



**Brussels, 4 May 2015
(OR. en)**

8538/15

EJUSTICE 50

NOTE

From:	President of the Council of Bars and Law Societies of Europe (CCBE)
To:	Working Party on e-Law (e-Justice)
No. prev. doc.:	5454/15 EJUSTICE 10 and 6061/15 EJUSTICE 12
Subject:	Cooperation with the judiciary and legal practitioners - Response on the evaluation of the e-Justice Portal

On behalf of the CCBE I would like to thank the Working Party on e-Justice for consulting the CCBE during the process of evaluation of the content of the e-Justice Portal.

The CCBE has carefully reviewed the various sections of the website and, besides the observations listed below, our general conclusion is that the content and length of most of the items that are currently included correspond to overall needs. The existing portal constitutes an excellent body of information on a diverse range of topics of interest to, among others, legal professionals.

However, looking towards the future, the CCBE considers that the Portal should move forward, beyond being mainly a point of access to (static) information, to also include (dynamic) tools that facilitate access to justice for EU citizens or otherwise improve the administration of justice. We are convinced that if the portal is able to deliver such value added services, it will be much easier to attract a broader range of users. There are already different products being developed within various e-justice projects, and the CCBE considers it should be a priority of the Commission to ensure that these products are fully integrated into the Portal and made available to their target audience as soon as possible.

This should also be an element of continuing importance within future e-justice funding programmes. A good example of such an existing tool which should be incorporated as soon as possible within the Portal is the European Training Platform recently developed by the CCBE for use by lawyers (and which could in theory be used by other parts of the legal profession in due course).

The CCBE also recommends looking into more attractive ways to present the information available on the Portal. As pointed out in the observations below, some information is rather difficult to find and you already have to be acquainted with EU legal affairs in order to navigate through the large quantity of information. There is a need for a communication plan which not only takes into account possible changes to the overall lay-out of the website, but also investigates novel ways of attracting users through, for example, the use of apps to guide people through Portal content.

Besides these general comments, the CCBE would like to bring to your attention some practical issues we encountered when evaluating the Portal:

(a) The Portal should reflect recent legislative changes to the procedural safeguards for suspects and defendants in criminal proceedings, namely (a) the right to interpretation and translation, (b) the right to information, and (c) the right of access to a lawyer.

(b) Legal aid in criminal matters - a Directive is currently being discussed, and depending on the outcome of the discussions, this part of the portal may need to be updated;

(c) It may be best to present the home-page information in 4 boxes rather than 4 boxes and a side bar of issues;

(d) It is important to recognise (and take steps to address) that for information to have value and be trusted it needs to be accurate and kept up-to-date. At the moment in almost all sections there are still some country files missing or the information is only available in one language. Moreover, the CCBE has been informed that some country reports are not accurate and need to be corrected (for example, see attached ANNEX 1 for the responses we received from the Austrian and Polish Bars in relation to the sections about their countries that need to be corrected);

(e) The “latest news section” could be placed in another category (rather than taking up 25-30 % of the home page screen; and

(f) Certain headings, for example “tools for courts and practitioners”, contain a significant quantity of useful information which may not be obvious from the heading.

I hope you find these comments useful and wish to indicate that the CCBE remains at your disposal in case you need any further information.

(Complimentary close)

Maria Ślęzak
CCBE President

Responses from the Austrian Bar to the questionnaire on content items on the e-Justice Portal**2. Member State Law -> Menu Item „Law”**

- ~~Content and length of the item corresponds to the needs~~
- ~~Item should be completed~~
- ~~Item should be restructured~~
- Item should be modified -> For Austria: Some of the mentioned courts do not exist anymore (see https://e-justice.europa.eu/content_member_state_law-6-at-en.do?member=1, eg „Unabhängiger Verwaltungssenat”). Please consult the Austrian Ministry of Justice to correct the information on this page.

6. Judicial systems -> Menu Item „Judicial systems”

- ~~Content and length of the item corresponds to the needs~~
- ~~Item should be completed~~
- ~~Item should be restructured~~
- Item should be modified -> Same here for Austria: Some courts need to be added on the page https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-at-en.do?member=1, like „Bundesverwaltungsgerichtshof” etc. Please consult the Austrian Ministry of Justice to correct the information on this page.

18. How to proceed -> Menu Item „Going to court”

- ~~Content and length of the item corresponds to the needs~~
- ~~Item should be completed~~
- ~~Item should be restructured~~
- Item should be modified - For Austria: The Austrian Ministry of Justice should look into the wording of the Information on the Austrian page https://e-justice.europa.eu/content_how_to_proceed-34-at-en.do?member=1, eg. sentences as this „*Do I have to go to court or is there another alternative? It might be better to use alternative dispute resolution before going to court.*” should be revised.

21. Costs of proceedings -> Menu Item „Going to court”

- ~~Content and length of the item corresponds to the needs~~
- ~~Item should be completed~~
- ~~Item should be restructured~~
- Item should be modified - The country reports are dated of 2007 – quite old and therefore probably of no help. If new reports should be issued among the Member States, please contact the competent Ministry of each country.

40. www.successions-europe.eu

- ~~Content and length of the item corresponds to the needs~~
- ~~Item should be completed~~
- ~~Item should be restructured~~
- Item should be modified - The information on this homepage needs to be revised. The sentence „It is possible to register wills that are kept by a civil law notary, a court or a lawyer in the central register of wills (*„Zentrales Testamentsregister“*) which is run by the Austrian Chamber of Civil Law Notaries ([*Österreichische Notariatskammer*](#)). This register is the only register of wills provided for by law.” is not entirely true as there exists a second register run by the Austrian Bar. Please contact the Austrian Bar for further clarification.

46. Tools for courts and practitioners -> Menu Item „Tools for Videoconferencing”

- ~~Content and length of the item corresponds to the needs~~
- ~~Item should be completed~~
- ~~Item should be restructured~~
- Item should be modified - The booklet is dated of 2009, the General Secretariat of the Council may take a look into it, update it if necessary and re-upload it with the date „2015”.

57. European Enforcement Order -> Menu Item „Tools”

~~Content and length of the item corresponds to the needs~~

~~Item should be completed~~

~~Item should be restructured~~

Item should be modified - The practice guide has been uploaded 2008. On the second page, Jacques Barrot is mentioned as the Vize President of the Commission – which is no longer the case. It may be advisable to update the practice guide and change the name on the second page.

61. Atlas in civil matters -> Menu Item „Going to court / In which Member State”

~~Content and length of the item corresponds to the needs~~

~~Item should be completed~~

~~Item should be restructured~~

Item should be modified - The Austrian Ministry of Justice may take a look into it and correct the data for the Austrian Atlas, eg. the address of the Supreme Court „Oberster Gerichtshof” is false.

68. Criminal records -> Menu Item „Tools”

~~Content and length of the item corresponds to the needs~~

~~Item should be completed~~

~~Item should be restructured~~

Item should be modified - The address of the Austrian „Strafregisteramt” is wrong https://e-justice.europa.eu/content_criminal_records-95-at-en.do?member=1, the same goes for the contact information. Please contact the Austrian Ministry of Justice to update this information.

Responses from the Polish Bar to the questionnaire on content items on the e-Justice Portal

1. EU-Law

No changes to point 1 above.

2. Member State Law

No changes to point 2 above, except the following:

1. In the text starting “The Supreme Court (Sąd Najwyższy) (...)” the link is broken in the EN version – the correct one should be: <http://www.sn.pl/en/SitePages/Main.aspx>.
2. In the text starting „The text of the Polish Constitution is available on the website of the Lower house of the Polish Parliament (Sejm) in Polish (...)” the link does not take to the Constitution in both the PL and EN version – the correct link should be: http://www.sejm.gov.pl/Sejm7.nsf/page.xsp/akty_prawne

3. EU Case-law

No changes to point 3 above.

4. Member State Case-law

No changes to point 4 above, except the following (in both the EN and PL version):

1. In the text starting „Dz. U. 2005 Nr 8 poz. 60 art. 70 ust. 1, art. 108 ust. 2 pkt (...)” the link is not working, the correct link should be: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20050080060>
2. In the text starting „Dz. U. 2002 nr 153 poz. 1270 art. 141 ust. 4, art. (...)” the link is not working, the correct link should be: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20021531270>
3. In the text starting „Dz. U. 1934 Nr 93 poz. 836 art. 1, art. 2 (...)” the link is not working, the correct link should be: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19340930836>

5. International Case-Law

No changes to point 5 above.

6. Judicial systems

No changes to point 6 above, except the following (in both the PL and EN version):

1. In the text starting „You can find links to information about all common courts (...)” the link is not working, the correct link should be: <http://bip.ms.gov.pl/pl/rejestr-y-i-ewidencje/lista-sadow-powszechnych/>

7. EU Courts

No changes to point 7 above.

8. Ordinary courts

No changes to point 8 above, except the following (in both the PL and EN version):

1. The statement „The website of the [Polish government](#) contains a list of published Acts, dating from 1918” should read “The website of **Sejm, the lower house of the Parliament of Poland**, contains a list of published Acts, dating from 1918.

9. Specialised courts

No changes to point 9 above, except the following (in both the PL and EN version):

1. The link in the text „The Polish Supreme Court (Sąd Najwyższy) publishes its decisions, with its reasoning, on its website, [Polish Supreme Court](#), which is also available in English” is not working and should be this:

<http://www.sn.pl/orzecznictwo/SitePages/Najnowsze%20orzeczenia.aspx>

2. The link in the text: „You can find more information on the website of the [Polish Tribunal of the State](#)” is not working and should be the following one:

<http://trybunalstanu.pl/SitePages/Obecny%20sk%C5%82ad.aspx>

10. Legal professions

No changes to point 10 above, except the following (in both the EN and PL versions):

1. The text „You can find further information at [Solicitors in Poland](#)” should be replaced with this one: “You can find more information on the website of the National Council of Legal Advisers”, and should be hyperlinked to this link: <http://kirp.pl/>

11. Justice networks

No changes to point 11 above.

12. EJM

Polish bar: no changes to point 12 above.

13. Eurojust

No changes to point 13 above.

14. European Law Institute

No changes to point 14 above.

15. Justice Forum

No changes to point 15 above.

16. Going to court

No changes to point 16 above.

17. In which Member State

No changes to point 17 above.

18. How to proceed

No changes to point 18 above.

19. Applicable law- which law will apply

No changes to point 19 above.

20. Legal aid

No changes to point 20 above.

21. Costs of proceedings

No changes to point 21 above, except that the country report appears outdated as it dates to 2007; Ministry of Justice of Poland should be contacted to see if a new report has been recently issued.

22. Fundamental rights

The information on Poland is missing and should be supplied.

23. Monetary claims- European Order for Payment

The information on Poland is missing and should be supplied.

24. Court fees related to European Order for Payment

The information on Poland is missing and should be supplied.

25. Small claims procedure

The information on Poland is missing and should be supplied.

26. Court fees related to small claims procedure

The information on Poland is missing and should be supplied.

27. Insolvency

The information on Poland is missing and should be supplied.

28. Family matters

No changes to point 28 above.

29. Divorce

Polish bar: the information on Poland is missing and should be supplied.

30. Parental responsibility

The information on Poland is missing and should be supplied.

31. Parental child abduction

No changes to point 31 above.

32. Maintenance law

The information on Poland is missing and should be supplied.

33. Property effects of marriage

No changes to point 33 above.

34. Legal removal of a child

The information on Poland is missing and should be supplied.

35. Legal aid

No changes to point 35 above, except that the website redirects to a factsheet about the legal aid in Poland, which was updated in 2005 and thus appear severely outdated. The factsheet should be updated with actual information and relevant links.

36. Mediation

No changes to point 36 above, except the following (in both the EN and PL version):

1. In the text „In addition, professional bodies carry on institutionalised activities for the promotion of mediation. These include: [The Supreme Bar Council Mediation Centre \(Centrum Mediacyjne przy Naczelnej Radzie Adwokackiej\)](#)” the link does not take to the intended website and therefore should be replaced with this one:

[http://centrummediacji.nra.pl/.](http://centrummediacji.nra.pl/)

37. EU overview

No changes to point 37 above.

38. Mediation in Member States

No changes to point 38 above

39. Succession

No changes to point 39 above

40. www.successions-europe.eu

No changes to point 40 above.

41. Wills- ENWRA factsheets

No changes to point 41 above, except that the country factsheet for Poland appears to date to 2012; perhaps the National Chamber of Civil Law Notaries of Poland should be contacted to see if a new factsheet has been recently issued or whether the one from 2012 could be updated.

42. Victims of crime in criminal proceedings

No changes to point 42 above.

43. Rights of victims of crime in criminal proceedings

No changes to point 43 above, except that the website redirects to four factsheets about the rights of victims in criminal proceedings in Poland, which were updated in 2012 and thus appear outdated. The factsheets contain outdated links to the Polish statutes and other useful links, and this should be updated.

44. Compensation

No changes to point 44 above, except that the link on the website to information about compensation in Poland, which takes to the website of the European Judicial Network (http://ec.europa.eu/civiljustice/comp_crime_victim/comp_crime_victim_pol_en.htm), is severely outdated (2007) and should be updated.

45. Rights of defendants in criminal proceedings

No changes to point 45 above, except that the Polish factsheets to which a reference is made on the website are outdated – as they were made in 2012, at the same time some hyperlinks are not working.

46. Tools for courts and practitioners

No changes to point 46 above, except that the booklet of 2009 could be updated.

47. General policy description

No changes to point 47 above.

48. Manual

No changes to point 48 above.

49. Information on national videoconferencing facilities

The information on Poland is missing and should be **supplied**.

50. Croatia- cooperation in civil matters

No changes to point 50 above.

51. Taking of evidence

The content on Poland is not available as it is being translated.

52. Service of documents

No changes to point 52 above, except that the website redirects to a factsheet about the service of documents in Poland, which was updated in 2012 and thus appears outdated. This factsheet should be updated accordingly.

53. Interim and precautionary measures

The content on Poland is not available as it is being translated.

54. Procedural time limits

The content on Poland is not available as it is being translated.

55. Automatic processing

The content on Poland is not available as it is being translated.

56. Procedures for enforcement of judgments

The content on Poland is not available as it is being translated.

57. European Enforcement Order

No changes to point 57 above.

58. Order for payment

The content on Poland is not available as it is being translated.

59. Small Claims

The content on Poland is not available as it is being translated.

60. Jurisdiction

The content on Poland is not available as it is being translated.

61. Atlas in civil matters

No changes to point 61 above.

62. Cooperation in criminal matters

No changes to point 62 above.

63. European Arrest Warrant

No changes to point 63 above.

64. Request for judicial assistance

No changes to point 64 above.

65. Evidence

No changes to point 65 above.

66. Freezing of assets

No changes to point 66 above.

67. Confiscation

No changes to point 67 above.

68. Criminal records

No changes to point 68 above, except that the information about the National Bureau of Criminal Record should be updated into the following:

1. Biuro Informacyjne Krajowego Rejestru Karnego
ul. Czerniakowska 100, 00-454 Warszawa Sekretariat Dyrektora: tel.: 22 39 76 200
fax: 22 39 76 205 e-mail: b-krk@ms.gov.pl

69. Mutual recognition of pre-trial measures

No changes to point 69 above.

70. Mutual recognition of post trial measures

No changes to point 70 above.

71. Jurisdiction Atlas in criminal matters

No changes to point 71 above.

72. Registers

No changes to point 72 above.

73. Business registers at European level

No changes to point 73 above.

74. Business registers at national level

No changes to point 74 above, except that in the PL version the text „The Polish Business Register (Krajowy Rejestr Sądowy) is owned and managed by (...)” should be updated with the correct link: <https://ems.ms.gov.pl/krs/wyszukiwaniemipodmiotu?t.lb=t>.

75. Land registers at European level

No changes to point 75 above.

76. Land registers at national level

Polish bar: no changes to point 76 above.

77. Insolvency registers

No changes to point 77 above.

78. Find a lawyer

No changes to point 78 above, except that the following text about the Polish legal advisers is corrected along these suggestions:

In Poland, you may search for a legal adviser (“Radca prawny”) or an advocate (“Adwokat”). Essentially, both legal advisers and advocates provide services for all legal problems including representation in courts.¹

To search for legal advisers, please select the National Council of Legal Advisers. To search for advocates, please select the Polish Bar Council.

x Polish Supreme Bar Council

x National Council of Legal Advisers

Your search will take place in the database of the National Council of Legal Advisers. You may find a legal adviser for all legal advice and representation in court. ~~Currently, a search for Legal Advisers in Polish cities other than Warsaw is not supported.~~

79. Find a notary

No changes to point 79 above.

80. Find a legal translator or interpreter

No changes to point 80 above.

¹ Legal Advisers may appear in court in criminal as from July 1st, 2015.

81. Find a mediator

No changes to point 81 above.

82. Glossaries and terminology

No changes to point 82 above.

83. European judicial training

No changes to point 83 above.
