



Représentant les avocats d'Europe
Representing Europe's lawyers

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CONTENT

Questionnaire : Current developments in electronic communications.....	5
Members	7
Austria	7
Belgium	9
Cyprus	10
Czech Republic	11
Denmark.....	14
Estonia	15
Finland	17
France	18
Germany.....	26
Greece	28
Hungary.....	30
Iceland	33
Ireland	34
Italy	35
Latvia	38
Liechtenstein	39
Lituania	39
Luxembourg.....	40
Malta	41
The Netherlands.....	41
Norway	43
Poland	44
<i>Polish Bar Council</i>	44
<i>National Council of Legal Advisor</i>	45
Portugal	46
Slovak Republic.....	48
Slovenia.....	50
Spain	51
Sweden	52
UK England & Wales	54
<i>the answers of the Law Society along with the answers of the General Council</i>	
<i>of the bar</i>	54
<i>Northern Ireland Barrister</i>	56
<i>Scotland</i>	57

Observers..... 59

Bulgaria 59

Croatia 60

FYROM 61

Romania 61

Switzerland 62

Turkey 62

Ukraine 62

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Questionnaire: Current developments in electronic communications

Question nr 1: Communication with the court and parties to a dispute	
	<p>1.a Is it possible in your country to communicate with the Court through electronic means ?</p> <p>1.b If you replied yes under 1.a, can you communicate with the Court in another way than just e-mail, meaning also filing documents ?</p> <p>1.c Is it possible in your country to communicate with the other parties in a procedure through a trusted third party ?</p> <p>1.d If you replied no under 1.a, will it be possible to communicate with the Court through electronic means in the future ?</p>
Question nr 2: Electronic signature	
	<p>2.a Is an electronic signature used in your country in official communications ?</p> <p>2.b What entity provides the certificates to authenticate electronic signatures in your country ? The local or national Bar or Law Society? Other (public or private entity)?</p> <p>2.c What kind of certificates is provided : identity certificates or identity plus attribute certificates ?</p>
Question nr 3: Providing legal services on-line	
	<p>3.a Do on-line legal services play a significant role in your country.?</p> <p>3.b Is offering legal services on-line a growing area in your country ?</p> <p>3.c Has offering legal services on-line caused complaints and led to disciplinary proceedings ?</p> <p>3.d Are legal services paid on line ?</p>
Question nr 4: Code of conduct	
	<p>Does your bar's code of conduct contain any provision with regards to legal services on-line or electronic communications in general?</p>

Question nr 5: Other projects

5.a Do projects like the French Intranet exist in your country, or any other project with regard to electronic communications as they affect lawyers ?

5.b Do projects like the Spanish digital communication services exist in your country, or a similar project ?

Question nr 6: Contact person

Who is responsible for IT law subjects within your Bar or Law Society?

Members

Country	Answer
Austria	<p>1.a Yes.</p> <p>Civil cases up to € 30,000 —value have to be processed electronically to the courts by ERV (Elektronischer Rechtsverkehr= Electronic Legal Communication) in a structured IT-form, using a modem-based highway 194-closed-circuit. The system has been operated by Telekom Austria in cooperation with the Austrian Bar and the Ministry of Justice since 1991 and has been obligatory to all lawyers in Austria since 1999. Courts report back in the system some data, as court appointments, file number, data of nominated experts etc. Decisions and protocols of the courts sessions will be transmitted in 2005, when the system is redesigned to a fully internet-based system with the lawyers' digital signature legitimation (lawyers' card) as single-sign on media.</p> <p>Also bankruptcy files and data is published on the internet: www.bmj.gv.at/edikte and this data can be changed by court-nominated lawyers with signature card (e.g. photos of real estate to be sold)</p> <p>The company register is available online, also the real estate register (since 1980). www.telekom.at/erv</p> <p>1.b Yes.</p> <p>Filing civil actions up to € 30.000.—electronically</p> <p>Attachments will be possible after redesign 2005 (see question 1.a).</p> <p>1.c Yes.</p> <p>www.a-trust.at a-trust is a provider of secure digital signatures in Austria; the Austrian Bar is shareholder in it.</p> <p>1.d N/A.</p> <p>2.a Yes.</p> <p>In March 2004 the e-government law passed by the Austrian parliament, ruling the digital signature requirements to use e-government. Till 2007 the "Bürgerkartensignatur" substitutes the formal even stronger secure digital signature as ruled in the Austrian Signature Law 2000. "Bürgerkarte"(citizens card) includes a connection of secure personal data file with the Central Registration Office (Ministry of the Interior) ZMR, which operates electronically all persons register data in Austria. Unlike in the UK in Austria a person has to register her domicile at the nearest police station (Meldeamt), this data is concentrated in the ZMR, for legal entities (companies) the company register has this function.</p> <p>With a combined link of the ZMR-number to the personal CIN (Customer Identification Number) of the signature algorithms it is provided whether the person is "citizen" or "company" and eligible for e-government transactions and communications. The Central data protection board is supervising the system to exclude data misuses.</p>

Country	Answer
Austria	<p>The software is a freeware and is provided by the Austrian Chancellor Office www.bka.gv.at to all citizens and foreigners, registered in Austria. Even a register for non-residents exists and everybody can opt in to this extra-register by notary offices, lawyers, authorities of state.</p> <p>At present the main service are on-line forms, applications, reports and complaints in nearly all fields of federal government administration. See the service Homepage www.help.gv.at</p> <p>2.b The local or national Bar or Law Society for the lawyers identity card in cooperation with a-trust. www.rechtsanwaelte.at Other (public or private entity): a-trust. www.a-trust.at</p> <p>2.c Attribute certificate is included as prior signal in the signature, showing the lawyers function and his identity.</p> <p>The Austrian Bar registers all lawyers and keeps the register online actual through daily update, it is connected with the national nine bars which issue and revoke lawyers' identity cards; also temporarily revoke the rights of a lawyer if a disciplinary court has ordered so. The daily data transmission from the</p> <p>ÖRAK (Austrian Bar) computer to the Ministry of Justice computer gives an actual overview of the legal status of each lawyer. Revocations (also reported missed or stolen lawyers cards) are online reported to a-trust as signature provider. A-Trust revokes the certificate (signature) in its database, so the certificate is invalid within minutes.</p> <p>3.a Yes.</p> <p>Mainly free legal database access by www.ris.bka.gv.at is used, including free access to all laws, regulations, court decisions online-services out of e-government do not play a significant role.</p> <p>3.b Yes.</p> <p>Lawyers tend to offer this in their homepages, whereas the identification of third party is unable to be secured (who is asking) until the asking person identifies herself with digital signature so in the meanwhile there is a collision-problem (enemy party asking for help) until the identity is cleared.</p> <p>3.c No.</p> <p>3.d No.</p> <p>4. Legal services on-line: No. Electronic communications: Yes code 45a RL-BA.</p> <p>Obligation to connect using ERV (see chapter one).</p> <p>5.a Yes.</p> <p>www.rechtsanwaelte.at a secured internal area is only accessible for lawyers and gives internal information. No disciplinary problems so far.</p>

Country	Answer
<p>Austria</p>	<p>5.b Yes.</p> <p>Redesign of ERV (see chapter one) opens up the communication to courts in all matters, including attachments to applications, return-transmission of decisions and protocols of sessions etc.</p> <p>6. RA Dr.Wolfgang Heufler Member of the CCBE IT law Committee A-1010 Wien Zedlitzgasse 3 Tel: +43-1-5137744. Fax: +43-1-512 37 95. e-mail: office@ra-heufler.at</p>
<p>Belgium</p>	<p>1.a No.</p> <p>1.b N/A</p> <p>1.c The French-speaking and Dutch-speaking bars developed a mail server. For the OBF, this system includes a mailbox for virtual bar presidents to which e-mail can be sent. The administrator of this box can acknowledge receipt of the document. We are currently developing archiving. For the Dutch-speaking bars, the OVB set up a similar system which already works.</p> <p>1.d The Federal Public Service is currently preparing a project of electronic communication between all courts and lawyers. This ongoing project is called Phenix.</p> <p>2.a No. A pilot of electronic identity card with electronic signature is currently being tested.</p> <p>2.b As far as the French-speaking part is concerned, the Ordre français des avocats du barreau de Bruxelles plays the role of provider of authenticity certificates. See www.barreaudebruxelles.be. The OVB has an autonomous certification system.</p> <p>2.c We chose "identification certificates". Information can be found on www.barreaudebruxelles.be (for French-speaking bars) and on www.advocat.be (for Dutch-speaking bars).</p> <p>3.a No. It seems that there is no demand on this issue</p> <p>3.b</p> <p>3.c Yes. There have already been complaints and disciplinary procedures. The last ones are still pending and under investigation.</p> <p>3.d There are means to pay on-line. Deontology principles allow to pay by credit card, which of course make the system easier.</p>

Country	Answer
<p>Belgium</p>	<p>4. Legal services on-line: Yes. Electronic communications: Yes.</p> <p>The code of conduct does apply to on-line legal services and electronic communications in general.</p> <p>5.a There are projects which vary upon the norms of the lawyers. As far as the OBFG is concerned, we have a mail server (@avocats.be) and a website (www.obfg.be). The Dutch-speaking bars are more advanced as far as their website and their server are concerned.</p> <p>5.b There is no digital system in Belgium.</p> <p>6. André Delvaux for the French-speaking bars (OBFG) e-mail: a.delvaux@avocats.be</p> <p>Marc Cottyn for the Dutch-speaking bars (OVB) e-mail: marc.cottyn@cottyn-lecoutre.be</p>
<p>Cyprus</p>	<p>1.a Yes.</p> <p>In Cyprus, it has been possible for the last two years to communicate through electronic means (e-mails) with the Courts.</p> <p>You have the possibility to conduct the Chief Registrar and the Supreme Court through e-mail but not for filing any court documents.</p> <p>chief.reg@sc.judicial.gov.cy president@sc.judicial.gov.cy</p> <p>1.b No.</p> <p>1.c No.</p> <p>1.d N/A.</p> <p>2.a Yes.</p> <p>Directive 1999/93/EC¹ was incorporated in Law 188(I)/2004 so that electronic signature has the same validity as a handwritten signature if some conditions have been fulfilled, like authenticity and reliability.</p> <p>2.b Unfortunately, in Cyprus we do not have the infrastructure yet to provide the electronic signatures. We are in the process and under a research for this.</p> <p>2.c N/A.</p>

¹ Directive of 13 December 1999, published in OJ 13 of 19 January 2000, page 12-20.

Country	Answer
Cyprus	<p>3.a No.</p> <p>3.b No.</p> <p>3.c N/A.</p> <p>3.d No.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. Leginet Ltd is a company that helps Cyprus Bar Association and provides lawyers with a high standard of search through their site to find in no time all the cases and laws applicable to Cyprus This helped lawyers enormously in every day life to deal with their cases and any other legal matters. Also they designed the Cyprus Bar Association website and we are still upgrading it. You can visit their website: http://www.leginetcy.com Cyprus Bar Association website is: http://www.cyprusbarassociation.org</p> <p>Leginet Ltd is a private company specializing in the Legal IT sector. Among other, we have designed and developed the Cyprus Legal Portal.</p> <p>The portal, which can be reached at www.leginetcy.com, comprises of the “Laws” and “Cases” databases of the Republic of Cyprus and is probably one of the largest Information Technology projects in Cyprus. It was developed following several years of hard work by our firm Leginet Ltd and our sister company Infoscreen (Cyprus) Ltd; both specializing in the Legal IT sector. In brief, the databases contain the following:</p> <ul style="list-style-type: none"> a) Legislation (Index, initial text of the Law, the text of each amendment separately, as well as the <u>consolidated text</u> following each amendment) and b) Cases (1883 – To date) <p>Tony Ellinas Managing Director Leginet Ltd P.O.Box 51897 3509 Limassol Cyprus Tel: +357 25820789 Fax: +357 25820790 e-mail: tony@leginetcy.com</p>
Czech Republic	<p>1.a Yes.</p> <p>According to the Civil procedural code it is possible to submit a proposal to the court also through an electronic form. However, after having done so, such proposal must be submitted to the court in a written form within three days. Either by handing in the original copy or a copy of the same wording. (§ 42 of Civil procedural code 99/1963</p>

Country	Answer
Czech Republic	<p>Sb.).</p> <p>According to the Criminal procedural code (code 141/1961 Sb.) it is also possible to submit a proposal in an electronic form under the condition that the proposal has been provided with a special electronic signature (see part 2 about details of electronic signature issue) Same rules apply in the Administrative procedural code. (Code 71/1967 Sb.)</p> <p>Besides, it is also possible to communicate with certain judges and clerks by e-mail, but only in some courts, and this procedure is yet not widely spread and commonly used due to the standards of technical equipment of courts and the skills of judges and clerks.</p> <p>1.b No.</p> <p>1.c No.</p> <p>The Law does not regulate the institute of trusted third party. Of course in civil and business matters the parties can use such person because of their free will. In criminal law there is a similar institute called "Probacni a mediacni sluzba" which could be translated as a probation and mediation service. It is a specific institution which plays its role in criminal procedure. It is not an independent party but a administrative institution of the state. Besides other aims, the crucial task of this institution is, to settle the dispute between the criminal offender and the injured party or the victim without involving a court. This service can be used only after being agreed to by both parties.</p> <p>1.d N/A.</p> <p>2.a Yes.</p> <p>The appropriate answer to this question would be that there is the possibility of using electronic signatures rather than stating that electronic signatures are used. As mentioned above, according to the criminal and administrative procedural code proposals to the courts can be submitted also in electronic form providing but only with an electronic signature. Proposals and correspondence in an electronic form with electronic signatures can be used also when communicating with administrative organs, not only with courts. For example also income tax return documents can be handled by an Internet application if the applying person signs the document by using the original electronic signature. The truth, however, is that the mentioned handling is not yet very popular and not broadly used in the Czech Republic. But its importance is surely growing.</p> <p>2.b The local or national Bar or Law Society: No.</p> <p>Other (public or private entity): Yes.</p> <p>The providers of certificates can be both, legal or natural persons or an administrative part of the state. This entity has to be accredited by the Ministry and the Ministry also performs the supervision. (Code 227/2000 Sb., about electronic signature).</p> <p>2.c Yes.</p> <p>Czech legislation (code 227/2000 Sb.) has out the directive 1999/93/EC. The code regulates two types of certificates – the common certificate, the skilled (qualified) certificate and the skilled (qualified) systematic. These two can also contain special</p>

Country	Answer
Czech Republic	<p>attributes about signed person.</p> <p>3.a No.</p> <p>Providing legal services on-line does not play a very important role yet. But its role is growing. Of course it differs between the different law offices and attorneys some of them providing their services on line. Much more popular is communication by e-mail as an appropriate type of communication between lawyers and between lawyers and their clients.</p> <p>3.b Yes.</p> <p>The number of advocates and law offices who provide their services on-line is increasing because it is a handy, time saving and costs reducing manner as there are lower costs than for the "classic" advocacy. It is also not necessary to travel to go to appointments with clients or other parties. And so Czech Bar Association has been recently preparing an amendment of code of conduct for providing legal services on-line mainly with the aim of ensuring the quality of services provided, safety and anonymity of given information and of clients.</p> <p>3.c No.</p> <p>To my knowledge there have not been any complaints of similar proceedings yet.</p> <p>3.d Yes.</p> <p>This answer depends on the type of law firm. In the firms where they provide legal services on line it is also possible to pay for them online. In other firms it depends mainly on the type of clients. Some of them pay online, some of them do not.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>Not yet but the code of conduct regarding the provision of legal service through the internet or via e-mail is in the process of being prepared by Czech Bar Association.</p> <p>5.a No.</p> <p>Only Czech courts have a similar net, but advocates are not allowed to use it and to enter it.</p> <p>5.b No.</p> <p>6. Martin Vychopen Vice president of Czech Bar Association. Member from the CCBE IT law Committee Law Office Camrda, Premus and Partners Masarykovo nám. 225 CZ-256 01 BENESOV Tel.: +420.317.763.535 Fax.: +420.317.763.530 e-mail: mvychopen@iol.cz</p>

Country	Answer
Denmark	<p>1.a No.</p> <p>1.b N/A.</p> <p>1.c No.</p> <p>1.d Yes.</p> <p>The Danish Parliament enacted an amendment to the Administration of Justice Act. The amendment (law nr. 447 of June 9, 2004) contains provisions allowing electronic filing of cases, documents etc. to the court. However, the amendment has not yet taken affect since the courts are still undergoing the necessary technical changes in order to be able to handle electronic communication in individual cases.</p> <p>2.a No.</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): Yes.</p> <p>The competence is vested with the National IT and Telecom Agency under the ministry of Science, Technology and Innovation.</p> <p>2.c No.</p> <p>3.a No.</p> <p>3.b Yes.</p> <p>The Danish Bar and Law Society has only limited knowledge of the actual use of on-line legal services. So far only a small minority of law firms offer on line legal services, and apart from the possibilities of asking questions on broader legal subjects it appears to be only in the field of dept collection that online legal services are used more systematically and on a growing basis.</p> <p>3.c No.</p> <p>3.d Probably.</p> <p>As stated above the Danish Bar and Law Society has only limited information on the subject.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. Mrs. Malene Stampe.</p>

Country	Answer
Denmark	<p>Contact Camilla Struckmann, CCBE Information Officer of the Danish delegation. Det Danske Advokatsamfund Kronprissessgade 28 DK-1306 KØBENHAVN K Tel.: +45.33.96.97.98 Fax.: +45.33.32.18.31 e-mail: cst@advocom.dk</p>
Estonia	<p>1.a Yes.</p> <p>It is possible to communicate with courts in Estonia through electronic means: courts have their own section on the Ministry of Justice homepage (more in Estonian, less in English), where information about judges and their contact details are available; all the judges as well as court session secretaries and consultants have their own computer with an Internet connection and personal e-mail by which they can be contacted; it is possible to submit application for information on Ministry's website.</p> <p>1.b Yes.</p> <p>Submission of digitally signed documents to the court is regulated by the internal regulations of the city and town courts (first instance courts in Estonia) (regulation no 54 of the Minister of Justice of the 5. 08.2003). According to this regulation Section 2 subsection 1 the admitting, registration and issuing of documents is done by the court office. Every office has a special e-mail address for admission of the digitally signed documents.</p> <p>According to the Code of Criminal Procedure the statement of charges, appeal and cassation must be in addition submitted to the court electronically.</p> <p>The register of court decisions is available online (http://kola.just.ee/). A part of it is open for public; the other one is restricted to departmental use.</p> <p>1.c No.</p> <p>1.d N/A.</p> <p>2.a Yes.</p> <p>Yes, electronic signature is used in communication with state agencies and local government offices.</p> <p>According to the Digital Signatures Act (adopted by the Parliament on 8 March 2000) section 3 subsection 1 a digital signature has the same legal consequences as a hand-written signature if these consequences are not restricted.</p> <p>Section 4 subsection 1 provides for that State and local government agencies, public law legal entities, and persons in private law performing public law functions are required to provide access through the public data communication network to information concerning the possibilities and procedure for using digital signatures in communication with such agencies and persons.</p> <p>According to the General Part of the Civil Code Act digitally signed documents are also used in civil matters.</p>

Country	Answer
Estonia	<p>2.b The local or national Bar or Law Society: No. Other (public or private entity): Yes. AS Sertifitseerimiskeskus (Certification Centre) (private entity).</p> <p>Website of the Certification Centre provides information about the certificates to authenticate electronic signatures - http://www.sk.ee/pages.php/0203 Digital Signatures Act http://www.legaltext.ee/et/andmebaas/paraframe.asp?ua=1&loc=text&lk=et&sk=en&ok=X30081K3.htm&query=digitaalalkirja&tyyp=SITE_X&ptyyp=l&fr=no&pg=1</p> <p>According to the Digital Signatures Act section 5 a certificate shall set out: 1) the number of the certificate; 2) the name of the holder of the certificate; 3) the public key of the certificate holder; 4) the period of validity of the certificate; 5) the issuer and registry code of the issuer; 6) a description of the limitations on the scope of use of the certificate. A certificate holder is a natural person to whose personal data the public key contained in the certificate is linked in the same certificate.</p> <p>2.c Yes.</p> <p>A certificate which enables digital identification and a certificate which enables digital signing (Identity Documents Act section 19). See Digital Signatures Act: http://www.legaltext.ee/et/andmebaas/paraframe.asp?ua=1&loc=text&lk=et&sk=en&ok=X30081K3.htm&query=digitaalalkirja&tyyp=SITE_X&ptyyp=l&fr=no&pg=1 and Identity Documents Act: http://www.legaltext.ee/et/andmebaas/paraframe.asp?ua=1&loc=text&lk=et&sk=en&ok=X30039K9.htm&query=isikut+t%F5endavate&tyyp=SITE_X&ptyyp=l&fr=no&pg=1</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No information about such cases.</p> <p>3.d Yes. Legal services are paid by bank transfer or in cash.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a Yes.</p> <p>Intranet for advocates (members of the Estonian Bar Association) is meant for the communication between advocates. Intranet gathers information on the decisions of the General Assembly of the Estonian Bar Association, all kind of information about conferences, courses, etc.</p> <p>5.b Yes.</p> <p>We have a state legal aid programme in Estonia. The programme concerns the</p>

Country	Answer
Estonia	<p>persons, who need to get state legal aid and to whom an advocate must be determined by the board of the Estonian Bar Association. Advocates can register a case through the on-line programme. In this case the board of the Bar does not have to search - determine an advocate itself.</p> <p>6. There is no special person for IT-law subjects.</p> <p>You could contact Ms Kadri Schmidt Consultant of the Estonian Bar Association. Tel: +372 662 0655 e-mail: kadri.schmidt@advokatuur.ee.</p>
Finland	<p>1.a Yes.</p> <p>Information is mainly in Finnish. You can use email to various communications with courts and other authorities. You can send summons and other official letters to courts and in near future receive even court decisions via an SSH secured line. See also http://www.oikeus.fi/8922.htm</p> <p>Electronic signatures are not yet possible in courts and authorities but will be during 1-2 years. Official signatures are however needed only in few occasions as conveyance.</p> <p>1.b Yes.</p> <p>See Q1.a</p> <p>1.c No.</p> <p>1.d N/A.</p> <p>2.a Yes.</p> <p>Electronic signatures are legal and used in communications with authorities. Courts however do not have means yet to handle these. See http://www.vaestorekisterikeskus.fi/vrk/home.nsf/pages/index_eng</p> <p>Also banks are offering electronic signatures but for time being only for e-commerce purposes. In near future they also provide these services to authorities.</p> <p>2.b See 2.a</p> <p>2.c No.</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No.</p>

Country	Answer
Finland	<p>3.d No.</p> <p>Finnish Bar Association invested in Verkkoasianajaja (Webadvocate) system in 2000 but due to lack of use abandoned it 2004.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a Yes.</p> <p>See Q1. Finnish Bar has recently opened SSH secured line to all it's members for communication between lawyers and clients and lawyers and courts. First results are available next year Q1.</p> <p>5.b Yes.</p> <p>No special projects but in Finland it is possible to have digital court proceedings between parties even if there are still technical hindrances to a broader use of these means. Ministry of Justice has recently developed an connection between Helsinki City Court to Tallin City Court to have criminal proceedings conducted between these locations. Reason to this are near social and economical relations between Helsinki and Tallin which creates also criminal side effects.</p> <p>By digital court proceedings we mean court proceedings by videoconference parties and court being in separate locations like judges in Helsinki City Court and defendant in Tallin City Court. We just mentioned Tallin as a vivid example of these video proceedings.</p> <p>6. Ms. Sesse Ilmarinen e-mail: sesse.ilmarinen@asianajaliitto.fi</p>
France	<p>1.a Yes at local level. Non at national level.</p> <p>At local plan the Paris bar developed in collaboration with the Ministry of Justice a system of e-registry enabling lawyers of that Bar to communicate via the Internet from their office with civil services of the Tribunal de grande instance de Paris by having access to the Réseau Privé Virtuel Justice de la Chancellerie (virtual private justice network of the Chancellery). This experiment is limited to registry for urgent procedures and will soon be extended to civil courts. A similar experiment is taking place in the Bar of Grenoble.</p> <p>At national level, the Conseil national des barreaux will soon sign, on behalf of the legal profession, a national framework convention with the Ministry of Justice on the tribunaux de grande instance and lawyers. This national framework convention will later be applied at local level for the establishment of a permanent update of files between law firms and court registries.</p> <p>Besides, on the initiative of the Conseil d'Etat, a communication platform will be set up to enable lawyers to consult the state of play of their case before the administrative Courts and administrative appeal courts.</p>

Country	Answer
France	<p>1.b No.</p> <p>1.c No.</p> <p>1.d Yes. See answer 1.a.</p> <p>2.a Yes.</p> <p>The legal framework for electronic signature is set by article 1316-4 of the Civil code and detailed by Decree n°2001-272 of 30 March 2001, amended by Decree n°2002-535 of 18 April 2002 and the order of 31 May 2002.</p> <p>Electronic signature can be used in official communications in France. The electronic document with a secured electronic signature will be considered lawful under article 1316-1 of the Civil code and can be admitted as a piece of evidence as any written document until the contrary has been proved.</p> <p>Services providers for certificates (public body or legal entity/individual) issue certificates enabling to certify electronic signatures. In Spain, the Consejo General de la Abocacia Española (CGAE – Spanish Bar) and in The Netherlands, a private organisation, issue certificate.</p> <p>2.b Within the framework of the national framework convention on electronic communication between Tribunaux de grandes instances and lawyers, each Order will be the recording authority for the issuance of certificates to lawyers registered on its roll while the Conseil national des barreaux will be the certifying authority.</p> <p>2.c Yes.</p> <p>The certificates that will be set up to have secured connection between law firms and court registries will enable to identify the individual and his capacity of lawyer registered with the bar.</p> <p>3.a Yes.</p> <p>There should be a distinction between on-line legal advice given by :</p> <p>Public websites within the framework of the promotion of the access to law and legal sources freely available on the Internet (http://www.legifrance.gouv.fr ; http://www.service-public.fr)</p> <p>Website of legal publishers; services must be paid when consulted or they are reserved to subscribers (http://www.lamyline.com ; http://www.lexisnexis.fr ; http://www.lexbase.fr)</p> <p>Law firms through their websites which they can have and on which, under deontological rules of the profession (Art. 6.6 et art. 10.11 du RIU), they can offer legal services on-line.</p> <p>3.b Yes.</p> <p>However, we do not have data to assess the importance of on-line legal services, in particular those offered by law firms.</p>

Country	Answer
France	<p>3.c No.</p> <p>We are not aware of any case. Deontological control on the content of a lawyer's website and on the on-line legal advice is carried out by the bar with which the lawyer is registered.</p> <p>3.d Yes.</p> <p>For lawyers, Article 6.6.4.1. of the RIU provides for that a lawyer who creates a website for legal services can receive fees from his clients. In that case, he can be paid through one of the financial institutions which secures on line payments, as long as the identification of the client is possible on this occasion.</p> <p>4. Legal services on-line: Yes. Electronic communications: Yes.</p> <p>The Règlement Intérieur Unifié (RIU), adopted by the Conseil national des barreaux and integrated in the regulation of the 181 bars in France, includes provisions related to, on the one hand, on-line legal services (Art. 6.6 et 10.11 RIU) and, on the other hand, electronic communications (Art. 2.2, 3.1, 5.1, 5.5, new 6.6, 8.2, 10.4, 10.11 RIU).</p> <p><u>On-line provision of legal services</u></p> <p>Article 6.6 on-line provision of legal services</p> <p><i>On-line provision</i></p> <p>6.6.1 Electronic provision of legal services by a lawyer can be defined as a personalised service to a regular or new client. It can be offered pursuant to the provision of article 161 of the Decree of 27 November 1991. The name of the lawyer must be communicated to the user before signing any contract of provision of legal services.</p> <p><i>Identification of interveners</i></p> <p>6.6.2 When a lawyer is asked a question or contacted on-line by a person asking for legal services, he has to make sure that the identity and the characteristics of the person to whom he responds in order to respect professional secrecy, to avoid any conflict of interests, and provide information appropriate with the situation of the person. The lawyer who replies must always be identifiable.</p> <p><i>Communication with the client</i></p> <p>6.6.3 The lawyer, providing legal services on-line, must always have the possibility to contact personally and directly the Internet surfer, in particular if the transmitted request is not well-drafted, in order to ask him necessary questions or make suggestions to provide him with a service appropriate to his needs.</p> <p>6.6.4 Payment of services of the lawyer</p> <p><i>A lawyer who created a website for legal services</i></p> <p>6.6.4.1 The lawyer who creates runs or participates mainly, alone or with fellow colleagues, to the creation and running of a website on legal services can freely receive fees from the clients on his site. He can in this context receive it through financial institutions securing on-line payment, as long as the client can be identified</p>

Country	Answer
France	<p>on that occasion.</p> <p><i>Lawyers quoted on a website on on-line legal services</i></p> <p>6.6.4.2 The lawyer quoted on a website on on-line legal services can have to pay a lump sum for the maintenance of the site, apart from any remuneration established according to the fees paid by the clients to whom the lawyer was introduced via the website.</p> <p><i>Lawyer who provides services on a website</i></p> <p>6.6.4.3 The lawyer who provides legal services to clients of a telematic enterprise has to make sure that they only concern legal information.</p> <p>If he gives a consultation under Title II of the law of 31 December 1971 as amended, he has to respect professional secrecy and avoid any conflict of interests. He can mandate this telematic enterprise to receive the fees due to him on his behalf. The lump sum whose payment has been settled with the enterprise above can be deducted from his fees at this occasion.</p> <p>The lawyer who takes part in the website of a third party and who is quoted or mentioned with a hyperlink, has to check that the content is consistent with principles regulating the profession and inform the Bar. If such is not the case, he has to stop his collaboration.</p> <p>Article 10.11 Internet</p> <p>10.11 The lawyer who opens or modifies a website has to inform the Bar without delay and inform it about the domain names which enables to access to it.</p> <p>On the lawyer's website, there must be the references mandatory under article 10-4. The authorised references are those of articles 10.4 and 10.8. The lawyer's website cannot have hyperlinks enabling to access directly or indirectly to sites or web pages whose content might be contrary to the core principles of the legal profession. The lawyer has to make sure of it by visiting the websites and pages which give access to links mentioned on his website and to take without delay any decision to remove them should they be contrary to the core values of the profession.</p> <p>The lawyer has to make a preliminary notice to the Bar of any hyperlink he considers to add.</p> <p>The content of the site shall respect professional secrecy. It shall also respect the dignity and the honour of the profession.</p> <p><u>ELECTRONIC COMMUNICATIONS:</u></p> <p>Article 2.2 Scope of professional secrecy</p> <p>2.2 Professional secrecy cover in any case, in the area of advising or defending, and whatever the form whether material or immaterial (paper, fax, electronic way...):</p> <ul style="list-style-type: none"> • consultations sent from a lawyer to his client or intended to him; • correspondence exchanged between a lawyer and his client, a lawyer and colleagues, except for the latter those bearing the indication "official"; • notes of meeting or more generally evidence, any information or confidence received by the lawyer when practising his profession; • names of client and calendar of the lawyer;

Country	Answer
France	<ul style="list-style-type: none"> • payment or any handling of funds operated under Article 27(2) of the law of 31 December 1971; • information requested by auditors or any third parties, (information which can be transmitted from a lawyer to his client). <p>There cannot be any consultation or seizure of document in the premises of the law firm or at the private domicile of the lawyer, except under the requirements set at Article 56-1 of the code of criminal procedure.</p> <p>Article 3.1 Confidentiality – correspondence between lawyers – (Article 66-5) – Principles</p> <p>3.1 Any oral or written exchange between lawyers, whatever the form is (paper, fax, electronic...) are by essence confidential. Correspondence between lawyers, whatever the form is, cannot be produced before the court, or their confidentiality cannot be waived.</p> <p>Article 5.1 respect of the principle of the rule that both parties shall be heard (NCP Articles 15 and 16) - Principle</p> <p>5.1 The lawyer has to respect the rule that both parties shall be heard. Mutual and comprehensive communication of actual means, elements of proof and legal means has to be spontaneous and in due time by written, so that the rights of the defence are respected and there is a loyal and fair trial. A lawyer corresponds electronically with his colleague via the address mentioned on the professional documents of the latter.</p> <p>Article 5.5 Communication of evidence</p> <p>5.5 The communication of evidence is made either via the original of the document or a photocopy.</p> <p>The evidence must be numbered, have the stamp of the lawyer and be attached to a note dated and signed by the lawyer. The communication is made as follows:</p> <ul style="list-style-type: none"> • among the evidence, those who are in a foreign language must have a free translation ; in case of dispute, a sworn translator will translate them • actual and legal means above can be communicated under the form of a note, a brief or a pleading file; • case-law and doctrine are used during the debates should there not be published; in the other case, full references are given to lawyers. <p>Communication of evidence can be made electronically, by giving a storage disk with digital data or by sending an e-mail, should its effective reception be justified by the recipient.</p> <p>Article 6.6 on-line provision of legal services</p> <p>On-line provision</p> <p>6.6.1 Electronic provision of legal services by a lawyer can be defined as a personalised service to a frequent or new client. It can be offered pursuant to the provision of article 161 of the Decree of 27 November 1991. The name of the lawyer must be communicated to the consumer before signing any contract of provision of legal services.</p> <p>Identification of interveners</p> <p>6.6.2 When a lawyer is asked a question or contacted on-line by a person asking for</p>

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France	<p>legal services, he has to make sure that the identity and the characteristics of the person to whom he answers in order to respect professional secrecy, to avoid any conflict of interests, and provide information appropriate with the situation of the person. The lawyer who responds must always be identifiable.</p> <p>Communication with the client</p> <p>6.6.3 The lawyer, providing legal services on-line, must always have the possibility to contact personally and directly the Internet surfer, in particular if the transmitted request is not well-drafted, in order to ask him necessary questions or make suggestions to provide him with a service appropriate to his needs.</p> <p>6.6.4 Payment of services of the lawyer</p> <p><i>A lawyer who created a website for legal services</i></p> <p>6.6.4.1 The lawyer who creates runs or participates mainly, alone or with fellow colleagues, to the creation and running of a website on legal services can freely receive fees from the clients on his site. He can in this context receive it through financial institutions securing on-line payment, as long as the client can be identified on that occasion.</p> <p><i>Lawyers quoted on a website on on-line legal services</i></p> <p>6.6.4.2 The lawyer quoted on a website on on-line legal services can have to pay a lump sum for the maintenance of the site, apart from any remuneration established according to the fees paid by the clients to whom the lawyer was introduced via the website.</p> <p><i>Lawyer who provides services on a website</i></p> <p>6.6.4.3 The lawyer who provides legal services to clients of a telematic enterprise has to make sure that they only concern legal information.</p> <p>If he gives a consultation under Title II of the law of 31 December 1971 as amended, he has to respect professional secrecy and receive the fees due to him. The lump sum whose payment has been settled with the enterprise above can be deducted from his fees at this occasion.</p> <p>The lawyer who takes part in the website of a third party and who is quoted or mentioned with a hyperlink, has to check that the content is consistent with principles regulating the profession and inform the Bar. If such is not the case, he has to stop his collaboration.</p> <p>Article 8.2 Friendly settlement</p> <p>8.2 If a dispute is likely to come to a friendly settlement, and before any proceedings, the lawyer can contact the opposing party with the consent of his client.</p> <p>This contact can only take place by sending a letter to that party, which can be send electronically, checking beforehand the electronic address of the recipient, and recalling the possibility to consult a lawyer and inviting him to transmit the name of the lawyer.</p> <p>In this letter, the lawyer should avoid, during the brief note of the object of the request, to make an unfair presentation or to threaten.</p> <p>This letter can mention the possibility of judicial proceedings.</p>

Country	Answer
France	<p>These rules also apply at the occasion of any phone contact for which the lawyer cannot take the initiative.</p> <p>Article 10.4 Writing paper 10.4 Writing papers of lawyer as any document intended for third parties should respect the rules of personal publicity. As far as lawyers are concerned, there can only be the names of those who practise or practised within the law firm concerned, under the provisions provided for by the law.</p> <p>Mandatory notes</p> <p>Writing papers should mention the address of the law firm, the address of the website if there is one, name and surname of the lawyer, bar membership, telephone and fax numbers. If the lawyer does not practise individually, the writing paper should also mention the type of practice: société civile professionnelle , société d'exercice libéral, société en participation, association. Structures' sharing means cannot use writing paper which is likely to let people think that it is a type of practice.</p> <p>Authorised notes</p> <p>The writing paper can mention:</p> <ul style="list-style-type: none"> • the number of the telex, the e-mail address; • university titles and diplomas or teaching posts at university in France and abroad; • professional distinctions; regulated legal profession practised before; • a title whose bearing is regulated abroad and which enables the practice of the legal profession in France; • one or several specialisations regularly acquired and the area of competence for which the lawyer asserts a specialised professional practice in the speciality for which he received a title of specialisation and for which he asked recognition in his request for a certificate of specialisation; • notes about his office and/or secondary establishment or subsidiary; • participation in structure of means sharing, to a group (GIE, GEIE), to networks, to organ correspondence, to the condition however that the notes correspond to professional reality and to conventions filed with the Bar. <p>Are also authorised:</p> <ul style="list-style-type: none"> • logo of the profession, under reservation of the consent of the bar, and of the bar in the Home State; • note of the certification of "management de la qualité" which will only include a reference to the ISO standard and to model adopted, the logo and name of the certifying authority (e.g. law firm certified ISO 9001 by – identification of the accredited certifying authority) and the registration number at this authority. <p>The provisions above apply to notes which can or must be on electronic mails sent by lawyers.</p> <p>Article 10.11 Internet 10.11 The lawyer who opens or modifies a website has to inform the Bar without delay and inform it about the domain names which enables to access to it.</p> <p>On the lawyer's website, there must be the references mandatory under article 10-4. The authorised references are those of articles 10.4 and 10.8. The lawyer's website cannot have hyperlinks enabling to access directly or indirectly to sites or web pages</p>

Country	Answer
France	<p>whose content will be contrary to the core principles of the legal profession. The lawyer has to make sure of it by visiting the websites and pages which give access to links mentioned on his website and to take without delay any decision to remove them should the site be contrary to the core values of the profession.</p> <p>The lawyer has to make a preliminary notice to the Bar of any hyperlink he considers to add.</p> <p>The content of the site shall respect professional secrecy. It shall also respect the dignity and the honour of the profession.</p> <p>5.a Yes.</p> <p>On 10 December, the general assembly of the Conseil national des barreaux approved the setting up of an Intranet for the profession called Réseau Privé Virtuel Avocat (RPVA) (virtual private network for lawyers).</p> <p>This virtual private community will offer lawyers access to high-speed Internet (ADSL), a secured e-mail enshrining the identification “lawyer” and a strong certification of the quality of the lawyer paving the way for an electronic signature for the legal profession.</p> <p>It will also enable to answer deontological requirements set by the RIU for electronic communications of lawyers by establishing a code of use for NTIC within the framework of advice and defence.</p> <p>A national framework convention will be signed in the beginning of 2005 between the Ministry of Justice and the Conseil national on behalf of the profession regarding the protocol of electronic communication between tribunaux de grande instance (TGI) and lawyers. The platform called “e-barreau” hosted by the RPVA will be the single access point to registries of the TGI to come to a true electronic update.</p> <p>This step is consistent with the local tests which were successfully made by the Paris’ Bar with the “e-greffe” system and the Bar of Grenoble. There lacked a debugging of the technical solutions enabling the unification of current systems at national level.</p> <p>The Intranet of the profession will progressively offer an access to a portal of high added-value services (services of property register, files of mortgages, documentary databases, transmission of confidential documents to technical bodies).</p> <p>5.b No, under reservation of the evolution of services proposed by the Intranet portal of the profession, mentioned in point 5.a.</p> <p>6. Président Michel BENICHOU Président du Conseil national des barreaux 23, rue de la Paix – 75002 PARIS e-mail : cnb@cnb.avocat.fr</p> <p>Bâtonnier Gérard SABATER Délégué au projet Intranet e-mail : sabater@avocaweb.tm.fr</p>

Country	Answer
Germany	<p>1.a Yes.</p> <p>The German federal legislator (with whom, under the current constitutional arrangements, the primary responsibility lies to legislate in the areas of civil and criminal procedure) has long been reluctant to adjust the traditional ways of communication with the court and among parties to modern means of electronic communications. It was no earlier than in 2001 and 2002, respectively, that provisions on “electronic documents” were introduced in the statutes. Two acts, the “Gesetz zur Reform des Verfahrens bei Zustellungen im gerichtlichen Verfahren (ZustRG)” (act on the reform of the procedure of process services in court proceedings) of 25 June 2001, which came into force on 1 July 2002, and the “Gesetz zur Anpassung der Formvorschriften des Privatrechts und anderer Vorschriften an den modernen Geschäftsverkehr” (act on the adaptation of formal requirements in civil law and of other provisions to the modern course of business) of 13 July 2001, which came into force on 1 August 2001, paved the way for communicating with the courts by E-mail (rather than only by letters or by facsimile) provided that any communication is regularly sent with an electronic signature. However, the right to fix the extent to, and the date as of which, it is permissible to make use of electronic communication, has been vested in the federal government and the governments of the German states (Länder). This has not yet been done all over the country. Rather, it is fair to say that the Länder over the past three years have not been too enthusiastic about making use of their right to introduce electronic communication in court proceedings. E.g. in North Rhine-Westphalia, electronic communication has been allowed in respect of proceedings (only) in the three fiscal courts as of 1 January 2004.</p> <p>At the level of the federal courts pilot projects have been initiated as part of the federal government’s initiative “BundOnline 2005” which aims to implement electronic communication in all administrative and court proceedings (eGovernment) by the end of 2005. The Federal Supreme Court (Bundesgerichtshof) and the Federal Patent Court (see http://www.bundesgerichtshof.de, and there for home – Presse / Infos – Elektronischer Rechtsverkehr) and at the Federal Patent Court (BPatG, look at http://www.bundespatentgericht.de/bpatg/erv/index.html) have begun these projects in November 2001, and October 2003, respectively.</p> <p>The Justizkommunikationsgesetz the draft of which (dated 28 October 2004) the federal government has meanwhile tabled in Parliament aims to provide the legal basis for an electronic record-keeping within the courts. The draft (in German) can be found at http://dip.bundestag.de/btd/15/040/1504067.pdf (last access: 8 February 2005).</p> <p>An overview of projects at both federal and state level on the introduction of electronic communication with the courts (as of September 2004, in German) can be found at http://edvgt.jura.uni-sb.de/ervkommission/Projekte0904.pdf (last access: on 8 February 2005).</p> <p>1.b Yes, to the extent specifically provided for.</p> <p>To the extent electronic communication with the courts has already been implemented, it has been regularly provided for that briefs and exhibits be attached to ab E-mail in electronic format (word document or pdf file).</p> <p>1.c No.</p>

Country	Answer
Germany	<p>1.d N/A</p> <p>2.a Yes.</p> <p>Details on the implementation of the EC framework on electronic signatures can be found on the website of the Regulatory Authority for Telecommunications and Post (RegTP) which is also the competent authority under the "Signaturgesetz" of 2001, a convenience translation of which can be found at http://www.regtp.de/en/index.html (last access: 8 February 2005).</p> <p>2.b The local or national Bar or Law Society: only a few local Bar Societies</p> <p>Other (public or private entity): for example Telesec, DATEV or SigTrust. Look at http://www.regtp.de/en/index.html and there for Electronic Signature – Certification Service Providers.</p> <p>2.c Identity plus attribute certificates. Look at http://www.regtp.de/en/index.html and there for Electronic Signature.</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d No.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. <u>From the BRAK:</u> RA Stephan Göcken RA Helmut Becker.</p> <p>Bundesrechtsanwaltskammer Littenstraße 9 D-10179 BERLIN Tel.: +49.30.28.49.39-0 Fax.: +49.30.28.49.39-11 E-mail: zentrale@brak.de</p> <p><u>From the DAV:</u> RA Prof. Dr. Jochen Schneider RA Dr. Helmut Redeker RA Jens Wagener.</p>

Country	Answer
Germany	<p>Deutscher Anwaltverein e.V. Littenstraße 11 D-10179 BERLIN Tel.: +49.30.72.61.52.127 Fax.: +49.30.72.61.52.196 E-mail: bruessel@anwaltverein.de</p>
Greece	<p>1.a No.</p> <p>1.b N/A.</p> <p>1.c No.</p> <p>1.d Yes.</p> <p>In this context, a public procurement by the court of first instance and the public prosecutor's office has taken place and the proposals submitted are currently under examination.</p> <p>2.a No.</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): No.</p> <p>2.c No.</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d No.</p> <p>4. The Greek Code of Conduct does not contain any provision with regard to legal services on – line or electronic communication</p> <p>5.a Yes. Bank of Legal Information</p> <p>In the frames of its competences, it has developed multifaceted actions, in all the levels of legal and social, completed Legal informative system, which provides:</p> <p>A) <u>National Legislation</u>, which is imported in the system, suffers complete legal treatment that leads to its coding, ensuring simultaneously the chronological follow-up of its changes.</p> <p>B) <u>National Case-law</u>, that today includes 130.000 decisions, which present jurisprudential interest, of all rungs of Greek Courts, and which suffer on the one hand legal treatment (summary entries, provisions, in which is supported the</p>

Country	Answer
Greece	<p>decision, bibliography etc) and on the other hand informative scientist treatment - of automatic anonymity of suitors, witnesses, bodies of order and individual.</p> <p>C) <u>Case-law of Highest Courts</u>, complete from 1992 up today, with corresponding content.</p> <p>D) <u>Harmonization</u>, which watches the process of incorporation of Community Right in our National Law system.</p> <p>E) <u>Consultations of Legal Council of State</u>, which includes the important -from legal opinion- file of consultations.</p> <p>F) <u>Collective Conventions of Work</u>, coded per professional category and also chronological follow-up of their development.</p> <p>G) <u>Follow-up of flow of Legal deeds</u>, by which is provided the possibility to the Lawyers of having on line information for the development of their affair and especially of the publication of decisions of Courts.</p> <p>H) <u>Models of Legal deeds</u>, constitutive, corporate documents, contracts, conventions, juridical decisions etc, which constitute the fundamental axis of support of lawyers in their vocation.</p> <p>I) <u>Calculation of default interests</u></p> <p>J) <u>Useful information</u>: Finally, a database (legal terms, courts, rules of law etc) has been developed, which is connected with the base of data of Legislation, of Case-law, which on the one hand offers possibilities of harmonious junction of Legal science and information technology and on the other hand constitutes a powerful tool of coding, integrity, control and research.</p> <p>This giant work constitutes simultaneously also basic tool of access in reliable information and knowledge for the 32000 lawyers from all the country, Ministry of Justice, 4500 Juridical functional and Public Services, Legal and Individual. These services are provided in the web site: www.dsanet.gr.</p> <p>Furthermore, the ABA has significant Legal scientific publications, as: Code of Legal pace, Legal pace and pace of Lawyer. Also, it annually organizes tens seminars of training of Lawyers on issues peak, as: Commercial Law, International Conventions, Law of computer scientist etc. ABA stands for Athens Bar Association. Among other publications, ABA issues every month two legal revues: "Lawyer's pace" and "Code of Lawyer's Pace". The first one includes case-law and articles, the second one current national legislation</p> <p>5.b No.</p> <p>6. Vassilios Manios Athens Bar Association 60, Academias Str. GR-106 79 ATHENS Tel. : +30.10.339.8271 Fax. : +30.10.339.8110 e-mail : dsarel@ath.forthnet.gr</p>

Country	Answer
Hungary	<p>1.a Yes, theoretically. We have legal possibility for this type of communication but it's not realized yet.</p> <p>1.b Yes, theoretically.</p> <p>Officially it's possible. (Section 85 of Act 19 of 1998 on Criminal Procedure Law, Sections 196-197 of Act 3 of 1952 on Civil Procedure Law).</p> <p>1.c No.</p> <p>1.d N/A.</p> <p>2.a Yes.</p> <p>The Act 35 of 2001 on Electronic Signatures contains the implementation of the Directives 1999/93/EC and 2000/31/EC. In the future, you will be able to find more information on this site http://www.nhh.hu/english/index1.html.</p> <p>There are three kind of certified electronic signatures: simple electronic signature (no official effect), advanced electronic signature and qualified electronic signature.</p> <p>Electronic signature has the same validity as a handwritten signature if some conditions (e.g. time stamp) have been fulfilled.</p> <p>Electronic signature is used among others for tax declaration and backup of documents at notaries' office.</p> <p>2.b The local or national Bar or Law Society : No. Other (public or private entity): Yes. http://www.nhh.hu/english/index1.html</p> <p>The National Communications Authority is a public entity that gives the mandatory authorization for service providers and registers the signature device.</p> <p>We currently have two operative private service providers (theoretically five) and several public institutions (e.g. Association of Notaries, Tax and Financial Control Administration http://www.afeh.hu/english/contents.htm) who are their own service providers.</p> <p>(The term 'service provider' indicates in our legislation the entity providing the certificates.)</p> <p>2.c The certificate is an attestation that links signature-verification data to a person and confirms the identity of that person or some other connected deed, including whether it pertains to an authority or an official act.</p> <p>Actually only identity certificate is provided but the Hungarian Bar Association has future plans for signatures attributing the quality of lawyer.</p> <p>3.a No.</p> <p>3.b Yes.</p>

Country	Answer
Hungary	<p>3.c Yes, only one problematic case happened without disciplinary consequences.</p> <p>3.d No.</p> <p>4. Yes. The Code of Conduct contains the limits of a lawyer's advertisement.</p> <p>11. The lawyer's advertisement</p> <p>11.1. The lawyer is obliged to abstain from all kind of dishonest acquisition of clients, especially he may not utilize agents and procurers. The lawyer may not give any financial or other compensation to anybody else only because he recommended him for the right demanding person.</p> <p>11.2. The lawyer may not produce the reputation of semblance of his own personality, as if he could perform better service in matter with certain authorities than other lawyers so as he could settle the matter quicker.</p> <p>11.3 The lawyer may no way rumor and spread that he may undertake and perform certain cases at more favourable conditions than other lawyers do it. He may not compare his activity to that of other lawyers.</p> <p>11.4 It is not qualified as prohibit advertisement, when the lawyer (the lawyer's office): Publishes the establishment, the transfer of his office or his sub-office, the change of the phone/fax- number within two months the longest.</p> <p>a) Informs his clients that the sphere of his professional activity has changed, it was extended, resp. (sic).</p> <p>b) Publishes the name, the residence of his office, that of his sub-office, the phone- and fax-numbers, his language knowledge, his sphere of activity (for instance in telephone directory, in classified directory, in yellow pages, etc.) on a place giving publicity for everybody.</p> <p>c) Publishes as an expert, makes declarations in written and electronic medias.</p> <p>d) Carries on other lawyer's activity prescribed in the legal rules –among others real estate trade, organization of owner occupied houses –and he publishes these information in connection with these activities through advertisement. The advertisement may contain exclusively the name, address, phone number of the lawyer (of the lawyer's office), as well of the time of his availability, furthermore, the activity itself".</p> <p>Furthermore, the Hungarian Bar Association published his position on the content of a lawyer's homepage (7 May 2001, no. 2).</p> <p>Statement No. 2/2001 (V. 7.) of the Presidency of the Hungarian Bar Association on the content of the lawyer's homepage (7 May 2001):</p> <p>"The Internet is the electronic medium developing extremely fast of these days. In order to have an unambiguous interpretation according to the homepage and the application of the current code of conduct for the electronic world, and to avoid that the Hungarian lawyers become hindered in the competition vis-à-vis European and overseas lawyers and law offices, the Hungarian Bar Association issues the following Statement: The presence of the lawyer or law office on the Internet (e. g. starting and maintaining a homepage of the lawyer) is generally not in conflict with the dispositions of the Code of Conduct for Hungarian Lawyers, and in itself is not contrary to the general rules prohibiting advertisement stipulated there.</p>

Country	Answer
Hungary	<p>The lawyer's homepage The lawyer's homepage is an electronic presentation form containing data concerning the lawyer, law office (hereinafter referred to as "lawyer"), and the legal services provided by the lawyer. The content provider of the homepage is the lawyer even in case he/she employs another person for its compilation, edition, refreshing, technical and content maintenance or to ensure the access to the homepage. The lawyer is considered as content provider even in case it is a third person who orders for his/her benefit the planning, maintenance and ensuring the access of the lawyer's homepage.</p> <p>The lawyer's homepage is a source of publishing and providing access to information offering publicity for everybody, where the content and aim of the lawyer's presence may not exceed the frame of the objective and ethical public information on the lawyer and his/her professional qualification and activity.</p> <p>Title and visit of the lawyer's homepage The denomination of the lawyer's homepage (the Internet address where access is granted directly to the homepage) can only be constituted of the name of the lawyer registered by the bar association or a part of it referring to the name (lead word), considering at the same time the rules of the Internet addresses. The denomination of the lawyer's homepage may not contain any element that should result in an unjustified advantage in benefit of the lawyer.</p> <p>Having a visitor's book is not allowed on the homepage. (The same prohibition applies to the maintenance of a counter available for the public presenting the amount of the visitors of the homepage or the collection of electronic mail addresses of visitors)</p> <p>The content of the lawyer's homepage It is prohibited to use authentic works (e. g. music, literary, audiovisual work) on the lawyer's homepage, except those that are legally used for the proper and restrained graphic edition and compilation of the homepage.</p> <p>The content of the lawyer's homepage may not serve for the popularisation of the lawyer or its service or otherwise the purpose of publicity. It is forbidden to use any impressive slogan or other indication that can be qualified as economic publicity. No surface used for communicating publicity (banner) can be attached to the lawyer's homepage. It is prohibited for the lawyer to put on the homepage a hyperlink that renders possible connection to the main page of any other homepage or an element of it, except the link leading to a lawyers' organization or the homepage of the registered foreign lawyer or law office (foreign legal advisor). The bar association is entitled to ask the lawyer to prove the facts giving the reason for the link.</p> <p>The publication of the lawyer's photo (face), professional curriculum vitae, publishing his/her professional or jurisprudence publications, presentation of his/her professional practice, the indication of his/her language knowledge are not considered publicity if containing only real facts, being objective, restrained, and not violating the provisions of the Code of Conduct (points 11.2, 11.3).</p> <p>Any case performed by the lawyer or the represented client cannot be denominated on the homepage. This content does not preclude the possibility of indicating which type of cases the lawyer is generally performing, within the presentation of the lawyer's activity (e. g.: insurance proceedings, representation in divorce proceedings, etc.).</p> <p>The homepage of the lawyer may not contain any offer or request to make an offer</p>

Country	Answer
Hungary	<p>aimed at legal consultation or any other service provided by the lawyer, even offer for fee or any other direct or indirect statement and comparison of the lawyer's fees. It may not contain furthermore any offer or request for the conclusion of an agency contract or any agency contract or power of attorney as a download from the homepage.</p> <p>Liability for the content of the lawyer's homepage The lawyer bears responsibility for the content of the lawyer's homepage. The lawyer is responsible for the content regarding him/her of the homepage of the persons cooperating with him/her in any kind of legal relation, such as a foreign lawyer or law office, foreign legal advisor; auditor or other Hungarian or foreign business organization; or other legal persons or other entities without legal personality.</p> <p>Announcement of the address of the homepage The lawyer is obliged to announce the address of the homepage in writing for the President of the bar association within three days from its appearance on the Internet. This obligation also applies in case of the change of address.</p> <p>The bar association is entitled to examine the denomination and the content of the homepage according to the rules of conduct in force and this statement. In case of a protest on the part of the bar association, the lawyer is obliged to change or modify the denomination or the content of the homepage.</p> <p>The protest of the bar association is of delaying force.”</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. Borbála Szabó CCBE Information Officer of the Hungarian delegation Köves Clifford Chance Pünder Madách trade Center H-1075 BUDAPEST Tel: +36 1 429 1300 Fax: +36 1 429 1390 e-mail: borbala.szabo@cliffordchance.com</p>
Iceland	<p>1.a No.</p> <p>1.b N/A.</p> <p>1.c No.</p> <p>1.d Most likely</p>

Country	Answer
Iceland	<p>2.a No.</p> <p>2.b N/A.</p> <p>2.c N/A.</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d N/A.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. Ingimar INGASON CCBE Information Officer of the Icelandic delegation Alftamýri 9 IS-108 REYKJAVIK Tel : +354.5.685.620 Fax : +354.5.687.057 ingimar@lmfi.is</p>
Ireland	<p>1.a Yes.</p> <p>In Ireland it has been possible for some time to communicate with all court jurisdictions through the use of email. Members of the Bar and Law society may communicate with the Courts on specific cases but as yet there are no facilities for the electronic lodgement of official court documents although such is under consideration within our Courts Service.</p> <p>1.b No.</p> <p>1.c No.</p> <p>1.d No.</p> <p>2.a Yes. In government – Department of the Taoiseach</p> <p>2.b Public entity: yes</p> <p>2.c</p> <p>3.a No.</p>

Country	Answer
Ireland	<p>3.b Yes.</p> <p>Our Courts Services are undertaking a major investment programme to promote the use of online legal services. Work has commenced on the provision of an online Small Claims procedure which is scheduled to go live in June 2005. This system is a proof of concept for the future introduction of comprehensive on line legal services across all court jurisdictions.</p> <p>Additionally, significant investment is made to introduce technology within courtrooms to facilitate the electronic presentation of evidence as part of case presentation.</p> <p>3.c No</p> <p>3.d N/A</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6./</p>
Italy	<p>1.a No.</p> <p>At the moment it is not possible to communicate with the courts by electronic means. There are a few possibilities for electronic communications, but present not exhaustive. At the moment we have a procedure for legislation called Civil Telematic Trial.</p> <p>1.b No.</p> <p>In the future it will be possible to filing of procedural documents.</p> <p>1.c Yes.</p> <p>To realize the CTT means technically to build or to update related databases, to record digitally the documentation, to manage in telematic form the informative exchanges among the actors of the system through certified mail and digital signature, to replace the papery issue with the electronic one, to build and to update interactive databases.</p> <p>The object of the dispatch between sender and recipient is a message of certified mail which consists of the original message (what the sender has planned), that is a part of descriptive text and the data of certification.</p> <p>The transmission between sender and recipient happens through the dispatch of the message of certified mail undersigned with digital signature by the manager of the sender's reference. It's possible to take information to the website www.cnipa.it</p> <p>1.d Yes.</p>

Country	Answer
Italy	<p>Civil Telematic Trial (CTT) is the “integral” and “integrated” management of the documentation and of the communications produced within any procedure of civil contentious in digital form and telematics. This means concretely, once that the system will be used:</p> <ul style="list-style-type: none"> -to manage all the connected information to a civil procedure in digital form (from the action of quotation to the sentence); -to manage all the communications and the informative exchanges among the different “actors” involved in a civil procedure (judges, lawyers, chancellors, judicial officers, notaries, etc.) in telematic form; -to simplify the activities of every actor involved in the civil procedures favouring the diffusion of the information and its fruition, eliminating the redundancy of the operations, reducing the activities connected to the continuous manipulation of the papers; -to give transparency and certain temporal dimension to the actions and the procedure. <p>It's possible to take information to the website www.giustiziatelematica.it</p> <p>2.a Yes.</p> <p>2.b The local or national Bar or Law Society: Yes. Other: public entity: Yes. It's possible to take information to the website www.cnipa.it</p> <p>2.c</p> <p>3.a</p> <p>3.b</p> <p>3.c Yes. It is possible offering legal services on-line.</p> <p>Legal services on-line are undertaken on three rules_ data protection, e-commerce and deontology laws.</p> <p>3.d Yes. You can pay some legal services on-line by credit card.</p> <p>It's possible to take information to the website www.consiglionazionaleforense.it and www.deontologiaforense.it</p> <p>4. Legal services on-line: Art.17 of the Italian bar's code Electronic communications: Decree of the President of the Republic December 28th 2000, n. 445</p> <p><u>Art.17 of the Italian bar's code:</u> “Advice on professional practice: Lawyers are allowed to provide information on their own professional practice, with respect of correctness and truth, complying with the dignity of the profession and their secrecy and privacy obligations. Information is provided according to the following principles.</p> <p>I – about media</p>

Country	Answer
Italy	<p>Web sites and Internet, provided that they are owned by the lawyer or the law firm or the legal partnership, with information purposes only and provided that they have been reported to Bar Association.</p> <p>The use of Internet in order to provide services and free advice, on their own or on somebody else's site</p> <p>B) Moreover, use of Internet and web sites is allowed in order to give advice, in compliance with the following obligations:</p> <ul style="list-style-type: none"> - indication of personal data, VAT number and Bar Association where the lawyer is registered - commitment to respect the code of conduct, publishing text of it or with indication of place of publication; - providing name of person in charge; - providing data on insurance coverage, in particular for on-line advice and publishing - providing current professional fees <p>C) The following is not allowed:</p> <ul style="list-style-type: none"> - publishing data on third parties; - personal data on clients (also with client consent); - specializations (apart from specific details provided for by the law); - prices of single services (publishing that the first meeting is free is not allowed); - percentage of litigations won or to boasting merits; - invoicing of lawyer or law firm; - promises to recover credits; - general provision of services (in compliance with art. 19 of the code of conduct)" <p>The <u>Decree of the President of the Republic December 28th 2000</u> addresses the validity of "electronic document" and the issue of "electronic signatures".</p> <p>5.a Yes. In Italy the "Consiglio Nazionale Forense" is projecting for an Intranet for lawyers This project doesn't create any disciplinary problems.</p> <p>5.b No.</p> <p>6. Prof. Avv. Aldo Loidice e-mail : aldo.loiodice@tin.it</p> <p>Avv. Massimo Melica of the ICT Law Committee on Consiglio Nazionale forense. Member of the CCBE IT law Committee via Calefati,200 IT-70122 BARI Tel-fax: +39 080 524.46.29 e-mail: avvocato@massimomelica.it m.melica@consiglionazionaleforense.it</p>

Country	Answer
Latvia	<p>1.a No.</p> <p>1.b No.</p> <p>1.c No.</p> <p>1.d No. It is not planned to introduce electronic documents in respect to courts in the near future.</p> <p>2.a No.</p> <p>Latvia has adopted the Law On Electronic Documents and it is in force since 1 January 2003. However, it is not applied since a number of Regulations still have to be implemented, which would ensure operation of the Law.</p> <p>2.b The local or national Bar or Law Society : No. Other (public or private entity): Yes.</p> <p>According to the current wording of the Law the certification service providers may be a natural or legal person.</p> <p>2.c The Law On Electronic Documents provides for a definition of a safe electronic signature and as one of the specific features of such a signature the identification of the person is mentioned. Hence, presumably the certificates will only be identity certificates.</p> <p>3.a No.</p> <p>3.b Yes.</p> <p>3.c No.</p> <p>In most cases those are not sworn advocates or associates, who offer on-line legal services. Mostly those are lawyers or non-governmental institutions – persons, who are not members of the Latvian Bar. Hence, there have not been any complaints or disciplinary proceedings in this respect.</p> <p>3.d No.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>The Code of Conduct does not include any provisions in respect to legal services on-line or electronic communications.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. There is no particular person appointed in this respect in Latvian Bar.</p>

Country	Answer
Liechtenstein	<p>1.a All the courts personnel have an email account. Published in www.gerichte.li</p> <p>1.b No.</p> <p>1.c No</p> <p>1.d N/A</p> <p>2.a No.</p> <p>2.b N/A</p> <p>2.c No</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d No.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6./</p>
Lithuania	<p>1.a Yes.</p> <p>Usually every court has its own e-mail address, used by chancellery of the court. But in fact mostly telephones are used for the communication with the courts. The parties to the dispute as well as their representatives usually do not use e-mail or any other electronic means to communicate with the courts.</p> <p>1.b No.</p> <p>Despite the rules of civil procedure (Code of Civil Procedure of the Republic of Lithuania) setting out the possibility of filing documents to the courts through the electronic means. There is no such possibility, because there is no special infrastructure (no e-signature systems implemented yet).</p> <p>1.c No.</p> <p>1.d N/A.</p>


Country	Answer
Lithuania	<p>2.a No.</p> <p>2.b The local or national Bar or Law Society : No. Other (public or private entity): There is at least one state-owned enterprise which is authenticating e-signatures on the experimental level.</p> <p>2.c No Information.</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d No information.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. Mr.Rytis Jokubauskas Secretary General of Lithuanian Bar Association CCBE Information Officer of the Lithuanian delegation Jogailos 11 LT-01116 VILNIUS Tel.: +370-5-262 4546 or +370-6-118 2254 Fax.: +370-5-212 1859 e-mail: rytis.jokubauskas@advoco.lt</p>
Luxembourg	<p>1.a No.</p> <p>All magistrates and registrars have in principle an e-mail address, but communication through that means is not organised. Eventually it depends on magistrates whether to respond or not to e-mails from lawyers. The filing of procedural documents is not possible.</p> <p>1.b No.</p> <p>1.c No.</p> <p>1.d No. There is no concrete project.</p> <p>2.a No.</p> <p>2.b The local or national Bar or Law Society : No. Other (public or private entity): Yes. Chamber of Commerce.</p>

Country	Answer
Luxembourg	<p>2.c No.</p> <p>3.a No. On-line services provision is forbidden for the time being although it is considered as a request from the clients under the internal rules of the Bar.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d No.</p> <p>4. Legal services on-line: Yes.</p> <p>On-line services provision is forbidden for the time being although it is considered as a request from the clients under the internal rules of the Bar.</p> <p>Electronic communications: No.</p> <p>5.a Yes. All registered lawyers have an e-mail address surname.name@barreau.lu</p> <p>5.b No.</p> <p>6. Marc Thewes Member of the CCBE IT law Committee 13, rue Large B.P. 55 L-2010 Luxembourg Tel.: +352 226622-1 Fax.: +352 225566 e-mail: marc.thewes@thewes-reuter.lu marc.thewes@barreau.lu</p>
Malta	
The Netherlands	<p>1.a No.</p> <p>At the moment it is not possible to communicate with the courts by electronic means. There are however a few pilot schemes which aim at making this possible somewhere next year. The communication will mostly be done by e-mail.</p> <p>1.b No.</p> <p>1.c No.</p> <p>1.d Yes.</p> <p>At the moment it is not possible to communicate with the courts by electronic means. There are however a few pilots which aim to make this possible somewhere next</p>

Country	Answer
The Netherlands	<p>year. The communication will mostly be done by e-mail.</p> <p>2.a Yes.</p> <p>Lawyers use the CCBE identity card in combination with an electronic signature (a digital certificate issued by the Dutch Bar Association) to communicate with the city of The Hague for applications of information about the plaintiffs.</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): Yes. www.advocatenorde.nl or www.pinkroccade.nl</p> <p>2.c No.</p> <p>The Dutch Bar Association only issues attribute certificates. For more information see previous question.</p> <p>3.a No. There are some firms who offer this possibility but not many.</p> <p>However there is growing concern about many websites (from non law firms) that claim to give sound legal advice without having to prove their ability.</p> <p>3.b Yes. There are no figures available, but we believe that it is so.</p> <p>3.c Yes. Only complaints about non law firms.</p> <p>3.d Very rarely.</p> <p>4. The Dutch Bar Association uses the guidelines drawn up by the CCBE.</p> <p>5.a Yes.</p> <p>The Dutch Bar Association uses an intranet to communicate with its members. The intranet is only accessible to lawyers who applied for a digital ID (about 6000). The intranet offers general as well as personal information.</p> <p>5.b No.</p> <p>To visit prisoners the Dutch lawyers need to show their CCBE identity card. The card functions as a role provider. It shows that they are indeed lawyers</p> <p>6. Daan de SNOO CCBE Information Officer of the Dutch delegation Nederlandse Orde van Advocaten Postbus 30851 NL-2500 GW DEN HAAG Tel.: +31.70.335.35.35 Fax.: +31.70.335.35.3 e-mail : d.desnoot@advocatenorde.nl</p>

Country	Answer
The Netherlands	Rene Lamberts Tel.: +31 (0)70 335 35 91 e-mail: r.lamberts@advocatenorde.nl
Norway	<p>1.a No.</p> <p>In general the answer is no, but we have a test project in Trondheim with one of our courts. Both the attorneys and the key personnel in the court are given digital signatures and the communication between the parties is encrypted.</p> <p>1.b N/A.</p> <p>1.c No.</p> <p>Again the answer is no, but there are commercial services which have tried to get into the legal market. See for example: www.enotarius.no</p> <p>1.d Yes.</p> <p>A draft dispute legislation is in progress, but has not yet been adopted. The proposal is that the attorneys in the future should communicate with the courts through electronic means.</p> <p>2.a No.</p> <p>In general the answer is again no, but here are some limited examples and projects being carried out within the public sector. The most interesting part is that this topic is put up high on the agenda in the Ministry of Modernisation.</p> <p>See among other things: http://odin.dep.no/filarkiv/183023/IKT_engelsk_-_endelig2.pdf</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): No.</p> <p>2.c No.</p> <p>This is an interesting idea. There have been talks about this idea between the Supervisory Council For Legal Practice and The Norwegian Bar Association.</p> <p>3.a No.</p> <p>Legaliz.no is the only online service which provides that type of online legal services in Norway. They have a growing business, but there are only 4 attorneys in this firm. There are more than 6000 attorneys in Norway.</p> <p>3.b No. But there are some that are planning to implement extranets for chosen clients.</p> <p>3.c No.</p> <p>3.d No.</p>

Country	Answer
Norway	<p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>The Norwegian Bar Association is planning an Internet Portal with consumers as the target group. A step two in this project is possibly to provide an extranet where the consumer can communicate with the attorney through Internet.</p> <p>The Ministry of Justice might be planning to give attorneys access to police documents in cases in which they act as defence lawyer etc. through a secure Internet site.</p> <p>5.b No.</p> <p>6. Vegard Fløtre Adviser Norwegian Bar Association Tel : +47 22 03 51 04, Mobile : +47 91 30 30 94, email: vf@jus.no</p>
Poland <i>Polish Bar Council</i>	<p>1.a No.</p> <p>1.b N/A.</p> <p>1.c Yes.</p> <p>1.d N/A.</p> <p>This is the attorney for delivery institution which is sometimes used in civil and commercial law; it is possible to find it in Polish civil procedure code. In penal law is mediatory ;it is possible to find it in Polish penal law procedure code.</p> <p>2.a No.</p> <p>2.b N/A.</p> <p>2.c No.</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d No.</p> <p>4. Legal services on-line: Yes.</p>

Country	Answer
Poland <i>Polish Bar Council</i>	<p>Electronic communications: Yes.</p> <p>There is a ban to make any commercial about job activity. All electronic communication should be safety against any third parties(full confidence condition)</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. N/A.</p> <hr/>
Poland <i>National Council of Legal Advisor</i>	<p>1.a No.</p> <p>1.b N/A.</p> <p>1.c No.</p> <p>1.d No.</p> <p>2.a No.</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): Yes.</p> <p>2.c No.</p> <p>3.a No.</p> <p>3.b No.</p> <p>3.c There are no disciplinary problems in presence but starting from the 2006 it could be possible to use electronic certificate in electronic communication, so we expect those problems in future.</p> <p>3.d No.</p> <p>4. Legal services on-line: Yes. Electronic communications: Yes.</p> <p> zasady etyki radcy prawnego - ang.doc</p> <p>5.a No.</p> <p>5.b No.</p>

Country	Answer
Poland <i>National Council of Legal Advisor</i>	<p>6. Maciej Bobrowicz Vice – President of the National Council of Legal Advisers. Tel.: +48 68 329 79 79 phone to the National Council: + 48 22 622 84 28, 622 84 33, 622 05 88 e-mail: biuro@bobrowicz.pl www.bobrowicz.pl</p>
Portugal	<p>1.a Under Section 150.º of the Civil Procedure Code (since amended by Decreto-Lei n.º 183/2000 10th August) it is possible to communicate with Courts by e-mail, provided that the message is “digitally signed” by the sender. The term “digitally signed” was later changed to “advanced electronic signature” (as amended by Decreto-Lei 324/2003 27th December) A chronology of laws and regulations regarding this issue is available in http://www.oa.pt/genericos/detalheArtigo.asp?idc=68&ida=22593</p> <p>1.b Yes. In Executive proceedings for instance, it is mandatory to fill in the <i>electronic executive petition/form</i> on-line, in a website managed by the Ministry of Justice. http://www.tribunaisnet.mj.pt/tribunal/modelorexec/modeloreqexec.aspx. For further information please see the website above mentioned. You might also contact directly with the Ministry of Justice – Project Habilus mailto:habilus@tribunaisnet.mj.pt.</p> <p>1.c No.</p> <p>1.d N/A</p> <p>2.a Yes. Electronic signature is used to communicate with Courts by legal professionals as described above. The (general) use of electronic signature is laid down in Decreto-Lei n.º 290-D/99, 2Th August, as amended by the Decreto-Lei n.º 62/2003, 3Th April.,(cfr. subsection 2 of Section 3.º) which states that electronic signature has the same validity as a handwritten signature provided that some conditions are fulfilled. For example, the electronic (digital) signature must be accredited by a certification-service-provider</p> <p>2.b Certificates are provided by private entities which must be recognised as accreditation providers by a public entity. – <i>Instituto das Tecnologias de Informação na Justiça</i> - http://www.itij.mj.pt/</p> <p>Electronic certified signature issued to lawyers, for instance, is provided by a private entity - MULTICERT – Serviços de Certificação Electrónica S.A - http://www.multicert.pt/empresa.htm, through a procedure that also involves the Portuguese Bar Association (which provides the e-email account required to request the certificate, receives the application, and gives technical support to members)</p> <p>2.c Yes. Identity plus attribute certificates. The certificate (Digital ID) is issued by Multicert, S.A. to the individual lawyer proving that is registered with the Portuguese Bar. For further information (in Portuguese) please see the FAQ available in the <i>Internet</i> http://www.oa.pt/genericos/detalheArtigo.asp?ida=20514</p> <p>3.a No.</p> <p>3.b No.</p>

Country	Answer
Portugal	<p>3.c Yes.</p> <p>i) Providing legal services is exclusive of legal professionals (<i>advogados e solicitadores</i>), as laid down in Lei n.º 49/2004 de 24 de Agosto. In fact, complaints that have been reported are related to “illegitimate/illicit legal on-line services providers” rather than services provided (on-line) by lawyers.</p> <p>ii) With reference to the use of the Internet the main issue discussed within the Portuguese Bar has been whether or not our Code Of Conduct (a part of the Portuguese Bar bylaw/statute) allows lawyer’s websites and what kind of information can be displayed in a website. The presently in effect bylaw - Lei n.º 15/2005 de 15th January - seems to have settled past doubts (section 89.º, subsection 1, m)).</p> <p>iii) There is not an explicit view on the subject of on-line services provided by lawyers. Regarding the subject i) you might contact <i>Comissão Nacional contra a Procuradoria Ilícita</i> – National Committee Against Illicit Representation for further details - mailto:cncpi@cg.oa.pt</p> <p>3.d</p> <p>4. Legal services on-line: No Electronic communications: Yes</p> <p>There are two provisions within the Lei n.º 15/2005, that remotely relate with electronic communications – i) and m) of subsection 2, of section 89.º -, which state that the lawyer’s e-email address and website, are examples of information deemed as objective, which the lawyer is entitled to publicise.</p> <p>5.a No. The Bar website has an restricted area where it is possible to: participate in a discussion forum, use a legislation database which includes all the regulations passed by the Bar, update your registration data with the Bar, request your digital ID/certificate (see above 2 b), and access your web-mail account. Portuguese lawyers already communicate between them using digital signed and certified e-mail messages which offers some guarantee as to the authenticity and authorship of the message.</p> <p>5.b No.</p> <p>6. Luis Ferreira Head of the General Council’s of the Portuguese Bar Information Technology Department Largo de S. Domingos, 14, 1.º 1169-060 LISBOA Tel. (+ 351) 21 882 35 50 Fax (+351) 21 886 24 03 lferreira@cg.oa.pt Website: www.oa.pt</p>

Slovak Republic

1.a Yes.

Sec. 42(1) of the Civil Procedure Code (Act No. 99/1963 Coll. on the Civil Procedure as amended) reads that litigants may file their documents inter alia also electronically. The advanced electronic signature must be annexed to documents so filed pursuant to a separate legal rule (Act No. 215/2002 Coll. on the Electronic Signature and on amending other laws).

Sec. 59(1) of the Criminal Procedure Code (Act No. 141/1961 Coll. on the Criminal Procedure as amended) reads that the document may also be filed in writing, orally in the record or electronically whereas the advanced electronic signature must be annexed to such documents under the aforesaid separate legal rule.

1.b Yes.

Sec. 42(3) of the Civil Procedure Code reads that any document plus any annexes and schedules thereto must be filed in as many counterparts as necessary directly at the court in the Court Filing Office.

Sec. 158(1) of the Criminal Procedure Code reads: Any information about facts indicating commission of a crime shall be filed with the prosecutor, investigator or police authority.

Besides the possibilities according point 1, documents may also be filed by telegraph, fax or facsimile transmission. Any document filed by telegraph, fax or facsimile transmission must be subsequently confirmed in writing or orally in the court record.

1.c Yes.

Sec. 99(1) third sentence of the Civil Procedure Code reads: The Court can recommend litigants to try to settle the matter amicably out of court through mediation in which case a mediator acts as a third neutral party.

1.d N/A.

2.a Yes.

For information about using the electronic signature before courts in civil and criminal proceedings, see point 1 a.

See also Regulation No. 542/ 2002 Coll. of National Security Office on the Manner and Procedures Applied to the Use of Electronic Signatures in Business and Administrative Communications (ad Sec. 27 of Act No. 215/2002 Z. z. on the Electronic Signature)

2.b The local or national Bar or Law Society: No.
Other (public or private entity): Yes.

As laid down in Act on the Electronic Signature, there are certification and accredited certification authorities that within the framework of certification services and their scope of powers also issue certificates. The list of such authorities is maintained by the Slovak National Security Office.

The list of the above-mentioned authorities includes the following entities:

**Slovak
Republic**

Certification authorities:

Prvá slovenská certifikačná autorita (PSCA) www.pzca.sk

D. Trust Certifikačná autorita (DTCA) www.dtca.sk

Certifikačná autorita VÚB (CA VÚB) www.vub.sk

Certifikačná autorita EVPÚ (CA EVPÚ) www.caevpu.sk

Certifikačná Autorita Dexia Slovensko www.dexia.sk

Accredited certification authorities:

CA EVPÚ www.caevpu.sk

D. Trust Certifikačná Autorita, a.s www.dtca.sk

2.c Only identity certificates are provided.

More information can be found in Sec. 6 of Act on the Electronic Signature that deals with the so-called public key certificates ("certificates"). It is an electronic document in which the issuer confirms that the public key specified in the certificate belongs to the person to whom such certificate was issued (to the certificate holder)

3.a No.

3.b No.

3.c No.

3.d No.

4. Legal services on-line: No.

Electronic communications: Yes.

Electronic communications are governed and regulated in Sec. 38 of the Rules of Professional Conduct for Lawyers.

According to Sec. 38 (1), item a) of the Rule, the lawyer, association of lawyers or company may provide the public with the following information about the provision of legal services and their practice of law: information about the lawyer's, grouping's or company's name and place of business or registered seat, including a site map (if any) and contact details (phone, mobile, fax, e-mail).

Pursuant to Sec. 38 (2), item a) of the Rules, such information may be published on web-sites.

5.a Yes. Extranet.

The following should be achieved and offered to lawyers:

electronic library – e.g. case law of the European Court of Justice,

internal rules and regulations as well resolutions passed by the Bar Council and the General Assembly,

list of lawyers admitted to the Bar,

sending collective e-mails (from the Bar to all admitted lawyers), internal e-mail communication between the Bar and individual lawyers on a case to case basis, should the lawyers be interested also the use of advanced electronic signature in communications with the Bar.

information about various events and news, such as specialised seminars on various topics, seminars abroad, international events, etc.,

electronic registration forms for seminars.

Currently, we cannot say more about it from the practical point of view as the project has not been completely implemented. We are about to finish the works launch the Extranet Project on 1 February 2005.

<p>Slovak Republic</p>	<p>5.b No.</p> <p>6. Darina Michalková Vice-president of the Slovak Bar Association Kolárska 4 813 42 Bratislava SLOVAKIA Tel: +421-2-5296 1532 Fax, +421-2-5296 1554 e-mail: michalkova@sak.sk</p>
<p>Slovenia</p>	<p>1.a No.</p> <p>1.b N/A.</p> <p>1.c No.</p> <p>1.d No.</p> <p>2.a Yes. This communication is possible only within e-commerce in Public Administration. This kind of communication is not possible with courts, but electronic signature equals one's own signature in the procedure for taking evidence. Some information can be found on: http://e-uprava.gov.si/e-uprava/en/portal.euprava</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): Yes.</p> <p>The Electronic Commerce and Electronic Signature Act allow the authentication of electronic signatures to any natural or legal person but they are under the supervision of Inspection of Ministry of information society and Post and Electronic Communications Agency of the Republic of Slovenia. Some information are on: www.sigen-ca.si</p> <p>2.c Yes. www.sigen-ca.si</p> <p>3.a No.</p> <p>3.b Yes.</p> <p>There are non formal activities usually given by certain governmental bodies and also by some non governmental institutions, which are increasing. There is an upward trend of establishing companies offering legal advice and legal services in Slovenia. We have been facing a constant increase in number of companies dealing with compensation law and tax consultant companies that also provide legal service especially on corporate law and they also provide legal services on-line in order to attract customers.</p> <p>3.c No.</p> <p>3.d No.</p>

<p>Slovenia</p>	<p>4. Legal services on-line: No. Electronic communications: Yes.</p> <p>The lawyer may publish the information about his office (operating hours, address, field of activity, recognized specialty etc.) on the website, provided that such data are true and refer to his activity.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6./</p>
<p>Spain</p>	<p>1.a Yes.</p> <p>The Spanish National Bar has developed a service to allow lawyers sending document through a secure platform (Lexnet) built up by Ministerio de Justicia. Nowadays it is possible only for lawyers who are members of 6 of the 83 local Bars. It is intended with hits project to cover the whole Spanish lawyers in the following two years.</p> <p>See for more information about the Spanish system: http://www.cgae.es/especial/acaredabogacia/acaredabogacia.htm</p> <p>1.b Yes.</p> <p>All communications are sent through the secure platform explained above. This platform, called "LexNet", builds signed SMIME messages, including attachments (in "rtf" and "pdf" formats).</p> <p>1.c No. It will be possible in the near future.</p> <p>1.d N/A.</p> <p>2.a Yes. There is in Spain a law on electronic signature (Ley 59/2003, 19 dic) that gives to the electronic signature the same validity than the handwritten signature.</p> <p>2.b The local or national Bar or Law Society: Yes. Other (public or private entity): Yes. - ACA - Autoridad de Certificación de la Abogacía, was created as an initiative of Consejo General de la Abogacía Española (Spanish Nacional Bar). ACA provides certificates for Spanish lawyers. These certificates have a double attribute: lawyer attribute and identity attribute. - FNMT- Fábrica Nacional de Moneda y Timbre provides certificates for any Spanish citizen</p>

<p>Spain</p>	<p>- ANCERT - Autoridad de Certificación del Notariado provides certificates for notaries - Firmaprofesional - Provides certificates for members of professional associations</p> <p>- Camerfirma - Provides certificates for chambers of commerce</p> <p>- Others: Generalitat Valenciana, Colegio Ingenieros de Caminos, etc</p> <p>2.c Lawyer plus identity attributes More information on Autoridad de Certificación de la Abogacía (info@acabogacia.org; www.acabogacia.org; www.cgae.es; www.redabogacia.es)</p> <p>3.a Not yet.</p> <p>3.b Yes. Although on-line legal services do not play a significant role, this kind of business is increasing significantly in Spain. For instance, ww.derecho.com offers legal services online. It is a private entity.</p> <p>3.c No.</p> <p>3.d</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a Yes. In Spain there is a secure extranet that allows transmission of confidential information to official entities (prisons, courts, etc) only for lawyers, called www.redabogacia.org</p> <p>5.b Yes. Besides the service that allows obtaining through internet visiting permissions to prisons, there are other digital services that facilitate lawyer daily activity:</p> <p>Comunicaciones de Intervención Profesional (info@acabogacia.org): allows lawyers to make communications indicating other local Bars different that those where they are written that they will develop any specific activities in the territory of their jurisdiction (a Court Case, for instance) None of these services have ever caused disciplinary problems.</p> <p>6. Pedro Luis Huguet Tous President of the IT Commission at the Consejo General de la Abogacia Española. Colegio de Abogados de Reus Avda. María Fortuny, 83 -1º 43204 REUS (Tarragona) e-mail: plhuguet@huguet-advocats.net</p> <p>Pedro Luis Huguet Tous Huguet Advocats Pza. Prim, 14-4º B 43201 Reus</p>
<p>Sweden</p>	<p>1.a Yes.</p>

Sweden

After amendments to the Public Administration Act (SFS 1986:223) in 2003, all public authorities, including courts, are required to make it possible for individuals and companies to communicate with them using fax and E-mail.

1.b Yes.

An application for summons must be manually signed and filed with the court in the original; if the application is made by fax or E-mail, the court will direct the plaintiff to confirm the application in a manually signed document. The defence and other communications may in practice be submitted by fax or E-mail, although submission by E-mail is not very common, especially not in cases where the parties have legal representation. Documentary evidence must be submitted in the original or in an attested copy.

1.c No.

1.d N/A.

2.a No.

2.b The local or national Bar or Law Society: No.
Other (public or private entity): Yes.

Certificate providers are obliged to register with the Swedish National Post and Telecom Agency. At present, no providers have yet registered.

See The Qualified Electronic Signatures Act (SFS 2000:832) English translation available at
<http://www.pts.se/Archive/Documents/SE/engelsk%20oversattning%20av%20lag%20elektroniska%20signaturer.pdf>

2.c No.

3.a No.

3.b No.

3.c No.

3.d No.

4. Legal services on-line: No.
Electronic communications: No.

5.a No.

5.b No.

6.
Ragnar Palmkvist
General counsel
CCBE Information Officer of the Swedish delegation

<p>Sweden</p>	<p>Box 27321 SE-102 54 STOCKHOLM Tel.: +46.8.459.03.00 Fax.: +46.8.660.07.79 ragnar.palmkvist@advokatsamfundet.se</p>
<p>UK England & Wales <i>the answers of the Law Society along with the answers of the General Council of the Bar</i></p>	<p>1.a Yes.</p> <p>Criminal Justice Information Technology (CJIT) is a Government organisation working to the three principal Criminal Justice departments - the Home Office, the Department for Constitutional Affairs (DCA) and the Attorney General's Department. Their objective, founded on the commitments in the <i>Justice for All</i> White Paper 2002, is to support the delivery of a modern, joined-up, Criminal Justice System (CJS). CJIT were initially funded for £1.2bn; in 2004 they received an additional £800k.</p> <p>CJIT's role is to develop and promote cross-CJS approaches to using technology (and, where necessary, the technology itself). It is developing a number of key services to enable this. The first is Secure eMail (SeM).</p> <p>Staff in criminal justice organisations (CJOs) such as Prisons, the Crown Prosecution Service (CPS), Probation, Magistrates' Courts, Crown Courts and the police, who have e-mail already, also have secure systems. They can send and receive information up to and including anything marked with the lowest Government protective marking classification of 'RESTRICTED', that is, sensitive information.</p> <p>While many independent Criminal Justice Practitioners (CJPs), such as defence solicitors and victim and witness organisations, have e-mail, they are forced to send sensitive information by post or fax as e-mail is not ordinarily secure (Law Society research showed that less than 10% of solicitors used some form of encryption). The SeM Programme is providing a free service that allows practitioners not on secure systems to send and receive information, not only between themselves, but also to the CJOs.</p> <p>CJIT is working with staff in CJOs in the 42 Criminal Justice Areas in England and Wales to support use of secure e-mail. The service was introduced in September 2003 and has now been rolled-out to all Criminal Justice Areas. Solicitors are being encouraged to sign-up but take-up, so far, has been poor. Further information is available at www.cjit.gov.uk</p> <p>The Civil Link project is rolling out new flat screen computers and software including word processing, spreadsheets, e-mail and diary facilities to 59 Civil and Family sites. Judges and staff will also have high-speed access to the Internet. The existing CaseMan and FamilyMan cabling will be used and the project will be complete by end of March 2006. The introduction of this infrastructure allows e-mail to the civil courts but this e-mail is unencrypted and, when received, it is treated in the same way as ordinary post (ie: it is printed out and then goes through similar processing). E-mail to the civil courts is currently limited to certain specified courts (listed at http://www.courtservice.gov.uk/using_courts/email_guidance/courts.htm). http://www.courtservice.gov.uk/using_courts/email_guidance/index.htm).</p> <p>1.b Yes.</p> <p>An Online Forms Pilot allows court users to complete and submit a number of Court Service forms online, via the Court Service website. The pilot is supported by a</p>

<p>UK England & Wales <i>the answers of the Law Society along with the answers of the General Council of the Bar</i></p>	<p>Practice Direction (5B) of the Civil Procedure Rules, which came into force on 1 May 2004. The service is currently available at 9 pilot courts. Further information can be found at www.courtservice.gov.uk.</p> <p>1.c No.</p> <p>1.d N/A.</p> <p>2.a No.</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): Yes.</p> <p>2.c Identity certificates are available from commercial providers. They do not, as far as we know, vouch for attributes (like being entitled to practise as a lawyer)</p> <p>3.a No.</p> <p>3.b Yes but unclear.</p> <p>We believe that on-line legal services are growing in importance in the UK but we are unaware of definitive research evidence to prove this. We have commissioned some research of our own, but this is not yet available.</p> <p>3.c No. (not that we are aware of)</p> <p>3.d Some services are paid for online, some are not.</p> <p>4. Legal services on-line: Not specifically. Electronic communications: Not specifically. Please see http://webprod/working/informationresources/guideonline.law</p> <p>5.a No.</p> <p>5.b Yes. See CJIT initiative above.</p> <p>6. England and Wales Law Society Tim Hill E-Commerce Policy Adviser 113 Chancery Lane London WC2A 1PL Tel.: +44 02073165582 e-mail: Timothy.hill@lawsociety.org.uk</p> <p>England and Wales Barrister Bhavna Patel IT Panel Bar Council 289 High Holborn London 7HZ</p> <p>And/or James Woolf. JWoolf@barcouncil.org.uk</p>
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**Northern
Ireland
Barrister**

1.a Yes.

Communication is available at the moment via e-mail. More information is available at courtsni.gov.uk

1.b Not at the moment

1.c Yes

At the moment this is limited to video and audio conferencing in the Family Courts with British Telecom the trusted third party.

1.d Yes

Other developments are currently in progress. These include: an Integrated Courts Operations System. This should fully integrate Criminal, Civil and Family Courts by mid 2006. This will be followed by a facility to permit the electronic servicing of documents. A pilot scheme for the Small Claims Court is planned for October 2005. If this is successful then a roll out will follow.

2.a No

2.b N/A

2.c N/A

3.a No.

3.b No.

3.c No.

3.d No.

4. Legal services on-line: No

Electronic communications: No

5.a Yes

If you replied yes, can you please tell more about it and indicate where to find more information and if it caused disciplinary problems?

We do have a barrister's intranet which facilitates secure communication between barristers and barristers, and solicitors and barristers. The intranet also provides a method for the Bar Council to communicate with its members

5.b No.

6.

Brendan Garland Chief Executive
The General Council of the Bar of Northern Ireland
91 Chichester Street Belfast BT1 3JP
chief.executive@Barcouncil-ni.org.uk

Scotland

1.a Yes.

It is possible to communicate with the courts by electronic means in Scotland. However, this is generally on an informal basis and will depend on the nature of the matter at hand and the attitude of the Judge. There is no formal system ensuring the possibility of, for example, filing documents electronically in all cases, either civil or criminal. The courts are, however, examining this position and the Sheriff Court Rules Council (set up under Section 33 of the Sheriff Courts (Scotland) Act 1971 to keep under review the procedure and practice in civil proceedings in the Sheriff Court) recently consulted on recommendations for use of IT for the electronic transmission and storage of documents, including the electronic transmission, lodging and storage of all documents connected with the civil court case, interlocutors (decisions of the court), the use of a website providing positive confirmation of receipt of documents, electronic signatures and, possibly, the ability to view case documents online.

The Rules Council also proposed that any system should be introduced in all the courts in Scotland, after a pilot and that the electronic system should be operated in parallel with the existing paper system for a period of two years after which only in limited or exceptional circumstances or on cause shown should the paper system be used.

In addition, there are proposals for cases dealt with under the summary causes or small claims procedures (where there are lower limits on the amounts of money involved) should be dealt with using an electronic "virtual" court, in some situations.

These only have the status of proposals at the moment and it remains to be seen whether they will be adopted in full.

1.b No.

1.c

1.d N/A.

2.a No.

2.b The local or national Bar or Law Society: No.
Other (public or private entity): Yes.

If the reforms proposed under the response to question 1a are brought forward this will require the introduction of secure electronic signature acceptable to the courts and other bodies. However at the moment no such general system exists.

2.c Identity certificates are available from commercial providers who do not vouch for attributes such as being entitled to practise as a solicitor. The Society did bring forward its own proposal for certificates confirming the identity of the sender as being a solicitor. However, for various reasons it has not been possible to take this forward. Again, this may need to be reconsidered if communication with the courts is to be deducted on a purely electronic basis in the future.

3.a No.

Scotland

Online legal services are increasingly offered, in a variety of areas. However, they do not yet play a significant role in the provision of legal services in Scotland.

3.b Yes.

It is our impression that this is an area which is increasing in importance in Scotland. However, there is no specific information on this point.

3.c No. (not that they are aware of)

3.d Yes.

This is possible but do not have any specific information on how much it is used.

4. Not specifically for legal services online and not specifically for electronic communications. The Society does provide some guidelines on the use of electronic communications in legal practice. However, these are not mandatory and the Society's rules otherwise apply in a general way to both paper-based and electronic-based matters.

5.a Yes.

The Scottish Executive has indicated that it would like to create a system whereby official governmental bodies and others, such as solicitors, could communicate securely electronically. However, this has not yet been created.

5.b No.

It is proposed to provide for greater access by solicitors to clients in prison by electronic means, but this would not require Society intervention

6.

The first point of contact should be the Secretary to the Electronic Commerce committee,

Stuart Drummond,

Law Reform Officer,

The Law Society of Scotland,

26 Drumsheugh Gardens,

Edinburgh, EH3 7YR.

Tel: 0131 476 8184

Fax: 0131 225 4243

E-mail: stuartdrummond@lawscot.org.uk

Observers

Country	Answer
Bulgaria	<p>1.a Yes. It is possible to communicate with the Supreme Administrative Court and some of the appellate courts.</p> <p>1.b No.</p> <p>1.c No.</p> <p>1.d Yes. There is a programme according to which it will be possible to communicate through electronic means with all Bulgarian courts.</p> <p>2.a Yes. There is a special law on the electronic document and electronic signature.</p> <p>2.b The local or national Bar or Law Society: No. Other (public or private entity): Yes: private entities.</p> <p>2.c No.</p> <p>3.a There are no on-line services in Bulgaria yet.</p> <p>3.b No.</p> <p>3.c No.</p> <p>3.d No.</p> <p>4. Legal services on-line: No. Electronic communications: No.</p> <p>5.a No.</p> <p>5.b No.</p> <p>6. The Bar council does not have a member dealing with such matters.</p> <p>Petar K. Petrov Sofia Bar Association Representative of the Bulgarian delegation 3, Alabin str. ent. A, room. 123 BG-SOFIA</p>

Country	Answer
Bulgaria	Tel: +359 986 54 68 e-mail : pk_petrov@abv.bg
Croatia	<p>1. Civil Procedure (Litigation) Act in Article 106 stipulates that claims must be signed by a client or by their attorney.</p> <p>The Law on E-signature in Article 6 says a document cannot be rejected for its being written in electronic form, containing an e-signature, unless it refers to concrete legal matters such as those requiring one's own signature or verified by a public notary. One can conclude that there is a possibility to communicate with the court through electronic means, but in practice this is not feasible as courts are not properly equipped (software, hardware....). There is also insufficient jurisprudence</p> <p>If such a communication were possible, one could file documents, send e-mails etc.</p> <p>More information can be found in the Law of E-Signature, Narodne Novine (Croatian Official Gazette 10/2002), Civil Procedure (Litigation) Act (Narodne Novine 117/2003)</p> <p>2. According to the Law on E-Signature, electronic signature can be used officially. For more details, please refer to the Law on E-Signature.</p> <p>As regards the providing of the certificate to authenticate the e-signature, following the Law on E-Signature, each private or physical person may issue a certificate if they meet the requirements stated in Article 12 of the above mentioned Law.</p> <p>Article 12</p> <p>Requirements for certification-service-providers issuing qualified certificates:</p> <ol style="list-style-type: none"> 1. secured organization of work which guarantees the quality of certification services; 2. sufficient financial and material resources to provide durable certification services in particular to bear the risk of liability for damages, insurance coverage, and alike. 3. employ personnel with expertise to perform adequate specialized and technical assignments necessary to provide certification services, to keep the directory of signatories and to assure data privacy protection; 4. technical and programme groundwork which supports international standards for provision of certification services; 5. system of physical protection of machines, equipment, and data; 6. security solution for protection against unauthorized access and damage to information; <p>The Minister of Commerce shall in a regulation set forth the type, the content of the documents and the manner to transmit the documents related to compliance with the conditions from para. 1 above.</p> <p>On-line services are not considered significant in our country.</p>

Country	Answer
Croatia	<p>Our Code of Conduct contains provisions that refer in general to the provision of legal services by electronic means.</p> <p>There is no special provision that allows for providing legal services by electronic means. Article 3 of the Law on legal profession stipulates what services attorneys can render, while the Code of Conduct does not contain any provision which would prohibit the provision of legal services by electronic means (see www.odvj-komora.hr).</p> <p>There are no additional projects with regards to the subject.</p> <p>6. Tin MATIC Bar Association of Croatia Croatia tin.matic@zg.htnet.hr</p>
FYROM	<p>1. There aren't any electronic communications between Courts and lawyers, members of the Bar Association. The reason is that our courts are not well equipped with computers. Now, The Ministry of Justice of Republic of Macedonia realizes one project for computerization of the Courts. New equipment was bought and several seminars were organized to educate employees about computers and communication via internet. But, even that more than 70 % of the Courts have computers, still it is impossible to send E mail to a Court or to find information about the cases, or to fill the documents.</p> <p>2. We still use only handwritten signatures, so it is impossible to use a electronic signature.</p> <p>3. /</p> <p>4. /</p> <p>5. /</p> <p>6. Zlatko ANTEVSKI Bul. Sv.Kliment Ohridski 29/1-20 1000 Skopje FYROMacedonia tel: + 389 2 2461 048 mob: + 389 70 260 389</p>
Romania	

Country	Answer
Switzerland	
Turkey	
Ukraine	