

International scientific Conference Dimensions of Evidence in European Civil Procedure



Video-Conferences in the field of Justice

Austrian legal situation and the Austrian daily practice

in the form of a Video-Conference

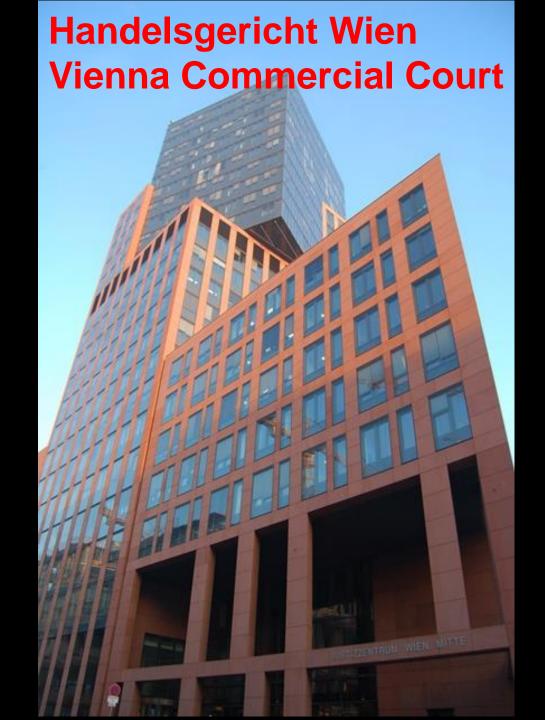
Maribor - Vienna

Dr. Wolfgang Fellner

former Director General of the Austrian Ministry of Justice

Dr. Alexander Schmidt

Vicepresident of the Commercial Court/Vienna



Staff



- 55 judges
- 20 "Rechtspfleger" = specialized civil servants working on the register of companies
- 85 administrative staff
- apprentices and administrative assistants

Jurisdiction regional court ("Landesgericht")



- business-related cases over 15,000 Euros
- court of appeal against district court decisions
- unfair competition and intellectual property
- bankruptcy cases if they concern businesses
- register of companies
- country-wide jurisdiction: trademark, design and patent law matters

Workload



- 3,005 lawsuits
- 836 judgments
- 531 appeals
- 3,911 bankruptcy cases
- 111,291 manipulations in the register of companies





- The development of VCT already started in the 1930s parallel to the development of TV
- However, it only became popular at the end of the 20th century
- The reason were:
 - the introduction of digital data
 - the standardisation of technology
 - the change to IP-based transmissions
 - the availability of broadband





First mentioning of VCT in an Austrian law

- January 1994: Law inforcement of § 247a Penal Procedure
- (1) for old-age, ill or fragile witnesses or others who are not in the position to present themselves at court
- (2) for witnesses staying abroad





- Time before October 2002:
- Legal requirement to take a person searched by court to the relevant judge within a maximum of 72 hours.
- Difficulty to provide a surraid transport from one end of Austria to the other due to Austria's geography.
- October 2002: Expansion
 In order to take the arrested person to the next court-prison and to be interrogated by the relevant judge via VCT within a maximum of 48 hours.





- Successful experience with VCT in penal matters
 - → to expand VCT to civil and commerial matters Especially for the taking of evidence by the requested court
- It goes without saying that every single taking of evidence by requested court delayed the procedure by a few weeks.
- January 2005: § 91a Court-Administration-Law offered the option to use VCT to take evidence in civil and commercial matters.
- 2004 to 2011: Austrian Ministry of Justice equipped all districtand all regional-courts with VCT.

20 March 2014





June 2009:

- Protection from Violence Law:
 Victims or minors in relation to a crime, who make civil claims against culprit are entitled to be interrogated separeted.
- VCT facilitates the victims to be interviewed at a different court,
 - → no encounter with culprit in the courtbuilding





Council Regulation (EC) No 1206/2001 Taking of evidence by the requested court

- Article 10 Paragraph 4
- The requesting court may ask the requested court to use <u>communications technology</u> at the performance of the taking of evidence in particular by using <u>videoconference</u> and teleconference





Regulation (EC) No 861/2007 European Small Claims Procedure

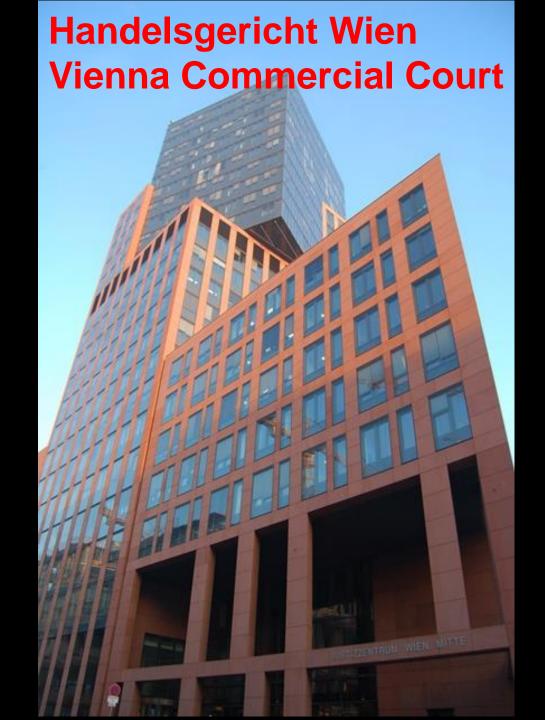
Article 8

Oral hearing

 The court or tribunal may hold an oral hearing through videoconference or other communication technology it the technical means are available.

Planned modification:

 Courts or tribunals <u>have</u> to use VCT in case a witness is resident abroad.





Video-Conferences in the field of Justice IT-Reservation-system for VCT in Austria Start-page



Bundesministerium für Justiz - Justizressort

Raumreservierung

Reservierung der Anlagen für eine Videokonferenz

Bitte wählen Sie aus, welche Art von Videokonferenz Sie reservieren möchten

Gericht

ressortintern

extern

- · Gericht zu Gericht
- · Gericht zu Justizanstalt

- Gericht zu einer externen Stelle in Österreich
- Gericht zu einer externen Stelle im Ausland

Justizanstalt

ressortintern

extern

- · Justizanstalt zu Justizanstalt
- · Justizanstalt zu Gericht

- Justizanstalt zu einer externen Stelle in Österreich
- Justizanstalt zu einer externen Stelle im Ausland

weitere Möglichkeiten (vorwiegend für Raumbetreuer und Geräteverantwortliche)

- Alle Dienststellen anzeigen und selber auswählen
- Nur für Raumbetreuer: den Raum reservieren (keine Videokonferenz)



Video-Conferences in the field of Justice IT-Reservation-system for VCT in Austria Room-Reservation







Video-Conferences in the field of Justice IT-Reservation-system for VCT in Austria Court choice



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Bundesministerium für Justiz - Justizressort	
Raumreservierung	
Videokonferenzräume	
Videokomerenziaume	
Datum in der Form tt.mm.jjjj eingeben oder über die Eingabehilfe (⊞) auswählen. 18.02.2009 □ 18.02.2009	
18.02.2009	
Bitte die Videokonferenzanlagen auswählen:	
Eigene Gerichtsdienststelle Gegenstelle	
Baden - BG Bitte auswählen Bitte auswählen	
Bregenz - BG	
Bruck an der Leitha - BG Bundesministerium für Justiz	
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Donaustadt - BG Dombirn - BG Weiter	
Dombin - Big Eisenstadt - LG/BG/StA	
Favoriten - BG	
Feldkirch - BG	
Feldkirch - LG/StA Floridsdorf - BG	
Formason - BG	
Gmunden - BG	
Graz-Ost - BG	
Graz-West - BG	
Graz - LG für Zivilrechtssachen Hall in Tirol - BG	
Hait in Tirot - BG Hartberg - BG	
Hemals - BG	
Hietzing - BG	
Innsbruck - BG	
Innsbruck - LG/StA	
Josefstadt - BG Justizzentrum Wien Mitte	
Sussize ittuin viitel viite Kirchdoff an der Krens - BG	
Kitzbühel - BG/JBZ	
Klagenfurt - BG	
Klagenfurt - LG/StA Korneuburg - LG/BG/StA ▼	
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Video-Conferences in the field of Justice IT-Reservation-system for VCT in Austria Time table



Bundesministerium für Justiz - Justizressort												
Raumreservierung												
Videokonferenzräume												
VideoRomorenziadine												
Belegung für den 03.02.2010 im Zeitraum von 07:00h bis 18:00h												
Gewünschte Zeit festlegen												
Wählen Sie die Zeit(en) aus, für welche die Reservierung erfolgen soll. Sie können jeweils eine halbe Stunde reservieren. Ein längerer Zeitraum kann durch Anklicken der Startzeit und der Endezeit eingegrenzt werden.												
Die nachstehend angeführten Räume bzw. Anlagen werden reserviert.												
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Bitte Zeit wählen >>												
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Cehe zu												
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Video-Conferences in the field of Justice IT-Reservation-system for VCT in Austria final booking



Bundesministerium für Justiz - Justizressort						
Raumreservierung						
Videokonferenzräume						
Sie haben folgende Räume und Zeiten ausgewählt:						
Videokonferenzräume: Bregenz - BG Oberwart BG						
Datum: 03.02.2010						
Uhrzeit: 10:00h bis 11:00h						
Zur endgültigen Reservierung sind noch folgende Daten erforderlich.						
Justiz e-mail Adresse max.richter@justiz.gv.at						
Bitte unbedingt anführen: Aktenzahl, Grund für Reservierung, falls zutreffend vernehmendes Gericht, falls Ausland/Extern Kontakt und Tel.Nr. 3 Cga 295/10y; Vernehmung des Zeugen Otto Mayer						
Buchen						
Zurück zur Belegungsansicht						



Video-Conferences in the field of Justice in Austria Statistics



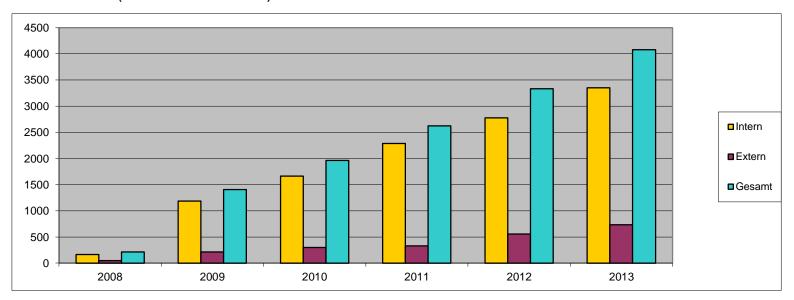
2009: 1.404 (cross border: 130)

2010: 1.960 (cross border: 190)

2011: 2.620 (cross border: 329)

2012: 3.330 (cross border: 553)

2013: **4.134** (cross border: **632**)





Video-Conferences in the field of Justice



VC to Austria and to foreign countries

Jahr	→ Austria	Austria →	SUM
10 – 12/2008	11	37	48
2009	50	85	135
2010	63	127	190
2011	159	234	393
2012	161	392	553
2013	196	436	632
2014	+15%	+15%	+15%



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Thank you for your Attention.

We wish you all the best for using VCT