

E-Filing of the judicial documents before the administrative courts

BY CONSTANTINOS KAVADELLAS | NOVEMBER, 2019

The Invest in Greece Law includes provisions for the upgrading of the filing process of the judicial documents' before the administrative courts. In brief, the optional system for the e-filing of judicial documents before the administrative courts introduced by the P.D. 40/2013 is now becoming mandatory as of 2021. The initiative aims to upgrade the archiving system of the Administrative Courts, to simplify some procedures and to promote the interconnection ability between public officials.

The Invest in Greece Law amends the provisions regulating the procedure of filing of judicial documents before the Council of State and the ordinary Administrative Courts. More specifically, any judicial mean (including the administration's opinion, the supplementary grounds, the briefs, the intervention and any other ancillary document, such as the exhibits) shall be exclusively lodged in electronic form starting as of January 1, 2021 must be electronically signed in order to be admissible. Furthermore, the Administrative Courts shall be obliged to serve the documents via electronic means to the e-address that each party will declare in their

filed judicial document. These documents shall be considered as served to every party after three working days. In case where the e-filing is not possible for any reason (e.g. technical issues), then the judicial documents must be filed in accordance with the current procedure. However, the party should file its judicial document electronically when the technical problem has been remedied.

All litigant parties will have access to the submitted documents electronically via a password provided by the Court. However, accessibility will be provided only for the documents that have not been characterized by the Court as confidential. Last but not least, all parties will have access only for three months after the termination of the judicial process.

Furthermore, if it is technically impossible for a party to file electronically its judicial document, then the party should inform the Court's secretary about: a) the nature of the judicial document that the party wants to file, b) the final day for the filing of the document) and c) the nature of the technical problem. The party should file its document via any means (e-mail, in hard copy form etc.) and the Court shall examine

if this filing is admissible or not. In order to be considered as admissible and not overdue, it must be proven that the technical problem was related to the Court's filing system.

Moreover, the Invest in Greece Law imposes upon the litigant parties the obligation to include in their judicial documents their Tax Identification Number. As regards legal entities, both the entity's and its legal representative's TIN must be included. Last but not least, the Invest in Greece Law introduces new options for a Court to conduct the hearing process.

More specifically, it provides for Courts the option to examine witnesses, experts etc. via technical means. The Invest in Greece Law, also, in order to speed up the hearing process in cases where litigants have their residency in rural and inaccessible areas, allows them to attend the hearing process in distance by using technical means.

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