



'Actions to optimize the flow of court proceedings, digital infrastructure of court proceedings and integrated management system for court procedures'

Case study of Greek ESF project under the study 'Progress Assessment of the ESF Support to Public Administration' (PAPA)

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CONTENTS

Project background	7
Actions to optimize the flow of court proceedings, digital infrastructure of court proceedings and integrated management system for court procedures	9
Introduction: the context of the project.....	9
Design and execution of the ESF-funded projects	12
Previous ESF-supported projects	12
ESF-supported project 'Actions to optimise the flow of criminal, civil and administrative court proceedings'	12
Implementation of the ESF project: main developments and challenges	15
Conclusion: results, lessons learned and the role of ESF financial support.....	18
Main results.....	18
Lessons learned	19
The role of ESF support for optimising the flow of criminal, political and administrative proceedings in Greece.....	20
References	22

LIST OF TABLES

Table 1. The justice system in Greece: court hierarchy.....	9
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PROJECT BACKGROUND

Actions to optimise the flow of criminal, civil and administrative court proceedings in Greece

Operational Programme	Operational Programme 'Reform of the Public Sector 2014-2020', priority axis 2, MIS 5000372
Beneficiary organisation	Greek Ministry of Justice
Target groups	Areios Pagos (Supreme Civil and Criminal Court of Greece), Supreme Court's Prosecutor, Courts of First Instances, Prosecutors of Courts of first instances, County Courts, Magistrates, Appeals Courts, Appeals Courts, Prosecutors of Athens, Piraeus, Thessaloniki and Chalkida
Project duration	02/06/2015- 15/05/2019
Budget	EUR 745,855.43 (ESF contribution: EUR 745,855.43)
Project manager (email address)	Ioannis Kokkaras (ikokkaras@mou.gr) and Dimitris Katras (dkatras@mou.gr)
Partners	N/A
Project/ organisation website	https://justedespa.gr/

Infrastructure for digital recording, storage and disposal of minutes of (civil and criminal) courts proceedings

Operational Programme	Operational Programme 'Reform of the Public Sector 2014-2020', priority axes 4,5 and 6, MIS 5001755
Beneficiary organisation	Greek Ministry of Justice
Target groups	Courts of First Instance and Courts of Appeal (civil and criminal) and Magistrates of the country.
Project duration	21/12/2015-21/07/2021
Budget	EUR 14,054,358.01 (ESF contribution: EUR 5,649,925.00)
Project manager (email address)	Ioannis Kokkaras (ikokkaras@mou.gr) and Dimitris Katras (dkatras@mou.gr)
Partners	N/A
Project/ organisation website	https://justedespa.gr/

Integrated management system of judicial cases for civil and criminal procedures - Phase A

Operational Programme	Operational Programme 'Reform of the Public Sector 2014-2020', priority axes 4,5, and 6, MIS 383639
Beneficiary organisation	Greek Ministry of Justice
Target groups	Civil and criminal courts in the Regions of Athens, Piraeus, Salonica and Chalkida as well as in the Supreme Court and Prosecutors Offices
Project duration	21/07/2014-31/12/2019
Budget	EUR 3,744,090.73 (ESF contribution: EUR 1,819,734.94)
Project manager (email address)	Ioannis Kokkaras (ikokkaras@mou.gr) and Dimitris Katras (dkatras@mou.gr)
Partners	N/A
Project/ organisation website	https://justedespa.gr/

Integrated management system of judicial cases for civil and criminal procedures - Phase B

Operational Programme	Operational Programme 'Reform of the Public Sector 2014-2020', Priority axes 4,5,6, MIS 5004049
Beneficiary organisation	Greek Ministry of Justice
Target groups	Civil and criminal courts in the country as well as Prosecutors' Offices (roll out of the first 41 courts under phase A)
Project duration	02/12/2019- 01/06/2023
Budget	EUR 20,833,884.42 (ESF contribution: EUR 20,833,884.42)
Project manager (email address)	Ioannis Kokkaras (ikokkaras@mou.gr) and Dimitris Katras (dkatras@mou.gr)
Partners	N/A
Project/ organisation website	https://justedespa.gr/

This case study was researched and drafted under the auspices of the project 'Progress Assessment of the ESF Support to Public Administration' (PAPA) that was contracted by DG Employment, Social Affairs and Inclusion of the European Commission. The Commission's aim was to document specific cases of ESF-funded public administration reform and capacity building initiatives and also to highlight the role of ESF financial support to public administration for accountability purposes.

This report provides a story on the project '**Actions to optimize the flow of court proceedings, digital infrastructure of court proceedings and integrated management system for court procedures**', and inter-related projects with the same aim. In what follows, the report analyses the project's context and purpose; characteristics of the team implementing it; main challenges faced and difficulties encountered during implementation; key developments during the implementation process; results and impacts achieved; as well as lessons learnt and the contribution of ESF.

ACTIONS TO OPTIMIZE THE FLOW OF COURT PROCEEDINGS, DIGITAL INFRASTRUCTURE OF COURT PROCEEDINGS AND INTEGRATED MANAGEMENT SYSTEM FOR COURT PROCEDURES

Introduction: the context of the project

This case study presents a package of four ESF-supported projects that share a common objective – to improve the quality and efficiency of legal proceedings by introducing e-justice in the Greek courts, in the context of overall reform of the justice system. By implementing information technology (IT) systems, the reform aims to contribute to the automation of case processing, the development of reliable statistics and reducing the backlog of cases.

Since the birth of the modern Greek state (1830), justice in Greece has followed European patterns, regarding the content of regulations and the management of court proceedings. The Greek civil law and criminal law have been influenced by the corresponding German system, while commercial and administrative law have imitated the corresponding French system. While there is no constitutional court in Greece, there are two supreme courts, one for civil and criminal law cases, the other for administrative law cases (Table 1).

Table 1. The justice system in Greece: court hierarchy

Council of the State	Supreme Court (Areios Pagos)	
(Administrative courts)	(Civil courts)	(Criminal courts)
Administrative courts of appeal	Civil courts of appeal	Criminal courts of appeal
Administrative courts of first instance	Civil courts of first instance	Criminal courts of first instance

Source: developed by the author, based on E-justice (2019)¹.

The justice system is independent from the government and the parliament. However, the Presidents and Vice-Presidents of the two supreme courts (the Council of the State and the Areios Pagos; Table 1) are hand-picked by the Cabinet, among higher judges the names of whom are first supplied by the courts and then ranked by a high-standing parliamentary committee. In brief, formally at least the justice system does not diverge from the corresponding systems of other EU Member States, but in practice it suffers from chronic deficiencies.

The deficiencies in the administration of justice in Greece are widely recognised by both domestic and international actors to the extent that no political force, in government or opposition, has considered judicial reform to be a secondary priority. International observers, including the European Commission for the Efficiency of Justice (CEPEJ), have underlined the need to increase the efficiency and improve the quality of the justice system². For example:

¹ E-justice, 'Justice Systems in (EU) Member States'. Available at: https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-el-en.do?member=1 (Accessed: 09/07/2019).

²European Commission, 2018; OECD, 2018; Bertelsmann Stiftung, 2018.

- World Bank data show that on the average the time needed to enforce a contract in Greece is 1,580 days, i.e., close to 4.5 years. In that respect, Greece ranks below most of the developed and developing countries of the world³.
- Greece is among the EU's worst performers with regard to the time needed to resolve civil, commercial, administrative and other cases. Only Malta and Cyprus perform worse than Greece with regard to the timely resolution of administrative cases; and only Italian courts are worse than Greek ones regarding the time necessary to resolve civil and commercial cases. Across the EU, Greece, along with Portugal and Ireland, has the comparatively lowest rates of resolving civil, commercial, administrative and other cases, as the EU Justice Scoreboard shows⁴.

The under-performance of the justice system has wider consequences for the economic recovery of the country, especially in the aftermath of a prolonged economic crisis (2010-2018). According to the World Bank, with regard to 'ease of doing business', Greece performs worse than all EU Member States (except for Malta), ranking 72nd among 190 countries globally⁵. In detail, among 190 countries Greece is ranked 62nd with regard to resolving insolvency, 132nd with regard to enforcing contracts, and 153rd with regard to registering property. These unsatisfactory results, which discourage domestic and foreign private investors as well as businesses and citizens who suffer the consequences of Greece's underperformance in terms of rule of law, are owed to long-term problems of the justice system.

Greek experts and independent organisations have also recognised the problems⁶. Their findings point to long backlogs of cases; little, if any, autonomy of the courts' management from the Ministry of Justice (the MoJ); government selection, appointment and control of higher-ranking members of the judiciary; outdated infrastructure and methods of work; and lack of modern management skills and computer skills among administrative employees of the courts and older judges.

This dire situation is not a new phenomenon. It preceded the derailment of the Greek public finances in 2010 and continued afterwards. Greek governments, and more specifically the Ministry of Justice (MoJ), attempted to reform the justice system during the 2000s, while non-governmental actors have also played their part. For instance, regarding the initiation of a court procedure (e.g. filing a lawsuit) the Athens Bar of Lawyers (the DSA) had taken the initiative to press for the electronic submission of required documents to the competent authorities (e.g. the first-instance courts). The MoJ had also embarked on an effort to render digital as many services of courts as possible.

However, the impact of the economic crisis in Greece in 2010 complicated the context in which the reform of the justice system was taking place, as policy priorities shifted to fiscal consolidation and drastic austerity measures were taken that cut public expenditure. Inevitably, the underperformance of the justice system in the pre-crisis period was taken into account when Greece resorted to EU's and IMF's assistance to avoid sovereign default in 2010. The country's government asked to be bailed out and, in exchange, accepted austerity conditions, which included public sector reform and an overhauling of its ailing justice system.

³ World Bank, 2018.

⁴ European Commission, 2018, pp. 11-13, Figures no. 7-12.

⁵ World Bank, 2019, p. 5.

⁶Papaioannou and Karatza, 2018; Dianeosis, 2019.

These reforms occurred in the context of three Memoranda of Understanding (MoUs), signed between Greek authorities and the country's creditors in 2010, 2012 and 2015 and updated in 2016 and 2017. The MoUs laid out the Economic Adjustment Programme which in the case of Greece lasted for almost nine years (May 2010 - August 2018). This Programme specified the conditions which Greece should fulfil, if it was to continue to receive financial support to pay for its public debt. The fulfilment of conditions was closely supervised by representatives of the European Commission (EC), the European Central Bank (ECB) and the International Monetary Fund (IMF), known as 'the Troika', who performed periodic reviews of progress including non-economic measures, such as reforms in the public administration and justice systems.

Technical assistance to carry out these reforms was offered by the European Commission until 2014 through the 'Task Force for Greece' and from 2015, by the Brussels-based Structural Reform Support Service (SRSS). Moreover, the Ministry of Justice of Austria was invited by the Greek government in 2014 to act as reform partner and assist the MoJ with judicial reform in Greece.

After the change of government in 2015, a protracted period of negotiations followed between the new Greek government and EU authorities over the conditions for Greece's bailout. A national referendum and two parliamentary elections took place, and the government was reshuffled, affecting the upper levels of Greece's politicised public services. Delays occurred in the transition phase from the 2007-2013 to the 2014-2020 programming periods of the National Strategic Reference Framework (NRSF).

While such unforeseen circumstances, coupled with the low administrative capacity of Greek public services, had slowed down reform in Greece's justice system, MoJ staff continued cooperating with personnel representing EU's institutions. Over 2010-2018, reform of the justice system was a constant concern in the periodic reviews of the progress that Greece was making in fulfilling the conditions set by the country's international lenders.

Within the context of both external constraints and domestic challenges (in particular the acute polarisation of pro-austerity vs. anti-austerity parties / voters), the primary propulsion for reforming the justice system was a combination of a few domestic actors committed to reform - the competent staff of the MoJ and individual, reform-minded officials in the courts - and the resources and opportunities of the ESF.

As Greece did not exit the Economic Adjustment Programme until August 2018, country specific recommendations were included in that programme rather than in the European Semester reports supplied by the European Commission to other Member States. The first European Semester report on Greece, issued in June 2019, recognised the progress that had been made but also identified enduring problems with the justice system too: 'Despite recent improvements, the Greek judicial system still faces challenges and displays inefficiencies, as the time to reach a decision is often too long and backlogs weigh on the productivity of courts. Further targeted action in this area is therefore critical, also to facilitate the smooth functioning of the financial system as well as help unlocking investment potential.'⁷

⁷ European Commission, 2019, p. 4.

Design and execution of the ESF-funded projects

Previous ESF-supported projects

Already in the previous programming period (2007-2013), the MoJ had introduced reforms seeking to optimise the administration of justice. Drawing on structural and cohesion funds, the MoJ undertook several large-scale ICT projects aiming at the central computerisation and digitalisation of services of the Greek justice system with the goal of improving efficiency. The projects ran under the NSRF for 2007-2013 and while two of them progressed but were not completed, the rest reached completion. The two incomplete projects were: a new digital management system, namely the Integrated Civil and Penal Justice Case Management System (ICPJCMS/ΟΣΔΔΥ-ΠΠ); and an Integrated Court Records System (ICRS), which was a public-private partnership (PPP) project for digital recording, storage and downloading of session records. Among the completed projects were the following: the Integrated Administrative Court Case Management System (OSDDY-DD), a project carried by the Council of the State (Greece's highest administrative court), independently of the MoJ; the National Criminal Register; the Integrated Penitentiary IT System; and the Court of Auditors' IT System.

ESF-supported project 'Actions to optimise the flow of criminal, civil and administrative court proceedings'

After the end of the 2007-2013 programming period, the Greek authorities continued with the reform of the justice system, assisted but also motivated and pressed by the EU which was overseeing the fulfilment of conditionalities included in the MoUs. Authorities identified incomplete reforms in key areas of the Greek justice system which were obviously in need of substantial improvement. Extending the completion of projects of the previous programming period led to delays in starting programmes in the new period.

Thus, the activities of the earlier projects from the 2007-2013 period prepared the ground for the ESF-funded project, '**Actions to optimise the flow of criminal, civil and administrative court proceedings**', which commenced in June 2015. Greek authorities earmarked funds amounting to a total of EUR 745,855.43 from the ESF to implement the project (100% contribution). In 2014-2020, this comparatively small project included the preparation of a study on optimising the flow of the court proceedings, which has since been delivered to the MoJ, and an additional sub-project to create an electronic registry for debt insolvent persons. As at June 2019, the invitation to bid for the sub-project had not yet been announced, because the MoJ was waiting for approvals from the rest of involved public services, namely the Ministry of Finance (overseeing the collection of tax revenue and past debts which insolvent persons owe to the Greek state) and the Ministry of Development (overseeing Greece's NRSF as a whole) for the corresponding project budget.

On 7 July 2019 national parliamentary elections took place in Greece, and there was a government turnover. The new government officials will need time to familiarize themselves with the pending projects, including the projects of this case study, something which may perhaps cause further delays. Such delays are expected at such instances of transfer of power from one minister to the next, as the Greek public administration system tends to be over-centralized and top-heavy.

This project was conceived and implemented in conjunction with other relevant projects that also promote e-justice in Greece. In the 2014-2020 programme period, the reforms sought by the MoJ under the NRSF included among other things:

- Completion of the Integrated Judicial Case Management System for Civil and Criminal Procedure (i.e. the aforementioned ICPJCMS/ΟΣΔΔΥ-ΠΠ), through two phases;
- Video-conferencing services to courts and prisons; and
- Digitalisation of court archives and data.

Three ESF projects were closely inter-related and stand out:

- 'Integrated management system of judicial cases for civil and criminal procedures - Phase A' began in July 2014 and is scheduled for completion in December 2019. Greek authorities have earmarked just over EUR 1.8 million from ESF to implement the project out of a total budget of more than EUR 3.4 million.
- 'Integrated management system of judicial cases for civil and criminal procedures - Phase B', which will overlap slightly with Phase A., starting from December 2019 and due for completion in June 2023. Greek authorities have earmarked over EUR 20.8 million from ESF to implement the project (100% contribution).
- 'Infrastructure for digital recording, storage and disposal of minutes of courts proceedings', which commenced in December 2015 and is scheduled for completion in July 2021. Greek authorities have earmarked more than EUR 5.6 million from ESF to implement the project, with a total budget of over EUR 14 million.

Hence, with the project 'Actions to optimise the flow of criminal, civil and administrative court proceedings', these four projects with combined budgets of around EUR 35 million, were conceived to provide both the method and the means to improve the flow of cases through the Greek court system, including hardware and software for a totally new, digitally-based management of court proceedings regarding civil and criminal cases in Greece (Administrative cases were managed separately by Greece's supreme administrative court, the Council of the State, under a different project of the previous programming period).

The projects contributed to the implementation of the OP 'Public Sector Reform' and were integrated in TO11 which aims to improve the institutional capacity and efficiency of public administration. In other words, the projects belong to the same category with similar ones in other sectors. All such projects had the purpose of reducing administrative burdens, and simplifying and standardising services to citizens and businesses.

More specifically, the purpose of ESF support for the four projects was manifold and was adapted to the needs of Greece's ailing justice system. In addition to reducing administrative costs, projects related to the court system sought to:

- Upgrade the quality of the outward-looking services of justice to citizens;
- Improve court procedures
- Achieve much greater transparency in the functioning of the judicial system⁸;

⁸ Council of Europe – GRECO, 2018, pp. 9-14.

- Increase productivity, efficiency and effectiveness in the private sector by resolving legal disputes involving private businesses and citizens;
- Reduce operating costs for the judicial system;
- Reduce infrastructure costs through economies of scale, which were sought through introducing upgrades and modifications; and
- Reduce the management burden for resolving system malfunctions and system management that, in the period before the onset of digitalisation of court proceedings, fell on the shoulders of judges and prosecutors and were processed manually.

In addition, the MoJ systematically attempted to introduce further e-government solutions, in order to improve the administration of justice in Greece. In the 2014-2020 programme period, the Ministry proceeded with the implementation of other related EU-funded projects. The examples of projects, which are listed below, involve the teaching of computer skills and training in the use of computer systems in the Penitentiary System and the Court of Auditors:

- Digital services supporting the penitentiary system;
- Skills of administrative personnel of Greek prisons;
- Internal operations of the Court of Auditors.

It is obvious that the ESF projects related to e-justice were part and parcel of a larger drive to affect more than one policy sector. The fair, efficient and rapid dispensation of justice is a precondition for improved relations between citizens and the public administration, implementation and enforcement of the rule of law, and sustainable economic growth. By securing ESF funds, the MoJ took considerable steps to achieving a far-reaching policy goal regarding the broader national reform of Greek public administration and the business environment.

However, the process of achieving these goals has been time-consuming and often cumbersome. The project team faced a number of difficulties. It soon became obvious to the team that the optimisation of court proceedings in Greece was a far more complicated endeavour than anyone would have thought.

The project team at the MoJ consisted of Mr. Ioannis Kokkaras (Head of the NSRF Executive Agency in the Ministry of Justice), Mr. Dimitris Katras (Head of Unit 'B' of the same agency), and their staff - other civil servants of the MoJ - who together were responsible for ESF projects and other NSRF-related activities. They steered the proceedings optimisation project through its various phases, including the delicate moves necessary to fruitfully cooperate with the services of the Ministry of Finance, the Ministry of Digital Policy, Telecommunications and Information, the Ministry of Economy and Development, and the Managing Authority of the OP 'Public Sector Reform', i.e., the body of the Ministry of Economy and Development supervising the execution of ESF and other EU-funded projects of public administration reform and justice system re-organization. Technical assistance (by SRSS/S2016/030 – Technical assistance on the Reform of the Greek Judicial System – Phase II) ensured the engagement of the project's leaders and top judges and administrative staff of the courts of the Athens, Thessaloniki, Piraeus and Chalkida. These four cities were selected to undergo the first reforms as far as optimising court proceedings was concerned. The SRSS staff, the MoJ civil servants and the judges and prosecutors committed to reform in these four cities, should be credited with achieving the first positive results.

Implementation of the ESF project: main developments and challenges

As already noted, the operational planning for the implementation of e-justice projects in the 2014-2020 programming period was delayed and still ongoing in 2016-2017, a few years after the programming period's official start.

Delays were observed not only in programming, but also in organising the management of projects. For instance, the NSRF Executive Agency of the MoJ was established only in April 2017. It started operating at a slow pace, but by early 2019 its staff, consisting of 13 civil servants, had acquired substantial experience and the agency's rhythm of work had picked up.

The executive agency was formed to help the otherwise legalistic mentality, processes and routines of the MoJ adapt to and benefit from financial support and technical assistance made available by the EU. Until the beginning of 2019, the agency had contributed to the maturity and specification of EU projects amounting to over EUR 111 million (including projects of the OP 'Public Sector Reform'⁹) and also actively pursued other EU funding opportunities through applications to EU programmes, such as Horizon 2020, Justice, and Rights Equality Citizenship. During the 2014-2020 programming period, the project team launched a number of ESF-funded projects related to improving the flow of justice proceedings. The project, 'Actions to optimise the flow of criminal, civil and administrative court proceedings' and the three other complementary projects are closely linked to the Greek government's reform strategy for the justice system and to national policy goals, as stated in the most recent development plans of the Greek government¹⁰.

After April 2017, the project team moved as quickly as possible to progress and complete the implementation of the 'Integrated Civil and Penal Justice Case Management System - Phase A', which was carried over from the previous programming period. With the collaboration of judges, administrative staff of courts, and civil servants of the MoJ, it became possible to proceed with the digital monitoring of civil and criminal court proceedings in a total of 41 courts in four different cities - Athens, Piraeus, Thessaloniki and Chalkida. Important results have already been achieved. More specifically, after Phase A's completion, in the courts there was:

- An electronic registry for incoming documents and a registry of judges and civil servants serving in the courts;
- An information system for statistical and administrative data;
- A system for the electronic search of court cases; and
- Inter-operability with other digital services, such as the Ministry of Finance's General Secretariat of Information System, the criminal register, and prisons¹¹.

The team also started actions to implement an electronic registry of legally insolvent debtors and make it interoperable with the electronic registry of business companies (the GEMH), which however awaits the issuing of joint ministerial decisions regulating the inter-operability of the two registries.

It was practically not possible to move as quickly regarding Phase B. In this second phase, it is envisaged that the digital management of civil and criminal court proceedings will be expanded

⁹ Kokkaras, 2019.

¹⁰ Greek Government, 2018, pp. 34-35.

¹¹ Kokkaras, 2019.

in 2019-2023 to the rest of the Greek territory to include all courts and prosecutions. Between October 2018 and April 2019, the team of the MoJ prepared the budget, wrote out the project specifications, and obtained the approval of other authorities, including the Ministry of Digital Policy, Communication and Information (newly established by Prime Minister Tsipras in 2018, integrating formerly separate government authorities of information and communication). In the remaining months of 2019, the team plans to proceed with public procurement notices and invitations to bid for the project.

The fact that ESF projects of the OP 'Public Sector Reform', including some of the aforementioned projects, were first presented publicly in 2015, but are still in the preparatory stage in mid-2019, points to several obstacles in the way of mobilising resources and starting the projects.

The main challenges at the planning and programming stage included the following:

- The low administrative capacity of civil servants in directorates and sections of the MoJ (other than the NRSF executive agency), who were not familiar with ESF processes;
- The required involvement of the MoJ with several other ministries (finance, economy and development, administrative reconstruction, and digital policy);
- The multiple and overlapping mechanisms of control, including the rigid control of the General Accounting Office of the State (the GLK) at the Ministry of Finance;
- The somewhat tense co-existence of individual project teams for closely related projects and the expected collaboration of project teams and the corresponding monitoring committees, leading to long chains of decision-making.

The above obstacles are not easy to overcome. There is no uniform solution to arising issues. The project team of the MoJ has made frequent rounds of contacts with the personnel of the other ministries, in order to involve all relevant officials in the projects and to iron out remaining differences of the proper way of administrative action. Still, at the stage of project implementation inside the courts, the main challenges included the fact that the courts' administrative personnel was not adequately prepared for reform implementation, while judges and prosecutors, particularly of the older age-groups, were unfamiliar with ICT.

Overcoming the resistance of judges and prosecutors was no easy task. At a meeting with judges, an older judge was astounded at the presentation of the new management system. He would not accept to use digital infrastructure to sift through documents of court proceedings, while preparing for a case to be heard in court. He exclaimed: 'Are you telling me that I am supposed to have all documents in electronic format and I will thus be unable to flip through them? I tell you that I am going to download and print everything'. The judge's point should be seen in the light of continuing effort to find a balance between printed and digital information, not only in Greece, but also abroad. His point is to an extent understandable, given that digitalisation has not progressed in many other quarters of the Greek state (e.g., municipal authorities, schools etc.).

Part of the problem at hand was also that, technically speaking and particularly as far as older judges and court personnel were concerned, adapting to the new system proved to be a complicated matter, requiring new skills. Obviously, available training on the new electronic case management system may have not been adequate and further such training might be necessary. Even though about 2,500 judges and prosecutors and 4,000 civil servants (administrative personnel) of the courts have been trained in the case management system by 2019, more needs to be done in this direction. Judge Theokti Nikolaidou, who has served in the court of

appeals of Thessaloniki and is now posted in the corresponding court of Thrace in the city of Komotini, confirmed that judges need additional training. At least in her experience, there had been relatively few seminars on the new case management system.

Judge Panagiotis Lymberopoulos, who serves in the court of appeals of Athens, has personally committed time and effort to help with the implementation of the new case management system in the court where he serves. He has noted similar problems in convincing his colleagues to adapt to the reforms brought about by the ESF projects. He gives credit to the project team of the MoJ, but also recalls how he had to insist in person on making his colleagues and the court's administrative personnel familiar with the new digital procedures of the case management system, including the management of electronic files of cases and assigning cases to judges.

Of course, the possibility to electronically submit documents to a court for a case is a big step forward. Judge Lymberopoulos notes that while the new system is a big improvement over the previous manual record-keeping, transfer of file and assignment of cases, there are outstanding issues. For example, during case hearings, minutes are still kept in the traditional way, while documents submitted and inspected during the hearings are not always available in electronic format. Ideally, in the future, before a trial actually takes place and during trial proceedings, a judge should be able to login to the electronic platform of the management system using a username and password. Then he or she would be able to study, work on and deliver all relevant case materials. In view of this, which remains an unattained outcome of the reform, 'not much has changed in court proceedings', in the words of Judge Lymberopoulos.

A practicing lawyer in Athens, Dimitris Spiropoulos, summarizes the situation: 'The digital communication of lawyers with administrative courts is already far advanced with the result that the time needed to resolve an administrative court case has been shortened; but this does not hold for civil and criminal courts where there are many issues remaining'.

Regarding the progress of e-justice, the distance covered by the reform of administrative courts (i.e., the Council of the State itself) is far longer than the corresponding distance covered by the reform in the rest of courts. Even if one takes into account that there are significantly fewer administrative courts, the observed differences in the launching, construction and completion of management systems of courts are quite stark.

As Mr. Spiropoulos observes: 'There are different electronic platforms of the case management system. In fact, there is more than one system. If a lawyer in Athens wants to monitor the flow of a criminal law case - for example, the stage at which a lawsuit has arrived - there was until April 2018 an electronic platform, the operation of which however has been discontinued, because the case management system is in a transition phase. Thus, today the lawyer has to be physically present in the building of the court to access the relevant information. If it is a civil law case, one may obtain information by logging into the available platform and writing in the number which the court has assigned to the case. Still, the accessible information will be minimal. If it is an administrative law case, one has to write in the case number and a special code number provided by the administrative court. The accessible information will be full and comprehensive. If it is a case in the Court of Audit, then a lawyer can enter the system using his or her tax identification number - a practice which, of course, is dysfunctional if the lawyer drops the case or the client changes the lawyer representing his or her interests...'

Prosecutor Lampros Tsogas offered a more positive view which, however, indicates how important personal commitments and individual efforts can be in the implementation stage of reform. Prosecutor Tsogas, who has served in the first-instance prosecuting authority of Thessaloniki and is now based in Komotini, serving in the corresponding authority in Thrace, has devoted efforts to help implementing the new case management system in criminal court

proceedings in Thessaloniki. Working with the support of his superiors in the Areios Pagos (Greece's supreme civil and criminal court) from September 2018 to May 2019, he was able to gradually convince 125 administrative staff members of the Thessaloniki prosecuting authority to use the 40 desktop computers made available by the project and train themselves in the case management system.

Prosecutor Tsogas helped to launch and sustain a website of the prosecuting authority¹². He appointed two staff members to liaise with the MoJ in Athens, the criminal court in Thessaloniki and the ICT companies responsible for the computers' hardware and software. He says that, after encountering some bureaucratic inertia, he took it upon himself to convince the administrative staff of the prosecuting authority to cooperate. Prosecutor Tsogas oversaw the training of the prosecuting authority's staff. Eventually, he obtained positive reaction on their part, as they found out that workflow was managed better and day-to-day tasks were processed more smoothly, because of the case management system.

To sum up, delivering high-quality outputs in the optimisation of court proceedings proved to be much more demanding than originally expected. Eventually, the project was not rolled out as initially planned. First and foremost, the duration of the operational planning of the project proved quite long. In order to achieve a satisfactory result, it became inevitable for the project team to overcome problems of coordination and cooperation with central services of several other ministries. The project's leaders and rank-and-file tried to furnish positive results, even though the process frequently became disappointingly cumbersome. Implementing large-scale changes in court proceedings was difficult. Eventually the project team was rewarded in the sense that, having worked hard, they have made considerable progress towards achieving the completion of the first phase of the new case management system, while the second phase of the system is underway.

The reactions to the projects were both positive and negative. According to our interviewees working in the courts of Athens, Thessaloniki and Komotini, some judges and administrative staff, members of middle- and old-age groups, had difficulties adapting their work routines to the new, computer-based system. In terms of positive perceptions, however, judges and administrative staff of courts and prosecuting authorities gradually recognised the usefulness of transition to digitalised court proceedings.

Conclusion: results, lessons learned and the role of ESF financial support

Main results

Despite the emergence of numerous impediments during the projects' implementation stage, the project team has succeeded in achieving partial optimisation of court proceedings. The success was not even, as the transition from a manual to a new electronic case management system was much more successful in administrative court proceedings than in civil and criminal court proceedings.

In some, but not all, criminal and civil courts in the four cities where the project was rolled out (Athens, Thessaloniki, Piraeus and Chalkida), lawyers are currently able to file lawsuits electronically, although some continue submitting lawsuits in person at the courts. The use of the new system has not become a general practice. Depending on the court in question, lawyers are able to monitor the progress of the lawsuit. Administrative staff, judges and prosecutors are able to find information on the case management system, but some still work under the previous

¹² Already accessible at: <http://ppothess.gr/>

manual system. Meanwhile, court hearings and preparation of court decisions by judges are still not as computer-supported as they could be (e.g., the recording of court hearings, retrieval of documents related to the case which is being tried etc.). In brief, results have been rather mixed.

The main achievement of the projects under way has been the gradual realisation by all those concerned that the future lies in the full digitalisation of court proceedings. It may now be impossible to foresee how rapidly digitalisation will proceed, given the long delays in project implementation since 2015 and the transfer of power from one government to another in the summer of 2019; nevertheless, the impact of the projects' results will be visible after a few years. At the moment, one may foresee benefits of the projects at the instrumental and the institutional level.

At an instrumental level, the projects should help alleviate the bureaucratic burden of judges, prosecutors and administrative personnel, reduce mistakes made when documents are processed and transferred by hand, and of course reduce the time necessary to resolve cases.

At an institutional level, the projects should enhance the transparency of the justice system. Through digitalisation of the flow of court proceedings, transparency can be spread to all stages of a criminal law trial (including the stage of criminal investigation in cases of corruption), allocation of cases to judges, and evolution of court proceedings.

Thanks to these and potentially follow-on projects, Greek authorities will be able to improve Greece's performance on indicators of quality of justice system. Successful implementation, however, will depend on whether the lessons learned from the experience of these projects will be incorporated in future actions of the MoJ and all involved beneficiaries of the reform.

Lessons learned

The project team (namely the NSRF Executive Agency of the MoJ) has noted that several significant lessons can be drawn on their experiences to date, while project stakeholders have raised similar points.

First, the project team understands that the different rhythm of implementing reforms in court proceedings and the use of case management systems, as well as the geographical spread of the project in different cities, have negatively affected the ongoing projects. For example, there have been delays and lack of uniform change across civil and criminal courts. Further coordination and some synchronisation need to be realised.

Second, the project team believes that all projects discussed in this report could have benefited from streamlining, if not reducing, the involvement of perhaps too many central services of different ministries and control mechanisms of Greece's public administration. There may be a need to balance the need to control the processes of implementing ESF processes, so that they are legally and financially full-proof, with the need to reach tangible results in the foreseeable future, i.e., to alter the flow of court proceedings to the benefit of all, judges, administrators, businesses and citizens.

Third, with regard to the implementation of digitally-based flow of court proceedings, the project team agrees that it is difficult to change the mentality of judges, prosecutors and administrative staff overnight. In the course of implementing the project, the team has experienced delays, inertia and resistance on the part of prospective users of the case management systems. As a result, the team has learned that in the future, more time and effort will be necessary to convince all personnel involved in the use of the new systems; to actively engage such personnel in the

preparation stage of introducing any new system; and afterwards to check that the involved personnel continues to implement introduced reforms.

There is also potential learning from the constitutionally-guaranteed independence of the justice system from the executive, namely, from the political authorities and administrative services of the MoJ. Reform of the justice system is not like any other public administrative reform, in which, based on civil service hierarchy, the lower ranking civil servants may be required to follow guidelines spelled out by the higher-ranking ones. Judges and prosecutors cannot be forced to modify the way that they administer justice. They need to be convinced about large and small-scale changes, even if, to an external observer such as the MoJ or foreign actors, it would be to their benefit to do so.

In that respect, it has proven helpful to enlist the assistance of the higher echelons of Greece's supreme criminal and civil court, the Areios Pagos, in the project of optimising proceedings. A higher-level group of judges, administrators and computer experts was put together by the MoJ and the Areios Pagos to collect information on the progress of project implementation across Greece. This higher-level group contributed to formulating common solutions to problems which had arisen in different courts and to suggest new regulations. In the words of Dimitris Katras: 'In this way, judges acquired ownership of the project. Their involvement in managing the project, at the implementation stage, has proven to be the best way to overcome resistance to reform'.

The active role played by the project team, plus the strong support provided by the ESF and the leadership of some courts, have made it possible to achieve progress in the implementation of the proceedings optimisation project and in the reform of Greece's justice system.

Simultaneously, one should note factors which might downgrade the quality of the project's final outcomes, if no action is taken to secure improvement. These factors include:

- The existing impediments in the coordination among involved ministries and the interoperability of case management systems;
- The culture of traditionalism and legalism evident in many quarters of Greece's public administration and courts and the concomitant reluctance of some actors to cooperate in project activities; and
- The frequent dependence of progress of reform projects on reshuffling of ministers, the hiring and dismissal of political appointees at the top of ministries, and government turnover.

Such factors are useful to keep in mind, as the project develops further in the 2014-2020 programming period, if the reform's momentum is to be maintained.

The role of ESF support for optimising the flow of criminal, political and administrative proceedings in Greece

The progress made by Greek authorities in optimising the flow of court proceedings is somewhat visible and certainly uneven. The optimization of the flow of court proceedings is yet to be fully developed, but the appropriate tools are in place. Support provided by the ESF during the 2007-2013 and 2014-2020 programming periods has been vital for improving Greece's justice system, which has been a laggard on quality of justice indicators for a long time. The MoJ has set reform priorities which have been successfully linked to activities of ESF-financed projects.

For instance, the project on optimising the flow of administrative court cases, which started in the 2007-2013 programming period, has contributed to the achievement of positive results in the operation of administrative courts. Meanwhile, the introduction of case management systems in criminal and civil courts, albeit far from complete, has already passed from its first to its second phase of implementation and continues to be implemented with ESF support.

ESF support has also contributed to some improvements, as over time longer backlogs have given their place to shorter ones. Particularly in administrative courts, judges and administrative staff have witnessed positive changes to their workload, and citizens and business have benefited from improvements in the management of cases.

Overall, even though challenges remain, and courts and lawyers have not used opportunities to optimise the use of ICT in court proceedings as much as they could have, the Greek justice system has already embarked on an obviously long road to achieve higher efficiency and quality due to ESF projects.

REFERENCES

- Bertelsmann Stiftung (2018), 'Greece: Key Challenges'. Available at: http://www.sgi-network.org/2014/Greece/Key_Challenges (Accessed: 15/06/2019).
- Council of Europe - GRECO (2018), 'Fourth Evaluation Round. Report: Compliance Report: Greece', GrecoRC4(2017)20, 1 March 2018. Available at: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168078f072> (Accessed: 18/06/2019).
- Dianeosis (2019), *Justice in Greece: Policy Proposals for a Modern Justice System*. Athens: Dianeosis (in Greek).
- E-justice (2019), 'Justice Systems in (EU) Member States'. Available at: https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-el-en.do?member=1 (Accessed: 09/07/2019).
- European Commission (2018), 'The 2018 EU Justice Scoreboard'. Luxembourg: European Union. Available at: https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2018_en.pdf (Accessed: 17/06/2019).
- European Commission (2019), 'Recommendation for a Council recommendation on the 2019 National Reform Programme of Greece and delivering a Council opinion on the 2019 Stability Programme of Greece', Brussels, 05.06.2019, COM (2019), 508 Final. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1560258207473&uri=CELEX%3A52019DC0508> (Accessed: 18/06/2019).
- Greek Government (2018), 'Greece: A Strategy of Development for the Future', July 2018, Republic of Greece. Available (in Greek) at: <http://www.mindev.gov.gr/wp-content/uploads/2018/07/%CE%91%CE%9D%CE%91%CE%A0%CE%A4%CE%A5%CE%9E%CE%99%CE%91%CE%9A%CE%97-%CE%A3%CE%A4%CE%A1%CE%91%CE%A4%CE%97%CE%93%CE%99%CE%9A%CE%97.pdf> (Accessed: 19/06/2019).
- Kokkaras, I. (2019), 'Annual Report on ESF Projects Managed by the Ministry of Justice' (in Greek), 4 April 2019. Athens: Ministry of Justice.
- International Bank for Reconstruction and Development / The World Bank (2019), *Doing Business 2019*.
- OECD (2018), *OECD Regulatory Policy Outlook 2018*. OECD Publishing, Paris.
- Papaioannou, E., Karatza, S. (2018), 'The Greek Justice System: Collapse and Reform', CEPR Discussion Paper No. DP12731, 20 February 2018. London: Center for Economic Policy Research.
- World Bank (2018), 'Time Needed to Enforce a Contract (in Days)', World Bank data. Available at: <https://data.worldbank.org/indicator/IC.LGL.DURS> (Accessed: 19/06/2019).
- World Bank (2019), *Doing Business 2019: Training for Reform*. Available at: https://www.worldbank.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf (Accessed: 19/06/2019).

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