Online processing of cases and e-communication with courts

Germania

1 Is it possible to initiate court proceedings via the internet?

For civil proceedings, it is possible to electronically file a claim or application to the court as an electronic document. Such a claim or application must bear a qualified signature of the person responsible or (simply) be signed by the person responsible and submitted by a secure means of transmission. Secure means of transmission are defined in Section 130a(4) of the Code of Civil Procedure (*Zivilprozessordnung* - ZPO).

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

In principle, a claim or an application may be filed with the court electronically, as described in question 1, in all civil proceedings. In addition, some proceedings can be conducted entirely electronically. Examples include registration proceedings and order-for-payment proceedings (*Mahnverfahren*).

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

There are no time limits.

4 Should the details of the claim be provided in any particular format?

The electronic document must be suitable for processing. The technical parameters for transmission and suitability for processing are laid down in the Electronic Justice Ordinance (*Elektronische-Rechtsverkehr-Verordnung*).

5 How is transmission and storage of data secured?

The technical parameters are laid down in the Electronic Justice Ordinance.

6 Is it necessary to use any kind of electronic signature and/or time record?

A claim or application filed as an electronic document must bear a qualified signature of the person responsible or (simply) be signed by the person responsible and submitted by a secure means of transmission (see question 1).

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

In principle, the type of communication technologies used does not affect the level of court fees. A range of payment methods are available: invoice, direct debit and electronic payment. Further information is available from the *Land* judicial authorities.

8 Is it possible to withdraw a claim that has been initiated via the internet?

It is possible: the general rules apply.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Irrespective of the form in which a claim is brought, lawyers, public authorities and public-law legal persons are generally obliged to send a reply to the court as an electronic document. Parties to proceedings are also free to file submissions with the court in electronic form.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The general rules apply. There is currently no standalone electronic civil procedure.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

The general rules apply. There is currently no standalone electronic civil procedure.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Documents may, under certain conditions, be sent to a court in electronic form (see question 1).

13 Can judicial documents, and particularly judgments, be served via the internet?

Judicial documents, in particular decisions, may be served electronically by secure means of transmission (Section 173(1) of the Code of Civil Procedure). Lawyers, notaries, bailiffs, authorities, corporations and public-law institutions are required to provide a secure means of transmission for service. An electronic document may be served on someone else only if, as a natural person, they have consented to the service of electronic documents for the proceedings in question or, as a legal person, they have given blanket consent to the service of electronic documents (first and third sentences of Section 173 (4) of the Code of Civil Procedure).

14 Can judicial decisions be given electronically?

Yes, a court decision can be communicated in electronic form, as described in question 13.

15 Can an appeal be made and its decision served via the internet?

The general rules on the transmission and service of electronic documents described above apply (see questions 1 and 13).

16 Is it possible to initiate enforcement proceedings via the internet?

As described in question 1, electronic means may also be used to send enforcement orders to bailiffs and applications for enforcement to courts of enforcement. Certain senders, in particular lawyers and authorities, are even obliged to submit their applications or orders electronically (Section 753(5), Section 130d of the Code of Civil Procedure). Enclosures can or must also be submitted electronically, except where the law provides for the document to be submitted in writing. A copy of the executory title must normally be sent in writing. Exceptionally, if the executory title is an enforcement decision that does not require an enforcement order and the claim does not exceed EUR 5 000, the executory title may, under certain conditions, be sent electronically. This applies, for example, to an electronic application for enforcement concerning the attachment and transfer of a pecuniary claim (Section 829a of the Code of Civil Procedure). It also applies to an order for the enforcement of a pecuniary claim that has been submitted electronically (Section 754a of the Code of Civil Procedure).

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

This is not generally possible. In some cases, information on land register/registration cases and appointments in civil proceedings can be consulted electronically.

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