



**Strasbourg, 25 November 2003**

**FIRST EUROPEAN CONFERENCE OF JUDGES**

**on**

**« EARLY SETTLEMENT OF DISPUTES AND THE ROLE OF  
JUDGES »**

**CONCLUSIONS**

**Strasbourg, 24-25 November 2003  
Room 5, Palais de l'Europe**

1. The first European Conference of Judges, held on 24 and 25 November 2003 in Strasbourg on the theme of “Early settlement of disputes and the role of judges”, was organised by the Council of Europe, following a proposal by the Consultative Council of European Judges and in the context of the implementation of the framework global action plan for judges in Europe.
2. The participants welcomed the initiative to hold this Conference which offered them a first pan-European forum for an exchange of ideas on the role of judges in the early settlement of disputes (ESD).
3. In bringing together representatives of judicial power in member and observer States, each one with its own national practice in the field of the early settlement of disputes, the Conference launched an initial exchange of wide-ranging views on the legal and procedural framework aiming at strengthening the role of judges as far as the possibilities for more rapid and efficient resolution of disputes between the parties are concerned.
4. After the experts’ reports, detailed discussions took place on the following themes: procedures to avoid litigation and procedures to make it effective, including provisional measures protecting parties during litigation; production of the parties’ cases and evidence, time limits, accelerated and summary procedures and interlocutory judgments; legislative and judicial incentives to early resolution; legislative and judicial incentives to early resolution; case management – a proactive and innovative but impartial judiciary.
5. The Conference took account of the work of the Council of Europe in the field of mediation, culminating in the adoption by the Committee of Ministers of four Recommendations which the Conference took into consideration: Recommendation No. R (99) 19 concerning mediation in penal matters, Recommendation No. R (98) 1 on family mediation, Recommendation Rec. (2001) 9 on alternatives to litigation between administrative authorities and private persons and Recommendation Rec. (2002) 10 on mediation in civil matters.
6. The participants recognised that an efficient system of justice is a cornerstone of the modern democratic state but that alternative dispute resolution procedures need also to be developed and encouraged.
7. Accordingly, judges and member states need not only to take steps to make the resolution of disputes in court speedier and easier for parties who cannot agree other means of settling them, but also to promote such other means of settling disputes both before as well as during the course of litigation.
8. To that end, judges need to study each others’ procedures, with a view to introducing improved case management techniques and also need information and (where judges themselves undertake mediation) training regarding the benefits and techniques of mediation.

9. The participants recommended the Council of Europe to undertake work to promote ESD in litigation and by mediation, in particular through the Consultative Council of European Judges (CCJE), the European Commission for the efficiency of justice (CEPEJ), the European Committee on Legal Cooperation (CDCJ) and the European Network for the exchange of information between the persons and entities responsible for the training of judges and public prosecutors (Lisbon network).

10. The participants expressed their thanks to everyone who had contributed to the success of the Conference and invited the Council of Europe to hold European Conferences of Judges at regular intervals in order to assist judges in their essential role of upholding and implementing the Rule of Law in the member States of the Council of Europe.

11. The participants warmly welcomed the proposal made by the Polish delegation to host the next European Conference of Judges in May 2005 in Poland, on the occasion of its presidency of the Committee of Ministers of the Council of Europe.