

Electronic writ proceedings in Poland, Austria and Germany

SUMMARY

Electronic writ-of-payment proceedings were introduced to the Polish system of civil procedure under the provisions of the Act of 9 January 2009 amending the law - the Code of Civil Procedure and certain other laws (Journal of Laws No. 26, item 156) taking effect from 1 January 2010. However, particularly with regard to certain provisions of the Act, the legislator predicted their early application. Electronic writ-of-payment proceedings were formed as another kind of summary proceedings, the purpose of which is to simplify and streamline the settlement process. They accelerate the process in which the plaintiff obtains both an enforcement title and then a writ of execution which constitutes the grounds for court enforcement. The overall objective of this procedure is to increase the effectiveness of legal protection granted in a civil process. Distinctiveness in relation to *common* writ-of-payment proceedings stems from the *sensu stricte* nature of this procedure, and not from the aims and functions thereof. This is a consequence of the adopted methods of communication with the Court and an enforcement authority, as well as of the delivery of orders and rulings via electronic channels and archiving case files in an electronic format. It is indeed due to the above that electronic writ-of-payment proceedings are optional.

Unfortunately, due to the short period of its duration in our legislation, it is considered that, in spite of the development of electronic proceedings, for those difficulties to certain extent, counteract to simplify the role of this proceeding and does not promote its clarity. Therefore, we should appeal to role models of western countries, where electronic online proceedings operates at a very high level. The best examples are Germany and Austria that I mentioned in the body of article.

KEYWORDS: writ-of-payment proceeding, e-court, enforcement, civil division