
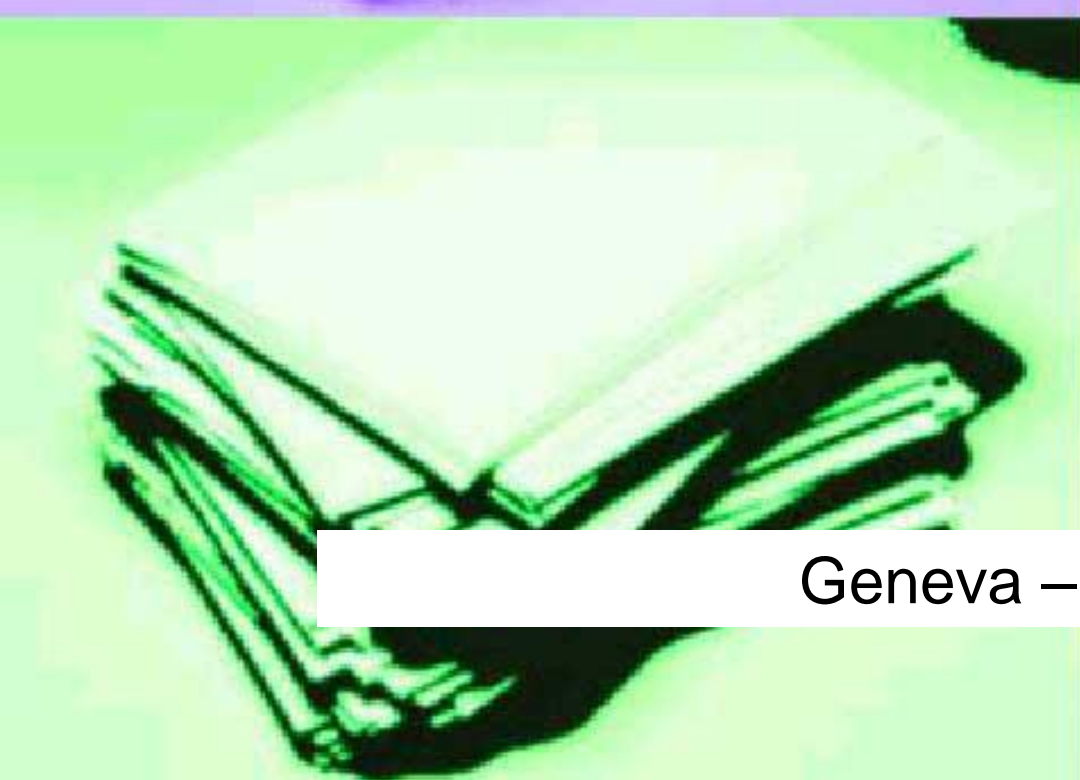




The CEPEJ – Tools for
Time Management
in the WTO dispute settlement



Geneva – July 2011

Targets of the presentation

- To present you the tools of the CEPEJ
- To analyse the situation within the WTO dispute settlement
- To see if there is a possible implementation of CEPEJ tools



Agenda

- CEPEJ: Mission, organisation, reports and guidelines
- Brief analyse of the WTO dispute settlement
- Possible implementation within the WTO dispute settlement

Agenda

- **CEPEJ: Mission, organisation, reports and guidelines**
- Brief analyse of the WTO dispute settlement
- Possible implementation within the WTO dispute settlement



1a. CEPEJ – the name

- European Commission for the Efficiency of Justice
- Commission européenne pour l'efficacité de la justice

1b. CEPEJ: Mission

- to analyse the results of the judicial systems
- to identify the difficulties they meet
- to define concrete ways to improve the evaluation of their results and the functioning of these systems
- to provide assistance to member States, at their request
- to propose to the CoE the fields where it would be desirable to elaborate a new legal instrument

1c. CEPEJ: Working groups

- Evaluation
- Quality
- Time management
- Enforcement
- Mediation

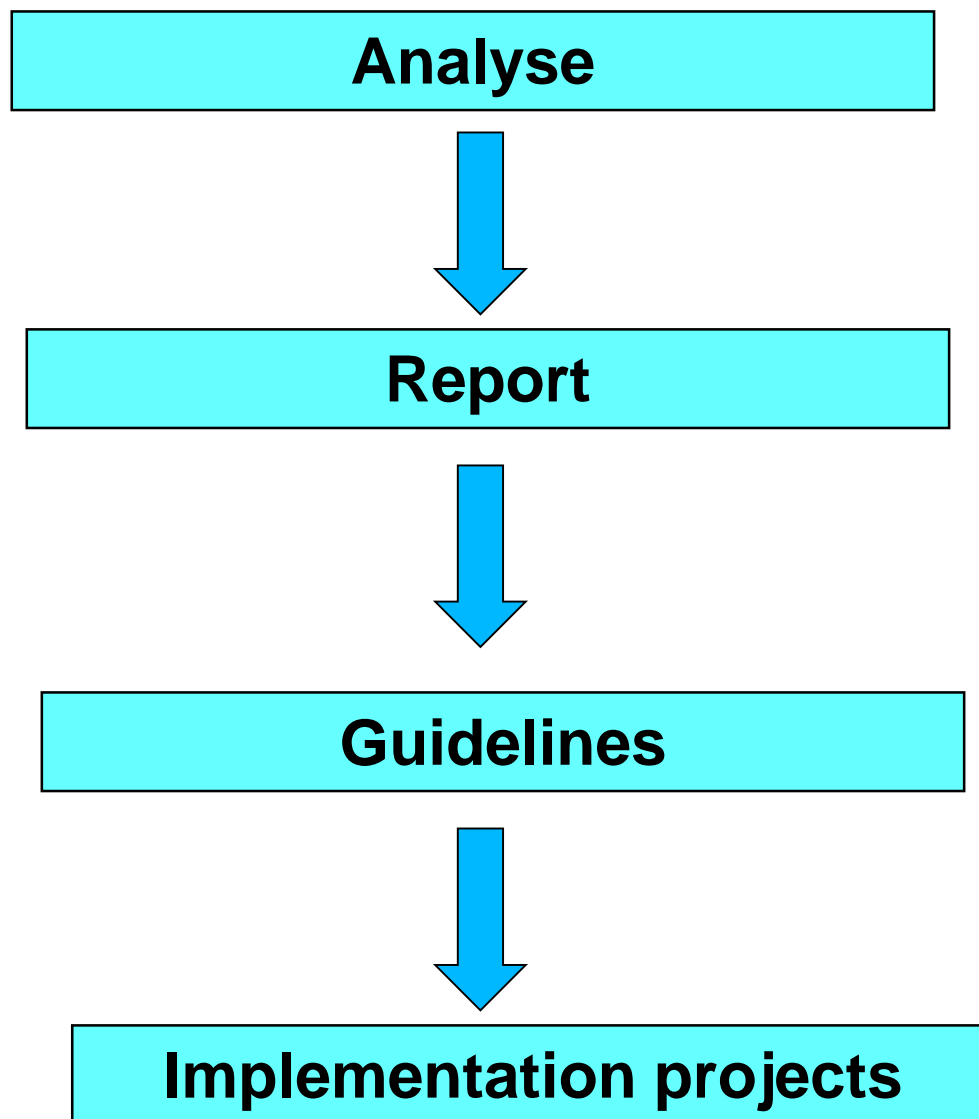


1c. CEPEJ: Working groups

- Evaluation
- Quality
- Time management
- (Enforcement)
- (Mediation)



1d. CEPEJ - Methodology



1e. CEPEJ: Time management

Analyse of judicial systems



Procedure length



CEPEJ Guidelines for time management



rules

statistics



1f. CEPEJ: Time management

EUGMONT appendix:

- 4 statistics

- 2 indicators

Stat-1 Volume of cases

Number of cases per court

Court or branch of court	Cases			
	Pending from the previous period	Initiated during the period	Resolved	Pending at the end of the period
Court A	362	1027	1089	300
Court B	397	1131	1210	318
Court C	279	771	853	197
Court D	262	1072	1056	278
Court E	279	1085	1094	270
Court F	999	1014	1312	701
Court G	877	1086	1374	589
Court H	0	7	7	0
TOTAL	3455	7193	7995	2653

Stat 2 – Distribution of cases by branch

Number of cases per type

Type of cases	Cases			
	Pending from the previous period	Initiated during the period	Resolved	Pending at the end of the period
1. Civil cases				
Litigious divorces	362	1027	1089	300
Dismissal cases	279	771	853	197
....	0	0	0	0
2. Administrative cases				
....	0	0	0	0
3. Criminal cases				
Robberies	279	1085	1094	270
Intentional homicide	877	1086	1374	589
....	0	0	0	0
TOTAL	1797	3969	4410	1356

Stat 3 – Duration of cases

Duration of cases

Court or branch of court	Cases										Disposition time in days
	Resolved (total)	Pending at the end of the period	Resolved cases in								
			< 1 month	1-3 months	4-6 months	7-12 months	1-2 years	2-3 years	3-5 years	> 5 years	
1. Civil cases											
Litigious divorces	5456	1915	668	1675	1172	1137	781	23	0	0	128.11
Dismissal cases	1371	428	244	774	231	81	40	1	0	0	113.95
....	0	0	0	0	0	0	0	0	0	0	0.00
2. Administrative cases											
....	0	0	0	0	0	0	0	0	0	0	0.00
3. Criminal cases											
Robberies	1161	314	438	530	147	35	11	0	0	0	98.72
Intentional homicides	7	0	2	4	1	0	0	0	0	0	52.14
....	0	0	0	0	0	0	0	0	0	0	0.00
Total	7995	2657	1352	2983	1551	1253	832	24	0	0	121.30

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Disposition time ratio calculation method

365

Nb of resolved cases / nb of unresolved cases

Stat 4 – Stages in the proceedings

Average duration in the proceedings

Average duration of the intermediate stages in the proceedings						
Type of cases	Trial stage			Legal remedies		
	Preparation (nb days)	Hearings (nb days)	Judgement (nb days)	Appeal (nb weeks)	Special recourse (nb weeks)	Other (nb weeks)
1. Civil cases						
Litigious divorces	80	20	80	18	18	–
Dismissal cases	60	2	20	18	–	–
....						
2. Administrative cases						
....						
3. Criminal cases						
Robberies	150	30	70	20	15	–
Intentional homicides	120	20	60	20	12	–
....						

Indicator of clearance rate

Relationship between the new cases and completed within a period, in percentage



Indicator of clearance rate (CR)

■ Example 1:

- 500 new cases initiated
- 550 resolved cases
- **CR = 110 %**

■ Example 2:

- 500 new cases initiated
- 400 resolved cases
- **CR = 80 %**

1g Report about contractualisation

- Target-based contract and partnerships (between 2 authorities)
- Contractualisation between the stakeholders to the proceedings

1g. Contractualisation

- Target-based contract and partnerships
(between 2 authorities)
- Contractualisation between the stakeholders to the proceedings



especially concerning the conduct of proceedings

1h. Contractualisation concerning the conduct of proceedings

« **Procedure contracts** » for example about:

- Time-table for the main procedural steps
- Compliance with mutually agreed deadlines
- Limitation of the number of exchanges of documents between parties
- Etc.



1i. Time management guidelines and contractualisation concerning the conduct of proceedings

- I,A,1: Involving of the users in the time management of judicial proceedings
- I, C, 2: specially for the timing of the future procedural steps
- III,A,2: definition of standards and targets by all the stakeholders
- V,C,2: all the stakeholders have to observe fully the defined targets (for example the defined timing)

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2a. WTO dispute settlement : Time limits = Target

- Consultations, mediation, etc. • 60 days
- Panel set up and panellists appointed • 45 days
- Final panel report to parties • 6 months
- Final panel report to WTO members • 3 weeks
- Dispute Settlement Body adopts report • 60 days

Total = 1 year

(published on Internet)

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2b. WTO dispute settlement : Panel Report

- Written presenting of the case by the parties
- First hearing
- Written presenting of rebuttals
- Second hearing
- Experts to prepare an advisory report
- First draft (~Facts)
- Interim report
- Review
- Final report

3. WTO dispute settlement : Panel Report

- Written presenting of the case by the parties
- First hearing
- Written presenting of rebuttals
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- Final report

Thank you for your
attention and participation!

