

BIECPO

**HOW THE LAW CAN MAKE IT SIMPLE
(E-service in Finland)**

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Long history, short version

- Law on civil procedure 1989
- Project started in 1991
- Law was amended as we went along
- Case/document management system TUOMAS in place and the amended law in force 1993 with the E-service law for the courts. The general E-service law almost 10 years later

E-SERVICE

- A means to access justice
- The law on E-service deals with:
 - Lodging of a matter/case
 - Handling of the case
 - Service of decision

General rules

- Electronic data transmission, electronic message, electronic document
- Written form is met by electronic document
- What are the duties and responsibilities of the authorities and the parties
- Signatures
- Rules of the “game” are needed

Law on proceedings

- Simplify and unify the rules on proceedings
- Simple application
- Decision by default, passive court
- The rules of evidence ->documents or other proof required only if contested
- Servicing the writ/summons/claim
- The roles of judges/court clerks
- One pays for the decision (after the trial)

To start a case in E-service

- How is the customer identified
- What kind of an application is acceptable
 - Electronic document and an electronic message (written form)
 - Signature, electronic or digital signature?? is it needed
 - What about the original documents, bills, invoices, contracts. Decision by default!
 - How much must the claim be explained, free text - language

Law in Finland

In the lodging and consideration of a matter, the required written form is also met by an electronic document delivered to the authorities. If a signed document is required in the lodging or consideration of a matter, an electronic signature referred to in section 18 of the Act on electronic signatures meets the requirements for signature.

BUT!

An electronic document delivered to the authorities does not have to be signed, if the document includes sender information and there is no uncertainty about the originality or integrity of the document.

Summoning

- Court summons
- Procedural address
- E-mail address
- The signature of the authority =

Applications for a summons, summons and trial documents delivered as electronic messages may be signed mechanically.

Decision

- How does the client get a decision and what to do with it
- Decision-register. Court notifies and gives a link
- Enforcement uses the database
- Privacy issues must be observed

Comments

- Even finding the EPO or Small claims is difficult, should the national E-service give links, support and help (a sort of front office??)
- Must a client take care of summoning?
- Is a lawyer needed in the end?
- Language
- Enforcement?

More comments

- Why 2 or more different proceedings
- Why limit the use of E-service on the national level and in Eu
- Will these services have enough users?