

Project Application Form

Under the Recovery and Resilience Facility

1. Project name
Further development of the information systems of the courts for access of citizens and legal entities to e-services and e-justice
2. Description of the project (objectives, main activities)
<p>In the last Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism of 22 October 2019, as well as in the Report on the rule of law of 2020, the introduction of electronic justice and the balanced management of the workload in the courts are defined as significant challenges that will need constant effort in the next years in the context of the judicial reform being implemented. The introduction of electronic justice is among the key steps towards the improvement of the access to justice in the aspect of digitalisation in the judiciary. As a part of the overall e-justice strategy, a Single E-Justice Portal (SEJP) was developed under a project of Operational Programme Administrative Capacity and further developed by project No.BG05SFOP001-3.001-0013/11 December 2017 under the name <i>'Further development and centralization of the portals in Justice sector for access of citizens to information, e-services and e-Justice'</i>, the main task of which is to ensure the access of the citizens to the Single Court Information System (SCIS). The SCIS is a system of internal communication in the judiciary, and the SEJP has the following tasks: ensuring the access of the participants in the court cases to the electronic files of the cases, the electronic summoning and participation in online court sessions.</p> <p>Presently, the SEJP allows the participants in the cases to only review the contents of the electronic file of the court case as well as the service of a subpoena in case that the respective person has voluntarily registered in the portal.</p> <p>The functionalities of the Single E-Justice Portal laid down in Article 360c, Paragraph 2 of the Judicial System Act are not created either, and namely: to make certification statements and procedural acts in an electronic form, i.e. to bring an action in an electronic form and to participate online in court sessions through a registration in in the SEJP. As mentioned also in the 2020 report, the COVID-19 pandemic has shown the shortcomings of the judiciary in the field of electronic justice. Presently, regardless of the last legislative amendments to the Civil Procedure Code, the Criminal Procedure Code and the Administrative Procedure Code, which regulate summing through the portal, remote access of participants in the court case in open court sessions, there is no technical possibility for remote online participation in a court session <u>through a secure electronic connection</u>, which may have an impact on the independence of the judiciary, as well as a time-stamp certified electronic summoning.</p> <p>The pandemic has outlined particularly notably the problem with electronic summoning. The created Electronic Summoning System, developed under the project <i>'Support to the Supreme Judicial Council related to capacity building and improving the efficiency of the judiciary</i>, Norwegian Financial Mechanism and project <i>'Electronic justice – survey and building of a single communication and information infrastructure and a single</i></p>

portal of the judicial system' under Operational Programme Administrative Capacity, is closely integrated with the single e-justice portal – the database of the cases, parties, lawyers under cases available in the SEJP, is used in the operation of the electronic summoning system. It is a matter of exceptional urgency to upgrade and improve the Electronic Summoning System so as to ensure that it is in line with the requirements of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 2014 on electronic identification and trust services for electronic transactions in the internal market, which regulates the electronic service of documents – it is necessary to change the manners of service and storage of the report from it, so as to use time of service from a timestamp service from a respective registered trust service provider, to expand the technological resources in order to guarantee the use of the system by a larger number of users, etc.

The present project is intended mostly to achieve improvement of the business environment in Bulgaria and the access to justice of the citizens. The absence of effective electronic justice has a direct impact on the quality and competitiveness of the business environment. The current ranking of the country in the 'Ease of Doing Business Scores' index (ranked 61st) is partly determined by the slow rate of improvement in several spheres, including the judiciary and the electronic justice. The methodology of the World Bank for calculation of the 'Ease of Doing Business Scores' includes several elements that fall within the field of application of the present project. These are the functionalities:

- to bring a suite online, including without submitting the documents for the bringing of the case on a paper carrier;
- to notify the other party under the cases electronically, including without any need to submit documents on a paper carrier;
- to pay the court fees due electronically, including without a need for any actual physical contact for implementation of the transaction;
- to publish the judgments at all levels under commercial cases online.

In addition to the identified structural challenges mentioned above, the project contributes also to the achievement of one of the priorities of the Updated Strategy for the Reform of the Judiciary: Specific Goal 5: E-justice (3.5.3 Equal access, as close as possible, for citizens and business to e-justice and e-governance by electronic means and making this access preferred to the conventional one using hard-copy documents). The project implementation will result in an increased effectiveness of the work of the courts by automatic exchange of data and electronic documents between the participants in the process of administration of justice.

Furthermore, the introduction of instruments for use of electronic justice will increase the public trust in the judiciary, as a measure for restriction of corruption.

The general objective of the project is improvement of the access to justice through development of information technologies in the field of electronic justice.

The specific objectives of the project are:

1. Enabling the citizens and the business to access and exchange electronic documents with the judiciary entirely online (in an electronic form);
2. Enabling reduction of the administrative burden and of the costs in the process of administration of justice for the citizens and business, by digitalisation in the judiciary.

The specified objectives will be implemented by further development and upgrade of the existing Single E-Justice Portal (SEJP) regulated in Article 360c et seq. of the Judicial

System Act and the Single Court Information System, through several **main activities** for the creation of functionalities for:

Activity No.1 'Election of a contractor for further development of the Single E-Justice Portal for access of citizens and legal entities to e-services and e-justice'

Within Activity No.1, the steps and procedures for preparation, organisation and conduction of the procedure for selection of a contractor that are provided for in the legal framework of public procurements will be carried out.

As a result from the performance of Activity No.1 awarding of the performance of Activity No.2 will be carried out by the entry into of a contract with the elected contractor.

Activity No.2 'Further development of the Single E-Justice Portal for access of citizens and legal entities to e-services and e-justice'.

Within Activity No.2, the selected contractor will further develop the Single E-Justice Portal for access of citizens and legal entities to e-services and e-justice by development and implementation of functionalities and the solutions accompanying them for:

1. Making of certification statements in an electronic form (submission and receipt of documents, papers under the court cases in an electronic form);
2. Performance of procedural acts in an electronic form (participation in open court sessions via secure video conference connection);
3. Service of communications and subpoenas (including mandatory electronic summoning for a definite circle of subjects through legislative changes).

At this moment the functionality for access to the electronic cases and public registers maintained by the courts is implemented in the SEJP.

The upgrade of the SEJP, respectively the SCIS, will in practice provide all persons – parties under the cases, with the option to exercise their procedural rights online (in an electronic form). All the electronic statements of the court and the parties must be in line with Regulation (EU) No 910/2014 and the Electronic Document and Electronic Trust Services Act, as the Supreme Judicial Council and the Ministry of Justice must approve within the specified activities standards for the electronic format of the statements made, for security of the system, for the size of the files, for the conditions for identification of the parties under the cases in the making of statements and procedural acts in an electronic form, for electronic notification of payment of the state fees and costs due to an account of the court, for the conditions for conduction of a video-conference by the use of a secure connection.

It is of key importance for the achievement of the project objectives to make a detailed analysis of the applicable legal framework and to enable interaction of the citizens and business with the judiciary by entirely electronic means. If omissions or shortcomings are identified in the legal framework on the basis of the analysis, specific amendments to legal instruments will be proposed. In addition to the legal analysis, an analysis will also be made of the work processes and the user cases related to working with the SEJP, in view of complete digitalisation and simplification, as well as application of the 'digital-by-default' and 'once-only' principles.

The legal analysis and the analysis of the work processes and the user cases will be made by the selected contractor within the public procurement.

In the project implementation, the implementation of the requirements of the national and European legal framework with respect to the personal data protection and the network and information security will be ensured.

The project is aimed at the turning of the SEJP into a digital front office of the electronic justice, and, being such, the main target group that will benefit from its results includes the citizens, business and their procedural representatives. Considering this target group, the project does not envisage activities for the conduction of trainings. In order to ensure the easy and convenient work with the portal, electronic materials will be developed – manuals, (video) instructions, and others that will facilitate the citizens, the business and their procedural representatives in the work with the portal.

The project is logically connected with the project for upgrading the SCIS, as the implementation of the two projects will lead to the achievement of their common objectives and results. The two projects address different aspects of the electronic justice (SEJP – work with external users, SCIS – implementation of the processes in the judiciary and work with internal users), as they are mutually complementary.

3. Beneficiary

THE SUPREME JUDICIAL COUNCIL

4. Time schedule for project Implementation, including activities, stages¹

The total length for project implementation is 25 months

Activity	Months of the project implementation																								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Activity 1 'Election of a contractor for further development of the Single E-Justice Portal for access of citizens and legal entities to e-services and e-justice'	X	X	X	X	X	X																			

¹ The time schedule shall be relevant for determining interim targets within the framework of the Recovery and Resilience Plan and is directly related to the disbursement of grant instalments from the Recovery and Resilience Fund.

[illegible]

6. Indicators
6.1. Result indicator/s
<p>1. For the project as a whole</p> <p>Result: An implemented investment project</p> <p>Objective: 1 implemented investment project</p> <p>Indicator of a result:</p> <ul style="list-style-type: none"> • Number of implemented investment projects <p>Source of information: Centralised Automated Information System 'Electronic Public Procurements', report on the project implementation</p> <p>2. <u>Activity No.2</u> 'Further development of the Single E-Justice Portal for access of citizens and legal entities to e-services and e-justice'.</p> <p>Result: A Single E-Justice Portal for access of citizens and legal entities to e-services and e-justice that is fully compliant with the requirements of the Judicial System Act and allows the citizens and the representatives of the business to access and communicate with the judiciary entirely in an electronic form.</p> <p>Objective 1: Enabling the citizens and the business to access and exchange electronic documents with the judiciary entirely online (in an electronic form) via further development and upgrade of the Single E-Justice Portal;</p> <p>Indicator of a result:</p> <ul style="list-style-type: none"> • A functionality of the Single E-Justice Portal enabling the citizens and the business to access and exchange electronic documents with the judiciary entirely online actually put into operation not later than 30 June 2023. <p>Source of information: project implementation report</p> <p>Objective 2: Enabling reduction of the administrative burden and of the costs in the process of administration of justice for the citizens and business, by digitalisation in the judiciary.</p> <p>Indicators of a result:</p> <ul style="list-style-type: none"> • An implemented possibility to bring a suit online, including without submitting the documents for the bringing of the suit on a paper carrier; • An implemented possibility to notify parties under the cases electronically, including without any need to submit documents on a paper carrier; • An implemented possibility to pay the court fees due electronically, at a decreased tariff in case of electronic payment, including without a need for any actual physical contact for implementation of the transaction; • Decrease of the costs for summoning in the budget of the judiciary, which amount

at this time to BGN 10 000 000 per annum.

Objective 3: Decrease of the duration of legal suits

Indicators of a result:

- An implemented possibility to shorten by electronic summoning the time for notifying the participants in the court cases and to thus ignore the possibility for their repeated postponing due to irregular service (in particular in cases of mandatory electronic summoning, which must be put in place by respective legislative changes).

Source of information: project implementation report; statistical reports on the duration of legal suits – monthly and annual.

- Number of implemented investment projects
 - Initial value – 0 pc. [upon project launch]
 - Interim value – 0 pc. [1st half of 2021]
 - Interim value – 0 pc. [2nd half of 2021]
 - Interim value – 0 pc. [1st half of 2022]
 - Interim value – 0 pc. [2nd half of 2022]
 - Final value – 1 pc. [1st half of 2023]
- A functionality of the Single E-Justice Portal enabling the citizens and the business to access and exchange electronic documents with the judiciary entirely online actually put into operation not later than 31 December 2023.
 - Initial value – 0 % [upon project launch]
 - Interim value – 0 % [1st half of 2021]
 - Interim value – 0 % [2nd half of 2021]
 - Interim value – 0 % [1st half of 2022]
 - Interim value – 0 % [2nd half of 2022]
 - Final value – 100 % [1st half of 2023]
- An implemented possibility to bring a suit online, including without submitting the documents for the bringing of the suit on a paper carrier;
 - Initial value – 0 % [upon project launch]
 - Interim value – 0 % [1st half of 2021]
 - Interim value – 0 % [2nd half of 2021]
 - Interim value – 0 % [1st half of 2022]
 - Interim value – 0 % [2nd half of 2022]
 - Final value – 100 % [1st half of 2023]
- An implemented possibility to notify parties under the cases electronically, including without any need to submit documents on a paper carrier;
 - Initial value – 0 % [upon project launch]
 - Interim value – 0 % [1st half of 2021]
 - Interim value – 0 % [2nd half of 2021]
 - Interim value – 0 % [1st half of 2022]
 - Interim value – 0 % [2nd half of 2022]
 - Final value – 100 % [1st half of 2023]
- An implemented possibility to pay the court fees due electronically, at a decreased tariff in case of electronic payment, including without a need for any actual

<p>physical contact for implementation of the transaction;</p> <ul style="list-style-type: none"> - Initial value – 0 % [upon project launch] - Interim value – 0 % [1st half of 2021] - Interim value – 0 % [2nd half of 2021] - Interim value – 0 % [1st half of 2022] - Interim value – 0 % [2nd half of 2022] - Final value – 100 % [1st half of 2023] <p>•</p>
6.2. Effect indicator/s
<ul style="list-style-type: none"> - Initial value - [year] - Interim value - [year] - Final value - [year]
7. Does the project require the opening of a procedure pursuant to the Public Procurement Act (PPA)?
Yes
7.1. If a procedure under the Public Procurement Act is required, what part of the activities and financial resources will be subject of the public procurement?
Around 95 % of the activities and the financial resource will be subject of a public procurement
7.2. If a procedure under the Public Procurement Act is required, what is the indicative schedule for its implementation?
The indicative time-table for performance of the procedure for election of a contractor will be in accordance with the provision of the Public Procurement Act as the expected deadline for conclusion of a contract with the elected contractor shall be up to 6 months from the launching of the project.
8. Demarcation and complementarity
8.1. If similar projects have been implemented (regardless of their source of funding), describe how this project builds on/complements what has been achieved with previous projects.
The Single E-Justice Portal (SEJP) is developed and put into operation under a project of Operational Programme Administrative Capacity, priority axis III 'Quality administrative service delivery and e-governance development', sub-priority 3.3. 'Improvement of the service delivery provided by the bodies of the judiciary through

development of information technologies', budget line BG051PO002/13/3.3-05. The results from the project include: creation of a centralised electronic content repository; development of a single interface for implementation of electronic exchange of data; and creation of a single portal of the bodies of the judiciary (Single E-Justice Portal).

In pursuance of project 'Further development and centralization of the portals in Justice sector for access of citizens to information, e-services and e-Justice', financed under Grant Agreement No.BG05SFOP001-3.001-0013, procedure BG05SFOP001-3.001, under Priority Axis No.3 'Transparent and Effective Judicial System', Operational Program Good Governance 2014-2020 (OPGG), co-financed by the European Union through the European Social Fund, the following activities were carried out:

- Analysis of the current state and revision, improvement of the precision, standardisation, coordination and discussion of the content rules and models;
- Upgrading of the Single E-Justice Portal and implementation of an electronic service for submission of an application for the issue of an enforcement order in accordance with the procedure of Article 410 of the Civil procedure Code;
- Migration of 180 sites of courts to the Single E-Justice Portal.

Unification has been made within the project of the webpages of the courts, including user interfaces and menu structure. Centralisation of the data from record-keeping systems is made, as data is sent from the 'Sofia Court of Appeal Court Record-Keeping Office' (record-keeping information system) to the SEJP.

The project further develops the Single Electronic Justice Portal developed under a previous project under the OPAC. The objective of the project is to unify and centralise the information from the websites of the courts in the Republic of Bulgaria by uniform templates updated in accordance with the changes in the legal framework, as well as the provision of the necessary centralised information for effective use of a new electronic service, and namely 'Filing of an application for the issue of an enforcement order in accordance with the procedure of Article 410 of the Civil Procedure Code'.

At this time, the SEJP does not have a portal 'Log-in' or registration of a user account functionalities. It is necessary to ensure registration and work in the portal after authentication. This will allow performance of procedural acts in an electronic form. The registration in the portal will be possible by the legally established means of electronic identification/authentication.

At this moment, the SEJP does not have functionality allowing submission and receipt of documents by electronic means that can initiate the start, conduction and finalisation of a court proceeding, including the obtaining of the final judicial act. It is necessary to develop a functionality for the performance of procedural acts in an electronic form in the SEJP and initiation of data exchange with the SCIS, in which the documents are registered in order to initiate, conduct and finalise new legal suits, including after receipt by the parties of the final judicial act certified by a time stamp.

At this moment, the SEJP does not have functionality for online payment of state fees for the initiation and movement of each single case.

At this moment, the SEJP does not have an appropriate toolbox for electronic summoning by the court, as well as possibilities for conduction of remote court sessions via a video-conference technology.

The present project will upgrade and improve the Single E-Justice Portal by the creation of possibilities for the participants in the legal suits for: 1. a fully electronic access and electronic exchange to the legal suits; 2. remote participation online (electronic video-

conference) by a secure connection in court sessions; 3. electronic summoning, including through the introduction by respective legislative changes of mandatory electronic summoning of certain persons – state and municipal institutions and bodies, lawyers, banks, insurance companies, providers of services for users, etc.

8.2. If similar projects are envisaged to be implemented under the Partnership Agreement programs, the centrally managed facilities of EU or the Just Transition Fund, outline the demarcation with this project.

9. Does the project directly contribute to the implementation of any of the Council's Specific Recommendations addressed to Bulgaria in the framework of the European Semester in the period 2017-2020? Please describe how.

The project contributes to the achievement of the main objectives ensuing from the Strategy for Electronic Governance in the Republic of Bulgaria 2019 – 2023 and the Road map for Implementation of the Updated Strategy for the Development of Electronic Governance in the Republic of Bulgaria 2019-2023 (the Road map).

The present project proposal addresses a part of implementation of measure 54 of the Road map – 'Putting into operation and future development of the SCIS and development and/or integration of new functionalities in it, provision of the required resources for its functioning and provision of the courts with the necessary technical devices and system software for implementation of e-justice, as well as other projects related to the main objectives of the strategy for introduction of electronic governance and electronic justice – information systems, software, functionalities, etc.'

The project implementation will support the resolution of the issue with the workload of the magistrates and the court employees in the Republic of Bulgaria in the fulfilment of their procedural obligations, which is recognised as one of the major problems for the effectiveness, quickness, transparency and independence of the judiciary. The magistrate's excessive workload problem is in the focus of lots of key documents, such as the Road Map for the Implementation of the Updated Strategy for Continuation of the Reform in the Judiciary, the Report from the European Commission on Progress in Bulgaria under the Co-operation and Verification Mechanism of 2018, the results from an empirical survey of the workload of the judges in Bulgaria adopted by the Supreme Judicial Council, the last annual analyses of the Judges' College of the Supreme Judicial Council with respect to the workload, the annual reports of the Supreme Court of Cassation and the largest courts and many others.

The use of the software in the administration will lead to a reduction of the administrative burden of the citizens and the business (shortening of the deadlines for provision of administrative services, improvement of the quality and volume thereof, etc.), effective management of the administration time and resources, digitalisation and modernisation of the management processes and improved quality of the services.

The project implementation is particularly important for the continuation of the reform in the judiciary and for the implementation of electronic justice, due consideration being given to the latest trends in the field of electronic governance.

10. Does the project contribute to the implementation of a reform in a given sector? Please describe how.

The activity of administration of justice in the Republic of Bulgaria currently faces

lots of challenges, the most serious of which is the conflict between the conventional, established usages and rules for work of the judiciary and the urgent need to provide accessibility to the citizens and legal entities to justice by faster, easier access and higher transparency in the entire process of administration of justice upon observance of all the mandatory measures for security of information, data confidentiality and, most of all – justice.

The achievement of a highly effective activity of administration of justice depends on the creation of conditions for digitalisation of the various stages of the court process. It would be ineffective to create conditions and environment for electronic management of cases within the courts (which capability is already provided by the SCIS) if the citizens and the business are bound to provide all the documents initiating legal suits in a paper form. The citizens' access to electronic justice is implemented by the connection between the SCIS and the SEJP. One of the electronic justice portals is the 'face' of justice before the public and in order to function fully and effectively it is necessary to digitalise the court processes and the access to the cases by the electronic services that the judiciary provides.

The following will be achieved through the upgrade of the SEJP:

1. Highest degree of optimisation of the process of communication between the bodies of the judiciary and the participants in the court cases by the use of electronic communication instruments, in case of an explicitly stated desire on the part of the citizens and business – faster communication and more effective possibility to interact with the court there being no requirement for physical presence;
2. Full real-time access to the electronic file of the case, with the option to track the progress of the case there being no need of paper copies of the court acts under the cases and a certified copy;
3. Time, financial and transport resource saving with respect to access to justice by the possibility for electronic statements by signing by a qualified electronic signature;
4. Access to justice by remote participation with all rights in the court process, without the required mandatory physical presence in the courtroom in case of online sessions;
5. Saving of financial resources for payment of amounts due and time-spending for payment of amounts through the ensuring of an option to pay amounts by enabling electronic payment of amounts due through virtual bank accounts.
6. Saving of costs of the budget of the judiciary in relation to summoning.
7. Decreasing of the duration of court cases by the possibilities for digital communication between the court and the participants in the cases.

11. Does the project contribute to the development of any aspect of sustainable economic development? Please describe how.

It contributes through permanent and effective saving of financial and time resources –

both for the parties under the legal suits, and for the judicial system itself.

12. Does the project contribute to the implementation of the objectives of the National Development Program BULGARIA 2030? Please describe how.

Yes: sustainable economic development.

13. Does the project contribute to the implementation of the objectives and priorities set out in the National Integrated Energy and Climate Plan? If yes, please describe how.