

Strasbourg, 13 April 2007

CEPEJ- SATURN(2007)2

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

***Groupe de Pilotage of the SATURN Centre for judicial time management
(CEPEJ-SATURN)***

1st meeting
Strasbourg, 20 – 21 March 2007

MEETING REPORT

1. The *Groupe de pilotage* of the SATURN Centre held its first meeting on 20 - 21 March 2007 in Strasbourg. Mr. Jacques BÜHLER (Switzerland) was elected Chair of the Group.
2. The Secretariat welcomed the experts for the first meeting of the Group and excused Ms Eka TKESHELASHVILI, President of the Court of Appeal of Tbilisi (Georgia) who could not attend the meeting.
3. The agenda and the list of participants of the meeting appears in Appendices I and II to this Report, respectively.

1. Information by the Secretariat

4. The Secretariat informed the Group on the context in which the CEPEJ set up the SATURN Centre at its 8th plenary meeting, aimed at collecting concrete information on judicial timeframes in the members states. The CEPEJ's Report "European Judicial Systems – Edition 2006" and the previous work of the Task Force on judicial timeframes had shown that only few concrete data were available in the member states, while excessive length of proceedings was the main reason for European citizens going to the European Court of Human Rights.
5. The CEPEJ had already produced essential materials based on its Framework Programme for optimum and foreseeable timeframes (CEPEJ(2004)19 Rev), prepared by the CEPEJ-TF-DEL: the Checklist for time management (CEPEJ(2005)12); the Report on "Length of court proceedings based on the case-law of the ECHR" (CEPEJ(2006)15); the Report on "Time management in judicial systems: A Northern, Europe study " (CEPEJ(2006)14) and the "Compendium of best practices on time management of judicial proceedings" (CEPEJ(2006)13). The last three documents were introduced to the Ministers' Delegates on 31 January 2007¹ and were unanimously welcomed: the Delegates underlined their quality and relevance for improving national judicial systems and contributing to the functioning of the European Court of Human Rights.
6. The Secretariat also referred to the ongoing in-depth analysis of the Report "European Judicial Systems", under the supervision of the CEPEJ-GT-EVAL. It indicated that the GT-EVAL had proposed to the *Groupe de pilotage* of SATURN to reflect on possible homogenous methods for calculating length of proceedings which might be included into CEPEJ's guidelines on judicial statistics.
7. The Secretariat presented a summing up of the 2nd plenary meeting of the CEPEJ's Network of Pilot Courts (Strasbourg, 19 March 2007), where length of proceedings were addressed in particular within the framework of a specific commission². Some experts of the Group regretted that they had not been invited to participate in this meeting, as the contribution of Pilot courts to the work of the SATURN Centre was essential. They were told that it had not been possible to invite all the members of the four CEPEJ working groups to this meeting which aimed at bringing together representatives of the Pilot courts to organise their cooperation with the CEPEJ on four main tasks. It was proposed that this issue be addressed by the Bureau of the

¹ The Checklist had been introduced to the Ministers' Delegates at a previous meeting.

² See document CEPEJ(2007)9.

CEPEJ at its next meeting, to improve direct interactions between the Pilot courts and the CEPEJ's experts.

2. Establishment of a methodology of the Working group and a 2007 working plan for the CEPEJ-SATURN

8. During the first part of the meeting a 'brainstorming' was held on the main tasks and results to be achieved by the SATURN Centre and the cooperation with the Network on Pilot courts, which was considered as the first source of information.
9. The experts agreed that the work to be developed should concern both criminal and civil/administrative law issues.
10. They indicated that the report "European Judicial Systems – Edition 2006" should be used to see which additional statistics should be further collected. They also agreed to rely on the Time management Checklist.
11. By looking at the results to be achieved, the members of Group discussed the results of TF-DEL, especially the Compendium on best practices for management of judicial proceedings and the Time Management Checklist. It was proposed that a preliminary work should result in model rules for judicial time management, which could be developed in a "CEPEJ green book on judicial time management", including a typology of cases. Some experts underlined that this work could include guidelines for promoting legislative reforms in the member states.
12. A draft questionnaire was proposed by Mr Uzelac to collect further information on judicial timeframes and the use of case categories and measure tools from courts, through a "bottom up" approach, i.e. courts are asked (with the use of open questions) to provide information without a 'pre-filled' grid of case categories as proposed in the document "Common case categories" (CEPEJ-TF-DEL (2006) 7) – the outcome of the data-collection process through this tool could be used to develop at a European level a typology of cases which could be the starting point for the development of measurement instruments to measure the timeframes in the courts in a homogenous manner.
13. The Group agreed to merge the two Schemes into a new one, which was proposed by the Chair. In discussing this draft, the experts raised in particular the following issues:
 - basic information on the courts (jurisdiction, staff, etc) could be taken from the updated information to be provided by the network of Pilot courts to the Secretariat,
 - the Scheme should start with an open question: "which types of cases does your court decide on?", including a brief description of the definition of these cases, followed by a grid with "pre-defined" common case categories; courts would be asked to identify the level of applicability of these case categories to their own situation;
 - a question would be included regarding statistical information on cases and timeframes; courts would be invited to collect data on cases and timeframes for the reference year 2006;

- courts would be asked to provide the necessary information so as to provide for a better understanding of the various calculation methods used for measuring timeframes;
 - the reasons for delays and delaying tactics should be addressed;
 - courts would be asked to provide information on the data collection process, the degree of detailed information available on timeframes and the measures to be taken to reduce length of proceedings;
 - key elements of the Time management Checklist should be taken into account;
 - the Scheme would be concluded with three hypothetical cases on criminal, civil and administrative law, for a better understanding of the various judicial proceedings and their timeframes in the courts with similar cases.
14. Mr Johnson and Mr Stacey provided the Group with two drafts hypothetical cases, respectively in criminal and civil matters. The Group discussed these cases and agreed that they would be finalised by the two experts, with the help of the Secretariat. The Chair of the Group agreed to draft a similar hypothetical case on a dispute between a citizen and the government.
15. The Chair of the Group proposed to submit a revised questionnaire to the Group. This draft would be sent to the members of the Group for comments and finalisation by the Secretariat. This new version would include an explanatory note. A final version would be sent to the members of the Network of Pilot courts
16. The Group agreed to send the Scheme to the representatives of the Network of Pilot courts in the second half of 2007. A draft version of the Scheme would be tested on up to five relevant Pilot courts, to be chosen by the Secretariat. Their comments would be taken into account before sending a final version to the other courts. Due to the variety in the types of courts and their jurisdiction and to generate comparable data, the Pilot courts would be invited to forward the Scheme to 'neighbouring' courts.
17. The replies would be used to draft relevant tools on judicial timeframes in Europe. Mr. Uzelac volunteered to start working on a first outline for a green book on judicial time management, to be discussed at the next meeting of the Group.
18. The following working plan was agreed by the Group:
- adoption of the Scheme for collecting information: October 2007
 - test of the Scheme on five Pilot courts: November 2007
 - completion of the Scheme, to be sent to the Pilot courts: December 2007
 - Analysis of the replies: March 2008
 - Adoption of guidelines (and possible other relevant tools): October 2008

3. Definition of a homogenous method for calculating judicial timeframes

19. The Group agreed that it was necessary to wait for the evaluation of timeframes through the Scheme sent to the Pilot courts in order to define a homogenous method for calculating judicial timeframes. Such a method could form part of the guidelines on judicial timeframes to be prepared by the Group.

4. Other business

20. The Secretariat confirmed that the next meeting of the Group would take place in Strasbourg on 18 – 19 October 2007. All the CEPEJ meetings were posted and regularly updated on the CEPEJ's website (calendar).
21. As a part of the cooperation with the European Union, the CEPEJ was invited to attend a conference organised by the German Presidency of the European Union on E-justice (Bremen, 29-31 May 2007).
22. Mr Uzelac indicated that a training course of the Inter-University Centre of Dubrovnik (Croatia) would be held on 28 May - 1 June 2007 on "Public and private justice and the contribution of the CEPEJ to justice reforms in Europe". Two members of the *Groupe de Pilotage* of the SATURN Centre, the Vice-President of the CEPEJ and the Secretariat would have an active role in this session.

APPENDIX I

AGENDA

- 1. Election of the Chairman**
- 2. Adoption of the agenda**
- 3. Information by the Secretariat**
- 4. Establishment of a methodology in order for the Working Group to:**
 - analyse available information, especially the report of the CEPEJ on the “European judicial systems – Edition 2006”, the reports on “judicial timeframes of proceedings in the case law of the ECHR”, the report on “time management in Nordic Courts” and the report “management of time: good practice;
 - collect necessary information on judicial timeframes of proceeding in the member States, including;
 - define measuring systems and common indicators on judicial timeframes of proceedings in all member States and define appropriate modalities for collecting information through statistical analysis;
 - rely on appropriate networks allowing the integration of the works and reflections of the judicial community, in particular on the network of pilot courts within the member States, to exploit innovative projects aimed at measuring, reducing and adjusting the timeframes operated by courts in member States.
- 5. Establishment of the 2007 working plan of the CEPEJ-SATURN**
- 6. Establishment of a typology of cases and the subsequent judicial timeframes**
- 7. Definition of a homogenous method for calculating judicial timeframes**
- 8. Other business**

APPENDIX II

List of participants / *Liste des participants*

Jacques BÜHLER, Secrétaire Général suppléant, Tribunal fédéral suisse, Lausanne, SUISSE (**Chair of the *Groupe de pilotage* / *Président du Groupe de pilotage***)

Gaby EMAN, Advisor, Directorate General for the Administration of Justice and Law Enforcement, Instruments Department, Ministry of Justice, The Hague, THE NETHERLAND

Giacomo OBERTO, Magistrat, Tribunal de Grande Instance de Turin, ITALIE

Jon T. JOHNSEN, Professor in Law, Dean of the Faculty of law, University of Oslo, NORWAY

Ekaterine TKESHELASHVILI, Chair of the Court of Appeal of Tbilisi, GEORGIA (Apologised / *Excusée*)

Alan UZELAC, Ph.D. Professor at the Faculty of Law, University of Zagreb, CROATIA

Jana WURSTOVA, Lawyer, Adviser, Czech Bar Association, Prague, CZECH REPUBLIC

John STACEY, Head of Civil and Family Procedures Branch, HM Court Service, Civil Law and Justice Division, London, UNITED KINGDOM

Fausto DE SANTIS, Directeur Général au sein du Bureau de l'organisation judiciaire, Ministère de la Justice, Rome, ITALIE (**Chair of the *CEPEJ/Président de la CEPEJ***)

OBSERVERS / *OBSERVATEURS*

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Michel CRAMET, Coordonnateur, Service administratif régional de la Cour d'Appel de Lyon, FRANCE

Gabriele GUARDA, Greffier en chef, Tribunal de Padoue, ITALIE (Président de l'EUR)

Anna MANDARINO, Greffier en chef, Tribunale de Belluno, ITALIE

SECRETARIAT

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