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NOTE

From: General Secretariat of the Council
To: Working Party on e-Law (e-Justice)
Subject: Survey on the use of IT tools by courts in Member States
- Analysis

1. In preparation of the meeting of the Cooperation Mechanism on 24 June 2019, the General Secretariat of the Council conducted a quick survey, in order to have a basic state of play of digitisation of justice within Member States.

I. Summary of findings

2. **Twenty-one** Member States and the Court of Justice of the European Union responded. They provided answers to all questions with one exception (CY, which does not use dedicated electronic tools and thus could not answer past the first question).
3. Of the **twenty-one** other respondents, all used a Case Management System in one form or the other. However, national situations vary, as some national systems are a combination of various systems (NL, DE), while some others are not unified at the national level¹. Nonetheless, efforts have been undertaken to integrate local systems with each other, so that communication between these systems is possible (for example, BG, EL or ES). In parallel, some unified systems exist or are under development².

¹ BG, DE, EL, ES, FR, CZ, FI, CY, or SI

² DK, EE, FI, LI, LU, SK, SE, HR, IT, MT, AT, NL, PT or CJEU

4. Concerning ~~access of practitioners and citizens~~ **the availability of communication tools between practitioners and courts**, most respondents allow practitioners to contact the Courts, in one way or another. **Eighteen out of twenty-two provide access to e-Communications tools.** CY, SI, SE and LU, do not provide access, although LU indicates that a system of communications will soon be available. **Some Member States use a Portal to give access to these tools, for example Lithuania, while others have integrated a module in their CMSs.**
5. The available systems allow for sending messages in most cases (**sixteen** out of **twenty-two** respondents). One additional respondent (**BG**) indicated that practitioners could receive but not send messages. In all of these cases, documents could be sent alongside messages.
6. However, only few Member States (at best three, although it is not necessarily clear from the answers) allow ~~for~~ access to the CMS for practitioners. This access is limited to reviewing documents and case files linked to one's professional account. Systems used by the practitioners do not appear connected to the Court systems in any Member States.
7. At the same time, citizens can send documents and requests directly to the Courts in few Member States (four Member States at most, depending on the criteria). They can also get access to the case files for six respondents³. DE, **FR** and LU have indicated that they are currently working on systems granting access to citizens to their cases. BG has indicated that citizens can receive documents pertaining to their cases, but not communicate directly with the Courts.
8. Finally ~~all the systems are widely used when they are available~~ **communication systems are widely⁴ or partially (CZ and LI) used by nine Member States with six providing no data and another six having low numbers of communication.**

³ DK, albeit limited, EE, EL, LI, SK and CJEU

⁴ DK, EE, ES, FI, AT, SK and CJEU

9. Among these systems six have been developed by contractors, with eight being developed in-house, although four have been developed partially in-house and partially by contractors (DE, MT, NL, CJEU). However, it is not always clear whether the development was conducted by in-house experts or delegated to a contractor.
10. The situation appears diverse, as Member States have different levels of equipment, although basic functionalities (receiving and sending documents for practitioners) seem available in most Member States. In addition, some Member States⁵ have indicated that their national solutions are available for reuse/purchase.

II. Proposed follow-up

11. **This survey aimed at drawing a clear picture of the state of play of digitisation in Member States. This would enable Member States who would wish so to cooperate and share their expertise with other Member States, depending on their needs.**
12. **Delegations are therefore kindly invited to check which software or systems would be of interest to their Courts or ministries, so as to organise the exchange of information.**

⁵ Notably HR, FI and IT for its base components with HR and CZ for licences