that the matter is to be heard in a court session. The way in which they proceed will depend on the type of matter and the objections filed against the claim by the defendant.

### 11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

In the expedited procedure for payment orders, if the debtor does not reply to the proposal for payment, i.e. does not file an objection, the court makes a ruling for a payment order for the appropriate amount. That ruling is enforceable immediately. Therefore, the court must be sure that the defendant has received the proposal for payment.

In other civil matters, if the court has set a deadline for the defendant to reply but the defendant has failed to reply, the court may in certain cases make a default judgment at the request of the plaintiff. If the court does not consider this possible, it can set a new deadline for the defendant to reply or for a court session. A petition for a default judgment may be filed with a statement of claim. The court does not make default judgments in the cases provided for by law.

### 12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

It is possible to file petitions and documents to the court electronically by email or via the specially created information system (e-File system).

It is possible via the e-File system to file all documents in civil and administrative court proceedings, and to a limited extent also in criminal and misdemeanour proceedings. Procedural documents filed via the e-File system should be signed digitally.

### 13 Can judicial documents, and particularly judgments, be served via the internet?

Court judgments, rulings and summons may be served on participants in proceedings electronically either via the e-File system or via the participant's main email address or any other email address of which the court has been notified. The recipient of a document must notify the court of receipt if the document has been sent by e-mail, while if the document is served via the e-File system, the date on which the recipient receives and opens it is automatically registered.

### 14 Can judicial decisions be given electronically?

In civil and administrative court procedure, the court may prepare a judgment electronically, furnishing it with the digital signature of the judge or preparing it in another technically secure way.

In the expedited procedure for payment orders, all court documents, including decisions, are prepared automatically in the information system and need not be digitally signed.

### 15 Can an appeal be made and its decision served via the internet?

It is possible via the e-File system to file an appeal and serve a decision regarding it in civil and administrative matters.

### 16 Is it possible to initiate enforcement proceedings via the internet?

Enforcement proceedings cannot be initiated via the e-File system.

### 17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Electronic proceedings can be followed via the e-File system. For that purpose, a user must log in with their ID-card or Mobile-ID in order to verify their identity. In civil and administrative court procedure, it is possible to view all procedural documents which do not have a personal access limitation and which have been made available in the system to the participants in the proceeding.

The expedited procedure for payment orders can be followed in full via the e-File system.

In criminal and misdemeanour proceedings, only limited information can be viewed in the eFile system.

### Related links

e-File: <https://www.e-toimik.ee/>

The lawyer helps – assistance for people having recourse to a court: <http://www.juristaitab.ee/KKK/kohtusse-poordujale>

Estonian court system: <http://www.kohus.ee/2434>

State Gazette (*Riigi Teataja*): <https://www.riigiteataja.ee/>

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### Automatic processing - Ireland

#### 1 Is it possible to initiate court proceedings via the internet?

Yes. It is possible to initiate certain proceedings i.e. those involving Small Claims via the Internet.

#### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Claimants pursuing a Small Claim (i.e. certain claims to a maximum value of €2,000) can opt to process their claim electronically. The [Small Claims procedure](#) is an alternative method of commencing and dealing with a civil proceeding in respect of a small claim. It is a service provided by District Court offices and is designed to handle consumer claims cheaply without involving a solicitor.

#### 3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

The facility is available at all times.

#### 4 Should the details of the claim be provided in any particular format?

No. The only provision is that details of the claim should not exceed 1,500 words.

#### 5 How is transmission and storage of data secured?

The information is kept secure through the use of firewalls, SSL (Secure Socket Layer) for communications, an Intrusion Detection System at the hosting site and user account security etc

#### 6 Is it necessary to use any kind of electronic signature and/or time record?

No.

#### 7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Court Fees for a Small Claim are paid by credit or debit card and the fee (€25 in 2012) is the same for both electronic and non-electronic Small Claim proceedings.

#### 8 Is it possible to withdraw a claim that has been initiated via the internet?

Yes. If the claim has not yet been listed for court, a claim may be withdrawn by emailing the Small Claims Registrar requesting withdrawal of the claim.

#### 9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Yes it is possible for the defendant to respond using the Internet.

#### 10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The Small Claims Registrar must use his or her best endeavours to settle the claim before it is listed for hearing before the Judge

#### 11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

The claim is treated as undisputed and the claimant may apply for a judgment in default of appearance

#### 12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

No. It is not possible to submit documents to a court electronically.

#### 13 Can judicial documents, and particularly judgments, be served via the internet?

No.

#### 14 Can judicial decisions be given electronically?

No.

#### 15 Can an appeal be made and its decision served via the internet?

No.

#### 16 Is it possible to initiate enforcement proceedings via the internet?

No.

### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Parties to a claim can track the status of their own claim on-line.

#### **Related links**

<http://www.courts.ie/courts.ie/library3.nsf/pagecurrent/50A0FEDF19079201802574050061745F?opendocument&l=en>

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#### **Automatic processing - Italy**

##### **1 Is it possible to initiate court proceedings via the internet?**

It is possible only for certain types of proceedings (e.g. pre-trial injunctions) and for certain courts.

##### **2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

The types of proceedings and acts for which documents can be submitted via the internet are listed for each court in the relevant section of the IT services portal of the Ministry of Justice ([http://pst.giustizia.it/PST/it/pst\\_2\\_4.wp](http://pst.giustizia.it/PST/it/pst_2_4.wp)).

Currently, there are no cases that can be handled exclusively via the internet.

##### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

The service for the electronic submission of documents is available round the clock.

##### **4 Should the details of the claim be provided in any particular format?**

Yes, the technical specifications that must be observed are set out in a measure dated 18 July 2011. They can be found at the following link:

[http://pst.giustizia.it/PST/resources/cms/documents/Specifiche\\_tecniche\\_18\\_luglio\\_2011.pdf](http://pst.giustizia.it/PST/resources/cms/documents/Specifiche_tecniche_18_luglio_2011.pdf)

##### **5 How is transmission and storage of data secured?**

The 'IT envelope' (*busta telematica*), containing the judicial document and any attachments, is encrypted, to ensure its contents can only be read by the receiving court.

##### **6 Is it necessary to use any kind of electronic signature and/or time record?**

An electronic signature is required; a record of the time is not necessary.

##### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

The single fee required by law (*contributo unificato*) may be paid electronically, via a dedicated online procedure requiring authentication by Italian smart card. The fee is the same as for nonelectronic procedures.

##### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

Yes, by an electronic document equivalent to the paper one.

##### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

No, the defendant may respond as he or she prefers.

##### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

The same rules as for paper proceedings apply. The defendant may defend the claim electronically only if the court is authorised to receive online submissions for the type of proceedings and document in question.

##### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

The same rules as for paper proceedings apply.

##### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

See the replies to questions 1 and 2.

##### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Communications and notices to the parties' lawyers are sent only via the internet (certified electronic mail (*PEC*) under the Italian rules).

##### **14 Can judicial decisions be given electronically?**

Yes.

##### **15 Can an appeal be made and its decision served via the internet?**

An appeal can be lodged via the internet only if the court is authorised to accept online receipt of documents for the type of proceedings and documents in question. The decision on the appeal is notified only via the internet (certified electronic mail (*PEC*) under the Italian rules).

##### **16 Is it possible to initiate enforcement proceedings via the internet?**

Yes, if the court is authorised to accept online filing of the relevant documents.

##### **17 Can the parties or their legal representatives consult online cases? If so, how this can be done?**

Yes, by authenticating themselves (using an Italian smart card) at an authorised access point or on the online services portal of the Ministry of Justice.

#### **Related links**

[http://pst.giustizia.it/PST/resources/cms/documents/Specifiche\\_tecniche\\_18\\_luglio\\_2011.pdf](http://pst.giustizia.it/PST/resources/cms/documents/Specifiche_tecniche_18_luglio_2011.pdf)

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#### **Automatic processing - Cyprus**

**1 Is it possible to initiate court proceedings via the internet?**

No

**2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Not applicable.

**3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

Not applicable.

**4 Should the details of the claim be provided in any particular format?**

Not applicable.

**5 How is transmission and storage of data secured?**

Not applicable.

**6 Is it necessary to use any kind of electronic signature and/or time record?**

Not applicable.

**7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Not applicable.

**8 Is it possible to withdraw a claim that has been initiated via the internet?**

Not applicable.

**9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Not applicable.

**10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

Not applicable.

**11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

Not applicable.

**12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

Not applicable.

**13 Can judicial documents, and particularly judgments, be served via the internet?**

Not applicable.

**14 Can judicial decisions be given electronically?**

Not applicable.

**15 Can an appeal be made and its decision served via the internet?**

Not applicable.

**16 Is it possible to initiate enforcement proceedings via the internet?**

Not applicable.

**17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Not applicable.

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**Automatic processing - Latvia**

**1 Is it possible to initiate court proceedings via the internet?**

In Latvia there is no special framework for initiating proceedings and bringing civil actions using the internet. There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

Electronic documents may be sent via the internet.

**2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**4 Should the details of the claim be provided in any particular format?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**5 How is transmission and storage of data secured?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**6 Is it necessary to use any kind of electronic signature and/or time record?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**8 Is it possible to withdraw a claim that has been initiated via the internet?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

There is no special automated procedure or website envisaged for the performance of such procedures in the electronic environment.

**12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

It is possible to send electronic documents in Latvia.

Pursuant to Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, courts are obliged to accept electronically signed documents.

The domestic Latvian legislation concerning electronic documents, the Electronic Documents Law, states that for the purposes of authentication electronic documents must give document authentication data and the signatory's identity; furthermore, for a document to be deemed to have been signed by the relevant person, it has to be signed with a secure electronic signature. When using electronic documents, data security is ensured by the providers of secure electronic signature services in accordance with the provisions of the Electronic Documents Law and the rules regarding personal data protection in Latvia. A person has to give special consent for correspondence with a court using an electronic signature. This means that the court will send documents it has drawn up in electronic form.

It should be added that claims of any kind may be brought using documents certified with a secure electronic signature except where the law lays down a special procedure for initiating proceedings. The procedure for the exchange of electronic documents does not apply to certain types of contract relating to real estate, family and inheritance law, and certain types of guarantee contracts.

Legislation sometimes specifies that in addition to the other requisites a particular document acquires legal effect only if a seal is affixed: in the case of an electronic document this requirement is fulfilled if the electronic document has a secure electronic signature and timestamp, or an electronic signature alone if the parties have agreed in writing that electronic documents may be signed with an electronic signature in accordance with the procedures laid down in the Electronic Documents Law.

### **13 Can judicial documents, and particularly judgments, be served via the internet?**

There is no special website envisaged for the performance of such procedures in the electronic environment using a uniform process.

Court documents may be served electronically if the applicant has indicated in the application that he or she is prepared to use electronic mail as well as other mail for correspondence with the court.

### **14 Can judicial decisions be given electronically?**

Court documents, including judgments, may be served electronically if the applicant has indicated in the application that he or she is prepared to use electronic mail as well as other mail for correspondence with the court.

### **15 Can an appeal be made and its decision served via the internet?**

There is no special website envisaged for the performance of such procedures in the electronic environment using a uniform process.

A person has to give special consent for correspondence with a court using an electronic signature. This means that the court will send documents it has drawn up in electronic form.

### **16 Is it possible to initiate enforcement proceedings via the internet?**

There is no special website envisaged for the performance of such procedures in the electronic environment using a uniform process.

A person may use electronically signed documents for correspondence with a bailiff.

### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

There is no special website envisaged for the performance of such procedures in the electronic environment using a uniform process. It is possible to follow the progress of a case using the courts portal on the internet, which offers the information that is publicly available.

Parties to a case may listen to an audio recording of the court hearing via the courts portal <http://www.tiesas.lv>, section *Manas lietas* ('My cases'), provided the court has entered the audio file into the court information system: when files have been entered into the court information system, and the data is synchronised, they are transferred to the data distribution mechanism on the portal <http://www.tiesas.lv> once every 24 hours. Once a user is registered on the portal they may access information only on those cases for which they are registered as a party, and in such cases they can open and listen to the audio project files added to the documents in the case. A party to a case may access the *Manas lietas* ('My cases') section in the portal <http://www.tiesas.lv> using an e-signature or an electronic identity card, or by sending an application to the Courts Office (*Tiesu administrācija*) asking to be granted access rights.

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## **Automatic processing - Luxembourg**

### **1 Is it possible to initiate court proceedings via the internet?**

No, under Luxembourg law, documents initiating legal proceedings must all be drafted on paper.

### **2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Not applicable.

### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

Not applicable.

### **4 Should the details of the claim be provided in any particular format?**

Not applicable.

### **5 How is transmission and storage of data secured?**

Not applicable.

### **6 Is it necessary to use any kind of electronic signature and/or time record?**

Not applicable.

### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Not applicable.

### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

Not applicable.

### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Not applicable.

### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

Not applicable.

### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

Not applicable.

**12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

No.

**13 Can judicial documents, and particularly judgments, be served via the internet?**

No: depending on the case, they must be served by a bailiff (in person or by post) or notified by the clerk of the court (by post).

**14 Can judicial decisions be given electronically?**

No, parties are notified of court decisions via their respective lawyers. As a rule, this notification takes place when the clerk of the court deposits the decision in the 'pigeonhole' (French *case*) of the legal practice concerned. All legal practices have a 'pigeonhole' in the form of a locked letterbox within the Cité Judiciaire complex. Decisions can be notified direct to the parties by post.

**15 Can an appeal be made and its decision served via the internet?**

No.

**16 Is it possible to initiate enforcement proceedings via the internet?**

No.

**17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

No.

**Related links**

<http://www.legilux.lu/>

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**Automatic processing - Hungary**

**1 Is it possible to initiate court proceedings via the internet?**

Yes, it is possible.

**2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Civil proceedings falling within the competence of regional courts (törvényszék) at first instance – and, if the law provides, other proceedings as well – may be initiated via the internet; however, proceedings initiated on the basis of orders for payment and proceedings referred by district courts (járásbíróság) to regional courts remain paper-based. If a party chooses to proceed by electronic means, he or she must keep contact with the court by electronic means during the first-instance proceedings and court documents will also be served on such party by electronic means.

It is possible to proceed by electronic means in the case of payment procedures and actions brought for the enforcement of orders for payment. Applications and other documents related to the procedure (such as applications for the issue of an order for payment, statements of opposition, or applications for enforcement) can also be submitted electronically. For parties having a legal representative as well as companies and other legal persons, it is compulsory to submit applications for enforcement by electronic means unless they wish to submit attachments on paper – as provided for by the law – with their applications. In this case, they may submit their application on paper as well.

Procedures for the registration of companies (or a change in company data) may only be instituted by electronic means.

In the enforcement process, independent court bailiffs keep contact with the parties, other persons involved in the proceedings, other bailiffs, the Chamber, the court and authorities, persons and organisations to which a request was addressed by electronic means, by means of the delivery system designed for this purpose, if they so request or if it is an obligation laid down by the law. In this case, documents addressed to the bailiff in the context of the proceedings must be submitted by electronic means and the bailiff will also serve the documents to the party by electronic means.

If property (a business share or, subject to certain conditions, moveable property or securities) is auctioned in the course of enforcement proceedings, auctions may be attended – and bids submitted – in the electronic auctioning system established for this purpose.

**3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

Yes, the facility is available at all times except for periods of scheduled maintenance works and unforeseen malfunctions in system operation.

**4 Should the details of the claim be provided in any particular format?**

There are no specific provisions regarding the format of the details provided but if a standard form is available for submitting an application (document) or attachment, that form is noneditable and thus the format of the data cannot be changed either.

**5 How is transmission and storage of data secured?**

In electronic procedures, the secure transmission and storage of data is ensured by the IT tools protecting the communications, delivery and internal administrative systems.

With respect to communication by electronic means during the proceedings, such tools include for example the following: Mail sent can be encrypted. The parties may send their documents to the court encrypted with the public key of the electronic signature of the court and if the parties also send the public key of their electronic signature to the court as part of the submitted document, the court will serve the relevant court document on the party encrypted with this key. In addition, as part of its duties, the National Office for the Judiciary (Országos Bírósági Hivatal) must keep a log of data traffic as well as the operations supporting data traffic within its system for electronic communication with the courts.

**6 Is it necessary to use any kind of electronic signature and/or time record?**

Yes, it is required. In civil proceedings falling within the competence of regional courts at first instance, at least a digital signature and timestamp must be used. In the case of orders for payment procedures and actions brought for the enforcement of orders for payment it is compulsory to use a certified electronic signature and timestamp. To be able to use the enforcement delivery system of the court, it is necessary to have at least an electronic signature creation device suitable to create a digital signature, a timestamp and a certificate for encryption and authentication. Certified electronic signatures and timestamps are also required in the case of procedures for the registration of companies (or a change in company data).

**7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Court fees and the fees payable for procedures are the same for both paper-based and electronic proceedings.

Pursuant to the Act on the Rules of Civil Procedure, a party choosing to proceed by electronic means must pay the fees by bank transfer to the account of the regional court kept for this purpose with the Hungarian State Treasury, indicating the file number of the relevant submission and the name of the party. In the case of procedures for the registration of companies (or a change in company data) the fees for the procedure and the publication cost are payable, by electronic means, prior to the submission of the application for registration (or change of data), indicating the identification number of the fee or cost, downloadable from the website of the Company Information System. Fees must be paid by transfer to the account of the Commercial Court kept for this purpose with the Hungarian State Treasury while the publication cost is payable to the Treasury account of the ministry headed by the Minister for Justice. When proceeding by electronic means, the fees payable for order for payment procedures and enforcement procedures following such procedures as well as the bailiff fees must be paid by transfer with a bank card, using an online payment interface. Payers also have the possibility to transfer a predefined amount, based on a prior agreement with the Hungarian Chamber of Civil Law Notaries, to the payment account of the Chamber kept for this purpose, in order to allow the Chamber to debit the account during the period laid down in the agreement with the amount of the fee of the procedure instituted by the debtor. Court fees for appeals, submitted electronically, against decisions issued by notary publics under an order for payment procedure or and enforcement procedure based on an order for payment are payable by bank transfer to the account – specified by the civil law notary – of the competent regional court kept for this purpose with the Hungarian State Treasury.

#### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

It is not technically possible to withdraw a document once it has been submitted. Proceedings may be discontinued (or other applications or appeals withdrawn) strictly in accordance with the rules of civil procedure. Parties opting for an electronic procedure have the same rights and obligations as parties submitting their applications on paper.

#### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

The defendant may freely choose whether he or she wishes to respond on paper or by electronic means. If the defendant chooses to proceed by electronic means (submitting documents by electronic means), he or she must communicate with the court during the procedure at first instance by electronic means and the court will also serve all court documents to such party by electronic means. If the defendant responds on paper, communication between him/her and the court will be paper-based for the rest of the procedure.

#### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

The same rules of procedure apply in electronic and paper-based procedures. If the defendant responds to the court on paper, the court will keep contact with the defendant on paper, while if he or she responds by electronic means, the defendant and the court will communicate by electronic means for the rest of the procedure.

#### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

See the answers under Sections 9 and 10.

#### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

Documents submitted in civil proceedings falling within the competence of regional courts at first instance may have attachments. The parties must submit such documents and attachments on a standard form – if available – and the form to be used in this case is non-editable. If there is no standard form available for documents or attachments, the parties must submit such documents and attachments in a format which corresponds to any of the document formats approved by the President of the National Office for the Judiciary and published in the information material posted on the central portal used by the courts ( <http://www.birosag.hu/ugyfelkapcsolati-portal>). Exemptions from the obligation to submit documents by electronic means are specified in the legislation.

In the case of order for payment procedures and enforcement procedures following such procedures, documents submitted by electronic means cannot have attachments. If the applicant wishes to submit permitted attachments with the documents – as provided for by the law – he or she may submit both the form and its attachments on paper or may choose to submit the form by electronic means, indicating that the attachments will be delivered to the notary public handling the case by registered mail within three business days, i.e. in such cases the applicant has three business days to send the attachments in hard copy. In such procedures, using a standard form is compulsory. The form can be downloaded from the dedicated website of the Hungarian Chamber of Civil Law Notaries (<https://fmh.mokk.hu/fmh/#x>) and it cannot be edited.

In the case of procedures for the registration of companies (or a change in company data) documents that form part of the request must also be submitted by electronic means. Therefore, documents not prepared by the legal representative must be converted into and submitted in electronic format by that representative. Documents issued by the authorities, payment service providers and other organisations with a certified electronic signature may be submitted – unless the law provides otherwise – as a direct attachment to the request.

#### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Yes, it is possible. In civil proceedings falling within the competence of regional courts at first instance, court documents are served by the court by electronic means on parties proceeding by electronic means.

Orders issued in procedures for the registration of companies (or a change in company data) are also served by electronic means.

Orders for payment are delivered in hard copy. Documents – with the exception of documents which can be served immediately on the party present in person – must be delivered or sent by electronic means to claimants who have chosen to submit an application for an order for payment by electronic means. If, in the enforcement process, electronic communication is used by a party based on a free choice or obligation, documents are exchanged between such party and the independent bailiff by means of the electronic delivery system.

#### **14 Can judicial decisions be given electronically?**

See the answer under Section 13.

#### **15 Can an appeal be made and its decision served via the internet?**

In civil proceedings falling within the competence of regional courts at first instance, the party proceeding by electronic means must submit also any appeal by electronic means.

In proceedings against companies, appeals may only be lodged by electronic means and the decision on the appeal is also served by electronic means.

In the case of order for payment procedures, persons other than companies with a legal personality or persons having a legal representative may lodge an appeal against an order rejecting an application for an order for payment only by electronic means (except if they enclose attachments to their application, as provided for by the law).

In judicial enforcement proceedings, a statement of opposition to the measures taken by the bailiff, made by parties who have opted for electronic communication, may be served on the bailiff by electronic means as well.

#### **16 Is it possible to initiate enforcement proceedings via the internet?**

Yes, applications for enforcement or precautionary measures lodged on the basis of a final order for payment may be submitted by electronic means on the form provided for this purpose. For parties having a legal representative as well as companies and other legal persons it is compulsory to submit applications for enforcement by electronic means unless they wish to submit attachments in hard copy – as provided for by the law – with their applications. In this case, they may submit their application in hard copy as well.

## **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

In certain proceedings they can. In the case of order for payment procedures and enforcement procedures following such procedures, applicants proceeding by electronic means may consult the documents available on his/her user interface which he/she is granted access to by law.

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### **Automatic processing - Malta**

#### **1 Is it possible to initiate court proceedings via the internet?**

No. All judicial acts have to be physically filed in the Court Registry.

#### **2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Not applicable.

#### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

Not applicable.

#### **4 Should the details of the claim be provided in any particular format?**

Not applicable.

#### **5 How is transmission and storage of data secured?**

Not applicable.

#### **6 Is it necessary to use any kind of electronic signature and/or time record?**

Not applicable.

#### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Not applicable.

#### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

Not applicable.

#### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Not applicable.

#### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

Not applicable.

#### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

Not applicable.

#### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

Not applicable.

#### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Not applicable.

#### **14 Can judicial decisions be given electronically?**

Not applicable.

#### **15 Can an appeal be made and its decision served via the internet?**

Not applicable.

#### **16 Is it possible to initiate enforcement proceedings via the internet?**

Not applicable.

## **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Not applicable.

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### **Automatic processing - Austria EJP**

#### **1 Is it possible to initiate court proceedings via the internet?**

Yes, court proceedings can be initiated online via the Austrian e-Justice (*ERV*) platform. However, this requires registration with one of several possible clearing houses, which forward the input to the judicial system. Registration is not free. There is a basic charge of approximately EUR 20.00 per month, plus a fee of approximately EUR 0.30 per upload. A registered letter costs around EUR 3.00 in Austria.

A free upload service using a citizen's card is also available for uploads. However, unlike the Austrian e-Justice platform, it provides a one-way service only.

#### **2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

The Austrian e-Justice platform allows online communication between the courts and the public prosecutors' offices on the one hand and the parties on the other, in the same way as in paper form. It can be used for all types of proceedings. There are no proceedings which must always be initiated online.

#### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

The service is available 24 hours a day, 7 days a week.

#### **4 Should the details of the claim be provided in any particular format?**

The grounds for the claim and all procedural data required for the claim must be uploaded in a prescribed XML structure (or as a PDF attachment to this structure).

#### **5 How is transmission and storage of data secured?**

Data transmission via the Austrian e-Justice platform is secured using the https protocol. Certificates are used to authenticate all parties involved. Communication between servers is also certificate-based. The need for users to register with an access point (see point 1 above) provides additional security.

#### **6 Is it necessary to use any kind of electronic signature and/or time record?**

See point 5 above (certificates). Electronic signatures are not required. A central timestamp service is available for entries in the Land Register only, confirming receipt of a valid submission.

#### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Court fees for online uploads are paid by direct debit. As a general rule, fees for initiating proceedings online are the same as for proceedings initiated in paper form. In certain cases, there is a discount for electronic submission.

#### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

There is no difference between online and offline variants. The rules of civil procedure law apply equally to proceedings conducted via the Austrian e-Justice platform. Even if they were not filed online, claims can be withdrawn online.

#### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Yes, the internet can be used to defend claims, file appeals etc. Use of the Austrian e-Justice platform is not generally mandatory; however, lawyers, notaries, banks, insurance companies, social security funds, the Federal Financial Agency (*Finanzprokuratur*) and bar associations must use the Austrian eJustice platform.

#### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

The rules of civil procedure law apply equally to proceedings conducted online.

#### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

The rules of civil procedure law apply equally to proceedings conducted online.

#### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

Yes, all types of documents can be submitted to the courts via the Austrian e-Justice platform. Original deeds can even be submitted electronically in land register and companies register proceedings.

#### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Yes, via the Austrian e-Justice platform.

#### **14 Can judicial decisions be given electronically?**

Yes, via the Austrian e-Justice platform.

#### **15 Can an appeal be made and its decision served via the internet?**

Yes, via the Austrian e-Justice platform.

#### **16 Is it possible to initiate enforcement proceedings via the internet?**

Yes, via the Austrian e-Justice platform.

#### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Yes, parties and their legal representatives can inspect the case register in all civil and enforcement proceedings online via clearing houses, but only for their own cases. Inspection rights are verified using a unique address code allocated to each person with inspection rights.

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Please note that the following languages have already been translated.

### **Automatic processing - Portugal**

#### **1 Is it possible to initiate court proceedings via the internet?**

Yes, it is possible in Portugal to initiate court proceedings via the *Internet*. Specific software allows claims submitted in this way to be processed automatically.

Pleadings and documents can be submitted electronically via the *Citius* system on the <http://citius.tribunaisnet.mj.pt> web page in accordance with the procedures and instructions specified there. To access the system, lawyers, trainee lawyers and solicitors must register with the entity responsible for managing access to it. Following registration, users are issued with secret, personal, non-transferable codes allowing them to gain access to the restricted area of *Citius*.

#### **2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

The following can be instigated and processed via the *Citius* application:

- Civil declaratory actions, precautionary measures and individual judicial notifications, with the exception of proceedings to promote and protect children and young people in danger and requests for civil damages or civil enforcement proceedings brought in the context of criminal proceedings;
- Civil enforcement proceedings and all hearings joined to the enforcement, taking into consideration that recording of the enforcement proceedings with the printing of essential documents should take place only after the court has received an application or information giving rise to action by the judge.

This is also possible in the case of order for payment proceedings. Please refer to the relevant Factsheet.

#### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

The services described are available 24 hours a day, 7 days a week.

#### **4 Should the details of the claim be provided in any particular format?**

Pleadings are submitted by completing the forms available on the web page referred to in the answer to question 1, to which are attached:

- Files with the other legally required information, material content of the pleading and other information deemed relevant by the legal representative that does not fit into any other fields on the form; and
- The documents that must accompany the pleading. Pleadings and documents submitted in this manner must be digitally signed by electronic signature certificate to permanently guarantee the professional status of the signatory. The signature is performed via the *Citius* electronic system on submission of the pleading.

The aforementioned files and documents must be in *portable document format (.pdf)*.

Order for payment proceedings must be in *extensive markup language (.xml)*, with the specifications published on <http://www.tribunaisnet.mj.pt/injun/injunformato.aspx>.

#### **5 How is transmission and storage of data secured?**

The electronic processing of cases guarantees their integrity, authenticity and inviolability.

All communications between the user's computer and the system's *Internet* site are encrypted so as to ensure the confidentiality of the data transmitted.

Applications can only be accessed by duly certified legal representatives via a digital certificate proving their identity.

All their activity is recorded in the system.

Documents and pleadings that are being handled are signed digitally by the user, guaranteeing their authenticity, integrity and acceptance.

#### **6 Is it necessary to use any kind of electronic signature and/or time record?**

Yes, pleadings and documents submitted should be digitally signed by electronic signature certificate that permanently guarantees the identity and professional status of the signatory.

The *Citius* computerised system means:

a) Certification of the date and time of delivery;

b) The sender is provided with a copy of the pleading and of documents submitted, with the date and time of certified delivery affixed;

c) If receipt is impossible, the sender is sent a message informing them that it was not possible to submit the pleading or documents to the computer system.

Acts of judges and the Public Prosecutor are always carried out electronically via *Citius* with a qualified or advanced electronic signature affixed. Only the following means of electronic signature may be used:

a) Qualified electronic signature certificates issued under the State's Electronic Certification System;

b) Advanced electronic signature certificates issued especially for this purpose by the Institute of Financial Management and Justice Equipment, I. P.

[*Instituto de Gestão Financeira e Equipamentos da Justiça, I.P.*]

#### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Legal costs are payable.

A single collection document (*Documento Único de Cobrança - DUC*), available on the IGFIJ web page, is issued before payment: <http://igfej.mj.pt/PT/custasjudiciais/autoliquidacoes/Paginas/default.aspx>

Payment by ATM or *Homebanking* is carried out via the area 'Payments to the State'.

Financial institutions where it is possible to pay the DUC can be found in the [IGFIJ and DGAJ circular](#)

For further information please consult:

1. Payment process: <http://www.citius.mj.pt/portaldnn/LinkClick.aspx?fileticket=dobTRbvK5HI%3d&tabid=59>

2. Notices:

<http://igfej.mj.pt/PT/Documentacao/OficiosCirculares/Paginas/default.aspx>

3. Questions and responses: <http://www.citius.mj.pt/portaldnn/LinkClick.aspx?fileticket=fcZonQXKRvQ%3d&tabid=59>

Court fees for electronic proceedings via the *Citius* system are 25% to 50% lower than those payable in proceedings via a physical medium.

With regard to orders for payment, please refer to the respective factsheet.

#### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

Yes, it is possible to withdraw a claim initiated via the internet, in exactly the same way as for non-electronic proceedings.

#### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Yes, the defendant responds to the claim via the same computer application on the *Internet*.

#### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

If the defendant responds, the claim follows the procedural terms applying to claims submitted via a physical medium and can continue to be processed digitally until the final decision.

#### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

If the defendant does not respond, the claim follows the applicable procedural terms and is digitally processed until the final decision.

#### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

On the *Citius* system, it is possible to electronically submit documents relating to the claims and procedures referred to in the response to question 2.

However, pleadings or the combination of pleadings and documents must not exceed 3 Mb.

Where the prescribed limit - 3 Mb - is exceeded owing to the size of the pleading, the latter along with its accompanying documents should be submitted via the other means provided for in the Code of Civil Procedure. Where the limit is exceeded due to the total size of the documents, the pleading may be submitted via *Citius* but the documents should be submitted via the other means provided for in the Civil Procedure Code. In this case, documents must be submitted within five days following delivery of the pleading, together with the respective proof of delivery provided by *Citius*.

#### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Notifications can be made electronically using the *Citius* computer system, which automatically ensures that they are issued and can be viewed at the <http://citius.tribunaisnet.mj.pt/> web page.

Notifications to the parties in pending cases, including judgments, are carried out electronically by way of their legal representative.

The *Citius* system ensures certification of the date on which the notification was prepared, assuming it is delivered on the third day after preparation or the first business day after that where the deadline expires on a non-business day.

Summons are not served via the *Internet*.

#### **14 Can judicial decisions be given electronically?**

Procedural acts of judges, including the delivery of judicial decisions, are always carried out electronically via the *Citius-Judicial Magistrates* computer system and are made available on the respective online applications.

As regards their notification, the answer to the previous question applies.

#### **15 Can an appeal be made and its decision served via the internet?**

Yes, it is possible to electronically submit requests to lodge appeals, appeal statements and rebuttals and complaints against the dismissal or elevation of appeals.

As regards notification of the decision on this appeal, please see the answer to question 13.

#### **16 Is it possible to initiate enforcement proceedings via the internet?**

Yes, it is possible to initiate enforcement proceedings via the *Internet*.

#### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Only lawyers or solicitors can consult cases via the *Internet*.

The consultation of cases, i.e. the pleadings and documents in electronic form, is done by lawyers and solicitors via *Citius* on the basis of the case ID number. To access *Citius* to consult cases, lawyers and solicitors are required to register in advance with the entity responsible for managing access to the computer system.

#### Further information

[Directorate-General of Justice Administration](#)

[Directorate-General for Justice Policy](#)

Institute of Information Technology in Justice, I. P.

[Institute of Financial Management and Justice Infra-structure](#)

[Citius Portal](#)

[Justice Portal](#)

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#### Automatic processing - Slovenia

##### 1 Is it possible to initiate court proceedings via the internet?

Yes, the Civil Procedure Act (*Zakon o pravdnem postopku*, ZPP) enables applications to be submitted in civil proceedings in electronic form and judicial proceedings to be commenced via the internet.

More precisely, Article 105b lays down that applications in civil proceedings shall be submitted in writing, where a written application is deemed to be one that has been handwritten or printed and signed in the applicant's own hand (application in physical form) or an application in electronic form and signed with a secure electronic signature verified by means of a qualified certificate. A written application is submitted by post, electronic means, using communication technology, delivered directly to the body or delivered by a person engaged professionally in submitting applications (business supplier/*poslovni ponudnik*). An application in electronic form is submitted by being sent by electronic means to the information system, where the information system automatically confirms that the application has been received.

Notwithstanding the existing legal provisions (acts and implementing regulations) relating to all civil and commercial procedures, currently only procedures included in the e-Justice (*e-Sodstvo*) website may be commenced via the internet or by electronic means: certain types of enforcement procedure (in enforcement procedures, judicial documents have been issued and delivered in electronic form to lawyers and executors since 10 February 2014), the submission of applications and the issuing of decisions in insolvency proceedings, the submission of land register proposals, and the submission of decisions in land register procedures.

The e-Justice website exists in Slovenia for this purpose, and enables written material to be submitted in electronic form: <https://evlozisce.sodisce.si/esodstvo/index.html>

##### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

The submission of electronic applications and the electronic serving of documents is possible in the civil procedures and in other civil judicial proceedings, where the rules contained in the ZPP are applied.

A land register procedure may be initiated exclusively online, since Article 125a of the Land Register Act (*Zakon o zemljiški knjigi*, ZZK-1) sets out the obligatory electronic submission of documents; nevertheless, an applicant may also file a request for the entry of a right of ownership in their favour in the order of priority for the filing of the request in the court records by personally presenting themselves during office hours at the land register court covering the area in which the property that is the subject of the request is located, if they deliver to the land register court all the documents forming the basis for the requested entry referred to in the first paragraph of Article 142 of this Act and if, at the same time, they pay the court fees applying to the request. An applicant who has filed an electronic land register request themselves and a notary public, lawyer, real estate company or state attorney's office representing a party to a land register procedure must submit all applications from that party electronically (fourth paragraph of Article 125a of the ZZK).

For other procedures which can be initiated electronically, the legislation still allows applications to be submitted in physical (paper) form.

**Enforcement:** The second paragraph of Article 29 of the Enforcement and Securing of Claims Act (*Zakon o izvršbi in zavarovanju*, ZIZ) lays down that the minister responsible for justice shall prescribe the types of enforcement procedure in which enforcement proposals and other applications may be submitted by electronic means and processed automatically in the information system, and the course of such procedures. Pursuant to the above Article, Annex 5 of the Rules on the Forms, Types of Enforcement Procedure and the Automated Enforcement Procedure states which electronic applications may be submitted by an applicant via the e-Justice website (*e-Enforcement/e-Izvršba* sub-site). Parties may submit all applications in electronic form via the e-Enforcement sub-site of the e-Justice website.

The eighth paragraph of Article 29 of the ZIZ states that notaries public, lawyers, executors and the State Attorney's Office must submit all applications and other documents in electronic form. However, this provision has not yet taken effect, since the minister has not yet issued a decision identifying the technical conditions that must be complied with in respect of electronic submission. When the minister responsible for justice has issued this decision, the above professional users will be obliged to submit all applications in enforcement procedures in electronic form only. If after that time they submit an application in physical rather than electronic form, the application will not be considered to be an incomplete application, but will be rejected by the court.

**Insolvency proceedings:** An official receiver is obliged to submit his or her reports, lists of verified claims and other documents to the court in electronic form, signed with a secure electronic signature verified by means of a qualified certificate (Article 98 of the Financial Operations, Insolvency and Compulsory Dissolution Act/*Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju*, ZFPPIPP). A lawyer who represents a party to insolvency proceedings is obliged to submit a notification of claims and other applications of the party in electronic form, signed with a secure electronic signature verified by means of a qualified certificate (Article 123a of the ZFPPIPP); if they fail to do so, the court shall reject the application. All documents are delivered to the lawyer representing the party in insolvency proceedings and the official receiver electronically to a secure e-mail address.

Likewise, a court issues an original decision or order in electronic form in insolvency proceedings, signed with the judge's secure electronic signature verified by means of a qualified certificate (Article 124 of the ZFPPIPP).

### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

The e-Justice information system is obliged to allow electronic transactions to be conducted every working day between 8 am and 8 pm. In principle, users of the e-Justice information system may conduct their electronic transactions at any hour and on any day of the week, since the above restrictions applies to instances when the system is undergoing a technical upgrade.

Article 112 of the ZPP lays down that when an application is sent by electronic means, the time at which it was received by the information system is taken as the moment of delivery to the court to which it is addressed. As an implementing regulation, the Rules on Electronic Transactions in Civil Judicial Proceedings lay down that if a deadline applies to an electronic application, that application shall be deemed to have been submitted at the moment it is received by the server on which the e-register module for the type of civil judicial procedure to which the application is being submitted via the e-Justice information system runs (Article 18 of the Rules).

### **4 Should the details of the claim be provided in any particular format?**

If the non-standardised part of the text of the electronic application is originally drawn up as an electronic document, it must be attached to the electronic transaction in PDF/A form. The user must convert the non-standardised part of the text of an electronic application that is originally drawn up as a written document and any annex that constitutes a written document into electronic form by scanning it in order to attach it to the electronic transaction. An electronic document obtained in this way must meet the following requirements:

it must be in PDF/A form and in black and white;

resolution must be between 240dpi and 300dpi;

if the written document includes several pages, all pages must be contained in a single PDF file so that there are no intermediate empty pages;

if two or more documents are attached, each document must be contained in its own PDF file.

If an electronic document attached to an electronic transaction does not meet these requirements, the electronic application is deemed to be incomplete (Article 19 of the Rules on Electronic Transactions in Civil Judicial Proceedings).

### **5 How is transmission and storage of data secured?**

The e-Justice information system is located in the secure government network (HKOM), and the data is stored on the central server of the HKOM network. The rights of access to the data are addressed as part of the scheme of rights regulated by the information technology centre at the Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*) in accordance with the Rules on Electronic Transactions in Civil Judicial Proceedings. Every user of the e-Justice information system and the other three sub-sites must register with the security scheme before conducting electronic transactions. User groups are distinguished by means of the level of presentation within the information system (ordinary users, registered users and qualified users). The number of user rights (electronic transactions) that may be implemented on the site and sub-sites depends on the type of user group to which a user belongs.

### **6 Is it necessary to use any kind of electronic signature and/or time record?**

Every electronic application must be signed with the applicant's electronic signature (qualified digital certificate). The e-Justice information system furnishes every electronic application received with a time stamp, while the applicant receives an automated electronic certificate stating the time the application was entered in the e-Justice information system.

### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

The general regulation governing the payment of court fees is the Court Fees Act (*Zakon o sodnih taksah*, ZST-1), which states that court fees are payable before courts in Slovenia under the provisions of this act. Court fees may be paid in cash, by electronic means or by using another valid payment instrument. The act does not, in principle, distinguish between electronic and non-electronic procedures, but does encourage the submission of electronic applications in enforcement proceedings because the fee for submitting a proposal per type of enforcement is lower if it is submitted in electronic form.

**Enforcement proceedings:** The obligation to pay a fee arises in relation to all cases of the electronic submission of applications at the moment of submission. If the court fee is not paid at that time, the court issues an order for payment requesting the applicant to settle the fee within eight days of receiving the order. The only exception relates to an electronic request for enforcement on the basis of an authentic document, where the obligation to pay the fee arises when the request enters the information system. The applicant is not issued with an order for payment, but receives the details necessary for paying the court fee. Where an applicant fails to pay the prescribed amount of the court fee for an electronic request for enforcement on the basis of an authentic document for which the Central Document Authentication Department (*centralni oddelek za verodostojno listino*, COVL) is responsible, and within eight days of the delivery of the request, the request shall be deemed not to have been submitted.

There is no distinction made in relation to the payment of court fees for electronic applications that are not requests for enforcement on the basis of an authentic document. Where a request for enforcement on the basis of an authentic document is made in physical (paper) form and where the applicant does not pay court fees according to the reference stated on the request form, the court shall send them an order for payment.

**Land register proceedings:** Where a court fee needs to be paid for a land register proposal or other electronic application, an order is issued upon the electronic submission of the application ordering the applicant to pay the court fee within eight days of the delivery of the order by remitting the sum to the relevant account and with the reference number stated in the order. The order for payment of the court fee is considered delivered when the applicant or their representative has submitted the application electronically. If the applicant fails to pay the court fee in accordance with the order for payment within eight days of the delivery of the order, the application is deemed to have been withdrawn.

### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

The same rules apply to the withdrawal of a request or application submitted electronically as to the withdrawal of a written application. In computerised enforcement, insolvency and land register procedures, a submitted request may also be withdrawn electronically.

### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

As mentioned under point 1 above, despite the existence of legal provisions for the submission of electronic applications, this is still not yet possible in all civil proceedings.

The Rules on the Forms, Types of Enforcement Procedure and the Automated Enforcement Procedure contain a list of applications and other documents that can be sent by electronic means in an enforcement procedure. Where a debtor in an enforcement procedure wishes to submit a reply or an electronic application via the e-Justice website (e-Enforcement sub-site), they must meet the conditions applying to an external qualified user of the e-Justice information system (open secure electronic mailbox, qualified digital certificate from a Slovenian certifier linked to a tax number), along with other conditions depending on which user group they belong to (Article 12 of the Rules on Electronic Transactions in Civil Judicial Proceedings).

See the reply under point 2 for the obligations applying to some participants with regard to the submission of documents in electronic form and those of parties to insolvency proceedings.

An objection or other legal remedy may also be submitted online in land register proceedings and certain types of enforcement proceeding. It is obligatory for some participants (lawyers, notaries public, state bodies, real estate companies) to submit all documents electronically in land register proceedings.

### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

The electronic procedure in the event of a lack of response from an opposing party proceeds in the same way as the written procedure in such cases. After expiry of the deadline set for the defendant or debtor to reply, the court issues a decision.

#### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

See 10 – same question.

#### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

Article 16a of the ZPP lays down that an electronic form is equal to a written form if the data in electronic form is capable of being processed at court, and is accessible and suitable for subsequent use, and that data in electronic form may not be regarded as having no evidential value because it is in electronic form. The same is stipulated by the Electronic Transactions and Electronic Signature Act (*Zakon o elektronskem poslovanju in elektronskem podpisu*, first paragraph of Article 13).

Documents and evidence may be submitted in electronic form in procedures of enforcement and the securing of claims. Regarding compliance with the technical requirements, where they do not refer to an electronic application but to an electronic document (attachment), the provisions of the first and second paragraphs of Article 19 of the Rules on Electronic Documents are applied *mutatis mutandis*. See also the reply under point 4.

Documents may also be submitted in electronic form. An electronic application is an electronic document containing the application of a party to civil judicial proceedings (Rules on Electronic Transactions in Civil Judicial Proceedings). The same rules also define what is an electronic attachment, i.e. a written document converted into electronic form and attached to an electronic application.

The user submits an electronic application by selecting the appropriate electronic transaction for submitting an electronic application on the e-Justice website and entering the required information from the standardised part of the text of the application in the appropriate field of the on-screen (online) form. Where an electronic application also contains an explanatory part by law or at the discretion of the applicant, the user creates a separate electronic document from the text of the explanatory part (the non-standardised part of the text of the electronic application) that meets the requirements referred to in Article 19 of the Rules on Electronic Transactions in Civil Judicial Proceedings and attaches this electronic document to the e-Enforcement transaction. The user signs it with their own secure electronic signature. The same applies to electronic attachments to an electronic application. See also the replies above.

A special rule is defined for land register procedures in order to ensure legal security, and owing to the fact that the document converted into electronic form acquires the nature (evidential value) of an original, that only a notary public, as a person of public trust, may convert private documents (contracts) into electronic form. A notary public is also obliged, under the rules of notarial custody, to keep this document until entry becomes final. A party/applicant may convert other documents that form the basis for entry (court decisions and other decisions of a state body) into electronic form themselves.

#### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Under the provisions of the Rules on Electronic Transactions in Civil Judicial Proceedings, an electronic court decision is regarded as an original court decision. In the electronic serving of a court decision, a copy of an electronic court decision is sent as an electronic document. In the serving of a court decision by post, a printed copy of the electronic court decision is sent.

\*It should be pointed out that, in practice, and despite the legal provisions in place, it is currently not yet possible to send documents in civil and commercial cases, with the exception of proceedings involving the insolvency and the land register, by electronic means. Since 10 April 2014, court documents have also been delivered to lawyers and executors in electronic form, i.e. by electronic means.

#### **14 Can judicial decisions be given electronically?**

Yes. A judgement or decision issued in electronic form is signed by the chair of the judges' panel using their own secure electronic signature and the court's secure electronic signature, verified by means of a qualified certificate. If the secure electronic signature of the chair of the judges' panel is certified by means of a qualified certificate that also contains an indication of the court, the court's own secure electronic signature is not required. Judgements processed in the information system automatically may have a facsimile in place of a signature and stamp.

A decision issued in physical or electronic form may be served on parties as a certified copy or as an electronic (scanned) copy or in electronic form. See also the note to reply 13.

#### **15 Can an appeal be made and its decision served via the internet?**

As already stated above, despite the existence of legal provisions, electronic applications, appeals included, cannot be submitted in all proceedings, although electronic submission is possible in enforcement, insolvency and land register proceedings if the applicant meets the conditions applying to a user of the e-Justice information system. See also the replies above.

#### **16 Is it possible to initiate enforcement proceedings via the internet?**

Yes, electronic enforcement (e-Enforcement) is also possible through the e-Justice website. An applicant may submit an application for enforcement on the basis of an authentic document via the e-Justice website (e-Enforcement sub-site) as a registered and external qualified user. An applicant may submit an application for enforcement on the basis of an enforcement title and an application for the securing of claims via the e-Enforcement sub-site only as an external qualified user. It must be pointed out here that this is a procedure of enforcement and securing of claims conducted in accordance with national regulations (ZIZ).

#### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Parties have the right to inspect and copy a file in electronic form in the information system, with a party proving their identity by means of a qualified certificate for an electronic signature.

In enforcement and securing of claims proceedings before local courts (*okrajna sodišča*), users that have submitted an electronic application via the e-Enforcement sub-site may inspect their own documents, as well as the procedural acts on the case to which they have submitted the electronic application and in which they are mentioned as a participant. The Rules on the Forms, Types of Enforcement Procedure and the Automated Enforcement Procedure lay down what a user from a specific user group may inspect.

Inspection of the file is also permitted in land register proceedings. One difference between land register and enforcement proceedings is that all registered users (i.e. not just applicants and other participants) are permitted to inspect the file until the entry in the land register becomes final. Only procedural acts (application, court decision, etc.) are available for inspection to all, and not attachments, i.e. documents, for reasons of protection of participants' personal data.

#### **Related links**

<https://evlozisce.sodisce.si/esodstvo/index.html>

<http://www.pisrs.si/Pis.web/>

<http://www.uradni-list.si/>

<http://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/preciscenaBesedilaZakonov>

<http://www.sodisce.si/>

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## Automatic processing - Finland

### 1 Is it possible to initiate court proceedings via the internet?

Yes.

### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Automatic processing is available for submitting applications for a summons in the case of uncontested claims, for legal aid applications (and for applying for defence counsel or a public legal aid attorney to be appointed and for attorneys applying for reimbursement for fees and costs from the State) and for enforcement applications (in the case of private law applications for the enforcement of debts that are based on a district court's (*käräjäoikeus*) ruling or judgment).

Finland has no proceedings that are available exclusively via the internet.

### 3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

The facility is available at all times.

### 4 Should the details of the claim be provided in any particular format?

An XML template is available for corporations and organisations that frequently file applications for a summons. A separate electronic online form is available for citizens and businesses.

### 5 How is transmission and storage of data secured?

The automatic processing facility of Finnish courts is secured by an encrypted https file transfer protocol. Data submitted by courts are kept on a secure server from where interested parties can download their documents.

### 6 Is it necessary to use any kind of electronic signature and/or time record?

Users need to log in to download files from the secure server.

### 7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

The same fees are charged for electronic procedures as for non-electronic procedures. District courts charge fees to applicants and claimants at the end of each procedure. The amount of the fee depends on the nature of the case and the complexity of the procedure.

### 8 Is it possible to withdraw a claim that has been initiated via the internet?

The same principles apply to electronic procedures as to claims filed by conventional, non-electronic means.

### 9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Defendants can respond via the internet but using the internet is not compulsory.

### 10 In terms of the electronic procedure what happens if the defendant responds to the claim?

In civil cases there are no differences between electronic and non-electronic procedures.

### 11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

In civil cases there are no differences between electronic and non-electronic procedures.

### 12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Yes. Applications for a summons, responses and other court documents can also be sent to courts via email.

### 13 Can judicial documents, and particularly judgments, be served via the internet?

Documents that do not require acknowledgement of receipt (such as responses, summonses to preliminary and main hearings and court summaries) can be sent to the interested parties via email.

### 14 Can judicial decisions be given electronically?

Judicial decisions can be sent to the interested parties electronically upon request. The recipient or his or her agent must log in to download judicial decisions from the online facility.

### 15 Can an appeal be made and its decision served via the internet?

It is not currently possible to make appeals electronically.

### 16 Is it possible to initiate enforcement proceedings via the internet?

Applications for the enforcement of judgment debts can be submitted electronically. Automatic processing is available for private law applications for the enforcement of debts that are based on a district court's ruling or judgment.

### 17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Yes. Claimants can monitor the progress of their cases by logging into an online facility if the proceedings were initiated via the internet.

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## Automatic processing - Sweden

### 1 Is it possible to initiate court proceedings via the internet?

In Sweden, an application for a summons in the case of a dispute must be submitted in writing and be signed in person by the plaintiff or by his or her representative. The signature requirement means that a summons application cannot be submitted electronically.

The same applies to applications for an order to pay that are submitted to the Swedish Enforcement Authority. In the case of an order to pay, however, there are some opportunities for the Swedish Enforcement Authority to grant an exemption for those who submit large numbers of applications for an order to pay.

### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

As may be seen from [the response to question 1](#), this is only possible in certain exceptional cases in the summary process.

### 3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

There is no Internet service for bringing a case.

#### 4 Should the details of the claim be provided in any particular format?

There is no Internet service for bringing a case.

#### 5 How is transmission and storage of data secured?

There is no Internet service for bringing a case.

#### 6 Is it necessary to use any kind of electronic signature and/or time record?

There is no Internet service for bringing a case.

#### 7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

There is no Internet service for bringing a case.

#### 8 Is it possible to withdraw a claim that has been initiated via the internet?

There is no Internet service for bringing a case.

#### 9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

There is no Internet service for bringing a case. As may be seen from [the response to question 12](#), however, it is generally possible to submit a statement of defence and other procedural documents via the Internet if they do not need to be signed in person.

#### 10 In terms of the electronic procedure what happens if the defendant responds to the claim?

There is no Internet service for bringing a case.

#### 11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

There is no Internet service for bringing a case.

#### 12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Documents that do not need to be signed in person may be submitted electronically. This means that it is possible, in principle, to submit all documents electronically other than an application for a summons. The court may, however, decide in an individual case that an unsigned original document that has been submitted electronically must be confirmed by the sender by means of an original signed document.

#### 13 Can judicial documents, and particularly judgments, be served via the internet?

There is nothing to prevent an authority from sending a document electronically and for receipt of the document to be confirmed by e-mail, for example, if this is deemed necessary under provisions in force concerning personal data, etc.

#### 14 Can judicial decisions be given electronically?

A judgment is sent by post, unless requested otherwise by the party. Where appropriate, for instance with reference to the provisions on personal data in force, documents may instead be sent by fax or e-mail, or otherwise made available in electronic form.

#### 15 Can an appeal be made and its decision served via the internet?

It is possible to lodge an appeal by e-mail. Where necessary, the court may request that such an appeal be confirmed by the sender by means of an original signed document.

With regard to summonses, please see [the response to question 13](#).

#### 16 Is it possible to initiate enforcement proceedings via the internet?

An application for enforcement may be made by the entitled party or by his or her representative, either verbally or in writing. A verbal application requires the applicant (the party seeking enforcement) to contact the Swedish Enforcement Authority. A written application must be signed by the applicant or by his or her representative. The Swedish Enforcement Authority may, however, allow a party submitting a large number of applications to do so electronically.

#### 17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

No.

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### Automatic processing - England and Wales

#### 1 Is it possible to initiate court proceedings via the internet?

Yes it is possible to initiate court proceedings via the internet through either the [Money Claim Online \(MCOL\)](#) or [Possession Claim Online \(PCOL\)](#). Both systems are supported by a helpdesk which can provide assistance (although not legal advice). The helpdesk can be contacted on 0845 601 5935 (for callers within the United Kingdom) and +44 1604 619 402 (for callers from outside of the United Kingdom).

#### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

MCOL is available for claims for a fixed amount of money which is less than £100000 (approximately €125000) including court fees and any lawyers' costs. The claim should be against no more than two people and the address of the person or persons being sued must be within England and Wales. The claimant must also have an address for service within England and Wales.

PCOL can be used to make a claim for the recovery of possession of land (including buildings or parts of buildings). It includes a possession claim for residential property by a landlord against a tenant, solely on the ground of arrears of rent (but not a claim for forfeiture of a lease); or a mortgagor against a mortgagee, solely on the ground of default in the payment of sums due under a mortgage. It does not include a claim for any other remedy except for payment of arrears of rent or money due under a mortgage, interest and costs. As with MCOL, all defendants must have an address for service in England and Wales and the creditor must have an address in England or Wales where documents can be delivered. The claimant must also be able to provide a postcode for the property to be recovered and should have an e-mail address.

For both MCOL and PCOL, creditors must be at least 18 years of age, must not lack mental capacity, must not be legally assisted within the meaning of the Legal Aid Act 1988 and must not be a vexatious litigant (that is a person who has been forbidden by a High Court Judge to issue proceedings in any county court in England and Wales without permission). Claims cannot be made against the Government or Monarchy.

These types of claims do not have to be initiated using the internet.

#### 3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Both MCOL and PCOL are available at all times. Where a claim is received before 09.00 on a day when the court is open, the request will be processed that day. Where it is received after 09.00 it will be processed on the next day that the court is open. The claim is usually printed and posted to the defendant on the day it is processed.

#### 4 Should the details of the claim be provided in any particular format?

For both MCOL and PCOL a claimant will be asked to complete a series of screens. Each screen deals with a specific piece of information that is required - for example the creditor's full name and address, the name and address of the defendant or defendants and the amount of money being claimed and details of the claim.

The MCOL and PCOL systems will automatically save information as it is completed on the screen. If only part of a screen is completed a creditor may save that information by selecting the save option which appears at the top and bottom of each screen. In MCOL these details are saved for 28 days to allow a creditor sufficient time to get together any further information required. PCOL will save a draft claim indefinitely until the claim is submitted and or deleted by the user.

#### **5 How is transmission and storage of data secured?**

Security is of paramount importance in both the MCOL and PCOL systems. Because some of the information a creditor provides can be of a sensitive nature security is provided through unique user ID and passwords. The site also has security protection and encrypts the data that passes over the Internet.

However parties should note that any e-mails sent or received cannot be regarded as secure.

Creditors need to register with MCOL and PCOL before they can issue claims online. Once they have registered they are asked to choose a user ID and password. Both the ID and password must be no less than 8 and no more than 12 characters long and be a combination of letters and numbers.

MCOL and PCOL also ask a creditor to select a security question and provide an answer to it when he/she registers. This is in case the creditor forgets his /her password. The system will e-mail the password provided the security question has been answered correctly. User IDs once forgotten are irretrievable.

#### **6 Is it necessary to use any kind of electronic signature and/or time record?**

Electronic signatures are not required, although the logon procedure described in answer to question 5 applies. The time an application is submitted will, as explained in the answer to question 3, determine the day on which the claim is processed.

#### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Claims issued online attract a lower fee than those issued manually, as it is less resource intensive for court staff. The court fees for both MCOL and PCOL should be paid by credit or debit card, and PCOL also allows payment by direct debit for organisations and lawyers. Those entitled to claim a fee remission cannot use MCOL or PCOL. If a fee remission is claimed the application would require proof that would need to be checked by a member of court staff. For that reason applications for fee remissions are not available online. Claimants who feel they qualify for fee remission need to contact their local court and issue a manual claim along with their application.

#### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

While it is possible to delete claims and requests made through MCOL and PCOL before they have been submitted, after being submitted claims cannot be deleted. It is possible to cancel proceedings requested via MCOL or PCOL once they have been issued in the same way as for non-electronic procedures. Court fees cannot be refunded when a request for cancellation is made after proceedings have been issued.

#### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

If a claim has been issued through MCOL or PCOL a defendant may respond electronically using the login password provided on the front of the claim form. It is not compulsory to respond via the internet.

#### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

The defendant can respond online to a claim made using MCOL in 5 ways. He/she can:

Pay the claim in full

Make a full admission

Make a part admission

File an acknowledgement of service

Defend the claim

Make a counterclaim against the claimant

Where the defendant submits a defence the case is transferred to the defendant's local court. Where a counterclaim is made the case is transferred to an appropriate court. In both circumstances the case will proceed as if it was issued in a non-electronic format.

If the defendant makes a partial admission the creditor will be asked whether he/she is willing to accept this admission. If it is accepted the claimant may request the court to enter judgment against the defendant and send an order to pay. If it is not accepted the case will proceed as a defended case.

If the defendant replies to the possession claim a copy is served on the claimant and placed on the court file for the initial possession hearing. On PCOL, defendants can complete the response form which is a statement of means and is required in advance of the possession hearing.

#### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

If the defendant does not respond to a claim the creditor can request judgment by default online via MCOL. A request can be made by selecting the Judgment Start option. The creditor is asked to decide whether he/she wants the defendant to pay the claim by instalments or in one lump payment. If the creditor has claimed interest as part of the original claim he/she is entitled to claim interest from the date of issue up to the date judgment is requested. As with the initiation of claims, a request for judgment if received via MCOL before 09.00 on a day when courts are open will be processed at the end of the day. Where it is received after 09.00 it will be processed on the next day when the court is open and may not appear on MCOL until the following day.

PCOL can be used to submit an application to the court for a date to be fixed for possession where the defendant has failed to comply with the terms of an Order for Possession. However the required supporting evidence must be filed directly with the court and cannot be attached to an online application.

#### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

PCOL allows claimants to submit the following electronically:

General correspondence

General application

Request hearing adjournment

Withdraw claim.

For MCOL, claimants can also do the following electronically:

Enter judgment by admission, part admission or default

Issue a warrant of execution.

Claimants and defendants can submit e-mail correspondence and queries through MCOL and PCOL. However they cannot submit general correspondence or applications electronically.

#### **13 Can judicial documents, and particularly judgments, be served via the internet?**

Judgments can be issued on both MCOL and PCOL, however they must be served by first class post, as this is deemed correct service according to English law.

#### **14 Can judicial decisions be given electronically?**

Judges do not have the facility to send decisions to parties electronically.

## 15 Can an appeal be made and its decision served via the internet?

An appeal can be made via PCOL on a general application, but other than that no appeal can be made electronically via PCOL or MCOL. Decisions cannot be served via the internet.

## 16 Is it possible to initiate enforcement proceedings via the internet?

Where a creditor requests judgment by default with immediate payment via MCOL, he/she can request a warrant of execution once the status on MCOL shows that judgment has been entered, and where the defendant has defaulted against the terms of the judgment (this applies whether the judgment is obtained by default or by admission.) There is a fee for issuing a warrant which the creditor will be asked to pay using either a debit or a credit card. This court fee is added to the amount owing. To request a warrant online the creditor must log onto the system using his/her user ID and password, select the claim and select the 'warrant of execution' option.

The warrant must be issued for:

Either the balance due under the judgment

Or, if the judgment is payable by instalments, a minimum sum of £50 or one monthly instalment, whichever is the greater amount.

Once the warrant has been issued it is sent electronically to the bailiffs at the defendant's home court. The bailiffs will make several attempts to recover the creditor's money.

Other methods of enforcement - the full details of which can be found on the [enforcement factsheet](#) for England and Wales - are not available via MCOL. PCOL can be used to submit a request to the court to issue a Warrant of Possession. This provides a means to enforce a judgment or order for the possession of land (where 'land' is taken to mean both buildings and open land). If the occupants of the land do not leave voluntarily, a bailiff has powers under the warrant to evict them. A fee is required to be paid.

PCOL can also be used to submit an application to the court for Leave to Issue a Warrant of Restitution. Warrants of Restitution only apply in the circumstances when the bailiff has successfully executed a possession warrant and the previous occupant has regained possession of the property. However if an application intends to rely on a separate witness statement or documentation it is not possible to submit an application online. No other methods of enforcement can be requested via PCOL.

## 17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Parties can view their case status online, and view the history of cases that have been issued by them or against them.

### Related links

[Money Claim Online](#)

[Possession Claim Online](#)

[Civil Procedure Rules](#)

[Ministry of Justice](#)

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## Automatic processing - Northern Ireland

### 1 Is it possible to initiate court proceedings via the internet?

Yes it is possible to initiate civil court proceedings via the internet through Small Claims Online (SCOL) which can be found at <http://www.courtsni.gov.uk/>

### 2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Small Claims On Line (SCOL) is available for money claims which are less than £3,000 excluding court fees and which does not relate to personal injuries, road traffic accidents, libel or slander, title to land, legacy or annuity or any property of a marriage.

The person or persons (respondent(s)) being sued can reside within the UK as long as a recognised postcode is provided to enable the identification of the proper address for service. If the respondent has an address in England, Scotland or Wales, the applicant must confirm that the cause of action for which they are claiming is not a matter which has been lodged in any other court. However if the respondent has an address outside the UK then SCOL cannot be used.

In respect of SCOL, applicants must be at least 18 years of age, must not lack mental capacity, must not be legally assisted within the meaning of the Legal Aid Act 1988 and must not be a vexatious litigant (that is a person who has been forbidden by a High Court Judge to issue proceedings in any county court in Northern Ireland without permission). Claims cannot be made against the Government or Monarchy.

Small Claims can be initiated at a court office or online using the SCOL process.

### 3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

SCOL is currently available 24 hours a day and 7 days a week.

### 4 Should the details of the claim be provided in any particular format?

For SCOL the applicant will be asked to complete a series of screens. Each screen deals with a specific piece of information that is required - for example the applicant's full name and address, the name and address of the respondent or respondents and the amount of money being claimed and details of the claim.

### 5 How is transmission and storage of data secured?

Security is of paramount importance. Because some of the information an applicant provides can be of a sensitive nature security is provided through unique user ID and passwords. The website also has security protection and encrypts the data that passes over the Internet.

Applicants need to register with the website before they can issue a small claim online. During registration they are asked to choose a user ID and password. The password must be no less than 7 characters long and be a combination of upper and lower-case letters and numbers.

### 6 Is it necessary to use any kind of electronic signature and/or time record?

Electronic signatures are not required. A Statement of Truth is required to be completed by the Applicant.

### 7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

No distinction is made between the court fees payable for claims initiated via the Internet and those for non-electronic procedures. The court fees can be paid by credit or debit card or pre-paid account. Those entitled to claim fee exemptions or remissions cannot use SCOL.

### 8 Is it possible to withdraw a claim that has been initiated via the internet?

A notice to withdraw a claim can be made by the Applicant; this notice can be lodged online or via the office and will set the case status to "dealt with".

### **9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

If a claim has been issued through SCOL a respondent may respond electronically using the claim details provided on the front of the claim form or alternatively they can respond to the relevant court office. It is not compulsory to respond via the internet.

### **10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

The respondent can respond online to a claim made using SCOL in 3 ways. He/she can complete an:

Acceptance of Liability - if he/she admits the claim and wishes to settle it.

A respondent should complete and lodge this document if they accept that they owe this money and are going to pay the amount outstanding. They should specify if they need extra time to pay by either stating they can pay an amount per week/month or that they can pay the full amount by a certain date.

Notice of Dispute - if the respondent wishes to dispute the claim made against him/her.

If they do not agree with the claim they should complete and submit a Notice of Dispute, giving the reason why they feel this case should be disputed. Once the document is verified, the case is then transferred to the court office entered on the original application (usually a local court office) for listing (that is scheduling) and hearing. They must lodge copies of any documents that will support their case with the relevant Court Office at least 10 days before the court hearing date.

Notice of Dispute and Counterclaim - if the respondent wishes to dispute the claim made against him/her and wishes to make a counterclaim against the applicant. There will be a fee charged for this document and it is calculated depending on the amount the respondent wishes to claim. He/she will need to pay for this application by credit or debit card online. If he/she does not have a credit or debit card then they will have to submit this document to the Civil Processing Centre and make their payment by cash, postal order or cheque. Cheques should be made payable to Northern Ireland Courts and Tribunals Service.

Once the document is verified in the Civil Processing Centre it is then transferred to the court office entered on the original application (usually a local court office) for listing and hearing. The respondent must lodge copies of any documents that will support their case with the relevant Court Office at least 10 days before the court hearing date.

Where the respondent submits a defence the case is transferred to the respondent's local court. Where a counterclaim is made the case is transferred to an appropriate court. In both circumstances the case will proceed as if it was issued in a non-electronic format.

### **11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

Once the return date has expired and there is no response from the respondent the applicant can apply for a Liquidated or Unliquidated Default Decree. This Application for a Default Decree can be completed and submitted online.

### **12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

There is no general online facility to submit documents to a court electronically however in certain circumstances at the discretion of the court, the court may indicate it will accept certain documentation electronically. Documents are accepted if transmitted between the Criminal Justice Secure eMail (CJSM) accounts i.e. from one CJSM email address to another. A Protocol for the electronic exchange of information between the Northern Ireland Courts & Tribunals Service and other organisations, in proceedings under the Children (Northern Ireland) Order 1995 details the parameters for the exchange of agreed documentation.

### **13 Can judicial documents, and particularly judgments, be served via the internet?**

No.

### **14 Can judicial decisions be given electronically?**

No.

### **15 Can an appeal be made and its decision served via the internet?**

No.

### **16 Is it possible to initiate enforcement proceedings via the internet?**

No.

### **17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

No.

#### **Related links**

Northern Ireland Courts and Tribunals Service <http://www.courtsni.gov.uk/>

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#### **Automatic processing - Scotland**

### **1 Is it possible to initiate court proceedings via the internet?**

No.  [Scottish Courts and Tribunals Service](#) has a long term goal to provide services electronically, but does not provide this function currently. However, initiation of court proceedings by the internet will feature as a key objective as internal systems and processes are reviewed.

### **2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Not applicable.

### **3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

Not applicable.

### **4 Should the details of the claim be provided in any particular format?**

Not applicable.

### **5 How is transmission and storage of data secured?**

Not applicable.

### **6 Is it necessary to use any kind of electronic signature and/or time record?**

Not applicable.

### **7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Court fees are payable and are prescribed in legislation. Once facilities are available for on-line applications, fees will also be payable electronically.

### **8 Is it possible to withdraw a claim that has been initiated via the internet?**

Not applicable.

**9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Not applicable.

**10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

Not applicable.

**11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

Not applicable.

**12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

Yes, in a civil case it is possible, but only where both parties and the judge hearing the case agrees the format.

**13 Can judicial documents, and particularly judgments, be served via the internet?**

No.

**14 Can judicial decisions be given electronically?**

No. However, if a case has gone to a full hearing and judicial determination by the court a copy of the court's opinion may subsequently be published on the [Scottish Courts and Tribunals Service](#) website and/or [Judiciary of Scotland](#) website.

**15 Can an appeal be made and its decision served via the internet?**

No.

**16 Is it possible to initiate enforcement proceedings via the internet?**

No.

**17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

No. However some court opinions are available on-line. Further information is available at [Scottish Courts and Tribunals Service](#) and [Judiciary of Scotland](#).

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#### Automatic processing - Gibraltar

**1 Is it possible to initiate court proceedings via the internet?**

It is not currently possible to initiate court or enforcement proceedings via the internet in Gibraltar. It is also not possible to submit documents to a court, serve judgments, give judicial decisions or make appeals electronically in Gibraltar.

**2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Not applicable

**3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

Not applicable

**4 Should the details of the claim be provided in any particular format?**

Not applicable

**5 How is transmission and storage of data secured?**

Not applicable

**6 Is it necessary to use any kind of electronic signature and/or time record?**

Not applicable

**7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Not applicable

**8 Is it possible to withdraw a claim that has been initiated via the internet?**

Not applicable

**9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Not applicable

**10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

Not applicable

**11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

Not applicable

**12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

Not applicable

**13 Can judicial documents, and particularly judgments, be served via the internet?**

Not applicable

**14 Can judicial decisions be given electronically?**

Not applicable

**15 Can an appeal be made and its decision served via the internet?**

Not applicable

**16 Is it possible to initiate enforcement proceedings via the internet?**

Not applicable

**17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

Not applicable

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