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**Study on Council of Europe
Member States Appeal and Supreme Courts'
Lengths of Proceedings
Edition 2012 (2006-2010 data)**

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19-09-2013

¹ The author wishes to thank the Groupe de Pilotage of the SATURN Centre for judicial time management, for the many useful suggestions and comments during the examination of the first draft of the report at the SATURN meeting of 5-6 March 2013. The author wishes also to thank Domenico Piscitelli for the technical support and Prof. Michele Sapignoli for the useful discussion on ways to confront first, second and highest instance courts Disposition time.

Study on Council of Europe Member States Appeal and Supreme Courts' Lengths of Proceedings

Edition 2012 (2006-2010 data)

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17-10-2013

"The length of judicial proceedings has been recognised as a priority within the objectives of the Council of Europe relating to human rights and the rule of law."³

This is the second edition of the Cepej *Study on Council of Europe Member States Appeal and Supreme Courts' Lengths of Proceedings*. According to the indications provided by Cepej, this report looks in depth at lengths of proceedings and time taken to process pending cases in second instance (appeal) courts and highest instance (supreme) courts on the basis of the information gathered in the course of the 2008-2012 evaluation of judicial systems carried out by Cepej.⁴ The European judicial systems study, Edition 2012 (data 2010) has analysed the answers regarding first instance. An analysis has been asked for this report in relation to second and highest instance. In particular it has been asked to focus the production and analysis on the following figures for second and (where possible) highest instance:

- 9.10 CR of civil litigious and non-litigious cases in 2010
- 9.11 Evolution of the CR of civil litigious cases between 2006 and 2010
- 9.12 DT of litigious and non-litigious civil (and commercial) cases in 2010
- 9.13 Map with DT and CR of litigious civil (and commercial) cases in 2010
- 9.24 CR of administrative law cases in 2010
- 9.25 Evolution of the CR of administrative law cases between 2006 and 2010
- 9.26 Map with DT and CR of the total number of civil, commercial and administrative law cases in 2010
- 9.27 Evolution of CR of the total number of civil, commercial and administrative law cases between 2006 and 2010
- 9.28 Number of incoming criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in first instance. Absolute figures and per 100.000 inhabitants in 2010 (severe criminal offences) vs misdemeanour cases (minor offences) criminal in 2010
- 9.30 Part of first instance incoming criminal cases
- 9.31 CR of criminal cases (severe criminal offences) and misdemeanour case (minor offences) in 2010
- 9.32 Map with CR of criminal cases (severe criminal offences) and misdemeanour case (minor offences) in 2010
- 9.33 CR of the total number of criminal cases in 2010

² The author wishes to thank the Groupe de Pilotage of the SATURN Centre for judicial time management, for the many useful suggestions and comments during the examination of the first draft of the report at the SATURN meeting of 5-6 March 2013. The author wishes also to thank Domenico Piscitelli for the technical support and Prof. Michele Sapignoli for the useful discussion on ways to confront first, second and highest instance courts Disposition time.

³ CEPEJ(2006)13 Compendium of "best practices" on time management of judicial proceedings, p.4.

⁴ Data is based on reports by member states, which were invited to appoint national correspondents, entrusted with the coordination of the replies to the Cepej Evaluation Scheme for their respective states.

- 9.38 Average length of proceedings for litigious divorce cases between 2006 and 2010.

In addition, the report presents a synthesis of first, second and highest instance case loads to give a global vision of the situation of CoE member states. In line with Cepej indications, the synthesis focus on Clearance rate and Disposition time (for total number of civil, commercial and administrative law cases, and for total number of criminal cases) and on length of proceedings (for litigious divorce cases, possible only for first and second instance).

In looking at the data, analysis and proposals for further developments, three funding principles governing proper time management of judicial proceedings should be always kept in mind, providing a reference framework: “1) the principle of balance and overall quality of the judicial system, 2) the need to have efficient measuring and analysis tools defined by the stakeholders through consensus, 3) the need to reconcile all the requirements contributing to a fair trial, with a careful balance between procedural safeguards, which necessarily entail the existence of lengths that cannot be reduced, and a concern for prompt justice.”⁵

⁵ CEPEJ(2006)13 Compendium of “best practices” on time management of judicial proceedings, p.4.

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1. Methodological introduction⁶

As previously stated, this report looks in depth at lengths of proceedings and time taken to process pending cases in second instance (appeal) courts and highest instance (supreme) courts on the basis of the information gathered in the course of the 2008-2012 evaluation of judicial systems carried out by Cepej.⁷ The European judicial systems study, Edition 2012 (data 2010) has analysed the answers regarding first instance. Accordingly, the report builds upon the methodological choices made by Cepej for its European Judicial Systems studies and on the definitions, indications and distinctions provided in particular in the European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice. In order to interpret the data, reference can also be made to the findings of the "Length of court proceedings in the member states of the Council of Europe based on the case law of the European Court of Human Rights" Cepej Study No. 3 as revised by Cepej Study No. 19. A summary of the findings of the report is available in Annex 1. In using this interpretative lens to look into the data of the "Study on Council of Europe Member States Appeal and Supreme Courts' Lengths of Proceedings", though, it should be considered that the focus of the European Court of Human Rights is on the reasonable duration of the single cases while this report focuses on the overall performance of the European Judicial Systems.

1.1. Responding states

By May 2012, 46 member states had participated in the process: **Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus,⁸ Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Republic of Moldova,⁹ Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia,¹⁰ Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom.¹¹**

Only **Liechtenstein** has not been able to provide data for this report. **Germany**, which was not able to participate in the previous cycle, has been able to provide their data this time.

1.2. Data quality

As stated in the European Judicial Systems, Edition 2012 study, also here quality of the figures depends "on the type of questions asked in the data collection instrument, the definitions used by the countries, the system of registration in the countries, the efforts supplied by national correspondents, the national figures available to them and the manner in which the figures have been processed and analysed. In spite of the improvements resulting from previous experiences, it is reasonable to assume that some variations occurred when national correspondents interpreted the questions for their country and tried to match the questions to the information available to them. The reader should bear this in mind and always interpret the statistical figures given in the light of their attached narrative comments and the more detailed explanations given in the individual national replies".¹²

⁶ Based on the European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice study

⁷ Data is based on reports by member states, which were invited to appoint national correspondents, entrusted with the coordination of the replies to the Cepej Evaluation Scheme for their respective states.

⁸ The data provided by Cyprus does not include data of the territory which is not under the effective control of the Government of the Republic of Cyprus.

⁹ The data provided by the Republic of Moldova does not include data of the territory of Transnistria which is not under the effective control of the Government of the Republic of Moldova

¹⁰ The data provided by Serbia does not include data of the territory of Kosovo (All reference to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.)

¹¹ United Kingdom data are provided and analysed separately for England and Wales, Scotland and Northern Ireland, as the three judicial systems are organized on different basis and operate independently from each other.

¹² European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.8.

1.3. Definitions

Cepej European judicial systems data collection scheme makes a distinction between civil (and commercial) litigious cases and non-litigious cases, Enforcement cases, Land registry cases, Business register cases, Administrative law cases, other, Other, Criminal cases (severe criminal offences) and Misdemeanour (minor offences cases). Such categories cannot always be easily identified in the different judicial systems, which take part in the data collection. For example, as indicated in the 'Explanatory note to the scheme for evaluating judicial systems' (2010-2012 cycle), "For criminal law cases there may be a problem of classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases. Some countries might have other ways of addressing misdemeanour and/or minor criminal cases (for example via administrative law procedure).¹³

Furthermore, there are some definitions from the Cepej "Compendium of 'best practices' on time management of judicial proceedings" glossary which have been followed in this document and in particular:

- **Backlog** – number of cases that exceed the "allowed duration" (see also page 75 "European Judicial Systems – Edition 2006"). This term is frequently used as a synonym of delay and it can be quite ambiguous. The establishment of timeframes makes it possible to adopt a more precise definition of backlog, as the number or percentage of cases not decided within an established timeframe (or time standard).
- **Pending cases** – it is the number of cases that still have to be dealt with by the court in a period of time. It may be expressed in numbers (e.g. Pending cases by January 1) or in a percentage (e.g. Percentage of pending cases of more than 3 years).

1.4. Indicators

In line with the indications provided by Cepej and to the methodological choice made in the European judicial systems, the present report adopts the following indicators of tendency (European judicial systems study, Edition 2012 (data 2010) definitions are used):

- **Average:** "represents the arithmetic mean which is the outcome of dividing the sum of the observations of a distribution (data supplied) by the total number of countries which have indicated the information included into the distribution. The average is sensitive to extreme values (too high or too low)".¹⁴
- **Median:** "represents the middle point of a set of ordered observations (ranked according to an increasing or decreasing order). The median is the value that divides the data supplied by the countries concerned into two equal groups so that 50% of the countries are above this value and 50% are below it. When there is an odd number of observations, the median is the value that is just in the middle of these two groups. The median is sometimes better to use than the average, as it is less sensitive to extreme values. The effect of the extreme values is then neutralised".¹⁵

In addition to the average and the median, minimum and maximum values:

- **Minimum:** is the lowest recorded value that has been reported for a given variable.
- **Maximum:** "the highest recorded value that has been reported for a given variable.

The Cepej has also adopted *performance indicators* of courts.

¹³ European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.463.

¹⁴ European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.11.

¹⁵ European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.11.

The Clearance rate (CR): is a “relationship between the new cases and completed cases within a period, in percentage”.¹⁶ In this report is calculated as the number of resolved cases for a given year divided by the number of incoming cases for the same year, expressed as a percentage:

$$\text{Clearance Rate (\%)} = \frac{\text{resolved cases}}{\text{incoming cases}} \times 100$$

“A Clearance rate close to 100 % indicates the ability of the court or of a judicial system to resolve more or less as many cases as the number of incoming cases within the given time period. A Clearance rate above 100 % indicates the ability of the system to resolve more cases than received, thus reducing”¹⁷ the number of pending cases. “Finally, if the number of incoming cases is higher than the number of resolved cases, the Clearance rate will fall below 100 percent. When a Clearance rate goes below 100 %, the number of unresolved cases at the end of a reporting period (backlog) will rise. Essentially, a Clearance rate shows how the court or judicial system is coping with the in-flow of cases”.¹⁸

The Disposition time (DT)¹⁹: “compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period”.²⁰ It is calculated by dividing the 365 days of a year by the number of resolved cases in the year of reference and multiplying them by the number of pending cases at the end of the year. It estimates the number of days necessary for a pending case to be solved in court:

$$\text{Disposition Time} = 365 \times \frac{\text{Pending cases at the end of the year of reference}}{\text{Resolved cases during the year of reference}}$$

It should be noted that DT provide just an estimation because which is based on the presupposition that the courts pending /resolved ratio of the period under consideration will be stable in the following period. It should also be noted that it is different from the average time needed to process each case of the procedure.

1.5. Comparing data

As noted in the European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, “the comparison of quantitative figures from different countries revealing varied geographical, economic and legal situations is a delicate job. It should be approached with great caution by the experts writing the report and by the readers consulting it and, above all, by those who are interpreting and analysing the information it contains. In order to compare the various states and their various systems, the particularities of the systems, which might explain differences from one country to another one (different judicial structures, organisation of courts and the use of statistical tools to evaluate the systems, etc.), must be borne in mind”.²¹

Accordingly, tables and figures provided in the report should not be passively taken one after the other, and cases should not be confronted with one-another without considering the broader context and interpreting the data taking into account national specificities.

Furthermore, the report aims to give an overview of the Europe member states lengths of proceedings situation with a specific focus on Appeal and Supreme Courts data, which were not analyzed in the European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice. It is “not to rank the best judicial systems in Europe, which would be scientifically inaccurate and would not be a useful tool for the public policies of justice. Indeed, comparing does not mean ranking”.²²

¹⁶ "GOJUST" Guidelines (CEPEJ(2008)11), p. 10.

¹⁷ European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p. 169.

¹⁸ European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p. 169.

¹⁹ In this report the term ‘time to disposition’ is not used in order to reduce possible ambiguities as the NCSC CourtTools provides a definition for time to disposition which is quite different from the definition that Cepej gives to Disposition time. According to the NCSC CourtTools, time to disposition is “The percentage of cases disposed or otherwise resolved within established time frames” http://www.ncsconline.org/D_Research/CourTools/

²⁰ "GOJUST" Guidelines (CEPEJ(2008)11), p. 10.

²¹ European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p. 10.

²² European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.10.

Comparisons can take multiple forms:

- Comparisons by types of procedures
- Comparisons across time
- Comparisons across countries
- Comparisons across procedures, time and countries

In the absence of a common data dictionary, even considering the effort made by Cepej through the Explanatory note of the European Judicial Systems evaluation scheme, comparisons must be done cautiously in order to deal with the “difficulties to make meaningful and not misleading comparisons about judicial time management across ... [time and across] member States”.²³ An example of this difficulty is provided by the complexity of clearly distinguish between litigious and non litigious cases. While the general idea is to count only real, contested cases, as ‘litigious’, it is not always easy to do so as in the case of how to consider contested cases terminated by a friendly settlement, or how to separate litigious and non litigious if national data are collected according to different parameters.

Another example of this problem is the “impressive diversity in the definition of small claim - apparently a simple concept-”. As confronting the monetary value of a small claim in 2006, 2008 and 2010 shows, differences are not just cross countries (in 2010 small claims limit values provided by the responding states ranges between a minimum of 72,41 € in **Lithuania** to a maximum of 15.985 € in **Norway**), but there are also considerable changes in what some countries consider a small claim in 2006, 2008 and 2010.²⁴

Finally, when looking at ‘comparisons across time’ presented in this report, it should be considered that: 1) comparisons are based on just three time sets (2010, 2008 and 2006), and 2) data do not consider the entire time period as 2007 and 2009 data are not available. So, also for this reason relevant information could be missing and emerging trends could be misleading.

1.6. Suggestions for looking at the key indicators

In line with the choices made for the European Judicial Systems studies, with the mandate from the CEPEJ Secretariat and the indications of the Steering Group of the SATURN Centre for judicial time management, this work has a descriptive stance. The intent is to provide the reader with a useful tool to better grasp and confront the data and court systems output indicators such as Clearance rate and Disposition Time. At the same time, during the discussion of the present document at the 9th meeting of the Steering Committee of the Saturn Centre it emerged the need to have a short paragraph to provide some suggestions on how it could be possible to read the main indicators and look at their combined meaning. Indeed, the observation of Clearance rate and Disposition Time, especially when done with a broader vision to other basic data such as absolute and per capita incoming, resolved and pending, can allow the reader “to come up with instructive questions and leads to a better understanding of how a judicial system operates and what challenges and obstacles it faces. ... [These key indicators can also] be used to identify conspicuous trends and compare judicial performance in key areas between various judicial systems or courts”.²⁵ Quantitative values provided should be considered indicative and to be further tested maybe also through the involvement of the Network of Pilot Courts.

A way to proceed could be to look firstly at the Disposition Time. As defined in section 1.4. Disposition Time measures “how frequently a judicial system (or a court) turns over the cases received – that is, how long it takes to resolve a case type”.²⁶ Furthermore, it indirectly provides “the answer to one of the questions most raised within a judicial system – what is the overall length of proceedings”.²⁷ Disposition Time of a specific category of cases can be observed for each court instance (first, second and highest instance). Firstly looking at the absolute values: is the Disposition Time at each court instance below 100, 200 or 300 days? Is it above one, two or even three years? Then comparing the values to the average and median values of the same instance for that category of cases. These data

²³ (CEPEJ-SATURN(2011)6), p.2.

²⁴ (CEPEJ-SATURN(2011)6), p.4.

²⁵ A. Hodzic and G. Stawa “What can be said on Clearance rate and disposition time (and some more relations)?” Presentation at the CEPEJ plenary meeting, 9 December 2010, p.2.

²⁶ A. Hodzic and G. Stawa “What can be said on Clearance rate and disposition time (and some more relations)?” Presentation at the CEPEJ plenary meeting, 9 December 2010, p.1.

²⁷ A. Hodzic and G. Stawa “What can be said on Clearance rate and disposition time (and some more relations)?” Presentation at the CEPEJ plenary meeting, 9 December 2010, p.1.

can already provide an indication as far as the court instance(s) where problems exist and where attention should be focused.

Disposition time values can also be looked at aggregated level (1st, 1st + 2nd and 1st + 2nd + 3rd level) to get an indication of how long it could be expected for a case to be disposed of if it is settled at first instance court level or if it is appealed at second or highest instance. The data can be compared to the average and median values for that category of cases. It can be also worth analysing both the absolute and the relative consistency (in terms of incoming and pending cases at each court instance) of each category in order to assess the quantitative impact of the Disposition Time values. The fact that for example second instance incoming cases are less than 5% or more than 10% of first instance incoming cases is an element that could be relevant in order to assess the overall Disposition Time a court user should expect.

Once Disposition Time has been observed, the next step could be to look at it considering the Clearance Rate values. In this way it is possible to confront the DT “present situation” in light to what is happening to the pending cases: if they are increasing, and therefore there can be the expectancy of a growing DT or if they are decreasing, and therefore it could be expected for the DT to diminish. If the Disposition Time is considered good, a CR value slightly below 100% should be considered not worrisome (i.e. CR≥95%) as small fluctuations above and below 100% are consistent with a long period stability of the CR around 100%. Lower level of CR should be considered as an alert as will result in more consistent increases of pending cases. If the Disposition Time is not considered good, for example exceeding the year, or it is considered bad, exceeding the three years, a Clearance rate below 100% shows that the situation is worsening, while a value around 100% means that the situation is staying negative. Only a value above 100% shows that the situation is improving.

In addition to the Clearance rate, this report also provides data and figures on the Clearance rate variation. Indeed, Clearance rate variation can also be taken into account when assessing the “present situation” and future expectancy.

Note: the CEPEJ developed "GOJUST Guidelines"²⁸ and “SATURN Guidelines on judicial time management” (see www.coe.int/cepej) as tools for internal use by its stakeholders. The purpose is to help justice systems to collect appropriate information and analyse relevant aspects of the duration of judicial proceedings with a view to reducing undue delays, ensuring effectiveness of the proceedings and providing the necessary transparency and foreseeability to the users of the justice systems.

Inability of courts or the judiciary to produce data needed for calculation of Clearance rate could clearly demonstrate insufficiently developed tools described in such documents, which would help to assess the overall length of proceedings, to establish sufficiently specified typology of cases, to monitor the course of proceedings and means to promptly diagnose delays and mitigate their consequences.

²⁸ CEPEJ(2008) 11 and CEPEJ (2011)10

2. Civil (and commercial) second and highest instance data analysis

This section analyses through descriptions, tables and figures, the second and highest instance Clearance rate, Evolution of the Clearance rate for *Civil (and commercial)* cases. First instance court data is analysed in chapter nine of the European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice study.

To give a comparative view of Civil (and commercial) caseload management in the different judicial systems in Europe, section 2.1. introduces civil litigious and civil non-litigious cases in separate tables providing information on incoming, resolved and pending (31 Dec.) cases in 2010 in absolute numbers and per 100.000 inhabitants. The reason for this separation is that there are states where non-litigious cases, for example, land register cases or business register cases, form a major part of the workload of the courts, whilst in other states these tasks are dealt with by other instances. Section 2.2. allows to confront civil (and commercial) litigious and non-litigious incoming cases in 2010 in absolute numbers and per 100.000 inhabitants with the overall number of civil (and commercial) cases. Section 2.3. to 2.6 present the data with text and figures of Clearance rate and Disposition time of litigious and non-litigious civil (and commercial) cases with some specific focuses on litigious cases (i.e. Clearance rate evolution between 2006 and 2010 and confront of 2010 Clearance rate and Disposition time data).

2.1. Incoming, resolved and pending (31 Dec.) cases in 2010

2.1.1. Second instance

Of the 48 states or entities which participated to the data collection, in relation to second instance civil and commercial litigious cases in 2010, 32 were able to provide data on the number incoming cases, another 32 on the number of resolved cases and 28 on the pending cases at the end of the year (31 December 2010).

Table 1 – Incoming, resolved and pending (31 Dec.) second instance civil and commercial litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	411	403	161	483.4	474.0	189.4
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	31745	NA	NA	292.9		
Bosnia & Herzegovina	29735	28664	23482	773.7	745.9	611.0
Bulgaria	NA	NA	NA			
Croatia	81048	76368	67435	1,836.9	1,730.9	1,528.4
Cyprus	427	307	1004	53.1	38.2	124.8
Czech Republic	76101	76899	15898	723.6	731.2	151.2
Denmark	6869	6636	2744	123.5	119.3	49.3
Estonia	1907	2069	580	142.3	154.4	43.3
Finland	2045	2102	1287	38.0	39.1	23.9
France	243967	233577	229849	375.2	359.2	353.5
Georgia	11061	11765	1731	247.5	263.2	38.7
Germany	NA	31167	NA		38.1	
Greece	43526	34162	27898	384.8	302.1	246.7
Hungary	24554	24026	7526	245.9	240.6	75.4
Iceland	NAP	NAP	NAP			
Ireland	1325	1111	NA	28.9	24.3	
Italy	177260	146588	509229	292.4	241.8	839.9
Latvia	4180	4004	2816	187.5	179.6	126.3
Lithuania	12971	10930	5734	399.8	336.9	176.7
Luxembourg	1211	1146	1483	236.6	223.9	289.7
Malta	639	628	808	153.0	150.4	193.5
Moldova	8596	7830	2680	241.4	219.9	75.3

Monaco	941	688	1505	2,622.6	1,917.4	4,194.4
Montenegro	NA	NA	NA			
Netherlands	NA	NA	NA			
Norway	NA	NA	NA			
Poland	110195	109231	13552	288.5	285.9	35.5
Portugal	NA	NA	NA			
Romania	27039	24910	15053	126.2	116.2	70.2
Russian Federation	NA	NA	NA			
San Marino	50	59	218	150.8	178.0	657.6
Serbia	NA	NA	NA			
Slovakia	NA	NA	NA			
Slovenia	12363	11664	3640	603.0	568.9	177.5
Spain	144554	144861	75207	314.3	315.0	163.5
Sweden	2951	2950	901	31.3	31.3	9.6
Switzerland	8159	8089	3188	103.8	102.9	40.5
The FYROMacedonia	21560	22999	6440	1,048.0	1,117.9	313.0
Turkey	NA	NA	NA			
Ukraine	421762	348648	91243	921.3	761.6	199.3
UK-England and Wales	3353	3181	NA	6.1	5.8	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	4300	3170	NA	82.3	60.7	
Average				423.7	377.3	392.8
Median				246.7	232.2	170.1
Minimum				6.1	5.8	9.6
Maximum				2,622.6	1,917.4	4,194.4

Table 1 presents such data in absolute numbers and per 100 000 inhabitants. Looking at second instance incoming civil and commercial litigious cases per 100.000 inhabitants, the number ranges from a minimum of 6.1 cases (**UK-England and Wales**) to a maximum of 2622.6 (**Monaco**), with an average of 423.5 cases and a median of 246.7.

In comparison to incoming cases, resolved cases per 100.000 inhabitants range from a minimum of 5.8 cases (**UK-England and Wales**) to a maximum of 1917.4 (**Monaco**), with an average of 377.1 cases, and a median of 232.2. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 9.6 cases (**Sweden**) and a maximum of 4194.4 (**Monaco**), with an average of 392.5 cases, and a median of 170.1 cases.

Table 2 – Incoming, resolved and pending (31 Dec.) second instance civil and commercial NON-litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	NA	NA	NA			
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	NAP	NAP	NAP			
Bosnia & Herzegovina	NAP	NAP	NAP			
Bulgaria	NA	NA	NA			
Croatia	NA	NA	NA			
Cyprus	NA	NA	NA			
Czech Republic	NA	NA	NA			
Denmark	NAP	NAP	NAP			
Estonia	942	938	76	70.3	70.0	5.7
Finland	1175	1161	335	21.9	21.6	6.2
France	NA	NA	NA			
Georgia	NA	NA	NA			
Germany	NA	79430	NA		97.2	
Greece	NA	NA	NA			
Hungary	19666	19732	3630	196.9	197.6	36.4
Iceland	NAP	NAP	NAP			
Ireland	NA	NA	NA			
Italy	4071	3954	3155	6.7	6.5	5.2

Latvia	423	450	53	19.0	20.2	2.4
Lithuania	NA	NA	NA			
Luxembourg	NAP	NAP	NAP			
Malta	NA	NA	NA			
Moldova	NA	NA	NA			
Monaco	85	62	1226	236.9	172.8	3,416.9
Montenegro	NA	NA	NA			
Netherlands	NA	NA	NA			
Norway	NA	NA	NA			
Poland	19399	19248	1889	50.8	50.4	4.9
Portugal	NA	NA	NA			
Romania	975	997	519	4.5	4.7	2.4
Russian Federation	NA	NA	NA			
San Marino	0	0	0	0.0	0.0	0.0
Serbia	NA	NA	NA			
Slovakia	NA	NA	NA			
Slovenia	NA	NA	NA			
Spain	NA	NA	NA			
Sweden	NAP	NAP	NAP			
Switzerland	381	381	0	4.8	4.8	0.0
The FYROMacedonia	NA	NA	NA			
Turkey	NA	NA	NA			
Ukraine	NA	NA	NA			
UK-England and Wales	NAP	NAP	NAP			
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	NAP	NAP	NAP			
Average				61.2	58.7	348.0
Median				20.4	21.6	5.1
Minimum				0.0	0.0	0.0
Maximum				236.9	197.6	3,416.9

Looking at second instance civil and commercial non-litigious cases in 2010, 10 states were able to provide data on the number incoming cases, another 11 on the number of resolved cases and 10 on the pending cases at the end of the year (31 December 2010). Table 2 presents such data in absolute numbers and per 100 000 inhabitants. Looking at second instance incoming civil and commercial non-litigious cases per 100.000 inhabitants, the number ranges from a minimum of 0 cases (**San Marino**) to a maximum of 236.9 (**Monaco**), with an average of 61.2 cases and a median of 20.4. Resolved cases per 100.000 inhabitants range also from a minimum of 0 cases (**San Marino**) to a maximum of 197.6 (**Hungary**), with an average of 58.7 cases, and a median of 21.6. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 0 cases (**San Marino** and **Switzerland**) and a maximum of 3416.9 (**Monaco**), with an average of 348.0 cases, and a median of 5.1 cases.

2.1.2. Highest instance

Table 3 – Incoming, resolved and pending (31 Dec.) highest instance civil and commercial litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	NAP	NAP	NAP			
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	NA	NA	NA			
Bosnia & Herzegovina	4973	5744	3507	129.4	149.5	91.3
Bulgaria	NA	NA	NA			
Croatia	5995	4546	5234	135.9	103.0	118.6
Cyprus	NA	NA	NA			
Czech Republic	6013	6515	5126	57.2	61.9	48.7

Denmark	91	76	NA	1.6	1.4	
Estonia	175	148	54	13.1	11.0	4.0
Finland	NA	1072	NA		19.9	
France	20353	19855	18603	31.3	30.5	28.6
Georgia	1342	1279	377	30.0	28.6	8.4
Germany	NA	784	NA		1.0	
Greece	NA	NA	NA			
Hungary	2673	2618	1060	26.8	26.2	10.6
Iceland	NAP	NAP	NAP			
Ireland	NA	NA	NA			
Italy	30063	28507	96129	49.6	47.0	158.6
Latvia	NA	NA	NA			
Lithuania	662	564	222	20.4	17.4	6.8
Luxembourg	NA	66	NA		12.9	
Malta	NA	NA	NA			
Moldova	2165	2092	447	60.8	58.8	12.6
Monaco	NA	NA	NA			
Montenegro	1803	1852	98	290.8	298.7	15.8
Netherlands	NA	NA	NA			
Norway	NA	NA	NA			
Poland	NA	NA	NA			
Portugal	NA	NA	NA			
Romania	189826	173802	65568	885.7	811.0	305.9
Russian Federation	NA	NA	NA			
San Marino	5	3	7	15.1	9.0	21.1
Serbia	4244	5050	2966	58.2	69.3	40.7
Slovakia	NA	NA	NA			
Slovenia	1710	2017	2116	83.4	98.4	103.2
Spain	9048	10362	7748	19.7	22.5	16.8
Sweden	308	327	149	3.3	3.5	1.6
Switzerland	1639	1623	433	20.8	20.6	5.5
The FYROMacedonia	1630	1228	1263	79.2	59.7	61.4
Turkey	NA	NA	NA			
Ukraine	28114	24422	5112	61.4	53.3	11.2
UK-England and Wales	50	39	NA	0.1	0.1	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	224	238	NA	4.3	4.6	
Average				90.4	77.7	53.6
Median				31.3	27.4	19.0
Minimum				0.1	0.1	1.6
Maximum				885.7	811.0	305.9

As highest instance civil and commercial litigious cases in 2010 are concerned, 23 states were able to provide data on the number incoming cases, another 26 on the number of resolved cases and 20 on the pending cases at the end of the year (31 December 2010). Table 3 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100.000 inhabitants, the number ranges from a minimum of 0.1 cases (**UK-England and Wales**) to a maximum of 885.7 (**Romania**), with an average of 90.4 cases and a median of 31.3. In comparison to incoming cases, resolved cases per 100.000 inhabitants range from a minimum of 0.1 cases (**UK-England and Wales**) to a maximum of 811.0 (**Romania**), with an average of 77.8 cases, and a median of 27.4. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 1.6 cases (**Sweden**) and a maximum of 305.9 (**Romania**), with an average of 53.6 cases, and a median of 19.0 cases.

Table 4 – Incoming, resolved and pending (31 Dec.) highest instance civil and commercial NON-litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	NAP	NAP	NAP			
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	NAP	NAP	NAP			
Bosnia & Herzegovina	NAP	NAP	NAP			
Bulgaria	NA	NA	NA			
Croatia	NA	NA	NA			
Cyprus	NA	NA	NA			
Czech Republic	NA	NA	NA			
Denmark	NAP	NAP	NAP			
Estonia	NA	NA	NA			
Finland	NA	285	NA		5.3	
France	NA	NA	NA			
Georgia	NA	NA	NA			
Germany	NA	2608	NA		3.2	
Greece	NA	NA	NA			
Hungary	412	421	6	4.1	4.2	0.1
Iceland	NAP	NAP	NAP			
Ireland	NA	NA	NA			
Italy	NAP	NAP	NAP			
Latvia	NA	NA	NA			
Lithuania	NA	NA	NA			
Luxembourg	NA	NA	NA			
Malta	NA	NA	NA			
Moldova	NA	NA	NA			
Monaco	NA	NA	NA			
Montenegro	NAP	NAP	NAP			
Netherlands	NA	NA	NA			
Norway	NA	NA	NA			
Poland	NA	NA	NA			
Portugal	NA	NA	NA			
Romania	705	547	293	3.3	2.6	1.4
Russian Federation	NA	NA	NA			
San Marino	0	0	0	0.0	0.0	0.0
Serbia	NAP	NAP	NAP			
Slovakia	NA	NA	NA			
Slovenia	NA	NA	NA			
Spain	NA	NA	NA			
Sweden	NAP	NAP	NAP			
Switzerland	NAP	NAP	NAP			
The FYROMacedonia	NAP	NAP	NAP			
Turkey	NA	NA	NA			
Ukraine	NA	NA	NA			
UK-England and Wales	0	0	NA	0.0	0.0	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	NAP	NAP	NAP			
Average				1.9	2.5	0.5
Median				1.6	2.9	0.1
Minimum				0.0	0.0	0.0
Maximum				4.1	5.3	1.4

In relation to highest instance civil and commercial non-litigious cases in 2010, only a very limited number of states were able to provide data on incoming, resolved and pending at the end of the year. 4 states were able to provide data on the number incoming cases, another 6 on the number of resolved cases and 3 on the pending cases at the end of the year (31 December 2010). Table 4 presents such data in absolute numbers and per 100 000 inhabitants. Looking at highest instance

incoming civil and commercial non-litigious cases per 100.000 inhabitants, the number ranges from a minimum of 0 cases (**San Marino** and **UK-England and Wales**) to a maximum of 4.1 (**Hungary**), with an average of 1.9 cases and a median of 1.6. In comparison to incoming cases, resolved cases per 100.000 inhabitants range from a minimum of 0 cases (**San Marino** and **UK-England and Wales**) to a maximum of 5.3 (**Finland**), with an average of 2.5 cases, and a median of 2.9. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 0 cases (**San Marino**) and a maximum of 1.4 (**Romania**), with an average of 0.5 cases, and a median of 0.1 cases.

2.2. Confronting civil (and commercial) litigious and non-litigious incoming cases in 2010

2.2.1. Second instance

Table 5 – Incoming second instance civil and commercial total, litigious & NON litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Total number of civil & com. cases	Number of civil & com. litigious cases	Number of civil & com. NON-litigious cases	Per 100 000 inhabitants			Part of litigious in the total number of civil & com. cases	Part of NON-litigious in the total number of civil & com. cases
				Total	Litigious	NON-litigious		
Albania	NA	NA	NA					
Andorra	NA	411	NA		483.4			
Armenia	NA	NA	NA					
Austria	NA	NA	NA					
Azerbaijan	NA	NA	NA					
Belgium	31745	31745	NAP	292.9	292.9		100%	
Bosnia & Herzegov.	29735	29735	NAP	773.7	773.7		100%	
Bulgaria	NA	NA	NA					
Croatia	NA	81048	NA		1,836.9			
Cyprus	NA	427	NA		53.1			
Czech Republic	NA	76101	NA		723.6			
Denmark	6869	6869	NAP	123.5	123.5		100%	
Estonia	2849	1907	942	212.6	142.3	70.3	67%	33%
Finland	3220	2045	1175	59.9	38.0	21.9	64%	36%
France	NA	243967	NA		375.2			
Georgia	NA	11061	NA		247.5			
Germany	NA	NA	NA					
Greece	NA	43526	NA		384.8			
Hungary	44220	24554	19666	442.8	245.9	196.9	56%	44%
Iceland	NAP	NAP	NAP					
Ireland	NA	1325	NA		28.9			
Italy	181331	177260	4071	299.1	292.4	6.7	98%	2%
Latvia	4603	4180	423	206.4	187.5	19.0	91%	9%
Lithuania	NA	12971	NA		399.8			
Luxembourg	1211	1211	NAP	236.6	236.6		100%	
Malta	NA	639	NA		153.0			
Moldova	NA	8596	NA		241.4			
Monaco	1026	941	85	2,859.5	2,622.6	236.9	92%	8%
Montenegro	NA	NA	NA					
Netherlands	NA	NA	NA					
Norway	NA	NA	NA					
Poland	129594	110195	19399	339.3	288.5	50.8	85%	15%
Portugal	NA	NA	NA					
Romania	28014	27039	975	130.7	126.2	4.5	97%	3%
Russian Federation	NA	NA	NA					
San Marino	50	50	0	150.8	150.8	0.0	100%	0%

Serbia	NA	NA	NA					
Slovakia	NA	NA	NA					
Slovenia	NA	12363	NA		603.0			
Spain	NA	144554	NA		314.3			
Sweden	2951	2951	NAP	31.3	31.3		100%	
Switzerland	8540	8159	381	108.6	103.8	4.8	96%	4%
The FYROMacedonia	NA	21560	NA		1,048.0			
Turkey	NA	NA	NA					
Ukraine	NA	421762	NA		921.3			
UK-England & Wales	3353	3353	NAP	6.1	6.1		100%	
UK-Northern Ireland	NA	NA	NA					
UK-Scotland	4300	4300	NAP	82.3	82.3		100%	
Average				373.9	423.7	61.2	91%	16%
Median				206.4	246.7	20.4	98%	9%
Minimum				6.1	6.1	0.0	56%	0%
Maximum				2,859.5	2,622.6	236.9	100%	44%

Table 5 provides information on second instance total number of civil and commercial incoming cases in 17 states, on the number of incoming litigious cases in 32 states and on the number of incoming non-litigious cases in 10 states. Data is provided both in absolute values, both per 100.000 inhabitants. The table presents also the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases in 17 states (NAP is considered 0 for this purpose).

The total number of incoming cases per 100.000 inhabitants ranges from a minimum of 6.1 cases (**UK-England and Wales**) to a maximum of 2859.5 (**Monaco**), with an average of 389.5 cases and a median of 209.5. In comparison to the total number of civil and commercial incoming cases, civil and commercial litigious cases per 100.000 inhabitants range from the same minimum of 6.1 cases (**UK-England and Wales**) to a somewhat lower maximum of 2622.6 (**Monaco**), with an average of 423.5 cases, and a median of 246.7. Considering the number of incoming civil and commercial non litigious cases per 100.000 inhabitants, the number ranges between a minimum of 0 cases (**San Marino**) and a maximum of 236.9 (**Monaco**), with an average of 61.2 cases, and a median of 20.4 cases.

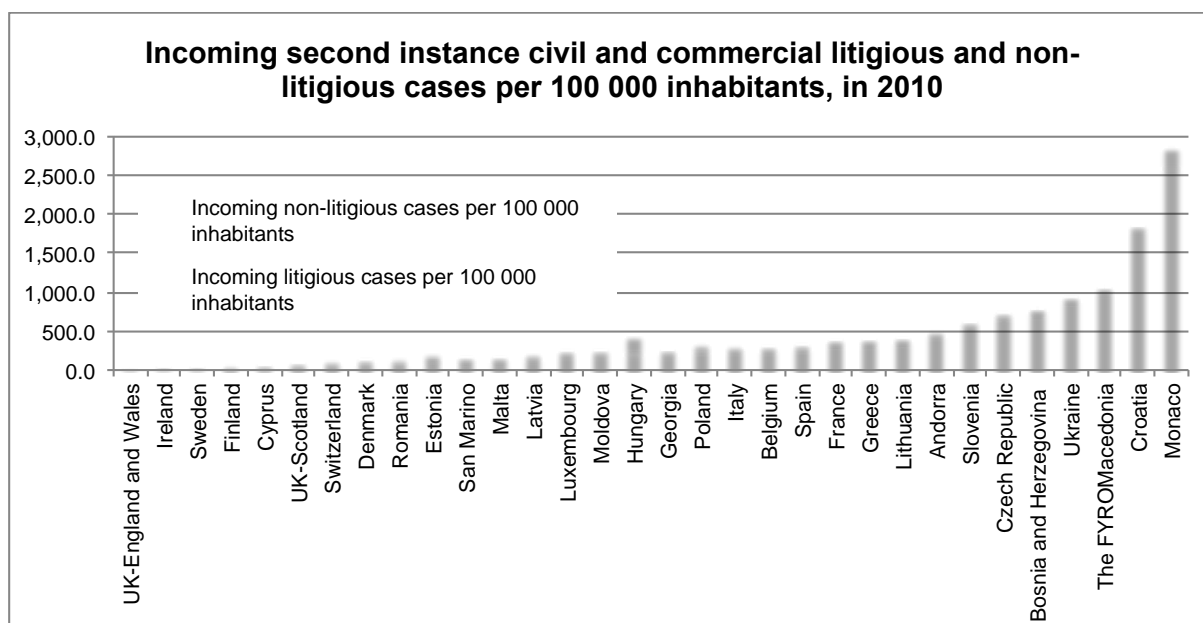


Figure 1 - Incoming second instance civil and commercial litigious and non-litigious cases per 100 000 inhabitants, in 2010

Figure 1 presents the data on incoming civil and commercial litigious (32 states) and non-litigious (10 states) cases per 100 000 inhabitants at highest instance, in 2010. Looking at the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases shows that the number of litigious incoming is higher for all states that provided data ranging between a maximum of 100% to a minimum of 56% (**Hungary**) of the total.

Tables confronting resolved and pending (31 Dec.) second instance civil (and commercial) litigious and non-litigious incoming cases in 2010 are provided in Annex 2

2.2.2. Highest instance

Table 6 – Incoming Highest instance civil and commercial total, litigious & NON litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Total number of civil & com. cases	Number of civil & com. litigious cases	Number of civil & com. NON-litigious cases	Per 100 000 inhabitants			Part of litigious in the total number of civil & com. cases	Part of NON-litigious in the total number of civil & com. cases
				Total	Litigious	NON-litigious		
Albania	NA	NA	NA					
Andorra	NAP	NAP	NAP					
Armenia	NA	NA	NA					
Austria	NA	NA	NA					
Azerbaijan	NA	NA	NA					
Belgium	NA	NA	NAP					
Bosnia and Herzegovina	4973	4973	NAP	129.4	129.4		100%	
Bulgaria	NA	NA	NA					
Croatia	NA	5995	NA		135.9			
Cyprus	NA	NA	NA					
Czech Republic	NA	6013	NA		57.2			
Denmark	91	91	NAP	1.6	1.6		100%	
Estonia	NA	175	NA		13.1			
Finland	NA	NA	NA					
France	NA	20353	NA		31.3			
Georgia	NA	1342	NA		30.0			
Germany	NA	NA	NA					
Greece	NA	NA	NA					
Hungary	3085	2673	412	30.9	26.8	4.1	87%	13%
Iceland	NAP	NAP	NAP					
Ireland	NA	NA	NA					
Italy	30063	30063	NAP	49.6	49.6		100%	
Latvia	NA	NA	NA					
Lithuania	NA	662	NA		20.4			
Luxembourg	NA	NA	NA					
Malta	NA	NA	NA					
Moldova	NA	2165	NA		60.8			
Monaco	NA	NA	NA					
Montenegro	1803	1803	NAP	290.8	290.8		100%	
Netherlands	NA	NA	NA					
Norway	NA	NA	NA					
Poland	NA	NA	NA					
Portugal	NA	NA	NA					
Romania	190531	189826	705	889.0	885.7	3.3	100%	0%
Russian Federation	NA	NA	NA					
San Marino	5	5	0	15.1	15.1	0.0	100%	0%
Serbia	4244	4244	NAP	58.2	58.2		100%	
Slovakia	NA	NA	NA					
Slovenia	NA	1710	NA		83.4			
Spain	NA	9048	NA		19.7			
Sweden	308	308	NAP	3.3	3.3		100%	
Switzerland	1639	1639	NAP	20.8	20.8		100%	
The FYROM	1630	1630	NAP	79.2	79.2		100%	
Turkey	NA	NA	NA					
Ukraine	NA	28114	NA		61.4			
UK-England & Wales	50	50	0	0.1	0.1	0.0	100%	0%

UK-Northern Ireland	NA	NA	NA					
UK-Scotland	224	224	NAP	4.3	4.3		100%	
Average				121.0	90.4	1.9	99%	3%
Median				30.9	31.3	1.6	100%	0%
Minimum				0.1	0.1	0.0	87%	0%
Maximum				889.0	885.7	4.1	100%	13%

Table 6 provides information on highest instance total number of civil and commercial incoming cases in 13 states, on the number of incoming litigious cases in 23 states and on the number of incoming non-litigious cases in 4 states. Data is provided both in absolute values, both per 100.000 inhabitants. The table presents also the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases in 13 states (NAP is considered 0 for this purpose).

Absolutes values range

The total number of incoming cases per 100.000 inhabitants ranges from a minimum of 0.1 cases (**UK-England and Wales**) to a maximum of 889.0 (**Romania**), with an average of 130.9 cases and a median of 40.2. In comparison to the total number of civil and commercial incoming cases, civil and commercial litigious cases per 100.000 inhabitants range from a minimum of 0.1 cases (**UK-England and Wales**) to a maximum of 885.7 (**Romania**), with an average of 90.4 cases, and a median of 31.3. Considering the number of incoming civil and commercial non litigious cases per 100.000 inhabitants, the number ranges between a minimum of 0 cases (**San Marino** and **UK-England and Wales**) and a maximum of 4.1 (**Hungary**), with an average of 1.9 cases, and a median of 1.6 cases.

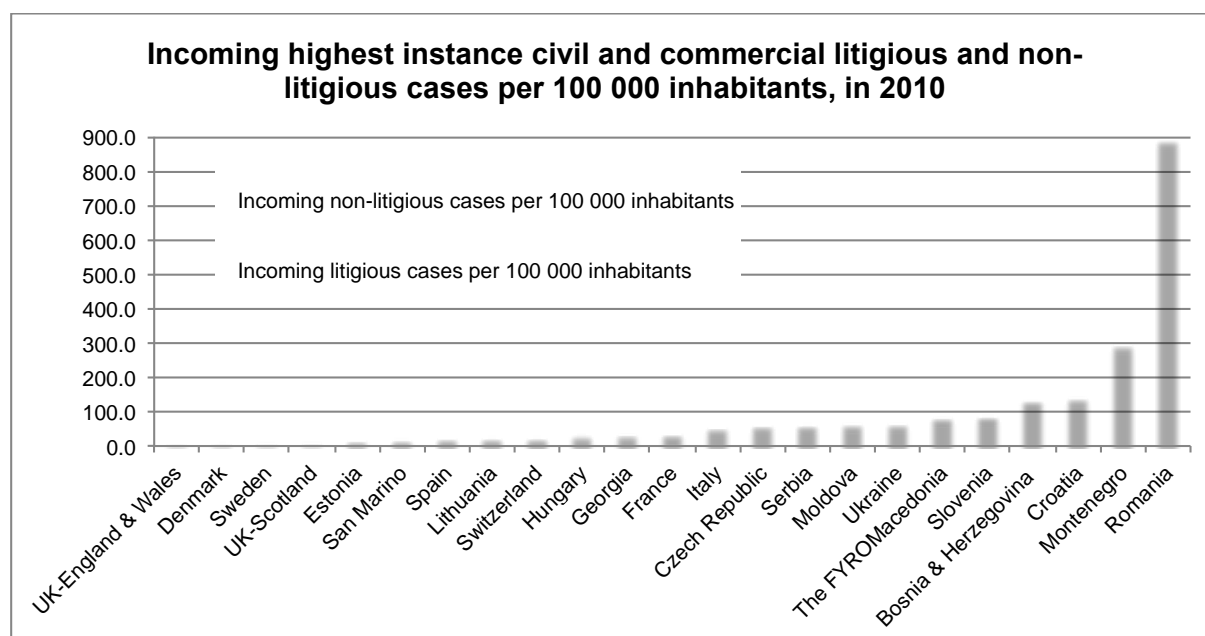


Figure 2 - Incoming highest instance civil and commercial litigious and non-litigious cases per 100 000 inhabitants, in 2010

Figure 2 presents the data on incoming civil and commercial litigious (23 states) and non-litigious (4 states) cases per 100 000 inhabitants at highest instance, in 2010. Looking at the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases shows that the number of litigious incoming is much higher for all states that provided data ranging between a maximum of 100% to a minimum of 87% (**Hungary**) of the total.

Tables confronting resolved and pending (31 Dec.) highest instance civil (and commercial) litigious and non-litigious incoming cases in 2010 are provided in Annex 2

2.3. Clearance rate of civil (and commercial) litigious and non-litigious cases in 2010

2.3.1. Second instance

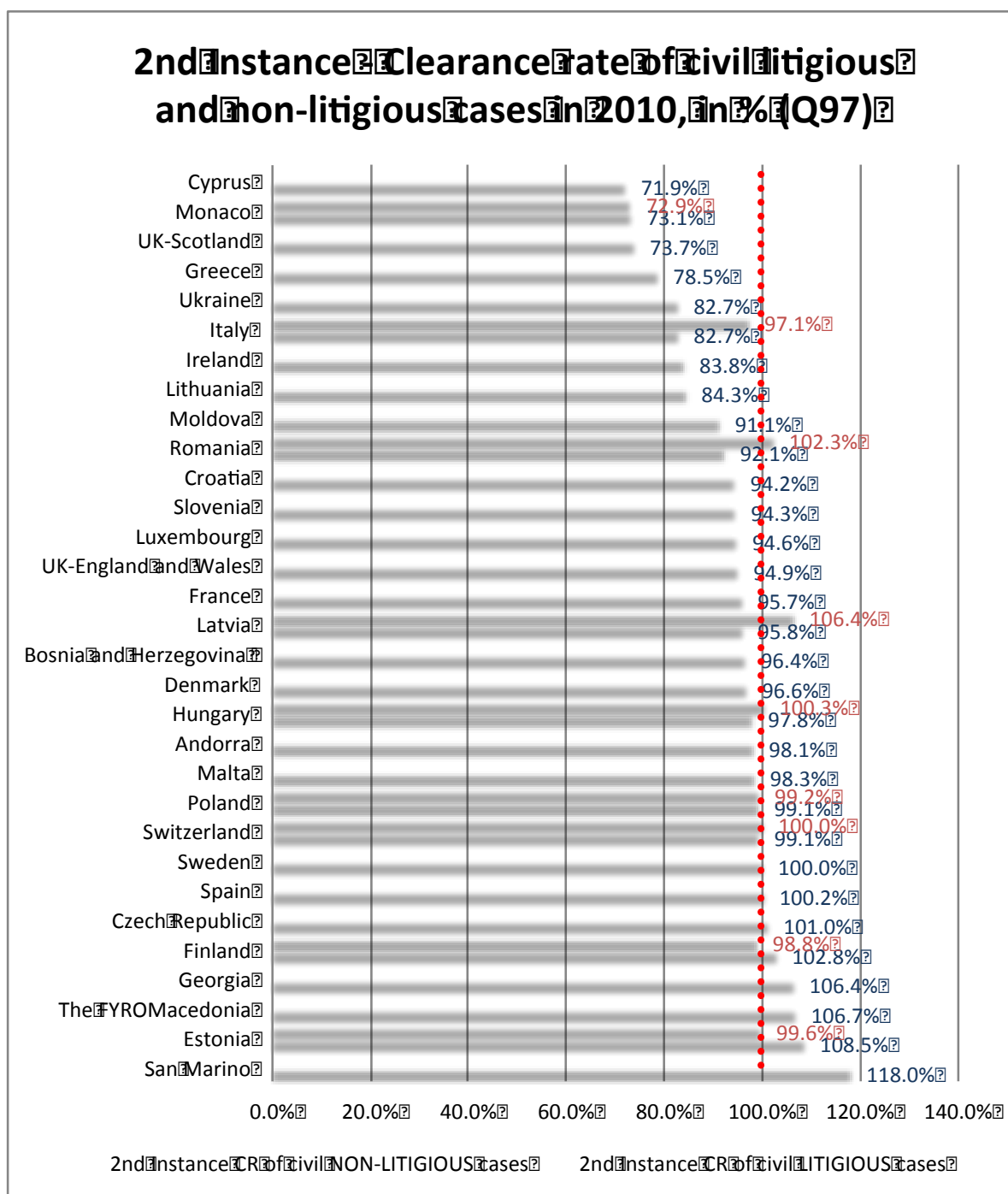


Figure 3 - Clearance rate of civil litigious and non-litigious cases in 2010, in % Appeal courts

Figure 3 presents Clearance rate in second instance of civil and commercial litigious (31 states) and non litigious (nine states) cases. In 2010, second instance civil and commercial litigious pending cases raises in more than two thirds (23 out of 31) of the states for which data are available. The CR for civil and commercial litigious cases is below 90% for more than one quarter of the states (**Cyprus, Monaco, UK-Scotland, Greece, Ukraine, Italy, Ireland, Lithuania**). In 15 states the Clearance rate for civil and commercial litigious cases is more then 90% but less then 100% (**Moldova, Romania, Croatia, Slovenia, Luxembourg, UK-England and Wales, Denmark, France, Latvia, Bosnia and**

Herzegovina, Hungary, Andorra, Malta, Poland, Switzerland). The remaining eight states (Sweden, Spain, Czech Republic, Finland, Georgia, The FYROMacedonia, Estonia, San Marino) have a CR equal or above 100%, with only **San Marino** over 110% (118.0%).

In the same period, the number of second instance civil and commercial non-litigious pending cases raises in five out of nine states. One country, **Monaco**, has a Clearance rate below 90%. It should be noted that the CR value of **Monaco** is the result of a relatively small number of cases (85 incoming and 62 resolved cases). In such cases, small differences in absolute numbers (i.e. 23 cases) may result in great variation in an index such as the CR. **Italy, Finland, Poland, Estonia Clearance rates** are between 90% and 100% (in fact, in all four cases it is above 95%). The remaining four countries, **Switzerland, Hungary, Romania, Latvia** have a CR between 100% and 110%.

2.3.2. Highest instance

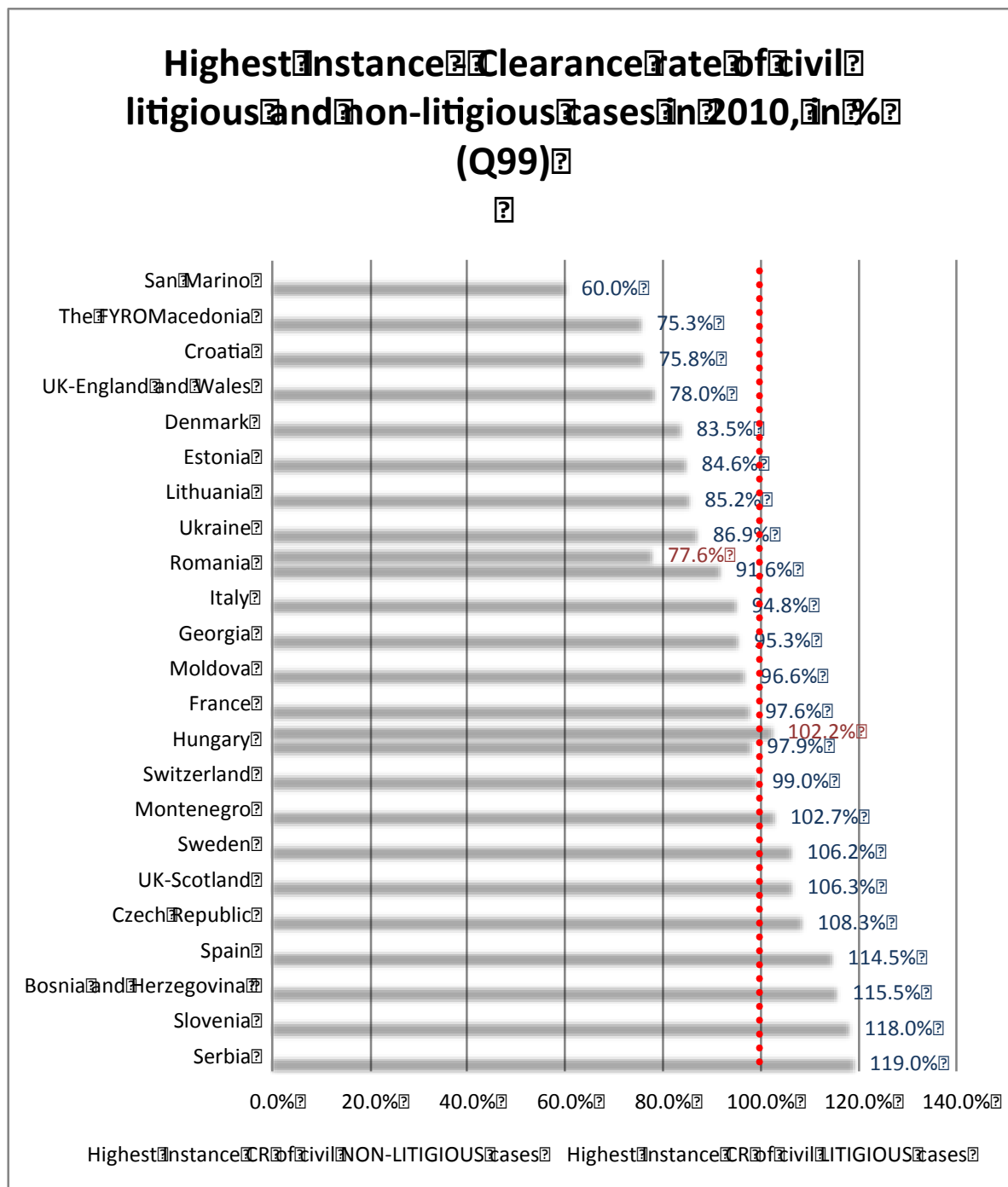


Figure 4 - Clearance rate of civil litigious and non-litigious cases in 2010, in % Highest courts

Figure 4 presents the Clearance rate in highest instance of civil and commercial litigious cases in 23 states and in two states for non litigious cases (**Romania** 77.6% and **Hungary**, 102.2%).

Clearance rate of civil and commercial litigious cases in highest instance courts ranges from below 60% of **San Marino** up to 119.0% in **Serbia**. In 15 cases Clearance rate is below 100%. In eight of these 15 cases (**The FYROMacedonia, Croatia, UK-England and Wales, Denmark, Estonia, Lithuania, Ukraine**) the Clearance rate is below 90%, while in the other seven states the Clearance rate is between 90% and 100% (**Romania, Italy Georgia, Moldova, France, Hungary, Switzerland** below 100%, above it). The eight remaining countries have a Clearance rate is above 100% but below 110% in half of the cases (**Montenegro, Sweden, UK-Scotland, Czech Republic**) and above 110% in the other half (**Spain, Bosnia and Herzegovina, Slovenia, Serbia**). As in the second instance case, the Clearance rate of San Marino is the result of a small number of cases (five incoming and three resolved cases). As a consequence, a small difference in absolute numbers (two cases) result in a very low Clearance rate. Overall, the number of pending cases increases in 14 states in highest instance of civil and commercial litigious cases, while it decreases in 9.

2.4. Evolution of the Clearance rate of civil (and commercial) litigious cases between 2006 and 2010

2.4.1. Second instance

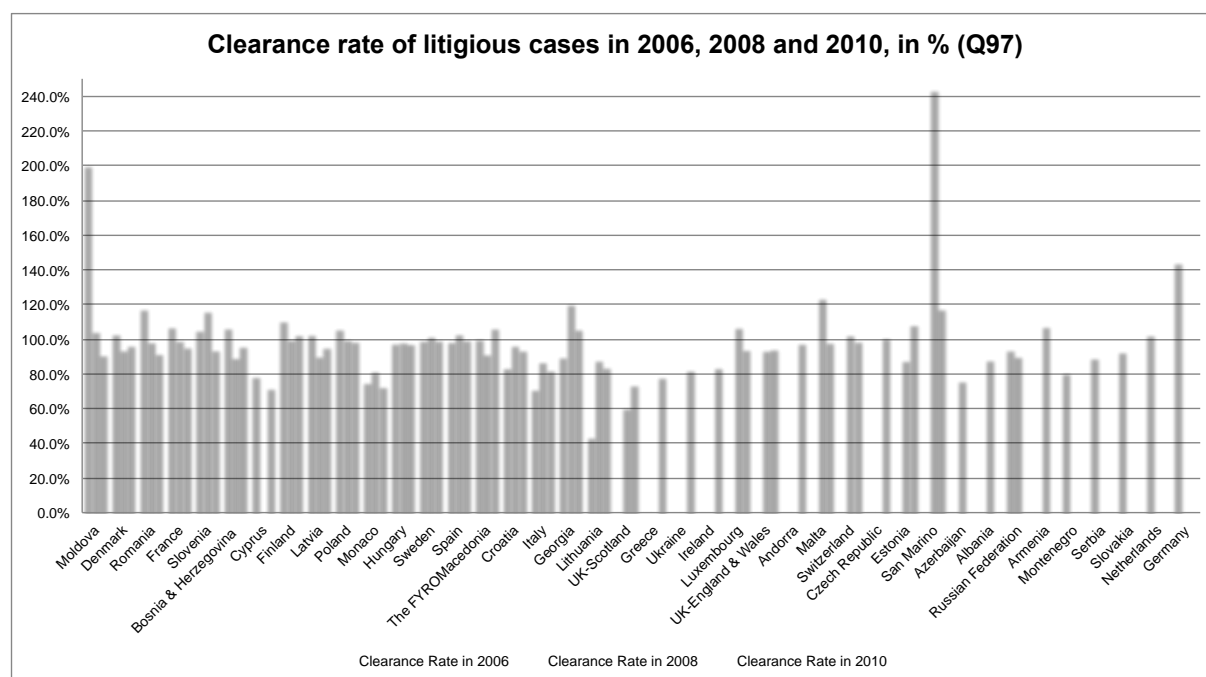


Figure 5 - Clearance rate of civil litigious cases between 2006 and 2010, second instance, in %

Figure 5 confronts the second instance Clearance rate for litigious civil (and commercial) law cases in 2006, 2008 and 2010. Data is available for 25 states in 2006, 29 in 2008 and 31 in 2010. Data is available for all three time periods in 18 states (**Moldova, Denmark, Romania, France, Slovenia, Bosnia and Herzegovina, Finland, Latvia, Poland, Monaco, Hungary, Sweden, Spain, The FYROMacedonia, Croatia, Italy, Georgia, Lithuania**) while 2006-2010 variation can be calculated for 19 states (**Cyprus** provided data needed to calculate the Clearance rate only for 2006 and 2008). 2010 data are available for further 12 states (**UK-Scotland, Greece, Ukraine, Ireland, Luxembourg, UK-England and Wales, Andorra, Malta, Switzerland, Czech Republic, Estonia, San Marino**) but 2006 data are missing. In nine additional cases data are available only for 2008, 2006 or both, but not for 2010 (**Azerbaijan, Albania, Russian Federation, Armenia, Montenegro, Serbia, Slovakia, Netherlands, Germany**).

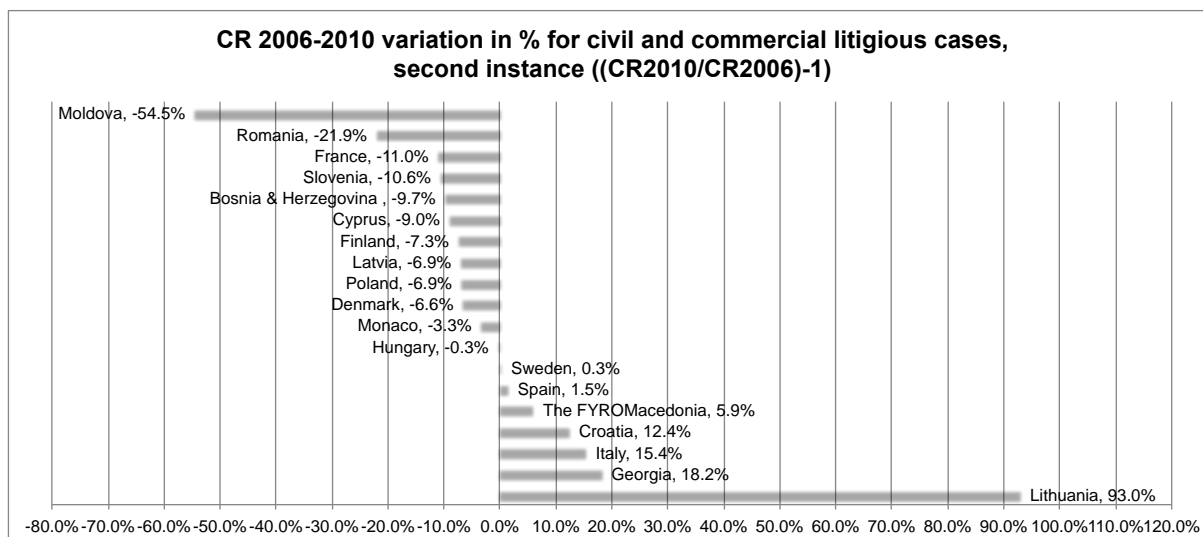


Figure 6 - Clearance rate of second instance civil litigious cases variation from 2006 to 2010, in %

As it is evidenced in Figure 6, in 12 states out of 19 the Clearance rate decreases between 2006 and 2010, with two these case in which it decreases by more than 20% (**Moldova, Romania**), in another two between 20% and 10% (**France, Slovenia**) and in eight cases between 10% and 0% (**Bosnia and Herzegovina, Cyprus, Finland, Latvia, Poland, Denmark, Monaco, Hungary**). In seven states in which the Clearance rate increases, in three it does it between 0% and 10% (**Sweden, Spain, The FYROMacedonia**), in three between 10% and 20% (**Croatia, Italy, Georgia**) and in the last one of more than 20% (**Lithuania, 93%**).

2.4.2. Highest instance

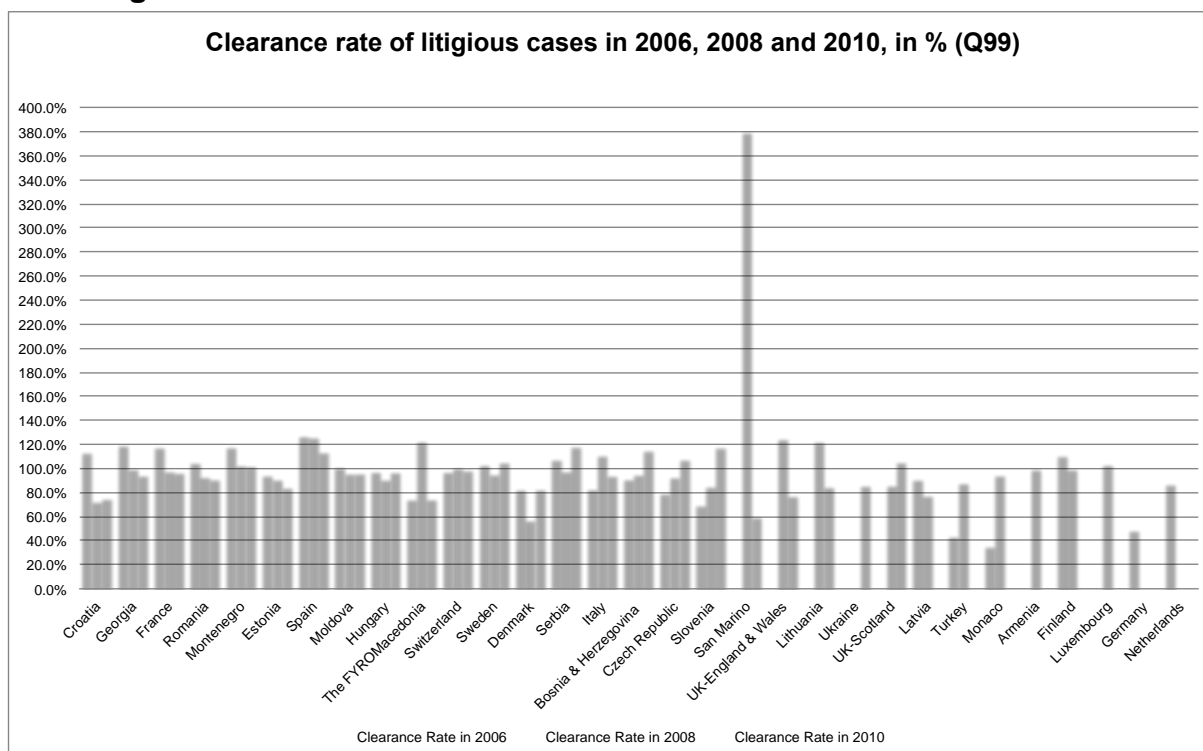


Figure 7 - Clearance rate of civil litigious cases between 2006 and 2010, highest instance, in %

Considering the data available, it is possible to calculate the highest instance Clearance rate for litigious civil (and commercial) law cases for 23 states in 2006, for 28 states in 2008 and for 23 states in 2010. The data is presented in Figure 7. Clearance rate is available for all three time periods and

2006-2010 variation can be calculated for 18 states (**Croatia, Georgia, France, Romania, Montenegro, Estonia, Spain, Moldova, Hungary, Denmark, The FYROMacedonia, Switzerland, Sweden, Serbia, Italy, Bosnia and Herzegovina, Czech Republic, Slovenia**).

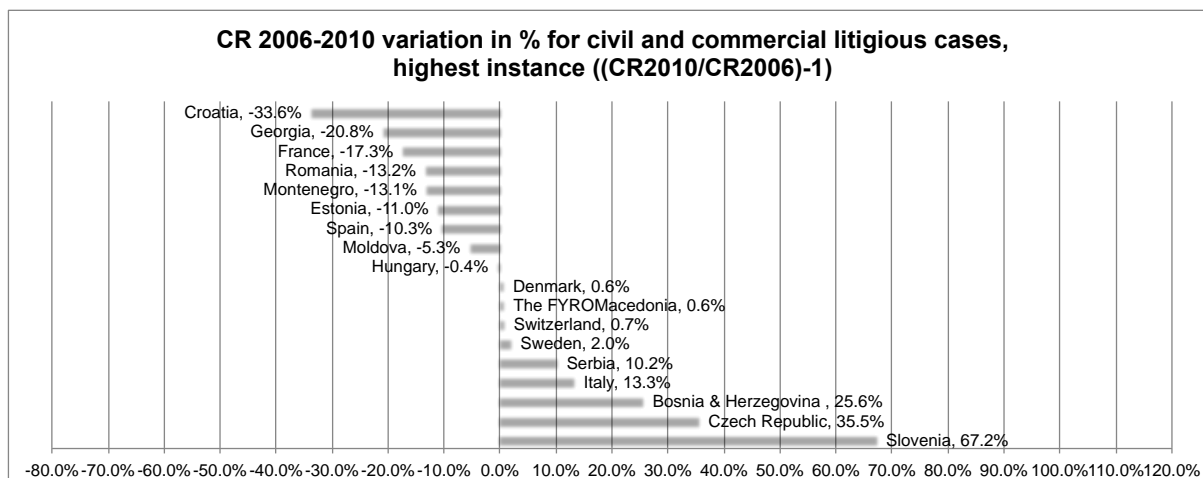


Figure 8 - Clearance rate of highest instance civil litigious cases variation from 2006 to 2010, in %

As Figure 8 clearly shows, between 2006 and 2010 Clearance rates decrease in half of the 18 states (**Croatia, Georgia, France, Romania, Montenegro, Estonia, Spain, Moldova, Hungary**), with two of the states with a CR decrease of more than 20% (**Croatia, Georgia**). In Four states the Clearance rate raises between 0% and 2% (**Denmark, The FYROMacedonia, Switzerland, and Sweden**) in another two between 10 and 20% and in the remaining three (**Serbia and Italy**) while in the remaining three it raised more than 20% (**Bosnia and Herzegovina, Czech Republic, Slovenia**), up to a maximum of 67.2% in **Slovenia**.

2.5. Disposition time of litigious and non-litigious civil (and commercial) cases in 2010

2.5.1. Second instance

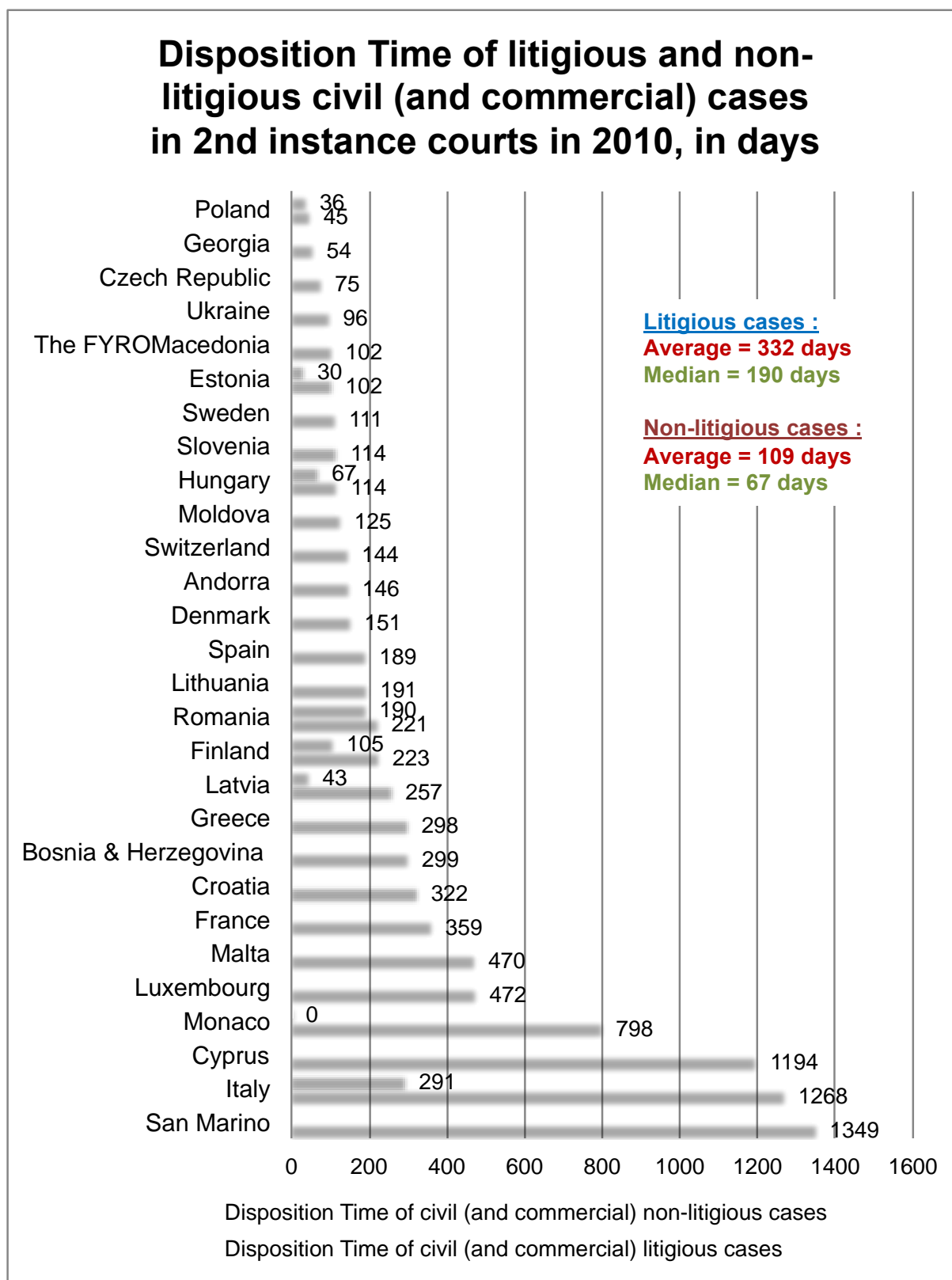


Figure 9 - Disposition time of litigious and non-litigious civil (and commercial) cases, second instance, in days (2010)

Considering the data available, it has been possible to calculate the Disposition time (in days) of litigious civil (and commercial) cases at second instance for 28 states and for non-litigious cases for seven states.²⁹ In all available cases 2010 Disposition time is shorter for non-litigious cases than for the litigious ones. Data is displayed in Figure 9, with indication of average and median values.

The Disposition time of litigious civil (and commercial) cases at second instance presents a great variation, ranging from one month and a half (45 days) for **Poland** to more than three years of **San Marino, Italy, Cyprus** (1349, 1268, 1194 days respectively), with an average of 331 days and a median of 190. Only three states (**Poland, Georgia, Czech Republic**) have a 2010 disposition time of less than 90 days (compared to six states in 2008: **Russian Federation, Poland, Moldova, Georgia, Armenia, Azerbaijan**). Further ten states have a Disposition time between three and six months (**Denmark, Andorra, Switzerland, Moldova, Hungary, Slovenia, Sweden, Estonia, The FYROMacedonia and Ukraine**), nine states of more than six months but less than one year (**France, Croatia, Bosnia and Herzegovina, Greece, Latvia, Finland, Romania, Lithuania, Spain**) two between one and two years (**Luxembourg, Malta**), one, **Monaco**, between two and three years, and three (**San Marino, Italy, Cyprus**) over three years. Disposition time of civil and commercial litigious cases at second instance courts in 2006, 2008 and 2010 is presented in Table 23 in Annex 2

Of the seven states which provided data to calculate the Disposition time for non litigious cases, four (**Estonia, Poland, Latvia, Hungary**) have a 2010 Disposition time of less than 90 days, while of the remaining three, one has a disposition time between three and six months (**Finland**) while the other two between six months and one year, (**Romania, Italy**) with a maximum of 291 days for **Italy**. On an average, non-litigious cases Disposition time is one third of the litigious one.

²⁹ **Monaco** Disposition time (in days) of non litigious civil (and commercial) cases at second instance has been excluded

2.5.2. Highest instance

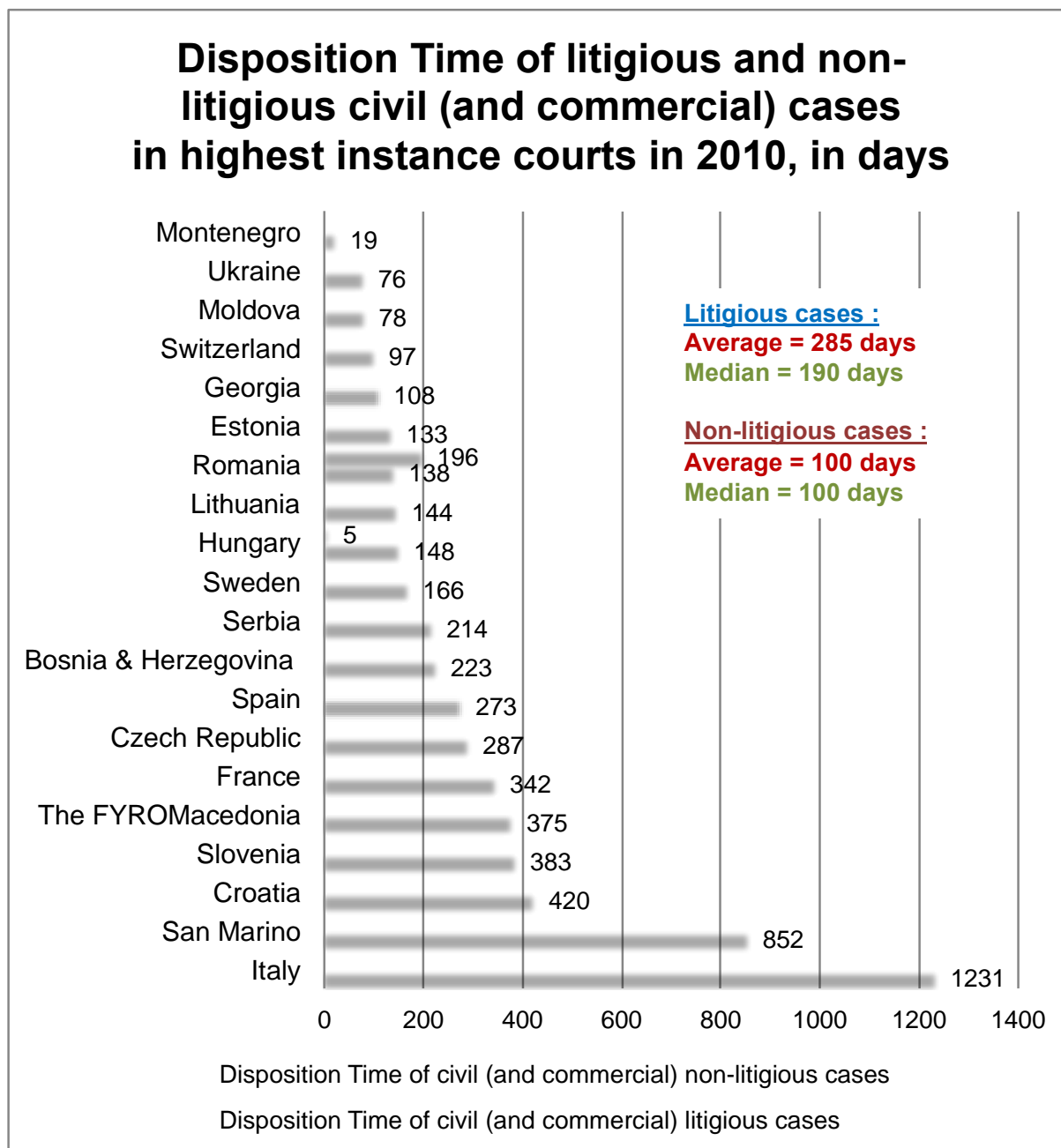


Figure 10 - Disposition time of litigious and non-litigious civil (and commercial) cases, highest instance, in days (2010)

Figure 10 shows the Disposition time of litigious civil (and commercial) cases at highest instance for 20 states (compared to 25 in 2008) and for non litigious cases for two states, **Hungary** (five days) and **Romania** (196 days). **San Marino** data shows zero pending and resolved non litigious civil (and commercial) cases.

Disposition time of litigious civil (and commercial) cases at highest instance present differences that are even grater than those of second and first instance level ranging from 19 days for **Montenegro** to more than three years for **Italy**. The Disposition time average is of 285 days (a bit lower than that of second instance) and the median of 190 (the same of second instance). Three states in 2010 have a highest instance litigious cases disposition time of less than three months (**Montenegro, Ukraine, Moldova**), seven states have a disposition time between three and six months (**Switzerland,**

Georgia, Estonia, Romania, Lithuania, Hungary, Sweden), and five have a disposition time between six months and one year (Serbia, Bosnia and Herzegovina, Spain, Czech Republic, France). In three states (The FYROMacedonia, Slovenia, Croatia) litigious cases Disposition time is between one and two years while in the remaining two it is between two and three years for San Marino and, as already mentioned, more than three for Italy.

Disposition time of civil and commercial litigious cases at highest instance courts in 2006, 2008 and 2010 is presented in Table 24 in Annex 2

2.6. Disposition time and Clearance rate of litigious civil (and commercial) cases in 2010

2.6.1. Second instance

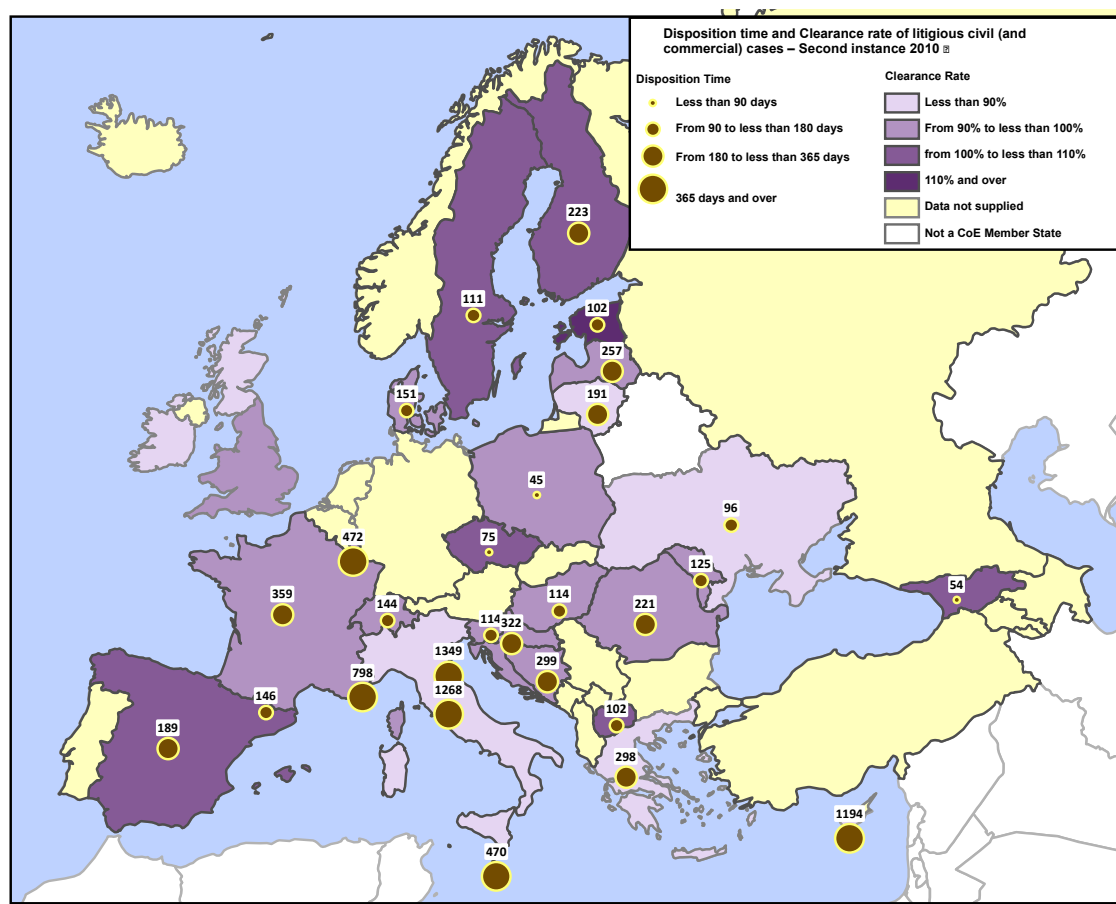


Figure 11 – Map of Disposition time and Clearance rate of litigious civil (and commercial) cases at 2nd instance in 2010

Figure 11 shows litigious civil (and commercial) cases at second instance Disposition time for 28 states and Clearance rate for 31 states. Numerical values displayed on the map represent Disposition time for each state (in days).

Of the three states that have a Disposition time of less than 90 days, two have also a Clearance rate of 100% or higher (Georgia, Czech Republic), while the remaining one (Poland) has a Clearance rate between below it. Of the ten states with a Disposition time between three and six months, seven (Ukraine, Moldova, Slovenia, Denmark, Hungary, Andorra, Switzerland) have a Clearance rate below 100%, while three (Sweden, The FYROMacedonia, and Estonia) have a Clearance rate equal or higher than 100%. Of the nine states with a Disposition time between six months and one year,

seven (**Greece, Lithuania, Romania, Croatia, France, Latvia, Bosnia and Herzegovina**) have a Clearance rate below 100%, while two (**Spain and Finland**) have a Clearance rate higher than 100%. Of the six states with a Disposition time of more than one year, except for San Marino, all the others (**Cyprus, Monaco, Italy, Luxembourg and Malta**) have a Clearance rate below 100%. The three states which provided data only to calculate the Clearance rate (**Ireland, UK-England and Wales, UK-Scotland**) are below 100%.

2.6.2. Highest instance

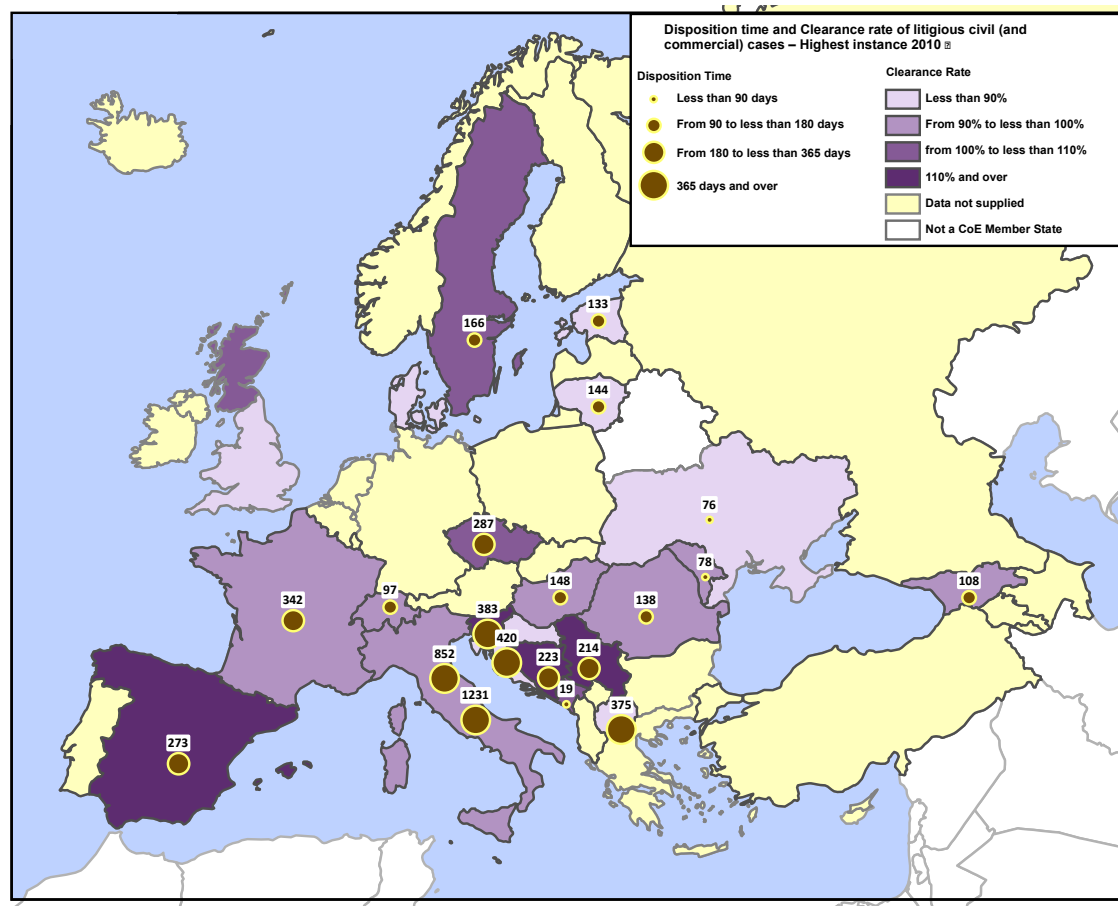


Figure 12 – Map of Disposition time and Clearance rate of litigious civil (and commercial) cases at highest instance in 2010

Figure 12 presents the Disposition time for 20 states and the Clearance rate for 23 states, for litigious civil (and commercial) cases at highest instance.

Of the three states that have a Disposition time of less than three months, two have also a Clearance rate below 100% (**Ukraine and Moldova**), while the remaining one (**Montenegro**) has a Clearance rate above it. Seven states have a Disposition time between three and six months. Six of them (**Estonia, Lithuania, Romania, Georgia, Hungary and Switzerland**) have a Clearance rate below 100%, while one (**Sweden**) has a Clearance rate higher than 100%. Of the five states with a Disposition time between six months and one year, one (**France**) has a Clearance rate below 100%, while four (**Czech Republic, Spain, Bosnia and Herzegovina, and Serbia**) have a Clearance rate higher than 100%.

All three states with a Disposition time of over one year, (**Croatia, San Marino, Italy**), have a Clearance rate below 100%. Of the three countries for which Disposition time could not be calculated, Two (**UK-England and Denmark**) have a Clearance rate below 100%, while the remaining one (**UK-Scotland**) has a Clearance rate above it.

3. Administrative law cases second and highest instance data analysis

This section analyses through descriptions, tables and figures, the second and highest instance Clearance rate, Evolution of the Clearance rate for *administrative law cases*.

3.1. Incoming, resolved and pending (31 Dec.) cases in 2010

3.1.1. Second instance

Table 7 – Incoming, resolved and pending (31 Dec.) second instance administrative law cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	112	119	51	131.7	140.0	60.0
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	NA	NA	NA			
Bosnia & Herzegovina	9059	7530	7837	235.7	195.9	203.9
Bulgaria	16859	16554	5723	228.9	224.8	77.7
Croatia	NA	NA	NA			
Cyprus	220	164	612	27.3	20.4	76.1
Czech Republic	7815	9061	7909	74.3	86.2	75.2
Denmark	NA	NA	NA			
Estonia	1417	1318	504	105.7	98.3	37.6
Finland	NAP	NAP	NAP			
France	27408	27784	28831	42.1	42.7	44.3
Georgia	3911	4050	480	87.5	90.6	10.7
Germany	41727	41057	49194	51.0	50.2	60.2
Greece	21779	14322	41111	192.6	126.6	363.5
Hungary	739	714	251	7.4	7.2	2.5
Iceland	NAP	NAP	NAP			
Ireland	NAP	NAP	NAP			
Italy	NAP	NAP	NAP			
Latvia	4789	4588	5927	214.8	205.8	265.8
Lithuania	2673	1706	2625	82.4	52.6	80.9
Luxembourg	268	258	NA	52.4	50.4	
Malta	NA	NA	NA			
Moldova	2916	3035	500	81.9	85.2	14.0
Monaco	NA	NA	NA			
Montenegro	NAP	NAP	NAP			
Netherlands	10772	11207	12990	64.7	67.3	78.0
Norway	NAP	NAP	NAP			
Poland	15642	11747	14322	40.9	30.8	37.5
Portugal	NA	NA	NA			
Romania	NAP	NAP	NAP			
Russian Federation	NA	NA	NA			
San Marino	23	15	8	69.4	45.2	24.1
Serbia	NA	NA	NA			
Slovakia	34	37	8	0.6	0.7	0.1
Slovenia	367	409	52	17.9	19.9	2.5
Spain	31955	37870	35847	69.5	82.3	77.9
Sweden	21138	23383	8587	224.5	248.3	91.2
Switzerland	20577	20928	13359	261.7	266.1	169.9
The FYROMacedonia	NA	NA	NA			
Turkey	NA	NA	NA			

Ukraine	252905	407589	122401	552.5	890.4	267.4
UK-England and Wales	13007	9634	NA	23.6	17.5	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	1400	1130	NA	26.8	21.6	
Average				114.1	121.8	92.2
Median				71.9	74.8	75.2
Minimum				0.6	0.7	0.1
Maximum				552.5	890.4	363.5

In relation to second instance administrative law cases in 2010, 26 states were able to provide data on the number incoming cases, another 26 on the number of resolved cases and 23 on the pending cases at the end of the year (31 December 2010). Table 7 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100.000 inhabitants, the number ranges from a minimum of 0.6 cases (**Slovakia**) to a maximum of 552.5 (**Ukraine**), with an average of 114.1 cases and a median of 71.9. In comparison to incoming cases, resolved cases per 100.000 inhabitants range from a minimum of 0.7 cases (**Slovakia**) to a maximum of 890.4 (**Ukraine**), with an average of 121.8 cases, and a median of 74.8. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 0.1 cases (**Slovakia**) and a maximum of 363.5 (**Greece**), with an average of 92.2 cases, and a median of 75.2 cases.

3.1.2. Highest instance

Table 8 – Incoming, resolved and pending (31 Dec.) highest instance administrative law cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	NAP	NAP	NAP			
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	NA	NA	NA			
Bosnia & Herzegovina	4195	4221	4645	109.2	109.8	120.9
Bulgaria	16859	16554	5723	228.9	224.8	77.7
Croatia	NA	NA	NA			
Cyprus	NA	NA	NA			
Czech Republic	3044	3130	917	28.9	29.8	8.7
Denmark	34	NA	NA	0.6		
Estonia	103	95	30	7.7	7.1	2.2
Finland	4587	4202	4173	85.3	78.2	77.6
France	9374	9942	7284	14.4	15.3	11.2
Georgia	1909	1665	616	42.7	37.3	13.8
Germany	7232	7534	3938	8.8	9.2	4.8
Greece	NA	NA	NA			
Hungary	1991	1900	1025	19.9	19.0	10.3
Iceland	NAP	NAP	NAP			
Ireland	NA	NA	NA			
Italy	NAP	NAP	NAP			
Latvia	956	911	301	42.9	40.9	13.5
Lithuania	NAP	NAP	NAP			
Luxembourg	NA	NA	NA			
Malta	NA	NA	NA			
Moldova	NA	NA	NA			
Monaco	NA	NA	NA			
Montenegro	344	340	4	55.5	54.8	0.6
Netherlands	1009	968	NA	6.1	5.8	
Norway	NAP	NAP	NAP			
Poland	15642	11747	14322	40.9	30.8	37.5
Portugal	NAP	NAP	NAP			
Romania	30897	25738	9668	144.2	120.1	45.1
Russian Federation	NA	NA	NA			

San Marino	5	5	4	15.1	15.1	12.1
Serbia	727	1004	421	10.0	13.8	5.8
Slovakia	3210	3575	1207	59.1	65.8	22.2
Slovenia	607	1002	378	29.6	48.9	18.4
Spain	8924	9079	14070	19.4	19.7	30.6
Sweden	7713	8316	2432	81.9	88.3	25.8
Switzerland	4169	4265	1381	53.0	54.2	17.6
The FYROMacedonia	1071	632	497	52.1	30.7	24.2
Turkey	129202	103880	193961	178.1	143.2	267.3
Ukraine	43397	56448	54338	94.8	123.3	118.7
UK-England and Wales	NA	0	NA		0.0	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	NA	NA	NA			
Average				57.2	55.4	42.0
Median				42.7	37.3	18.4
Minimum				0.6	0.0	0.6
Maximum				228.9	224.8	267.3

In relation to highest instance administrative law cases in 2010, 25 states were able to provide data on the number incoming cases, another 25 on the number of resolved cases and 23 on the pending cases at the end of the year (31 December 2010). Table 8 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100.000 inhabitants, the number ranges from a minimum of 0.6 cases (**Denmark**) to a maximum of 228.9 (**Bulgaria**), with an average of 57.2 cases and a median of 42.7. In comparison to incoming cases, resolved cases per 100.000 inhabitants range from a minimum of 0.0 cases (**UK-England and Wales**) to a maximum of 224.8 (**Bulgaria**), with an average of 55.4 cases, and a median of 37.3. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 0.6 cases (**Montenegro**) and a maximum of 267.3 (**Turkey**), with an average of 42.0 cases, and a median of 18.4 cases.

3.2. Clearance rate of administrative law cases in 2010

3.2.1. Second instance

Figure 13 presents Clearance rate for administrative law cases at second instance in 2010. For administrative law cases, 26 states were able to provide data needed to calculate the 2010 Clearance rate at second instance, compared to 33 states that were able to provide such data for first instance. Second instance administrative law cases Clearance rate ranges from 63.8% of **Lithuania** up to 161.2% of **Ukraine**. A bit more than half states (14 **Lithuania, San Marino, Greece, UK-England and Wales, Cyprus, Poland, UK-Scotland, Bosnia and Herzegovina, Estonia, Latvia, Luxembourg, Hungary, Bulgaria, Germany**) have a Clearance rate below 100%, and in particular five are below 75% (**Lithuania, San Marino, Greece, UK-England and Wales, Cyprus**) and one is just above it (**Poland**, with a Clearance rate of 75.1%³⁰). Another six of these states have a Clearance rate above 90% but below 100% (**Estonia, Latvia, Luxembourg, Hungary, Bulgaria, Germany**).

12 states have a Clearance rate above it 100% (**France, Switzerland, Georgia, Netherlands, Moldova, Andorra, Slovakia, Sweden, Slovenia, Czech Republic, Spain, Ukraine**), with five cases above 110% (**Sweden, Slovenia, Czech Republic, Spain, Ukraine**).

³⁰ N.B. Poland provided the same Second and Highest instance data for administrative cases.

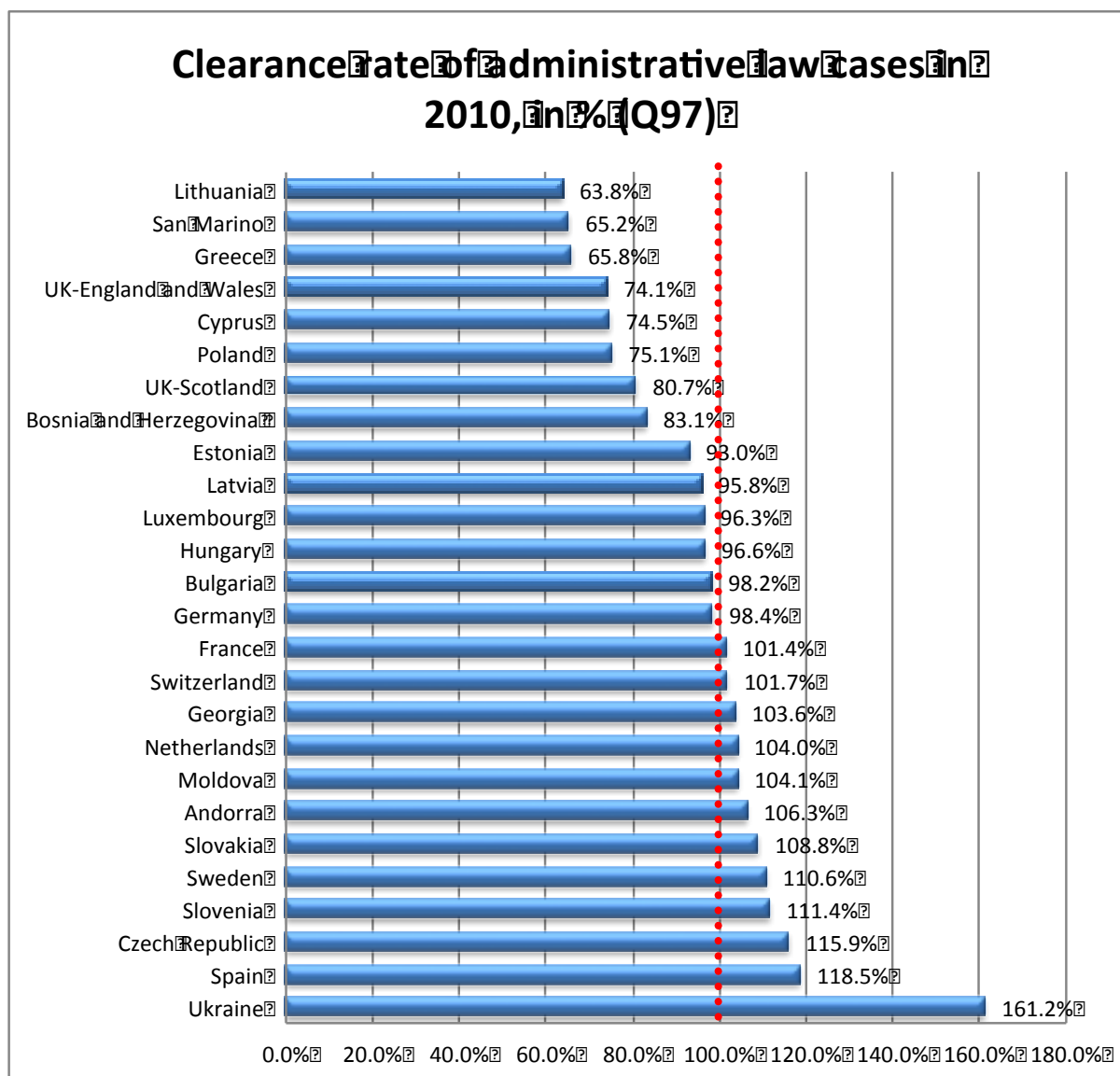


Figure 13 - Clearance rate of administrative law cases, appeal courts, in 2010

3.2.2. Highest instance

24 states were able to provide data needed to calculate the 2010 Clearance rate for administrative law cases at highest instance. Data is presented in Figure 14. Administrative law cases at highest instance Clearance rate ranges from 59% of **The FYROMacedonia** up to 165.1% of **Slovenia**. Overall, half countries have a Clearance rate equal or above 100% (**San Marino, Bosnia and Herzegovina, Spain, Switzerland, Czech Republic, Germany, France, Sweden, Slovakia, Ukraine, Serbia, Slovenia**) while the other half are below it (**The FYROMacedonia, Poland,³¹ Turkey, Romania, Georgia, Finland, Estonia, Latvia, Hungary, Netherlands, Bulgaria, Montenegro**). In particular, five states have a Clearance rate below 90% (**The FYROMacedonia, Poland, Turkey, Romania, Georgia**), while seven have a Clearance rate between 90% and 100% (**Finland, Estonia, Latvia, Hungary, Netherlands, Bulgaria, Montenegro**).

³¹ N.B. Poland provided the same Second and Highest instance data for administrative cases.

Clearance rate of administrative law cases in 2010, in % (Q99)

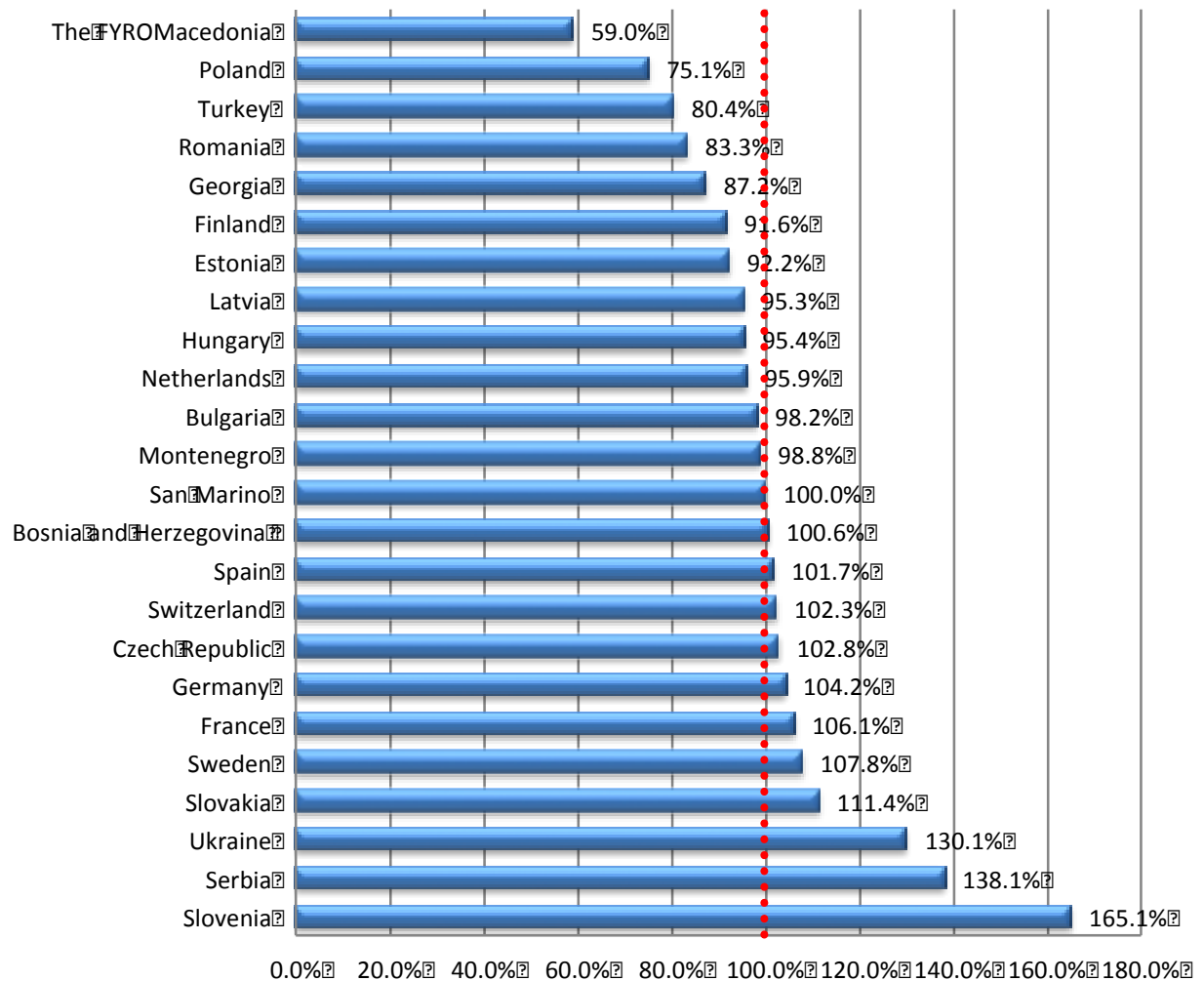


Figure 14 - Clearance rate of administrative law cases, highest instance, in 2010

3.3. Evolution of the Clearance rate of administrative law cases between 2006 and 2010

3.3.1. Second instance

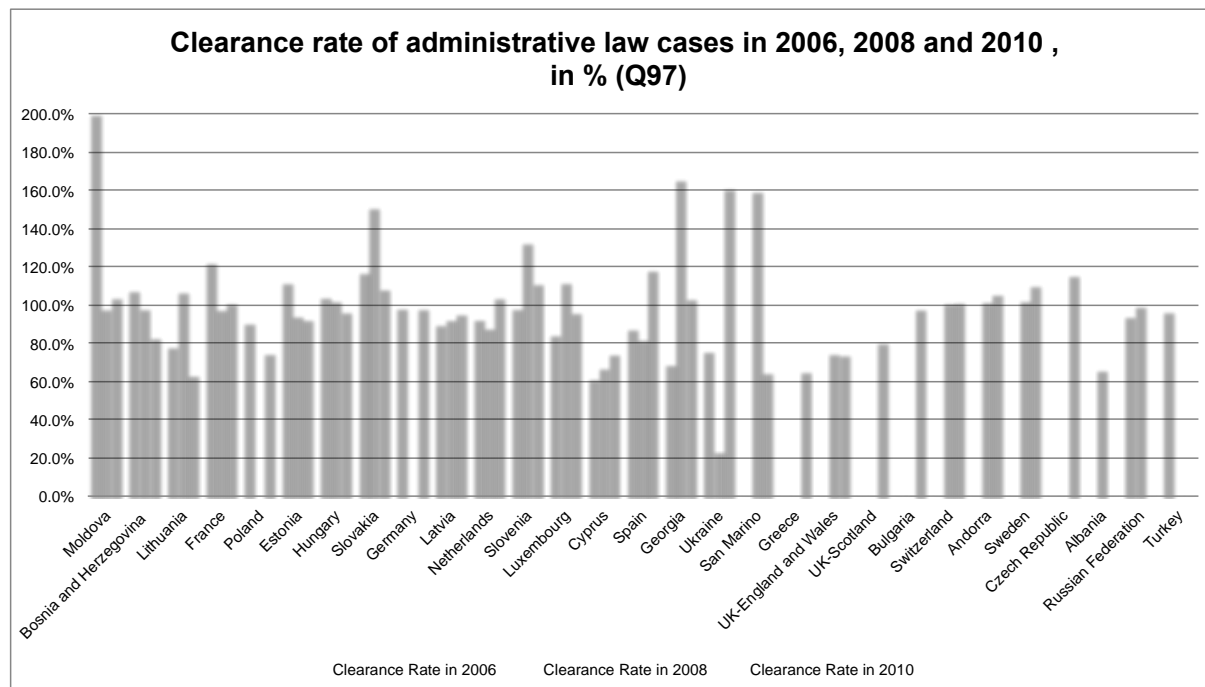


Figure 15 - Clearance rate of administrative law cases between 2006 and 2010, second instance courts, in %

Figure 15 allows assessing the second instance Clearance rate for administrative law cases law in 2006 in 19 states, in 2008 in 22 states and 2010 in 26 states. All three values can be calculated for 15 states. While 2006 and 2010 values can be both calculated for 17 states.

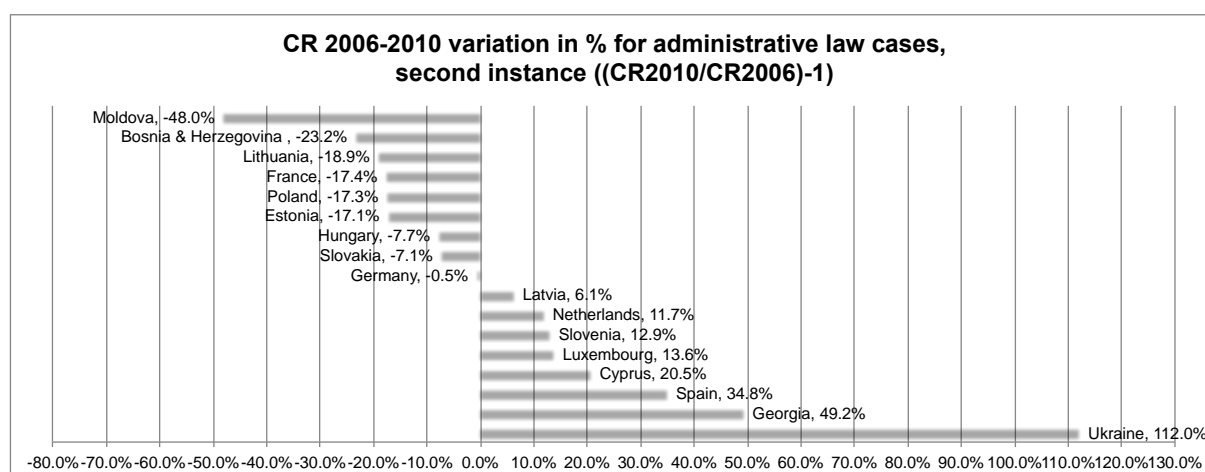


Figure 16 – Second instance administrative law cases Clearance rate variation between 2006 and 2010, %

Of the 17 states for which the Clearance rate variation of administrative law cases between 2006 and 2010 can be calculated, half shows a negative trend (**Moldova, Bosnia and Herzegovina, Lithuania, France, Poland, Estonia, Hungary, Slovakia, Germany**) while the other half shows a positive one (**Latvia, Netherlands, Slovenia, Luxembourg, Cyprus, Spain, Georgia, Ukraine**).

As clearly shown in Figure 16, the variation range from a -48% for **Moldova** to +112% for **Ukraine**, with only four countries with variation within $\pm 10\%$ (**Hungary, Slovakia, Germany, Latvia**).

3.3.2. Highest instance

Overall, Clearance rate for highest instance administrative law cases can be calculated for 23 states in 2006 for 26 states in 2008 and for 24 states in 2010. As Figure 17 shows, it is possible to assess the Clearance rate for administrative law cases in 2006, 2008 and 2010 for 19 states and in 2006 and 2010 in 22 states.

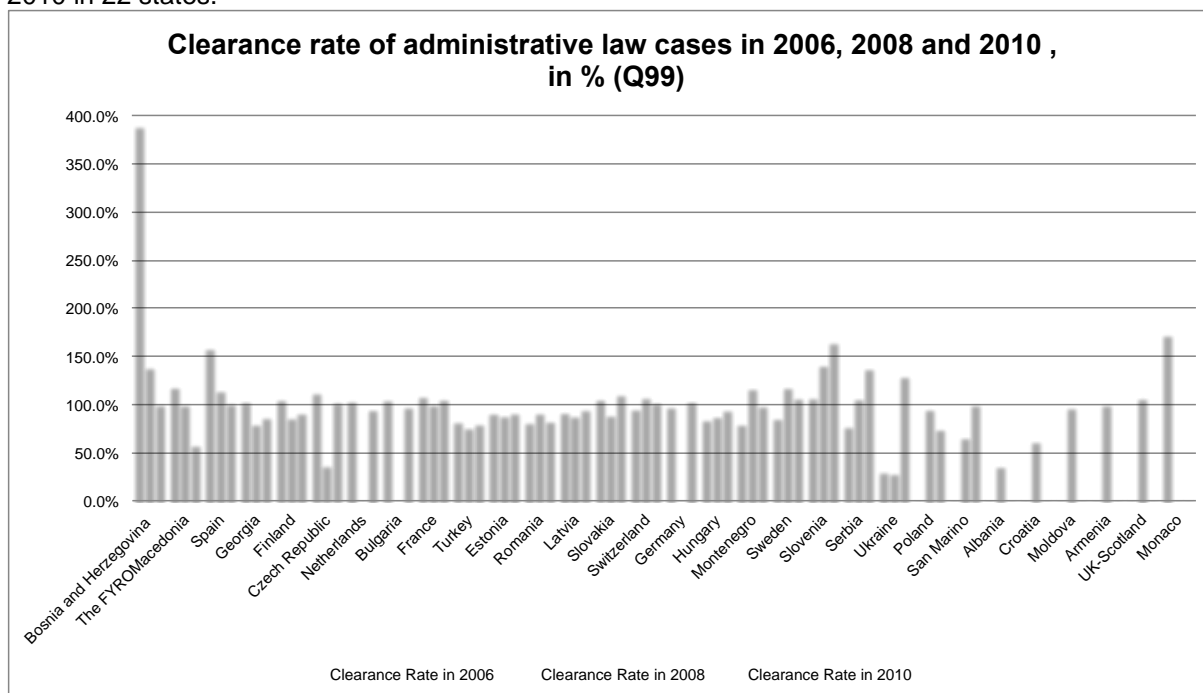
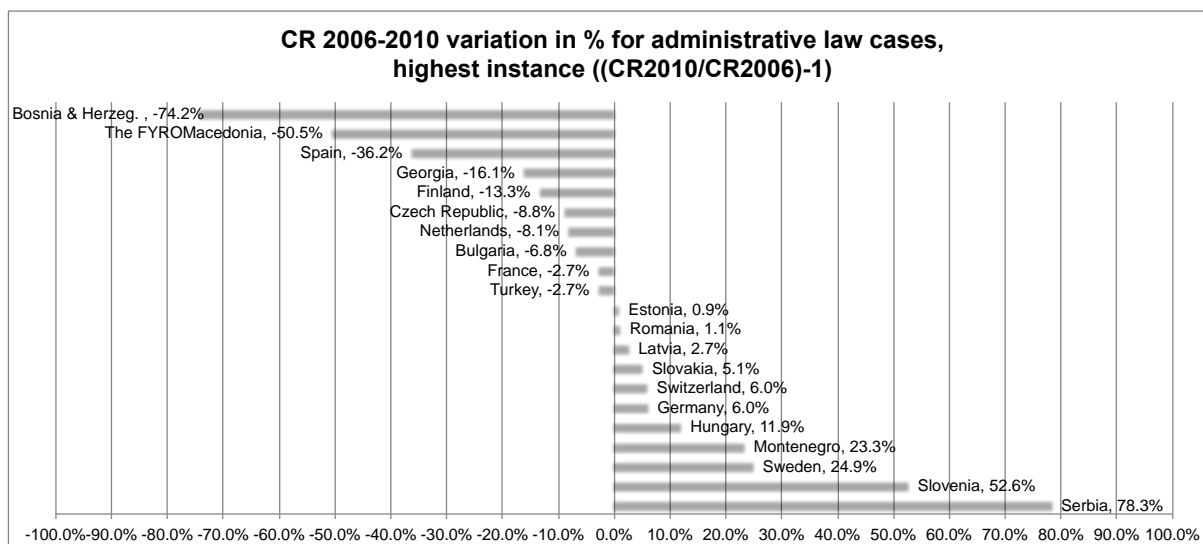


Figure 17 - Clearance rate of administrative law cases between 2006 and 2010, highest instance courts, in %

In two states (**Poland, San Marino**) only 2008 and 2010 Clearance rate is available, while in additional five states (**Albania, Croatia, Moldova, Armenia, UK-Scotland**) only the 2008 value can be calculated and in one additional case (**Monaco**) only the 2006 value.



Note: Ukraine with a variation of +324.8% has been excluded from the figure

Figure 18 - Highest instance administrative law cases Clearance rate variation between 2006 and 2010, %

As Figure 18 shows, in ten out of 22 states the Clearance rate of administrative law cases decreases between 2006 and 2010. The decrease is quite consistent in several states and in particular, more than 50% in **Bosnia and Herzegovina**, where it is related to a very high Clearance rate value in 2006 and **The FYROMacedonia**, where instead it is related to a very low Clearance rate in 2010. At the

same time, in three of the 12 countries in which the Clearance rate raises between 2006 and 2010, the Clearance rate increment is higher than 50% (**Slovenia, Serbia, Ukraine**).

4. Total number of civil, commercial and administrative law cases second and highest instance data analysis

In the previous edition of this report, the data analysed were those of the “total of other than criminal law cases” category, while this edition the data is provided by the sum of three categories, “civil & commercial litigious cases” + “civil & commercial non-litigious cases” + “administrative law cases”, which correspond to the “the total number of civil, commercial and administrative law cases” category used in the Cepej “European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice” report. In line to what done in the European Judicial Systems report, for the purpose of Total number of civil, commercial and administrative law cases computation “NA” and “NAP” values in one or two categories rare computed as 0.

4.1. Incoming, resolved and pending (31 Dec.) cases in 2010

4.1.1. Second instance

Table 9 – Incoming, resolved and pending (31 Dec.) second instance total number of civil, commercial and administrative law cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	523	522	212	615.2	614.0	249.4
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	31745	NA	NA	292.9		
Bosnia & Herzegovina	38794	36194	31319	1,009.4	941.8	814.9
Bulgaria	16859	16554	5723	228.9	224.8	77.7
Croatia	81048	76368	67435	1,836.9	1,730.9	1,528.4
Cyprus	647	471	1616	80.4	58.5	200.9
Czech Republic	83916	85960	23807	797.9	817.3	226.4
Denmark	6869	6636	2744	123.5	119.3	49.3
Estonia	4266	4325	1160	318.3	322.7	86.6
Finland	3220	3263	1622	59.9	60.7	30.2
France	271375	261361	258680	417.3	401.9	397.8
Georgia	14972	15815	2211	335.0	353.9	49.5
Germany	41727	151654	49194	51.0	185.5	60.2
Greece	65305	48484	69009	577.4	428.7	610.2
Hungary	44959	44472	11407	450.2	445.3	114.2
Iceland	NAP	NAP	NAP			
Ireland	1325	1111	0	28.9	24.3	0.0
Italy	181331	150542	512384	299.1	248.3	845.1
Latvia	9392	9042	8796	421.2	405.5	394.5
Lithuania	15644	12636	8359	482.2	389.4	257.6
Luxembourg	1479	1404	1483	289.0	274.3	289.7
Malta	639	628	808	153.0	150.4	193.5
Moldova	11512	10865	3180	323.3	305.2	89.3
Monaco	1026	750	2731	2,859.5	2,090.2	7,611.3
Montenegro	NA	NA	NA			
Netherlands	10772	11207	12990	64.7	67.3	78.0
Norway	NA	NA	NA			
Poland	145236	140226	29763	380.2	367.1	77.9
Portugal	NA	NA	NA			
Romania	28014	25907	15572	130.7	120.9	72.7
Russian Federation	NA	NA	NA			
San Marino	73	74	226	220.2	223.2	681.7
Serbia	NA	NA	NA			

Slovakia	34	37	8	0.6	0.7	0.1
Slovenia	12730	12073	3692	620.9	588.9	180.1
Spain	176509	182731	111054	383.8	397.3	241.5
Sweden	24089	26333	9488	255.8	279.7	100.8
Switzerland	29117	29398	16547	370.3	373.8	210.4
The FYROMacedonia	21560	22999	6440	1,048.0	1,117.9	313.0
Turkey	NA	NA	NA			
Ukraine	674667	756237	213644	1,473.8	1,651.9	466.7
UK-England and Wales	16360	12815	0	29.6	23.2	0.0
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	5700	4300	NA	109.2	82.3	
Average				476.1	453.9	488.2
Median				320.8	322.7	197.2
Minimum				0.6	0.7	0.0
Maximum				2,859.5	2,090.2	7,611.3

In relation to second instance total number of civil, commercial and administrative law cases in 2010, 36 states were able to provide data needed to calculate the number incoming cases, another 35 the number of resolved cases and 34 the pending cases at the end of the year (31 December 2010). Table 9 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100.000 inhabitants, the number ranges from a minimum of 0.6 cases (**Slovakia**) to a maximum of 2859.5 (**Monaco**), with an average of 476.1 cases and a median of 320.8. In comparison to incoming cases, resolved cases per 100.000 inhabitants range from a minimum of 0.7 cases (**Slovakia**) to a maximum of 2090.2 (**Monaco**), with an average of 453.9 cases, and a median of 322.7. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 0 cases (**Ireland**) and a maximum of 7611.3 (**Monaco**), with an average of 488.2 cases, and a median of 197.2 cases.

4.1.2. Highest instance

Table 10 – Incoming, resolved and pending (31 Dec.) highest instance total number of civil, commercial and administrative law cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA			
Andorra	NAP	NAP	NAP			
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	NA	NA	NA			
Bosnia & Herzegovina	9168	9965	8152	238.6	259.3	212.1
Bulgaria	16859	16554	5723	228.9	224.8	77.7
Croatia	5995	4546	5234	135.9	103.0	118.6
Cyprus	NA	NA	NA			
Czech Republic	9057	9645	6043	86.1	91.7	57.5
Denmark	91	76	NA	1.6	1.4	
Estonia	278	243	84	20.7	18.1	6.3
Finland	4587	5559	4173	85.3	103.4	77.6
France	29727	29797	25887	45.7	45.8	39.8
Georgia	3251	2944	993	72.7	65.9	22.2
Germany	7232	10926	3938	8.8	13.4	4.8
Greece	NA	NA	NA			
Hungary	5076	4939	2091	50.8	49.5	20.9
Iceland	NAP	NAP	NAP			
Ireland	NA	NA	NA			
Italy	30063	28507	96129	49.6	47.0	158.6
Latvia	956	911	301	42.9	40.9	13.5
Lithuania	662	564	222	20.4	17.4	6.8
Luxembourg	NA	66	NA		12.9	
Malta	NA	NA	NA			

Moldova	2165	2092	447	60.8	58.8	12.6
Monaco	NA	NA	NA			
Montenegro	2147	2192	102	346.3	353.5	16.5
Netherlands	1009	968	NA	6.1	5.8	
Norway	NA	NA	NA			
Poland	15642	11747	14322	40.9	30.8	37.5
Portugal	NA	NA	NA			
Romania	221428	200087	75529	1,033.2	933.6	352.4
Russian Federation	NA	NA	NA			
San Marino	10	8	11	30.2	24.1	33.2
Serbia	4971	6054	3387	68.2	83.0	46.5
Slovakia	3210	3575	1207	59.1	65.8	22.2
Slovenia	2317	3019	2494	113.0	147.3	121.6
Spain	17972	19441	21818	39.1	42.3	47.4
Sweden	8021	8643	2581	85.2	91.8	27.4
Switzerland	5808	5888	1814	73.9	74.9	23.1
The FYROMacedonia	2701	1860	1760	131.3	90.4	85.5
Turkey	129202	103880	193961	178.1	143.2	267.3
Ukraine	71511	80870	59450	156.2	176.7	129.9
UK-England and Wales	50	39	NA	0.1	0.1	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	224	238	NA	4.3	4.6	
Average				113.4	106.9	75.5
Median				60.8	62.3	39.8
Minimum				0.1	0.1	4.8
Maximum				1,033.2	933.6	352.4

In relation to highest instance total number of civil, commercial and administrative law cases in 2010, 31 states were able to provide data needed to calculate the number incoming cases, another 32 the number of resolved cases and 27 the pending cases at the end of the year (31 December 2010). Table 10 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100.000 inhabitants, the number ranges from a minimum of 0.1 cases (**UK-England and Wales**) to a maximum of 1033.2 (**Romania**), with an average of 113.4 cases and a median of 60.8. In comparison to incoming cases, resolved cases per 100.000 inhabitants range from a minimum of 0.1 cases (**UK-England and Wales**) to a maximum of 933.6 (**Romania**), with an average of 106.9 cases, and a median of 62.3. Considering the number of pending cases at the end of the year in per 100.000 inhabitants, the number ranges between a minimum of 4.8 cases (**Germany**) and a maximum of 352.4 (**Romania**), with an average of 75.5 cases, and a median of 39.8 cases.

4.2. Disposition time and Clearance rate of the total number of civil, commercial and administrative law cases (civil & commercial litigious + civil & commercial non-litigious + administrative law cases) in 2010³²

4.2.1. Second instance

Figure 19 shows the total number of civil, commercial and administrative law cases at second instance Disposition time for 32 states and Clearance rate for 35 states. Numerical values displayed on the map represent Disposition time for each state expressed in days.

Of the three states that have a Disposition time of less than 90 days, two have a Clearance rate of 100% or higher (**Georgia, Slovakia**), while the remaining one (**Poland**) has a Clearance rate between below it. Of the 12 states with a Disposition time between three and six months, half (**Moldova, Slovenia, Denmark, Bulgaria, Hungary, Andorra**) have a Clearance rate below 100%, and half (**Estonia, Czech Republic, The FYROMacedonia, Sweden, Ukraine, Germany**) have a Clearance

³² N.B. in the previous edition of this report, the data analysed were those of the "total of other than criminal law cases" category, while this edition the data is provided by the sum of three categories, "civil & commercial litigious cases" + "civil & commercial non-litigious cases" + "administrative law cases", which correspond to the "the total number of civil, commercial and administrative law cases" category used in the Cepej "European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice" report.

rate equal or higher than 100%. Of the nine states with a Disposition time between six months and one year, six (**Lithuania, Romania, Bosnia and Herzegovina, Croatia, Latvia, France**) have a Clearance rate below 100%, while three (**Switzerland, Finland, Spain**) have a Clearance rate higher than 100%.

Of the four states with a Disposition time between one and two years, three (**Luxembourg, Malta, Greece**) have a Clearance rate below 100% while **Netherlands**, has a Clearance rate of 104%. **Of the four states** with a Disposition time of over three years, one, San Marino has a Clearance rate above 100%, while the remaining three, **Italy, Cyprus, Monaco** have a Clearance rate well below 100% (respectively 83.0%, 72.8%, 73.1%). All three states for which Disposition time could not be calculated (**UK-Scotland, UK-England and Wales, Ireland**) have a Clearance rate below 100%.

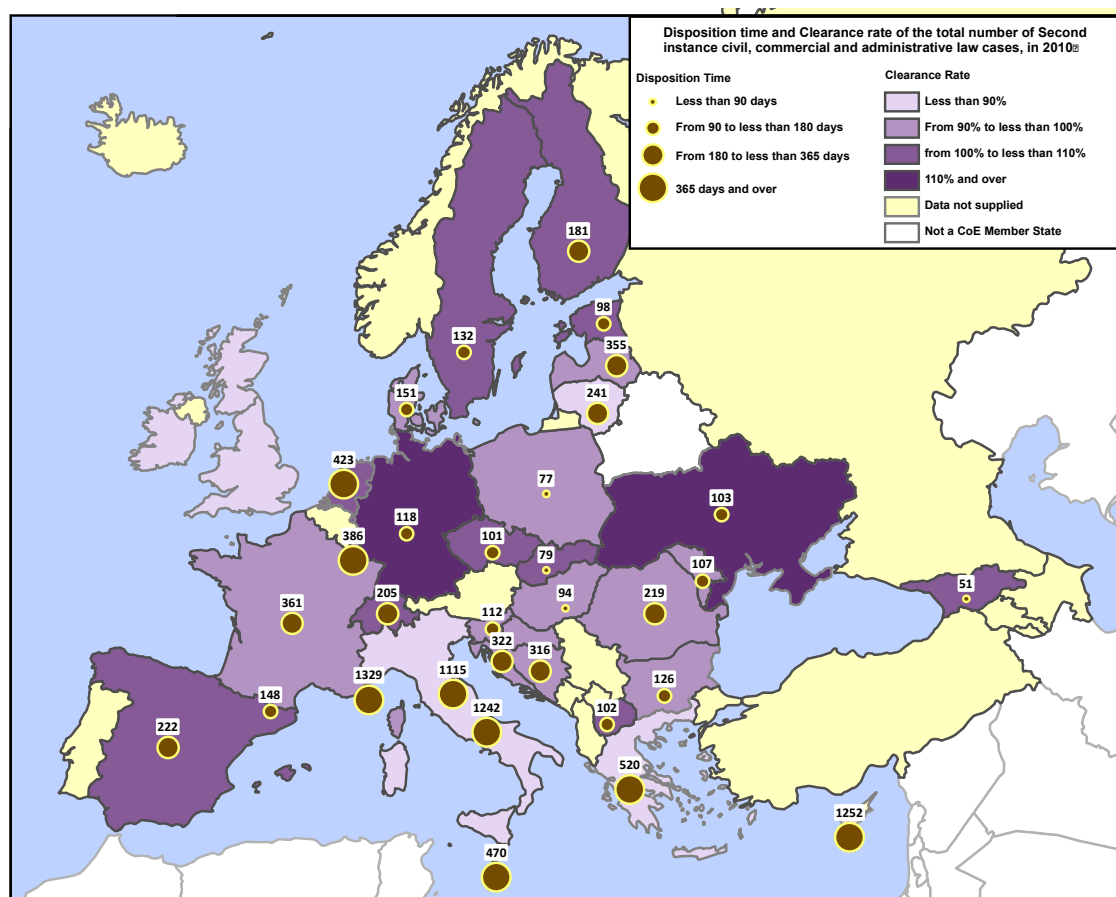


Figure 19 – Map of Disposition time and Clearance rate of total number of civil, commercial and administrative law cases at second instance in 2010

4.2.2. Highest instance

In Figure 20 are presented the Disposition time for 27 states and the Clearance rate for 31 states for the total number of civil, commercial and administrative law cases at highest instance. Of the two states that in 2010 have a Highest instance total number of civil, commercial and administrative law cases Disposition time of less than 90 days, one (**Montenegro**) has a Clearance rate higher than 100% or while the other one (**Moldova**) have a Clearance rate of 96.6%.

Of the 11 states with a Disposition time between three and six months, seven (**Lithuania, Estonia, Romania, Georgia, Latvia, Hungary, Bulgaria**) have a Clearance rate below 100%, and four (**Switzerland, Sweden, Slovakia, Germany**) have a Clearance rate equal or higher than 100%. Of the eight states with a Disposition time between six months and one year, one (**The FYROMacedonia**) has a Clearance rate below 100%, while seven (**France, Czech Republic, Bosnia and Herzegovina, Ukraine, Finland, Serbia, Slovenia**) have a Clearance rate higher than 100%.

Of the five states with a Disposition time of over one year but less than two, four (**Croatia, Poland, San Marino, Turkey**) have a Clearance rate below 100% and only one, **Spain**, above it. **Italy** with a Disposition time of over three years has a Clearance rate of 94.8%. For the four countries for which only the Clearance rate has been calculated, in three cases (**Denmark, Netherlands, UK-England and Wales**) it is below 100%, while in the remaining one (**UK-Scotland**) it is above it.

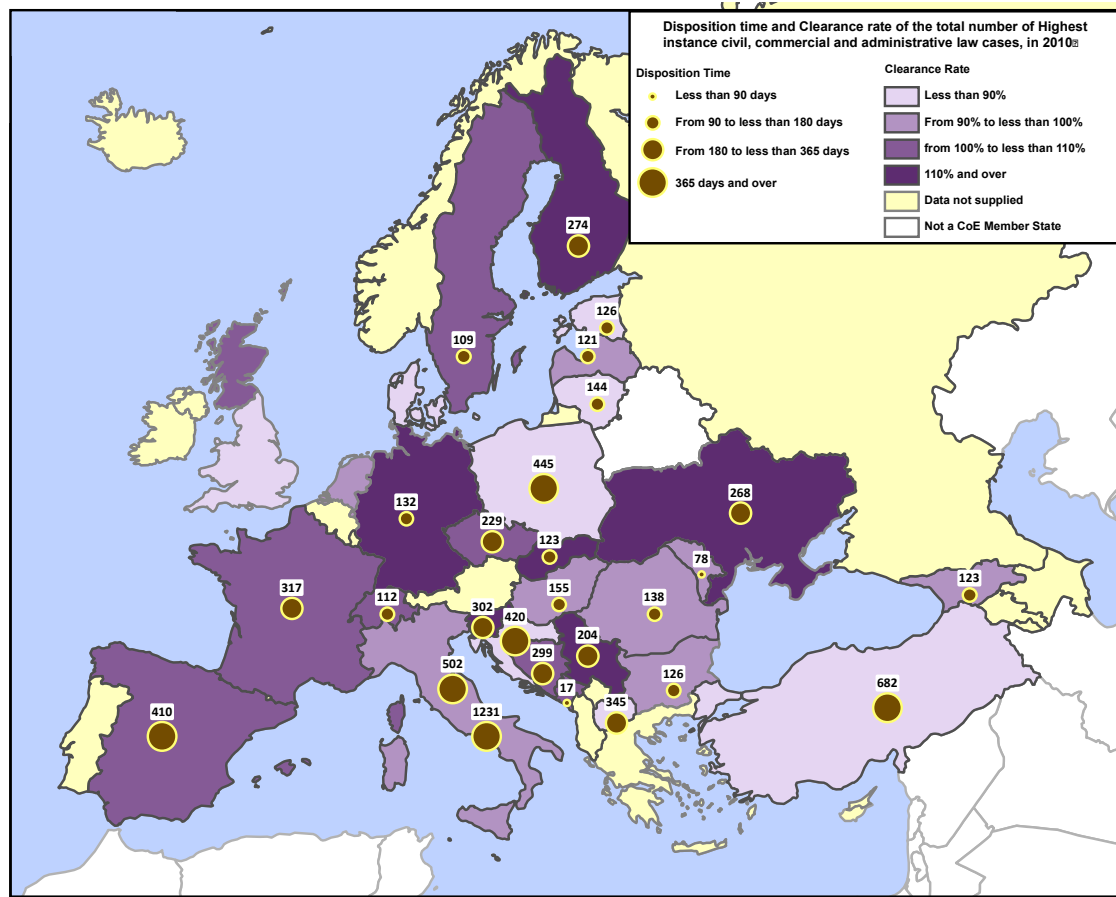


Figure 20 – Map of Disposition time and Clearance rate of total number of civil, commercial and administrative law cases at highest instance in 2010

4.3. Evolution of the Clearance rates of the total number of civil, commercial and administrative law cases between 2006 and 2010³³

4.3.1. Second instance

As shown in Figure 21, Clearance rates of the total number of civil, commercial and administrative law cases (calculated as the sum of civil and commercial litigious cases, civil and commercial non litigious cases and administrative law cases) at second instance can be calculated for 29 states in 2006, for 33 states in 2008 and for 35 states in 2010. 23 states have provided the data needed to calculate the Clearance rates of the total number of civil, commercial and administrative law cases at second instance in 2006, 2008 and 2010 (**Moldova, Romania, Bosnia & Herzegovina, France, Estonia, Slovenia, Poland, Finland, Denmark, Latvia, Cyprus, Hungary, Netherlands, Sweden, The FYROMacedonia, Spain, Croatia, Luxembourg, Italy, Slovakia, Georgia, Lithuania, and Ukraine**). The variation between 2006 and 2010 can be calculated for two additional states (**Monaco and Germany**). In 12 of the 25 cases clearance rate decreases between 2006 and 2010 while in 13 it rises.

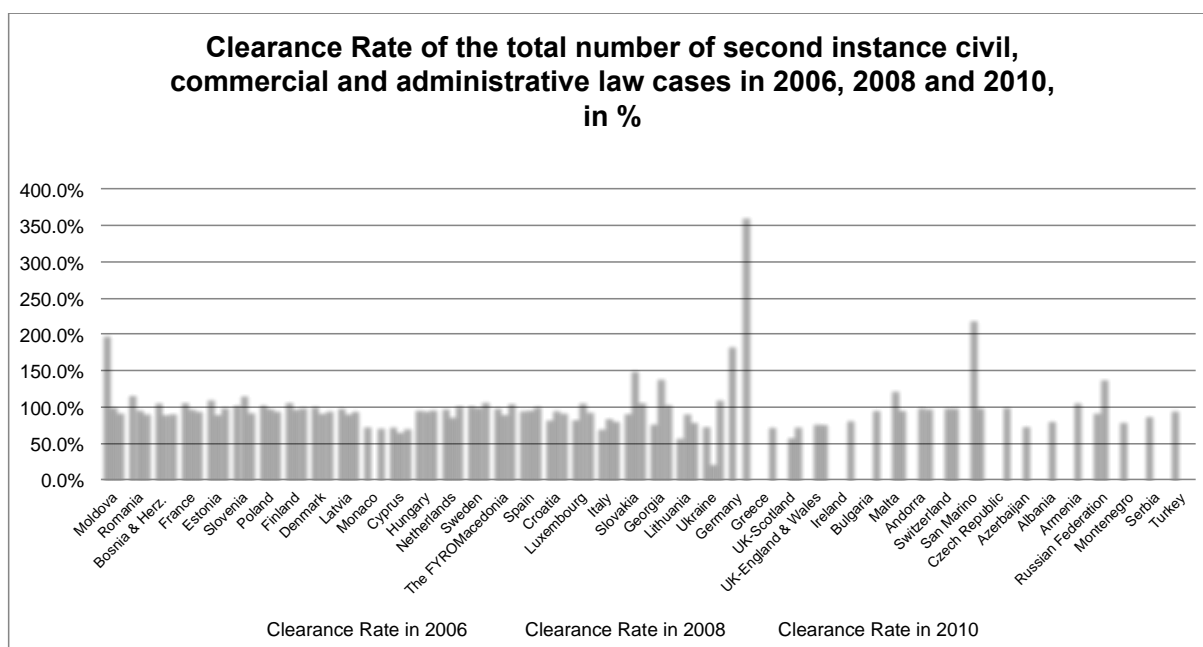


Figure 21 - Clearance rates of the total number of appeal courts civil, commercial and administrative law cases between in 2006, 2008 and 2010, in %

4.3.2. Highest instance

Clearance rates of the total number of civil, commercial and administrative law cases (calculated as the sum of civil and commercial litigious cases, civil and commercial non litigious cases and administrative law cases) at highest instance can be calculated for 27 states in 2006, for 32 in 2008 and for 31 in 2010. 23 states have provided the data needed to calculate the Clearance rates of the total number of civil, commercial and administrative law cases at second instance in 2006, 2008 and 2010 (**Croatia, The FYROMacedonia, Bosnia and Herzegovina, Spain, Georgia, France, Romania, Estonia, Moldova, Denmark, Hungary, Latvia, Switzerland, Slovakia, Montenegro, Finland, Italy, Czech Republic, Sweden, Serbia, Turkey, Slovenia, and Ukraine**), while the

³³ N.B. in the previous edition of this report, the data analysed were those of the “total of other than criminal law cases” category, while this edition the data is provided by the sum of three categories, “civil & commercial litigious cases” + “civil & commercial non-litigious cases” + “administrative law cases”, which correspond to the “the total number of civil, commercial and administrative law cases” category used in the Cepej “European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice” report.

variation between 2006 and 2010 can be calculated also for three additional states (**Netherlands**, **Bulgaria**, and **Germany**). In 11 of the 26 cases clearance rate decreases between 2006 and 2010 while in the remaining 15 it rises.

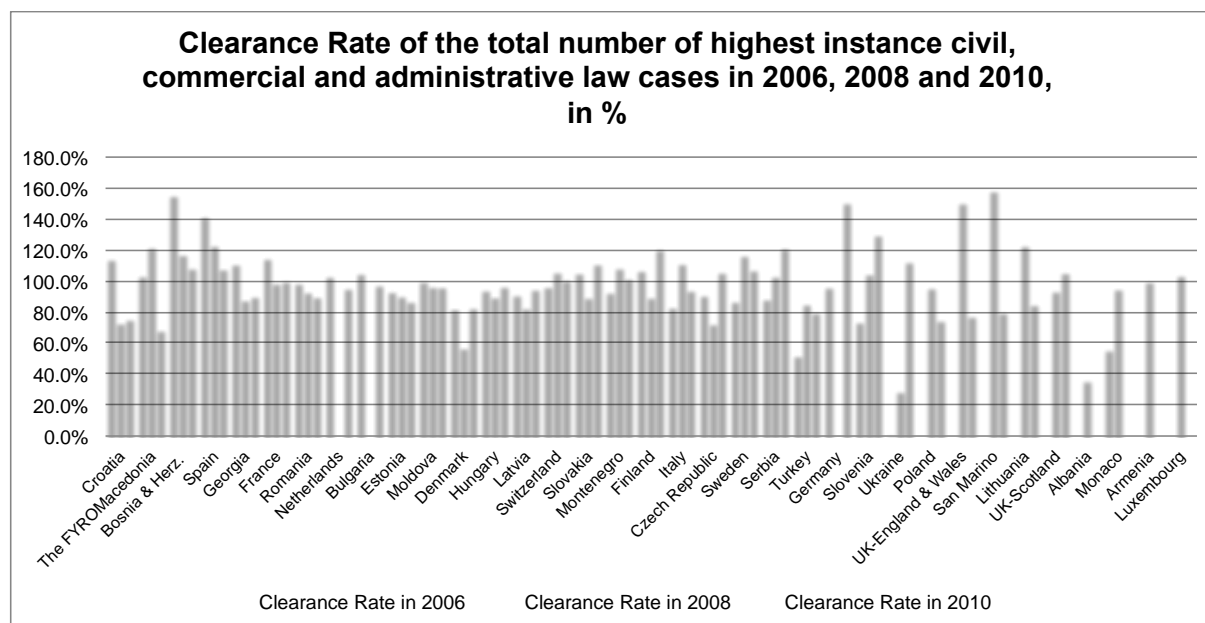


Figure 22 - Clearance rates of the total number of highest instance civil, commercial and administrative law cases in 2006, 2008 and 2010, in %

5. Criminal law and misdemeanor second and highest instance data analysis

As stated in the European judicial systems study, Edition 2012 (data 2010) in the Evaluation exercise, states are asked to submit information concerning criminal law cases according to three categories: severe criminal cases, minor offences (misdemeanours) and total number of criminal cases, corresponding to the sum of the previous two category. These categories correspond to the way criminal law cases are classified in a majority of member states. The total number of criminal offences includes all offences defined as criminal by any law, including traffic offences (mostly dangerous and drunk driving). Examples of severe criminal cases are: murder, rape, organized crime, fraud, drug trafficking, trafficking of human beings, etc. Minor offences examples include shoplifting, certain categories of driving offences, disturbance of the public order, etc. However, it should be noted that for both types of cases there is a possibility that states classify criminal law cases in a different manner. For instance, there may be states where small traffic offences are not part of the criminal law, but are dealt with by the administrative law. Furthermore, what is defined as a minor offence or a misdemeanour in a given state or entity can be a severe criminal case in other states or entities.

For economy of space, some selections have been required in terms of selections of data to be presented. Accordingly, section 5.1 provides an overview on the total number of incoming, resolved and pending (31 Dec.) criminal law cases in 2010, while section 5.2 looks more in detail at the incoming cases, confronting the total number criminal cases, severe criminal offences and minor offences

5.1. Total number of incoming, resolved and pending (31 Dec.) cases in 2010

This section provides an overview on the total number of incoming, resolved and pending (31 Dec.) criminal law cases in 2010. Both absolute numbers and rate per 100.000 inhabitants are provided.

5.1.1. Second instance

Table 11 – Incoming, resolved and pending (31 Dec.) second instance total number of criminal cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	3115	2799	2207	97.5	87.6	69.1
Andorra	79	74	13	92.9	87.0	15.3
Armenia	877	917	87	26.9	28.1	2.7
Austria	12534	12417	1805	149.4	148.0	21.5
Azerbaijan	2442	2255	246	27.1	25.1	2.7
Belgium	19173	17797	12278	176.9	164.2	113.3
Bosnia & Herzegovina	13764	13852	1838	358.1	360.4	47.8
Bulgaria	14415	14475	1907	195.7	196.5	25.9
Croatia	52181	55495	52236	1,182.7	1,257.8	1,183.9
Cyprus	203	184	252	25.2	22.9	31.3
Czech Republic	30154	30084	1897	286.7	286.0	18.0
Denmark	6830	6552	1341	122.8	117.8	24.1
Estonia	2431	2394	179	181.4	178.6	13.4
Finland	7283	7557	3278	135.5	140.6	61.0
France	48409	51952	30207	74.4	79.9	46.5
Georgia	2519	2730	208	56.4	61.1	4.7
Germany	68684	68837	20634	84.0	84.2	25.2
Greece	NA	NA	NA			
Hungary	42710	41796	6825	427.7	418.5	68.3
Iceland	NAP	NAP	NAP			
Ireland	5847	6258	3733	127.6	136.6	81.5
Italy	99345	79496	217545	163.9	131.1	358.8
Latvia	2546	2089	859	114.2	93.7	38.5
Lithuania	8829	8656	1033	272.1	266.8	31.8
Luxembourg	NA	545	NA		106.5	
Malta	578	376	451	138.4	90.0	108.0

Moldova	1946	1954	356	54.7	54.9	10.0
Monaco	NA	NA	NA			
Montenegro	4690	5641	323	756.4	909.8	52.1
Netherlands	38499	37815	21400	231.1	227.0	128.5
Norway	6770	6753	847	137.6	137.2	17.2
Poland	121814	119408	18907	318.9	312.6	49.5
Portugal	13654	13614	3985	128.4	128.0	37.5
Romania	18442	17634	4878	86.1	82.3	22.8
Russian Federation	705241	701456	30781	493.5	490.8	21.5
San Marino	18	12	14	54.3	36.2	42.2
Serbia	33914	28015	8240	465.1	384.2	113.0
Slovakia	3999	4011	916	73.6	73.8	16.9
Slovenia	9146	9723	1627	446.1	474.2	79.4
Spain	152458	152655	27959	331.5	331.9	60.8
Sweden	9374	9451	3092	99.6	100.4	32.8
Switzerland	6379	6088	2469	81.1	77.4	31.4
The FYROMacedonia	12787	12679	992	621.5	616.3	48.2
Turkey	NA	NA	NA			
Ukraine	34235	33594	3706	74.8	73.4	8.1
UK-England and Wales	21269	NA	NA	38.5		
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	750	600	NA	14.4	11.5	
Average				214.9	216.5	79.1
Median				131.9	129.6	35.2
Minimum				14.4	11.5	2.7
Maximum				1,182.7	1,257.8	1,183.9

Table 11 presents the data on incoming (42 states), resolved (42 states) and pending (31 December, 40 states) second instance total number of criminal cases in 2010, absolute numbers and per 100 000 inhabitants. Looking at incoming cases, absolute second instance total number of incoming criminal cases range from a minimum 18 (**San Marino**) to a maximum of 705241 (**Russian Federation**). Considering incoming cases per 100.000 inhabitants, the numbers range from a minimum of 14.4 cases (**UK-Scotland**) to a maximum of 1,182.7 (**Croatia**), with an average of 214.9 cases and a median of 132.

In comparison to incoming cases, resolved cases in 2010 range, in absolute numbers, from a minimum of 12 cases (**San Marino**) to a maximum of 701456 (**Russian Federation**). Considering resolved cases per 100.000 inhabitants, the number ranges from a minimum of 11.5 cases (**UK-Scotland**) to a maximum of 1,257.8 (**Croatia**), with an average of 216.5 cases, slightly higher than the one of the incoming, and a median of 129.6, slightly lower it.

Again, pending cases at the end of the year in absolute numbers vary consistently, between 13 (once again **San Marino**) and 217545 (this time **Italy**). Considering the pending cases per 100.000 inhabitants, the number ranges between a minimum of 2.7 cases (**Armenia**) and a maximum of 1,183.9 (**Croatia**), with an average of 79.1 cases, and a median of 35.2 cases.

The table for incoming, resolved and pending (31 Dec.) second instance severe criminal law cases in 2010, absolute numbers and per 100 000 inhabitants is available in Annex 2

5.1.2. Highest instance

Table 12 – Incoming, resolved and pending (31 Dec.) highest instance total number of criminal cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	1979	1491	2016	61.9	46.7	63.1
Andorra	NAP	NAP	NAP			
Armenia	1012	999	44	31.0	30.6	1.3
Austria	890	883	227	10.6	10.5	2.7
Azerbaijan	900	839	92	10.0	9.3	1.0
Belgium	2068	1944	647	19.1	17.9	6.0
Bosnia & Herzegovina	3339	3166	704	86.9	82.4	18.3
Bulgaria	2316	2351	348	31.4	31.9	4.7
Croatia	3514	3432	1122	79.6	77.8	25.4

Cyprus	NA	NA	NA			
Czech Republic	2869	2811	369	27.3	26.7	3.5
Denmark	66	48	34	1.2	0.9	0.6
Estonia	104	115	10	7.8	8.6	0.7
Finland	NA	972	NA		18.1	
France	8033	8083	2862	12.4	12.4	4.4
Georgia	1244	1271	266	27.8	28.4	6.0
Germany	3534	3584	504	4.3	4.4	0.6
Greece	NA	NA	NA			
Hungary	1364	1322	202	13.7	13.2	2.0
Iceland	304	289	40	95.5	90.8	12.6
Ireland	NA	NA	NA			
Italy	51137	47316	29381	84.3	78.0	48.5
Latvia	660	644	54	29.6	28.9	2.4
Lithuania	605	629	162	18.6	19.4	5.0
Luxembourg	NA	42	NA		8.2	
Malta	NA	NA	NA			
Moldova	941	1109	148	26.4	31.1	4.2
Monaco	NA	45	NA		125.4	
Montenegro	421	421	0	67.9	67.9	0.0
Netherlands	3685	3839	NA	22.1	23.0	
Norway	83	75	19	1.7	1.5	0.4
Poland	2493	2570	669	6.5	6.7	1.8
Portugal	822	932	72	7.7	8.8	0.7
Romania	36906	36330	3684	172.2	169.5	17.2
Russian Federation	NA	61696	NA		43.2	
San Marino	6	6	0	18.1	18.1	0.0
Serbia	488	792	68	6.7	10.9	0.9
Slovakia	1467	1483	197	27.0	27.3	3.6
Slovenia	967	960	207	47.2	46.8	10.1
Spain	4509	4682	2134	9.8	10.2	4.6
Sweden	1757	1788	264	18.7	19.0	2.8
Switzerland	1555	1532	359	19.8	19.5	4.6
The FYROMacedonia	784	824	99	38.1	40.1	4.8
Turkey	269505	209076	364500	371.4	288.1	502.3
Ukraine	2146	1653	493	4.7	3.6	1.1
UK-England and Wales	10	5	NA	0.0	0.0	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	2260	1930	NA	43.3	37.0	
Average				41.1	39.1	21.9
Median				20.9	21.3	3.6
Minimum				0.02	0.01	0.0
Maximum				371.4	288.1	502.3

Table 12 looks at the data on incoming (38 states), resolved (42 states) and pending (31 December, 35 states) highest instance total number of criminal cases in 2010, absolute numbers and per 100 000 inhabitants. For incoming cases, absolute highest instance total number of incoming criminal values range from a minimum of six cases for **San Marino** and ten cases for **UK-England and Wales** to a maximum of 269505 for **Turkey**. Looking at the values per 100,000 inhabitants, highest instance total number of incoming criminal cases ranges from a minimum of 0.02 cases (**UK-England and Wales**) to a maximum of 371 (**Turkey**), with an average of 41.1 cases and a median of 20.9.

In comparison to incoming cases, resolved cases in 2010 range, in absolute numbers, from a minimum of five cases (**San Marino**) to a maximum of 209,076 (**Turkey**). Considering the resolved cases per 100.000 inhabitants, the number ranges from a minimum of 0.01 cases (**UK-England and Wales**) to a maximum of 288.1 (**Turkey**), with an average of 39.1 cases, and a median of 21.3.

Pending cases at the end of the year (31 December 2010) in absolute numbers vary consistently, between zero (**San Marino** and **Montenegro**) and 364,500 (**Turkey**). Considering the pending cases per 100.000 inhabitants, the number ranges between zero (**San Marino** and **Montenegro**) and a maximum of 502.3 (**Turkey**), almost ten times the second highest value (63.1 in **Andorra**). As a result, the average number of pending cases per 100.000 inhabitants is 21.9, while the median is much lower: 3.6 cases.

The table for incoming, resolved and pending (31 Dec.) highest instance severe criminal law cases in 2010, absolute numbers and per 100 000 inhabitants is available in Annex 2

5.2. Criminal law cases (severe criminal offences) and misdemeanor cases (minor offences) in 2010

This paragraph presents data on the total number of incoming criminal cases and of two sub groups of this category of cases: severe criminal offences and minor offences. As pointed out in the Cepej European judicial systems study, Edition 2012 (data 2010), criminal law cases "Due to the high variation in the definition of criminal cases and criminal cases categories by the various states, the data presented should be interpreted with care as the figures provided may not reflect the real situation in a state. However, to understand better the main trends in Europe, a distinction between minor criminal offences and severe criminal acts is necessary, since for minor criminal offences, shorter court proceedings and/or other details of the treatment of a case (the imposition of an administrative fine, a sanction imposed by a public prosecutor without the intervention of a judge, police sanctions, etc.) may be used, compared with severe criminal cases. Special tribunals, courts or judges can also be competent for small criminal offences (for example, misdemeanour courts, police courts or police judges, administrative tribunals). In addition, there may be a possibility to use mediation for minor criminal offences".

Comments

Austria: misdemeanour and/or minor criminal cases include all offences which are fined or punished with a prison sentence of up to one year and must not be decided by a jury.

Bosnia and Herzegovina: examples of severe criminal cases: criminal acts against the state, homicide, organised crime, criminal acts against official duty, theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc. Examples of minor offences: traffic offences, violations of public order, begging etc.

Bulgaria: severe crimes and crimes of significant public interest (organised crime, corruption, money laundering, misuse of EU funds, crimes against the monetary and credit systems, tax crimes, crimes related to drugs and illegal traffic of people, over 5 years deprivation of liberty (the upper limit is over 5 years).

Czech Republic: the classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases. Severe criminal cases – i.e. crimes for which the law provides a minimum term of imprisonment of 5 years, are decided by regional courts in the first instance. Minor criminal cases are tried by district courts in the first instance, regional courts being appellate courts in such cases.

Denmark: the dividing line is that misdemeanour and/or minor criminal cases are set so that those cases defined as court cases without use or participation of a lay assessor are categorized as misdemeanour and/or minor criminal cases. Severe criminal cases are then all other criminal cases.

Estonia: misdemeanour cases are cases where the punishment is a monetary penalty or arrest. Severe criminal cases are cases where the punishment is imprisonment over 5 years.

Finland: the classification of cases between severe criminal law cases and misdemeanour cases is not in statistical use in Finland.

Georgia: the Criminal Code of Georgia does not classify the cases as felony and misdemeanour. All crimes included in the Code are serious criminal cases as they pose a danger to the society. All other minor cases which do not pose a danger to the society are included in the Code on Administrative Offences of Georgia. Broadly speaking, severe cases include severe and extremely severe crimes; misdemeanour may imply less severe crimes.

Germany: the category "severe criminal cases" includes proceedings in accordance with the Criminal Code and ancillary criminal laws. The category "minor criminal cases" includes the regulatory offence proceedings pursued by the administrative authorities.

Greece: as severe criminal cases are considered the felonies which are offences punished by the law by a sentence of incarceration (5 to 20 years) or death penalty. As misdemeanour cases are considered the crimes punished by the law by a sentence of imprisonment (10 days to 5 years).

Ireland: severe criminal cases include all cases required to be tried on indictment (e.g. robbery (i.e. stealing with force/threat of force)), assault causing serious harm, rape, aggravated sexual assault, manslaughter, murder). Misdemeanour and /or minor criminal cases include all cases triable summarily (e.g. common assault, public order offences, burglary or theft in other than aggravated circumstances).

Italy: there is no formal definition of "minor criminal cases". For the purposes of this report we have defined "Minor criminal cases" as those proceedings dealt with by the Justice of Peace Offices.

Latvia: "Minor criminal cases" are criminal cases with the prosecuted persons in age from 14 to 17 years (included) are involved. "Severe criminal cases" are other criminal cases without involving the prosecuted persons aged from 14 up to (and including) 17 years. "Misdemeanour cases" are not criminal cases according to criminal law.

Malta: all cases which could lead to more than six months imprisonment were indicated as "severe criminal cases" whilst all those who could give rise to up till six months imprisonment were indicated as "misdemeanour". Furthermore, traffic offences, per se, have been decriminalised; as a result, these are not heard in courts, but before the Commissioners for Justice, who do not fall within the structure of the courts. Certain traffic offences relating to drunk driving and driving without a license and/or without insurance, however, are still heard in courts, and are thus included in the figures related criminal courts.

Montenegro: on 1 September 2010, the new Law on misdemeanours entered into force, which transferred the competence of the ministries, other state authorities and local self-government for deciding on misdemeanours in all legislation areas exclusively to courts. Due to this mixed system in 2010, it is not possible to provide comprehensive and precise data on the whole misdemeanour system in 2010.

Netherlands: minor offences are mainly traffic offences (speeding, running red light), vagrancy, littering etc. while severe offences are driving while drunk, grand theft, violent crimes, sex and drugs offences etc.

Poland: misdemeanour cases (minor offences) are the offences for which the law restricts a maximum penalty up to 1 month of detention or fine or both. This category covers all cases where the motion for penalty for committing misdemeanour has been filed to the court. All other criminal cases constitute severe cases.

Portugal: "severe criminal cases" includes all criminal processes. The "misdemeanour and minor criminal cases" includes criminal and labour-criminal transgressions.

Romania: there is no classification of severe and less severe offences in the Romanian judiciary. The statistical data is provided only with regard to the total of criminal cases.

Russian Federation: for the 2010-2012 evaluation cycle, a different type of cases was put under the misdemeanour/minor offences category (offences defined in the Russian Code of Administrative Offences). For this type of cases, only the number of resolved cases is monitored. That is why, unlike in the previous evaluation cycles, complete information for this category of cases cannot be provided.

Slovakia: the statistical data collected by the Ministry of justice of the Slovak republic do not distinguish between the two types of criminal offences.

Ukraine: the information about the exact number of the severe criminal offences and misdemeanour/minor offences cases is not available.

UK Scotland: examples of severe cases are serious assault, fraud, assault and robbery. Examples of misdemeanour/minor cases are theft, assault, road traffic offences etc.

5.2.1. Second instance

Table 13 - Number of incoming criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in second instance (appeal) courts. Absolute figures and per 100.000 inhabitants, in 2010

States/entities	Total number of criminal cases	Number of severe criminal cases,	Number of minor offences	Per 100 000 inhabitants			Part of severe cases in the total number of criminal cases	Part of minor offences in the total number of criminal cases
				Total	Severe cases	Minor offences		
Albania	3115	60	3055	97.5	1.9	95.6	2%	98%
Andorra	79	NA	NA	92.9				
Armenia	877	NA	NA	26.9				
Austria	12534	7121	5413	149.4	84.9	64.5	57%	43%
Azerbaijan	2442	NA	NA	27.1				
Belgium	19173	8026	11147	176.9	74.0	102.8	42%	58%
Bosnia and Herzegovina	13764	8466	5298	358.1	220.3	137.9	62%	38%
Bulgaria	14415	NA	NA	195.7				
Croatia	52181	14449	37732	1,182.7	327.5	855.2	28%	72%
Cyprus	203	NA	NA	25.2				
Czech Republic	30154	NA	NA	286.7				
Denmark	6830	6830	NAP	122.8	122.8		100%	0%
Estonia	2431	2311	120	181.4	172.4	9.0	95%	5%
Finland	7283	NAP	NAP	135.5				
France	48409	48409	NA	74.4	74.4			
Georgia	2519	1610	909	56.4	36.0	20.3	64%	36%
Germany	68684	57888	10796	84.0	70.8	13.2	84%	16%
Greece	NA	NA	NA					
Hungary	42710	42019	691	427.7	420.8	6.9	98%	2%
Iceland	NAP	NAP	NAP					

Ireland	5847	NA	NA	127.6				
Italy	99345	NA	NA	163.9				
Latvia	2546	NA	NA	114.2				
Lithuania	8829	NA	NA	272.1				
Luxembourg	NA	NA	NA					
Malta	578	22	556	138.4	5.3	133.1	4%	96%
Moldova	1946	NA	NA	54.7				
Monaco	NA	NA	NA					
Montenegro	4690	1010	3680	756.4	162.9	593.5	22%	78%
Netherlands	38499	NA	NA	231.1				
Norway	6770	NA	NA	137.6				
Poland	121814	112874	8940	318.9	295.5	23.4	93%	7%
Portugal	13654	13654	NA	128.4	128.4			
Romania	18442	NAP	NAP	86.1				
Russian Federation	705241	380229	325012	493.5	266.1	227.4	54%	46%
San Marino	18	18	NAP	54.3	54.3		100%	0%
Serbia	33914	NA	NA	465.1				
Slovakia	3999	NA	NA	73.6				
Slovenia	9146	4424	4722	446.1	215.8	230.3	48%	52%
Spain	152458	NA	NA	331.5				
Sweden	9374	NAP	NAP	99.6				
Switzerland	6379	5410	969	81.1	68.8	12.3	85%	15%
The FYROM	12787	4575	8212	621.5	222.4	399.2	36%	64%
Turkey	NA	NA	NA					
Ukraine	34235	NA	NA	74.8				
UK-England and Wales	21269	7250	14019	38.5	13.1	25.4	34%	66%
UK-Northern Ireland	NA	NA	NA					
UK-Scotland	750	750	NAP	14.4	14.4		100%	0%
Average				214.9	138.8	173.5	60%	40%
Median				131.9	103.9	95.6	59%	41%
Minimum				14.4	1.9	6.9	2%	0%
Maximum				1,182.7	420.8	855.2	100%	98%

Table 13 provides information on second instance total number of incoming criminal cases in 42 states, incoming severe criminal offences in 22 states and incoming minor offences in 17 states. Data is provided both in absolute values, both per 100.000 inhabitants. The table presents also the proportion of the severe and misdemeanour incoming cases on the total number of criminal cases in 20 states. Similarly to what happens in the analysis of first instance court criminal cases (see Cepej European judicial systems study, Edition 2012 (data 2010), pp.200-201) for several states it is not possible to calculate the rate per 100.000 inhabitants because the categorization into severe criminal offences and misdemeanour cases is not available.

Absolutes values range from a minimum of second instance total number of incoming criminal cases 18 cases (**San Marino**) to a maximum of 705241 (**Russian Federation**). Second instance total number of incoming criminal cases per 100.000 inhabitants ranges from a minimum of 14.4 cases (**UK-Scotland**) to a maximum of 1,182.7 (**Croatia**), with an average of 215 cases and a median of 132. Incoming severe criminal offence cases per 100.000 inhabitants ranges from a minimum 1.9 of cases (**Albania**) to a maximum of 320.8 (**Hungary**), with an average of 139 cases and a median of 104. Finally, incoming minor offences per 100.000 inhabitants ranges from a minimum seven of cases (**Hungary**) to a maximum of 855 (**Croatia**), with an average of 174 cases and a median of 96.

Over all, 17 states have a comparatively low number of second instance total number of incoming criminal cases per 100.000 inhabitants (less than 100: **UK-Scotland, Cyprus, Armenia, Azerbaijan, UK-England and Wales, San Marino, Moldova, Georgia, Slovakia, France, Ukraine, Switzerland, Germany, Romania, Andorra, Albania, Sweden**) while three states have comparatively high number of them (over 500: **The FYROMacedonia, Montenegro, Croatia**). Of the 20 states for which the table provides the proportion of the severe and misdemeanour incoming cases in 2010 in second instance (appeal) courts, in 12 severe criminal cases are the majority of incoming total criminal cases.

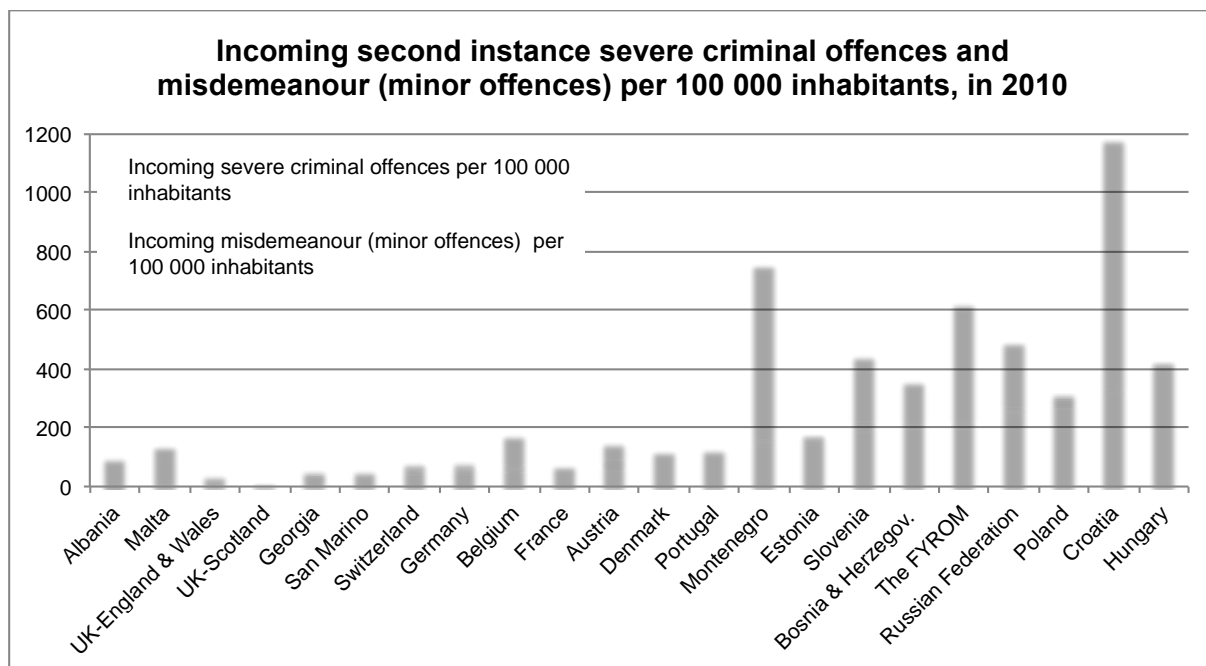


Figure 23 – Number of incoming second instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2010

Figure 23 presents the data for 22 states on incoming second instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2010. In eight of these states the number of incoming misdemeanour is higher than the number of severe criminal offence, going up to 96% of the total in **Malta** and 98% of the total in **Albania**.

5.2.2. Highest instance

Table 14 - Number of incoming criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in highest instance. Absolute figures and per 100.000 inhabitants, in 2010

States/entities	Total number of criminal cases	Number of severe criminal cases,	Number of minor offences	Per 100 000 inhabitants			Part of severe cases in the total number of criminal cases	Part of minor offences in the total number of criminal cases
				Total	Severe cases	Minor offences		
Albania	1979	162	1817	61.9	5.1	56.9	8%	92%
Andorra	NAP	NAP	NAP					
Armenia	1012	NA	NA	31.0				
Austria	890	NA	NA	10.6				
Azerbaijan	900	NA	NA	10.0				
Belgium	2068	NA	NA	19.1				
Bosnia & Herzegov.	3339	3339	NAP	86.9	86.9		100%	0%
Bulgaria	2316	NA	NA	31.4				
Croatia	3514	3514	NA	79.6	79.6			
Cyprus	NA	NA	NA					
Czech Republic	2869	NA	NA	27.3				
Denmark	66	66	NAP	1.2	1.2		100%	0%
Estonia	104	63	41	7.8	4.7	3.1	61%	39%
Finland	NA	NAP	NAP					
France	8033	NA	NA	12.4				
Georgia	1244	NA	NA	27.8				
Germany	3534	3530	4	4.3	4.3	0.0	100%	0%

Greece	NA	NA	NA					
Hungary	1364	1364	NA	13.7	13.7			
Iceland	304	NAP	NAP	95.5				
Ireland	NA	NA	NA					
Italy	51137	50229	908	84.3	82.8	1.5	98%	2%
Latvia	660	NA	NA	29.6				
Lithuania	605	NA	NA	18.6				
Luxembourg	NA	NA	NA					
Malta	NA	NA	NA					
Moldova	941	NA	NA	26.4				
Monaco	NA	NA	NA					
Montenegro	421	421	NAP	67.9	67.9		100%	0%
Netherlands	3685	NA	NA	22.1				
Norway	83	NA	NA	1.7				
Poland	2493	NA	NA	6.5				
Portugal	822	822	NA	7.7	7.7			
Romania	36906	NAP	NAP	172.2				
Russian Federation	NA	17818	NA		12.5			
San Marino	6	6	NAP	18.1	18.1		100%	0%
Serbia	488	NAP	NAP	6.7				
Slovakia	1467	NA	NA	27.0				
Slovenia	967	753	214	47.2	36.7	10.4	78%	22%
Spain	4509	NA	NA	9.8				
Sweden	1757	NAP	NAP	18.7				
Switzerland	1555	NA	NA	19.8				
The FYROMacedonia	784	784	NA	38.1	38.1			
Turkey	269505	NA	NA	371.4				
Ukraine	2146	NA	NA	4.7				
UK-England & Wales	10	10	0	0.0	0.0	0.0	100%	0%
UK-Northern Ireland	NA	NA	NA					
UK-Scotland	2260	830	1430	43.3	15.9	27.4	37%	63%
Average				41.1	29.7	14.2	80%	20%
Median				20.9	14.8	3.1	100%	0%
Minimum				0.02	0.02	0.0	8%	0%
Maximum				371.4	86.9	56.9	100%	92%

As regards to data concerning highest instance criminal cases, it is possible to provide information on total number of incoming criminal cases in 38 states, incoming severe criminal offences in 16 states (**San Marino, UK-England and Wales, Estonia, Denmark, Albania, Montenegro, Slovenia, The FYROMacedonia, Portugal, UK-Scotland, Hungary, Bosnia and Herzegovina, Croatia, Germany, Russian Federation, Italy**) and incoming minor offences in seven states (**UK-England and Wales, Germany, Estonia, Slovenia, Italy, UK-Scotland, Albania**). Data is provided both in absolute values, both per 100,000 inhabitants. The table presents also the proportion of the severe and misdemeanour incoming cases on the total number of criminal cases in 11 states.

Absolutes values range from a minimum of highest instance total number of incoming criminal cases six cases for **San Marino** and ten cases for **UK-England and Wales** to a maximum of 269505 for **Turkey**. Incoming severe criminal offences vary again between a minimum of six cases (**San Marino**) to a maximum of 50,229 (**Italy**). Finally, incoming minor offences range from a minimum of 0 cases (**UK-England and Wales**) to a maximum of 1817 (**Albania**).

Highest instance total number of incoming criminal cases per 100,000 inhabitants ranges from a minimum of 0.02 cases (**UK-England and Wales**) to a maximum of 371 (**Turkey**), with an average of 41 cases and a median of 21. Incoming severe criminal offence cases per 100,000 inhabitants ranges from a minimum of 0.02 cases (**UK-England and Wales**) to a maximum of 87 (**Bosnia and Herzegovina**), with an average of 30 cases and a median of 15. Finally, incoming minor offences per 100,000 inhabitants ranges from a minimum of 0 cases (**UK-England and Wales**) to a maximum of 57 (**Albania**), with an average of 14 cases and a median of 3.1.

Over all, eight states have a total number of incoming criminal cases per 100,000 inhabitants at highest instance of less than ten (**UK-England and Wales, Denmark, Norway, Germany, Ukraine, Poland, Serbia, Portugal, Estonia, Spain**) while another eight states have over 50 of them (**Albania, Montenegro, Croatia, Italy, Bosnia and Herzegovina, Iceland, Romania, Turkey**).

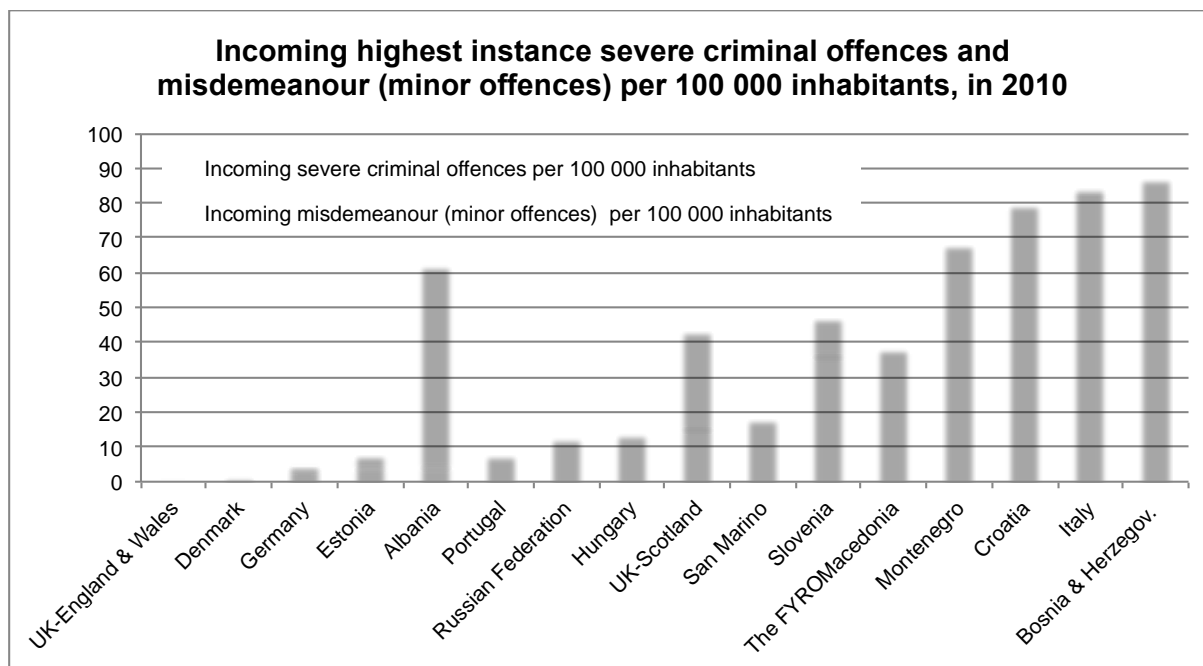


Figure 24 Number of incoming highest instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2010

Figure 24 Provide a representation for 16 states of the number of incoming highest instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2010. Of the ten states for which the table provides the proportion of the severe and misdemeanour incoming cases in 2010 in highest instance courts, in eight of these states severe criminal cases are the majority of incoming total criminal cases, while in two states (**Albania** and **UK-Scotland**) the opposite is true.

5.3. Clearance rate of criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in 2010

5.3.1. Second instance

Figure 25 below shows the 2010 Clearance rate in second instance for severe criminal cases (21 states) and misdemeanour cases (17 states). Severe criminal cases Clearance rate ranges between a minimum of 64% (**Malta**) and a maximum of 115% (**Montenegro**). Misdemeanour cases Clearance rate ranges between a minimum of 65% (**Malta**) and a maximum of 122% (**Montenegro**).

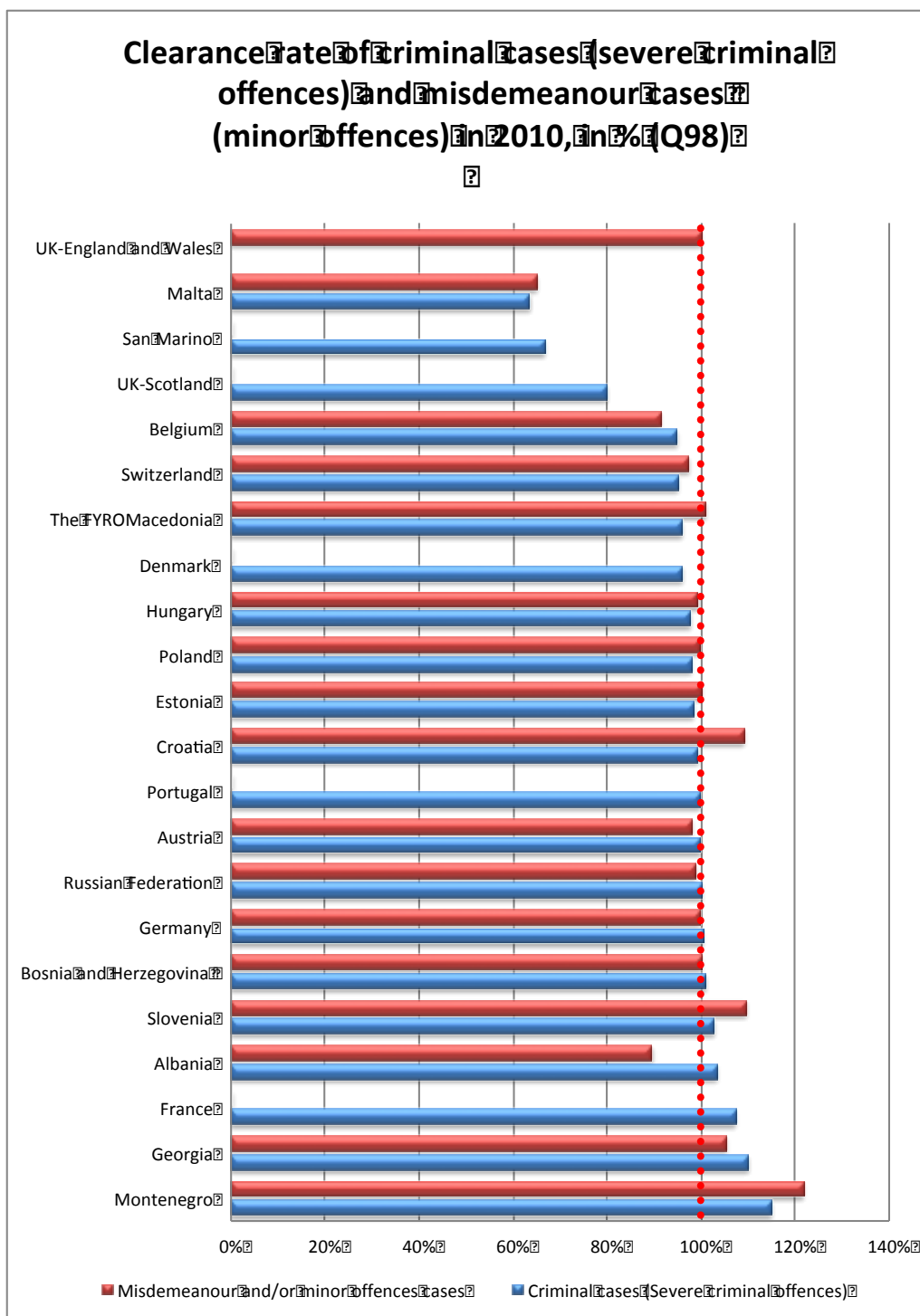


Figure 25 - Clearance rate of criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in 2010, in second instance (appeal) courts

Of the 16 states for which it has been possible to calculate both severe criminal cases and misdemeanour cases Clearance rates, only three have a value equal or higher than 100% in both (**Georgia, Slovenia, Montenegro**), even though another two have one value above and another very near to it (**Germany, Bosnia and Herzegovina**).

5.3.2. Highest instance

Figure 26 shows the 2010 Clearance rate in highest instance for severe criminal cases (16 states) and misdemeanour cases (6 states).

Severe criminal cases Clearance rate ranges between a minimum of 50% (**UK-England and Wales**) and a maximum of 113% (**Portugal**). Misdemeanour cases Clearance rate ranges between a minimum of 75% (**Albania**) and a maximum of 117%(**Estonia**). Note: Misdemeanour cases Clearance rate for **Germany** has been excluded.

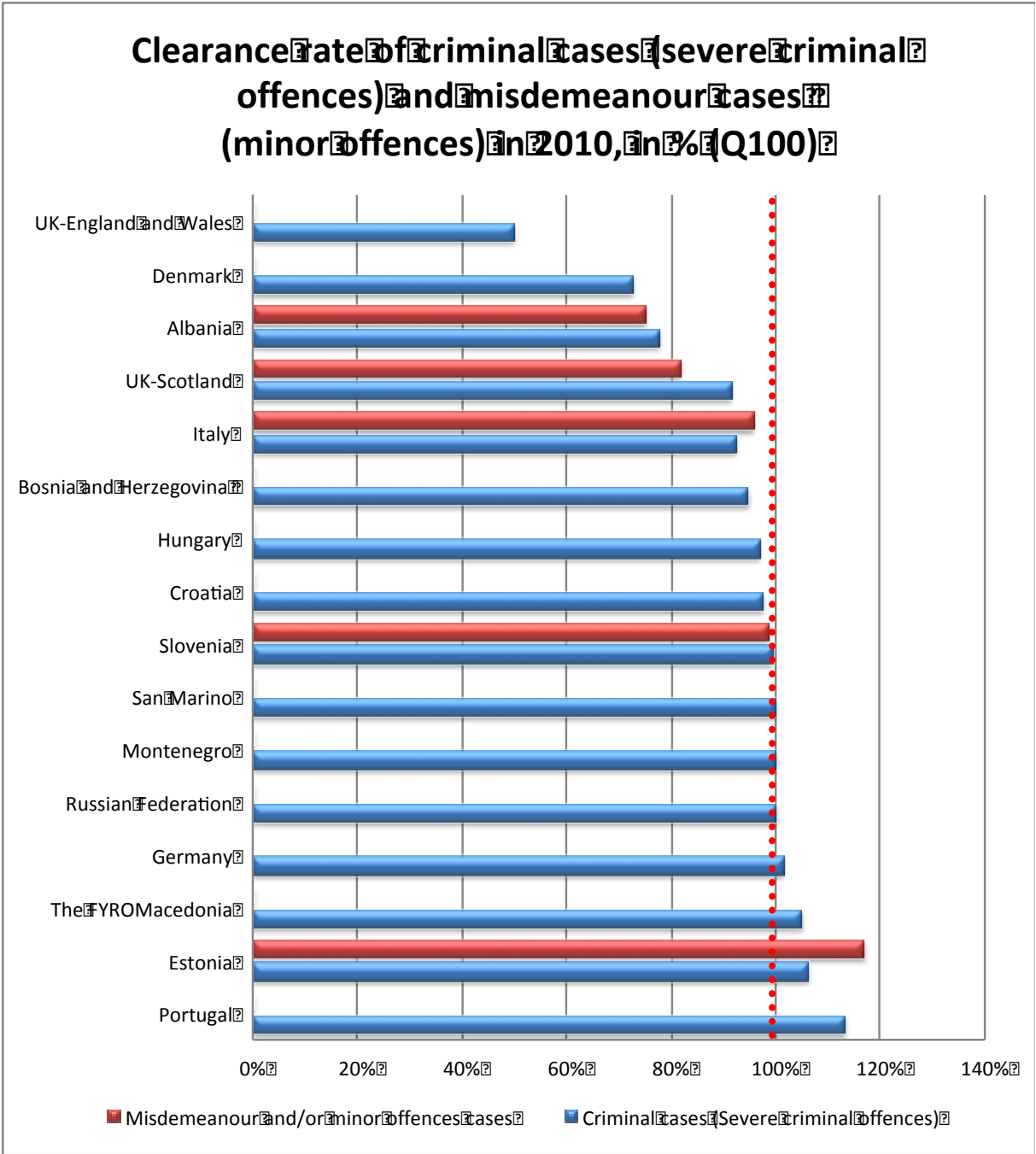


Figure 26 - Clearance rate of criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in 2010, in highest instance

5.4. Clearance rate of severe criminal cases and misdemeanour case (minor offences) in 2010

5.3.1. Second instance

With the available data it is possible to calculate the Clearance rate of severe criminal cases for 21 states or entities and disposition time for 20. Of the 16 states with a disposition time of less than six months, nine have a Clearance rate below 100% (**Switzerland, Denmark, The FYROMacedonia, Hungary, Poland, Estonia, Croatia, Portugal, Austria**), while seven (**Russian Federation, Germany, Bosnia and Herzegovina, Slovenia, Albania, Georgia, Montenegro**) have a Clearance rate equal or above 100%. It should be noted that all 16 have a Clearance rate above 95%. Of the remaining states, one (**France**) has a disposition time between six months and one year and a Clearance rate above 100%, three have a disposition time of more than one year and a Clearance rate below 100% (**Belgium, San Marino, Malta**), while the last one (**UK-Scotland**) could provide only the data to calculate the Clearance rate which is below 90%

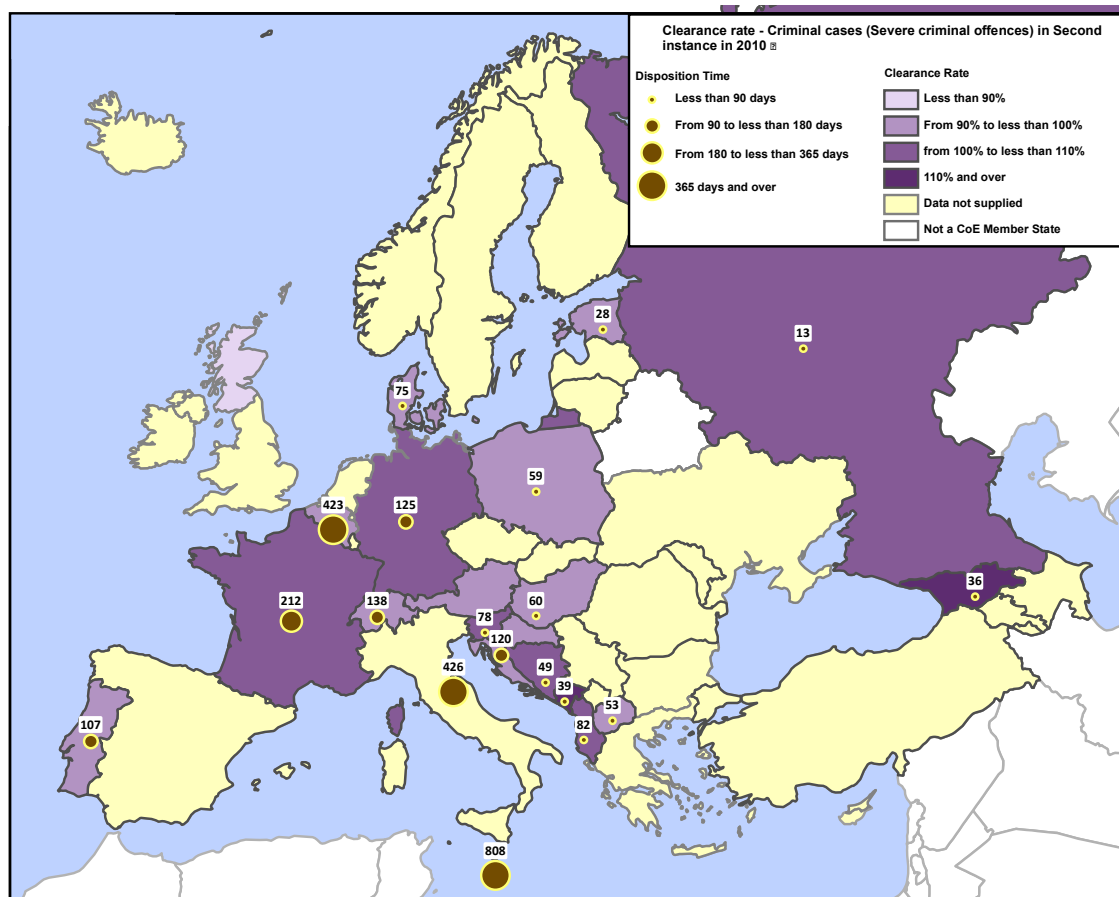


Figure 27 – Map of Clearance rate of severe criminal cases at second instance in 2010

It is also possible to calculate the Clearance rate and disposition time of misdemeanour cases for 17 states. In 12 states the disposition time is below three months with a Clearance rate below 100% but equal or above 98% in six cases (**Austria, Russian Federation, Hungary, Poland, Germany, UK-England and Wales**) and equal or above 100% in the other six (**Bosnia and Herzegovina, Estonia, The FYROMacedonia, Georgia, Slovenia, Montenegro**). One state (**Belgium**) has a disposition time between three and six months and a Clearance rate between 90% and 100%, two states have a disposition time between six months and one year, **Switzerland** with a Clearance rate between 90% and 100% and **Albania** below 90%, and finally two states have a disposition time of more than one year, **Croatia** with a Clearance rate above 100% and **Malta** with a Clearance rate below 90%.

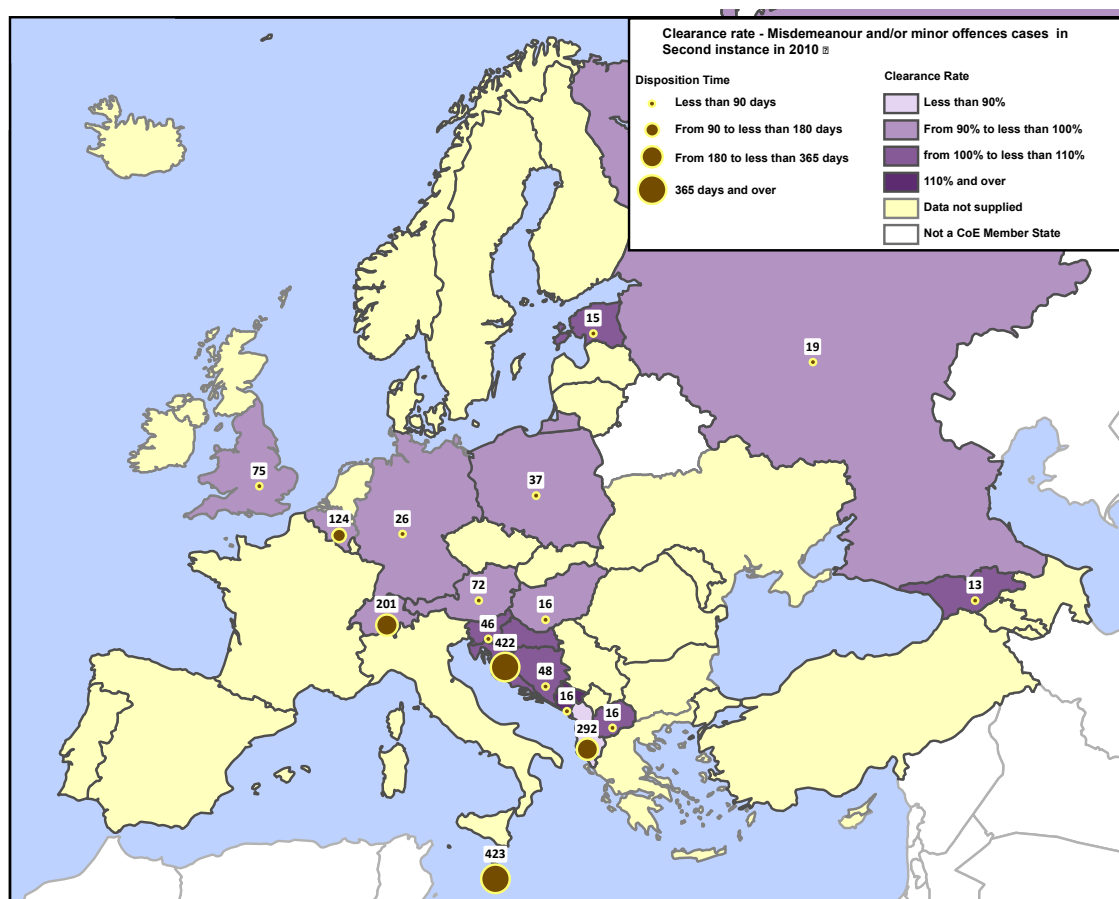


Figure 28 - Clearance rate of Misdemeanour and/or minor offences cases at second instance in 2010

5.4.2. Highest instance

With the available data it is possible to calculate the Clearance rate of severe criminal cases for 16 states and disposition time for 12. In eight states the disposition time is below three months with a Clearance rate between 90% and 100% in three cases (**Bosnia and Herzegovina, Hungary, Slovenia**) and equal or above 100% in the other five (Russian Federation, Germany, The FYROMacedonia, Estonia, Portugal). One state (**Croatia**) has a disposition time between three and six months and a Clearance rate between 90% and 100%. Two states have a disposition time between six months and one year one with a Clearance rate between 90% and 100% (**Italy**), and the other one below 90% (**Denmark**). One other state (**Albania**) has a disposition time of more than one year and a Clearance rate below 90%. Two states (**UK-England and Wales** and **UK-Scotland**) could provide only the data to calculate the Clearance rate, which is below 100% for all three.

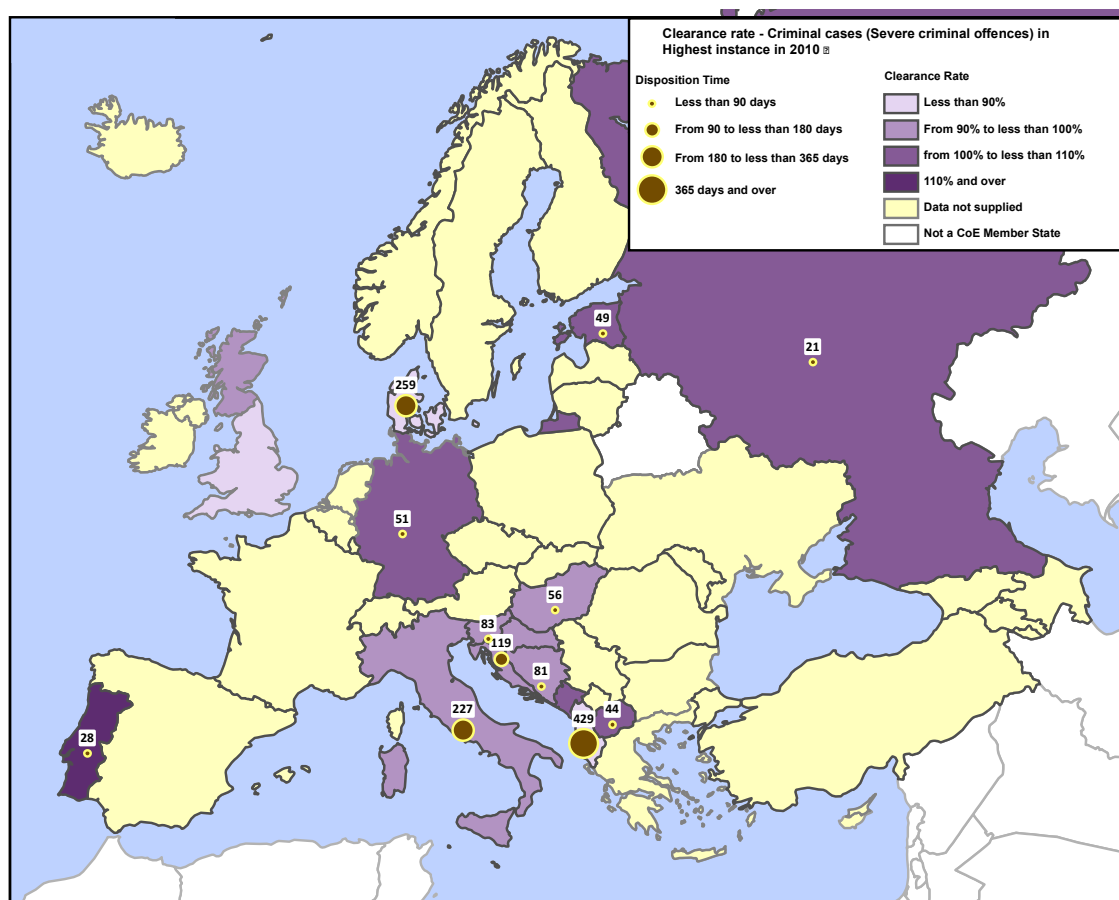


Figure 29 - Clearance rate of severe criminal cases at highest instance in 2010

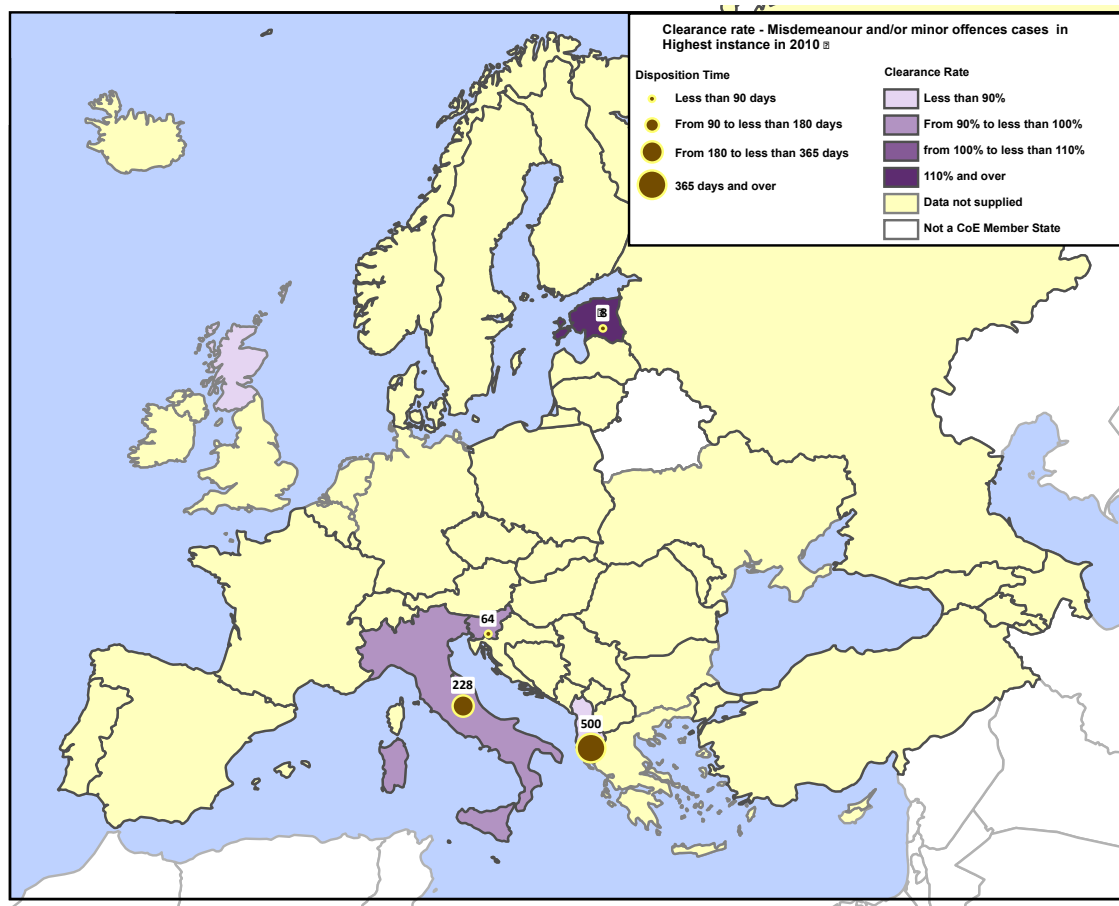


Figure 30 – Map of Clearance rate of Misdemeanour and/or minor offences cases at highest instance in 2010

It is also possible to calculate the disposition time of misdemeanour and/or minor offences cases in four states (**Estonia, Slovenia, Italy** and **Albania**) and the Clearance rate in five states (the previous ones and **UK-Scotland**).³⁴ **Estonia** has a disposition time of eight day and a Clearance rate above 110%, **Slovenia** has also a disposition time below three months and a Clearance rate between 90% and 100%, **Italy** has a disposition time between six months and one year and a Clearance rate between 90% and 100% and **Albania** has a disposition time of more than one year and a Clearance rate below 90%. **UK-Scotland** has a Clearance rate below 90%.

³⁴ **Note:** misdemeanour and/or minor offences cases disposition time and clearance rate value for **Germany** have been excluded.

5.5. Clearance rate of the total number of criminal cases in 2010

5.5.1. Second instance

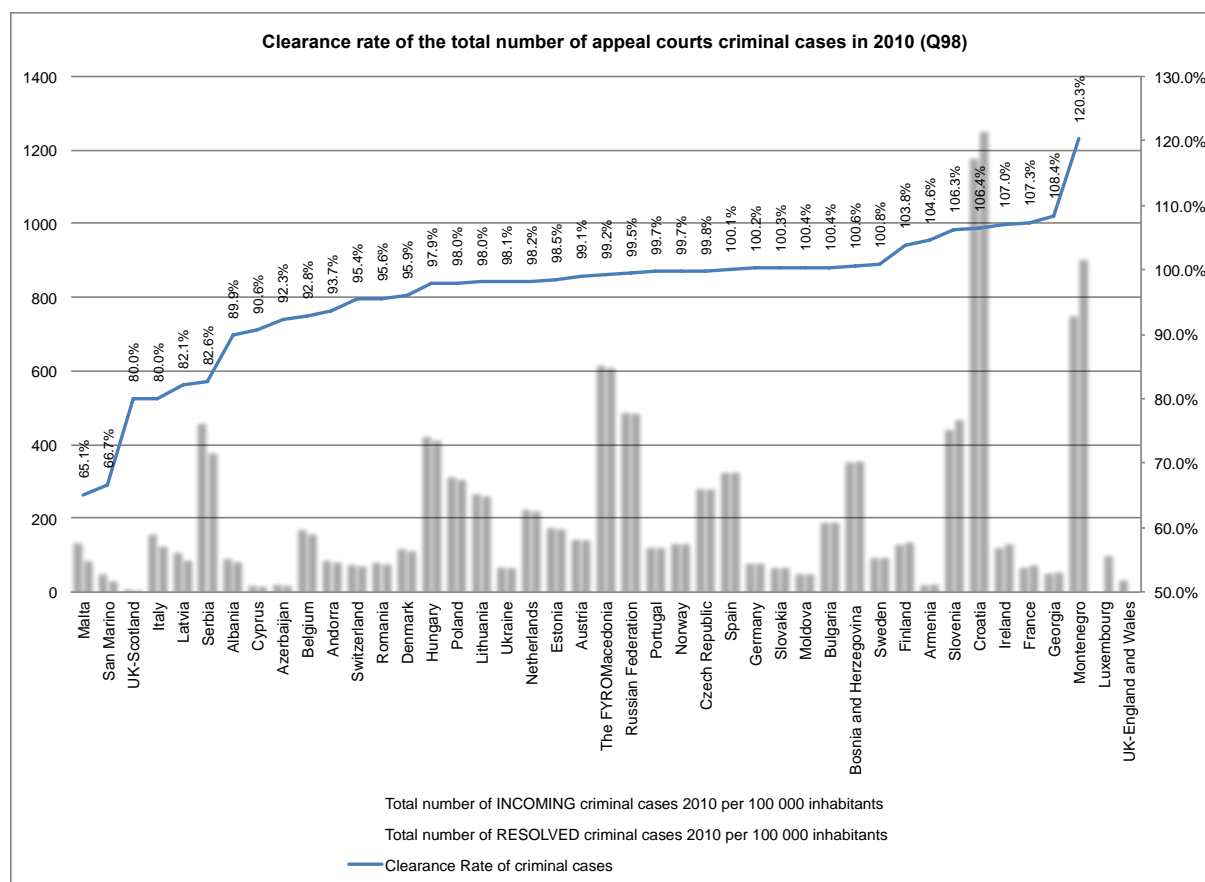


Figure 31 - Clearance rate of the total number of criminal cases at second instance in 2010, % compared with incoming and resolved cases per 100,000 inhabitants

Of the 41 states which provided the data needed to calculate, six (**Malta, San Marino, UK-Scotland, Italy, Latvia, Serbia, Albania**) have a Clearance rate below 90%, 20 between 90% and 100% (**Cyprus, Azerbaijan, Belgium, Andorra, Switzerland, Romania, Denmark, Hungary, Poland, Lithuania, Ukraine, Netherlands, Estonia, Austria, The FYROMacedonia, Russian Federation, Portugal, Norway, Czech Republic**) and the remaining 15 have a Clearance rate higher than 100% (**Spain, Germany, Slovakia, Moldova, Bulgaria, Bosnia and Herzegovina, Sweden, Finland, Armenia, Slovenia, Croatia, Ireland, France, Georgia, Montenegro**) of which just one, **Montenegro**, is above 110%. Clearance rate average value is 96.5% while the median value is 99.1%

Similarly to what noted for first instance courts, at CoE level, the capacity of dealing with cases does not seem to be strictly related to the number of cases per fixed number of inhabitants but to be more dependent from other variables, such as organization of the work, human and technological resources and so on and so forth but in addition to the rules for appeal. Further analysis in this direction and with a more limited number of states characterized by similar justice administration structures and procedures could result in interesting results.

5.5.2. Highest instance

Figure 32 shows the highest instance 2010 Clearance rate for the total of criminal cases for 38 states, three more compared to the previous edition. The Clearance rate values range between 50% of **UK-England and Wales** (which in the previous edition scored the highest value. It should be noted that

this score is linked to very low absolute number of incoming -10- and resolved -5- cases) and 162.3% of **Serbia**. The average Clearance rate is 97.8% while the median is 99.0%.

Six states have a Clearance rate below 90% (**UK-England and Wales, Denmark, Albania, Ukraine, Turkey, UK-Scotland**), 16 have a Clearance rate between 90% and 100% (**Norway, Italy, Azerbaijan, Belgium, Bosnia and Herzegovina, Iceland, Hungary, Latvia, Croatia, Czech Republic, Romania, Switzerland, Armenia, Austria, Slovenia**), while 17 states have a Clearance rate equal (**San Marino, Montenegro**), or higher (, **France, Slovakia, Germany, Bulgaria, Sweden, Georgia, Poland, Spain, Lithuania, Netherlands, The FYROMacedonia, Estonia, Portugal, Moldova, Serbia**) than 100% (in the case of **Estonia, Portugal, Moldova, Serbia** above 110%).

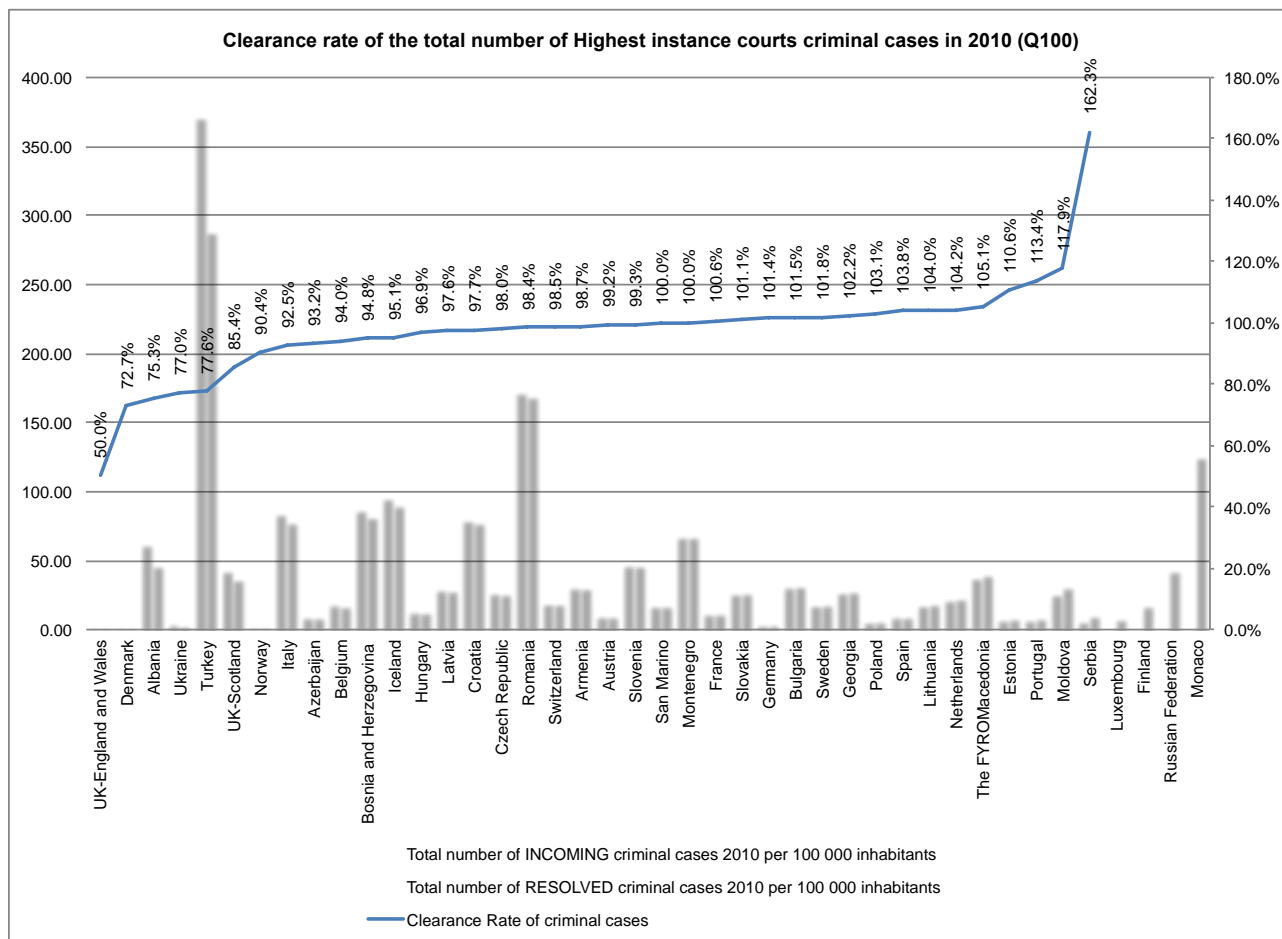


Figure 32 - Clearance rate of the total number of criminal cases at highest instance in 2010, % compared with incoming and resolved cases per 100.000 inhabitants

6. Litigious divorce cases second and highest instance data analysis

6.1. Average length of proceedings for litigious divorce cases between 2006 and 2010

6.1.1. Average length of proceedings for litigious divorce cases at second instance

According to CEPEJ "GOJUST" Guidelines (CEPEJ(2008)11) on which the Evaluation Scheme builds upon, *Litigious divorce cases* are defined as "the dissolution of a marriage contract between two persons, by the judgement of a court of a competent jurisdiction. The data should not include: divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (procedure of mutual consent, even if they are processed by the court) or ruled through an administrative procedure".³⁵ As observed in the Cepej European Judicial Systems study, the length of litigious divorce proceedings "varies in between the states and entities concerned according to the family law (civil law) procedure and the volume of cases filed in courts".³⁶ For a more detailed analysis of the specificities of such procedures, see the Cepej European Judicial Systems study (edition 2012) pp.209-215.

Second instance data is available for ten states in 2006 (**Slovenia, Latvia, Poland, Denmark, Azerbaijan, Portugal, Monaco, France, Italy, Belgium**) with an average of 226.6 days and a median of 102.0 days, 16 states in 2008 (**Slovenia, Finland, Estonia, The FYROMacedonia, Poland, Latvia, Denmark, Bosnia and Herzegovina, Portugal, Montenegro, Netherlands, Monaco, Albania, France, Belgium, Italy**) with an average of 170.7 days and a median of 99.5 days, and for 15 states in 2010 (**Slovenia, Montenegro, The FYROMacedonia, Finland, Azerbaijan, Latvia, Portugal, Estonia, Bosnia and Herzegovina, Netherlands, Denmark, Spain, France, Belgium, Italy**) with an average of 193.5 days and a median of 134.0 days.

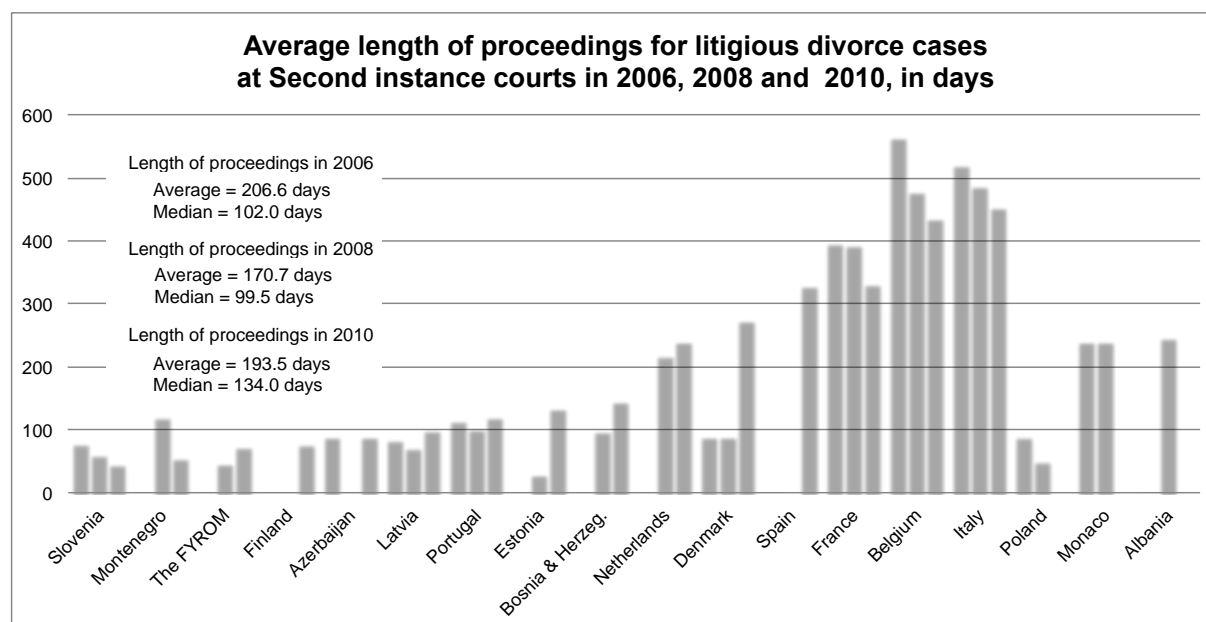


Figure 33 - Second instance court litigious divorce proceedings average length (in days) in 2006, 2008 and 2010

In only seven cases, **Slovenia, Latvia, Portugal, Denmark, France, Belgium, Italy**, data is available in all three dates. As Figure 34 shows the data for these states ordered by 2006-2010 variation in absolute number of days. The variation between 2006 and 2010 ranges from an increase of 184 days

³⁵ "GOJUST" Guidelines (CEPEJ(2008)11), p. 8.

³⁶ European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.213.

in **Denmark** to a decrease of 128 days in **Belgium**, with an average decrease of 12.6 days. More in detail, in four cases, **Slovenia, France, Italy and Belgium** the average length decreases both in 2008 and in 2010. In two additional cases (**Latvia and Portugal**) the average length decreases between 2006 and 2008 but rises again in 2010 exceeding the previous decrease. In the last case, **Denmark**, the average length of litigious divorce proceedings does not vary between 2006 and 2008, to more than triple in 2010.

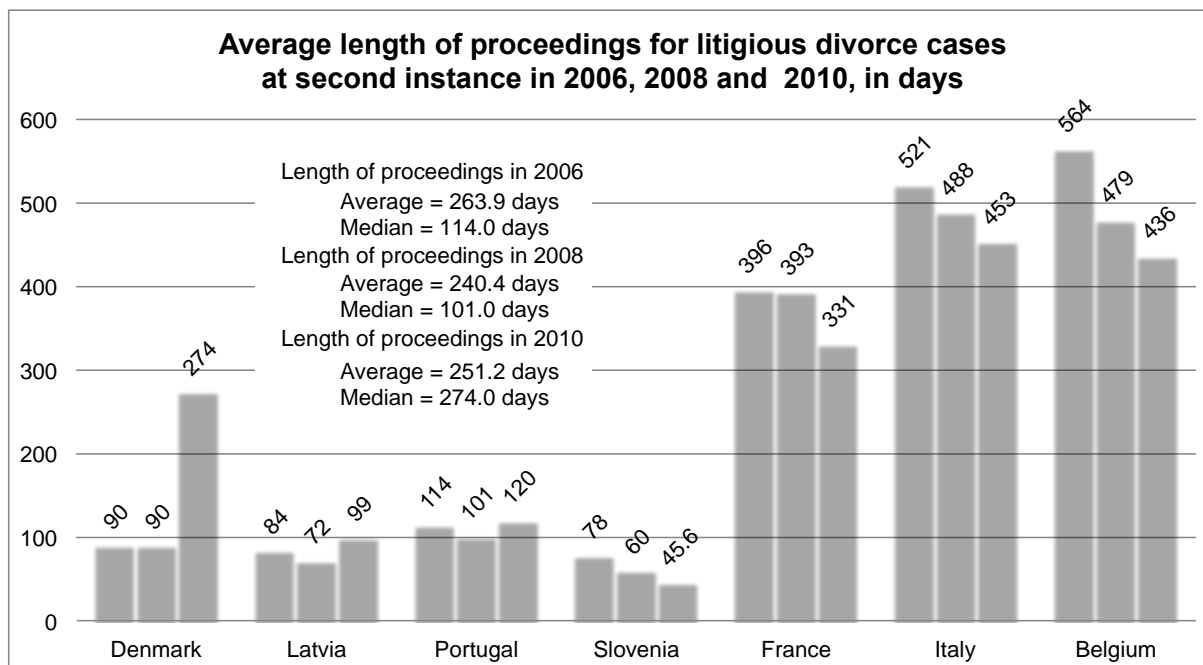


Figure 34 - Second instance court litigious divorce proceedings average length (in days) in 2006, 2008 and 2010 ordered by 2006-2010 variation in absolute number of days.

6.1.2. Average length of proceedings for litigious divorce cases at highest instance

Data on the average length of proceedings for litigious divorce cases at highest instance is available only for 2010 for five countries: **Switzerland, Slovenia, Azerbaijan, Finland, Portugal**.

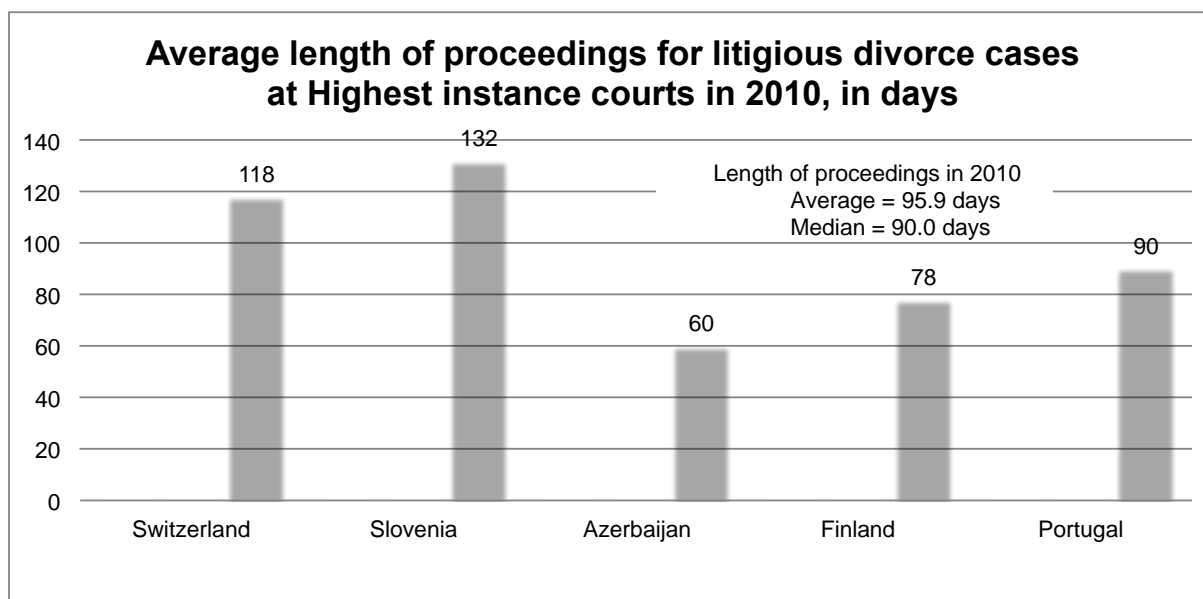


Figure 35 - Highest instance court litigious divorce proceedings average length (in days) in 2010

7. Synthesis

The synthesis analysis that follows investigates 2010 data on total of civil, commercial and administrative law cases and total criminal cases at first, second and highest instance level. In particular, two indicators are discussed, the Clearance rate and the Disposition time as they have been the main focus of the present work, in accordance with the indications provided by Cepej. Follows an analysis of litigious divorce cases at first and second instance in relation to the average length of proceedings, also in line with the Cepej selection of this category between the four indicated by the "GOJUST" Guidelines -CEPEJ(2008)³⁷.

7.1. Total of civil, commercial and administrative law cases at first, second and highest instance (civil & commercial litigious + civil & commercial non-litigious + administrative law cases)³⁷

7.1.1. Clearance rate

In 2010 it has been possible to calculate Clearance rate values of total of civil, commercial and administrative law cases for 42 states at first instance (**Greece, Cyprus, San Marino, Monaco, Malta, Romania, Serbia, Turkey, Sweden, Moldova, Montenegro, Bosnia and Herzegovina, Spain, Albania, Latvia, Poland, Bulgaria, Armenia, Slovenia, Azerbaijan, Croatia, Germany, France, Andorra, Russian Federation, Ukraine, Switzerland, Georgia, Finland, Slovakia, Austria, Portugal, Norway, Denmark, Czech Republic, Netherlands, Estonia, Hungary, Italy, Lithuania, Luxembourg, and The FYROMacedonia**), 35 states at second instance (**Cyprus, Monaco, Greece, UK-Scotland, UK-England and Wales, Lithuania, Italy, Ireland, Romania, Bosnia and Herzegovina, Croatia, Moldova, Slovenia, Luxembourg, Denmark, Latvia, France, Poland, Bulgaria, Malta, Hungary, Andorra, Switzerland, Finland, San Marino, Estonia, Czech Republic, Spain, Netherlands, Georgia, The FYROMacedonia, Slovakia, Sweden, Ukraine, and Germany**), 31 states at highest instance (**The FYROMacedonia, Poland, Croatia, UK-England and Wales, San Marino, Turkey, Lithuania, Estonia, Romania, Georgia, Italy, Latvia, Netherlands, Moldova, Hungary, Bulgaria, France, Switzerland, Montenegro, UK-Scotland, Czech Republic, Sweden, Spain, Bosnia and Herzegovina, Slovakia, Ukraine, Denmark, Finland, Serbia, Slovenia, and Germany**).

First instance courts Clearance rate ranges between a minimum of 79.1% (**Greece**) and a maximum of 167.6% (**FYROMacedonia**) with an average of 100.5% and a median of 98.9%. The Clearance rate is below 95% in ten states (**Greece, Cyprus, San Marino, Monaco, Malta, Romania, Serbia, Turkey, Sweden, Moldova**), equal or higher than 95% but lower than 100% in 16 states (**Montenegro, Bosnia and Herzegovina, Spain, Albania, Latvia, Poland, Bulgaria, Armenia, Slovenia, Azerbaijan, Croatia, Germany, France, Andorra, Russian Federation, Ukraine**) and equal or higher than 100% in the remaining 16 (**Switzerland, Georgia, Finland, Slovakia, Austria, Portugal, Norway, Denmark, Czech Republic, Netherlands, Estonia, Hungary, Italy, Lithuania, Luxembourg, The FYROMacedonia**).

Second instance courts Clearance rate ranges between a minimum of 72.8% (**Cyprus**) and a maximum of 363.4% (**Germany**) with an average of 102.5% and a median of 96.6%. The Clearance rate is below 95% in 14 states (**Cyprus, Monaco, Greece, UK-Scotland, UK-England and Wales, Lithuania, Italy, Ireland, Romania, Bosnia and Herzegovina, Croatia, Moldova, Slovenia, Luxembourg**), equal or higher than 95% but lower than 100% in eight states (**Denmark, Latvia, France, Poland, Bulgaria, Malta, Hungary, Andorra**) and higher than 100% in the remaining 13 (**Switzerland, Finland, San Marino, Estonia, Czech Republic, Spain, Netherlands, Georgia, The FYROMacedonia, Slovakia, Sweden, Ukraine, Germany**).

³⁷ N.B. in the previous edition of this report, the data analysed were those of the "total of other than criminal law cases" category, while this edition the data is provided by the sum of three categories, "civil & commercial litigious cases" + "civil & commercial non-litigious cases" + "administrative law cases", which correspond to the "the total number of civil, commercial and administrative law cases" category used in the Cepej "European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice" report.

Highest instance courts Clearance rate ranges between a minimum of 68.9% (**The FYROMacedonia**) and a maximum of 151.1% (**Germany**) with an average of 98.8% and a median of 97.3%. The Clearance rate is below 95% in 12 states (**The FYROMacedonia, Poland, Croatia, UK-England and Wales, San Marino, Turkey, Denmark, Lithuania, Estonia, Romania, Georgia, Italy**), equal or higher than 95% but lower than 100% in five states (**Latvia, Netherlands, Moldova, Hungary, Bulgaria**) and equal or higher than 100% in the remaining 14 (**France, Switzerland, Montenegro, UK-Scotland, Czech Republic, Sweden, Spain, Bosnia and Herzegovina, Slovakia, Ukraine, Finland, Serbia, Slovenia, Germany**).

Table 15 presents the percentages of states with a first, second and highest instance courts Clearance rate below 95%, equal or higher than 95% but lower than 100% and equal or higher than 100% over the total of states that provided the data for that instance.

Table 15 - First, second and highest instance courts total of civil, commercial and administrative law cases (2010) Clearance rate synthesis table

	States with Clearance rate below 95%	States with Clearance rate equal or higher than 95% but lower than 100%	States with Clearance rate equal or higher than 100%	Total	% of states with Clearance rate below 95%	% of states with Clearance rate equal or higher than 95% but lower than 100%	% of states with Clearance rate equal or higher than 100%
First instance	10	16	16	42	24%	38%	38%
Second instance	14	8	13	35	40%	23%	37%
Highest instance	12	5	14	31	39%	16%	45%

Figure 36 synthesizes the 2010 Clearance rate values of total of civil, commercial and administrative law cases at first, second at first, second and highest instance ordered by state.

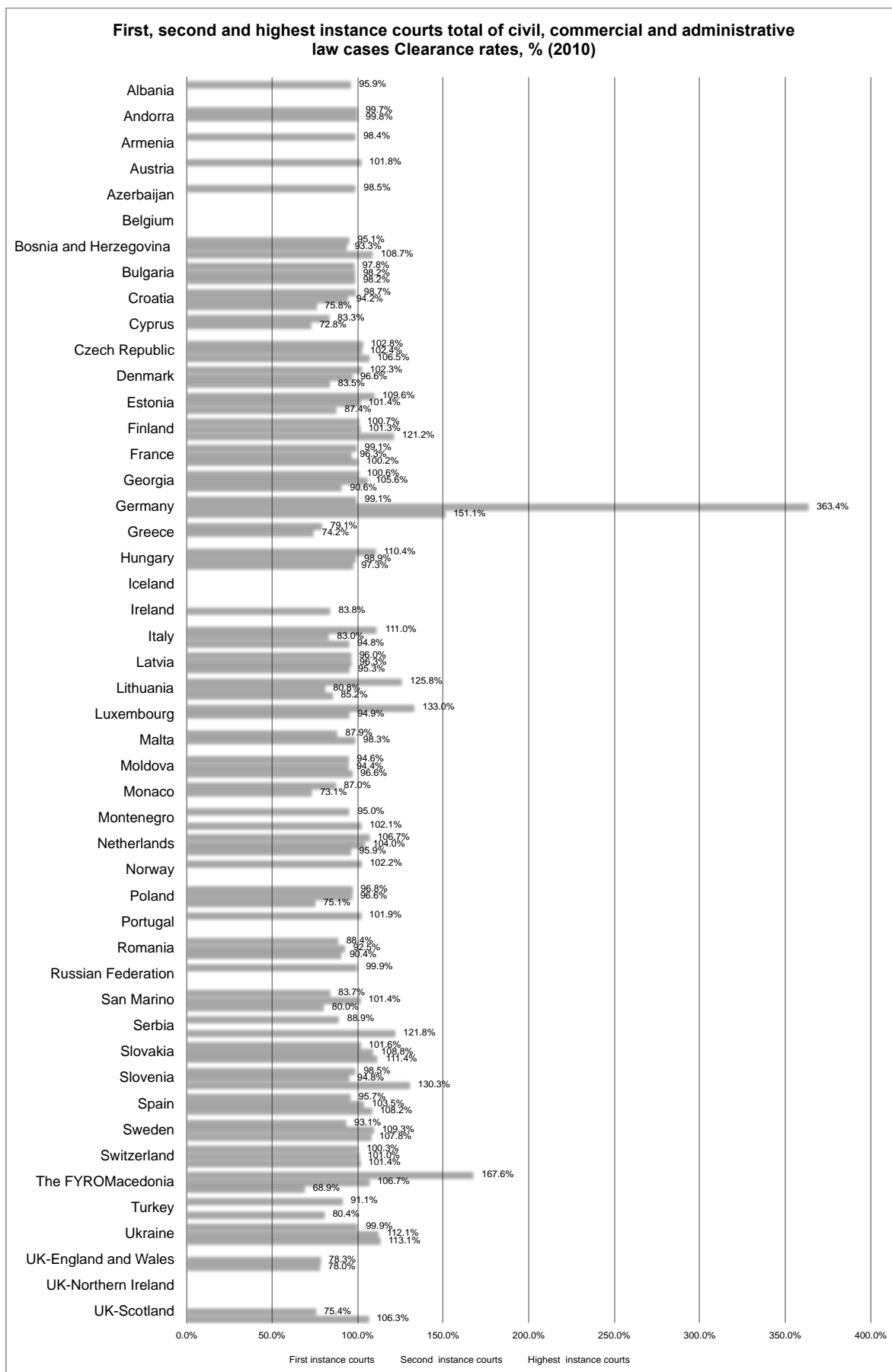


Figure 36 - First, second and highest instance total of civil, commercial and administrative law cases Clearance rates (2010)

Table 27 in Annex 2 provides the raw data used to draw Figure 36.

Overall, data is available for all three instances in 26 cases. Figure 37 provides an additional tool to help the reader visualize the Clearance rate situation at an aggregated level. For each of the 26 states which provided the needed data, it has been assessed in how many cases between first, second and highest instance the total of civil, commercial and administrative law cases Clearance rates (2010) are equal or above 95%. If Clearance rates are equal or above 95% at all three court instances, the state is colored green; if the Clearance rates are equal or above 95% at two out of three court instances, the state is colored yellow. If the Clearance rate is equal or above 95% only in one case and below 95% in the other two, out of three court instances, the state is colored orange. Finally, if Clearance rates are equal or above 95% at all three court instances, the state is colored red.

This Figure provides an indication of the variation of the pending cases in 2010. It should be noted, though, that without looking also at the disposition time and at the absolute numbers of pending cases, the assessment of the situation can be misleading. For example, while **Romania** is “red” its first instance Disposition time is of 216 days, the second instance of 219 days and the highest instance of 138 days. On the contrary, while **Italy** is “orange”, its first instance Disposition time is of 393 days, the second instance of 1242 days and the highest instance of 1,231 days; or **Spain**, while being “green”, has a first instance Disposition time is of 303 days, the second instance of 222 days and the highest instance of 410. Furthermore, looking at these data it should be considered that the focus of the attention is on just one year and therefore they could be subject to short-term deviation.

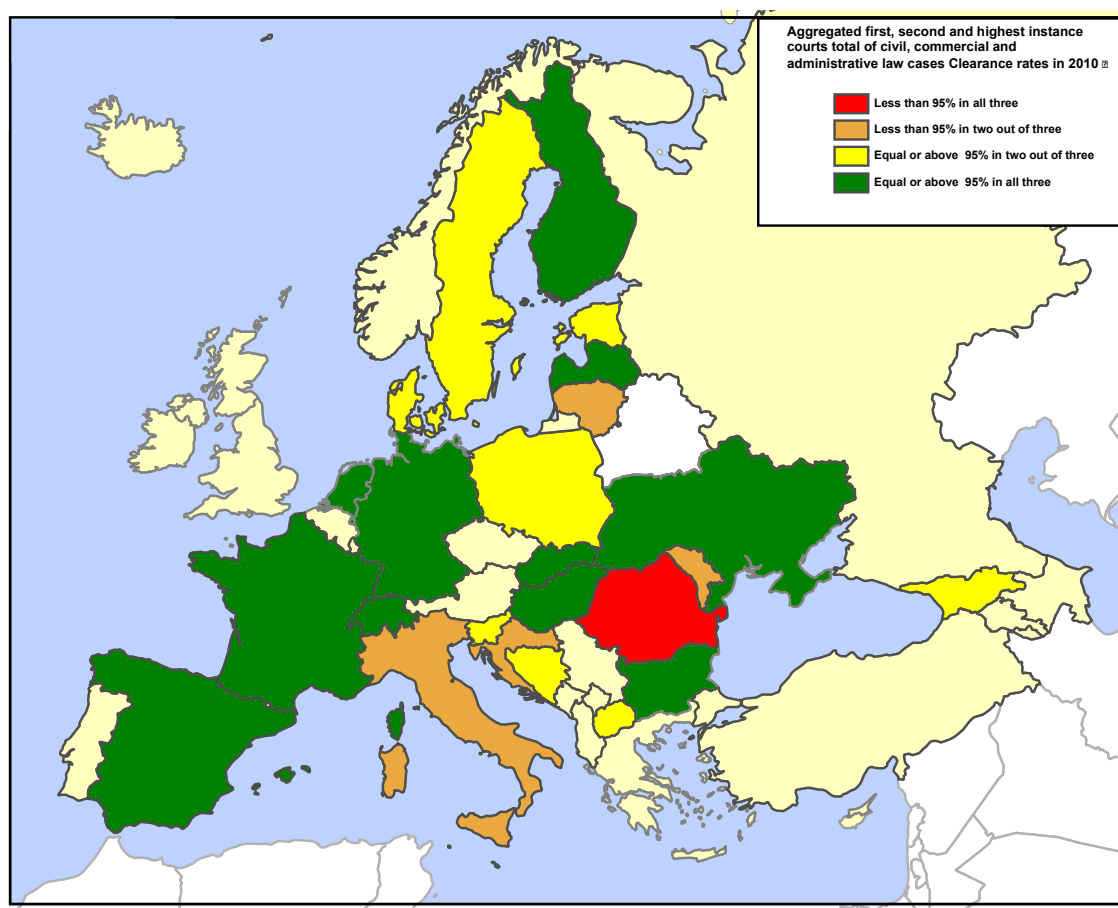


Figure 37 – Map of aggregated first, second and highest instance total of civil, commercial and administrative law cases Clearance rates (2010)

7.1.2. Disposition time

With the available data, it has been possible to calculate the Disposition time at first instance for 42 states, at second instance for 32 states and at highest instance for 27 states. Furthermore, it has been possible to calculate the Disposition time at all three instances in 24 states.

Figure 38 allows checking with one glance the differences in Disposition time considering a case which are resolved at highest court level. In some countries the justice system is relatively fast compared to the others in dealing with first instance cases, while perform less speedily for cases which are appealed. See for example the case of **Lithuania**, which shows a first instance Disposition time of 47 days compared to the average 209 days and a median of 139 days for the 24 states for which it has been possible to calculate the Disposition time for all three instances. Summing up first and second instance courts Disposition time shows a less positive Disposition time situation (288 days, compared to an average of 463 days and a median of 316 days for the 24 states for which it has been possible to calculate the Disposition time for all three instances).

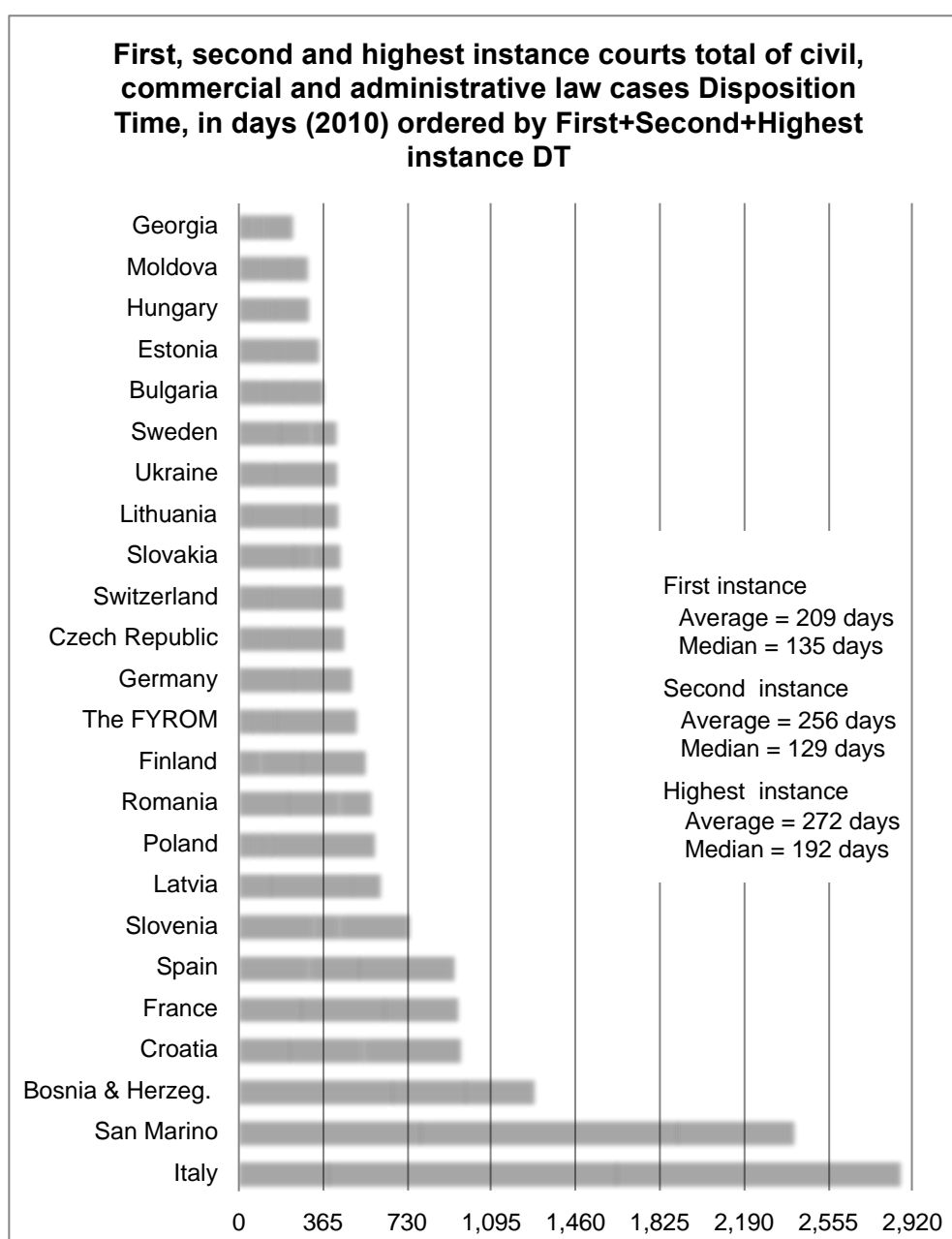


Figure 38 - First, second and highest instance courts total of civil, commercial and administrative law cases (2010) Disposition time (in 24 states) ordered by 1st+2nd+3rd instance Disposition time

Table 16 provides average, median, minimum and maximum values for first, second and highest court level Disposition time of the 24 states, but also for 1st +2nd court level (as to say the total Disposition time for a case which is defined at second court level) and for 1st +2nd +3rd court level (total Disposition time for a case defined at highest level).

Table 16 - First, second and highest instance total of civil, commercial and administrative law cases (2010) Disposition time (in days) synthesis table (24 states)

	First instance Disposition time - Total of civil, commercial and administrative law cases (2010)	Second instance Disposition time - Total of civil, commercial and administrative law cases (2010)	Highest instance Disposition time - Total of civil, commercial and administrative law cases (2010)	1st +2nd instance Disposition time - Total of civil, commercial and administrative law cases (2010)	1st +2nd +3rd instance Disposition time - Total of civil, commercial and administrative law cases (2010)
Average	209	253	272	463	735
Median	135	129	192	316	500
Min	47	51	78	109	232
Max	788	1242	1231	1903	2866

In a future analysis it could be interesting to cross this data with the data on the percentage of cases that are defined at each level.

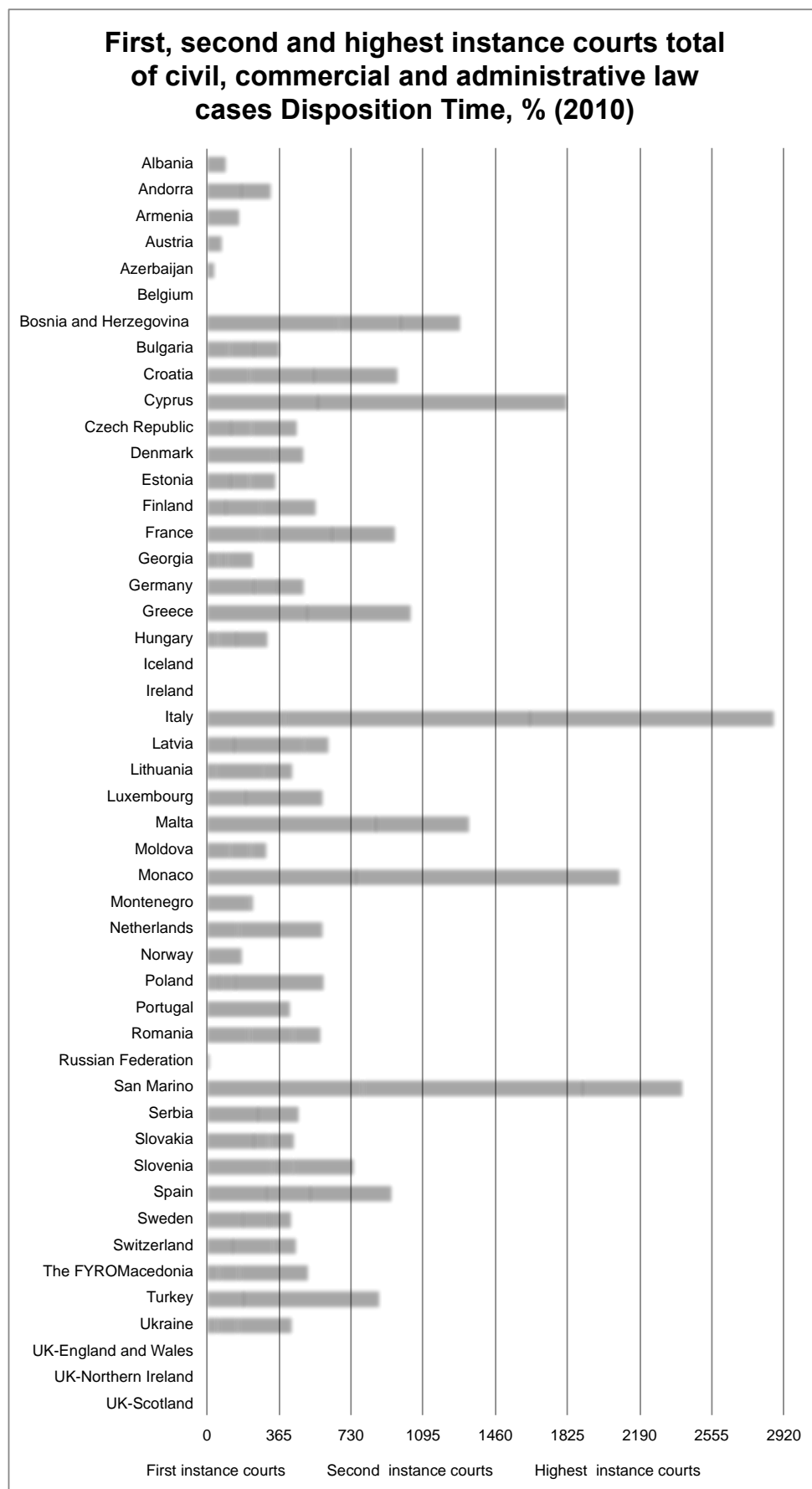


Figure 39 - First, second and highest instance total of civil, commercial and administrative law cases (2010) Disposition time, in days

Figure 39 presents all the 2010 Disposition time values that it has been possible to calculate, ordered by country. Table 28 in Annex 2 provides the raw data used to draw Figure 39.

7.2. Total criminal cases at first, second and highest instance

7.2.1. Clearance rate

In 2010 it has been possible to calculate Clearance rate values of total number of criminal cases for 38 states at first instance (**San Marino, Serbia, Cyprus, Turkey, Poland, Albania, Moldova, Italy, France, Malta, Finland, Norway, Armenia, Lithuania, Sweden, Netherlands, Ukraine, Hungary, Spain, Romania, Azerbaijan, Bulgaria, Andorra, Latvia, Austria, Czech Republic, Germany, Slovakia, Bosnia and Herzegovina, Portugal, Croatia, Switzerland, Denmark, Montenegro, Slovenia, The FYROMacedonia, Estonia, Georgia**), 41 states at second instance (**Malta, San Marino, UK-Scotland, Italy, Latvia, Serbia, Albania, Cyprus, Azerbaijan, Belgium, Andorra, Switzerland, Romania, Denmark, Hungary, Poland, Lithuania, Ukraine, Netherlands, Estonia, Austria, The FYROMacedonia, Russian Federation, Portugal, Norway, Czech Republic, Spain, Germany, Slovakia, Moldova, Bulgaria, Bosnia and Herzegovina, Sweden, Finland, Armenia, Slovenia, Croatia, Ireland, France, Georgia, Montenegro**), 39 states at highest instance (**UK-England and Wales, Denmark, Albania, Ukraine, Turkey, UK-Scotland, Norway, Italy, Azerbaijan, Belgium, Bosnia and Herzegovina, Iceland, Hungary, Latvia, Croatia, Czech Republic, Romania, Switzerland, Armenia, Austria, Slovenia, San Marino, Montenegro, France, Slovakia, Germany, Bulgaria, Sweden, Georgia, Poland, Spain, Lithuania, Netherlands, The FYROMacedonia, Estonia, Portugal, Moldova, Serbia**).

First instance courts Clearance rate ranges between a minimum of 61.2% (**San Marino**) and a maximum of 146.6% (**Georgia**) with an average of 100.7% and a median of 99.1%. The Clearance rate is below 95% in eight states (**San Marino, Serbia, Cyprus, Turkey, Poland, Albania, Moldova, Italy**), equal or higher than 95% but lower than 100% in 14 states (**France, Malta, Finland, Norway, Armenia, Lithuania, Sweden, Netherlands, Ukraine, Hungary, Spain, Romania, Azerbaijan, Bulgaria**) and equal or higher than 100% in the remaining 16 (**Andorra, Latvia, Austria, Czech Republic, Germany, Slovakia, Bosnia and Herzegovina, Portugal, Croatia, Switzerland, Denmark, Montenegro, Slovenia, The FYROMacedonia, Estonia, Georgia**).

Second instance courts Clearance rate ranges between a minimum of 65.1% (**Malta**) and a maximum of 120.3% (**Montenegro**) with an average of 96.5% and a median of 99.1%. The Clearance rate is below 95% in 11 states (**Malta, San Marino, UK-Scotland, Italy, Latvia, Serbia, Albania, Cyprus, Azerbaijan, Belgium, Andorra**), equal or higher than 95% but lower than 100% in 15 states (**Switzerland, Romania, Denmark, Hungary, Poland, Lithuania, Ukraine, Netherlands, Estonia, Austria, The FYROMacedonia, Russian Federation, Portugal, Norway, Czech Republic**) and higher than 100% in the remaining 15 (**Spain, Germany, Slovakia, Moldova, Bulgaria, Bosnia and Herzegovina, Sweden, Finland, Armenia, Slovenia, Croatia, Ireland, France, Georgia, Montenegro**).

Highest instance courts Clearance rate ranges between a minimum of 50.0% (**UK-England and Wales**) and a maximum of 162.3% (**Serbia**) with an average of 97.8% and a median of 99.0%. The Clearance rate is below 95% in 11 states (**UK-England and Wales, Denmark, Albania, Ukraine, Turkey, UK-Scotland, Norway, Italy, Azerbaijan, Belgium, Bosnia and Herzegovina**), equal or higher than 95% but lower than 100% in ten states (**Iceland, Hungary, Latvia, Croatia, Czech Republic, Romania, Switzerland, Armenia, Austria, Slovenia**) and equal or higher than 100% in the remaining 17 (**San Marino, Montenegro, France, Slovakia, Germany, Bulgaria, Sweden, Georgia, Poland, Spain, Lithuania, Netherlands, The FYROMacedonia, Estonia, Portugal, Moldova, Serbia**).

Table 17 - First, second and highest instance total criminal cases (2010) Clearance rate synthesis table

	States with Clearance rate below 95%	States with Clearance rate equal or higher than 95% but lower than 100%	States with Clearance rate equal or higher than 100%	Total	% of states with Clearance rate below 95%	% of states with Clearance rate equal or higher than 95% but lower than 100%	% of states with Clearance rate equal or higher than 100%
First instance	8	14	16	38	21%	37%	42%
Second instance	11	15	15	41	27%	37%	37%
Highest instance	11	10	17	38	29%	26%	45%

Table 17 presents the percentages of states with a first, second and highest instance courts Clearance rate below 95%, equal or higher than 95% but lower than 100% and equal or higher than 100% over the total of states that provided the data for that instance.

Figure 40 synthesizes the 2010 Clearance rate values at first, second and highest instance ordered by state.

Table 29 in Annex 2 provides the raw data used to draw Figure 40.

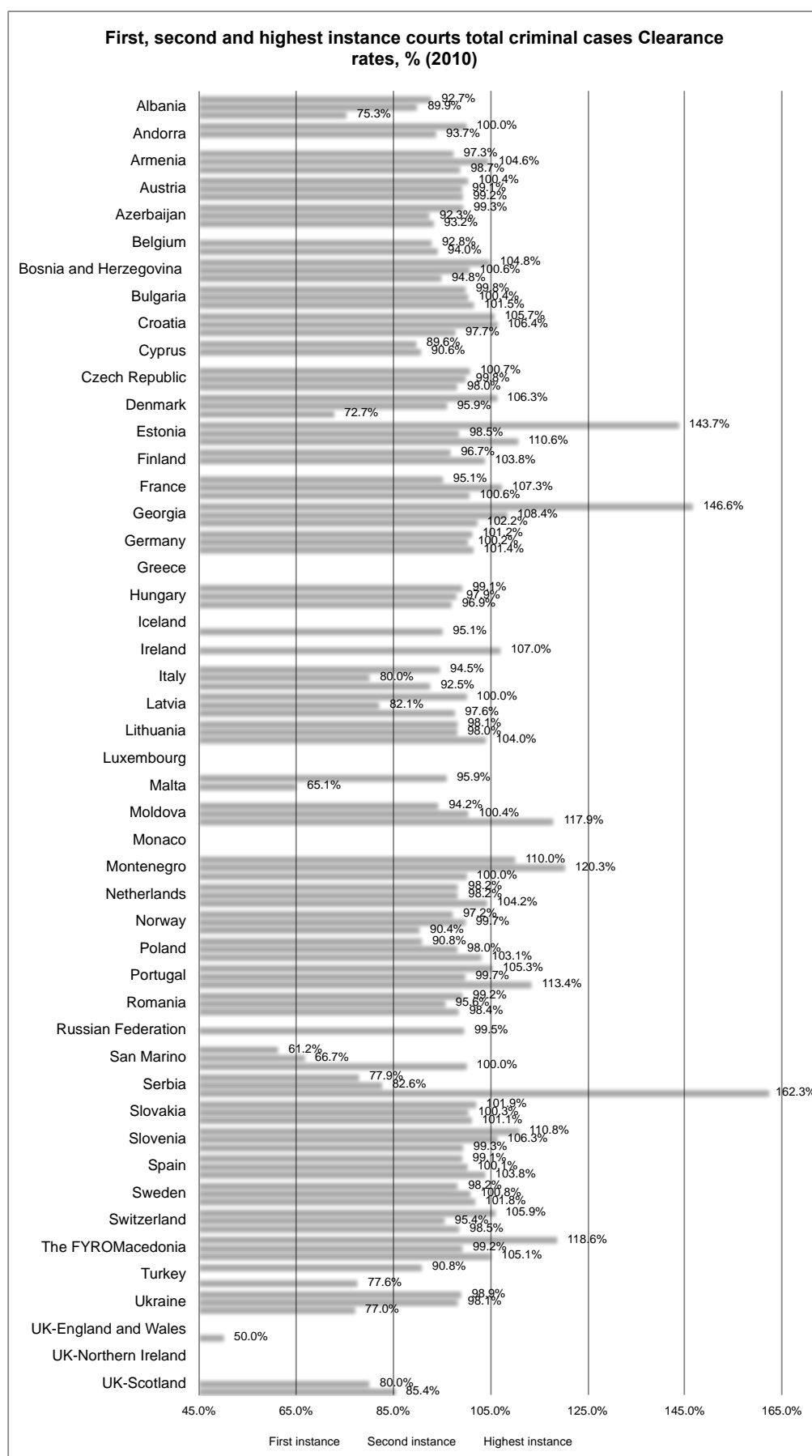


Figure 40 - First, second and highest instance total criminal cases Clearance rates (2010)

Figure 41 helps to visualize the Clearance rate situation at an aggregated level. For each state which provided the needed data it has been assessed in how many cases between first, second and highest instance the total of civil, commercial and administrative law cases Clearance rates (2008) are equal or above 95%. If Clearance rates are equal or above 95% at all three court instances, the state is colored green; if the Clearance rates are equal or above 95% at two out of three court instances, the state is colored yellow. If the Clearance rate is equal or above 95% only in one case and below 95% in the other two, out of three court instances, the state is colored orange. Finally, if Clearance rates are equal or above 95% at all three court instances, the state is colored red. Again, as mentioned discussing Figure 37, the Clearance rate situation should be looked considering also the Disposition time and the number of pending cases.

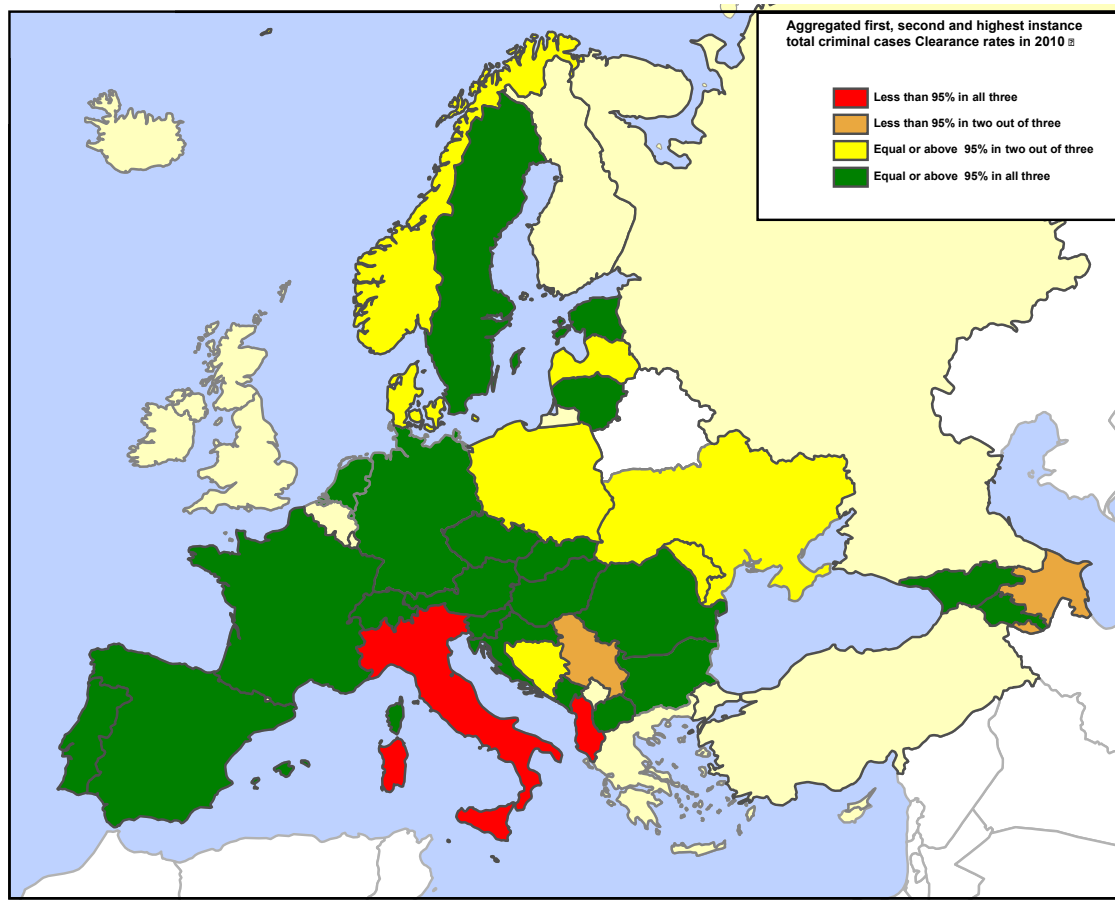


Figure 41 – Aggregated first, second and highest instance total criminal cases Clearance rates map (2010)

7.2.2. Disposition time

With the available data, it has been possible to calculate the Disposition time for first instance in 37 states, for second instance in 40 states and for highest instance in 33 states. Furthermore, it has been possible to calculate the Disposition time for all three instances in 29 states.

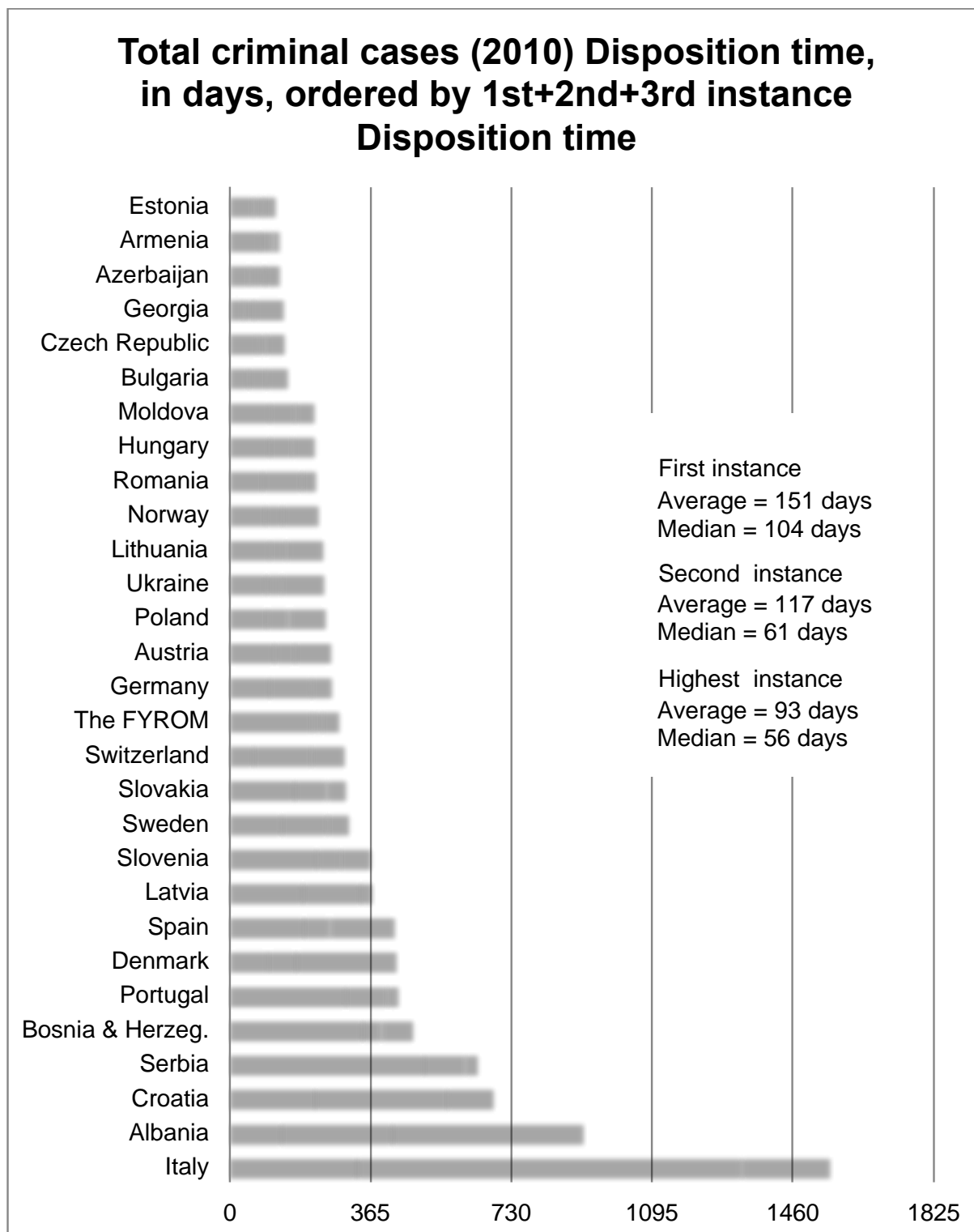


Figure 42 - First, second and highest instance courts total criminal cases (2010) Disposition time (in 29 states) ordered by 1st+2nd+3rd instance Disposition time

Figure 42 allows checking with one glance the differences in Disposition time considering a case that is resolved at highest instance level. As with the Disposition time of total of civil, commercial and administrative law cases, this representation of the data allow to compare total Disposition time for cases which are defined at first second or highest instance court level. Again, some countries, while performing quite well at first instance, perform quite poorly -compared to the average- at higher level (such as in the case of **Switzerland** and **Albania**). In other cases (i.e. **Italy** on the low end, **Slovakia** in the middle and **Estonia**, and **Georgia** on the high end) the performance is quite similar considering all levels.

While looking at figures below it should be borne in mind that these data do not include the pre-trial phase, which is also important and should be also taken into account when assessing the performance of a criminal justice system. It would be indeed useful to have also data on this part of the procedure though there are several difficulties to the collection of such data.

Table 18 provides average, median, minimum and maximum values for first, second and highest court level Disposition time of the 29 states, but also for 1st +2nd court level (as to say the total Disposition time for a case which is defined at second court level) and for 1st +2nd +3rd court level (total Disposition time for a case defined at highest level).

In 19 states Disposition time for 1st +2nd +3rd court level is less than one year while in eight cases it is between one and two years (**Slovenia, Latvia, Spain, Denmark, Portugal, Bosnia and Herzegovina, Serbia, Croatia**) and in the remaining three countries it is over than two (**Albania and Italy**). As for Figure 42, looking at these values, the reader should keep in mind that they do not include the pre-trial phase.

Table 18 - First, second and highest instance Total number of criminal cases (2010) Disposition time (in days) synthesis table (29 states)

	First instance Disposition time - Total number of criminal cases (2010)	Second instance Disposition time - Total number of criminal cases (2010)	Highest instance Disposition time - Total number of criminal cases (2010)	1st +2nd instance Disposition time - Total number of criminal cases (2010)	1st +2nd +3rd instance Disposition time - Total number of criminal cases (2010)
Average	151	117	93	268	361
Median	104	61	56	186	264
Min	36	23	16	64	119
Max	504	999	494	1328	1555

On average, comparing states that provide data for all three instances, courts dealing with first instance total of criminal cases show a Disposition time which is about three-quarter of that of total of first instance total of civil, commercial and administrative law cases, (152 Vs. 209 days). The Median value is still better for total of criminal cases Disposition time than for the total of civil, commercial and administrative law cases, though not as much (104 Vs. 135). This is consistent with the fact that total criminal cases Disposition time ranges between a minimum of 36 days for **Georgia** and a maximum of 504 days for **Serbia**, while total civil, commercial and administrative law cases Disposition time ranges between a minimum of 47 days for **Lithuania** and a maximum of 788 days for **San Marino**. The trend is similar when comparing the sum of first and second instance courts Disposition time (average of 271 Vs. 463 days and median 186 Vs. 316 days) and the sum of all three court level Disposition times (average of 361 Vs. 735 days and median 264 Vs. 500 days).

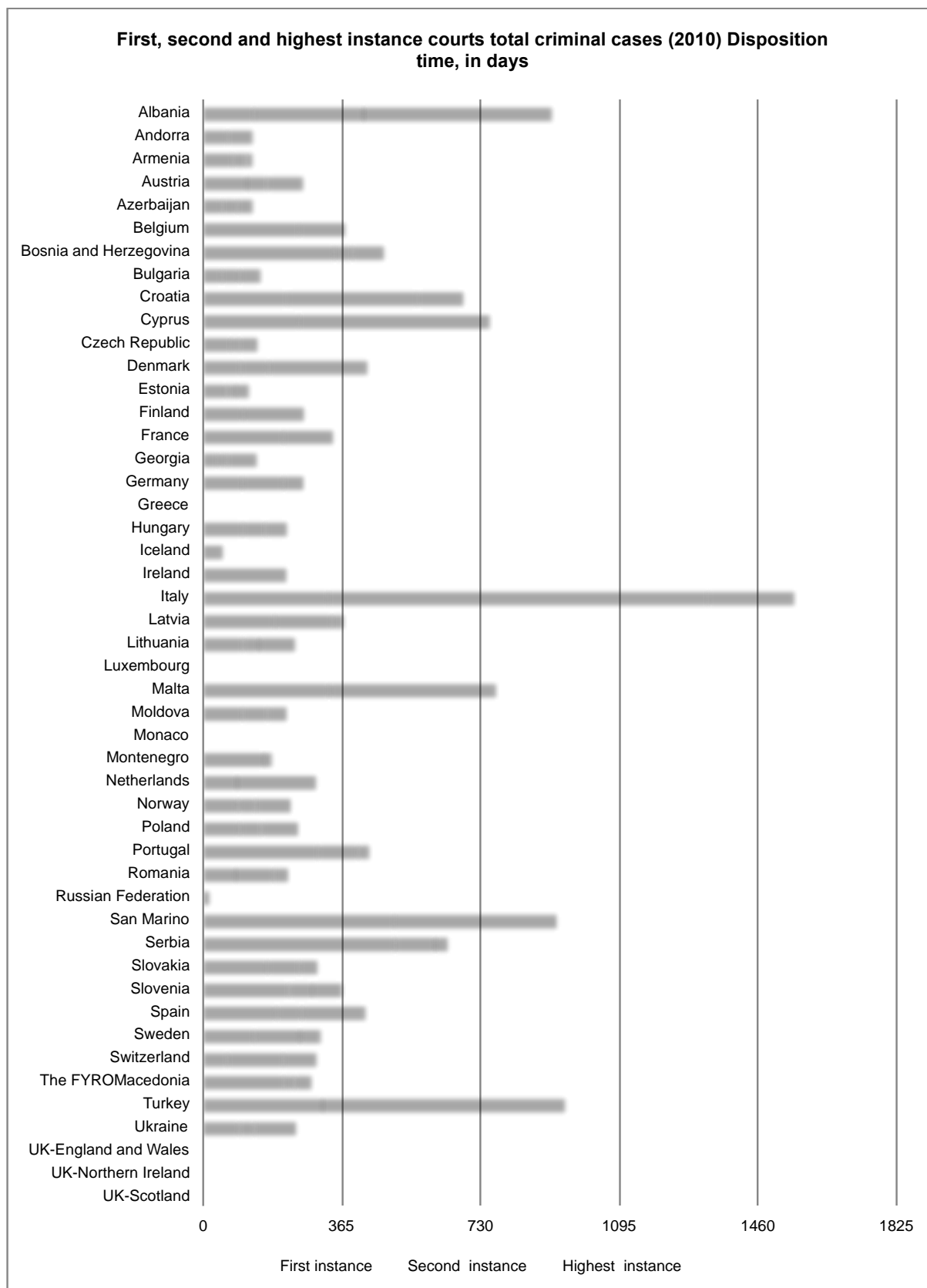


Figure 43 - First, second and highest instance total criminal cases (2010) Disposition time

Figure 43 presents all the 2010 Disposition time values that it has been possible to calculate, ordered by country. The values do not include the pre-trial phase.

Table 30 in Annex 2 provides the raw data used to draw Figure 43.

7.3. Litigious divorce cases average length at first, second and highest instance

21 states provided data on 2010 average length of litigious divorce cases at first instance (19 provided such data in 2008), 15 at second instance (14 in 2010) and five at highest instance (none in 2008).

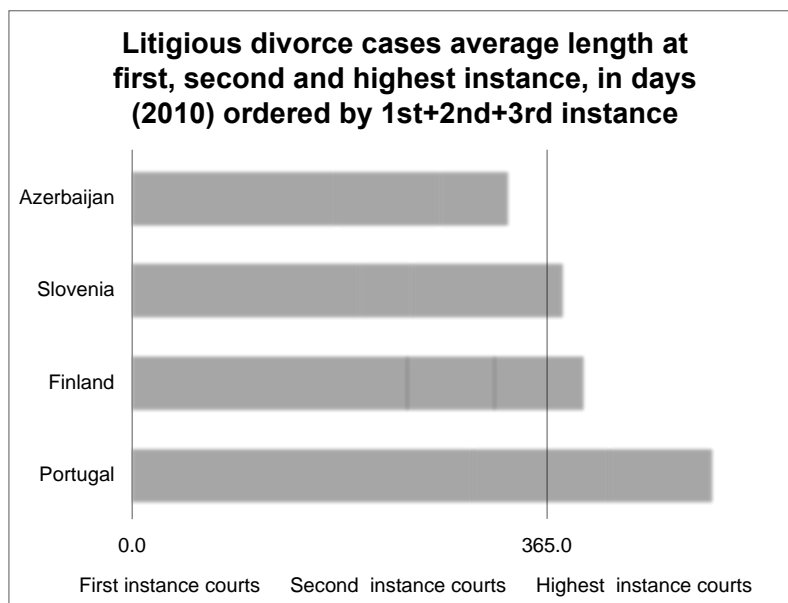


Figure 44 - Litigious divorce cases average length at first, second and highest instance, in days (2010) ordered by 1st+2nd+3rd instance average length

Figure 44 present a representation of the data for the four countries (**Azerbaijan, Finland, Portugal, Slovenia**) that provide the data at all three instances. In this selection of cases, first instance litigious divorce cases average length ranges between a minimum of 180 days (**Azerbaijan**) and a maximum of 300 days (**Portugal**) while the sum of first and second instance average lengths ranges between 246 days (**Slovenia**) and a maximum of 420 days (**Portugal**), and the sum of all three instances ranges between 330 days (**Azerbaijan**) and 510 days (**Portugal**).

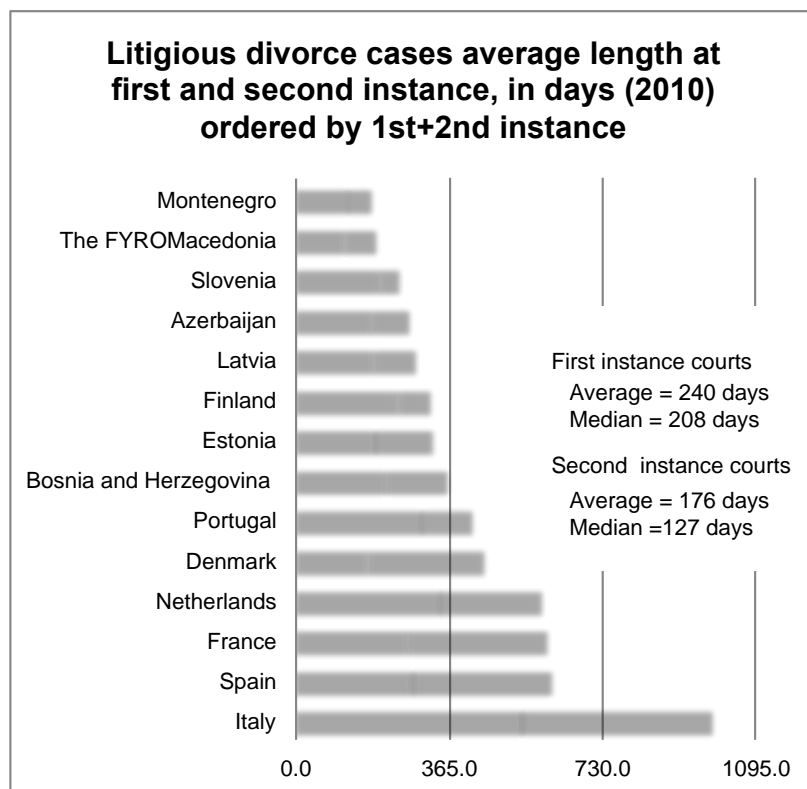


Figure 45 - Litigious divorce cases average length at first, and second instance, in days (2010) ordered by 1st+2nd instance average length

In 14 cases data is available at both first and second instance court levels (one more compared to 2008). In Figure 45 the data of the first two instances of these 14 states are arranged by the total of first and second instance procedures. In this selection of cases, first instance litigious divorce cases average length ranges between a minimum of 117 days (**The FYROMacedonia**) and a maximum of 538 days (**Italy**) while the sum of first and second instance average lengths ranges between 181 days (**Montenegro**) and a maximum of 991 days (**Italy**).

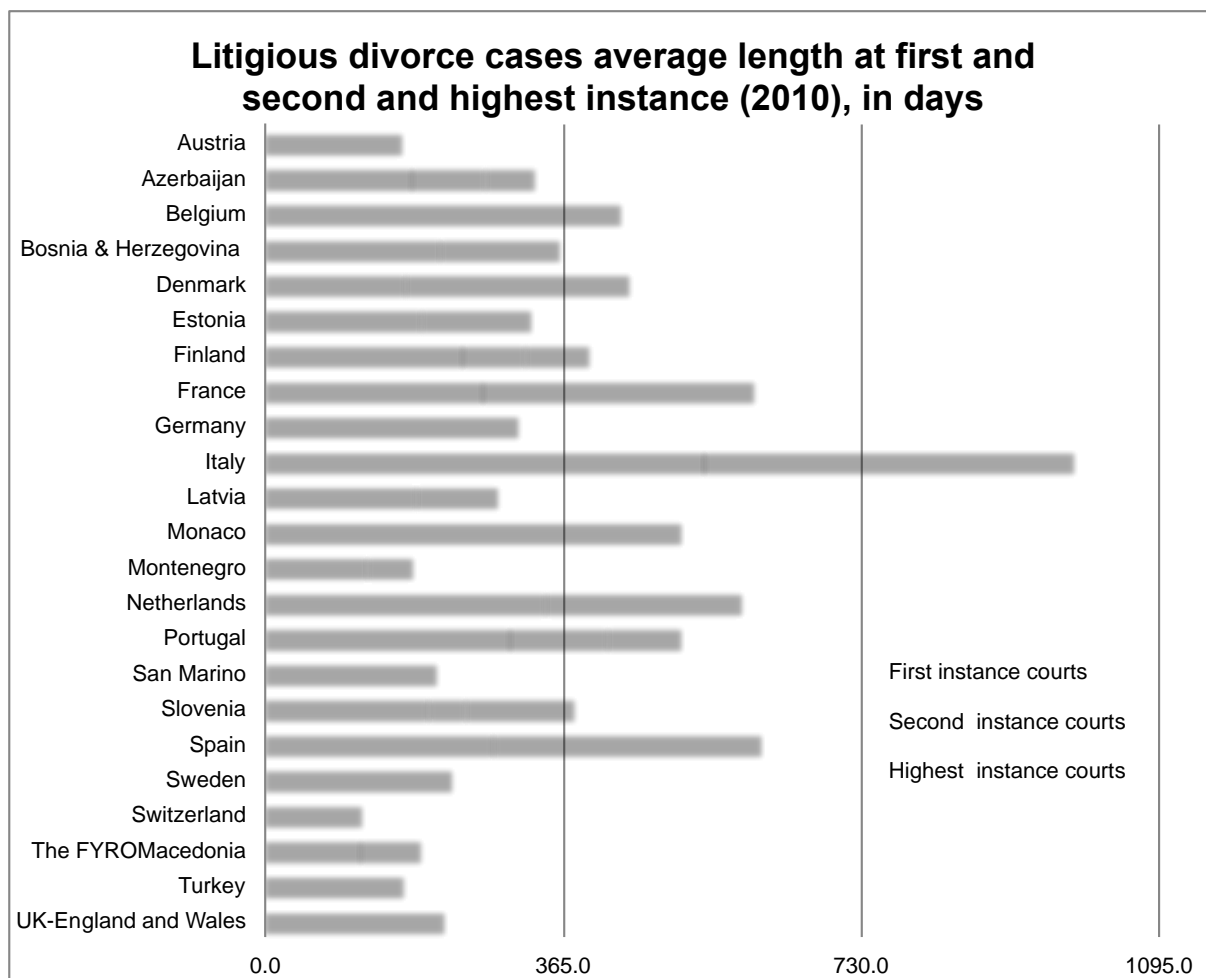


Figure 46 – All first, second and highest instance litigious divorce cases average lengths (2010) in days, ordered by state

Figure 46 provides a representation of all litigious divorce cases length data available (23 states).

Table 31 in Annex 2 provides the raw data used to draw it.

Annex 1 - Summary of “Length of court proceedings in the member states of the Council of Europe based on the case law of the European Court of Human Rights” Cepej Study No. 3 as revised by Cepej Study No. 19.

Full report available at: <http://www.coe.int/t/dghl/cooperation/cepej/series/>

The purpose of the report is to establish whether the case law of the ECHR can be used to draw some general conclusions with regard to the length of proceedings in Europe. The report was written by Françoise Calvez in 2006 and updated in 2011 by Nicolas Regis and takes into account the case law of the European Court of Human Rights until 31 July 2011.

Three main issues are analysed:

1. What conclusions with respect to the length of proceedings for particular types of cases (minimum/maximum timeframes) can be drawn from the cases in which ECHR found violations of the right to a trial within a reasonable time, or found that there was no violation?
2. What categories of cases have been established in the case-law of the ECHR?
3. What are the forms of delays established in the ECHR case law and their causes?

Main findings of the report:

1. The Court has established the following criteria for assessing whether the duration of proceedings was reasonable:

1. Complexity of the case (complex cases need longer time to be completed, but complexity as such is not always sufficient to justify the length of proceedings);
2. The applicant's conduct (this is the only criterion that led the Court to conclude that Art. 6. was not violated even if the length of proceedings was manifestly excessive)
3. The conduct of the competent authorities (if the authorities have taken prompt and appropriate remedial action to manage the temporary unpredictable overload of the courts, the longer processing time of some cases may be justified)
4. What is at stake for the applicant (some cases require particular speed; mainly “priority cases”:
 - labour disputes involving dismissals, recovery of wages and the restraint of trade;
 - compensation for victims of accidents;
 - cases in which applicant is serving prison sentence; o police violence cases;
 - cases where applicant's health is critical;
 - cases of applicants of advanced age;
 - cases related to family life and relations of children and parents;
 - cases with applicants of limited physical state and capacity.

In addition to individual criteria, the Court also makes an overall assessment of the circumstances of the case. It may establish that ‘reasonable time’ is exceeded, if in such a global assessment, the Court finds that total time is excessive, or if it finds long periods of inactivity by competent authorities.

2. In its case law, the Court has defined methods to calculate length of proceedings. The starting point of the calculation is different in civil, criminal and administrative cases. In civil cases it is normally the date on which the case was referred to the court; in criminal cases, the starting day may also be the date on which the suspect was arrested or charged, or that on which the preliminary investigation began. In administrative cases, it is the date on which the applicant first refers the matter to the administrative authorities. The end of the period assessed by the court is in criminal cases the date on which the final judgment is given on the substantive charge or the decision by the prosecution or the court to terminate proceedings. In civil cases, the deadline corresponds to the date on which the decision becomes final; however, the Court also takes account of the length of the enforcement procedure, which is considered as an integral part of proceedings.

3. The causes of delay are sorted into those common to all types of proceedings and those specific to certain type of proceedings:

Type of proceedings	Stage of proceedings	Origins of delay
All proceedings	Before proceedings start	Territorial distribution of court jurisdiction; transfer of judges; insufficient number of judges; systematic use of multi-member tribunals (benches); backlog of cases; complete inactivity by judicial authorities; systematic shortcomings in procedural rules;
	From initiation to the closure of hearings	Failure to summon parties or witnesses; unlawful summons; late entry into force of legislation; disputes about the jurisdiction between administrative and judicial authorities; late transmission of the case file to the appeal court; delays imputable to barristers, solicitors, local and other authorities; judicial inertia in conduct of the case; involvement of expert witnesses; frequent adjournment of hearings; excessive intervals between hearings; excessive delay before the hearing.
	After hearings	Excessive lapse of time between making of the judgment and its notification to the court registry or parties;
Civil proceedings		Failure to use the courts' discretionary power; absence or inadequacy of rules of civil procedure;
Criminal proceedings		Structural problems relating to organisation of prosecution service; decisions to join or not to join criminal cases; failure of witnesses to attend hearings; dependence of civil proceedings on the outcome of criminal proceedings;
Administrative proceedings		Delays attributable to non-judicial authorities.

4. The report also contains an overview of existing national remedies established to react to unreasonable length of proceedings. Even if it mainly deals with appeals, which are lodged by member States in the wake of adverse findings by the European Court and are deemed effective, it also examines whether the ECHR has considered specific appeals effective or ineffective.

5. In the report, many judgments given by the ECHR are examined in order to establish standards and rules on the length of proceedings. In particular whether there could be some indication of the maximum/minimum length of particular types of cases that were regarded as reasonable or unreasonable by the court. Although the expert has established that the Court was reluctant to establish clear-cut rules, arguing that every case must be considered separately, the analysis and comparison of the large number of cases may provide a useful indication of the approach of the Court. The following was established:

- The total duration of up to two years per level of court in normal (non-complex) cases was generally regarded as reasonable. When proceedings have lasted more than two years, the Court examines the case closely to determine whether the national authorities have shown due diligence in the process;
- In priority cases, the court may depart from the general approach, and find violation even if the case lasted less than two years;
- In complex cases, the Court may allow longer time, but pays special attention to periods of inactivity which are clearly excessive. The longer time allowed is however rarely more than five years and almost never more than eight years of total duration;
- The only cases in which the Court did not find violation in spite of manifestly excessive duration of proceedings were the cases in which the applicant's behaviour had contributed to the delay.

6. The following is a brief overview of the types of cases analysed with respect to the length of proceedings (these observations remain relevant for the period 2006-2011):

Violation of the reasonable time (Art. 6) - summary

Type of case	Issues	Length	Decision
Criminal cases	Diverse	More than 5 y.	Violation
Civil cases	Priority cases	More than 2 y. (min: 1y10m)	Violation
Civil cases	Complex cases	More than 8 y.	Violation
Administrative	Priority	More than 2 y.	Violation
Administrative	Regular, complex	More than 5 y.	Violation

Non-violation of the reasonable time (Art. 6) – examples

Type of case	Issues	Length	Decision
Criminal cases	Normal cases	3y6m (total in 3 instances); 4y3m (total in 3 levels. + investigation)	No violation
Criminal cases	Complex	8y5m (investigation and 3 levels)	No violation
Civil cases	Simple cases	1y10m in first instance; 1y8m on appeal; 1y9m Court of Cassation	No violation
Civil cases	Priority (labour) cases	1y7m in first instance (labour); 1y9m on appeal; 1y9m Court of Cassation	No violation

The values from the above tables only relate to the analysed cases and cannot be taken as a fixed rule. Future cases will be considered in light of their particular circumstances, according to the established criteria of the Court. Still, they may be useful for the purposes of general assessment and analysis.

Annex 2 - Additional Tables

Table 19 – Resolved second instance civil and commercial total, litigious & NON litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Total number of civil & com. cases	Number of civil & com. litigious cases	Number of civil & com. NON-litigious cases	Per 100 000 inhabitants			Part of litigious in the total number of civil & com. cases	Part of NON-litigious in the total number of civil & com. cases
				Total	Litigious	NON-litigious		
Albania	NA	NA	NA					
Andorra	NA	403	NA		474.0			
Armenia	NA	NA	NA					
Austria	NA	NA	NA					
Azerbaijan	NA	NA	NA					
Belgium	NA	NA	NAP					
Bosnia and Herzegovina	28664	28664	NAP	745.9	745.9		100%	
Bulgaria	NA	NA	NA					
Croatia	NA	76368	NA		1,730.9			
Cyprus	NA	307	NA		38.2			
Czech Republic	NA	76899	NA		731.2			
Denmark	6636	6636	NAP	119.3	119.3		100%	
Estonia	3007	2069	938	224.4	154.4	70.0	69%	31%
Finland	3263	2102	1161	60.7	39.1	21.6	64%	36%
France	NA	233577	NA		359.2			
Georgia	NA	11765	NA		263.2			
Germany	110597	31167	79430	135.3	38.1	97.2	28%	72%
Greece	NA	34162	NA		302.1			
Hungary	43758	24026	19732	438.2	240.6	197.6	55%	45%
Iceland	NAP	NAP	NAP					
Ireland	NA	1111	NA		24.3			
Italy	150542	146588	3954	248.3	241.8	6.5	97%	3%
Latvia	4454	4004	450	199.8	179.6	20.2	90%	10%
Lithuania	NA	10930	NA		336.9			
Luxembourg	1146	1146	NAP	223.9	223.9		100%	
Malta	NA	628	NA		150.4			
Moldova	NA	7830	NA		219.9			
Monaco	750	688	62	2,090.2	1,917.4	172.8	92%	8%
Montenegro	NA	NA	NA					
Netherlands	NA	NA	NA					
Norway	NA	NA	NA					
Poland	128479	109231	19248	336.3	285.9	50.4	85%	15%
Portugal	NA	NA	NA					
Romania	25907	24910	997	120.9	116.2	4.7	96%	4%
Russian Federation	NA	NA	NA					
San Marino	59	59	0	178.0	178.0	0.0	100%	0%
Serbia	NA	NA	NA					
Slovakia	NA	NA	NA					
Slovenia	NA	11664	NA		568.9			
Spain	NA	144861	NA		315.0			
Sweden	2950	2950	NAP	31.3	31.3		100%	
Switzerland	8470	8089	381	107.7	102.9	4.8	96%	4%
The FYROMacedonia	NA	22999	NA		1,117.9			
Turkey	NA	NA	NA					
Ukraine	NA	348648	NA		761.6			
UK-England & Wales	3181	3181	NAP	5.8	5.8		100%	
UK-Northern Ireland	NA	NA	NA					
UK-Scotland	3170	3170	NAP	60.7	60.7		100%	
Average				313.3	377.3	58.7	87%	21%
Median				178.0	232.2	21.6	96%	10%
Minimum				5.8	5.8	0.0	28%	0%
Maximum				2,090.2	1,917.4	197.6	100%	72%

Table 20 – Pending (31 Dec.) second instance civil and commercial total, litigious & NON litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Total number of civil & com. cases	Number of civil & com. litigious cases	Number of civil & com. NON-litigious cases	Per 100 000 inhabitants			Part of litigious in the total number of civil & com. cases	Part of NON-litigious in the total number of civil & com. cases
				Total	Litigious	NON-litigious		
Albania	NA	NA	NA					
Andorra	NA	161	NA		189.4			
Armenia	NA	NA	NA					
Austria	NA	NA	NA					
Azerbaijan	NA	NA	NA					
Belgium	NA	NA	NAP					
Bosnia and Herzegovina	23482	23482	NAP	611.0	611.0		100%	
Bulgaria	NA	NA	NA					
Croatia	NA	67435	NA		1,528.4			
Cyprus	NA	1004	NA		124.8			
Czech Republic	NA	15898	NA		151.2			
Denmark	2744	2744	NAP	49.3	49.3		100%	
Estonia	656	580	76	48.9	43.3	5.7	88%	12%
Finland	1622	1287	335	30.2	23.9	6.2	79%	21%
France	NA	229849	NA		353.5			
Georgia	NA	1731	NA		38.7			
Germany	NA	NA	NA					
Greece	NA	27898	NA		246.7			
Hungary	11156	7526	3630	111.7	75.4	36.4	67%	33%
Iceland	NAP	NAP	NAP					
Ireland	NA	NA	NA					
Italy	512384	509229	3155	845.1	839.9	5.2	99%	1%
Latvia	2869	2816	53	128.7	126.3	2.4	98%	2%
Lithuania	NA	5734	NA		176.7			
Luxembourg	1483	1483	NAP	289.7	289.7		100%	
Malta	NA	808	NA		193.5			
Moldova	NA	2680	NA		75.3			
Monaco	2731	1505	1226	7,611.3	4,194.4	3,416.9	55%	45%
Montenegro	NA	NA	NA					
Netherlands	NA	NA	NA					
Norway	NA	NA	NA					
Poland	15441	13552	1889	40.4	35.5	4.9	88%	12%
Portugal	NA	NA	NA					
Romania	15572	15053	519	72.7	70.2	2.4	97%	3%
Russian Federation	NA	NA	NA					
San Marino	218	218	0	657.6	657.6	0.0	100%	0%
Serbia	NA	NA	NA					
Slovakia	NA	NA	NA					
Slovenia	NA	3640	NA		177.5			
Spain	NA	75207	NA		163.5			
Sweden	901	901	NAP	9.6	9.6		100%	
Switzerland	3188	3188	0	40.5	40.5	0.0	100%	0%
The FYROMacedonia	NA	6440	NA		313.0			
Turkey	NA	NA	NA					
Ukraine	NA	91243	NA		199.3			
UK-England & Wales	NA	NA	NAP					
UK-Northern Ireland	NA	NA	NA					
UK-Scotland	NA	NA	NAP					
Average				753.3	392.8	348.0	91%	13%
Median				92.2	170.1	5.1	99%	7%
Minimum				9.6	9.6	0.0	55%	0%
Maximum				7,611.3	4,194.4	3,416.9	100%	45%

Table 21 – Resolved highest instance civil and commercial total, litigious & NON litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Total number of civil & com. cases	Number of civil & com. litigious cases	Number of civil & com. NON-litigious cases	Per 100 000 inhabitants			Part of litigious in the total number of civil & com. cases	Part of NON-litigious in the total number of civil & com. cases
				Total	Litigious	NON-litigious		
Albania	NA	NA	NA					
Andorra	NAP	NAP	NAP					
Armenia	NA	NA	NA					
Austria	NA	NA	NA					
Azerbaijan	NA	NA	NA					
Belgium	NA	NA	NAP					
Bosnia and Herzegovina	5744	5744	NAP	149.5	149.5		100%	
Bulgaria	NA	NA	NA					
Croatia	NA	4546	NA		103.0			
Cyprus	NA	NA	NA					
Czech Republic	NA	6515	NA		61.9			
Denmark	76	76	NAP	1.4	1.4		100%	
Estonia	NA	148	NA		11.0			
Finland	1357	1072	285	25.2	19.9	5.3	79%	21%
France	NA	19855	NA		30.5			
Georgia	NA	1279	NA		28.6			
Germany	3392	784	2608	4.1	1.0	3.2	23%	77%
Greece	NA	NA	NA					
Hungary	3039	2618	421	30.4	26.2	4.2	86%	14%
Iceland	NAP	NAP	NAP					
Ireland	NA	NA	NA					
Italy	28507	28507	NAP	47.0	47.0		100%	
Latvia	NA	NA	NA					
Lithuania	NA	564	NA		17.4			
Luxembourg	NA	66	NA		12.9			
Malta	NA	NA	NA					
Moldova	NA	2092	NA		58.8			
Monaco	NA	NA	NA					
Montenegro	1852	1852	NAP	298.7	298.7		100%	
Netherlands	NA	NA	NA					
Norway	NA	NA	NA					
Poland	NA	NA	NA					
Portugal	NA	NA	NA					
Romania	174349	173802	547	813.5	811.0	2.6	100%	0%
Russian Federation	NA	NA	NA					
San Marino	3	3	0	9.0	9.0	0.0	100%	0%
Serbia	5050	5050	NAP	69.3	69.3		100%	
Slovakia	NA	NA	NA					
Slovenia	NA	2017	NA		98.4			
Spain	NA	10362	NA		22.5			
Sweden	327	327	NAP	3.5	3.5		100%	
Switzerland	1623	1623	NAP	20.6	20.6		100%	
The FYROMacedonia	1228	1228	NAP	59.7	59.7		100%	
Turkey	NA	NA	NA					
Ukraine	NA	24422	NA		53.3			
UK-England & Wales	39	39	0	0.1	0.1	0.0	100%	0%
UK-Northern Ireland	NA	NA	NA					
UK-Scotland	238	238	NAP	4.6	4.6		100%	
Average				102.4	77.7	2.5	93%	19%
Median				25.2	27.4	2.9	100%	7%
Minimum				0.1	0.1	0.0	23%	0%
Maximum				813.5	811.0	5.3	100%	77%

Table 22 – Pending (31 Dec.) highest instance civil and commercial total, litigious & NON litigious cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Total number of civil & com. cases	Number of civil & com. litigious cases	Number of civil & com. NON-litigious cases	Per 100 000 inhabitants			Part of litigious in the total number of civil & com. cases	Part of NON-litigious in the total number of civil & com. cases
				Total	Litigious	NON-litigious		
Albania	NA	NA	NA					
Andorra	NAP	NAP	NAP					
Armenia	NA	NA	NA					
Austria	NA	NA	NA					
Azerbaijan	NA	NA	NA					
Belgium	NA	NA	NAP					
Bosnia and Herzegovina	3507	3507	NAP	91.3	91.3		100%	
Bulgaria	NA	NA	NA					
Croatia	NA	5234	NA		118.6			
Cyprus	NA	NA	NA					
Czech Republic	NA	5126	NA		48.7			
Denmark	NA	NA	NAP					
Estonia	NA	54	NA		4.0			
Finland	NA	NA	NA					
France	NA	18603	NA		28.6			
Georgia	NA	377	NA		8.4			
Germany	NA	NA	NA					
Greece	NA	NA	NA					
Hungary	1066	1060	6	10.7	10.6	0.1	99%	1%
Iceland	NAP	NAP	NAP					
Ireland	NA	NA	NA					
Italy	96129	96129	NAP	158.6	158.6		100%	
Latvia	NA	NA	NA					
Lithuania	NA	222	NA		6.8			
Luxembourg	NA	NA	NA					
Malta	NA	NA	NA					
Moldova	NA	447	NA		12.6			
Monaco	NA	NA	NA					
Montenegro	98	98	NAP	15.8	15.8		100%	
Netherlands	NA	NA	NA					
Norway	NA	NA	NA					
Poland	NA	NA	NA					
Portugal	NA	NA	NA					
Romania	65861	65568	293	307.3	305.9	1.4	100%	0%
Russian Federation	NA	NA	NA					
San Marino	7	7	0	21.1	21.1	0.0	100%	0%
Serbia	2966	2966	NAP	40.7	40.7		100%	
Slovakia	NA	NA	NA					
Slovenia	NA	2116	NA		103.2			
Spain	NA	7748	NA		16.8			
Sweden	149	149	NAP	1.6	1.6		100%	
Switzerland	433	433	NAP	5.5	5.5		100%	
The FYROMacedonia	1263	1263	NAP	61.4	61.4		100%	
Turkey	NA	NA	NA					
Ukraine	NA	5112	NA		11.2			
UK-England & Wales	NA	NA	NA					
UK-Northern Ireland	NA	NA	NA					
UK-Scotland	NA	NA	NAP					
Average				71.4	53.6	0.5	100%	0%
Median				30.9	19.0	0.1	100%	0%
Minimum				1.6	1.6	0.0	99%	0%
Maximum				307.3	305.9	1.4	100%	1%

Table 23 – Disposition time of civil and commercial litigious cases at second instance courts in 2006, 2008 and 2010

Second instance courts in civil and commercial litigious cases	Disposition time in 2006, in days	Disposition time in 2008, in days	Disposition time in 2010, in days
Albania		400	
Andorra			146
Armenia		73	
Austria			
Azerbaijan		74	
Belgium			
Bosnia and Herzegovina	304	290	299
Bulgaria			
Croatia	300	278	322
Cyprus	767		1194
Czech Republic			75
Denmark		170	151
Estonia		181	102
Finland	257	212	223
France	358	369	359
Georgia	175	73	54
Germany	84		
Greece			298
Hungary	118	101	114
Iceland			
Ireland			
Italy	1324	1229	1268
Latvia	190	298	257
Lithuania	186	109	191
Luxembourg		412	472
Malta		500	470
Moldova	19	66	125
Monaco	819	711	798
Montenegro	430		
Netherlands	259		
Norway			
Poland	63	39	45
Portugal			
Romania	148	163	221
Russian Federation	14	25	
San Marino		537	1349
Serbia	126		
Slovakia	164		
Slovenia	150	97	114
Spain	193	184	189
Sweden	207	183	111
Switzerland		129	144
The FYROMacedonia	44	94	102
Turkey			
Ukraine			96
UK-England and Wales			
UK-Northern Ireland			
UK-Scotland			
Average	279	259	332
Median	188	181	190
Minimum	14	25	45
Maximum	1,324	1,229	1,349

Table 24 – Disposition time of civil and commercial litigious cases at highest instance courts in 2006, 2008 and 2010

Highest instance courts in civil and commercial litigious cases	Disposition time in 2006, in days	Disposition time in 2008, in days	Disposition time in 2010, in days
Albania			
Andorra			
Armenia		0.4	
Austria			
Azerbaijan			
Belgium			
Bosnia and Herzegovina	386	331	223
Bulgaria			
Croatia	92	317	420
Cyprus			
Czech Republic	249	340	287
Denmark			
Estonia	76	86	133
Finland	105	136	
France	329	369	342
Georgia	121	93	108
Germany	659		
Greece			
Hungary	64	130	148
Iceland			
Ireland			
Italy	1250	1066	1231
Latvia	82	210	
Lithuania		57	144
Luxembourg		255	
Malta			
Moldova	34	42	78
Monaco		782	
Montenegro	281	1	19
Netherlands			
Norway			
Poland			
Portugal			
Romania	86	95	138
Russian Federation			
San Marino		0	852
Serbia	136	153	214
Slovakia			
Slovenia	536	514	383
Spain	502	429	273
Sweden	126	143	166
Switzerland	131	96	97
The FYROMacedonia	430	213	375
Turkey	357	231	
Ukraine			76
UK-England and Wales			
UK-Northern Ireland			
UK-Scotland			
Average	287	244	285
Median	136	153	190
Minimum	34	0	19
Maximum	1,250	1,066	1,231

Table 25 – Incoming, resolved and pending (31 Dec.) second instance severe criminal law cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	60	62	14	1.9	1.9	0.4
Andorra	NA	NA	NA			
Armenia	NA	NA	NA			
Austria	7121	7110	752	84.9	84.8	9.0
Azerbaijan	NA	NA	NA			
Belgium	8026	7621	8834	74.0	70.3	81.5
Bosnia & Herzegovina	8466	8555	1138	220.3	222.6	29.6
Bulgaria	NA	NA	NA			
Croatia	14449	14349	4718	327.5	325.2	106.9
Cyprus	NA	NA	NA			
Czech Republic	NA	NA	NA			
Denmark	6830	6552	1341	122.8	117.8	24.1
Estonia	2311	2274	174	172.4	169.7	13.0
Finland	NAP	NAP	NAP			
France	48409	51952	30207	74.4	79.9	46.5
Georgia	1610	1773	174	36.0	39.7	3.9
Germany	57888	58074	19867	70.8	71.0	24.3
Greece	NA	NA	NA			
Hungary	42019	41082	6795	420.8	411.4	68.0
Iceland	NAP	NAP	NAP			
Ireland	NA	NA	NA			
Italy	NA	NA	NA			
Latvia	NA	1789	NA		80.2	
Lithuania	NA	NA	NA			
Luxembourg	NA	545	NA		106.5	
Malta	22	14	31	5.3	3.4	7.4
Moldova	NA	NA	NA			
Monaco	NA	NA	NA			
Montenegro	1010	1161	124	162.9	187.2	20.0
Netherlands	NA	NA	NA			
Norway	NA	NA	NA			
Poland	112874	110511	17998	295.5	289.3	47.1
Portugal	13654	13614	3985	128.4	128.0	37.5
Romania	NAP	NAP	NAP			
Russian Federation	380229	380607	13751	266.1	266.3	9.6
San Marino	18	12	14	54.3	36.2	42.2
Serbia	NA	NA	NA			
Slovakia	NA	NA	NA			
Slovenia	4424	4546	972	215.8	221.7	47.4
Spain	NA	NA	NA			
Sweden	NAP	NAP	NAP			
Switzerland	5410	5144	1948	68.8	65.4	24.8
The FYROMacedonia	4575	4385	637	222.4	213.1	31.0
Turkey	NA	NA	NA			
Ukraine	NA	NA	NA			
UK-England and Wales	7250	NA	NA	13.1		
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	750	600	NA	14.4	11.5	
Average				138.8	139.3	33.7
Median				103.9	106.5	27.2
Minimum				1.9	1.9	0.4
Maximum				420.8	411.4	106.9

Table 26 – Incoming, resolved and pending (31 Dec.) highest instance severe criminal law cases in 2010, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	162	126	148	5.1	3.9	4.6
Andorra	NAP	NAP	NAP			
Armenia	NA	NA	NA			
Austria	NA	NA	NA			
Azerbaijan	NA	NA	NA			
Belgium	NA	NA	NA			
Bosnia & Herzegovina	3339	3166	704	86.9	82.4	18.3
Bulgaria	NA	NA	NA			
Croatia	3514	3432	1122	79.6	77.8	25.4
Cyprus	NA	NA	NA			
Czech Republic	NA	NA	NA			
Denmark	66	48	34	1.2	0.9	0.6
Estonia	63	67	9	4.7	5.0	0.7
Finland	NAP	NAP	NAP			
France	NA	NA	NA			
Georgia	NA	NA	NA			
Germany	3530	3583	501	4.3	4.4	0.6
Greece	NA	NA	NA			
Hungary	1364	1322	202	13.7	13.2	2.0
Iceland	NAP	NAP	NAP			
Ireland	NA	NA	NA			
Italy	50229	46447	28837	82.8	76.6	47.6
Latvia	NA	NA	NA			
Lithuania	NA	NA	NA			
Luxembourg	NA	NA	NA			
Malta	NA	NA	NA			
Moldova	NA	NA	NA			
Monaco	NA	NA	NA			
Montenegro	421	421	0	67.9	67.9	0.0
Netherlands	NA	NA	NA			
Norway	NA	NA	NA			
Poland	NA	NA	NA			
Portugal	822	932	72	7.7	8.8	0.7
Romania	NAP	NAP	NAP			
Russian Federation	17818	17839	1037	12.5	12.5	0.7
San Marino	6	6	0	18.1	18.1	0.0
Serbia	NAP	NAP	NAP			
Slovakia	NA	NA	NA			
Slovenia	753	749	170	36.7	36.5	8.3
Spain	NA	NA	NA			
Sweden	NAP	NAP	NAP			
Switzerland	NA	NA	NA			
The FYROMacedonia	784	824	99	38.1	40.1	4.8
Turkey	NA	NA	NA			
Ukraine	NA	NA	NA			
UK-England and Wales	10	5	NA	0.0	0.0	
UK-Northern Ireland	NA	NA	NA			
UK-Scotland	830	760	NA	15.9	14.6	
Average				29.7	28.9	8.2
Median				14.8	13.9	1.4
Minimum				0.0	0.0	0.0
Maximum				86.9	82.4	47.6

Table 27 - First, second and highest instance total of civil, commercial and administrative law cases Clearance rates (2010)

Total of civil, commercial and administrative law cases Clearance rate in 2010			
Country	First instance	Second instance	Highest instance
Albania	95.9%		
Andorra	99.7%	99.8%	
Armenia	98.4%		
Austria	101.8%		
Azerbaijan	98.5%		
Belgium			
Bosnia and Herzegovina	95.1%	93.3%	108.7%
Bulgaria	97.8%	98.2%	98.2%
Croatia	98.7%	94.2%	75.8%
Cyprus	83.3%	72.8%	
Czech Republic	102.8%	102.4%	106.5%
Denmark	102.3%	96.6%	83.5%
Estonia	109.6%	101.4%	87.4%
Finland	100.7%	101.3%	121.2%
France	99.1%	96.3%	100.2%
Georgia	100.6%	105.6%	90.6%
Germany	99.1%	363.4%	151.1%
Greece	79.1%	74.2%	
Hungary	110.4%	98.9%	97.3%
Iceland			
Ireland		83.8%	
Italy	111.0%	83.0%	94.8%
Latvia	96.0%	96.3%	95.3%
Lithuania	125.8%	80.8%	85.2%
Luxembourg	133.0%	94.9%	
Malta	87.9%	98.3%	
Moldova	94.6%	94.4%	96.6%
Monaco	87.0%	73.1%	
Montenegro	95.0%		102.1%
Netherlands	106.7%	104.0%	95.9%
Norway	102.2%		
Poland	96.8%	96.6%	75.1%
Portugal	101.9%		
Romania	88.4%	92.5%	90.4%
Russian Federation	99.9%		
San Marino	83.7%	101.4%	80.0%
Serbia	88.9%		121.8%
Slovakia	101.6%	108.8%	111.4%
Slovenia	98.5%	94.8%	130.3%
Spain	95.7%	103.5%	108.2%
Sweden	93.1%	109.3%	107.8%
Switzerland	100.3%	101.0%	101.4%
The FYROMacedonia	167.6%	106.7%	68.9%
Turkey	91.1%		80.4%
Ukraine	99.9%	112.1%	113.1%
UK-England and Wales		78.3%	78.0%
UK-Northern Ireland			
UK-Scotland		75.4%	106.3%

Table 28 - First, second and highest instance total of civil, commercial and administrative law cases Disposition time, in days (2010)

Total of civil, commercial and administrative law cases Disposition time, in days (2010)			
Country	First instance	Second instance	Highest instance
Albania	93		
Andorra	176	148	
Armenia	163		
Austria	74		
Azerbaijan	35		
Belgium			
Bosnia and Herzegovina	666	316	299
Bulgaria	113	126	126
Croatia	220	322	420
Cyprus	564	1252	
Czech Republic	124	101	229
Denmark	337	151	
Estonia	122	98	126
Finland	95	181	274
France	272	361	317
Georgia	58	51	123
Germany	240	118	132
Greece	510	520	
Hungary	56	94	155
Iceland			
Ireland			
Italy	393	1242	1231
Latvia	139	355	121
Lithuania	47	241	144
Luxembourg	198	386	
Malta	856	470	
Moldova	114	107	78
Monaco	756	1329	
Montenegro	216		17
Netherlands	159	423	
Norway	175		
Poland	65	77	445
Portugal	417		
Romania	216	219	138
Russian Federation	13		
San Marino	788	1115	502
Serbia	258		204
Slovakia	238	79	123
Slovenia	327	112	302
Spain	303	222	410
Sweden	183	132	109
Switzerland	132	205	112
The FYROMacedonia	63	102	345
Turkey	187		682
Ukraine	55	103	268
UK-England and Wales			
UK-Northern Ireland			
UK-Scotland	55	103	268

Table 29 - First, second and highest instance total criminal cases Clearance rates (2010)

First, second and highest instance total criminal cases Clearance rates, % (2010)			
Country	First instance	Second instance	Highest instance
Albania	92.7%	89.9%	75.3%
Andorra	100.0%	93.7%	
Armenia	97.3%	104.6%	98.7%
Austria	100.4%	99.1%	99.2%
Azerbaijan	99.3%	92.3%	93.2%
Belgium		92.8%	94.0%
Bosnia and Herzegovina	104.8%	100.6%	94.8%
Bulgaria	99.8%	100.4%	101.5%
Croatia	105.7%	106.4%	97.7%
Cyprus	89.6%	90.6%	
Czech Republic	100.7%	99.8%	98.0%
Denmark	106.3%	95.9%	72.7%
Estonia	143.7%	98.5%	110.6%
Finland	96.7%	103.8%	
France	95.1%	107.3%	100.6%
Georgia	146.6%	108.4%	102.2%
Germany	101.2%	100.2%	101.4%
Greece			
Hungary	99.1%	97.9%	96.9%
Iceland			95.1%
Ireland		107.0%	
Italy	94.5%	80.0%	92.5%
Latvia	100.0%	82.1%	97.6%
Lithuania	98.1%	98.0%	104.0%
Luxembourg			
Malta	95.9%	65.1%	
Moldova	94.2%	100.4%	117.9%
Monaco			
Montenegro	110.0%	120.3%	100.0%
Netherlands	98.2%	98.2%	104.2%
Norway	97.2%	99.7%	90.4%
Poland	90.8%	98.0%	103.1%
Portugal	105.3%	99.7%	113.4%
Romania	99.2%	95.6%	98.4%
Russian Federation		99.5%	
San Marino	61.2%	66.7%	100.0%
Serbia	77.9%	82.6%	162.3%
Slovakia	101.9%	100.3%	101.1%
Slovenia	110.8%	106.3%	99.3%
Spain	99.1%	100.1%	103.8%
Sweden	98.2%	100.8%	101.8%
Switzerland	105.9%	95.4%	98.5%
The FYROMacedonia	118.6%	99.2%	105.1%
Turkey	90.8%		77.6%
Ukraine	98.9%	98.1%	77.0%
UK-England and Wales			50.0%
UK-Northern Ireland			
UK-Scotland		80.0%	85.4%

Table 30 - First, second and highest instance total criminal cases Disposition time, in days (2010)

Total criminal cases Disposition time, in days (2010)			
Country	First instance	Second instance	Highest instance
Albania	135	288	494
Andorra	65	64	
Armenia	78	35	16
Austria	116	53	94
Azerbaijan	50	40	40
Belgium		252	121
Bosnia and Herzegovina	345	48	81
Bulgaria	49	48	54
Croatia	221	344	119
Cyprus	254	500	
Czech Republic	72	23	48
Denmark	99	75	259
Estonia	60	27	32
Finland	107	158	
France		212	129
Georgia	36	28	76
Germany	104	109	51
Greece			
Hungary	104	60	56
Iceland			51
Ireland		218	
Italy	329	999	227
Latvia	189	150	31
Lithuania	104	44	94
Luxembourg			
Malta	331	438	
Moldova	103	66	49
Monaco			
Montenegro	160	21	
Netherlands	89	207	
Norway	91	46	92
Poland	96	58	95
Portugal	302	107	28
Romania	85	101	37
Russian Federation		16	
San Marino	503	426	
Serbia	504	107	31
Slovakia	168	83	48
Slovenia	226	61	79
Spain	193	67	166
Sweden	135	119	54
Switzerland	63	148	86
The FYROMacedonia	212	29	44
Turkey	314		636
Ukraine	95	40	109
UK-England and Wales			
UK-Northern Ireland			
UK-Scotland			

Table 31 – All first, second and highest instance litigious divorce cases average lengths (2010) in days, ordered by state

All first, second and highest instance litigious divorce cases average lengths (2010) in days, ordered by state			
country	First instance	Second instance	Highest instance
Austria	167		
Azerbaijan	180	90	60
Belgium		436	
Bosnia and Herzegovina	215	146	
Denmark	172	274	
Estonia	191	134	
Finland	242	77	78
France	267	331	
Germany	310		
Italy	538	453	
Latvia	186	99	
Monaco	510		
Montenegro	125	55	
Netherlands	344	240	
Portugal	300	120	90
San Marino	210		
Slovenia	201	46	132
Spain	279	329	
Sweden	228		
Switzerland			118
The FYROMacedonia	117	73	
Turkey	169		
UK-England and Wales	219		

Annex 3 - Text of the questions from the Cepej Evaluation Scheme related to the report

1.1 Inhabitants and economic information

1.1 Inhabitants and economic information

1. Number of inhabitants (if possible on 1 January 2011)

4.2.2 Case flow management and timeframes of judicial proceedings

66. First instance courts: number of other than criminal and criminal law cases

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

67. Number of *other than criminal* law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

The total of “other than criminal” cases includes all of the following categories (categories 1 to 7; contrary to the previous questionnaire).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
2. Civil (and commercial) non-litigious cases , e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
3. Enforcement cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
4. Land registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
5. Business registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
6. Administrative law cases (litigious and non-litigious)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
7. Other cases (e.g.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

insolvency registry cases) ☐NA / ☐NAP ☐NA / ☐NAP ☐NA / ☐NAP ☐NA / ☐NAP

Note 1: the cases mentioned in categories 3 to 5 (*enforcement, land registry, business register*) should be presented separately in the table. The cases mentioned in category 6 (*administrative law cases*) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: please check if the figures submitted are (horizontally and vertically) consistent. *Horizontal consistent* data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. *Vertical consistency* of data means that the sum of the individual case categories 1 to 7 should reflect the total number of *other than criminal law cases*.

92. If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

93. If "other cases", please indicate the case categories included:

94. Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan.'10	Incoming cases	Resolved cases	Pending cases on 31 Dec.'10
Total of criminal cases (8+9)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
8. Severe criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
9. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

Note: please check if the figures submitted are (horizontally and vertically) consistent. *Horizontal consistent* data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. *Vertical consistency* of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

95. The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures). **Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

96. Comments on questions 91 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

97. Second instance courts: total number of cases
Number of "other than criminal law" cases.
If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

The total of “other than criminal” cases includes all of the following categories (categories 1 to 7; contrary to the previous questionnaire).

	Pending cases on 1 Jan.'10	Incoming cases	Resolved cases	Pending cases on 31 Dec.'10
Total of other than criminal law cases (1+2+3+4+5+6+7)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
2. Civil (and commercial) non-litigious cases , e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
3. Enforcement cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
4. Land registry cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
5. Business registry cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
6. Administrative law cases (litigious and non-litigious)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
7. Other cases (e.g. insolvency registry cases)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP

98. Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan.'10	Incoming cases	Resolved cases	Pending cases on 31 Dec.'10
Total of criminal cases (8+9)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
8. Severe criminal cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
9. Misdemeanour and / or minor criminal cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP

Comments:

99. Highest instance courts: total number of cases
Number of “other than criminal law” cases:
If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

The total of “other than criminal law” cases includes all of the following categories (categories 1 to 7; contrary to the previous questionnaire).

Pending cases Incoming Resolved Pending cases

	on 1 Jan.'10	cases	cases	on 31 Dec.'10
Total of other than criminal law cases (1+2+3+4+5+6+7)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
2. Civil (and commercial) non-litigious cases , e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
3. Enforcement cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
4. Land registry cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
5. Business registry cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
6. Administrative law cases (litigious and non-litigious)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
7. Other cases (e.g. insolvency registry cases)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP

100. Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan.'10	Incoming cases	Resolved cases	Pending cases on 31 Dec.'10
Total of criminal cases (8+9)	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
8. Severe criminal cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
9. Misdemeanour and / or minor criminal cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP

Comments:

101. Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts:

	Pending cases on 1 Jan.'10	Incoming cases	Resolved cases	Pending cases on 31 Dec.'10
Litigious divorce cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
Employment dismissal cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
Robbery cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP

Intentional homicide

NA / NAP

NA / NAP

NA / NAP

NA / NAP

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.

	% of decisions subject to appeal	% of pending cases for more than 3 years	Average length in 1 st instance (in days)	Average length in 2 nd instance (in days)	Average length in 3 rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
Employment dismissal cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
Robbery cases	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP
Intentional homicide	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP	<input type="text"/> NA / <input type="text"/> NAP

103. Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

104. How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

D.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Annex 4 - Proposals to confront first, second and highest instance courts Disposition time

The tables that follow provide five different ways to look at first, second and highest instance Disposition time apart from the direct confrontation through absolute number of days. In particular, the first table allows confronting each state first, second and highest instance 2010 Disposition time divided by the average 2010 Disposition time of their instance. The second table weight second and highest instance DT in terms of first instance DT, while the third confront second instance DT in terms of first instance DT with highest instance DT in terms of second instance DT.

The fourth table provides a tool to confront second and highest instance DT divided by their instance average DT with first instance 2010 Disposition time divided first instance average 2010 Disposition time. The fifth table looks at the distance of first, second and highest instance Disposition time from the average 2010 Disposition time of their instance in terms of standard deviation.

Table 32 - Total of civil, commercial and administrative law cases first, second and highest instance 2010 Disposition time divided by the same instance 2010 Disposition time average

Total of civil, commercial and administrative law cases Disposition time, in days (2010)				Total of civil, commercial and administrative law cases first, second and highest instance 2010 Disposition time divided by instance 2010 Disposition time average			
country	First instance DT	Second instance DT	Highest instance DT	country	[(first instance DT 2010) / (first instance average DT 2010)]	[(second instance DT 2010) / (second instance average DT 2010)]	[(highest instance DT 2010) / (highest instance average DT 2010)]
Albania	93			Albania	0.38		
Andorra	176	148		Andorra	0.72	0.44	
Armenia	163			Armenia	0.67		
Austria	74			Austria	0.30		
Azerbaijan	35			Azerbaijan	0.14		
Belgium				Belgium			
Bosnia and Herzegovina	666	316	299	Bosnia and Herzegovina	2.74	0.94	1.09
Bulgaria	113	126	126	Bulgaria	0.46	0.38	0.46
Croatia	220	322	420	Croatia	0.90	0.96	1.53
Cyprus	564	1252		Cyprus	2.32	3.72	
Czech Republic	124	101	229	Czech Republic	0.51	0.30	0.83
Denmark	337	151		Denmark	1.39	0.45	
Estonia	122	98	126	Estonia	0.50	0.29	0.46
Finland	95	181	274	Finland	0.39	0.54	1.00
France	272	361	317	France	1.12	1.07	1.15
Georgia	58	51	123	Georgia	0.24	0.15	0.45
Germany	240	118	132	Germany	0.99	0.35	0.48
Greece	510	520		Greece	2.10	1.55	
Hungary	56	94	155	Hungary	0.23	0.28	0.56
Iceland				Iceland			
Ireland				Ireland			
Italy	393	1242	1231	Italy	1.62	3.69	4.47
Latvia	139	355	121	Latvia	0.57	1.06	0.44
Lithuania	47	241	144	Lithuania	0.19	0.72	0.52
Luxembourg	198	386		Luxembourg	0.81	1.15	
Malta	856	470		Malta	3.52	1.40	
Moldova	114	107	78	Moldova	0.47	0.32	0.28
Monaco	756	1329		Monaco	3.11	3.95	
Montenegro	216		17	Montenegro	0.89		0.06
Netherlands	159	423		Netherlands	0.66	1.26	
Norway	175			Norway	0.72		
Poland	65	77	445	Poland	0.27	0.23	1.62
Portugal	417			Portugal	1.72		
Romania	216	219	138	Romania	0.89	0.65	0.50
Russian Federation	13			Russian Federation	0.05		
San Marino	788	1115	502	San Marino	3.24	3.32	1.82
Serbia	258		204	Serbia	1.06		0.74
Slovakia	238	79	123	Slovakia	0.98	0.23	0.45
Slovenia	327	112	302	Slovenia	1.34	0.33	1.10
Spain	303	222	410	Spain	1.24	0.66	1.49
Sweden	183	132	109	Sweden	0.75	0.39	0.40
Switzerland	132	205	112	Switzerland	0.54	0.61	0.41
The FYROM	63	102	345	The FYROM	0.26	0.30	1.26
Turkey	187		682	Turkey	0.77		2.48
Ukraine	55	103	268	Ukraine	0.22	0.31	0.98
UK-England and Wales				UK-England and Wales			
UK-Northern Ireland				UK-Northern Ireland			
UK-Scotland				UK-Scotland			
min	13	51	17	min	0.05	0.15	0.06
max	856	1329	1231	average	1.00	1.00	1.00
average	243	336	275	max	3.52	3.95	4.47

Table 33 - Total of civil, commercial and administrative law cases second and highest instance DT in terms of first instance 2010 DT

Total of civil, commercial and administrative law cases Disposition time, in days (2010)				Total of civil, commercial and administrative law cases second and highest instance DT in terms of first instance 2010 DT		
country	First instance DT	Second instance DT	Highest instance DT	country	(second instance DT 2010) / (first instance DT 2010)	(highest instance DT 2010) / (first instance DT 2010)
Albania	93			Albania		
Andorra	176	148		Andorra	0.84	
Armenia	163			Armenia		
Austria	74			Austria		
Azerbaijan	35			Azerbaijan		
Belgium				Belgium		
Bosnia and Herzegovina	666	316	299	Bosnia and Herzegovina	0.47	0.45
Bulgaria	113	126	126	Bulgaria	1.12	1.12
Croatia	220	322	420	Croatia	1.47	1.91
Cyprus	564	1252		Cyprus	2.22	
Czech Republic	124	101	229	Czech Republic	0.82	1.85
Denmark	337	151		Denmark	0.45	
Estonia	122	98	126	Estonia	0.81	1.04
Finland	95	181	274	Finland	1.91	2.88
France	272	361	317	France	1.33	1.16
Georgia	58	51	123	Georgia	0.88	2.12
Germany	240	118	132	Germany	0.49	0.55
Greece	510	520		Greece	1.02	
Hungary	56	94	155	Hungary	1.68	2.77
Iceland				Iceland		
Ireland				Ireland		
Italy	393	1242	1231	Italy	3.16	3.13
Latvia	139	355	121	Latvia	2.56	0.87
Lithuania	47	241	144	Lithuania	5.14	3.06
Luxembourg	198	386		Luxembourg	1.95	
Malta	856	470		Malta	0.55	
Moldova	114	107	78	Moldova	0.93	0.68
Monaco	756	1329		Monaco	1.76	
Montenegro	216		17	Montenegro		0.08
Netherlands	159	423		Netherlands	2.65	
Norway	175			Norway		
Poland	65	77	445	Poland	1.19	6.82
Portugal	417			Portugal		
Romania	216	219	138	Romania	1.02	0.64
Russian Federation	13			Russian Federation		
San Marino	788	1115	502	San Marino	1.41	0.64
Serbia	258		204	Serbia		0.79
Slovakia	238	79	123	Slovakia	0.33	0.52
Slovenia	327	112	302	Slovenia	0.34	0.92
Spain	303	222	410	Spain	0.73	1.35
Sweden	183	132	109	Sweden	0.72	0.59
Switzerland	132	205	112	Switzerland	1.56	0.85
The FYROM	63	102	345	The FYROM	1.63	5.52
Turkey	187		682	Turkey		3.64
Ukraine	55	103	268	Ukraine	1.89	4.92
UK-England and Wales				UK-England and Wales		
UK-Northern Ireland				UK-Northern Ireland		
UK-Scotland				UK-Scotland		
min	13	51	17	min	0.33	0.08
max	856	1329	1231	average	1.41	1.88
average	243	336	275	max	5.14	6.82

Table 34 - Total of civil, commercial and administrative law cases second instance DT in terms of first instance 2010 DT and highest instance DT in terms of second instance DT

Total of civil, commercial and administrative law cases Disposition time, in days (2010)				Total of civil, commercial and administrative law cases second instance DT in terms of first instance 2010 DT and highest instance DT in terms of second instance DT		
country	First instance DT	Second instance DT	Highest instance DT	country	(second instance DT 2010) / (first instance DT 2010)	(highest instance DT 2010) / (second instance DT 2010)
Albania	93			Albania		
Andorra	176	148		Andorra	0.84	
Armenia	163			Armenia		
Austria	74			Austria		
Azerbaijan	35			Azerbaijan		
Belgium				Belgium		
Bosnia and Herzegovina	666	316	299	Bosnia and Herzegovina	0.47	0.95
Bulgaria	113	126	126	Bulgaria	1.12	1.00
Croatia	220	322	420	Croatia	1.47	1.30
Cyprus	564	1252		Cyprus	2.22	
Czech Republic	124	101	229	Czech Republic	0.82	2.26
Denmark	337	151		Denmark	0.45	
Estonia	122	98	126	Estonia	0.81	1.29
Finland	95	181	274	Finland	1.91	1.51
France	272	361	317	France	1.33	0.88
Georgia	58	51	123	Georgia	0.88	2.41
Germany	240	118	132	Germany	0.49	1.11
Greece	510	520		Greece	1.02	
Hungary	56	94	155	Hungary	1.68	1.65
Iceland				Iceland		
Ireland				Ireland		
Italy	393	1242	1231	Italy	3.16	0.99
Latvia	139	355	121	Latvia	2.56	0.34
Lithuania	47	241	144	Lithuania	5.14	0.60
Luxembourg	198	386		Luxembourg	1.95	
Malta	856	470		Malta	0.55	
Moldova	114	107	78	Moldova	0.93	0.73
Monaco	756	1329		Monaco	1.76	
Montenegro	216		17	Montenegro		
Netherlands	159	423		Netherlands	2.65	
Norway	175			Norway		
Poland	65	77	445	Poland	1.19	5.74
Portugal	417			Portugal		
Romania	216	219	138	Romania	1.02	0.63
Russian Federation	13			Russian Federation		
San Marino	788	1115	502	San Marino	1.41	0.45
Serbia	258		204	Serbia		
Slovakia	238	79	123	Slovakia	0.33	1.56
Slovenia	327	112	302	Slovenia	0.34	2.70
Spain	303	222	410	Spain	0.73	1.85
Sweden	183	132	109	Sweden	0.72	0.83
Switzerland	132	205	112	Switzerland	1.56	0.55
The FYROM	63	102	345	The FYROM	1.63	3.38
Turkey	187		682	Turkey		
Ukraine	55	103	268	Ukraine	1.89	2.60
UK-England and Wales				UK-England and Wales		
UK-Northern Ireland				UK-Northern Ireland		
UK-Scotland				UK-Scotland		
min	13	51	17	min	0.33	0.34
max	856	1329	1231	average	1.41	1.55
average	243	336	275	max	5.14	5.74

Table 35 - Confronting Total of civil, commercial and administrative law cases second and highest instance DT / instance average DT) with (first instance 2010 DT / first instance average)

Total of civil, commercial and administrative law cases Disposition time, in days (2010)				Confronting (Total of civil, commercial and administrative law cases second and highest instance DT divided by second and highest instance average DT) with (first instance 2010 Disposition time divided first instance 2010 Disposition time average)		
country	First instance DT	Second instance DT	Highest instance DT	country	[[first instance DT 2010) / (first instance average DT 2010)] - [(second instance DT 2010) / (second instance average DT 2010)]	[[first instance DT 2010) / (first instance average DT 2010)] - [(highest instance DT 2010) / (highest instance average DT 2010)]
Albania	93			Albania		
Andorra	176	148		Andorra	0.28	
Armenia	163			Armenia		
Austria	74			Austria		
Azerbaijan	35			Azerbaijan		
Belgium				Belgium		
Bosnia & Herzegovina	666	316	299	Bosnia & Herzegovina	1.80	1.66
Bulgaria	113	126	126	Bulgaria	0.09	0.01
Croatia	220	322	420	Croatia	-0.05	-0.62
Cyprus	564	1252		Cyprus	-1.41	
Czech Republic	124	101	229	Czech Republic	0.21	-0.32
Denmark	337	151		Denmark	0.94	
Estonia	122	98	126	Estonia	0.21	0.04
Finland	95	181	274	Finland	-0.15	-0.60
France	272	361	317	France	0.05	-0.03
Georgia	58	51	123	Georgia	0.09	-0.21
Germany	240	118	132	Germany	0.63	0.51
Greece	510	520		Greece	0.55	
Hungary	56	94	155	Hungary	-0.05	-0.33
Iceland				Iceland		
Ireland				Ireland		
Italy	393	1242	1231	Italy	-2.08	-2.86
Latvia	139	355	121	Latvia	-0.49	0.13
Lithuania	47	241	144	Lithuania	-0.53	-0.33
Luxembourg	198	386		Luxembourg	-0.33	
Malta	856	470		Malta	2.12	
Moldova	114	107	78	Moldova	0.15	0.19
Monaco	756	1329		Monaco	-0.84	
Montenegro	216		17	Montenegro		0.83
Netherlands	159	423		Netherlands	-0.60	
Norway	175			Norway		
Poland	65	77	445	Poland	0.04	-1.35
Portugal	417			Portugal		
Romania	216	219	138	Romania	0.23	0.39
Russian Federation	13			Russian Federation		
San Marino	788	1115	502	San Marino	-0.08	1.42
Serbia	258		204	Serbia		0.32
Slovakia	238	79	123	Slovakia	0.74	0.53
Slovenia	327	112	302	Slovenia	1.01	0.25
Spain	303	222	410	Spain	0.58	-0.24
Sweden	183	132	109	Sweden	0.36	0.36
Switzerland	132	205	112	Switzerland	-0.07	0.13
The FYROM	63	102	345	The FYROM	-0.05	-1.00
Turkey	187		682	Turkey		-1.71
Ukraine	55	103	268	Ukraine	-0.08	-0.75
UK-England and Wales				UK-England and Wales		
UK-Northern Ireland				UK-Northern Ireland		
UK-Scotland				UK-Scotland		
min	13	51	17	min	-2.08	-2.86
max	856	1329	1231	average	0.10	-0.13
average	243	336	275	max	2.12	1.66

Table 36 - Total of civil, commercial and administrative law cases first second and highest instance 2010 DT deviation from the first second and highest instance 2010 DT average

Total of civil, commercial and administrative law cases Disposition time, in days (2010)			
country	First instance DT	Second instance DT	Highest instance DT
Albania	93		
Andorra	176	148	
Armenia	163		
Austria	74		
Azerbaijan	35		
Belgium			
Bosnia & Herz.	666	316	299
Bulgaria	113	126	126
Croatia	220	322	420
Cyprus	564	1252	
Czech Republic	124	101	229
Denmark	337	151	
Estonia	122	98	126
Finland	95	181	274
France	272	361	317
Georgia	58	51	123
Germany	240	118	132
Greece	510	520	
Hungary	56	94	155
Iceland			
Ireland			
Italy	393	1242	1231
Latvia	139	355	121
Lithuania	47	241	144
Luxembourg	198	386	
Malta	856	470	
Moldova	114	107	78
Monaco	756	1329	
Montenegro	216		17
Netherlands	159	423	
Norway	175		
Poland	65	77	445
Portugal	417		
Romania	216	219	138
Russian Federation	13		
San Marino	788	1115	502
Serbia	258		204
Slovakia	238	79	123
Slovenia	327	112	302
Spain	303	222	410
Sweden	183	132	109
Switzerland	132	205	112
The FYROM	63	102	345
Turkey	187		682
Ukraine	55	103	268
UK-England & Wales			
UK-Northern Ireland			
UK-Scotland			
min	13	51	17
max	856	1329	1231
average	243	336	275
stdev(s)	213	368	245

Total of civil, commercial and administrative law cases first second and highest instance 2010 Disposition time deviation from the first second and highest instance 2010 Disposition time average			
country	[(first instance DT 2010) - (first instance average DT 2010)] / [Stdev(s) first instance DT 2010]	[(second instance DT 2010) - (second instance average DT 2010)] / [Stdev(s) second instance DT 2010]	[(highest instance DT 2010)- (highest instance average DT 2010)] / [Stdev(s) highest instance DT2010]
Albania	-0.71		
Andorra	-0.32	-0.51	
Armenia	-0.38		
Austria	-0.80		
Azerbaijan	-0.98		
Belgium			
Bosnia & Herz.	1.99	-0.06	0.10
Bulgaria	-0.61	-0.57	-0.61
Croatia	-0.11	-0.04	0.59
Cyprus	1.51	2.49	
Czech Republic	-0.56	-0.64	-0.19
Denmark	0.44	-0.50	
Estonia	-0.57	-0.65	-0.61
Finland	-0.70	-0.42	0.00
France	0.14	0.07	0.17
Georgia	-0.87	-0.78	-0.62
Germany	-0.02	-0.59	-0.59
Greece	1.25	0.50	
Hungary	-0.88	-0.66	-0.49
Iceland			
Ireland			
Italy	0.70	2.46	3.90
Latvia	-0.49	0.05	-0.63
Lithuania	-0.92	-0.26	-0.54
Luxembourg	-0.21	0.13	
Malta	2.88	0.36	
Moldova	-0.61	-0.62	-0.81
Monaco	2.41	2.70	
Montenegro	-0.13		-1.05
Netherlands	-0.39	0.24	
Norway	-0.32		
Poland	-0.84	-0.70	0.69
Portugal	0.82		
Romania	-0.13	-0.32	-0.56
Russian Fed.	-1.08		
San Marino	2.56	2.12	0.93
Serbia	0.07		-0.29
Slovakia	-0.02	-0.70	-0.62
Slovenia	0.39	-0.61	0.11
Spain	0.28	-0.31	0.55
Sweden	-0.28	-0.56	-0.68
Switzerland	-0.52	-0.36	-0.66
The FYROM	-0.85	-0.64	0.29
Turkey	-0.26		1.66
Ukraine	-0.89	-0.63	-0.03
UK-England & Wales			
UK-Northern Ireland			
UK-Scotland			
min	-1.08	-0.78	-1.05
average	0.00	0.00	0.00
max	2.88	2.70	3.90

Annex 5 - Member State Data schema

During the previous edition exercise it was considered useful to have synthetic State tables. The tables provides a vision of the State main length of proceeding related data and indicators by category of cases, at first, second and highest court level, in 2006, 2008 and 2010. What follows is the extended schema used for the 2010-2012 edition of Cepej evaluation cycle:

Courts Activity in [Country ...]: Facts and Figures

Cepej 2006-2010 data

Marco Velicogna, IRSIG-CNR
August 2013

This document provides the basic facts and figures on caseload and performance of first, second and highest instance courts in [Country ...]. Data are provided by the Cepej evaluation exercises of 2012, 2010 and 2008. It is structured in three sections, the first one providing information on other than criminal cases, the second on criminal cases and the third on the four GOJUST Guidelines mandatory case categories (litigious divorce cases, employment dismissal case, robbery, and intentional homicide). Those who are interested in a comparative analysis of caseload and performance of the Council of Europe Member States can look at the European judicial systems study, Edition 2012 (data 2010) for first instance courts; and at the Study on Council of Europe Member States Appeal and Supreme Courts' Lengths of Proceedings Edition 2012 (2006-2010 data) for second and highest instance courts.

Cepej Case categories from the Cepej Evaluation Scheme:

Other than criminal law cases includes:

- Total of other than criminal law cases. It corresponds to the sum of the seven categories 1-7 presented below. What is included in the total of other than criminal law cases aggregated category may vary consistently from justice system to justice system. For this reason comparisons should be limited to clusters of systems with similar characteristics - e.g. dealing or not dealing with land and business registry cases).
- 1. Civil and commercial litigious cases (if feasible without administrative law cases, see category 6).
- 2. Civil and commercial non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7).
- 3. Enforcement cases.
- 4. Land registry cases.
- 5. Business registry cases.
- 6. Administrative law cases (litigious and non-litigious).
- 7. Other cases (e.g. insolvency registry case).

This document does not provide separated data and figures for categories 3,4,5,7.

Criminal Cases includes:

- Total of criminal cases (which correspond to the sum of the following two categories 8+9).
- 8. Severe criminal cases.
- 9. Misdemeanour and / or minor criminal cases.

GOJUST Guidelines mandatory case categories includes:

- Litigious divorce cases.
- Employment dismissal cases.
- Robbery cases.
- Intentional homicide cases.

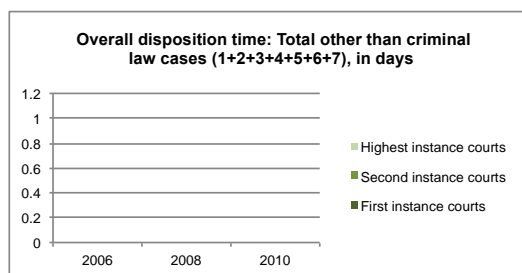
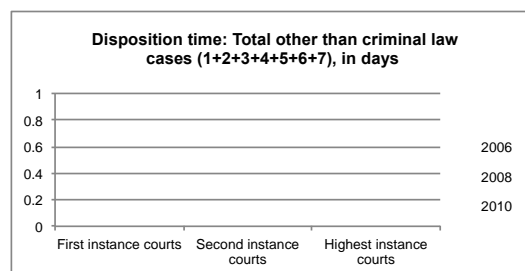
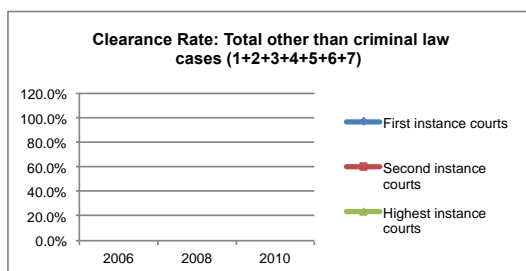
Definitions and acronyms:

- *Incoming cases*: It is the number of new cases that have been dealt with by the court instance during the year of reference. The Information is provided by the Council of Europe Member State.
 - *Resolved cases*: It is the number of cases that have been dealt with by the court instance during the year of reference. The Information is provided by the Council of Europe Member State.
 - *Pending cases on 31 Dec.*: It is the number of cases that still have to be dealt with by the court instance at the end of the considered year (31 December). The Information is provided by the Council of Europe Member State.
 - *Clearance rate*: It is calculated dividing the number of incoming cases by the number of resolved cases. The value is calculated on the basis of the information provided by the Council of Europe Member State and provided as a percentage.
 - *Case turnover ratio*: It is calculated dividing the number of cases resolved during the year of reference by the number of pending cases at the end of the year of reference. The ratios measure how quickly a court instance turns over the received cases. The value is calculated on the basis of the information provided by the Council of Europe Member State.
 - *Disposition time*: It is calculated by dividing the 365 days of a year by the number of resolved cases in the year of reference and multiplying them by the number of pending cases at the end of the year. It estimates the number of days necessary for a pending case to be solved in court. The value is calculated on the basis of the information provided by the Council of Europe Member State.
 - *Average length*: Average length to the procedure per court instance for the year of reference. The information is provided by the Council of Europe Member State.
 - *Average total length*: total average length to the procedure for the year of reference. The information is provided by the Council of Europe Member State.

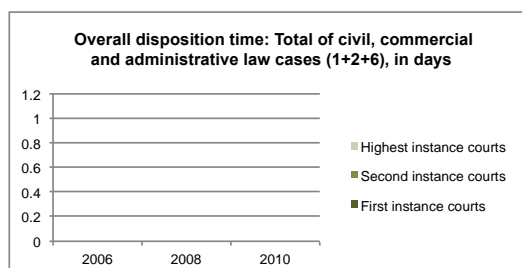
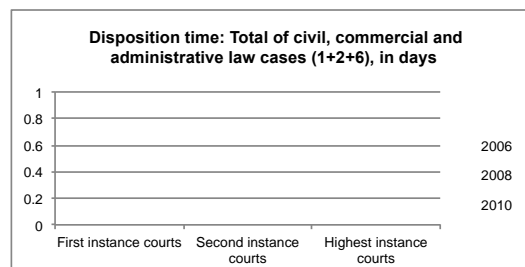
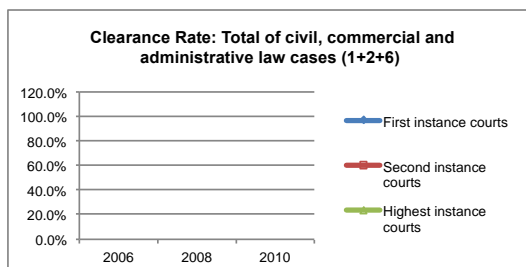
 - NA: The answer NA (= not available) is provided if the courts have a procedure dealing with a case category at that instance but the data is not available for that category.
 - NAP: answer is NAP (= not applicable) is provided if the courts for that instance are not responsible for any activity related to the specific category of cases (e.g. courts do not deal with business register or land register cases). Furthermore, if administrative cases are handled by the courts of general jurisdiction and do not have a separate procedure, the administrative case category is considered NAP.
-

Other than criminal cases

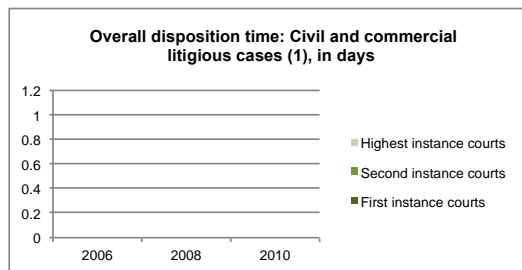
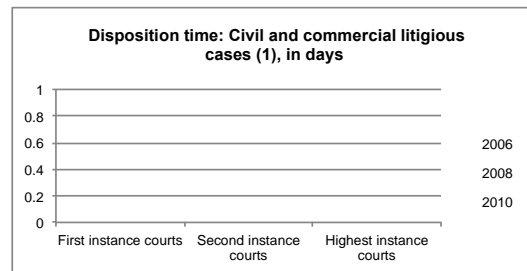
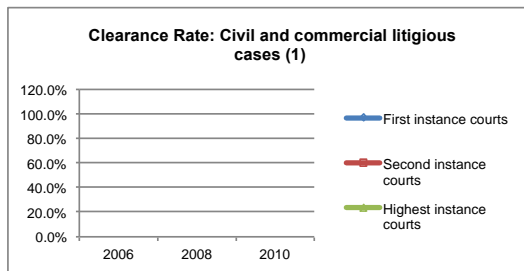
[Country ...], total other than criminal law cases (1+2+3+4+5+6+7)									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									



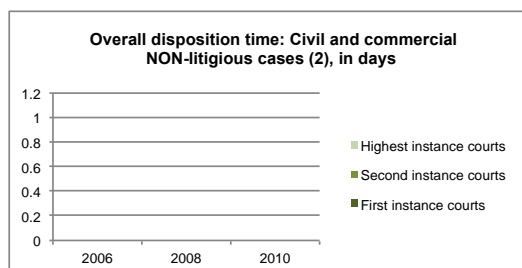
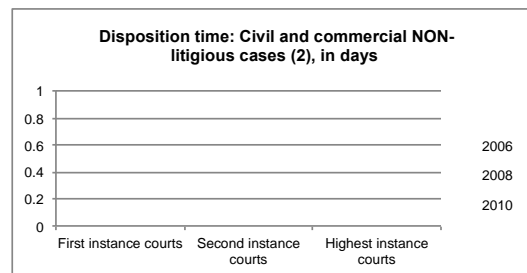
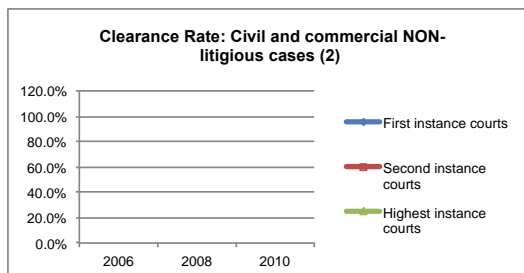
[Country ...], total of civil, commercial and administrative law cases (1+2+6), calculated only if data is available in each of the 3 categories; NAP in categories 2 or 6 is considered as 0									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									



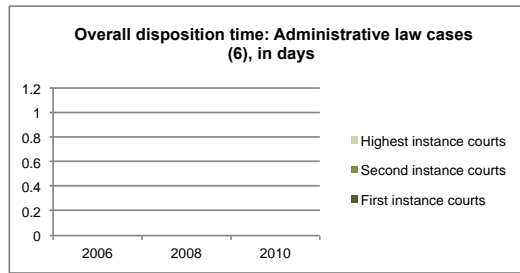
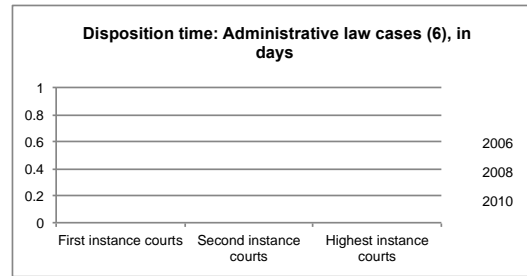
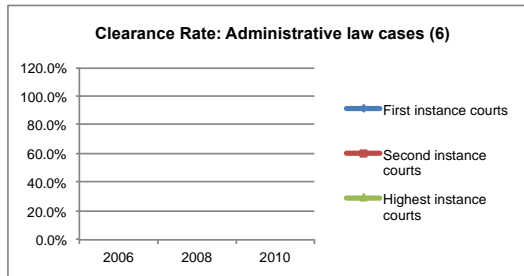
[Country ...], civil and commercial litigious cases (1)									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									



[Country ...], civil and commercial NON-litigious cases (2)									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									

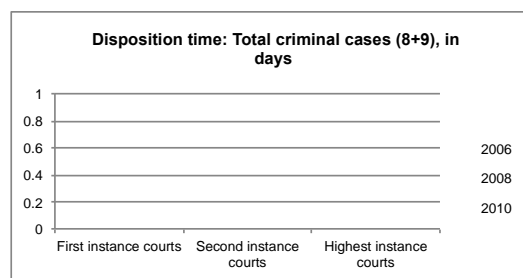
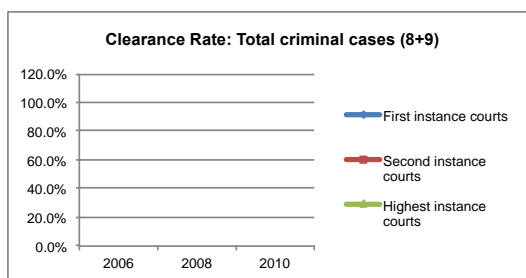


[Country ...], administrative law cases (6)									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									

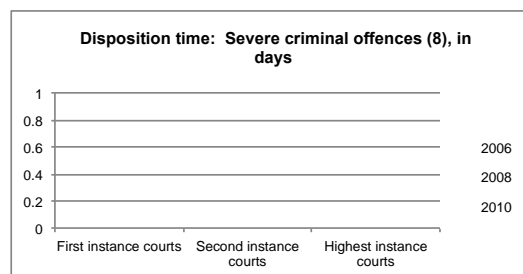
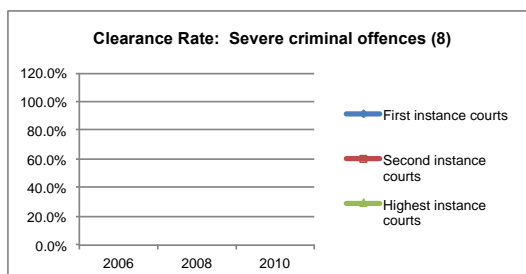


Criminal cases

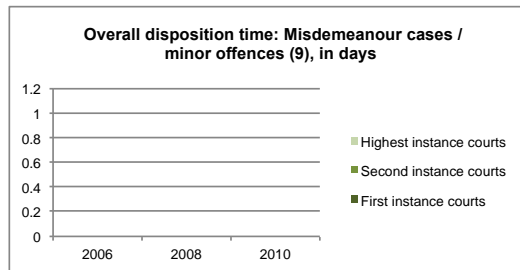
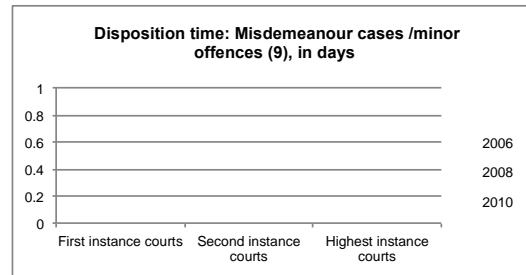
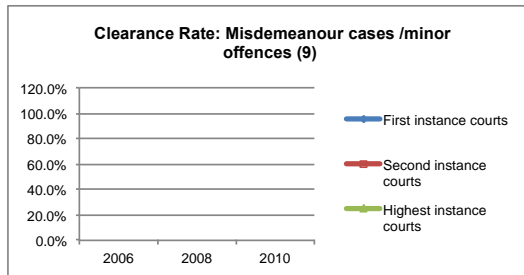
[Country ...], total criminal cases (8+9)									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									



[Country ...], criminal cases, severe criminal offences (8)									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									



[Country ...], misdemeanour cases /minor offences (9)									
	Incoming cases			Resolved cases			Pending cases on 31 Dec.		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0
	Clearance rate			Case Turnover Ratio (per single instance)			Disposition time (per single instance)		
	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts	First instance courts	Second instance courts	Highest instance courts
2006									
2008									
2010									



GOJUST Guidelines mandatory case categories

To get a better understanding of the workload of the courts in Europe, and to compare the figures in a more reliable manner, four case categories have been selected in the Evaluation Scheme for additional analysis, according to the "GOJUST" Guidelines adopted by the CEPEJ in December 2008 (CEPEJ(2008)11). The case categories concerned are based on the assumption that, in all courts in Europe, these are dealt with in quite a similar way. The four categories are defined in the explanatory note to the Evaluation Scheme as follows:

1. Litigious divorce cases: i.e. the dissolution of a marriage contract between two persons, by the judgment of a competent court. The data should not include: divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (procedures by mutual consent, even if they are processed by the court) or ruled on through an administrative procedure.
2. Employment dismissal cases: cases concerning the termination of (an) employment (contract) at the initiative of the employer (working in the private sector). These do not include dismissals of public officials, following a disciplinary procedure for instance.
3. Robbery concerns stealing from a person with force or threat of force. If possible these figures should include: muggings (bag-snatching, armed theft, etc.) and exclude pick-pocketing, extortion and blackmail (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts.
4. Intentional homicide is defined as the intentional killing of a person. Where possible the figures should include: assault leading to death, euthanasia (where this is forbidden by the law), infanticide and exclude suicide assistance (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts.

Litigious divorce cases	1st instance (average length)	2nd instance (average length)	3rd instance (average length)	Total procedure (average total length)
2006	0	0	0	0
2008	0	0	0	0
2010	0	0	0	0

Employment dismissal cases	1st instance (average length)	2nd instance (average length)	3rd instance (average length)	Total procedure (average total length)
2006	0	0	0	0
2008	0	0	0	0
2010	0	0	0	0

Robbery cases	1st instance (average length)	2nd instance (average length)	3rd instance (average length)	Total procedure (average total length)
2006	0	0	0	0
2008	0	0	0	0
2010	0	0	0	0

Intentional homicide	1st instance (average length)	2nd instance (average length)	3rd instance (average length)	Total procedure (average total length)
2006	0	0	0	0
2008	0	0	0	0
2010	0	0	0	0