



INTERNATIONAL ASSOCIATION OF
SUPREME ADMINISTRATIVE JURISDICTIONS

QUESTIONNAIRE
SEMINARE – 27 SEPTEMBER 2017

1. The implementation of your electronic document system

- What is it hoped to achieve through the digitisation of proceedings?

The aims are the prevention of media disruption and the achievement of a better cooperation with administrative courts.

- Must court documents be transmitted electronically?

Currently only attorneys are obliged to transmit documents electronically. At present, such an obligation does not exist for authorities and individuals.

- If that is the case:
which players are involved?
Attorneys.

- are certain aspects reserved for these players?
No.

- what are the consequences if an application is not sent electronically?

In case the electronic transmission is obligatory, the applicant has to establish a technical problem (in order to justify a postal transmission).

- Can litigants consult their files and track their progress online?

No.

- Are the application and the law firms' internal software interoperable? Is it envisaged to make them interoperable?

They are aligned by means of a standardized interface.

- What feedback have you had about the use of these methods by the litigants, practitioners and authorities?

The bar association is very content with the offer.

2. Statistics

- What percentage of applications are filed electronically per annum?

Approximately 20%

- What percentage of users (law firms, authorities and litigants) are now using this method?

Almost 100% of law firms use this method, whereas authorities and parties only occasionally use the offer.

- Have you estimated the total cost of setting up an electronic working system in your court or your type of court?

The initial costs for the establishment of an electronic interface (to appropriate courts) are estimated at EUR 50.000.

3. **Observing the adversarial principle**

- How does your system ensure that the parties' statements are exchanged?

The received documents are distributed to the parties by the registry.

- How are the parties and the court registry notified that a document has been filed or consulted by the opposing party?

The registry receives all documents and distributes them.

- Is the authenticity of electronic documents ever challenged before the courts?

No. It is ensured with all transmission channels that a manipulation is impossible.

- Can third parties also intervene in proceedings electronically?

Other parties involved can also transmit documents electronically.

4. **The acceleration of proceedings and urgent proceedings**

- Have you found that cases have been processed more quickly due to the introduction of this technology?

In general, the length of proceedings is rapidly declining, also due to other organisational measures as well as legal changes. The contribution of this technology to the mentioned development has not been evaluated.

- What have been the consequences, on the work of the courts, for the staff of the court registry, for the judges and other members of the court, and for the organisation of the court?

They spent more time before the computer screen; this development was not unanimously welcomed. .

- When a procedural time limit is subject to a limitation period, when does it begin to run (when a document is put online or when it is actually seen by the staff of the court registry or by the judge or other member of the court)?

With the uploading of the document and the positive response concerning the proper submission of the document, it is considered as submitted and, hence, initiates the running of periods of time.

5. **The technical aspects of your electronic document system**

- Have you experienced any major technical malfunctions (e.g. non-availability of the application for several days)? How did you tackle the problem?

Technical malfunctions have never lasted longer than one day.

- What consequences can malfunctions have on the proper running of proceedings?

The consequences can be classified as low, since the paper file is authentic (ie. is considered as original file) and the law provides for exceptions in case of technical problems.

- Have courts had to deal with disputes relating to the use of the electronic document system? If so, of what type?

No.

- If it is impossible for a party to file a statement or other documents for practical reasons, what does the court do with respect to the time limits within which documents must be submitted?

The law provides for exceptions in case of technical problems.

6. **Keeping information secure**

- How are the security, confidentiality, integrity and traceability of the exchanges ensured? How do you control access to the files and documents that pass through the system? Have you put in place degrees of authorisation or clearance?

The applications of the Supreme Administrative Court (SAC) are - fee-required - provided by the Bundesrechenzentrum GmbH (BRZ GmbH; Federal Computer Centre Ltd.) as electronic service provider for the SAC. The BRZ GmbH takes into account the necessary data protection regulations and safety-related aspects.

- Are judges and other members of the court able to access the electronic files in their own homes? on a dedicated professional computer or on a personal computer? from any location?

Judges can only access the electronic files with a determined professional computer. They can access the mentioned files with the mentioned computer from every place.

- Are judges and other members of the court able to access all the electronic files dealt with by their court?

Judges are able to access the electronic files under the conditions mentioned above.

7. **Notification of decisions to the parties**

- Are decisions notified through the court's electronic system? If so, when are the parties deemed to have taken cognisance of the decisions?

Not yet.

- Is it possible to bring an action for negligence if the court's electronic document service malfunctions?

No; there is also a legal provision for the SAC, which provides for an exception in case of technical problems.

8. The influence of electronic document systems on the courts' operating methods

- Does the use of an electronic document system cause the supreme administrative court or the ministry of justice to require users to comply with technical standards relating to the adoption of administrative measures?

The SAC- as one of Austria's three Highest Courts - functions as independent organisational unit without any influence to document systems or methods of operations of other courts.

Has electronic working contributed to a change in the role of the administrative courts?

No.

- Has electronic working contributed to a change in the working methods of the administrative courts? Particularly collegial working?

In any case, the cooperation has been strengthened. However, it is difficult to estimate the contribution of the electronic working to the better cooperation.