

REPORT OF THE POLISH-NORWEGIAN WORKING GROUP on digitalization

Trondheim
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2. Introduction - summary of recommendations

The work of the Polish-Norwegian working group on digitization has identified a number of areas within the Polish justice system where mutual cooperation with the Norwegian Judicial Administration would allow for further development in the digitization of court proceedings.

However, the final recommendations had to be limited to only selected issues. In the areas covered by the recommendations, the NCA has developed solutions which have made a real contribution to the acceleration of court proceedings (e-booking for sworn translators) and allowed for a high degree of user satisfaction with the implemented solutions, due to the system of cooperation between the NCA and end users.

The working group has proposed several recommendations aimed at improving the efficiency of the judicial process in Poland, focusing on the management of court experts and interpreters, as well as enhancing the involvement of end-users in the design and implementation of ICT systems. One of the primary recommendations is **the introduction of an e-booking system for expert witnesses and interpreters**, which is designed to address ongoing delays in the court proceedings caused by difficulties in locating available experts and interpreters, especially for rare languages and specialized cases. These delays can significantly prolong court processes, as experts and interpreters may refuse to participate due to reasons like illness or long-term travel, lack of availability due to participation in other proceedings. Currently there are 47 separate lists of court experts at each district court. There are no standardised rules on the terminology of expert fields. There is also no obstacle to one expert being included in multiple lists at the same time. This leads to chaos on the part of the court and prolongs the proceedings. The lack of electronic communication tools for experts is also a problem; the whole process of finding an expert witness and then sending the expert's opinion and further communication with the court is conducted on paper.

The proposed e-booking system, inspired by the Norwegian model, would enable faster identification of experts and interpreters with the required expertise and availability. The system will be integrated with the existing ICT system ROBUS, which registers professional legal participants, including lawyers, bailiffs, and experts. The system's integration will help expedite

the communication between courts and experts or translators, reducing the time required to secure their services. Furthermore, the Ministry of Justice is working on centralizing and standardizing the list of experts and translators, which will make it easier to implement the e-booking system and ensure a more organized process for appointing experts and translators. In addition, the certification procedure currently being designed by the Ministry of Justice should be digitalised to ensure the fastest possible communication between courts, experts and the Ministry of Justice. **Electronic communication between experts, courts and Ministry of Justice** can be introduced into the already functioning ICT system - Information Portal

To support the successful implementation of the e-booking system, the NCA will assist in presenting its functionalities, including user accounts, mobile applications, and communication tools for translators. The NCA will also provide crucial consultation during the system design phase, ensuring its smooth integration into the existing judicial framework. The Norwegian solution was supplied by an external supplier. The extent of support will therefore depend on the agreement of the external provider of this solution.

Another major recommendation is **the introduction of a pilot program, known as the Lighthouse Courts program**, aimed at involving end-users—judges and court staff—in the design and implementation of ICT solutions. Previous IT solutions in the Polish judiciary were developed without sufficient consideration of end-user needs, leading to systems that often fell short of meeting the requirements of the judicial community. By adopting the successful Norwegian model, which incorporates end-user feedback from the outset, the Polish judiciary can ensure that new systems are better suited to the needs of those who will be using them. The pilot program will begin with an analysis of end-user needs, followed by the selection of pilot courts. The staff involved in the pilot will receive training in ICT competencies, which will allow them to actively participate in the design, testing, and feedback processes for the e-booking system and other future ICT projects.

NCA's support will be essential for the development and successful implementation of this pilot program. This support will include guidance on selecting pilot courts, developing training programs for court staff, and advising on the best methods for compensating participating staff to ensure fairness across different courts. The insights gained from this pilot will provide

valuable feedback for refining ICT solutions in the Polish judiciary, ultimately leading to better-designed and more effective systems.

3. The framework of the expert working group

1) Experts

Poland:

1. Tomasz Gajewski - Deputy Director of the Department of Funds and Free Legal Aid, Ministry of Justice
2. Marta Kożuchowska-Warywoda - Director of the Department of Personnel and Organization of the Common and Military Courts, Ministry of Justice
3. Michal Bloch - Head of the Department for Support of Personnel Systems and Random Case Assignment System. Department of Human Resources and Organization of Common and Military Courts, Ministry of Justice
4. Anna Romanowska- Head of Department of Computerization and Court Records, Ministry of Justice
5. Krystyna Rogala-Gawlikowska - Court of Appeal in Wroclaw Legal adviser team
6. Anna Zalesińska - Court of Appeal in Wroclaw Legal adviser team

Norway:

1. Ingrid OLSEN, Head of Department for Innovation and Court Development at Norwegian Courts Administration
2. Halvor Aas, Court of Appeal Judge, Borgating Court of Appeals
3. Prof. Ragna Aarli, Professor at Faculty of Law, University of Bergen
4. Iwar Arnstad, Head of International Secretariat of the NCA
5. Victor Drosu, Senior Advisor at the NCA

2) Work Program

Stage 1: Preparation:

- i. P: Preparation of a description of the thematic area's operation in Poland.
- ii. N: Preparation of a description of the area's operation in Norway.

Stage 2: Preliminary Meeting in Norway:

- i. Presentation and discussion of the current status in the relevant area in the two countries by the group members.
- ii. Identification of the main problems and objectives for improvement.
- iii. Definition of the scope of work and recommendations.
- iv. Allocation of tasks and scheduling for subsequent meetings.

Stage 3: Online Meeting

Preparations:

Exchange of written materials on the two systems between the experts

Preparations of findings from the study visit in Norway

Preparation of causes of identified problems and potential solutions by the Polish experts

- i. Presentation of findings collected by the group members during the study visit in Norway.
- ii. Discussion on the causes of identified problems.
- iii. Discussion on potential solutions.
- iv. Selection of the most promising directions for action.

Stage 4: Meeting in Poland:

Preparations:

Development of recommendations by Polish experts

Feedback on the recommendations from Norwegian experts

- i. Presentation of the recommendations.
- ii. Discussion on each proposal.
- iii. Refinement and completion of the recommendations.
- iv. Preparation of a roadmap including the main steps for the changes.

Stage 5: Online Meeting:

- i. Presentation and discussion of the final version of the recommendations.
- ii. Final voting and acceptance of the recommendations.

- iii. Planning of actions for the implementation phase of the recommendations.
- iv. Summary of the entire process and determination of any further steps.

Stage 6: Summary:

- i. Technical development of the recommendations.

3) Meeting of the Polish Norwegian working group on digitalization 20-21 June 2024 in Trondheim, Norway

Participants:

Poland:

1. Mrs. Marta Kożuchowska-Warywoda - Director of the Department of Personnel and Organization of the Common and Military Courts.
2. Mr. Michal Bloch - Head of the Department for Support of Personnel Systems and Random Case Assignment System, Department of Human Resources and Organization of Common and Military Courts
3. Mrs. Anna Romanowska- Head of Department of Computerization and Court Records.
4. Mrs. Krystyna Rogala- Court of Appeal in Wroclaw, Center for Competence and Informatization of the Judiciary

Norway:

5. Ingrid OLSEN, Head of Department for Innovation and Court Development at Norwegian Courts Administration
6. Halvor Aas, Court of Appeal Judge, Borgating Court of Appeals
7. Prof. Ragna Aarli, Professor at Faculty of Law, University of Bergen
8. Iwar Arnstad, Head of International Secretariat of the NCA
9. Victor Drosu, Senior Advisor at the NCA
10. Nieke Van De Berge, Advisor at the NCA

During the meeting, the experts from the NCA presented a short introduction to Norwegian Courts and the Norwegian Courts Administration (Iwar Arnstad). This was followed by discussions on the topics of the digitalization of Norwegian courts – NCA's approach, main

milestones, and lessons learned (Ingrid Olsen), Technology in Courts – digital solutions and their main challenges, including rule of law issues (Ragna Aarli).

Next, the Lovisa system (case management system) was discussed in detail, covering its background, main features, development process, and future improvement plans (Ingrid Olsen), as well as a user perspective on Lovisa (Halvor Aas).

The Polish delegation presented the topic of the status of digitalization in Poland, highlighting main achievements, challenges, and future plans (representative from Poland), as well as case flow in Polish courts (civil and criminal cases) (Krystyna Rogala-Gawlikowska).

Each presentation was supplemented with a discussion among the experts.

The meeting also included a visit to the Trøndelag Court in Trondheim and presentations of a courtroom equipped with technology for organizing remote hearings..

The conclusions of the Polish experts following the meeting covered the following areas:

End-user participation in the design and implementation of ICT systems - Involving end-users, such as judges and court staff, in the design and implementation of ICT systems is essential. This ensures the development of solutions that meet actual needs. The Norwegian experience of training end-users prior to their involvement in projects is crucial for Poland, where increased participation in system design could lead to more effective and user-friendly solutions.

Change Management in the process of implementing IT solutions -Implementing change management processes has been key to the successful integration of digital solutions in Norway's courts. The Ministry of Justice in Poland could benefit from focusing on change management to support the transition to digital technologies. Proper preparation and support for individuals and teams during this change process can significantly improve the outcomes of digitization efforts.

A repertory and office system and a system for filing pleadings -The Norwegian experience in integrating various court systems (repertory and office systems, pleading systems) is advanced and provides valuable lessons for Poland. The automated flow of documents and integration across different case types (civil, criminal) could help improve the efficiency and

functionality of Poland's court processes, especially as they build their own electronic court office system.

ICT Solutions for Entities not represented by professional attorneys - The NCA's solutions for non-represented parties, which include user-friendly interfaces and simplified submission systems, are crucial for Poland, especially in proceedings like bankruptcy and restructuring. These solutions could help streamline the process and ensure access to justice for individuals without professional legal representation.

E-Booking System for Translators and Court Experts - The introduction of an e-booking system for translators in Norway has streamlined communication and sped up court proceedings. Poland could adopt a similar approach to improve communication with experts, reducing delays in scheduling and ensuring timely participation in proceedings.

Courtroom Organization for Remote Hearings - The modernization of courtrooms to accommodate remote hearings and video conferencing in Norway offers valuable insights for Poland. The adoption of technology to allow judges to control proceedings, present documents digitally, and manage video conferencing from a single interface could improve the efficiency and accessibility of Polish courtrooms.

4) Meeting of the Polish Norwegian working group on digitalization 1-2 October 2024 in Warsaw, Poland

Participants:

Poland:

1. Tomasz Gajewski - Deputy Director of the Department of Funds and Free Legal Aid, Ministry of Justice
2. Marta Kozuchowska-Warywoda - Director of the Department of Personnel and Organization of the Common and Military Courts.
3. Michał Bloch - Head of the Department for Support of Personnel Systems and Random Case Assignment System, Department of Human Resources and Organization of Common and Military Courts
4. Krystyna Rogala-Gawlikowska - Court of Appeal in Wrocław Legal adviser team
5. Anna Romanowska - Head of Department of Computerization and Court Records.

6. Aneta Drastich - Department of Funds and Free Legal Aid, Ministry of Justice

Norway:

1. Ingrid Olsen, Head of Department for Innovation and Court Development at Norwegian Courts Administration
2. Halvor Aas, Court of Appeal Judge, Borgating Court of Appeals
3. Prof. Ragna Aarli, Professor at Faculty of Law, University of Bergen
4. Victor Drosu, Senior Advisor at the NCA

During the expert group meeting, the following Polish ICT systems were presented: the Information Portal of Common Courts (Krystyna Rogala-Gawlikowska), the Portal of Judgments of Common Courts with the anonymization module (presented by a representative of the Court of Appeal in Wroclaw), and the Register of Litigants (ROBUS), which includes the Register of Interpreters, the Register of Court Experts, and the National Register of Mediators (Krystyna Rogala-Gawlikowska).

Additionally, the MS-WF Workflow system for the process of "Application of a candidate for a vacant judicial position" - e-Nominations was presented, explaining the procedure in the regulations and how the processes have been modeled in the system (Michal Bloch).

Representatives from Norway presented solutions for booking interpreters (presented by Ingrid Olsen).

Each presentation was followed by a discussion among the experts.

The meeting also included a visit to the Lublin District Court, where the ICT system EPU was presented, along with plans for the new system (presented by a representative of the district court in Lublin, Anna Terpin).

Following the meeting, the final recommendations from the Polish experts were presented, which are detailed below.

4. Recommendations of the working group on digitization of courts in cooperation with the NCA.

1) E-booking system for expert witnesses and interpreters

a. Need for a solution

Pursuant to the applicable rules of civil procedure (Article 278 § 1 of the Act of 17 November 1964 Code of Civil Procedure (hereinafter: CCP), in cases requiring special knowledge, the court, after hearing the parties as to the number of experts and their choice, may summon one or more experts to consult them.

Similarly, in criminal proceedings (Article 193 § 1 of the Act of 6 June 1997 - Code of Criminal Procedure (hereinafter: CPC), if the ascertainment of circumstances of significant importance for the resolution of the case requires special knowledge, an expert or experts' opinion is sought.

In practice, the demand for expert witnesses is very high, especially in certain categories of cases, e.g. motor vehicle damage cases, medical damage cases, so-called cases pertaining to certain loans carried out in Swiss Francs for payment and invalidation of the loan agreement, cases for the division of property or the abolition of co-ownership, construction disaster cases and others.

High demand for expert witnesses is shown by statistics on the number of cases in which experts were appointed between 2022 and 2024.

Year	Number of appointed court experts from court lists
2022	284 883
2023	268 776
2024	271 733

Pursuant to Article 280(1) of the CPC, an expert may refuse to accept the obligation imposed on them for the reasons that entitle a witness to refuse to testify and, in addition, for an obstacle

that prevents them from giving an opinion. According to the doctrine, obstacles preventing the issuance of an opinion may include, inter alia, prolonged illness, long-term travel, lack of special knowledge in a particular field of knowledge, the development of a difficult and timely opinion in another court case.

In criminal proceedings, it is also possible to exclude a court expert for important reasons (Article 196 § 3 of the Code of Criminal Procedure), which are considered to be, inter alia, long-term illness, travel.

In the event that the court appoints a court expert who, due to the above-mentioned reasons, cannot provide an opinion in the given proceedings, the proceedings may be significantly prolonged. The order appointing the court expert shall be delivered to the expert by regular mail. The expert has 14 days to receive the delivery, in addition, the time needed for delivery by Poczta Polska S.A. should be taken into account.

In the event that the court expert cannot undertake to draw up the opinion, he or she should inform the appointing court of this in writing, either by filing a letter at the Registry Office of the court concerned or by registered mail. In such a case, the court should again take steps to find and appoint another expert. However, there is no guarantee that the next appointed expert will be able to prepare opinions. The search for an expert, particularly in cases with specific subject matter, can take up to several months.

As far as interpreters are concerned, pursuant to Article 265 of the CPC, the court may appoint an interpreter for the examination of a witness who does not speak sufficient Polish (§1). The provisions on experts apply accordingly to interpreters (§2 sentence 1).

In criminal proceedings, an interpreter must be provided for the accused if he or she does not have a sufficient command of the Polish language (Article 72 § 1 of the Code of Criminal Procedure) and if there is a need to interrogate 1) a deaf or mute person and it is not sufficient to communicate with him or her by means of writing, 2) a person who does not have a command of the Polish language (Article 204 § 1 of the Code of Criminal Procedure). The provisions relating to experts apply mutatis mutandis to the interpreter (Article 204 § 3 of the Code of Criminal Procedure).

As the same rules apply to interpreters, there is also a risk that proceedings will be prolonged due to the interpreter's refusal to take part in the proceedings for valid reasons. This situation is particularly the case for interpreters of rare languages.

Currently there are 47 separate lists of court experts at each district court. There are no standardised rules on the terminology of expert fields. There is also no obstacle to one expert being included in multiple lists at the same time. This leads to chaos on the part of the court and prolongs the proceedings. The lack of electronic communication tools for experts is also a problem; the whole process of finding an expert witness and then sending the expert's opinion and further communication with the court is conducted on paper.

The e-booking system for translators presented by NCA allows very fast communication with translators and feedback on their ability to commit to a case within a certain timeframe. The system automatically finds the translator with the most suitable language skills and highest availability and automatically sends him/her an availability request. If the selected translator fails to confirm acceptance of the job, the system automatically sends the request to the next translator found by the system.

On the translators' side, a mobile application is provided which allows translators to confirm or reject requests received from the court. The application includes a map showing where the request for interpretation is from in order for the interpreter to assess the distance to the requesting court. The requester could indicate in the system the mode of hearing (remote or stationary).

The launch of the e-booking system has reduced the search time for an interpreter to just a few hours.

b. Planned solution

In both civil and criminal proceedings, the court has the option of appointing an expert from a court list established at the district court or an *ad hoc* expert (an expert appointed for a specific case, not on the court list). Currently, there is a dispersed model in which each district court president maintains a separate list of experts. There are currently no provisions unifying the way in which the speciality of expert witnesses is designated; the same expert witness may be listed as an expert at several district courts.

The Ministry of Justice has now started work on unifying and centralizing the list of expert witnesses. The draft legislation envisages the creation of a central register of expert witnesses maintained by the Minister of Justice with a standardized certification procedure.

In view of the ongoing legislative work on centralizing the register of experts and regulating a uniform process for their certification, the following solutions are justified.

The list of sworn translators is maintained in a centralized system by the Minister of Justice on the basis of the Act of 25.11.2004 on the profession of sworn translator . As a side note, it should be pointed out that the court also has the option of appointing an interpreter from outside the list of sworn interpreters, e.g. in the event of the unavailability of an interpreter for a particular language. As the list of sworn translators is kept in a centralized model, the following solutions will be applicable to them (point 1).

- **Register of Persons Taking Part in the Proceedings - ROBUS**

Presented on 1 October 2024 in Warsaw, the ROBUS system is an ICT system within which the registers of professional attorneys - legal counsels, advocates, bailiffs (work in progress), patent attorneys, attorneys of the Public Prosecutor's Office and others have been integrated. In addition, registers are maintained in the system itself - the National Register of Mediators (pilot phase), sworn translators and experts (currently in a distributed system). The system serves as a single point of access for obtaining information on persons involved in proceedings. In addition, ROBUS is integrated with court systems - Common Courts Information Portal (automatic verification of rights of participants in proceedings), repertory and office systems.

At the current stage of development of the ROBUS system and the register of experts created within the system (currently operating within a system of distributed lists of experts at each District Court) and the register of translators, it is reasonable to expand the ROBUS system with a further functionality (e-booking) along the lines of the Norwegian solution. This solution can be used in the Polish system to communicate with experts and translators by automatically identifying an expert with the desired specialization/translator for a given language and relevant availability. The functionality of automatically sending a request for availability for court proceedings could also be used. This would not only speed up the proceedings significantly, but

also allow expert witnesses/translators to conduct their business more efficiently by being able to report their availability to all courts in Poland.

Pursuant to Article 175da § 7 of the Act of 27 July 2001. - Law on the system of common courts (hereinafter PUSP), the Minister of Justice entrusts selected directors of appellate courts with the performance of tasks related to computerization of the judiciary in the area of design, implementation, maintenance and ensuring security of court ICT systems. The implementation, modification, administration, testing and user support line of the ROBUS system has been entrusted to the Director of the Court of Appeal in Wroclaw. The design and implementation of the new functionality of the e-booking system for expert witnesses and translators would be carried out by the Court of Appeal in Wroclaw on the basis of the above-mentioned entrustment.

- **Information Portal of the Common Courts**

In addition, in connection with the proposed solution for the centralization of the list of court experts and the introduction of a procedure for the certification of court experts, it is reasonable to simultaneously design the functionality and legal regulation of electronic communication between expert candidates, courts of appeal, the certification commission and the Ministry of Justice, and between common courts and the Ministry of Justice in the framework of the subsequent evaluation of the expert's work.

For electronic communication as part of the certification procedure and subsequent verification of the expert's work, it is possible to use the system already in place - the Common Courts Information Portal - by adding new functionality. This system is already familiar to expert witnesses and, as of 2021, electronic service to professional attorneys is being carried out via this system

In accordance with Article 175da § 7 of the PUSP, the Minister of Justice has entrusted the implementation, modification, administration, testing and the 2nd and 3rd lines of user support of the Information Portal system to the Director of the Court of Appeal in Wroclaw. The design and implementation of electronic communication between candidates for expert witnesses, courts of appeal, the certification commission and the Ministry of Justice and between common courts and the Ministry of Justice in the framework of the subsequent evaluation of the work of

an expert witness would be carried out by the Court of Appeal in Wroclaw on the basis of the above-mentioned entrustment.

c. Expert support from the NCA

As part of the planned e-booking solution for expert witnesses and sworn translators, expert support from the NCA will be needed in the following areas:

- at a stage prior to system design:
- further presentation of the system from the court users' side and from the interpreter's side, including the mobile application, including user accounts, roles, how to log in, system of internal instructions for users,
- further presentation of the functionalities for communicating with translators,
- further presentation of the functionalities relating to accessibility marking in the system.
- at the system design stage:
- consultation of proposed solutions.

2) Participation of end-users in the design and implementation of ICT systems - *lighthouse courts* pilot scheme

a. The need for a solution

IT solutions in the Polish judiciary to date have generally been introduced without sufficient consideration of the needs of end-users. Despite the use of forms of consultation with representatives from the judicial community or professional attorneys in the development of ICT systems, these solutions do not fully meet the needs of all end users.

It makes sense to reform the existing way of ensuring end-user participation in the design and implementation of ICT systems. In particular, it makes sense to complement the skills on the end-user side in terms of IT competence.

During the meeting in Trondheim and in Warsaw, NCA presented the *lighthouse courts* pilot court Programme used in Norway, which ensures end-user participation in the design and implementation of IT solutions. As part of the Programme, NCA cooperates with selected courts

where tests of selected IT solutions are carried out. Courts receive financial rewards for participating in the pilot Programme.

In the courts included in the pilot Programme, employees are appointed among the judges, secretarial staff who participate in the Programme. The selection of the employees is left to the court authorities, who should ensure their time availability to perform the tasks under the pilot. The identified employees are obliged to participate in the trainings conducted by the NCA, in particular in technical competences in the design of ICT solutions and to ensure their availability by e-mail, telephone for questions concerning the designed system/solution, to participate in the testing of the system/solution. Depending on the specific project, the degree of time commitment of the employee varies from a few hours to several tens of hours per project. The preponderance of meetings and consultations is done remotely. Additional remuneration may be granted to employees for this purpose by the court authorities.

b. Planned solution

The start of the development of a new IT tool for e-booking for expert witnesses and interpreters should be preceded by an analysis of end-user needs. The design and implementation should take place in parallel with the implementation of the pilot *court* Programme and should be preceded by the selection of pilot courts called *lighthouse* courts. Alternatively, a different method of selecting court staff involved in the design, implementation, maintenance and development of the ICT system could be used, i.e. not through individual courts, but by directly setting up pilot groups at the Ministry of Justice

Participating staff would be adequately trained in ICT competencies. The training would be conducted in the form of a training series within the framework of a developed training Programme. Representatives of court experts and court interpreters should also participate in the Programme.

The launch of a pilot Programme for an e-booking project for court experts and interpreters will initiate a change in the Polish system to ensure end-user participation in the development of ICT solutions. The initiated Programme and the employees trained under it in the pilot courts will then be able to participate in further IT projects, ensuring a high level of substantive and technical competence.

Due to the differences in the organization of the Polish courts, the pilot court Programme will consider alternative methods of funding the pilot courts and their staff. According to the information received from the NCA, in the Norwegian system, the decision on the amount of additional allowances granted to employees is left to the discretion of the authorities of the respective court. Alternatively, in the Polish system, the amount of salary supplements for participation in the system would be determined top-down by the Ministry of Justice in order to avoid significant differences in the salary supplements granted in different courts.

c. Expert support from the NCA

As part of the planned solution for the implementation of the pilot Programme in the common courts, expert support from the NCA will be needed in the following areas:

- at a stage prior to the design of the pilot Programme:
 - further presentation, in particular on how the pilot Programme is regulated,
 - presentation of the training Programme, for employees taking part in the pilot Programme.
 - providing the know-how for the NCA to select a particular court to participate in the pilot (as a *lighthouse*)
- at the design stage of the pilot Programme
 - consultations as part of the proposed method of selecting the pilot court/court staff,
 - consultations as part of the proposed training Programme for court staff,
 - consultations as part of the proposed method of remunerating courts and court staff for participation in the pilot Programme.

The Norwegian solution was supplied by an external supplier. The extent of support will therefore depend on the agreement of the external provider of this solution.