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this book provides a deeper understanding of electronic evidence and its use in civil and commercial dispute resolution the explosive growth of information technology has had major impacts on the development of the economy society and also on the improvement of legal proceedings with the use of modern technology in all areas of criminal and civil procedures this book focuses on the current provisions of uncitral the european union germany and vietnam concerning electronic evidence in civil and commercial dispute resolution it analyses the notion and the basic aspects of evidence and electronic evidence

and explores the process of finding electronic evidence further it discusses how the effectiveness of finding electronic evidence can be reconciled with a respect for fundamental rights in particular with personal privacy and personal data protection the book subsequently addresses the authentication and admissibility of electronic evidence the evaluation of electronic evidence and the burden of proof and the challenges of using electronic evidence in civil and commercial dispute resolution finally it puts forward proposals for promoting the use of electronic evidence in these contexts as the book focuses on the current texts of uncitral and the civil procedure legislation of the european union germany and vietnam it relies on a comparative method which deals with the most significant provisions of the above legislation

greater efficiency in civil dispute resolution is very much dependent on organized but fair fact finding under european law however no clear cut categorisation of means of evidence exists as yet and significantly diverging interpretations persist of what is considered evidence in the sense of the foundational council regulation ec no 1206 2001 eer the eer fails to provide comprehensive rules for many other aspects of evidence taking pointing instead to national legislation for solutions as long as evidentiary rules remain different from country to country there is an inherent risk of conflict of laws between different systems in the course of cooperation between courts in cross border matters leading to mistrust amongst judiciary and other participants in the proceedings focusing on national rules and using a comparative method which takes into consideration legal experiences from all legal circles in the eu this book explains and analyses how the law of evidence works in europe today the authors draw on the vast base of relevant information collected in twenty seven member states by national reporters following the classical enumeration of types of evidence production of documents examination of witnesses expert evidence inspection by the judge and examination of the parties chapters encompass such issues and topics as the following judicial cooperation in cross border cases general principles in evidence taking the right to be heard oral vs written form directness of evidence burden of proof judges case management powers regarding evidence means of evidence extent of influence of traditional principles and evidentiary rules on electronic evidence application of communication technology in cross border proceedings legal costs language inadmissible evidence and instances in which a court can refuse a request for evidence the authors offer well grounded recommendations on requested judge s entitlements direct and convenient communication cost issues revised provisions concerning language obstacles unification of presumptions and much more armed with the wide ranging knowledge presented here practitioners handling civil cases anywhere in europe will derive great practical benefit from this book as a masterful synthesis of how evidence is used in national courts in eu member states and of how that use is changing the book will be greatly valued as a unique resource by legal scholars and academics with featured recommendations it can contribute to the development of mutual trust among the national courts inside the eu as well as trust among policymakers and national courts

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