

Title	Summary of Responses to the 2022 Access to Justice Questionnaire
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Mandate(s)	C&D No 46 of CGAP 2024 C&D No 39 of CGAP 2023 C&D No 32 of CGAP 2022 C&D No 36 of CGAP 2021
Objective	To summarise the findings of the 2022 questionnaire relating to the <i>Convention of 25 October 1980 on International Access to Justice</i> (Access to Justice Convention)
Action to be Taken	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input checked="" type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
Annexes	Annex: Compilation of responses (questionnaire for Contracting Parties) – responses have been compiled in the language in which they were received
Related Documents	Prel. Doc. No 5 of December 2022 – questionnaire relating to the <i>Convention of 25 October 1980 on International Access to Justice</i> (Access to Justice Convention)

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Summary of Responses to the 2022 Access to Justice Questionnaire

I. Introduction

- 1 Pursuant to the mandate of the Council on General Affairs and Policy (CGAP) at its 2021 and 2022 meetings,¹ in December 2022 the Permanent Bureau (PB) circulated two questionnaires on the practical operation of the *Convention of 25 October 1980 on International Access to Justice* (Access to Justice Convention or Convention). One questionnaire sought information from Contracting Parties to the Convention² and the second questionnaire sought information from non-Contracting Parties.
- 2 The questionnaire for Contracting Parties covered a range of topics including the scope and operation of the Convention, the use of information technology in the transmission and processing of applications for legal aid, potential issues to discuss at the upcoming meeting of the Special Commission (SC), and data and statistics relating to the Convention. The information received from Contracting Parties, in response to this questionnaire, will help inform the agenda for the meeting of the SC. The questionnaire for non-Contracting Parties was aimed at discovering whether these States had considered, or were considering, joining the Access to Justice Convention.
- 3 The questionnaires were circulated to all HCCH Members and respective Contracting Parties to the Convention, with a deadline for responses of 31 March 2023. In light of CGAP's decision to postpone the SC meeting to Financial Year 2024-2025,³ the PB extended the deadline for responses to 9 June 2023 and continued to accept responses after this date. This Summary includes all responses received up to 30 November 2023.
- 4 The PB received 30 responses to the questionnaires in total: 16 of which were from Contracting Parties.⁴ This means that out of 28 Contracting Parties to the Convention, approximately 57% have responded to the questionnaire. Thirteen responses were received from non-Contracting Parties.⁵ The PB is very grateful to these States for the time and effort they have devoted to answering the questionnaires.
- 5 This document only summarises the responses to the questionnaire from Contracting Parties. Responses received from non-Contracting Parties will be used for ongoing promotional and bilateral engagement efforts and are therefore not included for analysis in this document.
- 6 The Summary has been prepared using available information in the responses provided. Where respondents did not answer certain questions, the PB did not take these responses into account when calculating the indicative percentages of responses. All in all, the Summary is not intended to be conclusive or comprehensive; as indicated in several responses, States' answers do not always provide complete reviews of their laws and practices.

¹ C&D No 36 of CGAP 2021; C&D No 32 of CGAP 2022.

² "Questionnaire relating to the *Convention of 25 October 1980 on International Access to Justice* (Access to Justice Convention)" Prel. Doc. No 5 of December 2022 (hereinafter, the "2022 Access to Justice questionnaire").

³ C&D No 39 of CGAP 2023. At its meeting in March 2024, CGAP confirmed that the meeting of the SC would take place from 2 to 5 July 2024 (C&D No 46 of CGAP 2024).

⁴ Brazil, Bulgaria, Costa Rica, Croatia, Czech Republic, France, Kazakhstan, Latvia, Montenegro, the Netherlands, Romania, Serbia, Slovakia, Slovenia, Sweden and Switzerland. The European Union (EU) has also provided supplementary information regarding the EU law in the area of access to justice.

⁵ Andorra, Australia, Belgium, Canada, the People's Republic of China (Mainland and Macao SAR), Germany, Hungary, Japan, Nicaragua, Portugal, the United Kingdom, the United States of America, and Viet Nam.

- 7 The annex contains a compilation of Contracting Party responses to each individual question. Individual responses provided by each Contracting Party (where Contracting Parties have permitted publication) will be published on the Access to Justice Section of the HCCH website.⁶

II. General Feedback

- 8 The majority of respondents rated the general operation of the Access to Justice Convention as “good”. Five, out of 14 respondents, indicated that the operation of the Convention was “satisfactory”.⁷
- 9 With regard to the question concerning the operation of the Model Forms,⁸ 93% of respondents answered that the forms were “good”. One respondent indicated that the Model Forms required improvement, pointing to the need for them to be more “user friendly”.⁹
- 10 It was suggested by 27% of respondents that the PB should develop further guidance on the operation of the Access to Justice Convention. Two respondents indicated the need for a Practical Handbook, and one other respondent highlighted the importance of further promoting and “clarifying” the operation of the Convention. Conversely, the remainder of respondents (73%) considered there to be no need to develop further explanatory material.¹⁰

III. Operation of the Convention

- 11 Responses show that 93% of respondents have not experienced difficulties in the application of any of the chapters of the Access to Justice Convention.¹¹ One respondent indicated having difficulties with the operation of Articles 1 to 13 of the Convention (Legal Aid), this was because the applications were rejected due to the lack of information.¹²
- 12 Likewise, the concept of “habitual residence”, as used in the Convention, has not led to difficulties of interpretation or application in any of the respondents.¹³
- 13 Contracting Parties were asked if they had granted legal aid to legal persons (as opposed to “natural” persons) under Chapter I of the Access to Justice Convention. Notably, all respondents answered “no”. One respondent noted limitations in its national law with respect to the granting of legal aid to legal persons and noted the possibility of granting legal aid to “natural” persons only.¹⁴
- 14 Three respondents advised that legal aid is only made available in civil and commercial matters. However, most responses show that, in addition to civil and commercial matters, the respondents also provide legal aid for administrative, social or fiscal matters. Importantly, a portion of respondents indicated that legal aid is available in all matters, including criminal matters.¹⁵
- 15 Sixty-seven per cent of respondents reported that their law and practice do not impose the payment of any security, bond or deposit by certain categories of persons such as foreign nationals or

⁶ Responses will be available on the HCCH website at www.hcch.net under “Access to Justice” then “Questionnaires & Responses”.

⁷ 2022 Access to Justice questionnaire, question 1.

⁸ Under Art. 4 of the Access to Justice Convention, applications for legal aid shall be transmitted using the Model Form annexed to the Convention.

⁹ 2022 Access to Justice questionnaire, question 2.

¹⁰ 2022 Access to Justice questionnaire, question 3.

¹¹ 2022 Access to Justice questionnaire, question 4.

¹² The response indicates that “the applications are rejected due to lack of information. National Legal Aid Authority send out requests for information but rarely receives any addition”.

¹³ 2022 Access to Justice questionnaire, question 5.

¹⁴ 2022 Access to Justice questionnaire, question 6.

¹⁵ 2022 Access to Justice questionnaire, question 8.

persons who are not resident or domiciled in their territory. To the contrary, the remainder of respondents (33%) indicated having such a requirement in their national laws.¹⁶

IV. Use of Information Technology (IT)

- 16 Only three out of 14 respondents, reported having taken steps (including through legislation) to enable or increase the use of technology or electronic means to facilitate the transmission or processing of applications for legal aid under the Access to Justice Convention. Measures adopted include the use of e-mail or other electronic platforms to transmit and receive applications, and to communicate with foreign Central Authorities.¹⁷
- 17 Forty per cent of respondents have received and sent applications for legal aid using electronic means in the five-year period between 2017 and 2022. Responses show a preference for using regular e-mail, followed by secured / encrypted e-mail and online platforms administered by the government.¹⁸
- 18 Among respondents that have neither received nor sent applications for legal aid via electronic means, the most commonly cited reasons for not doing so were: (i) the lack of applications transmitted under the Convention; and (ii) internal law limitations. One respondent noted the impossibility of using electronic means because of the requirement that applications be signed by hand, while two other respondents indicated that there was no IT system in place to transmit applications electronically.
- 19 Contracting Parties were asked whether they had faced challenges regarding the use of IT under the Convention and responses were evenly divided.¹⁹ Half of the respondents indicated that they had experienced challenges and indicated, exclusively or alternatively, the following challenges:

Internal law limitations	43%
Judicial or administrative structures	29%
Implementation challenges (e.g., lack of resources, lack of infrastructure)	43%
Cost	0%
System interoperability / compatibility	14%
Security concerns	14%
Other	29%

As indicated in the table above, internal law limitations and implementation challenges are the main IT challenges faced in the operation of the Convention. Notably, one respondent pointed to the difficulties in verifying the identity of the forwarding authority and / or the integrity of the documents transmitted.

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¹⁶ 2022 Access to Justice questionnaire, question 9.

¹⁷ 2022 Access to Justice questionnaire, question 11.

¹⁸ 2022 Access to Justice questionnaire, questions 12-13.

¹⁹ 2022 Access to Justice questionnaire, question 14. Respondents could select more than one option to answer this question.

ANNEX

Annex: Compilation of responses (questionnaire for Contracting Parties)

I. General Feedback

(1) How does your State rate the general operation of the Access to Justice Convention?	
Brazil	Good
Croatia	Satisfactory
Czech Republic	Satisfactory
France	Good
Kazakhstan	Good
Latvia	Satisfactory
Montenegro	Good
Romania	Good
Serbia	Satisfactory
Slovakia	Good
Slovenia	Good
Sweden	Good

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(2) How does your State rate the operation of the Model Forms?	
Brazil	Good
Croatia	Good
Czech Republic	Good
France	Good
Kazakhstan	Good
Latvia	Good
Montenegro	Good
Romania	Good
Serbia	Good
Slovakia	Good
Slovenia	Good
Sweden	Requires improvement – “The Model Forms could be more user friendly”

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(3) In your State’s opinion, should the PB develop further guidance or explanatory material on the operation of the Access to Justice Convention?	
Brazil	No
Bulgaria	No
Croatia	Yes – “a Handbook with best practices and explanations”
Czech Republic	Yes – “Explanatory Report or Practical Handbook on the operation of the Convention would be useful”
France	No
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	No

Slovakia	Yes – “The designated authority (Centre for Legal Aid) has a very limited knowledge about problems or any other misconceptions with procedures and forms mentioned above, as there are very few real cases in our line of work”
Slovenia	Yes – “It could be useful to encourage States that are not yet Members to this Convention to join the Convention. It may also be useful to clarify or emphasise that it is actually Convention providing legal aid for court proceedings in civil and commercial matters in each Contracting State”
Sweden	No

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II. Operation of the Convention

(4) Has your State, as a requesting or as a requested State, experienced any difficulties in the application of any of the chapters of the Access to Justice Convention?	
Brazil	No
Bulgaria	No
Croatia	No
Czech Republic	No
France	No
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	No
Slovakia	No
Slovenia	No
Sweden	Yes – “(i) Legal aid (Arts 1-13). The most applications are rejected due to lack of information. National Legal Aid Authority sends out requests for more information but rarely receives any additions”

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(5) Has the concept of habitual residence, as used in the Access to Justice Convention, led to any difficulties of interpretation or application in your State?	
Brazil	No
Bulgaria	No
Croatia	No
Czech Republic	No
France	No
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	No
Slovakia	No
Slovenia	No
Sweden	No

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(6) Has your State granted legal aid to legal persons (as opposed to “natural” persons) under Chapter I of the Convention (noting comments in the Explanatory Report by Gustaf Möller, which excludes legal persons from Chapter 1).

Brazil	No
Bulgaria	No
Croatia	No
Czech Republic	No
France	No
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	No
Slovakia	Yes – “In fact, no, because the Legal Aid Authority has not provided such legal aid because under the Slovak law, Legal Aid Centre have competences in providing legal aid only for natural persons (Act. No. 327/2005 col. on Legal Aid)”
Slovenia	No
Sweden	No

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(7) If your State has made a reservation under Article 28(1), please indicate whether your State has exercised the power granted by that Reservation.

Brazil	No
Bulgaria	No
France	No
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	No
Slovakia	Yes
Slovenia	No
Sweden	No

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(8) In your State, is legal aid made available only in civil and commercial matters, or also in administrative, social or fiscal matters? (Art. 1(3))

Brazil	Civil and commercial
Bulgaria	Civil and commercial – “Legal aid is granted only to natural persons, in criminal, civil and administrative matters before courts of all instances. According to the Bulgarian Law on Legal Aid there are four types of legal aid: 1. a consultation and/or preparing of documents in view of reaching a settlement before the start of court proceedings or to file a case, to start or conduct proceedings to issue an individual administrative act and/or dispute it under an administrative procedure, including a consultation and/or preparing documents under Chapter Five "a", section II; 2. procedural representation; 3. representation in

	out-of-court procedures; 4. representation upon detention under Article 72 (1) of the Ministry of Interior Act, under Article 16a of the Customs Act and under Article 124b(1) of the State Agency for National Security Act. For each type of legal aid has rules regulating the persons entitled to it”
Croatia	Administrative, social or fiscal – “In accordance with Legal Aid Act (“Official Gazette” No. 143/13., 98/19) secondary legal aid (for court proceedings) may be granted in civil and administrative court proceedings, while primary legal aid (legal advice and general legal information) may be provided in any legal matter”
Czech Republic	Administrative, social or fiscal – “Legal aid is provided in the Czech Republic in all areas of law, see e.g. § 18a of the Advocacy Act, § 30, paragraph 2 of the Civil Procedure Code, § 35, paragraph 10 of the Administrative Procedure Code, § 33 of the Criminal Code. If a person does not have financial means (and meets the conditions set by the relevant legal regulations), he/she is entitled to be provided with legal aid”
France	Administrative, social or fiscal – “L’assistance judiciaire est disponible dans toutes les matières”
Kazakhstan	Civil and commercial – “If it is possible we will provide legal aid”
Latvia	Civil and commercial – “Civil and commercial and certain kinds of administrative cases, in the process of the Constitutional Court and criminal”
Montenegro	Administrative, social or fiscal – “Legal aid made available in administrative, social or fiscal in the same way as for the civil and commercial matters”
Romania	Administrative, social or fiscal – “See the art. 3 from the EMERGENCY ORDINANCE no. 51/2008 on the judiciary public aid in civil matter”
Serbia	Civil and commercial
Slovakia	Administrative, social or fiscal – “civil law, family law, labour law, commercial law, certain administrative proceedings, certain cases in the proceedings before the Constitutional Court, proceedings for debt relief for natural persons, cross-border disputes, asylum matters, proceedings on administrative expulsion, proceedings on the detention of a third-country national, proceedings on the detention of asylum seekers”
Slovenia	Administrative, social or fiscal – “Free Legal Aid Act of the Republic of Slovenia provides in Article 7: Pursuant to this Act, free legal aid may be granted for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlements (hereinafter: judicial proceedings), as well as for exemption from payment of the costs of judicial proceedings. Free legal aid shall also be granted for proceedings conducted before international courts or arbitration panels if the rules of these international courts or arbitration panels do not govern the right to free legal aid, or if an individual is not eligible for free legal aid pursuant to the rules governing free legal aid. Free Legal Aid may be granted for all forms of judicial protection before all courts of general jurisdiction and specialised courts, including Administrative Court and Labour and Social Courts”
Sweden	Administrative, social or fiscal – “Legal aid can be granted both in cases in general courts and in administrative courts. However, there must always be a need for legal assistance. Over all legal aid is most used in civil cases, such as family disputes, for example cases concerning custody of a child. Legal aid can be granted in cases in administrative courts if there is a need for legal

	assistance. The administrative courts substance process management and investigation responsibilities mean tahat the need for council in these courts is not as great as in cases befor the general courts”
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(9) In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?	
Brazil	No
Bulgaria	No
Croatia	<p>Yes - https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_101_2319.html Insurance of the costs of the procedure Article 61 (1) A plaintiff who is not a citizen of the Republic of Croatia or any other member state of the European Union or a contracting state of the Treaty on the European Economic Area or another international agreement that regulates the exemption from the insurance of the costs of the procedure, and has a place of residence or headquarters in a state that is not a member of the European Union or a contracting state of the Treaty on the European Economic Area or another international agreement that regulates the exemption from the insurance of costs of the procedure, is obliged, at the defendant's proposal, to deposit the insurance of litigation costs, unless the decisions of the courts of the Republic of Croatia on costs are recognized in the country where the plaintiff has his residence or headquarters procedure. (2) The provisions of Article 8 of this Act shall be applied in an appropriate manner to determine foreign law. (3) The defendant is obliged to submit the request from paragraph 1 of this article no later than at the preliminary hearing, and if the preliminary hearing was not held, at the first hearing for the main hearing before starting to discuss the main case. (4) Insurance for litigation costs is given in money, but the court can approve that the insurance is given in another suitable form. Article 62. The defendant does not have the right to insurance for litigation costs: 1. if the claim refers to the plaintiff's claim from his employment in the Republic of Croatia, or 2. if it is a question of matrimonial disputes or disputes about establishing or contesting motherhood or paternity and if it is a matter of legal maintenance, or 3. if it is a counterclaim, or 4. if the plaintiff has the right to asylum in the Republic of Croatia. Article 63. (1) In the decision approving the request for insurance of litigation costs, the court determines the amount of insurance and the period in which the insurance must be provided, and warns the plaintiff of the consequences provided by law if it is not proven that the insurance was provided within a certain period. (2) If the plaintiff does not prove within a certain period that he has provided insurance for litigation costs, it is considered that the lawsuit has been withdrawn. (3) A defendant who has submitted a timely request that the plaintiff insure him for litigation expenses is not obliged to continue the proceedings in the main case until his request has been legally decided, and if the request is accepted, until the plaintiff has deposited insurance. (4) If the court rejects the request for litigation costs insurance, it may decide to continue the procedure even before the rejection decision becomes final”</p>
Czech Republic	Yes - “Act on Private International Law (published under No. 91/2012 Coll.) - § 11 (1) The court may, upon a defendant’s proposal, order a foreigner with

	<p>habitual residence abroad and a foreign legal entity seeking a decision on a property right, to provide a security deposit set by a court to cover the costs of proceedings. Should the security deposit not be provided within the set time limit, the court shall not continue in the proceedings against the defendant's will and shall dismiss the proceedings. The plaintiff needs to be informed thereof. (2) The security deposit shall not be ordered if a) the proposal to provide the security deposit was submitted after the defendant has already acted in the case or has undertaken a procedural step, while knowing that the plaintiff is not a citizen of the Czech Republic or a Czech legal entity, or that the plaintiff has lost the Czech citizenship or ceased to be a Czech legal entity, or the plaintiff is not habitually resident in the Czech Republic, b) in similar cases, in the state of the plaintiff's domicile a provision of a security deposit is not required from the citizens of the Czech Republic or the Czech legal entities, c) the plaintiff owns an immovable property in the Czech Republic in a price sufficient to cover the costs incurred by the defendant in the proceedings, d) the proposal to initiate the proceedings is processed by means of a payment order, or e) the plaintiff is exempt from court fees and deposits. (a) (3) The obligation to provide a security deposit shall not be ordered to the citizens of the European Union Member States and other countries of the European Economic Area"</p>
France	No
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	Yes – "If there is no reciprocity with state in question regarding the costs of Serbian citizens"
Slovakia	No
Slovenia	<p>Yes – "The Private International Law and Procedure Act of the Republic of Slovenia provides in Article 90 that when a foreign citizen or a person without citizenship who does not have permanent residence in the Republic of Slovenia initiates a suit before a court in the Republic of Slovenia, he shall pay the defendant, upon the defendant's request, a deposit towards the costs of the suit. The defendant must make the request described in the first paragraph of Article 90 before the preliminary hearing at the latest, and if there is no such hearing then by the first hearing of the main hearing, before addressing the main matter, or as soon as when learning that the conditions for requesting a deposit have been met. The deposit towards the court costs shall be made in cash; the court may permit the deposit to be made in another appropriate form. Article 91 of the Private International Law and Procedure Act provides that the defendant shall not be entitled to a deposit towards court costs: 1) if citizens of the Republic of Slovenia are not obliged to pay deposits in the country that the defendant is a citizen of; 2) if the plaintiff has the right to asylum in the Republic of Slovenia; 3) if the claim made in the suit by the plaintiff arose from work relations in the Republic of Slovenia; 4) in cases of matrimonial suits, paternity or maternity suits or maintenance suits; 5) in cases of suits concerning bills of exchange or cheques, counter-suits or suits requesting issuance of a payment order. When in doubt as to whether under point 1 of the first paragraph of this Article citizens of the Republic of Slovenia do have to pay a deposit in the country of the plaintiff, the instructions shall be issued by the ministry responsible for justice"</p>

Sweden	No
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(10) Is your State able to provide the PB with an example or case of the Convention operating effectively in practice?	
Brazil	Yes
Bulgaria	No
Croatia	No
Czech Republic	No
France	Yes – “Une ressortissante française résidant en France après 5 ans passés en Suisse, a décidé d’engager une procédure devant une juridiction suisse de ZURICH et a sollicité le bénéfice de l’aide juridictionnelle auprès du Tribunal judiciaire de Grenoble. Par courrier du 13 octobre 2022, le tribunal français a transmis la demande accompagnée de tous les justificatifs de situation à l’Autorité centrale française en application de la Convention du 25 Octobre 1980. Le DEDIPE a saisi le 2 novembre 2022 l’Autorité centrale suisse (OFJ) qui a accusé réception du dossier le 8 novembre suivant et a saisi à son tour le Bureau d’aide judiciaire helvétique”
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	No
Slovakia	No
Slovenia	No
Sweden	No

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III. Use of Information Technology

(11) Has your State taken any steps (including through legislation) to enable or increase the use of technology or electronic means to facilitate the transmission or processing of applications for legal aid under the Convention, including in response to the COVID-19 pandemic?	
Brazil	Yes – “Brazil is able to receive all applications electronically. During the pandemic, we have increased the use of e-mail and other electronic systems to send and receive requests”
Bulgaria	No
Croatia	No
Czech Republic	Yes – “The COVID-19 pandemic has improved informal electronic communication between Central Authorities (e.g. email communication)”
France	No
Kazakhstan	No
Latvia	No
Montenegro	No
Romania	No
Serbia	No
Slovakia	No

Sweden	Yes – “The European Commission has adopted a proposal for a Regulation on the digitalisation of judicial cooperation and the access to justice in cross-border civil, commercial and criminal matters and amending certain acts in the field of judicial cooperation such as the Legal Aid Directive. The main objective of the proposal for a Regulation is to make the digital communication channel between competent authorities mandatory. Negotiations between the Council and the Parliament is pending”
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(12) In the past five years, has your State received any applications using electronic means? If yes, please select the means.	
Brazil	Yes (E-mail (regular); E-mail (secured / encrypted)
Bulgaria	No
Croatia	No
Czech Republic	No
France	No
Kazakhstan	No
Latvia	No
Montenegro	Yes (E-mail (regular))
Romania	Yes (E-mail (regular))
Serbia	Yes (E-mail (regular))
Slovakia	Yes (E-mail (regular); Electronic transmission via online platform administered by the government; Other: “The new complex IT system with expanded functionality and phone app is currently developed with expected operational status by fall 2023”)
Slovenia	No
Sweden	No

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(12.1) If no, please provide further information about why this is not yet possible.	
Bulgaria	“No applications under the Convention”
Croatia	“There is no IT system to support transmission of application using electronic means”
Czech Republic	“The Czech Central and Transmitting Authority has not received any application based on this Convention yet”
France	“L’Autorité centrale française n’a pas encore dématérialisé, essentiellement pour des raisons technologiques et budgétaires, ces procédures qui s’effectuent toujours par voie papier”
Kazakhstan	“It’s impossible under our national law”
Latvia	“In last 5 years there were no applications received”
Slovenia	“We have not received any applications regarding this convention, not via post nor via e-mail or other electronic means”
Sweden	“It is not possible to accept electronic applications due to requirements that an application must be signed by hand”

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(13) In the past five years, has your State **sent** any applications using electronic means?
If yes, please select the means.

Brazil	Yes (E-mail (regular); Electronic transmission via online platform administered by the government)
Bulgaria	No
Croatia	No
Czech Republic	No
France	No
Kazakhstan	No
Latvia	No
Montenegro	Yes (E-mail (regular))
Romania	Yes (E-mail (regular))
Serbia	No
Slovakia	Yes (E-mail (regular); Electronic transmission via online platform administered by the government)
Slovenia	No
Sweden	Yes (E-mail (regular))

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(13.1) If no, please provide further information about why this is not yet possible.

Bulgaria	“No applications under the Convention”
Croatia	“There was no application to send”
Czech Republic	“The Czech Central and Transmitting Authority has not forwarded any application based on this Convention yet”
France	“L’Autorité centrale française n’a pas encore dématérialisé, pour des raisons technologiques et budgétaires, ces procédures qui s’effectuent toujours par voie papier”
Kazakhstan	“It’s impossible under our national law”
Latvia	“In last 5 years there were no applications received”
Slovenia	“We have not sent any applications regarding this convention, not via post nor via e-mail or other electronic means”

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(14) What challenges, if any, has your State faced regarding the use of information technology under the Access to Justice Convention?

Brazil	None
Bulgaria	None
Croatia	Implementation challenges (e.g., lack of resources, lack of infrastructure)
Czech Republic	Internal law limitations; Implementation challenges (e.g., lack of resources, lack of infrastructure); System interoperability / compatibility; Other: “It is necessary to verify the request sender and the origin and integrity of received documents from non-EU countries”
Kazakhstan	None
Latvia	None
Montenegro	Implementation challenges (e.g., lack of resources, lack of infrastructure)
Romania	None
Serbia	Judicial or administrative structures

Slovakia	Internal law limitations; Judicial or administrative structures; Security concerns
Slovenia	None
Sweden	Internal law limitations

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(15) In addition to the Access to Justice Convention, is your State a party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context?	
Brazil	Yes - “Brazil has bilateral treaties with France, Spain, Lebanon, Italy, Netherlands, Belgium, Paraguay and Chile. Most cases were sent through bilateral instruments, which explains the low number of cases in the statistics. For instance, from 2017-2022, Brazil sent around 30 requests to Spain, but only 6 were based on the Hague Convention. The same thing happened with France and Italy (which did not ratify the Hague Convention, but has a bilateral treaty with Brazil)”
Bulgaria	Yes - “Within the EU, the matter is governed by the Legal Aid Directive that had to be transposed by 30 November 2004 / 30 May 2006 -European Agreement on the Transmission of Applications for Legal Aid, 1977 - Treaty between the People's Republic of Bulgaria and the Union of Soviet Socialist Republics on legal assistance in civil, family and criminal matters; (Moscow, 19 February 1975; EIF: 18 January 1976) - Treaty on judicial and legal assistance in civil, commercial, family and criminal matters between the People's Republic of Bulgaria and the People's Democratic Republic of Algeria (Algeria, 20 December 1975; EIF: 1 April 1985) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Albania (Sofia, 17 November 2003; EIF: 19 January 2006) - Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on legal assistance in civil matters (Beirut, 20 March 2001; EIF: 10 April 2004) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and Georgia (Sofia, 19 January 1995; EIF: 6 June 1996) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Armenia (Sofia, 10 April 1995; EIF: 7 December 1997) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Azerbaijan (Sofia, 29 June 1995; EIF: 26 September 1997) - Treaty between the People's Republic of Bulgaria and the State of Kuwait on legal and judicial assistance in civil and criminal matters; (Kuwait, 26 December 1988; EIF: 6 July 1989) - Treaty between the People's Republic of Bulgaria and Great Socialist People's Libyan Arab Jamahiriya on legal assistance (Tripoli, 8 March 1984; EIF: 5 August 1985) - Treaty between the People's Republic of Bulgaria and the People's Democratic Republic of Yemen on legal assistance in civil and criminal matters; (Sofia, 13 May 1988; EIF: 22 January 1989) - Treaty on legal assistance in civil and criminal matters between the People's Republic of Bulgaria and the Republic of Turkey (Ankara, 2 September 1975; EIF: 27 October 1978) - Treaty on legal assistance in civil, family and criminal matters between the People's Republic of Bulgaria and the Socialist Republic of Vietnam; (Sofia, 3 October 1986; EIF: 5 July 1987) - Treaty between the People's Republic of Bulgaria and the Democratic People's Republic of Korea on rendering of mutual legal assistance in civil, family and criminal matters (Pyongyang, 17 May 1989; EIF: 15 February 1990) - Treaty between the Republic of Bulgaria and the Republic of Uzbekistan on legal assistance in civil

	<p>matters. (Sofia, 24 November 2003; EIF: 11 November 2004) - Treaty between the People's Republic of Bulgaria and the Republic of Cuba on legal assistance in civil, family and criminal matters (Havana, 11 April 1979; EIF: 25 July 1980)</p> <p>- Treaty the People's Republic of Bulgaria and the People's Republic of Mongolia on rendering of mutual legal assistance in civil, family and criminal matters; (Sofia, 27 November 1968; EIF: 10 April 1969)”</p>
Croatia	<p>Yes – “Republic of Croatia is not party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context. In European Union this is regulated by Directive 2003/8/EC – improved access to justice in cross-border disputes by establishing minimum common rules relating to legal aid”</p>
Czech Republic	<p>Yes – “Hague Convention of 1 March 1954 on civil procedure • Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes • European Agreement on the Transmission of Applications for Legal Aid (Strasbourg, 27.1.1977) • bilateral treaties on legal aid in civil and commercial matter”</p>
France	<p>Yes – “Accord européen de Strasbourg du 27 janvier 1977 et son protocole additif du 4 octobre 2001 - Directive 2003/8/CE du 27 janvier 2003 - Convention de La Haye de 1954 (ex azéri) - Conventions bilatérales d'entraide judiciaire: Algérie (1962), Australie (1922), Bahamas (1922), Belgique (1956), Bénin (1975), Brésil (1996), Bulgarie (1989), Burkina Faso (1961), Cameroun (1974), Canada (1922 et Entente franco-québécoise du 9 septembre 1977), Chine (1987), Congo, Côte d'Ivoire (1961), Djibouti (1986), Égypte (1982), Émirats arabes unis (1991), Fédération de Russie (1936), Gabon (1963), Hongrie, Italie (1955), Lituanie (1928), Luxembourg (1870), Madagascar (1973), Mali (1962), Maroc (1957), Mauritanie (1961), Monaco (1949), Mongolie (1994), Niger (1977), Nouvelle-Zélande (1922), République centrafricaine (1965), République démocratique populaire lao (1956), République tchèque (1984), République-Unie de Tanzanie (1922), Roumanie (1974), Saint-Marin (1967), Sénégal (1974), Slovaquie (1984), Suisse (1913), Tchad (1976), Togo (1976), Tunisie (1972), Uruguay (1991), Vietnam (1999)”</p>
Kazakhstan	<p>Yes – “we have some bilateral agreements”</p>
Latvia	<p>No</p>
Montenegro	<p>Yes</p>
Serbia	<p>Yes</p>
Slovakia	<p>Yes – “Within the EU, the matter is governed by the Legal Aid Directive (Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in crossborder disputes by establishing minimum common rules relating to legal aid for such disputes, OJ L 26, 31.1.2003, p. 41–47) that had to be transposed by 30 November 2004 / 30 May 2006 (depending on the specific provisions). Apart from that a wide spread of bi-, tri- or multilateral treaties as shown here: https://www.justice.gov.sk/agenda-ministerstva/medzinarodne-pravo/justicna-spolupraca/pramene-prava/”</p>
Slovenia	<p>Yes – “- EU: Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes that has been transposed in our national legislation Bilateral conventions on judicial co-operation: Bosnia and Herzegovina (21 September 2009); Croatia (7 February 1994); Republic of North Macedonia (6 February 1996); Russian federation (24 February 1962); Turkey (3 July 1934); United Kingdom (27 February 1936 - applicability</p>

	extended to Australia, the Bahamas, Barbados, Bermuda, Borneo, Sri Lanka, Honduras, Fiji, Falkland Islands, Gambia, Gibraltar, Hong Kong, Jamaica, Canada, Kenya, Malta, Mauritius, Nigeria, Papua New Guinea, New Zealand, Uganda, Tonga, Somalia, Seychelles)”
Sweden	Yes – “Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes - European Agreement on the transmission of applications for legal aid, Strasbourg 1977”

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(15.1) Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or process applications for access to justice?	
Brazil	Yes – “Request to France, Spain and Italy are usually sent by e-mail”
Bulgaria	No
Croatia	No
Czech Republic	Yes – “Not explicitly, but in our opinion, they can be considered technologically neutral as to the means of communication”
France	No
Kazakhstan	No
Serbia	No
Slovakia	Yes – “(b) The Legal Aid Directive is technology neutral as to the means of communication. However, on 1 December 2021, the European Commission adopted a proposal for a Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation and a proposal for a Directive amending certain acts in the field of judicial cooperation (Digitalisation proposals). These proposals also apply to the Legal Aid Directive. The main objective of the proposal for a Regulation is to make the digital communication channel between competent authorities mandatory. The intention is to build upon our achievements to date, namely to extend existing IT tools such as e-CODEX and the eEvidence Digital Exchange System (eEDES), which already support digital exchanges of European Investigation Orders and Mutual Legal Assistance (in criminal matters) requests. The Service of Documents / Taking of Evidence IT systems will also be based on the eEDES and will start applying from May 2025. Additionally, in civil and commercial matters the proposed Regulation will provide natural and legal persons with the option to communicate with competent authorities digitally through a European electronic access point (on the e-Justice Portal) or existing national IT portal. The Council adopted its General Approach in December 2022 and the European Parliament is expected to adopt its position in March 2023 after which the trilogies can start. For information on the challenges faced regarding the use of information technology prior to the adoption of the Digitalisation proposals please see Impact assessment report - Proposal for a Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial, criminal matters”
Slovenia	No
Sweden	Yes – “Please see response of the EU”
European Union	“The Legal Aid Directive is technology neutral as to the means of communication. However, on 1 December 2021, the European Commission adopted a proposal for a Regulation on the digitalisation of judicial cooperation

and access to justice in crossborder civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation and a proposal for a Directive amending certain acts in the field of judicial cooperation (Digitalisation proposals). These proposals also apply to the Legal Aid Directive. The main objective of the proposal for a Regulation is to make the digital communication channel between competent authorities mandatory. The intention is to build upon our achievements to date, namely to extend existing IT tools such as e-CODEX and the eEvidence Digital Exchange System (eEDES), which already support digital exchanges of European Investigation Orders and Mutual Legal Assistance (in criminal matters) requests. The Service of Documents / Taking of Evidence IT systems will also be based on the eEDES and will start applying from May 2025.

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For information on the challenges faced regarding the use of information technology prior to the adoption of the Digitalisation proposals please see Impact assessment report - Proposal for a Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial, criminal matters”.

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