



Strasbourg, 16 January 2023

CEPEJ-BU(2023)2

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

**40<sup>th</sup> Bureau meeting**

Strasbourg, 16 January 2023

**MEETING REPORT**

*Report prepared by the Secretariat  
Directorate General I - Human Rights and the Rule of Law*

1. The Bureau of the European Commission for the Efficiency of Justice (CEPEJ) held its 40th meeting in Strasbourg and online, on 16 January 2023, under the chairmanship of Mr. Francesco DEPASQUALE (Malta), President of the CEPEJ.
2. The following members of the Bureau were also present:
  - Mr Ivan CRNČEC (Croatia), Vice-President of the CEPEJ,
  - Ms Sonya DJEMNI-WAGNER (France), member,
  - Mr Seçkin KOÇER (Türkiye), member.
3. The agenda is attached.

#### **1. Information from members of the Bureau and the Secretariat**

4. The Secretariat and the President informed the Bureau about the 10th annual meeting of the Secretary General of the Council of Europe with the Chairpersons of the monitoring and advisory bodies on 17 January 2023.

#### **2. Implementation of the Programme of Activities 2022-2023**

5. The Bureau took note of the Calendar of the CEPEJ meetings for the year 2023, as it appears on the CEPEJ website.
6. The Bureau instructs the Secretariat to prepare the 2022 CEPEJ Activity draft report in accordance with its rules of procedure, as well as to share the 2021 report in order to reflect on how to make this report more attractive.

##### **a. Evaluation process of European judicial systems**

7. The Secretariat informed the Bureau that the Evaluation Scheme and the explanatory note would be finalised at the next meeting of the CEPEJ Evaluation Working Group (CEPEJ-GT-EVAL) on 2 and 3 February, with a view to open the data collection to national correspondents in March.
8. It is proposed that the timetable for the cycle be similar to that of the previous cycle. However, the Secretariat proposes to encourage states to stabilise the data used for standardisation (population and GDP) very early in order to avoid late changes that could affect all the country profiles. The Bureau suggests making recommendations to this effect to the members of the CEPEJ at the plenary meetings.
9. Concerning the content of the report, a discussion took place on its use and its evolution in the coming cycles, and in particular on the evolution of the country profiles or the preparation of an annual report. The Bureau confirmed the usefulness of the first part of the report (European trends), the added value of the second part (country profiles) and the need to simplify the use of CEPEJ-STAT.
10. The discussions may also evolve after the evaluation of the use of the report which is being prepared in the form of a questionnaire to be sent to CEPEJ members and national correspondents.
11. The improvement of the visibility of the report, notably through the implementation of a communication strategy or country visits after the adoption of the report, was underlined by the Bureau members. In particular, the visibility of the country profiles, which could be improved by a presentation in the form of short videos, was suggested.
12. Finally, the difficulty of making the different evaluation cycles (Biannual Evaluation, EU Justice Scoreboard study, Western Balkans and Eastern Partnership countries) coincide was also raised, in particular because of the different questionnaires, reference years and timeframes for these 4 exercises.
13. The Secretariat also informed the Bureau of the ongoing discussions following the request of Eurostat to use some of the CEPEJ data sent to the European Commission in the framework of the EU Justice Scoreboard.

##### **b. Work on judicial time management**

14. The Secretariat informs the Bureau of the progress made by SATURN Working Group, in particular on the weighting of cases concerning prosecutors, the analysis of time limits according to the different stages of

civil proceedings, the updating of Recommendation (86)12 on certain measures to prevent and reduce the excessive workload of courts.

15. In particular, the working group is currently examining the revised "Checklist on judicial time management" and its Explanatory Note in the light of comments made at the last CEPEJ plenary meeting (December 2022). The documents will be presented to the next CEPEJ plenary meeting (June 2023) for adoption.
16. The Secretariat presented the draft terms of reference of the CEPEJ *ad hoc* working group aiming at preparing a tool to fight against judicial backlog. The Bureau welcomed this initiative, recalled the importance of this issue and expressed the wish that this Group could develop a first draft tool before the next plenary in June. The Bureau approved the mandate and composition of the *ad hoc* working group.
17. The Bureau was informed that the next meeting of the Pilot Courts would be held in Lublin (Poland) on 30 March 2023. It is planned to organise this meeting around workshops on the tool to reduce the backlog of cases, the evaluation of the performance of judges and measures to prevent and reduce the overload of courts. The Network will also be invited to reflect on its future role. The Bureau encourages all Working Groups to use the Network.

#### **c. Joint work CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST**

18. The Secretariat informs the Bureau of the progress made by the Artificial Intelligence Advisory Board (AIAB), set up by the CEPEJ on 27 June 2022.

#### *Resource Centre*

19. The Bureau suggests applying to the AIAB the same rules of remuneration as for all CEPEJ experts: a modest remuneration will be proposed for work requiring a substantial amount of work, the other requests (consultation, reading of documents) are part of the preparation of the meetings, which, like the participation in the meetings, will not be subject to remuneration.
20. The AIAB is responsible for finalising the establishment of the Resource Centre. The Bureau agrees to give appropriate publicity to the launch of the Resource Centre at the end of March 2023.

#### *Operationalisation of the principles of the CEPEJ Charter on AI*

21. The Secretariat informs the Bureau of the development of a tool for the operationalisation of the CEPEJ Ethical Charter, which will be composed of general guidelines and checklists to provide the methodology and criteria for assessing the compliance of AI tools with the 5 principles contained in the Charter. The tool will not deal with technical aspects and will be limited to ethical and legal aspects as it will be addressed to members of the judicial systems and not to developers. The tool should be developed in 2023 by two experts, members of the AIAB, in close coordination with the other members of the AIAB and the CEPEJ-GT-QUAL which will supervise the development. The objective is to present it to the CEPEJ plenary meeting in December 2023. A pilot project could then be envisaged to test the relevance and the operability of this tool.

#### **d. Work on the quality of justice**

22. The Secretariat informs the Bureau of the progress made by the CEPEJ-GT-QUAL. After the adoption of two tools at the plenary meeting in December 2022, the work focuses on two thematic areas as a priority.

#### *Access to justice for people with disabilities*

23. The Secretariat informed the Bureau of the difficulties in finding an expert to work on this issue and the added value of the CEPEJ in this matter following the recent adoption by the United Nations of the International Principles and Guidelines on Access to Justice for Persons with Disabilities. The Secretariat informed the Bureau that the aim of the CEPEJ-GT-QUAL is to provide practical guidelines to member states. The Bureau invites the CEPEJ-GT-QUAL to consider also in its work issues related to intellectual and not only physical disabilities. Otherwise, it suggests to widen its scope of action to vulnerable persons, given the importance for judicial systems to ensure their access to justice.

#### *Evaluation of the judges' performance*

24. The Secretariat informed the Bureau that a questionnaire is currently being elaborated by two experts, which will then be discussed at the next CEPEJ-GT-QUAL meeting at the end of February and then presented to the meeting of the pilot courts before its dissemination in the CEPEJ network. The aim of this questionnaire is to provide a basis for developing guidelines for the development of qualitative methods and indicators for the evaluation of judges' performance. The draft guidelines should be submitted to the CEPEJ for adoption at its meeting in June 2024. Coordination will be ensured with the CCJE, as one of the experts in charge of this work is also a member of the CCJE, Ms Nina Betetto.

#### *Future work*

25. The Secretariat informed the Bureau that the CEPEJ-GT-QUAL was considering starting to think about its future work lines (for the 2024-2025 mandate) and invited the Bureau members to share any suggestions in this respect. The Bureau proposes to consider working on children's access to justice. The Secretariat took note of this proposal but agreed to first check what the Council of Europe is already doing in this area.

#### **e. Cyberjustice and artificial intelligence**

26. The Secretariat informed the Bureau of the progress made by the CEPEJ-GT-CYBERJUST. Draft guidelines on online judicial auctions should be presented to the CEPEJ for adoption at the CEPEJ plenary meeting in June. Draft guidelines on online alternative dispute resolution and on online publication of court decisions should also be presented at the CEPEJ plenary meeting in December 2022.
27. The Bureau agrees that the task included in the CEPEJ-GT-CYBERJUST programme of activities 2022-2023 concerning good governance and management in IT reform projects and their implementation has been covered by some of the work already carried out ("Toolkit for the implementation of the e-Justice Guidelines" or the "Manual for the implementation of e-Justice projects in Spain" ) and does not require further work at this stage.
28. The Bureau was informed of the next meeting of the CEPEJ Network on Cyberjustice which will take place on 28 February 2023 on the theme: "Bridging the digital divide".
29. In conclusion, the Bureau takes note of and welcomes the extensive work underway in the Working Groups and invites its members to continue to put their expertise at the service of their groups in order to ensure a good quality of the tools prepared.

#### **f. Cooperation programmes**

30. The Secretariat informs the Bureau of the implementation of the various ongoing CEPEJ co-operation programmes.
31. The Bureau takes note on the difficulties in recruiting staff to implement and co-ordinate these programmes and the time taken by the Secretariat to recruit them.
32. It invites the Secretariat to ensure a good visibility of these programmes ensuring the concrete implementation of the CEPEJ tools on the ground.

#### **9. Representation of the CEPEJ in other fora**

33. The Bureau recalls that it relies on the Secretariat to examine requests for representation of the CEPEJ at different events related to the functioning of justice, organised in Europe and worldwide. If necessary, the members of the Bureau should be consulted beforehand.
34. The Bureau considers that it would be useful to develop a power point presentation usable by the members of the Bureau and the CEPEJ concerning the presentation of the various tools of the CEPEJ.

#### **10. Other issues**

35. The next Bureau meeting will take place before the next plenary meeting and, if necessary, online at any time.

## Annex I

### DRAFT AGENDA / PROJET D'ORDRE DU JOUR

1. Adoption of the agenda / *Adoption de l'ordre du jour*
2. Information by the President of the CEPEJ, members of the Bureau and the Secretariat / *Informations du Président de la CEPEJ, des membres du Bureau et du Secrétariat*
3. Implementation of the 2022-2023 Activity Programme / *Mise en oeuvre du Programme d'activité 2022-2023*

a. Calendar of the meetings / *Calendrier des réunions*

b. Evaluation of judicial systems / *Evaluation des systèmes judiciaires*

- Information on the ongoing activities / *Information sur les activités en cours*
- Next Evaluation Report / *Prochain Rapport d'Evaluation*
  - Working schedule / *Calendrier des travaux*
  - Experts in charge of drafting / *experts en charge de la rédaction*
  - Assessment on the use and potential evolution of the content / *Evaluation de l'utilisation et éventuelle évolution du contenu*
  - Improvement of visibility / *Amélioration de la visibilité*
- Cooperation with the EC for the "EU Justice Scoreboard" and for the *Dashboards*

REFERENCE DOCUMENT / DOCUMENT DE RÉFÉRENCE

Report of the 43rd meeting /  
Report of the 43rd meeting  
CEPEJ-GT-EVAL(2022)10

g. Judicial time management / *Gestion du temps judiciaire*

- Information on the ongoing activities / *Information sur les activités en cours*

REFERENCE DOCUMENT / DOCUMENT DE RÉFÉRENCE

Report of the 33rd SATURN meeting /  
Report of the 33rd SATURN meeting  
CEPEJ-SATURN(2022)19

- *Ad hoc* Working group for a tool to fight backlogs / *Groupe de travail ad hoc pour un outil luttant contre l'arriéré judiciaire*

REFERENCE DOCUMENT / DOCUMENT DE RÉFÉRENCE

Draft Terms of Reference of the *ad hoc* Working Group /  
Draft terms of reference for the *ad hoc* working group  
(English only)

Concept Note on the preparation of a backlog reduction tool / Note de réflexion sur la préparation d'un outil pour réduire l'arriéré judiciaire - CEPEJ(2022)12

- Plenary meeting of the Network of pilot courts / *Réunion plénière du Réseau de tribunaux-référents*

**REFERENCE DOCUMENT / DOCUMENT DE RÉFÉRENCE**

Draft agenda of the 16<sup>th</sup> meeting of pilot courts /  
Draft agenda for the 16th meeting of the Referee Courts  
CEPEJ-Pilot Courts(2023)E/OJ/Prov (English only)

**h. Common work CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST / *Travaux conjoints CEPEJ-GT-QUAL et CEPEJ-GT-CYBERJUST***

- Information on the ongoing activities / *Information sur les activités en cours*
- AIAB : Resource Centre/ Centre de Ressources
  - Remuneration and selection of board members/ Rémunération et sélection des membres du bureau consultatif
  - Roadmap Resource Centre publication and media coverage/ Publication et couverture médiatique du Centre de Ressources Roadmap
- AIAB: Operationalisation of the principles of the CEPEJ Charter on AI / opérationnalisation des principes de la Charte de la CEPEJ sur l'IA

**i. Quality of justice / *Qualité de la justice***

- Information on the ongoing activities / *Information sur les activités en cours*

**REFERENCE DOCUMENT / DOCUMENT DE RÉFÉRENCE**

Report of the 33rd meeting /  
Report of the 33rd meeting  
CEPEJ-GT-QUAL(2022)11

- Evaluation of judges/ *Evaluation des juges*

**j. Cyberjustice and artificial intelligence / *Cyberjustice et intelligence artificielle***

- Information on the ongoing activities / *Information sur les activités en cours*
  - Adaptation of current work programme (discard item "good governance and management in IT reform projects and their application") / Adaptation du programme de travail actuel (suppression du point "bonne gouvernance et gestion dans les projets de réforme informatique et leur application")
  - Involvement and responsiveness of working group members / Implication et réactivité des membres du groupe de travail

**REFERENCE DOCUMENT / DOCUMENT DE RÉFÉRENCE**

Report of the 7th meeting of the CEPEJ-GT-CYBERJUST /  
Report of the 7th meeting of the CEPEJ-GT-CYBERJUST  
(CEPEJ-GT-CYBERJUST(2022)9)

**k. Co-operation programmes / *Programmes de coopération***

- Information on the ongoing activities and changes in staff / *Information sur les activités en cours et les changements dans l'équipe*
- Ensuring visibility of CEPEJ cooperation/ *Assurer la visibilité de la coopération CEPEJ*

**REFERENCE DOCUMENT / DOCUMENT DE  
REFERENCE**

CEPEJ cooperation programmes - State of implementation (at 1st December 2022) /  
CEPEJ cooperation programmes - State of implementation (as of 1 December 2022)  
CEPEJ-COOP(2022)3

- c. **40<sup>th</sup> CEPEJ Plenary meeting in Strasbourg / 40<sup>ème</sup> réunion plénière de la CEPEJ à Strasbourg**
- d. **Representation of the CEPEJ in other fora / Représentation de la CEPEJ dans d'autres fora**
- e. **Any other business / Questions diverses**
  - a. Co-operation with FRA / *Coopération avec la FRA*

**REFERENCE DOCUMENT / DOCUMENT DE RÉFÉRENCE**

Report of the 39th CEPEJ plenary meeting /  
Report of the 39th plenary meeting of the CEPEJ  
CEPEJ(2022)13