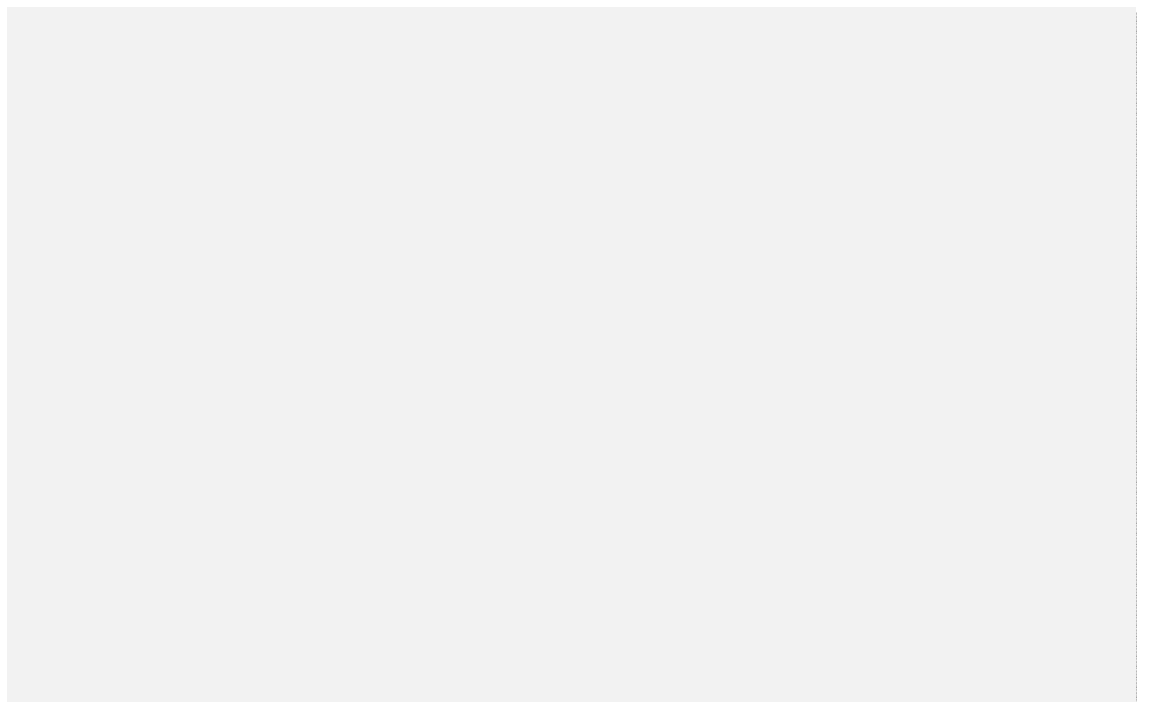




GOVERNMENT OF ROMANIA

DEPARTMENT FOR INFRASTRUCTURE PROJECTS
AND FOREIGN INVESTMENT

**IMPLEMENTATION OF THE INTEGRATED IT
SYSTEM FOR ELECTRONIC-ACCESS TO JUSTICE**
Presentation Sheet



1. GENERAL INFORMATION

The justice reform in Romania is of a critical importance for the legal community and the Romanian society at large. A modern and efficient justice in a modern state represents more than a desideratum and the only chance Romania has to shift to the status of a modern and cybernated state.

The reform of the legal system entails an institutional restructuring, a reforming of the mentalities which underlay the current system, cybernation, digitization, as well as financial efforts which have to be deployed. The reform strategy further targets also the technical issues in the justice system, as such were highlighted in several assessment reports.¹ Additionally, the judicial system's monitoring process revealed difficulties in respect of allocation of the human and financial resources, management of the court documentation, the need to speed-up the court proceedings, ensuring fast access to information of interest about settlement of the cases.

Currently, the Romanian justice system is delivered through the following categories of courts:

- the High Court of Cassation and Justice
- 15 Courts of Appeal

Tribunals 42+4 specialized (for minors or commercial)
176 First Courts

In 2010-2011, there were approximately 4,500 office of judge and approximately 7,400 clerks. Similarly, the estimated number of attorneys was 21,000.

Overall the Romanian courts, the workload in the first quarter of 2011 was 2,084,409 cases, 16% more than in the first quarter of 2010. The total number of cases in 2010 was 2,916,776, while in 2009 of 2,383,770 cases. The workload, in terms of the number of cases, increased by more than 70% vs. 2007.

Today, the only possibility justice beneficiaries and staff of the courts of law have to access the documents in the pending or settled files is a physical one, which approach has several disadvantages due to including the increasing number of file pending settlement in the courts of law.

Consequently, the analyses undertaken in connection with the judicial system found certain difficulties in relation to the management and use of the files and documents registered with the Registration Offices, stemming from"

- the reduced file storage or archiving physical space available
- the large quantity of documents moving between various premises of the courts of law (first court and judicial control courts)
- understaffing and overloading of the staff with administrative, archiving and registration tasks

¹ Evaluation reports

- very intense activity of the justice beneficiaries with the registration offices and archives
- physical action of the personnel on the documents creates the risks for such to get lost or damaged
- limited time allowed for receiving and accessing documents, which often becomes a cause for postponing the pending causes

2. PROJECT DESCRIPTION

2.1 Current situation

Currently, ECRIS is the main software used to manage the case files.

ECRIS is a national IT system used for the electronic management of the files, documents and all the information in connection with the cases pending settlement in courts, Prosecutor's Office and Ministry of Justice, being aimed at providing the necessary IT support for the activity in the justice system in the context of the new information society.

ECRIS consists of two main modules:

- CDMS (Content Document Management System) – a module for the management of the information about files and documents in courts of law and Prosecutor's Offices
- CENTRAL – a module for analysis and collection of statistical data at central level, implemented in the Ministry of Justice

The IT infrastructure of the ECRIS system demands for the following:

The institutions of the judicial system are WAN/VPN connected, hosted by STS, including the Ministry of Justice, all Prosecutor's Offices, all courts of law (210 venues), including also the special departments (DNA – anti-corruption, DIICOT – organized crime and terrorism) and the National Penitentiary Administration, the National Office of the Trade Register and their territorial units. The courts are equipped with approximately 15,000 desktop computers/notebooks and 1,500 servers (HP, Fujitsu, Siemens, IBM)

The portal just.ro allows the justice beneficiaries to access some of the public information available in ECRIS.

The portal of the Ministry of Justice supplies the following standardized public information about the courts of law:

- statistical data entered by the courts of law, including: brief presentation, organization, caselaw, statistical information, public information, contact and a judicial atlas
- dynamic data: originating from ECRIS CDMS Courts, which demand for the following: data about the files. or data about the scheduled hearings.
- The technology of the portal is supported by the following: Microsoft Server 2008 Operating System, IIS 7, MS SQL Server 2008 R2, .NET Framework. 2.0, pages ASP.NET pages (VB)

2.2 Objective and benefits of SIIAEJ

The Integrated IT System for Electronic-Access to Justice (SIIAEJ) makes available to the justice beneficiaries the possibility to submit documents in electronic format to

the files of the cases pending settlement in courts, as well as to undertake all the proceedings in electronic format, to the extent this is possible. Today, the only possibility justice beneficiaries and staff of the courts of law have to access the documents in the pending or settled files is a physical one, which approach has several disadvantages due to including the increasing number of file pending settlement in the courts of law.

Consequently, the analyses undertaken in connection with the judicial system found certain difficulties in relation to the management and use of the files and documents registered with the Registration Offices, stemming from”

- the reduced file storage or archiving physical space available
- the large quantity of documents moving between various premises of the courts of law (first court and judicial control courts)
- understaffing and overloading of the staff with administrative, archiving and registration tasks
- very intense activity of the justice beneficiaries with the registration offices and archives
- physical action of the personnel on the documents creates the risks for such to get lost or damaged
- limited time allowed for receiving and accessing documents, which often becomes a cause for postponing the pending causes

In fact, the access of the justice beneficiaries and magistrates to these categories of documents is done only through the registration offices and archives, and, as a result of this activity, one can:

- review and view the files
- copy the documents submitted by the parties

Under such circumstances, in view of making available to the justice beneficiaries and users in the courts of law a modern and efficient tool for submission and review of the documents in the files pending settlement or already settled, the Ministry of Justice intends to develop the Integrated IT System for Electronic-Access to Justice (SIIAEJ).

SIIAEJ development and implementation is aimed at delivering the following benefits for the justice beneficiaries and the judicial system”

- fast access to the file and the documents it contains (including making copies thereof), based on electronic identity
- easy access to the file, subject to no time limitations, not conditioned by the work hours of the court and without having to travel to the archive/registration office
- the means of accessing the physical file will be much easier by printing out the document scanned in the system
- reducing the workload of the registration/archiving activity by submitting and obtaining the documents in electronic format
- removing certain difficulties for the litigants in connection with repeated trips to registration offices or archives, thus saving both money and time
- preventing the technical difficulties and costs borne by the litigants due to the current approach to submitting documents
- integration with the portal “just.ro”

- avoiding crowding of the registration office/archives of the courts due to the very high number of litigants present and interested in submitting writs/documents to the files
- avoiding the waste of human resources in courts, as demanded by the activity of sending the file/documents whose copying was requested by the litigants to the copying center and subsequently bringing such back to the archive
- possibility to easy redo the physical file of the court in case this is necessary (destruction, theft or loss) thank to the fact that the electronic file is permanently available in a data storage center
- facilitating payment of the stamp duty through electronic payment thereof
- fast online access of the judges to the documents on file without physically removing the file from the court house
- enhancing quality and expeditiousness of the justice
- obtaining additional income for the state budget from the taxes on dividends charged to the shareholders of the Special Purpose Vehicle and, possibly, from the taxes and social contributions relative to the salaries paid to the employees of the Special Purpose Vehicle

The users of the Integrated IT System for Electronic-Access to Justice shall be divided into two categories:

- Internal users (judges, court clerks)
- External users (lawyers, litigating companies, parties, etc.)

A subcomponent of this project will be development of the videoconferencing system for the Ministry of Justice, the courts of law, and the penitentiary system in order to improve the current videoconferencing system by creating new functions (infrastructure management system, booking tool, etc.), as well as to expand it by interconnection with new terminals to be installed in the penitentiary system. The records of the court proceedings kept through the videoconferencing system such developed shall support archiving and further distribution to users through SIIAEJ.

2.3 Components of the project

The future SIIAEJ system consists of a centralized application displaying information about the case files to the authorized users who are allowed access to the respective files.

Access to SIIAEJ system shall be done through a web browser after identification with username, password and individual physical individual token.

The users shall be allowed access to this system under certain access policies and rights which are granted, as the case may be, based on the random assignment of the panel of judges to each individual file, the attorney authorizations, the notary authorizations or identification/identity proving directly in court.

The users of this system can be all the persons authorized to access the case file and who are willing to use the function of reviewing the case file in electronic format or of submitting documents in electronic format to the file.

To this end, the users of the following SIIAEJ system shall be the following categories:

- Judges
- Prosecutors
- Clerks of the court
- Authorized attorneys
- Parties to the case
- Other authorized third parties
- Experts and interpreters nominated by the court
- Receivers in bankruptcy/liquidators
- Notaries public
- Justice auditors
- Any other category of users who can prove the right to access the case file in accordance with the legislation in-force

Generic components of the system:

- Database module – will store the files in electronic format and the metadata thereof
- Display module – the access interface to the system’s facilities, authorization of the access to a case file
- Access module – encryption, log-on with valid credentials
- Reporting module – supports report generation
- Charge module – supports user charging
- Auditing module – supports tracing the history of the user activity in applications
- Application management and administration module – supports the management of the entire system
- Notification module – support notification generation (by email or text message)

3. STUDIES, DOCUMENTATIONS, ANALYSES DRAWN-UP FOR IMPLEMENTATION OF THE PROJECT

October 2011

The Government Meeting of 12 October 2011 featured a debate on task no. 5, status of implementing the public-private partnerships – obligation of each ministry to present the status of implementing the public-private partnerships in their area of activity. The Ministry of Justice reported on SIIAEJ implementation

November 2011

The letter of the Ministry of Justice to UCCPPP no. 66582/14.11.2011 submitting for approval performance of a prefeasibility study for SIIAEJ development. UCCPPP replies with letter no. 19/642/UCC din 17.11.2011 whereby the project received the Government’s approval.

February 2012

Finalization of the prefeasibility study for SIIAEJ

May 2012

Ministry of Justice submits for approval the prefeasibility study relative to the public-private partnership concerning SIIAEJ implementation under letter 18/45531/IT/2011/15.05.2012

June 2012

UCCPPP replies on 07.06.2012 to the letter of the Ministry of Justice 18/45531/IT/2011 of 15.05.2012 registered with UCCPPP under no. 19/309/UCC of 17.05.2012:

- Pursuant to art. 12 letter A of the Government Decision 1239/2010 approving the methodological rules for application of the Law of public-private partnership, as amended and completed by the Government Decision 1000/2011, the Government hereby approves the opportunity of commencing the public-private partnership project based on the identification by the Ministry having responsibilities in the scope of the public-private partnership project. Similarly, pursuant to art. 38¹ of Law no. 178 of the public-private partnership, as subsequently amended and completed, in view of performing its duties, UCCPPP sets-up an analysis and selection commission concerning the sustainability and feasibility of the public-private partnership projects. The public partners shall present the partnership projects they intend to develop in front of this commission, including the substantiation notes or the prefeasibility studies, budgeting of the related expenses, matters in connection with funding, technical details, etc., any other items whereby the advantages of implementing the public-private partnership project could be proven. The public-private partnership projects which are not retained by the analysis and selection commission within the UCCPPP in respect of their feasibility shall not be initiated. Therefore, in order for the prefeasibility project to be approve, the aforementioned conditions must be met.

November 2012

UCCPPP proposes holding a work meeting aimed at determining the actual steps to be taken to implement the project. This meeting took place on 13 November 2012.

On 19.11.2012, the State Secretary Ovidiu Puțura submits for endorsement a Memorandum for

1. approval of the opportunity to commence the public-private partnership project regarding SIIAEJ development
2. delegation to the MoJ 45531/22/19.11.2012, pursuant to art. 12 letter I of the methodological rules for application of the public-private partnership no. 178/2010 approved under the Government Decision no. 1239/2010 as subsequently amended and completed, of the powers and duties referred to under art. 12 letter h of the same item of law, submission to UCCPPP

19/573/ucc UCCPPP gives a favorable endorsement to the Memorandum

29.11.2012 Dan Nica, Minister of Communication and Information Society gives a favorable endorsement to the Memorandum registered with UCCPPP under no. 19/608/ucc

4. INVESTMENTS AND ESTIMATED INCOME

- **Potential clients**
- **Lawyers: approximately 20,000 of which 10,000 potential clients**
- **Litigating companies: approximately 300,000 of which 50,000 potential clients**
- **Litigants: 1.5 million files in average per year of which 5% - 75,000 potential clients**
- **Charging scheme (less VAT)**
- **Annual subscription (multiple files): EUR 100**
- **Annual subscription (single file): EUR 25**
- **Rates per documents: EUR 0.30**
- **Annual income**
- **Annual income calculated from subscriptions:**
- **(10,000 plus 50,000) x EUR 100 + 75,000 x EUR 25 = EUR 7,875,000**
- **Annual income calculated from access per page: 1,500,000 x EUR 0.3 = 450,000**
- **TOTAL: 8,325,000**
- **Total initial investment EUR 20 million**

5. TYPE OF PARTNERSHIP FOR IMPLEMENTATION OF THE PROJECT

Given the complexity of this system and the need to identify the financial resources for its implementation, in respect of both the initial investment and the maintenance of such a system, the Ministry of Justice proposes for this system to be implemented by means of a public-private partnership, subject to the conditions laid-down under Law no. 178 of 2010, as subsequently amended and completed.

The public-private partnership shall include also the transfer of the public services covered by SIIAEJ implementation and operation.

In the process of drawing-up a prefeasibility study, the consultants looked into an alternative to implement the project (other than PPP), such as execution of a public procurement contract for services, governed by the Government Emergency Ordinance no. 34/2006 and the Government Decision no. 925/2006. The respective alternative is not valid due to the lack of the public funds required for an investment of such value.

Similarly, another alternative analyzed by the consultant was the possibility of having the project implemented under a services concession contract. Governed by the Government Emergency Ordinance no. 34/2006, Government Decision no. 71/2007 and Order no. 1517/2009. The respective alternative, pursuant to the Reasoning which supported adoption of Law no. 178/2010, is not valid for the following reasons:

- concessions have not lead to the expected results in respect of development of major projects, able to have a positive influence of the general development of Romania
- the primary, secondary and tertiary items of law in the field of concessions are faulty and fail to cover all the means of implementing a partnership between a

public and a private entity (as proven by the small number of concessions of works and services implemented to date)

- the concept of concession determines certain reservations, in particular in case of developing projects relying on private funding, due to the possibility that certain political influences occurring and impacting on the decisions made by the public partner in the performance of the project at one point in time
- the current legislation in the area of concession does not provide for a specific and transparent framework in respect of risk management during the performance term of the project