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**National Report of Bulgaria**

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## Interoperability in the Civil Justice Chain

The political changes, which have taken place in Bulgaria since November 1989, have necessitated the implementation of profound social, economic, political and legal reforms. Today, together with other European countries, Bulgaria is facing the challenge of introducing the application of modern Information Technologies in all spheres of public life. The legal institutions make no exception to this tendency of establishing the 'information society'.

Last year an in-depth analysis was conducted on the ongoing processes in the legal system during the period following 1990. The conclusions reached, together with the recommendations of the European institutions, have necessitated the adoption of a **Strategy for Reforming the Bulgarian Judicial System**, approved by the Bulgarian Government in October 2001. The main goal of the Strategy is to develop European standards in justice by defining the political and legislative priorities in the reform of the judicial system, thus facilitating the preparation of Republic of Bulgaria for its accession to the European Union (EU). On the basis of the aforementioned Strategy, a Programme was developed for its accomplishment.

The priorities, established in the Strategy and in the Programme for its implementation, include also issues related to the Information Technologies in the field of the Court System. In compliance with Recommendations NR (94) 12 and Rec. (2001) 2 of the Council of Ministers at the Council of Europe, the Strategy includes maintenance and modernization of existing information systems and public registers, as well as step-by-step computerization of all units within the judicial system.

We do realize that the efficient functioning of the court system sector requires close cooperation between the various institutions, including exchange of data and information, and that any such cooperation can only be achieved if there is a high level of interaction and compatibility among the individual systems. Therefore, the first priority of the Strategy and the Implementation Programme is the development of standards for the exchange of information among the individual sub-systems within the court system.

The plans in long-term perspective are to unite the information systems of all judicial institutions as an element of the overall crime-counteracting information system, and to have them included in the integrated information system of Republic of Bulgaria.

### Legislation

In order to implement the Project on the interaction between the Institutions, Bulgaria needs to harmonize its laws, rules and procedures with their relevant counterparts of the European Union. A step has been made to this end with the already adopted Public Information Access Act, Personal Data Protection Act, the Act on the Electronic Document and the Electronic Signature, as well as some other legislative acts. The Draft of the Classified Information Protection Act is to be discussed and enacted by the Parliament. Despite the fact that these Acts constitute the minimal legislative basis, they are sufficient as initial grounds for application.

It is well-known that the use of information technologies requires a re-consideration of the existing processes, rules and structures, and their replacement with new ones, which would result in increased efficiency and reduced costs. To achieve this, the Government has adopted the **National Programme for Integrated Administrative Service**. The Programme includes the steps to be taken towards using modern information and communication technologies for the purpose of improving administrative services, such as, for example, establishing front offices for providing one 'entrance' and one 'exit' of documents, preparing coordinated internal rules and procedures, specifying the routes of the documents in the hierarchy; using registers containing unique identifiers in view of the transition to a structural data exchange under the UN/EDIFACT standards; transferring archives from paper to electronic carriers, etc.

## Existing Projects

Before discussing 'electronic' justice and digital communications between the institutions, it is necessary to re-consider the methods of operation and the existing procedures in the judicial sector. Although the Draft to modify the Rules regulating the functions of court officials has not yet been entered for discussion, some courts of law are implementing pilot projects introducing the service principle of "**One Court Desk**"

The idea of this service is to accept and process all documents related to court proceedings under civil files and cases, and court fees will also be deposited there. Basically, the benefits of front office services will include: enhancing quality and reducing service time, hence – service price, restricting corruption, ensuring transparency in the work of the court.

The "One Desk Service" is a step towards providing high-quality **integrated court services and information to citizens and businesses**, which are easily accessible, efficient, reliable and meet the needs and expectations of users.

In its turn, this goal presents new challenges to the existing information systems and the functional potential contained therein.

## Re-design of the existing information systems

An element of the re-designing of judicial IT systems is the provision of resources for maintaining "**Electronic Files**" of court cases.

The existing Projects provide for electronic copies of the "paper" court cases to be created at the time of submitting the document that initiates the court proceedings. Later, the e-file is completed with the digital version of the minutes of the court hearings, the court acts decreed, the evidence and any other documents accompanying the court procedure.

The maintenance of 'paper' court cases in an electronic form facilitates the work of magistrates and court officials as it provides the opportunity to review the files at every working station in the local network at any time. This also relieves the work of the court officials in some other ways, such as:

- Offers a more convenient way of keeping court books by copying the operative judgement on the court act,
- Reduces the time spent on searching for the 'paper' file and facilitates the services provided to citizens
- Reduces the time spent on preparing output documents (letters, messages, writs of execution, copies of court acts, etc.) by using the operative judgement on the court act
- Offers an opportunity to more easily restore the case if the 'paper' file is damaged or lost

Here are the most common problems encountered in the process of digitalization of court cases:

- Lack of standardized court documents
- Lack of legal regulation on the validity of electronic documents as evidence
- Lack of legislation legalizing the 'electronic file'

When scanning old court cases, there arises yet another problem – there is no legal justification to 'unfasten' the documents from the paper files.

The future plans on creating and maintaining electronic files consider expanding the opportunities for

- Remote access to the information contained therein provided to authorized users (lawyers, notaries);
- Moving the electronic file through the various court instances in case of appeals and executions of court acts.

The Information Systems, which include e-file maintenance, are the Court Administrative System (CAS), implemented in 30 courts of law, as well as the Joint Project between the United States Agency for International Development (USAID) and the Supreme Judicial Council, with its forthcoming pilot implementation. Although the latter project does not have sufficient funds to automate the whole judicial system, its purpose is to lay the foundation for the establishment of a complete integrated system.

## Access to information

The issues, related to **providing information to citizens and businesses** in an accessible form, which are the subject of Recommendation Rec. (2001) 3 of the Council of Ministers at the Council of Europe, have been implemented in the judicial system of Bulgaria, in compliance with the data protection requirements, as follows:

- By using the Intranet-network at a regional level – information is provided at the integrated services desks or at the offices, with the main source being the data in the information system of the relevant institution.
- By using Internet - access is provided to a large number of legal resources. There are various legal and resources portals, which allow fast orientation in the Bulgarian legal reality (e.g., [www.lex.bg](http://www.lex.bg), [www.accinfo.persof.com](http://www.accinfo.persof.com)). Access is ensured to the texts of effective and repealed regulative documents. Authorized users are also provided with information about the judicial practice of supreme courts ([www.infotel.bg/juen/](http://www.infotel.bg/juen/), [www.ciela.net](http://www.ciela.net)).

Widely used is the Internet-access to the electronic Commercial Register, which contains updated information on every registered business on the territory of Bulgaria.

In some judicial regions a certain group of users have the opportunity to make references about all registered real estate acts.

The advantages of Internet are also used to publish information about the development on court cases.

On the other hand, there are Internet sites used by some of the courts to keep into a constant contact with the public. Information is posted therein about the structure of the court system in Bulgaria and about the operation of the specific court of law. The sites can be used to make references about scheduled and closed cases of District and Higher Courts.

- By using mobile communications and WAP-technologies access is provided to information on court cases developments and to the electronic Commercial register.

The access to information by using modern technologies not only greatly facilitates the contacts of citizens and businesses with the court but is also a prerequisite for the transparent work of the court administration and for reduction of corruption.

Global communications and Internet have entirely changed the model of communication between state officials and business representatives, and require active informational exchange based on relations of trust between the actors. The security of the transactions between the subjects is unthinkable without a complex solution providing authentication of users, confidentiality of data, implementation of the electronic signature, encryption, etc. PKI (public key infrastructure) makes it possible to establish these relations of trust in the information exchange. There is a project in Bulgaria for establishing a National System for Providing E-signature Certification Services. The Project, developed by *Information Service AD* in collaboration with *Global Sign* and *Utimaco Software* (leading

suppliers of PKI systems and technologies), was one of the projects nominated for the Award of the European Electronic Business Forum EEMA.

PKI infrastructure and e-signature have already been applied in the judicial system in the authorization of the access to electronic registers and information systems. So far, SSL-access has been implemented to the electronic Commercial Register and to the court cases developments information.

### **Data exchange between the Institutions:**

The implementation of the methods of operation, described herein above, constitutes the preparation of courts for the next step in using information technologies, namely, the communication by open standards between several IT systems, maintained by different institutions or organizations in the legal sector, as well as interrelations with other systems and data replication. For the time being, an example of a message-based transfer between free-linked systems is the regional operating technologies for an information exchange between court, police and municipality. The exchange is based on mutual agreements complying with the information protection principles. Each of the institutions has preserved the independence of the information databases and its resources, and submits to the other participants only the information, which is needed and sufficient to them. There exists an authorization system, which identifies the organization of the official making the esquire, as well as the official's powers. The exchange technology is implemented through an Intranet network where all necessary security measures have been taken. Servers are used which process the inquiry and logically separate the access to the local networks.

Users from the municipal administration and the police refer to the electronic Commercial Register to obtain updated information on businesses registered on the territory of the relevant district. Also, data on convicted persons and the punishments imposed thereon are transferred from the court information system to the police.

Data on the civic status of individuals, such as permanent address, present address, heirs, etc., are provided by the information databases of the municipalities.

Summarized data and information are transferred between the court instances, as well. The Supreme Court of Cassation Court and the Supreme Administrative Court provide, at request, the District Courts with a list of the court cases scheduled during a specific period of time, as well as data on closed cases.

The advantages of electronic communication over the conventional methods of information exchange are as follows:

- Enhancing the cost effectiveness of data exchange
- Reducing the time needed for obtaining the necessary data
- Enhancing the effectiveness and reducing the price
- An opportunity to reduce the number of employees, or to transfer the labor force to more valuable activities
- Enhancing security by using information protection systems
- Increasing non-monetary benefits, such as transparency, quality of services provided to citizens, trust in justice, etc.

The information exchange among the institutions on a national level is impossible without establishing an infrastructure.

### **Infrastructure**

At the end of last year, the courts of law were included in the National Data Transfer Network of the State Administration – NAMDA (National ATM Network of State Administration), which began developing in 1997. NAMDA is an integrated communication services network, based on ATM technology, which provides transfer of data, voice, video, and Internet. Established entirely as optical

communications as per the requirements and the experience of leading telecommunications operators and in accordance with the world trends of the telecommunications structure development, NAMDA ensures high reliability and protection of information. The traffic within the network is at the speed of 155/622 MBAs (Mbytes per second).

At present, the cable installation and the multiplication of NAMDA architecture in the 28 administrative centers of the country is being completed. They are about to be connected to the capital and initially hired lines will establish the link. Thus the range of the network will be 454 access points and will include 831 divisions of the state institutions.

The review made so far allows us to conclude that the utilization of modern information technologies has started in the judicial system of Bulgaria "step by step". This contributes to the more efficient functioning of the legal sector, ensures a higher level of transparency, accuracy and efficiency, which is a prerequisite for enhancing the trust of the public.

Despite the several successful existing projects, so far IT have not been accepted in practice in all courts and there are various reasons for that. First of all, this is the resistance to changes, the inability or the unwillingness to leave behind the conditions and restrictions of the earlier times. Secondly, there exist objective factors, such as the variety and the great number of information systems used in courts, the different levels of computerization, lack of coordination, administrative obstacles, etc. It is high time to synchronize the initiatives. If that is not achieved, a great resource will be wasted. The coordination of the information systems in the judicial sector is a factor of vital significance for enhancing the efficiency of the system and improving the services it offers.

In conclusion, I would like to quote the Minister of Justice of the United Kingdom, who in his address to the Conference of Ministers of London in 2000, said:

*"But providing the hardware and software is only a start. Wherever it be installed, for the benefits of new technology to be fully effective, it needs to be accompanied by readiness to eliminate procedures and practices which no longer serve the needs of our people, and do away with outdated assumptions about how courts should operate. Only that way will we truly be in a position to provide justice systems fitted to the twenty-first century."*