EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

STUDY ON THE LENGTH OF THE STAGES OF CIVIL PROCEEDINGS

How does the duration of different stages in ordinary civil proceedings affect the overall length of civil cases? Causes of delay and possible remedial measures

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Table of Contents

I. INTRODUCTION 2
   A. Objective of the Study 2
   B. Scope and relevance 2
   C. Cross-cutting issues 3
   D. Methodology of the Study 3
II. STAGE-BY-STAGE ANALYSIS 4
STAGE I – PRE-TRIAL PHASE: From the document service to the defendant response 6
   A. National legislation and practice 6
   B. Reasons for delays 7
   C. Good practices 7
STAGE II –TRIAL PHASE 1: From the pre-trial to the trial stage 8
   A. National legislation and practice 9
   B. Reasons for delays 9
   C. Good practices 9
STAGE III –TRIAL PHASE 2: From the preliminary hearing to the final hearing 11
   A. National legislation and practice 11
   B. Reasons for delays 11
   C. Good practices 12
STAGE IV - POST-TRIAL PHASE 1: From the final hearing to the judgment delivery 13
   A. National legislation and practice 13
   B. Reasons for delays 14
   C. Good practices 14
STAGE V - POST-TRIAL PHASE 2: From the judgment delivery to appeal submission 16
   A. National legislation and practice 16
   B. Reasons for delays 17
   C. Good practices 17
III. CONCLUSIONS 18
ANNEX - SUMMARY OF INTERVIEWS WITH PILOT COURTS 19

I. INTRODUCTION

Article 6 of the European Convention on Human Rights guarantees the right to a fair trial within a reasonable time by an independent and impartial tribunal. The European Court of Human Rights assesses the excessive duration of proceedings in light of the circumstances of the case, having regard in particular to the complexity of each case, the conduct of the applicant and of the relevant authorities, and the importance of what was at stake for the applicant in the litigation. Many member States introduced domestic remedies before a national authority to provide redress to excessively lengthy proceedings, whether ongoing (*mechanism of preventing delays or accelerating proceedings*) or concluded proceedings (*mechanism of compensation*). The introduction of effective remedies is intended to ensure the protection of the rights guaranteed by the Convention within domestic legal systems and, consequently, to prevent applications from being brought before the European Court of Human Rights.

Despite the introduction of effective remedies by member States, the lengthy proceedings continue to pose challenges in Europe, as evidenced by evaluation reports of European judicial systems regularly published by the European Commission for the Efficiency of Justice (CEPEJ). The data gathered during the evaluation cycles show that the theoretical time necessary to process a case, as reflected by the *Disposition Time* indicator[1], continues to be lengthy, particularly in first and second instance proceedings for civil and commercial litigious cases. The third (highest) instances are generally the most efficient. Moreover, criminal proceedings tend to be resolved more swiftly than civil and administrative cases.[2]

A. Objective of the Study

The Study aims to identify common stages in ordinary civil proceedings across various European judicial systems, pinpoint the factors contributing to delays, and highlight effective practices that could enhance the efficiency of different procedural stages. While judicial systems differ significantly and direct comparisons may be misleading, the CEPEJ considers it valuable to draw attention to successful approaches intended to inspire reflection on possible measures that can be taken within judicial reforms, without being rigidly applied or providing prescriptive models to member States.

B. Scope and relevance

The Study focuses on the following stages of civil proceedings considered as common for the judicial systems: service of documents and filing a response to the legal action by the defendant, reception of the defendant's response or proof of summoning and the holding of the preliminary/first hearing, holding the preliminary hearing and final hearing, closure of the final hearing and issuing a written judgment, and issuing a written judgment and filing an appeal on the first instance judgment. These stages reflected the majority of judicial systems in Europe. However, it should be noted that it is not always easy to set up a clear separation between different stages bearing in mind the differences in the organisation of civil proceedings in the various European judicial systems.

The data of this study were collected under these stages on the legal and actual (or estimated) duration of each stage of civil proceedings, the actions taken by both courts and parties and reasons for possible delays, if there is a difference between deadlines prescribed by law and actual or estimated duration. The civil proceedings are referred to as (ordinary/standard)

[1] *Disposition Time* (DT) reveals the theoretical time needed for a pending case to be resolved, considering the current pace of work. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period and then multiplying the result by 365 to express it in days.

[2] This document was drawn up under the supervision of the Working group on judicial time management (CEPEJ-SATURN) and completed by the Working group on effectiveness of judicial proceedings (CEPEJ-GT-EFF), assisted by Guillaume Dartigue (France), scientific expert, and Pawel Wrzaszcz (Poland), member of the CEPEJ-GT-EFF.

regular civil proceedings and not to any other kind of specific (subtype) of civil proceedings, such as small claims, or simplified or specialised proceedings.

C. Cross-cutting issues

Although the study focuses on the various stages, some of the difficulties identified as being at the root of extensive delays in standard civil procedures are transversal in nature and affect the entire civil proceedings, greatly contributing to their overall length. These difficulties often stem from structural factors, related both to the functioning and organisation of judicial systems and to the behaviour of the parties.

Delays may be due to material constraints and other limitations such as understaffing, the lack of legal and administrative staff in courts, insufficient number of courtrooms, unequal allocation of cases, the lack of judicial experts, increased complexity of cases and other factors. These factors, combined with a significant judicial workload, make it more difficult to schedule hearings and contribute to the prolongation of civil proceedings.

Certain practices and behaviours of the parties to the proceedings (e.g. contestation of expert conclusions, introduction of new elements at the last minute, etc.) can also lead to significant delays, especially when they occur in the absence of binding legal deadlines or effective monitoring of the existing deadlines.

These factors have a systemic dimension and most often operate in conjunction with one another. That is why they must be taken into account in the analysis and understanding of the causes of delay in civil procedures, as well as in identifying solutions to remedy them.

D. Methodology of the Study

The Study is based on information provided by members of the CEPEJ Network of pilot courts collected in several stages over a period of time. Nine CEPEJ pilot courts participated in the research from the following countries: Finland (Rovaniemi), Germany (Freiburg im Breisgau), Italy (Turin), Poland (Lublin-East and Warsaw), Portugal (Coimbra), the Slovak Republic (Banska Bystrica), Slovenia (Maribor), and the United Kingdom – England and Wales (Reading). These pilot courts responded to a call for expression of interest conducted in 2023. Some of the representatives of these courts were also members of the SATURN Working Group on Judicial Time Management (i.e. Italy, Poland and Slovenia).

In the first stage of the research, a questionnaire was developed, identifying the different stages of ordinary civil proceedings. The questionnaire was disseminated to the Network of Pilot Courts in 2023. Afterwards, both online and in-person meetings were organised with the above-mentioned pilot courts to discuss the matters of the Study. Subsequently, detailed interviews were conducted individually with each pilot court to gather in-depth information on their experiences across the different stages of proceedings. These interviews made it possible to identify factors contributing to delays in standard civil proceedings, as well as to highlight good practices that could help address such delays (see Annex to the Study).

On the basis of these interviews and further research, the Working Group on Judicial Time Management (CEPEJ-SATURN) began drafting the present Study, which was subsequently finalised by the Working Group on Effectiveness of judicial proceedings (CEPEJ-GT-EFF), in place since in 2026.

This Study is not exhaustive, as it is based primarily on information provided by nine courts across eight countries. Consequently, it does not offer a comprehensive overview of the situation in all Council of Europe Member States, and it rather presents a sample of practices observed in the relevant courts, reflecting their own views and perspectives. The measures highlighted in the Study are not universally applicable;

rather, they serve as illustrative examples of approaches identified during the research that have helped address specific shortcomings in some courts in these countries and may serve as inspiration to others.

II. STAGE-BY-STAGE ANALYSIS

For the purpose of the Study, each step of the civil proceedings has been analysed to assess the main causes of delays and identified practices to address such delays based on the information received from the selected pilot courts. The table below provides a brief overview of the main reasons for delays and potential practices conducive to reducing the delays. More detailed information can be found in the core of the Study.

	Stages	*Reasons for delays*	*Possible remedial measures*
1.	Stage I Pre-trial phase	- Courts' limited ability to promptly and reliably ascertain the defendant's addresses; - The absence of effective e-filing systems enabling the electronic service of documents.	- Providing courts with access to reliable databases or population registers to facilitate the identification of defendants' addresses; - Where appropriate, considering the establishment of a national register of natural persons accessible to courts; - Introducing clear rules on the legal fiction of the service of documents to ensure effective notification of defendants, alongside broader measures to advance the digitalisation of justice (e-justice), including e-filing systems; - Establishing clear deadlines for defendants' responses, with non-compliance sanctioned by default judgment.
2.	Stage II Trial phase 1	- Overburdened and understaffed courts.	- Holding preparatory/preliminary hearings to prepare the case for the main hearing, in particular by clarifying procedural timetables, the issues in dispute, and the need for judicial expertise; - Setting strict or binding procedural calendars and taking measures to ensure compliance by the parties; - Promoting judicial conciliation and other forms of amicable dispute resolution, including mediation.
3.	Stage III Trial phase 2	- Increasing complexity of cases, coupled with lengthy submissions by the parties and lawyers;	- Adopting measures to enhance the efficient use of judicial expertise, including the establishment and maintenance of comprehensive databases of

		- Limited availability of experts and prolonged waiting times for the preparation of expert reports; - Underutilisation of remote hearings; - Frequent postponement of hearings due to procedural loopholes, dilatory tactics, and the non-appearance of witnesses or court-appointed experts.	judicial experts, fair and timely remuneration, clearly defined terms of reference, and realistic deadlines for the submission of expert reports, while also improving the overall attractiveness of the function of judicial experts; - Encouraging the use of remote hearings, particularly for straightforward cases and procedural matters; - Discouraging unjustified adjournments through appropriate sanctions, and promoting proportionate reliance on written or remote witness testimony where suitable; - Promoting structured and reasonably concise written submissions by legal representatives, alongside measures aimed at reducing excessive length.
4.	Stage IV <u>Judgment phase</u>	- The time-consuming nature of drafting reasoned judicial decisions.	- Using templates to streamline drafting in certain categories of cases, particularly repetitive ones; - Introduction “oral reasoning” (motives or statement of reasons) to dispense judges from writing reasoned judgments in certain circumstances.
5.	Stage V <u>Appeal phase</u>	- The role of courts of first instance in verifying admissibility and preparing case files for transmission to appellate courts; - Procedural requirements that may extend the time needed to request or obtain a written judgment prior to filing an appeal.	- Reducing administrative burdens on courts of first instance by transferring admissibility checks to appellate courts; - Introducing electronic transmission of appealed decisions.

STAGE I – PRE-TRIAL PHASE: From the document service to the defendant response

The first stage corresponds to what may be identified as the **pre-trial phase** of standard civil proceedings, encompassing all the actions relating to the initiation of the procedure. This stage is composed of two main steps. Firstly, the **documents' service**, which is defined as the time between sending the documents initiating legal action by the claimant and their reception by a defendant. This step of proceedings should result in the statement of claim being effectively filed and duly served on the defendant. Secondly, the **defendant's response to the legal action**, which refers to the time between the reception of the documents initiating a legal action by the defendant and submission of the response. In some judicial systems, the response may be submitted to a court, which then transmits it to the other party/parties. In other systems, the defendant delivers their response directly to the claimant and submits proof of service to the court. These two steps of the proceedings are closely related and considered jointly in this Study.

A. National legislation and practice

Serving document by the plaintiff

		Deadlines prescribed by laws/regulations (in days)	Estimated duration of the procedural step (in days)
1.	Italy		1 – 10
2.	Poland		30
3.	Finland		30
4.	Germany		30
5.	Portugal	30	15
6.	Slovak Republic		30
7.	Slovenia	30	
8.	UK – England and Wales	112	5

Filing a response to the legal action

		Deadlines prescribed by laws/regulations (in days)	Estimated duration of the procedural step (in days)
1.	Italy	50	50
2.	Poland	no shorter than 14	14- 30
3.	Finland		21 - 30
4.	Germany	14	50
5.	Portugal	30	30
6.	Slovak Republic		15
7.	Slovenia	30	30
8.	UK - England and Wales	28	28

B. Reasons for delays

Delays at the stage of service of documents in civil proceedings are primarily driven by two interrelated factors. First, courts often face difficulties in **promptly and reliably establishing the defendant's address**, particularly in systems relying on postal service for notification. When postal delivery fails, courts often engage in complex and resource-intensive verification procedures involving third parties, such as police authorities or enforcement agents, which may significantly prolong proceedings (e.g. Poland). Second, the **absence or limited development of effective e-filing systems** seems to contribute to delays, as communication continues to rely predominantly on postal services, combined with other methods if postal delivery fails, such as the recourse to enforcement agents. From the research it transpires that **procedural delays in this stage of civil proceedings seem to occur more frequently when service is performed by post in comparison with electronic service of documents.**

C. Good practices

I. Implementing electronic systems for serving documents and handling responses from the defendant

The research illustrates a clear trend towards the implementation of the electronic service of documents. In some systems, the electronic service of documents predominantly applies only to lawyers (e.g. Germany and Italy) while in others both natural parties and legal representatives can serve documents electronically (e.g. Finland). In Finland, all case documentation is processed electronically with full remote access to files by both legal representatives and natural parties. In Germany, legal representation is required before the *Landgericht* (first instance courts for claims exceeding €10,000**) obliging lawyers to file documents and communicate exclusively by electronic means**. Similar system exists in the UK (England and Wales) where, once a lawyer has been appointed, documents are served automatically to the relevant lawyer through an electronic portal. In the Slovak Republic and Portugal, legal entities are **obliged to maintain a digital mailbox** (an official government-issued electronic address) **for the receipt of all official documents, including court related claims**, whereas such a system remains voluntary for natural persons.

The increased use of electronic communication in courts presupposes the adaptation of the rules relating to service of documents to the defendant.[3] Several legal frameworks define the precise moment at which service is deemed effective. In Finland and Italy, **the delivery of documents is considered valid once it can be reasonably established that the electronic message has reached the recipient's device, regardless of whether the message has been opened**. The Slovak Republic introduced a legal fiction under which service is deemed effective 15 days after dispatch, even if the recipient has not accessed the electronic message (an official government-issued electronic address). This legal fiction of delivery prevents the burden of repeated delivery attempts.

II. Providing access by courts to a reliable civil register

Several countries have established **a (national) civil register for natural persons** that is accessible to courts. This system facilitates the identification of defendants' address enabling the courts to identify a valid address rapidly. Such registers operate in Slovenia, Portugal, Italy, the Slovak Republic, Finland, Germany, and the UK (England and Wales). In States, such as Italy, where the responsibility for serving documents lies entirely with the parties, the latter (usually their legal representative) is allowed to consult the register to ensure the effective service of judicial documents. Similarly, in Finland, if the defendant's information is missing, the court uses a national civil register to obtain the most recent postal address. However, some

[3] See in particular Guidelines on electronic court filing (e-filing) and digitalisation of courts (12/2021)

countries do not have such a register and use **other notification methods**, such as publication in newspapers, noticeboards, and in some cases posting notices at municipal offices or police stations or providing access to courts to electronic public databases, for example those established by the police.

National registers are intended to reduce costly and time-consuming verification efforts by courts and to ensure greater predictability at the commencement of proceedings. However, their effectiveness depends on the **accuracy and regularity of updates**. In practice, where obligations to update address information are weakly enforced, registers may contain outdated data, leading to inefficiencies and delays. By contrast, where this obligation is effectively enforced, it enhances the reliability of the register. For example, in Finland, it is the responsibility of individuals to keep their postal address information updated in the register. Documents sent to the registered address are considered legally served, even if the defendant failed to update their information or did not physically collect them. In Germany, the courts may impose fines for failure to update one's address, however, non-compliance with registration obligations is statistically rare and limited to a small segment of the population. This allows courts to proceed with the case, and the absence of actual receipt no longer constitutes a factor capable of prolonging proceedings.

III. Setting deadlines for defendant response and default judgment

The defendant's failure to respond diligently often leads to procedural delays. To mitigate such delays, most States provide for default judgments, though the procedures and requirements vary by jurisdiction. In Portugal, for instance, **if the defendant fails to respond after valid service, the plaintiff's allegations are deemed proven, allowing the court to issue a written judgment without a hearing**. In Finland, default judgments are more frequently rendered in first-instance cases, provided it is verified that the defendant was properly served and knowingly chose not to reply. In Germany, a default judgment may be issued in written proceedings upon request if the defendant fails to file a notice of defence. If the court sets an early first hearing date, a default judgment is issued at that hearing if the defendant fails to appear in the courts. In the UK (England and Wales), if the defendant does not respond within 28 days of receiving the claim – unless the period is extended by agreement – the court may issue a default judgment. Importantly, **default judgments may be set aside if the defendant can show there was improper service, which could lead to a full restart of proceedings**.

STAGE II –TRIAL PHASE 1: From the pre-trial to the trial stage

This stage stands at the boundary between the conclusion of the pre-trial phase and the beginning of the trial itself. The stage refers to the time between the court's reception of the defendant's response or proof of summoning and the holding of the preliminary or first hearing. Its purpose is generally to **structure procedural actions, identify issues in dispute, and set the procedural timetable for subsequent procedural steps**. This stage is key for the effective planning of the trial encompassing the setting up of procedural calendars, holding preliminary or first hearings and exploring the possibilities of resolving disputes without resorting to trial. In some jurisdictions, such as Italy, there is no concept of a preliminary hearing, and the first hearing plays both preparatory and adjudicatory roles.

A. National legislation and practice

		Deadlines prescribed by laws/regulations (in days)	Estimated duration of the procedural step (in days)
1.	Italy		70
2.	Poland		90 - 180
3.	Finland		60
4.	Germany		50 - 120
5.	Portugal	30	45 - 60
6.	Slovak Republic		90
7.	Slovenia		180
8.	UK - England and Wales		

B. Reasons for delays

In several jurisdictions, delays in scheduling the first hearing stem from structural reasons linked to **overburdened and understaffed courts.** A large number of cases that cause heavy workload of judges and court staff contribute to the delayed processing of cases. This particularly applied to larger courts located in capitals or larger cities where the waiting time for the preliminary or first hearing may amount regularly to six months or longer. For example, in Italy the plaintiff must schedule the first hearing within 120 days after the other party has been officially notified of the case, and the law allows an additional delay of up to 45 days to accommodate judicial workload.

C. Good practices

I. Holding a preliminary or first hearing

The use of preliminary hearings varies considerably across countries and courts. In some countries, the hearings are also called preparatory or first hearings. In some countries such hearings are mandatory while in others there are optional. Where they are mandatory, interlocutors indicated that preparatory hearings appear to **facilitate the preparation of the case and the steps in the proceedings ahead of the main hearing**. In general, they serve to identify key issues in dispute, clarify contested matters, and agree on the evidence or expert opinions to be presented during the main hearings. They also serve to **explore the potential for conciliation and settlement of disputes without resorting to litigation**. In countries where such preliminary hearings are not compulsory, they tend to be held in straightforward cases where they may function as the main hearings, enabling the case to be resolved at an early stage (e.g. Germany and the Slovak Republic).

Finland and the UK (England and Wales) are examples of countries that use both a written preparatory stage and preparatory hearings. In Finland, preliminary hearings are part of a broader preparatory phase allowing to submit written submissions to better prepare the entire trial phase. Written exchanges with the parties carried out by e-mail allow the judge to clarify claims, ensure completeness of witness lists and documentary evidence, and pose specific questions. Following this exchange, a compulsory oral preparatory hearing is held, which serves to confirm all evidentiary elements, identify the key points in dispute, and narrow down the scope of the trial, wherever possible. In the UK (England and Wales), preliminary hearings are useful for the preparation of the timetable and procedural roadmap for the trial, including deadlines for document exchange, witness statements and expert opinions. These hearings – referred to as case management hearings – are scheduled by a district judge after having reviewed submissions by parties and the completed Directions Questionnaire gathering procedural information relevant to the preparation of the case (e.g. expected trial duration, intended witnesses, the use of expert or medical reports, language requirements, and any need for translation services (see also the section below)). Following preliminary hearings, **judges set up a case-specific timetable with fixed deadlines for the submission of all evidence. Any late submissions of evidence or new evidence require judicial approval**.

II. Setting procedural calendars

Many countries allow for establishing procedural calendars to plan the judicial process. The procedural calendars serve to agree on a **timetable for different judicial actions and submission of documents by the parties**. Procedural calendars are usually set up during preliminary hearings. For instance, in the UK (England and Wales), two key procedural tools – the Directions Questionnaire and Pre-trial Checklist – are used to help to prepare a roadmap for the litigation process. A Directions Questionnaire (DQ) is a form that parties complete early in the proceedings before the preliminary hearing while a Pre-trial Checklist is used later in the process between the preliminary and main hearings. The DQ helps the courts to decide which track the case should be allocated to and understanding how complex the case is, determine how much time the hearing may require, identify whether expert evidence is needed and consider mediation or settlement options. The Pre-Trial Checklist serves to confirm the readiness of the parties for trial. Additionally, it helps confirm that witness settlements have been exchanged, expert opinions are completed, and the case is ready for trial.

Procedural calendars generally enhance the organisation of trials **by promoting greater procedural discipline** and facilitating the litigation through the timely consideration of all documentation and evidence. The establishment of procedural calendars encourages parties to prepare their cases thoroughly at an early stage of the proceedings, thereby reducing the likelihood of unforeseen procedural issues arising later. However, in some jurisdictions **their implementation is considered challenging due to parties' failure to adhere to prescribed timetables** and the time-consuming nature of renegotiations. Repeated extension requests and adjournments contribute to delays. Furthermore, changes to procedural calendars may require a new pre-trial hearing and the issuance of a fresh court order, which can impose **significant administrative burdens on judges and court staff** (e.g. Poland).

III. Implementing in-court conciliation

In most countries, legislation empowers judges to attempt conciliation in civil proceedings, particularly in family and commercial matters. Although in-court conciliation is often provided by law, its potential is explored differently across European jurisdictions. While settlement rates vary among judges, some pilot courts (e.g. in Germany and Portugal) reported that settlement rates by judicial conciliation of approximately 30 - 40% are common in civil proceedings. This method of settlement has recently undergone further development, allowing cases to be referred to specialised conciliation judges or chambers[4].

The mechanisms governing in-court conciliation, as well as the reasons for its use are diverse in the countries under review. In Germany, Italy and Poland, **judges may explore conciliation at any point during civil proceedings and at all procedural stages,** while in Portugal, the Slovak Republic and Slovenia, in-court conciliation is rather applied at the initial stage of proceedings, mainly during preliminary hearings. In Finland, in addition to the possibility of

[4] For example, in Belgium, courts have established dedicated amicable settlement chambers covering civil, social, and commercial matters.

conciliation or settlement during the mandatory preliminary oral phase or the main hearing, a separate judicial conciliation mechanism is available even before a case is formally filed.

While many countries encourage recourse to in-court conciliation through different approaches, practical experience with this type of conciliation largely depends on the nature of the case and on judges' attitudes and skills. Some interlocutors considered it useful to invest in the **promotion of conciliation and development of judges' conciliation skills, supported by comprehensive training**. Judicial conciliation should also be understood as complementary to other alternative dispute resolution mechanisms, including mediation.

STAGE III –TRIAL PHASE 2: From the preliminary hearing to the final hearing

The second part of the trial stage concerns the time between the preliminary or first hearing and the final hearing. It includes all procedural actions conducted within this timeframe, as well as the time intervals between hearings. This time often includes **multiple hearings**, **adjournments, and evidentiary steps**, such as the production of expert reports, collection of missing documents, and summoning of witnesses. Unlike the pre-trial phase, which is primarily concerned with structuring the case, this stage involves the submission and evaluation of evidence, as well as the management of procedural matters.

A. National legislation and practice

		Deadlines prescribed by laws/regulations (in days)	Estimated duration of the procedural step (in days)
1.	Italy		120 - 730
2.	Poland	180 (commercial cases)	120 - 730
3.	Finland		60
4.	Germany		
5.	Portugal		90
6.	Slovak Republic		
7.	Slovenia		290
8.	UK – England and Wales	210	480

B. Reasons for delays

Delays in this phase may stem from several interconnected causes such as the complexity of cases, **multi-party litigation, extensive documentary submissions** and **expert opinions**. In Italy, the inclusion of a new party automatically triggers a 120-day waiting period before the subsequent hearing, and this process may be repeated multiple times. In Portugal, all evidence must be presented at the final hearing, including party testimony and witness examination. In Germany, procedural inefficiencies stem from extensive written submissions, with **legal briefs often exceeding 100 pages and containing repetitive content** which judges are obliged to review. Second, evidence, particularly expert reports, represents a major source of delay, owing to a great extent to **limited availability of experts**. In Slovenia and Portugal, expert reports frequently take several months, and reliance on court-appointed experts is one of the primary causes of inefficiency, particularly where experts are scarce. In Slovenia in particular, reports may take three to six months, and further delays arise when parties contest conclusions or request supplementary opinions.

C. Good practices

I. Introducing measures to reduce the workload in the courts

First, the majority of interviewed interlocutors invoked **lengthy written briefs submitted by lawyers and parties** as an important source of delay across the majority of courts. It was also noted that the increased use of generative Artificial Intelligence by lawyers and parties can lead to a significant increase in the size of procedural documents. This could be even more exacerbated in countries allowing for multiple written submissions to refine arguments (e.g. Italy). Some judicial systems have therefore decided to **limit the length of written submissions** encouraging the parties to focus on main issues in a clearly structured brief submitted to the court. In Germany, page-limit restrictions are regularly the subject of legal policy debate and, if introduced, they would have to be assessed in the light of the constitutional right to be heard.[5]

Second, some countries have introduced or expanded the use of written **witness testimony replacing oral testimonies** by the physical presence of witnesses during hearings that can limit repeated adjournments of hearings. For example, in Italy, the law grants to judges the discretion to choose between in-person, remote, or written proceedings. In the latter case, lawyers or parties submit questions to witnesses, who then provide written responses through an electronic system. Similarly, in Poland, written witness testimony is increasingly used in commercial cases, reducing the need for scheduling hearings solely for evidentiary purposes.

II. Reducing delays in submitting judicial expert opinions

Most courts cited the delayed submissions of opinions and reports by judicial experts to be a major source of delays in civil proceedings, ranging from several months to several years. The reasons behind this are manifold: the **scarcity of judicial experts**, the **costs** of judicial expertise, **inadequate remuneration** of experts, and the frequent granting of extensions for the submission of expert reports. Several jurisdictions have therefore explored or introduced measures to mitigate delays arising from the involvement of judicial experts. In the Slovak Republic, some judges convene preliminary hearings specifically to clarify, in advance, the documentation required by judicial experts. This practice reduces unnecessary exchanges and avoids repeated requests for additional information. In Portugal, parties may agree to pay higher remuneration in exchange for expedited or specialised expert opinions, though this practice remains rare and depends on the parties' willingness and financial capacity. In Italy, judges exchange information on the performance of judicial experts and the quality of their expertise. These exchanges facilitate the expert appointment avoiding those known for recurrent extensive delays. Other envisaged measures could provide for the establishment of publicly accessible lists or **databases of experts** indicating their areas of competence, experience and, where appropriate, previous performance.[6]

III. Assessing the use of remote hearings

The use of remote hearings in civil proceedings is widely recognised as a significant factor in improving procedural efficiency and reducing delays. However, its use varies considerably across jurisdictions. In some countries, remote hearings remain underused despite the availability of adequate digital infrastructure, while in others they are applied extensively. For instance, in Finland and in the UK (England and Wales), **remote hearings are routinely employed for procedural matters and straightforward applications**. Legal practitioners often favour this approach, as it enables them to attend multiple hearings before different

[5] See in particular Guidelines on the quality of the jurisdictional debate in civil and administrative proceedings (06/2025) and Backlog Reduction Tool (06/2023)

[6] See in particular SATURN Guidelines for judicial time management, Section on court-appointed experts, p. 16 (12/2021)

courts on the same day, eliminating the need for travel and thereby reducing both time and costs for the parties. That said, in-person hearings continue to be the prevailing standard for final determinations, particularly in cases involving contested witness testimony. In such instances, the direct assessment of witness credibility by the judge is considered essential to ensuring the fair administration of justice. The use of remote hearings can facilitate the **transfer of cases between courts** – from overburdened to less burdened ones – particularly in commercial matters. This can help better manage judicial workloads and enhance the overall efficiency of civil proceedings in jurisdictions where such transfers of cases are possible.[7]

STAGE IV - POST-TRIAL PHASE 1: From the final hearing to the judgment delivery

This stage refers to the **time between the closure** of **the final hearing and the issuance of a written judgment**. It also includes, for the legal systems concerned, the **time between the delivery of an oral judgment and the issuance of the corresponding written judgment**, where such a dual system exists. This period concerns only judicial systems that provide for the possibility of delivering oral judgments immediately after the closing of the final hearing, while issuing the written version at a later stage (e.g. Poland and the Slovak Republic). In such systems, shorter deadlines are often prescribed for issuing the written judgment than those applicable in systems in which only written judgments exist.

A. National legislation and practice

Issuing a written judgment after an oral judgment[8]

		Deadlines prescribed by laws/regulations (in days)	Estimated duration of the procedural step (in days)
1.	Italy	30 - 60	30 - 90
2.	Poland	-	
3.	Finland	30	
4.	Germany	21	
5.	Portugal	-	
6.	Slovak Republic	30	30
7.	Slovenia	-	
8.	UK - England and Wales	-	

[7] See in particular Guidelines on videoconferencing in judicial proceedings (06/2021)

[8] **Issuing a written judgment after an oral judgment** - time between rendering an oral judgment and issuing a written judgment (short version). This step concerns only judicial systems that envisage the possibility of rendering oral judgments right after the closing of the final hearings, with the handing down a written judgment some time afterwards. The difference with the next step is that in those judicial systems, where this possibility exists, there may be shorter deadlines for issuing the written judgment after the oral one (e.g. in Austria).

Issuing a written judgment[9]

		Deadlines prescribed by laws/regulations (in days)	Estimated duration of the procedural step (in days)
1.	Italy	30	30 - 180
2.	Poland	14	30
3.	Finland	30	
4.	Germany	21	
5.	Portugal	30	30 - 45
6.	Slovak Republic	30	30
7.	Slovenia	30	30
8.	UK – England and Wales	56	28

B. Reasons for delays

Writing judgments is a **major time-consuming activity** in civil proceedings **taking the most time of judges and workload**. The comparative analysis reveals considerable divergence among jurisdictions regarding the degree of formalism, the mandatory nature of written reasoning, and the ability to use "oral judgments" to expedite case closure (see section II below). In Finland and the Slovak Republic, judges must prepare a **written reasoning of judicial decisions in all cases.** Italy's legislation also prescribes full written reasoning, with no provision for simplified reasoning. In Germany, it is usual for the operative part of the judgment to be announced orally at a separate hearing, which the parties do not often attend in practice. The judgment, which must then be available in its entirety, must generally include a written statement of reasons.

C. Good practices

I. Possibility of introducing templates for judgments in some types of cases

In many courts in the countries under review, written court decisions have a mandatory or recommended **structure.** This typically includes the identification of the parties, a summary of the claims, relevant facts and legal provisions, the rationale for applying those provisions to the case, and the operative part of the judgment. As a result, when judges handle repetitive cases involving similar circumstances, their judgments often contain sections that are substantially similar or even identical. For example, in Finland judicial decisions follow the structure of judgments of the European Court of Human Rights.

Depending on the legal system and judicial culture, some judges went a step further by developing their own templates – **generic, pre-drafted judgments that can be adapted to the circumstances of each specific case**. Judges usually prepare these templates for their own use, often by adapting decisions from previous similar cases, thereby saving time and avoiding unnecessary repetition. In some jurisdictions, judges – such as those in Italy –

[9] **Issuing a written judgment** - time between the final hearing and the issuing of a written judgment (in days).

informally share their templates with colleagues, benefiting the entire team.[10] In Germany, while no official template exists, judges often develop their own individual templates and construct their reasoning based on recurring legal issues and case-law from higher courts. When using templates, care must always be taken to ensure that alternative approaches remain possible and that individual circumstances are considered.

Some courts preferred to leave judges with full discretion over their judgments, while others found templates **useful for certain categories of repetitive cases**. The idea of creating court-wide or nationwide databases of templates – organised by theme, legal provision – has also been raised, so that no one needs to recreate judgments that have already been drafted elsewhere. However, one potential drawback of using templates is the increased need for careful proofreading. Extensive reliance on pre-drafted language or “copy-paste” practices can lead to errors and increase the risk of inconsistencies, particularly between the reasoning and the operative part of a judgment.

Besides the existence of templates, some interlocutors appreciated the initiatives promoting training in judgment writing to improve the clarity and increase the effectiveness of the drafting. While judgment writing is often covered in initial judicial training, mentoring of legal trainees, and drafting manuals, external training and feedback can further strengthen drafting skills and the overall quality and effectiveness of judgments.

II. Possibility of “oral reasoning (motives)” to dispense judges from issuing “written reasoning” of judicial decisions under certain circumstances

Drafting the reasoning of judicial decisions is typically time-consuming and constitutes a major portion of judges’ workloads. In most member States under review, it is mandatory to issue a written, reasoned decision in every case regardless of the context or the possibility of appeal (e.g. Finland, Italy, Portugal, and the Slovak Republic). However, some judicial systems allow judges in certain types of cases to provide reasons behind their decisions orally (“oral reasoning”) pronounced in public. The Study identified two main situations where the oral reasoning is allowed.

Some jurisdictions have adopted the **practice of delivering the reasoning of judicial decisions orally in certain categories of cases, typically those that are straightforward or of low value or without the right to appeal.** Under this approach, judges present the reasoning at the conclusion of the final hearing, followed by the issuance of a written decision setting out the grounds in full. In the UK (England and Wales), oral reasoning is commonly used in simple and low-value cases. Experienced judges frequently provide the reasons for their decisions immediately after the hearing, with a written judgment containing the legal reasoning issued thereafter. In Germany, immediate oral reasoning – recorded in the official minutes – without a fully reasoned written judgment is permitted only in cases where no right of appeal exists. Such rulings may also be delivered via videoconference. However, the judge must remain physically present in the courtroom when videoconferencing is used and is still required to produce a written decision setting out the legal reasoning.

Some other countries have introduced the possibility of issuing judicial decisions with **reasoning (“motives”) in writing only if one or both parties either wishes to lodge an appeal or request a decision to be issued in writing**. For example, in Poland, a written reasoning of judicial decisions is prepared only upon a request from a party and subject to a fee (i.e. 25 euros in 2025). Judges always state the reasons for their decisions orally but issue written judgments without their operative parts stating reasons behind their decisions. If the

[10] At the National School of the Magistracy in France (Ecole nationale de la magistrature), instructors provide students with several widely used legal templates. Additionally, trainee judges may receive templates prepared by their supervisors.

parties do not request to receive the written reasoning, such a decision is simple without spelling out in detail the motives behind the decision. In Italy, a proposed reform to restrict the obligation to issue judicial decisions with reasoning in certain types of cases only to appealable cases was rejected due to the strong opposition from legal professionals, who argued that written motives are indispensable for informed decisions regarding appeal. Parties frequently await the written reasoning before deciding whether to lodge an appeal.

In Finland, parties wishing to appeal must first formally request the operative part of the decision. Once it has been received, the party must notify the court within seven days of their intention to appeal. Following the notification, the judge is required to prepare the written reasoned decision, which must be completed within 30 days. Written judgments are mandatory in all cases, even where no appeal is filed. However, in instances where no appeal is anticipated, the written decision may be brief and limited in scope. The obligation to issue written judgments even in non-contested cases has been the subject of debate within Finland, however, without any changes in the law and practice so far.

In summary, while written reasoning of judicial decisions remains an important element in many countries, several judicial systems offer flexibility by allowing to issue such reasoned decisions only upon a request from a party/parties, thereby aiming to reduce judicial workload and expedite the delivery of judicial decisions.

III. Prescribing legal deadlines for issuing written judgments

All reviewed countries have adopted legally prescribed deadlines for the issuance of written judgments. In Slovenia, judges are required to produce written reasoning within 30 days, with a possible extension of up to 90 days. Failure to comply with the legal deadline may result in a note being recorded in the judge's evaluation file, which in certain cases may negatively affect career progression. In Portugal, a 30-day deadline is generally considered sufficient; delays exceeding 90 days trigger notification to the court president and may lead to disciplinary measures. Poland applies an even shorter timeframe, requiring written reasoning within 14 days, with a possible extension of up to one month. Legal deadlines for issuing written judgments are intended to encourage the timely delivery of decisions. They may be challenging to be complied with in complex cases.

STAGE V - POST-TRIAL PHASE 2: From the judgment delivery to appeal submission

This stage refers to the time between the reception of the first instance judgment by the parties and the formal submission of their appeal to the appellate court. While the appeal phase is formally initiated by the appellant's submission of the notice of appeal, its practical timeline often depends on the administrative mechanisms governing admissibility checks, case-file preparation, and transmission between the first instance and appellate courts.

A. National legislation and practice

		Deadlines prescribed by laws/regulations (in days)	Estimated duration of the procedural step (in days)
1.	Italy	30 - 180	30
2.	Poland	14	14
3.	Finland	30	30
4.	Germany	30	30

5.	Portugal	30	30
6.	Slovak Republic	15	90
7.	Slovenia	30	30
8.	UK – England and Wales	28	28

B. Reasons for delays

The comparative analysis reveals two principal sources of delay: first, the **administrative burden placed on first-instance courts** to verify admissibility and prepare case files for transmission to appeal courts; and second, procedural requirements that extend the **time needed to request or obtain a written judgment before filing an appeal**. For example, in the Slovak Republic, first-instance courts are required to verify the admissibility of the appeal (including compliance with time-limits, payment of court fees, and completeness of the documentation), compile the complete case file, serve the appeal on the opposing party, and then transmit the file, either physically or electronically to the appeal court.

C. Good practices

I. Reflecting on the possibility of redistributing procedural responsibilities over the admissibility checks for appeal cases

In some countries, first-instance courts are responsible for reviewing the admissibility of appealed decisions, which in some circumstances may take longer than the time necessary for issuing a decision by the appeal court. Most jurisdictions assign the admissibility check directly to appellate courts (e.g. Germany, Italy, UK – England and Wales, and Poland). In these countries, appeals are transmitted automatically and immediately to the appellate court. In the UK (England and Wales), first-instance courts are merely notified of the appeal and play no role in admissibility checks except in narrowly defined circumstances.

Redistributing procedural responsibilities, and **rationalising appeal filing requirements** have been identified as possible avenues for improvement in this stage. However, these measures should take into account the specificity of each judicial system, considering the workload of first instance and appeal courts. The data collected by the CEPEJ in the context of its evaluation of European judicial systems suggest that, on average, courts tend to be less efficient in first-instance civil proceedings. However, this finding does not apply uniformly across all countries.

II. Introducing electronic transmission of appealed decisions

Several jurisdictions have implemented **automated electronic systems for transferring appealed cases from first instance to appellate courts**. The complete digitalisation of this process accelerates the lodging of appeals and reduces the workload on first instance courts. For example, Italy has fully digitised its appeal transmission process, allowing for instantaneous, PDF-based submission of appeal documents directly to the appellate court via its electronic system. This measure has eliminated the need to manage both paper and digital records simultaneously, significantly expediting procedures. **Digitalisation of appeal transmission**, particularly through unified electronic systems, can significantly reduce delays and ensure procedural efficiency and prevent reliance on paper files or managing both paper and digital records simultaneously.

III. CONCLUSIONS

The Study reveals that, although judicial systems and procedural frameworks vary significantly across the countries examined, the root causes of delays – as well as the measures adopted to reduce the length of proceedings – are often similar. These **causes may be either stage-specific or transversal**, affecting the civil process as a whole. In many instances, they are structural in nature and extend beyond any individual phase of the proceedings. As transpires from the interviews, some causes are country-specific, while others are common to several jurisdictions under review.

Among the transversal causes identified are **heavy workload in courts**, **shortages of judicial assistants and judicial experts**, **increased complexity of cases, unequal distribution of caseload among judges** and **incomplete or slow digital transformation** – challenges that affect many judicial systems. In certain countries, delays are further exacerbated by **inadequate court facilities**, which result in repeated adjournments of hearings, as well as the **parallel use of paper and electronic case files**. The **shortage of judges**, coupled with an **increase in their average age and high turnover** (in particular in overburdened courts), was also cited as a factor contributing to delays, particularly in jurisdictions where judges are responsible for numerous administrative tasks – from scheduling hearings to drafting judgments. In this context, the lack of court administrative staff and judicial assistants and the **improper resource distribution** have contributed to the workload in courts. Beyond these overarching structural causes, frequent **requests by the parties for extensions of deadlines** also contribute to prolonging proceedings.

The Study presents only a limited selection of practices identified; additional examples may exist that were not identified due to the limited scope of the research focusing on nine courts from eight countries and limited resources. It is evident that some of the topics highlighted as good practices require further elaboration, particularly if they are to be developed into comprehensive, full-fledged solutions for accelerating civil proceedings. Expanding the research to include a greater number of judicial systems or a detailed focus on one or a few stages of civil proceedings or only selected areas could provide more detailed insights on the issues at stage and consequently the formulation of the related stage-by-stage guidelines.

ANNEX - SUMMARY OF INTERVIEWS WITH PILOT COURTS

This document contains a detailed account of the interviews to further collect information and practices in the sample of pilot courts relevant to the stages of civil proceedings. The following pilot courts were interviewed: Finland (Rovaniemi), Germany (Freiburg im Breisgau), Italy (Turin), Poland (Warsaw), Portugal (Coimbra), the Slovak Republic (Banska Bystrica), Slovenia (Maribor), and the United Kingdom (Reading). The interviews were conducted between April and July 2025 and serve to draft the Study on the length of the stages of civil proceedings.

Stage 1: Serving documents

Poland

The main issue in Poland is the lack of a national address registry for individuals. As a result, courts cannot quickly determine defendants' addresses, causing major delays in document service, particularly for natural persons. Courts use bailiff delivery, which is slow (sometimes years), expensive, and inefficient, especially as defendants often avoid receiving court documents. Bailiff visits are scheduled during working hours, making successful delivery more complicated. Judges have no tools to confirm addresses, which hinders justice access.

A national address registry and an electronic delivery system would be much more efficient. The register could be based on the existing registries from tax or insurance authorities for natural persons, who would be required to update their address. Thus, **a wrong address would be the defendant's problem: only the delivery to the registered address would count legally**. According to Polish law, electronic delivery must be implemented by 2026, despite issues concerning digital illiteracy and accessibility.

Slovenia

According to the Slovenian Civil Procedure Code, there is a strict legal deadline of 30 days within which the court must complete this service. The court must send the claim to the defendant within 30 days of its filing, or within 30 days of the decision on the motion for exemption, postponement, or instalment payment of court fees. **Once the claim is submitted, the court instructs the plaintiff to pay the fee. If that request is sent by post, and the plaintiff responds immediately, the documents can be served to the defendant the very next day**. If the plaintiff submits the claim and pays the court fee quickly, the court then proceeds to serve the documents to the defendant. In an ideal scenario, this could happen within a week. In practice, court administration handles this part very efficiently, so delays caused by the court are rare.

There is no electronic service available to submit a lawsuit online yet (the **submission must be in person or sent by post**). Other procedures, such as the enforcement of certain remedies, can be initiated electronically, but this does not apply to regular civil cases.

The court does not verify the defendant's address in advance. The **documents are sent to the address provided by the plaintiff**. **If the defendant fails to pick up the letter, and on condition that the address is valid, a legal fiction of service applies, and the service is considered legally completed**. If the address is found to be incorrect, the court consults the **Central Register of Natural Persons**. **If the address in that register matches the one used**, and the defendant still does not pick it up, **it is considered delivered**. **If discrepancies arise, an administrative unit launches a verification procedure** (with investigation by asking neighbours, visiting the address, etc.), **which is very rare but can lead to significant delays**.

Portugal

The primary method for serving judicial documents is still traditional postal mail. The Civil Procedure Code provides for the process of transitioning to an electronic system, particularly for companies, lawyers, and public institutions. This is due to be effective.

According to the Civil Procedure Code, **when mail delivery (by post) fails**, i.e. the letter returns not signed by the post office, **court officials or solicitors (but not bailiffs) are used to serve documents in person**.

If that also fails, courts need to send the letter to the last known address mentioned in the civil register. Courts are required to check all available public databases for addresses and send the summons to all possible locations referenced in these databases. **If any one of them is accepted, the service is considered valid and the letter successfully delivered. If that fails too**, for example if the address is unknown, art. 231 provides that **public notices can be issued. If the solicitor cannot find the defendant**, the police is asked to search and if the defendant remains unfindable, then he/she is summoned by **posting the notice online and at their last known residence**.

Although there is some avoidance of receiving court mail, especially among those who wish to delay the process**, it is a relatively limited issue in Portugal** (15-20% of cases), which is now largely urbanised, making people easier to locate.

Slovak Republic

The Slovak civil procedure does not impose a legally binding deadline for serving a statement of claim to the defendant. The 60-day timeline reflects an internal guideline set by judges or clerks, rather than a statutory requirement. According to estimations, service time may vary between 15 and 60 days, depending on the accuracy and completeness of the plaintiff's initial submission. **Upon receipt, the court performs an initial review**. If all requirements are met, **the court issues a payment order for the procedural fee**, and the plaintiff has 15 days to pay the remaining court fee. **Once payment is confirmed, the lawsuit can proceed and be sent to the defendant. Incomplete or incorrect submissions result in delays**.

The Slovak judiciary strongly encourages electronic filing, especially since 2017, when all legal entities were assigned official electronic addresses by the state. **For summary procedures and enforcement proceedings, the system has been fully electronic since 2017, improving speed and efficiency**. **Most people use the summary procedure because it is cheaper and involves lower fees than standard proceedings**. Submitting the lawsuit on paper incurs an additional €20 digitisation fee, and as a result most plaintiffs choose electronic submission.

Courts maintain both electronic and paper case files for natural persons, mainly because appellate and supreme courts still require physical documentation.

Judges electronically sign decisions via PDF and archive them, though a printed copy is still produced for the paper file. More generally**, if something is submitted on paper, the court scans it and uploads it to the system. Everything is duplicated** (both electronically and paper), which adds a lot of administrative work. This duplication is widely regarded as necessary but inefficient, due to the lack of systematic integration across judicial levels.

Italy

The responsibility for serving documents lies entirely with the parties, and not with the court. In practice, this means that the plaintiff's lawyer is responsible for preparing and notifying the summons to the defendant. **Legal representation is mandatory in nearly all cases.**

There are **two primary methods of service**:

- Firstly, the **certified electronic communication** (PEC – "Posta Elettronica Certificata"). This is the **most used method, particularly for notifying companies**.

Every company in Italy is required to have a certified email address, registered with the authorities. **When service is performed via PEC** in accordance with legal procedures, **it is considered legally effective immediately**, **allowing for rapid notification**.

- Secondly, the **service through enforcement officers —** public officials attached to the judiciary. This method is used especially **for natural persons or entities without a certified email. Notifications are sent by registered mail**, and a receipt card (proving delivery attempt and signature) is used as legal proof. The card is returned to the enforcement office and then passed to the lawyer, who uploads it via the court's e-filing system. **The notification is considered legally valid only when this proof has been formally submitted to the court**. The average delay for this process is approximately 15 days, though it can be shorter (7–10 days) or significantly longer in international cases.

Even before service is formally completed (before the notification is effective), lawyers are allowed to file the case electronically via the court system. However, if **service is not delivered in time (i.e. lawyers cannot yet provide the proof of notification), the initial hearing must be postponed.** More precisely, if the notification is not perfected in time, the lawyer must go to the judge and ask for a postponement. This can be problematic because the first hearing is scheduled at least 120 days after notification. For international defendants, **this can result in several months of delay before the case is allowed to proceed**.

The official start of a civil case, for statistical and procedural purposes, is the date of notification. Events occurring before that date—such as drafting the summons or initiating service—are not counted in the national case duration statistics.

Regarding natural persons, address verification is performed via the national civil registry, **where individuals are officially registered with their residence address**. **The lawyer is required to verify the defendant's registered residence in the registry**. A **statement from the local municipal office is considered sufficient proof. If a defendant fails to update their address with the registry, service at the last registered residence remains legally valid**, even if the person no longer lives there, as it was their responsibility to inform the registry.

All court documents must be filed electronically through the *Processo Civile Telematico* (since 2014). Even physical documents must be scanned and uploaded in the system as a proof of notification. Each filing must be accompanied by a declaration of authenticity signed by the lawyer, who assumes full responsibility for its accuracy.

<u>Germany</u>

In the jurisdiction concerned, the process of serving documents is determined by the type of court handling the case. Two courts of first instance exist: the *Amtsgericht* for claims under €5,000, and the *Landgericht* for claims starting at €5,000. A legislative proposal currently under consideration in the Bundestag seeks to raise this threshold to €10,000. This distinction is operationally significant, as it entails procedural differences between the two courts.

At the ***Landgericht* level, legal representation is mandatory, and all communications between lawyers and the court must occur through electronic means**. This requirement has been in effect for approximately five years. **Lawyers are legally obliged to use electronic communication tools to submit filings.** However, parties to the proceedings are not yet integrated into the electronic communication system. **As a result, courts typically print electronically submitted documents and serve them by post to the relevant parties**. When it is known in advance that a lawyer represents the defendant—estimated at approximately 30% of *Landgericht* cases—documents can be transmitted electronically to the legal representative, who is then required to acknowledge receipt via the electronic platform. **Once representation is officially confirmed, all subsequent communication occurs electronically.**

In contrast, at the ***Amtsgericht*, parties are permitted to appear without legal representation. Private individuals initiating proceedings at this level must submit case documents in paper form, either by mail or in person. Email submissions are not accepted**. Nevertheless, lawyers involved in *Amtsgericht* proceedings must still file documents electronically, even in small claims cases.

Upon receipt of paper submissions, court staff scan the documents into an internal digital system, enabling judges to access case files electronically, including from remote locations.

The *Amtsgericht* handles a significantly higher volume of cases than the *Landgericht*. Although precise statistics are not available, it is estimated that legal representation is present in at least 50% of cases at the *Amtsgericht*. The widespread use of legal representation is partially attributed to the prevalence of legal insurance among the population. Legal insurance plays a substantial role in facilitating access to legal services, though it may also contribute to increased litigation in cases with limited chances of success. Notably, this trend has been observed in mass claims such as diesel emissions litigation, where insured individuals initiate proceedings that would otherwise be unlikely to proceed due to low prospects of success.

<u>Finland</u>

In most civil cases, the **court is responsible for serving documents to the defendant. This is typically done via email**, as contact between parties has often been established prior to proceedings, with email addresses and other contact details usually available at the time of filing. Plaintiffs are expected to provide the necessary contact information for service.

If the defendant's contact information is incomplete or missing, the court uses a national population registry to obtain the most recent postal address. This register **contains only physical addresses**; it does not include email addresses. It is **the responsibility of individuals to keep their postal address information updated in the register. Documents sent to the registered address are considered legally served, even if the individual has failed to update their information**.

In cases where the accuracy of the address is doubtful, the court may initiate telephone contact with the defendant to confirm the correct address, which can then be used for service and communicated to the court even informally. When postal delivery is used, confirmation of receipt is required. But in most cases, judges use email.

Electronic service is deemed successful when it can be reasonably established that the document reached the recipient's device. Reading the email is not a prerequisite for validating delivery. Where this standard is met, **deadlines triggered by such service may begin from the date of sending, although courts may, in certain cases, count from a date one or two weeks later**, similar to how postal deliveries are handled.

Problems with locating the defendant are relatively infrequent, estimated at approximately 5% in certain regions. The rate is higher in urban areas with more transient populations, such as Helsinki.

There is no formal legal requirement for parties to maintain an official email address. Nevertheless, email is the preferred method in most cases, and any email address—personal or professional—is considered acceptable. **In cases involving legal representation, the attorney's email is generally used. All case documentation is submitted and managed electronically, and physical files are no longer used.** The digital system allows full remote access to case files, including for judicial staff working outside standard office hours and teleworking.

<u>UK – England and Wales</u>

In the initial stage of civil procedures, the serving of documents is determined by whether the defendant is legally represented. **When the defendant is not represented or representation is unknown, service is conducted via standard postal mail,** without requiring signature confirmation. However, **when legal representation is confirmed, the service is conducted via email** directly to the defendant's solicitor.

Legal representation status is provided by the claimant at the time of claim submission. This is part of mandatory "pre-action protocols" that require the claimant to notify the defendant in advance of initiating legal proceedings. These pre-litigation obligations facilitate preliminary communication and often lead to out-of-court settlements, thereby improving procedural efficiency.

In cases where a court-issued letter is returned undelivered - indicating the defendant no longer resides at the recorded address - the court notifies the claimant. Nonetheless, the proceedings are not suspended. **Responsibility for providing an accurate service address lies entirely with the claimant. If service is not correctly executed, the judgment may be unenforceable**. **The court does not intervene to rectify service issues, nor does it typically deploy a bailiff for delivery, except under exceptional circumstances**.

Failure to properly serve documents poses significant risks to claimants. **If the defendant fails to submit a defence and is unaware of the proceedings, the claimant may obtain a default judgment**. **However, such a judgment can later be set aside upon application by the defendant, especially where evidence shows that service was not properly completed. This may result in a full restart of proceedings**.

Service to corporate entities follows a separate protocol**. All businesses are legally required to be registered with Companies House**. Legal documents must be served to the registered office address listed therein.

Although precise statistics on incorrect service are unavailable, data from the Reading pilot court indicates that out of approximately 150–200 monthly civil cases, an estimated 5 to 10 applications are submitted each month to set aside judgments due to issues of improper service.

The e-mail service is not employed in cases lacking legal representation. However, in proceedings involving legal professionals, a digital portal facilitates automatic service. **Upon claim submission, the system notifies the defence lawyer electronically**. The lawyer confirms involvement by clicking a link, triggering the procedural timeline without human intervention.

Filing requirements differ by user status. **Legal professionals are mandated to submit claims electronically. Non-professional individuals—referred to as "citizens" for inclusivity—retain the option to file either via a digital portal or through traditional paper means**.

All incoming documents, whether physical or digital, are processed through a central administrative office. Physical submissions are scanned and electronically uploaded to the national case management system, which then allocates them to the relevant local court. Documents mistakenly sent directly to local courts are redirected to this central office.

Stage 2: Defendant response filed to the legal action

<u>Poland</u>

Polish law allows 30 days for defendants to respond, which is considered the minimum needed to ensure fair proceedings (to let enough time to the defendant to prepare a proper defence). Reducing this time limit could compromise equality of arms.

Introducing electronic responses is theoretically possible, though current infrastructure does not support reliable verification of document authenticity (e.g. digital signature). Nevertheless, **the main issue remains locating the defendant's address** (80% of cases). **Lawyers and defendants may try to avoid the start of the procedure entirely**.

Slovenia

The Civil Procedure Code sets a 30-day period for the court to forward documents **once all procedural fees have been paid by the plaintiff.** This step is typically completed efficiently and is rarely a source of delay.

Once the defendant has been served, they are legally required to submit a response within 30 days. For small claim cases - defined as civil cases under €2,000 and commercial cases under €4,000 - the response time is reduced to 8 days. This 30-day deadline was introduced to replace the previous 15-day period, which had attracted criticism for being too short.

While Slovenian law permits electronic service of documents, **it is not used in practice because the required secure system has not been implemented yet**.

Although there **is a legal possibility to use a bailiff or detective for service** (at the request of a party), this remains a theoretical tool and is virtually **never applied in standard civil litigation**. Due to the centralised address system and the legal fiction of service, regular postal delivery is generally sufficient.

Portugal

Once the defendant has been served, the standard period to respond is 30 days. In urgent or simplified procedures, this deadline may be shorter. An additional 30 days can be requested, but only with the plaintiff agreement.

If the defendant does not respond and the service of process was properly carried out, the facts alleged by the plaintiff are considered proven, and the judge can issue a written decision without holding a hearing.

Lawyers are required to use the digital system called *Citius* for filing responses and documents. Unrepresented parties cannot use this system and must submit documents by post. **However, individuals are given an access code that allows them to monitor the progress of their case online, although they cannot upload or interact through the platform**. **Over 90% of cases involve a lawyer, which probably explains the efficiency of the procedure**, because almost everything can be done electronically.

Slovak Republic

For entities **with an official electronic address**, **delivery is considered legally effective** 15 days after dispatch**, even if the recipient has not accessed the message**. **This legal fiction of delivery simplifies proceedings by removing the burden of repeated delivery attempts**.

For natural persons, the court first checks for an active electronic address/mailbox. If unavailable, documents are sent to the address provided by the plaintiff, and if that fails, the court sends it to the national register of natural persons. If these fail, police or a court bailiff may be used (useful for judges to prove they did everything possible to find the defendant, before issuing a default judgment). Individuals are legally obligated to maintain an up-to-date registered address in the civil register.

If someone does not have a permanent address in the register, they can be registered at the municipality. Renters need the landlord's approval to use that address for registering with the registry of natural persons, otherwise they can register using the address of the municipality, and it is their responsibility to check if any correspondence arrives in their name. Only the court has access to this registry.

The system relies on a hybrid postal service, where digital documents are sent to the post office, printed, and physically delivered. **Courts receive real-time electronic confirmation of delivery**.

The defendant's response period is typically 15 to 30 days, depending on the procedure. In summary proceedings *(upomínacie konanie),* the **judge can issue either a summary judgment or a resolution instructing the defendant to reply**. **The summary judgment applies in clear cases**. If the judge issues a payment order, they send that along with all the submitted documents to the defendant, who has 15 days to respond. If no response is filed, the judge may issue a default judgment. Judges can also decide whether to initiate a full hearing or issue a payment order. This procedure is mandatory in certain proceedings, but only an option in standard civil cases.

Default judgments may be issued when a defendant does not respond, provided that service has been validly executed.

Italy

A case is considered to have legally commenced as of the date of notification to the defendant. However, **the court itself is not formally involved until a second step is completed: the electronic filing of the case by the plaintiff's lawyer**. This filing must occur within 10 days following the notification.

After notification, the plaintiff selects the first hearing date, which must be scheduled at least 120 days after the date of notification. **This deadline is fixed by law and is non-negotiable: a judge cannot hold the first hearing earlier than 120 days after notification**. If this rule is violated, the procedure is rendered null and void. **Judges do, however, retain the discretion to postpone the first hearing if necessary**.

Once notified, the defendant typically consults legal counsel. The defendant's response can take multiple forms, depending on their strategy and the complexity of the case: a basic appearance and oral reply at the first hearing is legally sufficient; alternatively, a written response may be filed in advance, known as the "first reply"; **certain types of defence, such as counterclaims, third-party involvement, or preliminary objections (e.g. statute of limitations), must be filed at least 70 days before the hearing date. These cannot be introduced for the first time on the hearing day**.

The court does not determine the hearing date—this is unilaterally set by the plaintiff's lawyer, who bases it on the type of case and the section of the court it will likely be assigned to. In most Italian courts, each section (e.g. family law, torts, contracts) holds first hearings on a fixed day of the week (e.g. all family law first hearings on Mondays). Lawyers, who are familiar with the local court structure, can typically anticipate the correct section and choose a compliant hearing date accordingly.

However, if the assigned section is already overbooked, or if the case is reallocated unexpectedly, the first hearing may be delayed by the judge. These delays are common—estimated to occur in 50% to 70% of cases—even in relatively efficient courts. Delays of 4 to 6 months beyond the scheduled hearing date are not unusual.

The identity of the individual judge is not known at the time the date is set. The assignment to a specific judge occurs after the case is registered and allocated by the President of the Section. At that point, the judge may reschedule the hearing if their caseload is full, often before the originally scheduled date is reached. The system does not allow the judge to bring the hearing forward, only to postpone it.

Germany

Germany benefits from a robust and centralised **population registration system**, which plays a key role in ensuring the efficiency of document service in civil proceedings. **Individuals are legally required to register their residence with local authorities. As a result, courts can reliably obtain a defendant's last known address through official channels, primarily the *Einwohnermeldeamt* (residents' registration office).** Although parties to a dispute cannot access this registry directly, they may request information under specific legal conditions, and courts rely on it to verify addresses.

The **existence of this registration obligation ensures that the initial step of serving documents rarely delays proceedings**. In practice, service typically occurs within two to three days of case initiation. The use of bailiffs to serve documents is exceptionally rare, with such interventions needed only in isolated cases involving uncooperative or evasive defendants.

If a person attempts to avoid service—for instance, by removing their name from a mailbox—the court can still identify patterns (such as unpaid utility bills or prior interactions with authorities) indicating likely non-cooperation. However, such cases are considered exceptions and do not affect the general reliability of the system.

Germany's legal framework stipulates that effective service depends on actual residence at the registered address. If a defendant is no longer living at that address, service is not considered legally valid, even if the individual remains officially registered there. It is not just a legal fiction—the individual must truly live at that address. **Courts may impose fines for failure to update one's address, and in practical terms, maintaining a registered address is essential for accessing services such as social security or driver's licenses**. Non-compliance with registration obligations is statistically rare and limited to a small segment of the population. If the address is correct and the document is placed in the mailbox, it is considered served. But if it is known that the person no longer lives there—even if they are still registered—the fiction doesn't apply.

In cases where the defendant does not respond and cannot be located, courts may resort to public notification, posting the claim publicly when all reasonable attempts at service have failed. This measure is applied sparingly and typically in instances where avoidance of legal proceedings is evident. When they do not respond to the claim, judges proceed with a default judgment.

Under German law, once documents are successfully served, the defendant is subject to a defined procedural deadline. The court must choose between two procedural paths at the outset of the proceedings: **either a written procedure or an early preliminary oral hearing**. This decision is at the discretion of the judge, although plaintiffs may propose a preferred option.

If the written procedure is selected, the Civil Procedure Code provides a statutory period of two weeks for the defendant to submit a declaration of intent to defend. Failure to do so enables the court to issue a default judgment. This statutory deadline is non-negotiable and cannot be extended, even at the request of legal counsel. **However, if the court opts for the preliminary hearing track instead, a default judgment based solely on lack of response is not permitted; the case must proceed with oral argument**.

The written procedure is used in both straightforward and complex cases. In simple matters such as unpaid utility bills, it allows for efficient case handling and prompt judgments. In more complex disputes, the written track provides time for comprehensive written submissions, making an initial oral hearing unnecessary.

Finally, if documents are returned by the postal service with a note indicating that the address is invalid, the court is obligated to return the matter to the plaintiff for address verification. The burden of ensuring valid service lies with the plaintiff, as legal proceedings cannot advance without proper notice to the defendant.

The current system for document service is considered efficient, reliable, and faster than in many other jurisdictions. It is fully digital, minimises duplication, and supports remote work. **The service of documents via email does not present significant risks or challenges in practice, and the overall structure is reported to function effectively**.

Finland

In Finland, **the procedural deadline for a defendant to respond to a lawsuit at the first-instance** level - typically the district court - **is not set by statute but is generally determined at the discretion of the judge**. While there is no legally binding deadline, the standard timeline granted is usually three weeks, except in urgent matters where an expedited process may apply. Extensions may be granted upon request by the defendant; however, they are typically limited in duration.

Failure to respond within the allocated deadline may result in the issuance of a default judgment. **Such judgments are conditional on verified service of documents to the defendant, ensuring that the individual knowingly chose not to reply**. Default judgments are a frequent occurrence in first-instance proceedings, particularly in cases involving minor claims or small monetary amounts. These mechanisms do not apply at the appellate level, where different procedures are in force.

Pre-litigation interactions are also common in civil matters. Regular civil cases, as opposed to those classified as minor, generally involve legal representation on both sides. In such instances, it is customary for legal counsel to attempt to reach an agreement prior to initiating formal proceedings. Although not mandated by law, pre-judicial negotiations or conciliatory efforts are strongly encouraged and widely practiced. These practices contribute significantly to the avoidance of litigation and the overall efficiency of the judicial system. Quantitative data on the frequency of pre-litigation settlements is not readily available, but such agreements are acknowledged to occur often.

The Finnish legal culture places strong emphasis on resolving disputes outside of court, driven by considerations of time and cost. It is widely held within the legal community that avoiding litigation is usually in the client's best interest.

Concerning document management and communication, the Finnish judicial system is fully digitalised. The use of electronic filing and service mechanisms has replaced paper-based processes entirely. **This digital transition facilitates expedited procedures and allows judicial personnel to access files remotely, including during non-standard working periods such as holidays**. The system is viewed as functioning effectively, with streamlined operations that are reportedly more efficient than in many other jurisdictions.

UK – England and Wales

The time-limit for a defendant to respond to a civil claim is legally regulated. The standard response period is 14 days from the date of receipt of the claim. Defendants may extend this period to 28 days by notifying the court that the claim has been received, and that additional time is required. An extension can also be granted by mutual agreement between the parties, provided the court is duly informed. In cases where no agreement is reached, the defendant may submit a formal request to the court, where a judge will determine whether an extension is justified.

The existence of mandatory pre-action protocols facilitates early awareness of claims, allowing most defendants to prepare in advance. As a result, responses are typically submitted within the 28-day deadline.

If the defendant fails to respond within the prescribed period, the claimant is entitled to request a default judgment. This mechanism enables the case to be resolved in favour of the claimant without a hearing. Default judgments are processed administratively by court staff and do not require intervention of a judge.

Stage 3: Preliminary/First hearing

Poland

The law states that if the case circumstances suggest that a pre-trial hearing will not contribute to efficiency, the judge may skip it and refer the case directly to trial**. Preliminary hearings are not mandatory**. In practice, they are often skipped, especially in large courts like Warsaw. In almost 90% of cases, the claimant specifically requests that no pre-trial hearing be held. It is considered inefficient, as it creates additional work for judges and parties without a clear benefit.

The procedural calendar may initially include a precise definition of the subject matter of the parties' claims. This information is already included in the statement of claim, such as the monetary value of the case, received by the court as part of the claim itself. A similar observation applies to the defendant: because the law requires precisely defined objections, including formal objections, all the objections that the defendant raises in their defence are already submitted. **Consequently, in the context of the lawsuit, there is no need to prepare all these again during a pretrial hearing**.

The modification of a procedural calendar is burdensome, as any change requires the scheduling of a new preliminary hearing and the issuing of a new decision. This is why procedural schedules are not useful in practice, due to the congestion of court calendars.

Possible solutions for reducing delays at this stage of the proceedings could include a better distribution of the workload, reducing the number of witnesses in commercial cases (which should rely primarily on documents and expert opinions), and simplifying the reasoning of judicial decisions, which is often excessively detailed (by focusing on the essential arguments necessary for the decision). Another solution could be to promote judicial conciliation, particularly in commercial and family cases. This solution would require appropriate training.

Slovenia

In Slovenia, the same term is used for “preliminary hearing" and "first hearing", **but the court process also includes a mandatory preparatory hearing**, which is governed by the Code of Civil Procedure. This hearing sets **the legal framework of the case, establishes a provisional timeline, and defines deadlines for the submission of evidence**. If the preparatory hearing goes well, the parties **may reach a settlement, and the case may even be settled at this stage.** The hearing typically leads directly into the main hearing, without interruption or adjournment.

Responsibility for scheduling and managing this phase lies entirely with the judge, not the clerk. Once the judge is assigned a case, they manage every procedural aspect. Once the defendant submits a response, the court begins preparations for the hearing. If there is no response, the judge may issue a default judgment**. The hearing should occur as soon as possible, but realistically, it can take a few months.** Delays are rarely caused by judges or the court itself. **More often, parties, especially in commercial cases, try to delay proceedings using various tactics.**

A **court-related mediation option is systematically offered during the preparatory phase. Mediation tends to be more successful in civil than in commercial cases**, but it requires the consent of both parties. If mediation is unsuccessful within three months, the case returns to regular litigation.

Should delays in proceedings occur, the system includes oversight mechanisms. The president of the court may intervene in case management, and parties can file a formal supervisory complaint. However, these complaints are rarely used - mentioned as affecting less than 2% of cases.

Portugal

The preliminary hearing is implemented solely for preparation of the case for trial. Its purpose is both **administrative and conciliatory**. **The judge and lawyers meet to plan the trial, define what evidence will be used** (even if the actual taking of evidence happens later, during the final hearing), **and explore the possibility of settlement**. **Under Portuguese law, every case must begin with an attempt at conciliation**. The judge is legally obligated to organise this. **Everything is recorded in voice recording and if it is not done properly, it is considered a procedural error.**

The success rate of these attempts varies. In labour disputes, it is very high—sometimes over 60%. **In regular civil matters, the rate is lower, around 25–30%, but still meaningful. Judges receive general training but not specialized conciliation trainin**g. If necessary, they can refer parties to external mediation services.

The attitude of lawyers is key to achieving settlements. Judges usually assess the case and explain the complexity and risks to the parties, without pressuring them. **The judge is also responsible for setting the date of the hearing. The judge tries to coordinate schedules with the lawyers, but ultimately, it is the judge who decides, not the clerks. The president of court does not interfere directly when a judge delays the procedure or postpone the beginning of the trial**. However, **judges have performance goals to meet**. The presiding judge meets regularly with other judges and agrees on timelines with them. These are also reviewed by the inspection service.

Although the law sets a 90-day deadline for the first hearing, this is a regulatory expectation rather than a strict rule. There is no disciplinary measure against judges, but they must provide a reason if they have too many cases and cannot schedule a first hearing within three months. For the first hearing, the estimated waiting time is usually 3 to 4 months. In some instances, hearings are scheduled earlier. If there are not many parties and things go smoothly, the hearing might happen in 2–3 months.

Slovak Republic

Since 2016, **judges have the discretion to hold a preliminary hearing to clarify facts, explain legal provisions, and assess case feasibility. This tool appears to be underused in practice**, as it takes time, despite being highly effective in complex cases.

During such hearings, judges explain which parts of the claim are undisputed, share their preliminary legal assessment, and indicate which evidence will be considered. This often leads parties to withdraw "weak" claims or reconsider their legal strategy.

Judges are required to inquire about conciliation during this stage. Settlement success varies and often depends on the parties' requests and willingness to compromise. **Conciliation is considered particularly effective when legal positions are clearly explained**. **As a result, there is always a possibility for an agreement during the preliminary hearing**.

There is no legally mandated timeframe for holding the first hearing. Judges must ensure that the case proceeds without unreasonable delay under constitutional guarantees. On average, the first hearing is scheduled within 6 to 12 months, depending on workload and complexity. Judges have the responsibility to manage their caseload. **There is no direct control over that, but there can be disciplinary measures for delays. If a party believes the judge is delaying without cause, they can file a complaint with the Constitutional Court, claiming a violation of their right to a fair trial within a reasonable time.** As for disciplinary proceedings, they exist but are rarely used. There must be a serious issue for that to happen.

Italy

The first hearing serves as the initial formal contact between the court and the parties. There is no separate "preliminary hearing" in the procedural sense used in some other jurisdictions (e.g. common law systems). All hearings take place after the case has been formally filed, **and the first hearing is the procedural starting point before the court**.

The first hearing is scheduled at least 120 days after service of the summons. **It functions primarily as a procedural checkpoint rather than a substantive discussion.** In most cases, the parties have already submitted multiple written documents before this hearing. These include the initial summons, the defendant's reply (if submitted in writing) and the optional supplementary briefs submitted in the 40, 20, and 10 days prior to the hearing.

These additional filings allow parties to respond to new issues raised and to refine their legal arguments. **As a result, oral argument during the first hearing is typically limited, often amounting to a repetition of written content already submitted**.

Since 2023, **following a legislative reform, judges are required to attempt conciliation during the first hearing. This attempt at settlement is now mandatory, though its effectiveness remains limited.** In practice, **meaningful settlements tend to occur before proceedings formally begin or after expert opinions have been delivered**, especially in areas such as tort or professional liability.

Judges are expected to remain neutral and cannot offer opinions before reviewing all evidence. **Therefore, they are not in a position to proactively suggest solutions during the first hearing. As a result, the statutory conciliation effort often lacks substance**.

There is no separate preparatory hearing. Issues such as the organisation of evidence, the duration of proceedings, and expert involvement are typically addressed in writing through the aforementioned supplementary briefs. Judges review the full set of written submissions before taking further steps. The procedural system also includes automatic deadlines for document exchange. Judges do not typically impose custom evidence submission deadlines, as the written schedule is built into the procedural code.

Germany

Under German civil procedure, when the court opts for an oral process instead of written proceedings, a preliminary hearing may be scheduled. This hearing serves a dual function. It can operate as a preparatory stage to structure the case and clarify procedural steps, particularly in complex matters. However, **in simpler cases, it often functions effectively as the main hearing, during which evidence may be presented and a judgment rendered**.

This flexible procedural design enables efficient case handling. For example, in disputes involving a single factual question—such as the authenticity of a signature—the court may convene a preliminary hearing, summon a key witness, and render a decision immediately after. This approach aligns with the procedural reforms introduced in the 1970s, aimed at streamlining civil litigation.

Judges in Germany are legally obligated to explore the possibility of conciliation at every stage of the proceedings. This duty is enshrined in procedural law and serves both judicial effectiveness and the objective of amicable settlement of disputes. **Judicial conciliation is encouraged not only by statutory mandate but also by practical necessity, as settlements reduce judicial workload and contribute to faster resolution**.

Although formal training in judicial conciliation is available, particularly early in a judge's career, practical experience is considered the primary means of developing settlement skills. Judicial authority and legal expertise position judges as credible facilitators, enabling them to guide parties towards pragmatic outcomes. **Judges routinely explain the**

financial and procedural implications of proceeding to trial, which further incentivises settlement.

Empirical evidence underscores the importance of conciliation in judicial practice. For instance, in 2024, one judge reported settling 47 cases while issuing 23 written judgments—excluding default decisions, withdrawn cases, or transfers. This settlement ratio is considered to apply across the judiciary and illustrates the cultural and procedural integration of conciliation within the German system. While exact rates vary by judge, it seems that an average settlement rate of 40% is common in civil proceedings.

The practice of judicial conciliation has evolved since the 1970s and 1980s, gaining prominence over time. **Approximately a decade ago, legislation introduced formal *in-court conciliation*, allowing cases to be referred to a dedicated conciliation judge. However, this mechanism remains underused. Judges are generally equipped and willing to manage conciliation themselves, and the existing system does not provide strong incentives to transfer cases.** Referral of a case for settlement often results in reassignment of new, potentially more complex cases, discouraging the delegation of conciliation duties. **In Germany, conciliation has thus far been predominantly embedded in the judge's ordinary function.**

Regarding timelines**, if a preliminary hearing is scheduled, it typically takes place within one to two months of claim submission**—usually within 30 to 50 days. However, **preliminary hearings are rare at the *Landgericht* level**, accounting for only about 5% of cases. The remaining 95% are generally handled through written procedures, **reflecting the legal complexity and prevalence of legal representation in those case**s.

At the ***Amtsgericht*, where parties may appear without lawyers, preliminary hearings are more common. In such cases, direct oral interaction facilitates faster fact-finding and resolution**. Judges can question the parties in person and, in some instances, indicate a likely decision timeframe—such as issuing a judgment within three weeks.

The frequency and effectiveness of hearings differ significantly depending on whether parties are represented. **Written submissions by lawyers often lead to lengthier exchanges and are cited as an important cause of procedural delays.**

<u>Finland</u>

The Finnish civil justice system incorporates both written and oral preparatory stages prior to the main hearing. **These stages are mandatory under Finnish procedural law and are designed to enhance procedural clarity, efficiency, and the potential for early resolution**.

The **written preparatory stage** allows the judge to communicate with the parties to clarify claims, ensure completeness of witness lists and documentary evidence, and pose specific questions as necessary. **This stage is conducted entirely electronically, with parties exchanging documents and submissions via digital means.**

Following the written phase (exchange of documents), an **oral preparatory session** is held, which is a compulsory step. The oral stage **serves to confirm all evidentiary elements, identify the key points in dispute, and narrow the scope of the trial, wherever possible. This hearing also provides a forum for potential settlement or partial agreement between parties**. If consensus is achieved on specific matters, those aspects can be excluded from the main hearing, thereby streamlining proceedings. **Parties are permitted to enter into a settlement agreement during this phase, which the judge can formally acknowledge.** Additionally, agreements may be reached and recognised during the main hearing itself.

Finnish courts also offer a **separate conciliation mechanism** that does not require the filing of formal legal claims. **Individuals may request conciliation directly from the court. If both sides agree, a conciliation meeting is arranged. This mechanism operates**

independently of standard litigation channels and is aimed at facilitating early dispute resolution.

The timeline between stages varies according to court size and workload. In smaller courts, the interval between case filing and the preparatory meeting may be as short as one month. In larger courts, the same process can extend to three months or more. Similarly, the duration between the preparatory meeting and the main hearing ranges from approximately 30 to 60 days in smaller jurisdictions, and several months in larger ones. These estimated timeframes are not legally mandated, and there are **no statutory deadlines** in Finland governing the overall duration of civil proceedings. The pace of progress is therefore primarily dependent on judicial availability and administrative capacity.

The scheduling of procedural steps—such as deadlines for expert submissions and the date of the main hearing—is typically determined through collaboration between the judge and the parties during the oral preparation phase. This cooperative approach ensures that all actors are aligned and that the hearing schedule meets the needs of the case.

<u>UK – England and Wales</u>

Before the main hearing in civil proceedings, an intermediate procedural step is undertaken following the defendant's response. Both parties are required to complete a ***Directions Questionnaire***, a five- to six-page document gathering procedural information relevant to the preparation of the case**. This includes expected trial duration, intended witnesses, the use of expert or medical reports, language requirements, and any need for translation services**.

Upon receipt of the completed ***Directions Questionnaires***, the case is reviewed by a **judge**. Based on the submissions, the judge issues a ***Directions Order***, which typically includes the scheduling of a **preliminary hearing**—referred to in this system as a **case management hearing**. If the judge assesses the claim to be wholly without merit, it may be struck out at this point.

Preliminary hearings are presided over by a district judge. The trial itself is generally overseen by a **circuit judge**, a higher-level judicial officer. While the trial judge typically assumes responsibility only at the final stage, continuity and consistency are maintained, and it is rare for a circuit judge to deviate from decisions made during the preliminary phase. During the preliminary hearing, the judge sets out the ***timetable and procedural roadmap*** for the trial, including deadlines for document exchange, witness statements, and expert reports. The judge also determines the trial duration and schedules the hearing accordingly, **which may be set six months to one year in advance depending on complexity**.

A critical component of this stage is cost budgeting. The court imposes a cap on permissible legal expenses to prevent disproportionate litigation costs. If a party exceeds the approved budget, the excess cannot be recovered, even if that party prevails in the case.

Between the preliminary and main hearings, parties must complete a ***Pre-trial Checklist*** (also known as a "**listing questionnaire"**). This document confirms that all **directions issued by the court have been** followed and verifies the readiness of the parties. It includes fields related to compliance status, outstanding obligations, attendance of witnesses, changes in estimated trial duration, and the need for any special arrangements (e.g. disability support or protective measures in domestic violence cases).

Failure to submit the **Checklist** triggers a compliance mechanism. Initially, the court sends a reminder. Continued non-compliance results in judicial intervention, often leading to an order giving the defaulting party **seven days** to respond. Failure to comply may result in the **striking out of the case or a default judgment**, depending on the party at fault. **Witness lists submitted as part of earlier procedural stages are finalised in the Checklist.** The judge will have already determined which witness statements are to be submitted and whether attendance is required. Where witness evidence is uncontested, written statements may suffice; otherwise, witnesses must appear in person. The Checklist confirms which individuals from the broader witness list will attend the trial.

The Pre-trial Checklist is considered a valuable procedural tool. While it may not necessarily expedite proceedings, it significantly enhances procedural effectiveness, reduces the likelihood of unexpected developments, and ensures that all parties are aware of and have fulfilled their responsibilities. It promotes **judicial efficiency** by ensuring that trials proceed with fully prepared parties, thus saving time and resources. **The Checklist has been cited as a best practice potentially suitable for adaptation in other jurisdictions**, particularly in light of its role in reinforcing procedural discipline and enhancing the overall effectiveness of hearings.

Stage 4: Final hearing

Poland

Expert opinion delays are not the main issue of this stage, although some situations lead to difficulties in finding a **suitable expert** or required time to deliver an **expert opinion.**

The main issue is overbooked court calendars, which lead to long gaps between hearings, often up to six months.

A possible solution mentioned could be a broader use of *in-camera sessions* (in the presence of the judge and possibly an assistant, but not the parties) under Article 148, especially for straightforward cases. **The court may use this option if the defendant admits the claim or if, after reviewing all pleadings and documents** (including expert opinions which are usually delivered in writing), **the court concludes that a trial is unnecessary**. **This would require reducing reliance on witness testimony, particularly in commercial matters**. **Courts could even deliver judgments *in camera*.**

Slovenia

There is no legal deadline for concluding civil cases under the Slovenian Civil Procedure Act. However, internally, **courts label long-standing cases as "backlog" files, which receive priority treatment. The primary cause of delay at this stage is party behaviour and the involvement of court-appointed experts**.

In certain fields, **there is a lack of experts, and expert reports can take three to six months, and delays are compounded when a party contests the findings and requests a second or third expert**. **Although experts are well compensated, many are reluctant to testify in court, citing the time and effort involved**.

Becoming a certified court expert is also a demanding process (passing tests and fulfilling strict requirements) overseen by the Ministry of Justice. This may partly explain limited availability of experts included in the official register of experts. **Courts may also appoint recognised institutes or experts outside the official register, but this is not always sufficient to speed up proceedings**.

Portugal

The duration depends on case complexity, whether expert reports are needed (which takes longer because those must be prepared beforehand), whether it is a complex case with many parties, etc. **Every piece of evidence must be presented at the final hearing, including testimonies from all parties and witnesses**. A simple case may be concluded in one day, while complex cases may span several days or even months, depending on court availability.

A trial organisation is determined during the preliminary hearing, based on the number of witnesses and expected time per testimony. Efforts are made to avoid keeping witnesses waiting for long periods.

Delays in this stage are primarily due to two factors: i) the time required to obtain expert opinions (several expert opinions are often needed, and they take time); **and ii) the judge's workload**. Since 2013, the same judge must preside over the hearing and write the judgment, increasing pressure and creating workload when judges are sick or overwhelmed. Expert fees are low, making it harder to attract quality experts. **Parties can agree to pay more for faster or specific experts, but this is not common practice**.

<u>Slovak Republic</u>

Excessive judicial workload was highlighted as a critical issue due to poor case management skills among judges coupled with a **lack of efficient administrative support. Judges often undertake tasks that could be delegated to clerks or court staff, such as fee management or preliminary file checks. Judges draft their judgments themselves.**

A project to introduce case-weighting has been abandoned. There seems to be strong support for its revival among the judiciary, as it could help justify staffing needs and resource allocation.

Lengthy judicial proceedings also arise from delays in submitting expert reports—some pending for over a year. **Judges attempt to mitigate this and speed up the process by convening preliminary hearings to clarify what documentation experts need.** In some fields, experts are scarce. It does not appear to be a payment issue, because experts can request payment from the court, which holds the money and pays the expert when they submit their report.

The court applies judicial concentration principle in the first phase of the procedure, encouraging parties to submit all claims and evidence early. However, as the Supreme Court stated, late evidence cannot be automatically rejected; judges must consider its relevance and context to avoid reversal on appeal. Judicial concentration of proceedings (setting specific deadlines for presenting evidence) is considered to be a good practice.

<u>Italy</u>

There is no fixed statutory deadline for the overall duration of civil proceedings in Italy. However, a general benchmark has been established through the "Pinto Law", which states that civil cases should not exceed 3 years in length. This is not a binding rule, but rather a standard of reasonableness, introduced in response to repeated violations of the European Convention on Human Rights for excessive delays.

In practice, there are multiple factors contributing to delays between the initial filing and the final hearing: delays in service of documents, particularly for international notifications; overloaded court calendars, often due to administrative limitations on hearing dates by court section; and appointment of court experts (*Consulenti Tecnici d'Ufficio* – CTUs).

Concerning the experts (the third factor), **the judge is responsible for selecting a qualified expert. Experts are remunerated under a fixed fee structure and often prioritise other work unless closely monitored by the judge.** Delays of several months are common; in some historical cases, expert reports were delivered years late. There is no formal system in place to track expert performance or enforce compliance. Delays are managed individually by each judge. However, the introduction of the e-filing system has improved visibility over pending actions, enabling judges to monitor timelines more effectively. **Improved judicial awareness on the management of judicial experts has led to better time management. Judges now keep themselves mutually informed of experts who systematically submit their report late and tend to exclude experts who have previously caused significant delays**.

Regarding witnesses, they also represent a source of procedural inefficiency. Indeed, witnesses frequently fail to appear in court, even when properly notified. Moreover, **although the law allows for fines in case of unjustified absence, enforcement is rare and impractical**. Finally, there is no widespread use of written witness statements, unlike in some other jurisdictions. However, during the COVID-19 pandemic, remote hearings and written submissions became more common. **Italian procedural law now grants judges' discretion to choose between in-person, remote, or written (paper-based) hearings. Written hearings of witnesses, consisting solely of submissions filed via the e-system, are increasingly used and have proven more efficient in simple cases.**

Additionally, complex civil liability cases often involve multiple parties, each requiring formal notification. When a new party is added (e.g. a hospital naming a doctor, or a doctor involving an insurance company), a **new 120-day period must elapse before the next hearing**, **significantly lengthening the pre-trial phase. This process may repeat multiple times, contributing heavily to systemic delays**.

Germany

The duration of civil proceedings in Germany varies considerably, largely due to the complexity of the case and the procedural track chosen. In written procedures—which account for the vast majority of cases at the *Landgericht* level—the process typically spans multiple procedural phases and court sessions, all considered part of a single legal "hearing" under German procedural terminology. These sessions may occur months or even years apart, depending on the evidentiary requirements, such as the need for expert opinions or witness testimonies.

A standard procedural timeline includes the following sequence: the defendant is granted two weeks to declare their intent to contest the claim, followed by four weeks to file a full written defence. The claimant is then afforded an additional four to six weeks to reply. Parties frequently request deadline extensions, which are typically granted once without objection; further extensions require consent from the opposing party. These written exchanges alone can take approximately three months before the judge begins substantive file review.

A key procedural bottleneck is the judge's review and scheduling phase. Judges are solely responsible for scheduling hearings, and this is not delegated to court clerks. Due to caseload, judges may delay scheduling as they prioritise review and preparation. For example, hearings may be postponed by several months if the judge's calendar is full or if significant preparation is needed. During peak vacation periods, such as August, scheduling delays are more pronounced.

There is no formal oversight mechanism requiring judges to expedite proceedings. While administrative heads of courts may express concerns over delays, they cannot mandate specific scheduling decisions. **In practice, judicial efficiency is driven more by individual motivation than institutional enforcement. Judges are incentivised to reduce their own workload by settling cases or issuing judgments in a timely manner**.

On average, judges at the *Landgericht* conduct three to four hearings per week. In contrast, *Amtsgericht* judges, who handle a higher volume of less complex cases, may hold 10 to 12 hearings weekly, each lasting approximately 30 minutes.

One of the most significant factors contributing to procedural delays is limited human resources across the system. Judges must dedicate considerable time to reviewing extensive case files, particularly given the rise in voluminous written submissions. **The widespread use of computers has encouraged lawyers to submit lengthy and often redundant briefs, including excessive legal arguments and documentation** (around 100 pages and containing extensively repeated material), largely as a form of liability protection. **Judges are legally obligated to read and consider all such material**, as the right to be heard includes a duty to review written submissions in full.

There is **currently no formal page limit on legal briefs in Germany**, although this issue has been debated by legal professionals. Some judges advocate for structured and concise filings to improve procedural efficiency. However, **resistance to such limitations remains strong within the German legal culture.**

Regarding judicial support, judges at the *Landgericht* level typically supervise one *Referendar*—a legal trainee preparing for the bar exam—**who may assist with basic legal tasks as part of their training**. However, **these trainees do not provide consistent or systematic suppor**t. However, such positions are increasingly unattractive, as candidates typically aspire to judicial rather than assistant positions."

Expert involvement is a major source of procedural delay, especially in technically complex areas such as private construction law. Written expert involvement is requested by an interviewed judge in 95% of his cases. Judges typically impose a three-month deadline for expert reports, but extensions are common, often reaching six to seven months**. On-site inspections further complicate scheduling, as availability conflicts among parties frequently necessitate postponements** (because each party must be there). Once reports are submitted, parties frequently challenge the findings or submit additional questions, prompting further expert responses and prolonging the process. Cases involving expert opinions routinely extend over a year and, in some instances, several years.

This cumulative effect—comprehensive written submissions, limited judicial and expert resources—constitutes the primary cause of delay in final hearings and overall case duration.

<u>Finland</u>

The final hearing in Finnish civil litigation typically occurs within six to nine months from the initiation of proceedings. In larger courts, this duration may extend beyond one year, while in smaller jurisdictions, the process may conclude more quickly. **The structure of the preceding written and oral preparatory stages is designed to ensure that all elements of the case are fully prepared in advance, thereby enabling a single, comprehensive hearing to be held in most instances.**

Late-stage procedural disruptions—such as the introduction of new witnesses or requests for additional hearings—are generally discouraged**. Any such proposals must be approved by the judge and are considered only under exceptional circumstances**. **The default expectation is that all evidentiary and procedural matters are resolved prior to the main hearing**. **This approach minimises delays and reflects the Finnish judiciary's emphasis on procedural discipline and case management**. **Scheduling a second main hearing is rare**.

Remote hearings via video conferencing have become increasingly common. Although technical difficulties can sometimes arise—particularly related to internet connectivity—remote participation is now a normalised aspect of civil procedure. **Verification of identity is not typically an issue in civil cases, as the court generally relies on counsel to confirm the identities of their clients and witnesses**.

Expert opinions in Finnish civil proceedings are usually presented in the form of **expert witness testimony**, rather than through court-appointed experts. Each party is responsible for producing its own expert witnesses, who provide oral statements during the hearing. The appointment of a neutral expert by the court is extremely rare and is generally avoided in adversarial civil litigation. **The exception is in family law matters, especially custody disputes, where courts may require formal assessments or statements from public social services. These reports, due to administrative backlog, may occasionally cause delays.**

The Finnish system is firmly rooted in the adversarial model: each party bears the burden of proof and is responsible for presenting its own evidence. The judge acts as a neutral arbiter, assessing only what is formally submitted and argued in court.

Delays in the final hearing stage are most commonly attributable to judicial workload and scheduling conflicts among legal counsel. These practical limitations, rather than procedural inefficiencies, constitute the principal sources of postponement at this stage of litigation in Finland.

UK – England and Wales

The duration and structure of the final hearing in civil proceedings primarily depend on the volume and complexity of **evidence**, particularly the number of witnesses and the time required for **examination and cross-examination**. **The availability of expert witnesses rarely causes delays, as parties typically secure expert involvement prior to initiating legal action**. Claims are generally not filed unless the initiating party believes that sufficient evidence is available to support their position.

Most hearings in county courts are brief, typically lasting **half a day to five days**. Cases anticipated to exceed five days are referred to the **High Court in London**. Given the high settlement rate—approximately **70 to 80% of cases settle before trial**—multiple cases may be scheduled for the same day before a single judge. Many of these do not proceed to hearing due to last-minute settlements. By the **Thursday prior to the scheduled hearing week**, the court evaluates which cases remain active and makes necessary adjustments to the hearing list.

While postponed cases are prioritised for rescheduling, practical constraints, particularly witness and expert availability, usually prevent immediate rescheduling. Postponements often lead to delays of several months. Hearings are assigned judges only during the week they are due to be heard. This allows for flexible deployment of **fee-paid judges** (practising lawyers acting as temporary judges, known as **recorders**), thereby expanding judicial capacity as needed. Recorders possess full judicial authority, and underperformance results in non-renewal of their engagement.

The standard timeframe for processing a civil case—from the filing of the claim to the final hearing—is approximately **one year**, with an **administrative targeted timeframe of 50 weeks**. The objective is to resolve **65% of cases within this timeframe**, although this is not a legal obligation but rather a **performance benchmark**. More complex cases may exceed this timeline.

When delays occur, court **administrative staff may intervene** by referring the matter back to the judge—particularly where there are repeated extensions or signs of procedural stalling. The district judge who managed the preliminary stage may schedule an additional hearing to expedite progress. Sanctions, including **striking out the case or defence**, may be applied if parties are not adequately prepared.

Once a hearing begins, it proceeds continuously until completion, barring exceptional interruptions such as the illness of a key witness. In such instances, the case may be adjourned. Very occasionally, **the hearing may be restarted before a new judge if significant issues arise early in the process.** In **99% of cases**, however, the hearing proceeds without interruption once commenced.

Judges are not involved in pre-hearing administrative tasks, which are handled by court staff. Their primary responsibilities are focused on reviewing materials prior to hearing and issuing judgments. **While complaints regarding judicial delays are not foreseen within the system, preparation and written judgments in complex cases are acknowledged as requiring substantial judicial effort**.

Videoconferencing is **widely accepted and utilised**, **particularly for preliminary hearings and procedural applications**. It is preferred by legal practitioners, who benefit from participating in multiple hearings across different jurisdictions on the same day, avoiding travel. **For final hearings, in-person attendance remains standard—particularly when live witness testimony is to be contested, as in-person evaluation of credibility is deemed essential. Nevertheless, videoconference participation is permissible in certain scenarios**, including where legal argument predominates or where participants are located abroad. **The decision ultimately rests with the judge, although parties may submit requests.**

Witnesses appearing via videoconference are not required to present formal identification, as the UK does not employ a national ID card system. The **calling party bears responsibility for verifying the witness's identity**, and legal consequences for **perjury** serve as a deterrent against misrepresentation.

Timelines for submitting evidence are clearly defined**. Following the preliminary hearing, the judge establishes a case-specific procedural timetable, including submission deadlines for all evidence.** Late submissions require **judicial approval**. This procedural schedule is separate from the **pre-trial checklist**, which is submitted closer to the hearing date. The early submission of evidence serves to avoid surprises and contributes to pre-trial settlements, particularly when a party recognises the strength of the opposing evidence.

Stage 5: Issuing a written judgment

<u>Poland</u>

In Poland, a written judgment is required only upon request, if there is a petition or request by one of the parties (approximately €25 fee). When there is a petition, the judge has 14 days (which can be extended to one month) to prepare the written decision. **This time limit is necessary to prevent waiting periods for parties to receive the decision**. In order to improve the efficiency of the procedures, the introduction of a time limit for rendering a decision could be recommended, together with the requirement that a written decision be requested only where one of the parties intends to appeal and requests the decision in writing.

<u>Slovenia</u>

Once a decision is made, the judge is required to issue a written judgment within 30 days, extendable up to 90 days in complex cases. **Even when an oral decision is delivered in court and a party announces an appeal, a full written judgment is mandatory**—except in minor claims cases where no appeal is made, for which the judgment may only include basic facts.

Considering the workload of courts**, the 30-day time limit to prepare the written judgment is sufficient for regular cases but very difficult for 5% of the most complex cases**. **Failure to meet the deadline may result in a disciplinary penalty.**

Judgments have become increasingly lengthy and complex, driven by the evolving case-law from the European Court of Human Rights and higher national courts. **Slovenian judges do not use official templates. Instead, each judge relies on personal formats, particularly for recurring case types.**

A rule whereby the judge announces the verdict orally and only prepares a written decision, if a party wants to appeal might speed up proceedings and significantly reduce judges' workloads.

<u>Portugal</u>

After the final hearing, the judge has 30 days to prepare and deliver a written judgment. The **judgment in writing is mandatory in all civil cases. It is considered essential to explain the reasoning behind a decision and help parties decide whether to appeal**. According to the interviewee, "*important to convince the citizen as to why a certain decision was made. If it is not written down, they won't know whether the judge believed the witnesses or how the law was applied. Also, what was the legal basis applied?*"

There are no oral explanations in civil cases, and all judgments are issued in writing. A short oral **judgment might reduce the judge's workload slightly, but it would not significantly affect appeals**.

According to Article 156 of the Civil Procedure Code, the judge has 30 days to issue the written judgment. If the 30-day deadline is not met, after 90 additional days, the court clerk informs the court president. The matter may then be referred to the Superior Council of the Judiciary, which can initiate disciplinary procedures or inspections. 30 days is usually sufficient for the judge to prepare the judgment, but if a judge has many cases, it depends on how they manage their schedule. While 30 days is generally reasonable, there are exceptions for complex cases.

Appeals can only begin once the written decision is delivered. The appeal is filed with the first instance court, which checks formal compliance (fees, deadlines, etc.) before sending it to the Court of Appeal. The **process is usually quick. Once the opposing party has replied (within 30 days), the case usually reaches the Court of Appeal in 2 to 3 months, and a decision is typically issued in 3 to 4 months**.

Slovak Republic

Judges are required to issue written judgments for all cases, regardless of the parties' intention to appeal. An oral reasoning may also be delivered publicly at the hearing, sometimes as soon as the hearing ends. If postponed, the judge has 30 days to issue a written version. It can be considered that a judgment is rendered in writing only if a party requests one for appeal purposes.

Judgment writing is not formally taught. Judges learn independently, often without structured feedback. It was highlighted that **judgment writing coaching and training may facilitate judgment drafting.**

Italy

The conclusion of the trial phase leads to the final hearing, which functions primarily as a procedural deadline rather than a substantive courtroom event. **By that stage, both parties are expected to have submitted their final written arguments, and no additional oral debate is typically required**. **Following this procedural closure, the judge has a statutory deadline of 30 days**—extendable to 60 days in certain cases—**to issue the written decision, including legal reasoning**. The countdown begins from the date of the final hearing or the last permitted filing of additional documentation and evidence.

Despite various reform proposals over the years, **Italian law continues to require judges to issue a fully reasoned written decision in all cases, regardless of whether the parties intend to appeal**. **Proposals for legal reforms—aimed at reducing judicial workload by requiring full reasoning only if an appeal is filed—have not been adopted.** These proposals were strongly opposed by professional legal associations, who **argued that the reasoning is essential for parties to decide whether to appeal**.

In practice, lawyers often wait for the written judgment before deciding on appeal. Italian procedural law allows for six months to appeal if the decision has not been formally notified, and 30 days if it has been. Thus, t**here is an incentive to delay notification until the reasoning has been reviewed.**

There is no oral delivery of the reasoning in Italian courts. **The judge does not read the decision aloud, nor is there a requirement to explain it publicly.** The decision is simply filed electronically after the deadline, and parties are notified accordingly. In systems where oral judgments are used, the judge offers brief, spoken explanations at the end of the hearing, often in simplified language for litigants without legal representation. In **contrast, Italian written decisions are often highly formal and legalistic, comparable in tone and structure to academic writing**.

Judges sometimes use informal templates or shared examples from colleagues for routine cases, but there is no official system of standardised judgment templates. Drafting styles remain highly individualised.

Germany

The German Code of Civil Procedure, originally enacted in the 19th century, **is formally rooted in the *principle of orality*, which prescribes that court proceedings culminate in an oral hearing with a judgment rendered directly in court. Although this principle continues to define the legal structure, modern judicial practice diverges significantly**, both at the *Landgericht* and *Amtsgericht* levels.

In theory, **a civil trial concludes with the oral pronouncement of the judgment—limited to its dispositive part (e.g., the amount to be paid). The detailed reasoning must then be provided in written form and sent to the parties**. The statutory period for submitting a written judgment is five months if the judgment is delivered orally. However, in complex proceedings, especially those lasting several years, it is practically impossible to announce a judgment immediately and accurately in open court. Final calculations often involve precise monetary sums and the allocation of procedural costs, which must be computed proportionally based on the outcome of the case. These are generally prepared using spreadsheets to ensure mathematical accuracy.

As a result, hearings typically conclude with a notice that the judgment will be issued in writing within a defined timeframe, commonly three to six weeks. **A subsequent formal hearing is then scheduled solely to announce the judgment orally, even though in practice, no parties attend this session**. Nevertheless, under current procedural rules, **the judgment must still be read aloud in court, even if only to an empty room or a camera in case of potential public access.**

This requirement—though widely considered outdated—remains binding. **Efforts have been made to modernise the system, such as proposals to permit online announcements, but to date, the formal oral delivery remains mandatory**.

In exceptional cases, **where the legal and factual situation is straightforward and fully clarified prior to the hearing, judges may deliver an immediate oral judgment and only later a written reasoning**. This is permissible if both parties explicitly waive their right to appeal and agree not to request a written judgment. Such situations are rare in practice, but when they occur, **they contribute to procedural efficiency. Waiving the written reasoning may also lead to reduced court fees,** which can serve as an incentive for parties to opt out of receiving the full judgment text.

While these mechanisms offer flexibility, most judgments are still issued in writing and accompanied by comprehensive reasoning, especially in contested or complex cases. The option to waive written reasoning is seldom exercised, and many judges may never encounter such a situation during their careers.

Court fee structures are also designed to promote procedural efficiency and settlement. **Fee reductions apply when cases settle or when written reasoning is waived**, thus aligning cost incentives with judicial economy.

Finland

The judgment may be delivered either orally or in writing. The decision regarding the format lies with the judge and is guided by the complexity of the case and, where applicable, the request of the parties.

In straightforward matters, the court may render an **oral judgment immediately following the hearing**. However, if either party requests a written ruling, the court is **obliged to issue a written judgment within 14 days**. For **more complex cases**, the statutory deadline for issuing a written decision is extended to **30 days**.

The judgment must contain **both the ruling and the reasoning**. **The inclusion of legal grounds is mandatory and applies equally to oral and written judgments.**

UK – England and Wales

Judges are required to issue a reasoned judgment that explains the legal basis and rationale for the decision. **Judgments may be delivered orally or in writing, depending on the circumstances. In either format, the judgment must address the applicable law, the relevant facts, and the reasoning leading to the conclusion**. **Experienced judges may be able to deliver a complete oral judgment immediately after the hearing**, though this can take one to two hours. In complex cases or where timing does not permit, the judge may **reserve judgment** and issue it later in writing.

While it is legally permissible for a decision to be delivered orally later, this is uncommon due to practical considerations. **Requiring parties to return to court solely to hear a verdict is inefficient. In limited cases, the court may deliver an oral ruling via videoconference, but most reserved decisions are now issued in written form**.

When an oral judgment is delivered and a party wishes to appeal, a transcript of the hearing can be requested. All hearings are recorded, and the transcript—once reviewed and approved by the judge—serves as the official record. **Judges are not allowed to revise their decisions post-delivery but may make cosmetic clarifications or correct minor errors in the transcript.**

Parties frequently request written versions of judgments even when no appeal is planned. **This allows them to review the reasoning in detail, especially if any part of the oral delivery was missed or unclear**. While **appeals are rare**, when pursued, they must be grounded in legal error or procedural unfairness—not mere disagreement with the outcome.

The **format of judgment delivery** varies depending on the case track. The civil system is divided into four tracks: **Small Claims** (under £10,000); **Fast Track** (£10,000–£50,000); **Intermediate Track** (£50,000–£100,000); **Multi-Track** (over £100,000).

In **small claims**, **oral judgments are the norm**, **typically delivered immediately after the hearing. These judgments must still meet the legal standard of completeness and transparency in reasoning**.

For **more complex or higher-value cases**, particularly in the intermediate and multi-track categories, **written judgments are becoming more prevalent**. This trend reflects both the **increased complexity** of matters now heard in county courts and the need for precision when dealing with voluminous or technical evidence—such as expert medical reports.

There is no specialised training on how to deliver judgments. All judges are former lawyers and typically have substantial prior experience observing and analysing judicial decisions. Their professional background is considered sufficient to ensure competency in both oral and written judgment delivery.

The system values oral judgments for their efficiency, particularly in straightforward cases, and continues to use them extensively. However, written judgments are gaining prominence due to structural changes in case complexity and judicial workload distribution.

While written judgments ensure detailed records and support appellate review, **oral judgments remain effective for smaller or less complex cases**. The system maintains a balance between both approaches, aiming to align the type of judgment delivery with the demands of the case. For civil law jurisdictions exploring procedural reforms, the use of oral judgments in small claims and fast-track cases may offer a model for **increased efficiency** without compromising due process.

Stage 6: Filing an appeal

<u>Slovenia</u>

Unlike some countries where the appellate court takes over early procedural steps, Slovenia maintains the separation of duties to manage workload distribution. Appeals must be submitted within 30 days (or 8 days for small claims). **Subsequently, the first instance court checks the timing and fee payment, then sends the appeal to the opposing party for the response. Then, the first-instance court forwards the appeal and case file to the second-instance court, which does not perform any further preliminary checks.**

This process is considered quite effective, and the 30-day appeal time frame has not generated complaints. The appeal deadline does not drastically affect the entire process regardless. The appeal deadline is seen as offering adequate time for parties to prepare, without unduly delaying proceedings.

Slovak Republic

The first instance courts remain responsible for compiling, verifying, and transmitting case files to appellate courts. This task, which includes confirming fee payments and serving documents, can take several months. Currently, appellate decisions are sometimes delayed by up to a year, not due to judicial inactivity, but due to these administrative bottlenecks and heavy workload within first instance courts. Thus, changing this procedure—so appellate courts manage these steps, as in Poland, where the first instance court just prepares the case file and send it to the appellate court—may be helpful considering the workload of first instance and appeal courts.

Italy

The first-instance court plays no active role in reviewing or validating the appeal. Once the appeal is filed, the court of first instance forwards the case file (now entirely in electronic format) to the second-instance court. This transmission process is automatic and purely administrative. Previously, the case files were transmitted physically, but Italy has now fully transitioned to an electronic system (via PDF and the Processo Civile Telematico). The dual system—where paper and digital files coexisted—has been eliminated.

Additionally, the format of hearings at the appeal stage may vary. **Judges have discretion to decide whether hearings are held in person, remotely, or through written-only proceedings, similar to practices in the first instance. The appeal process includes the full re-examination of facts and law, unless it is limited by specific procedural rules or prior party conduct**.

Germany

When a party files an appeal against a final judgment rendered by a first instance court, **the originating court does not undertake any formal admissibility checks. Instead, the appeal and case file are forwarded directly to the second instance court, which bears full responsibility for examining whether the appeal complies with formal requirements, such as timely submission and payment of the requisite court fees.**

However, a different approach applies to appeals against interlocutory decisions or procedural orders issued during proceedings—such as an order obliging a party to cover expert costs. In such instances, the first instance judge who issued the order retains limited competence to reconsider and revise their own procedural ruling prior to transmission to the appellate court. This mechanism allows for a degree of self-correction in non-final decisions and can potentially obviate the need for appellate review.

Finland

Parties wishing to appeal a judgment must first **formally request the written version of the decision**, regardless of whether the judgment was initially delivered orally. This request is a **prerequisite for lodging an appeal**.

Once the judgment has been received, the party must **notify the court of their intention to appeal within seven days**. Following this notification, the judge is required to prepare the written decision, which must be completed **within a maximum of 30 days**. **Written judgments are mandatory in all cases, even where no appeal is filed**. These serve the purpose of ensuring procedural documentation and archiving.

However, **in instances where no appeal is anticipated, the written decision may be brief and limited in scope**. Conversely, when an appeal is expected, a **comprehensive and detailed decision** is typically provided. **The obligation to issue written judgments even in non-contested cases has been the subject of debate within Finland. Nonetheless, the current regulatory framework continues to mandate written decisions across the board**.

Appeals in civil matters are subject to court fees (with the standard fee for lodging an appeal to the Court of Appeal set at approximately **€650**). **This fee is distinct from the cost of a written decision, which does not incur a separate charge.** Individuals who qualify for **public legal aid** are exempt from appeal-related fees.

Procedurally, the appeal is first submitted to the relevant district court, which verifies that it meets formal requirements (in particular, filing within the legal deadline and in the correct format). District courts do not assess the substantive content of the appeal. **If the filing is incomplete or late, the relevant district court may reject the appeal on procedural grounds**. Once verified, the **case file is compiled and transmitted electronically to the Court of Appeal**, which then takes over the case. If further information is required—such as missing documents or clarifications—the **Court of Appeal** directly contacts the parties to request the necessary additions or corrections. The applicable legal framework governing these procedures is the Code of Judicial Procedure.

UK – England and Wales

In the case of appeals against first-instance judgments, **procedural responsibility lies with the second-instance court**. **The first-instance court is not actively involved in processing the appeal, except in narrowly defined circumstances.**

Where the judgment being appealed was issued by a district judge, the appeal remains within the same court jurisdiction but is reviewed by a higher-ranking judge. Although the appeal is conducted internally within the same institution, it is adjudicated independently to ensure impartiality.

For **higher-value cases** or decisions rendered at higher judicial levels, appeals are filed within the **High Court in London**. The first-instance court's role is limited to being notified that an appeal has been filed. The original court does not participate in the proceedings and only receives communication regarding the outcome once the appeal has been resolved.

This structure maintains a clear procedural distinction between the initial trial and the appellate process, ensuring the judicial independence and hierarchy, while allowing for efficient management of appellate case-flow.