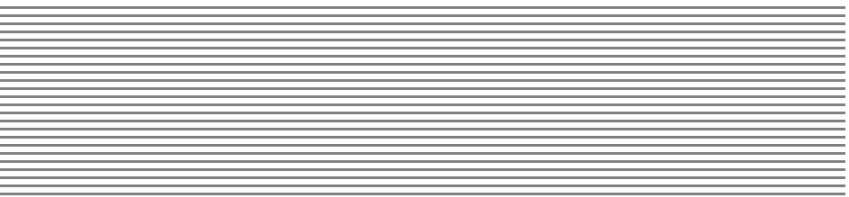





# Study on the Development and Implementation of the **E-File Solution** for the Justice System in Moldova



 Millennium DPI Partners

**Access to Justice in Moldova**

Project funded by the Bureau of Democracy, Human Rights,  
and Labor (DRL) of the US State Department



National Campaign  
for Healthy Justice

# E-FILE SOLUTION:

## Overview

The e-File Solution (e-File) is an information system connected to the Integrated Case Management System (ICMS) that provides the possibility to file complaints online in national courts and to administer complaints and court materials remotely. Thus the e-File solution has the benefit of reducing the costs and time involved in filing court documents, provides easier tracking of the documents and instant access to files, leading to faster resolution of cases, all of which adds up to improved access to justice for Moldovans, and improved transparency, efficiency and accountability of the justice system.

E-file was developed with the support of the U.S. Agency for International Development (USAID) through the Open Justice Project, implemented by Millennium DPI Partners, LLC in Moldova. The pilot version of the e-File was launched for use in 2019. It was initially tested for use in civil cases by lawyers from the Cahul District Court and the Cahul Court of Appeal jurisdictions. The e-File functionalities were to be evaluated and gradually improved, with government effort and extended for use by all participants entitled to file and administer complaints and court documents. Lack of government financial and human resources as well as the COVID-19 pandemic, have led to a halt in the use of the e-File and its expanded use for criminal cases.

# Study on the Development and Implementation of the e-File Solution

In order to capitalize on the efforts made in the development of e-File, but also to determine what still needs to be done, the Agency for Court Administration (ACA) requested the support of the project Access to Justice in Moldova, financed by the Office for Democracy, Human Rights and Labor (DRL) of the US State Department, to evaluate the current functionalities of e-File and to develop an action plan for the development and extension of e-File use in the Republic of Moldova.

In response to ACA's request, the Access to Justice in Moldova Project developed the *Study on the Development and Implementation of E-File Solution for the Justice System in Moldova*. This study supports the efforts of the Ministry of Justice (MOJ) to implement the reforms outlined in the Strategy for Ensuring the Independence and Integrity of the Justice Sector (2022-2025) and related Action Plan. The Study addresses Objective 3.3.2. of the Strategy — the implementation of the e-File solution.

# E-File Development

E-File was initially developed to enable lawyers to communicate more efficiently with the courts. The Covid-19 pandemic and the practice in other countries have shown that e-File solutions can ensure continuity of justice services in times of crisis, make public spending more efficient and increase access to justice, and are important tools for communication with the courts that can be used by all categories of professionals, public authorities and citizens.

Extending the use of e-File to all categories of procedural participants, including justice professionals, court staff, legal entities and individuals, is the MOJ's vision for the development of e-File in the coming period.



# E-File implementation: savings for national courts

Court expenses for paper, printing and correspondence

8 212 844 lei



50%



4 106 422 lei

In 2021, **78,231** civil, **4,931** administrative and **14,220** criminal cases were examined in the national courts.

For the examination of a civil/ administrative case, the court spends at least **82** lei for paper, printing and correspondence and at least **98** lei for paper, printing (*50 lei*) and correspondence (*38 lei*) for the examination of a criminal case.

By using e-File, such costs can be reduced by at least **50%** in the first year of implementation.

## Civil cases

Costs of at least 82 lei per file



78 231



6 414 942 lei

## Administrative cases

Costs of at least 82 lei per file



4 931



404 342 lei

## Criminal cases

Costs of at least 98 lei per file



14 220



1 393 560 lei

# E-File implementation:

## savings for prosecutor's offices and citizens in criminal cases

Costs per criminal case

3 555 000 lei



2021

50%



2023

1 777 500 lei

In 2021, **14 220** criminal cases were examined in the national courts.

Participation in a criminal case costs a citizen and a professional (*lawyer or prosecutor*) at least **250 lei** - **200 lei** for transport, **50 lei** for paper and printing.\*

By using e-File, such costs can be reduced by at least 50% in the first year of implementation.

### Criminal cases

Costs of at least 250 lei per file



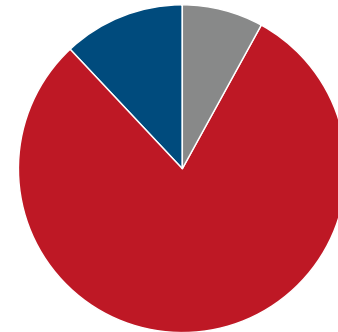
14 220



3 555 000 lei

paper  
30 lei

printing  
20 lei



transport  
200 lei

# E-File implementation:

## savings for citizens, professionals and public authorities per civil and administrative cases

Costs of citizens, professionals and public authorities per case

12 474 300 lei



2021

50%



2023

6 237 150 lei

In 2021, **78 231** civil and **4 931** administrative cases were examined in the national courts.

Participation in a civil or administrative case costs a citizen and a public authority at least **150 lei** - **100 lei** for transport, **50 lei** for paper and printing.

By using e-File, citizens, professionals and public authorities would jointly save **12,474,300 lei**.\*

By using e-File, such costs can be reduced by at least 50% in the first year of implementation.

### Civil cases

Costs of at least 150 lei per file



78 231



11 734 650 lei

### Administrative cases

Costs of at least 150 lei per file



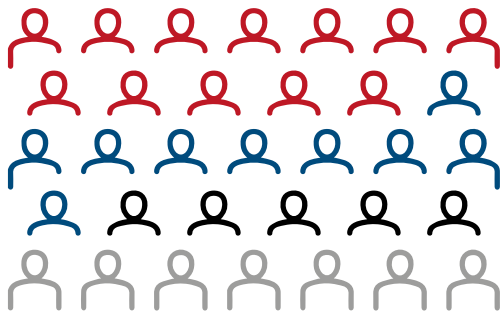
4 931



739 650 lei

## E-File implementation: beneficiaries and total savings

The implementation of e-File in an extended format can assist a large number of beneficiaries and can bring everyone savings of at least 24 261 744 lei per year



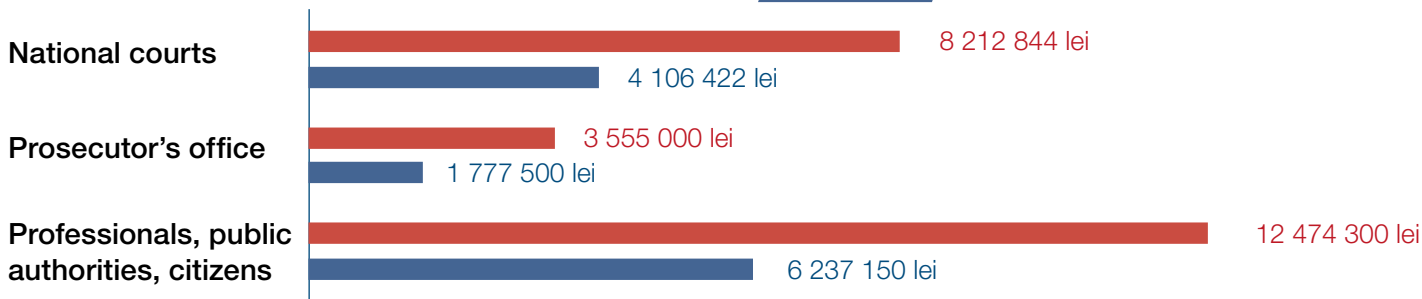
### Beneficiaries

- 700 prosecutors
- 2 157 public authorities
- 2 095 lawyers
- 12 000 police officers
- 252 231 legal persons other than public authorities
- All national courts
- All Moldovan citizens who want to become e-File users

Total costs  
2021

50%

Forecasted savings  
2023





# Findings of the Study on the Development and Implementation of e-File Solution

The current version of the e-File is technically advanced and provides a requisite framework for further improving its functionality and adapting it to the needs and expectations of users. However, during the testing of the e-File system, certain shortcomings and gaps were found that, if remedied, would allow the e-File to function properly. In terms of technical errors, the authors of the research point out that failure to adopt corrective measures would compromise the entire process of using the system and would further delay the implementation of the e-File module at national level.

It is recommended to fix specific errors and malfunctions found during functional tests, as well as to improve and extend the current functionalities of the e-File module. Addressing technical shortcomings would ensure: integration of e-File with other e-government systems and public registers (*e.g. population register and register of legal entities*); simplification of data collection and exchange processes, and increased interactivity with users through improved application design.

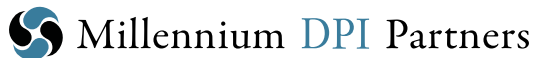
The findings and conclusions of the research allowed the formulation of specific recommendations for the Ministry of Justice, the Superior Council of Magistracy and the Agency for Court Administration. The main ones are listed below:

1. Expand the use of e-File to all categories of professionals and representatives of law enforcement bodies (prosecutors, lawyers, police, bailiffs).
2. Extend the use of e-File to all categories of cases — civil, criminal, and administrative litigation.
3. Initiate implementation of e-File at national level as soon as possible, to meet the needs of lawyers and citizens and to improve the quality and accessibility of justice.
4. Identify the necessary funding to be allocated for the improvement and implementation of e-File. Seek assistance from donors as necessary.
5. Remove technical errors identified during e-File testing and develop the necessary functionalities based on the regulations in force.
6. Increase the interactivity and attractiveness of the application to make it easier to use.
7. Initiate legislative changes to establish an optimal procedural framework for the use of e-File. Having reviewed the provisions of the Code of Civil Procedure, a serious error was identified (Article 171, paragraph 1) that creates confusion and could prevent the use of e-File. Legislative shortcomings need to be removed to facilitate national e-File implementation.
8. Develop and implement e-File training courses for different user groups, in partnership with relevant stakeholders (Lawyers Union/Bar Association and the National Institute of Justice).

9. Monitor and supervise the functionality of the e-File system as well as ensure its continuous maintenance. Given the large number of users of e-File, it is recommended to institutionalize an information support center within ACA to provide guidance to users and collect their feedback on the use of the application.
10. Increase the level of interconnection of the e-File system with other public registers and systems (for example, Population Register, Register of Legal Entities, automated information systems of the Ministry of Interior and the Prosecutor's Office), preventing double collection of information and overloading users.
11. Develop a medium-term strategy for the digitization of the justice sector and related framework to cover a period of at least three years, so that any interconnection needs can be planned in advance, coordinated and supported by public funds.

\* Detailed calculations of costs and savings, which are possible to be achieved by e-File, are presented in the full version of the *Study on the Development and Implementation of the e-File Solution for the Justice System in Moldova*, available on the web page [www.justitietransparenta.md](http://www.justitietransparenta.md).

1. The provisions of Article 171, para. (1) of the Code of Civil Procedure expressly states that complaints, appeals, recourses, revision complaints, requests for issue of court orders, and any other requests or procedural documents may be filed with the court through the Integrated Case Management System (ICMS) which is common for the entire court system. In reality, in accordance with the provisions of the regulation on the organization and functioning of the Judicial Information System, ICMS is a common application for automated documentation, record keeping, and control of the electronic management of cases and other procedural materials issued by courts, being considered as an internal system for the management of procedural materials, having as potential users only the judges and court staff, without the right of access for citizens. According to the same regulation, the application that allows citizens to file complaints in online format is e-File. We thus find that this provision is erroneous and may mislead users.



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