

1. How can electronic claim be submitted in court in civil proceeding (only via e-mail and/or other technical means of communication)?

In Estonia it is possible to submit documents to court via e-mail (then the documents must be signed with digital signature, but there are some exceptions) or it is also possible to use web-based portal - the „PUBLIC E-FILE“.

The PUBLIC E-FILE is a portal which allows procedural parties and their representatives to electronically participate in proceedings of civil, administrative, criminal and misdemeanour cases. The PUBLIC E-FILE is a portal intended for citizens (persons having an Estonian ID card or a Mobile ID). The PUBLIC E-FILE allows submitting digitally signed documents to the body conducting proceedings and monitoring the progress of the proceedings. Portal allows using pre-filled petitions for submitting to courts; users can also supplement and amend unfinished petitions initiated by themselves. It is also possible to challenge decisions of bodies conducting proceedings and to file appeals on court judgements.

The PUBLIC E-FILE allows using the service of quick procedure of payment orders. The portal also allows making queries to the Punishment Registry. The state favours the establishing of lower state fees for those initiating court proceedings via the PUBLIC E-FILE.

2. How does the court communicates with the defendant (in civil proceeding), if an electronic claim is submitted? Does the court print out all/part of electronic claim and sends it in paper to the defendant or is there any other means of communication with the defendant, if an electronic claim is submitted in court?

A user of the portal receives a notice about the court case via e-mail, if the court has sent documents to him or her via the PUBLIC E-FILE portal. The court can also communicate by telephone or social network (facebook) and inform the defendant about the documents in the PUBLIC E-FILE. Then the user can receive and check out the documents in the PUBLIC E-FILE portal. If the defendant is not a user of the portal then court communicates with the defendant the regular way – sends the documents via e-mail or post-service.

3. Who bears the expenses if the claim is being printed out (the state or claimant)?

If the defendant does not use the PUBLIC E-FILE and the court must send documents on paper with post-service then the state bears the expenses for the first dispatch. After that the person who receives the documents pays the fixed price for every sheet.

4. Is there any type of cases or persons to whom it is mandatory to use only electronic communication (electronic documents) with the court?

For contractual representative (lawyer, jurisconsult, procurator), notary, bailiff, trustee in bankruptcy, local self-government and public department it is mandatory to use the PUBLIC E-FILE. They may use other means if they have a good reason for that. But this rule enter into force on 1st January 2014.

5. *If there is any other details/issues about the circulation of electronic documents in courts you would like to share with us, we would appreciate it a lot.*

The PUBLIC E-FILE is based on the e-File system which combines the information systems of the police, the Prosecutor's Office, the courts and other bodies conducting proceedings, ensuring central sharing of proceedings information between parties and a quick and paperless data exchange. In the PUBLIC E-FILE, communication between parties takes place only via the x-road channel (x-road is a secure data exchange infrastructure established and supported by the Republic of Estonia). This ensures security of the data exchange.

The purpose of the PUBLIC E-FILE system is to issue information contained in the e-File system to procedural parties via Internet, taking account of the potential needs of each particular person in the process of proceeding of matters. The goal is to ensure faster exchange of information with the body conducting proceedings in the matter or its representative, avoiding paper documents and postage and time costs. The use of the PUBLIC E-FILE has saved expenses and time in the Estonian judicial system:

- The PUBLIC E-FILE establishes prerequisites for possible transitioning to fully digital court files.
- There is less need for duplicated data entry and data verification.
- Significantly simpler document management related to proceedings. Significantly lower costs for delivering documents.
- Significantly lower time costs.
- The system is secure to use.

Thanks to the PUBLIC E-FILE, the movement of information in the entire process of proceedings is more purposeful:

- Court judgements are made available electronically;
- Courts can be contacted via the Internet and it doesn't entail any additional workload for the office of the institution conducting proceedings;
- Users are notified via e-mail about documents being delivered for them in the PUBLIC E-FILE portal, and the Courts Information System is notified about the user receiving those documents;
- The data is up-to-date, i.e. important information is available for the relevant user immediately after the information is created.'

As the Member States of the European Union receive guidelines from the adopted EU directives, the legal systems of all the states move more and more towards the goal of allowing citizens to have access to own data, like it is in the PUBLIC E-FILE system. Thus the system would also increase the speed and efficiency of the courts of other Member States of the European Union.

Substantially, the PUBLIC E-FILE system can be used by the legal system of the entire European Union and by all its customers, if certain prerequisites for electronic data exchange are met. For example, an information system for courts must be established and procedural

parties must be ready for an electronic procedure. This means that they must already be sending their court documents to courts via mail. Also, the software is usable under an EUPL license and reusable in the Member States of the EU, allowing for the system to be implemented in other countries besides Estonia.

The court prepares a judgment electronically in the Estonian language and signs it with the digital signature of the judge who has made the judgment. The court registers the judgment promptly in the information system of the courts.

Court sessions pursuant to general procedure in criminal cases shall be audio recorded. A court may also video record a court session or a part.