



Strasbourg, 21 November 2022

CEPEJ-SATURN(2022)19

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

**WORKING GROUP ON JUDICIAL TIME MANAGEMENT
(CEPEJ-SATURN)**

33rd meeting, 12 and 14 October 2022

MEETING REPORT

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

1. INTRODUCTION

1. The Working Group on judicial time management of the European Commission for the Efficiency of Justice (CEPEJ-SATURN) held its 33rd meeting in Strasbourg on 12 and 14 October 2022. The meeting was organised together with the 15th meeting of the Network of the CEPEJ pilot courts held on 13 October 2022 (see item 9 of the report). The meeting was chaired by Giacomo OBERTO (Italy).

2. The agenda and the list of participants are attached to this report as Appendices I and II respectively.

2. TOOLS ENABLING TO BETTER ANALYSE TIMEFRAMES ACCORDING TO THE VARIOUS STAGES OF CIVIL PROCEEDINGS

3. The Working Group examined the revised draft questionnaire on analysing the length of civil proceedings (Document CEPEJ-SATURN (2021)11REV). The questionnaire should serve as the basis for collection of information/data on the different stages of civil proceedings and their duration. The draft questionnaire was revised in the light of the comments provided by pilot courts during the meetings held on 4 May 2022 (on-line) and on 13 October 2022 (in Strasbourg). The main changes concerned the collection of data on time between the first and last hearing and the total length of civil proceeding. The Working Group instructed the Secretariat to disseminate the final questionnaire to the pilot courts not later than January 2023.

3. GUIDELINES ALLOWING THE IMPLEMENTATION OF A SYSTEM OF CASE WEIGHTING

4. The Working Group exchanged views on the draft detailed questionnaire on case weighting in the public prosecution services (Document CEPEJ-SATURN(2022)12). The detailed questionnaire was developed by the following experts: Ivan CRNCEC (Croatia), Ana KRNIC-KULUSIC (Croatia) and Alexandre PALANCO (France). The questionnaire on case weighting in the courts prepared by Marco FABRI (Italy) and Shanee BENKIN (Israel) in 2019 served as the basis for the detailed questionnaire to ensure the consistency between the questions asked to the courts and to the public prosecution services.

5. This detailed questionnaire followed up on the first consultations with the International Association of Prosecutors (IAP), based on a first simple questionnaire aimed to provide an overview of the existing case weighting systems (Document CEPEJ-SATURN(2022)3). The CEPEJ-SATURN received 29 replies to the questionnaire from Europe and beyond (Document CEPEJ-SATURN(2022)7). The replies provided a first insight into the use of case weighting by prosecutors.

6. The Working Group instructed the Secretariat to disseminate rapidly the detailed questionnaire to the contact persons nominated by the CEPEJ members (Document CEPEJ-SATURN(2022)11) as well as from some non-European States. The replies will be useful not only for preparation of a report analysing the functioning of the existing case-weighting systems, but also for the organisation of a specific event on case weighting.

7. The Working Group exchanged views on the specific event on case weighting scheduled to take place in the margins of the CEPEJ plenary meeting in June 2023 (Document CEPEJ-SATURN(2022)10), subject to the approval of the CEPEJ. This event would focus on presentation of different case weighting methodologies and experiences with their implementation. Other methods of workload and caseload measurement and their advantages and disadvantages compared to case weighting methods may also be presented.

4. POSSIBLE UPDATE OF THE RECOMMENDATION (86)12 CONCERNING MEASURES TO PREVENT AND REDUCE THE EXCESSIVE WORKLOAD IN THE COURTS

8. The Working Group examined the draft opinion, that the CEPEJ could adopt, aimed at proposing to the European Committee on Legal Co-operation (CDCJ) an update of the Recommendation (86)12 of the Committee of Ministers to the member States concerning measures to prevent and reduce the excessive workload in the courts (Document CEPEJ-SATURN(2022)17). The draft opinion was prepared by the Secretariat based on the measures proposed by the President of the CEPEJ-SATURN, Giacomo OBERTO (Italy). The draft opinion took into account in particular the comments provided in May 2022 by the European Union of Rechtspfleger (EUR) on the proposed measures to update the Recommendation.

9. The Working Group decided to consult the other working groups of the CEPEJ (CEPEJ-GT-EVAL, CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST) considering that some measures which could be envisaged fall within their mandate. This is for example the case of the CEPEJ-GT-QUAL as regards mediation and the CEPEJ-GT-CYBERJUST as regards the use of information and communication technologies (ICT). The contribution from the CEPEJ-GT-EVAL should draw on the analysis of the functioning of judicial systems resulting from the evaluation cycles and of national practices in member States. The consultations would also be valuable with a view to preparing a comprehensive list of examples of non-judicial tasks of which judges in some States could be relieved. These tasks are listed in Annex I to the Recommendation (86)12). The Working Group also agreed to consult the CEPEJ Network of pilot courts after reviewing comments from the working groups of the CEPEJ expected to be received by January 2023.

5. REVISION OF THE TIME MANAGEMENT CHECKLIST

10. Dimitrije SUJERANOVIC (Serbia), scientific expert of the CEPEJ-SATURN, presented the revised Time Management Checklist (Document CEPEJ-SATURN(2022)5) and the Explanatory Note (Document CEPEJ-SATURN(2022)15). The Checklist is a tool for collecting data and information useful for analysing the length of proceedings in the courts. The Checklist was updated in the light of the CEPEJ tools, that have been developed since 2005, as well as the new trends in the judiciary.

11. Since a considerable number of new questions was added in the indicator six on the use of information and communication technologies (ICT), the Working Group decided to consult the members of the CEPEJ-GT-CYBERJUSTICE with a view to review the indicator concerned (see also item 7 of the report). The Checklist and the Explanatory Note were subsequently redrafted in the light of the comments received from the CEPEJ-GT-CYBERJUSTICE before their adoption by the Working Group by written procedure.

6. TRAINING ON JUDICIAL TIME MANAGEMENT

12. The Secretariat presented to the Working Group the module on judicial time management of the on-line HELP course on the CEPEJ (Document CEPEJ-SATURN(2022)16). The course will be composed of seven modules. The module on judicial time management entitled "Better quality helps reduce the length of proceedings and improve time management for judicial authorities when processing cases" was prepared by Jacques BÜHLER, former President of the CEPEJ-SATURN. It is composed of three main sections that explain the notion of reasonable time, how to measure time to process cases and the tools helping to improve the processing time of cases. The Working Group agreed to send comments in writing to the Secretariat by the end of October 2022 before the draft module is submitted to the designer to prepare its on-line version.

13. The Working Group decided to postpone the discussion on the follow-up to be given to the draft concept note on training curriculum on CEPEJ tools on judicial timeframes to the next meeting. The concept note was prepared by Marco FABRI (Italy) in March 2021 with a view to developing a comprehensive training curriculum concerning CEPEJ tools (Document CEPEJ-SATURN(2021)5). The work on a comprehensive training curriculum could be pursued in the future building on the experience from the development of the HELP-CEPEJ course.

7. JOINT MEETING WITH CYBERJUSTICE

14. The CEPEJ-SATURN and the CEPEJ-GT-CYBERJUST exchanged views on on-going work and the potential areas of future joint work. The discussion focused on the draft Revised Time Management Checklist and in particular on the indicator six concerning the use of information and communication technologies (ICT) as a tool for time management of court proceedings. It was agreed that the CEPEJ-GT-CYBERJUST would comment in writing on the questions under indicator six.

15. The CEPEJ-SATURN presented also other potential areas of future work (short-term and long-term), such as co-operation on the update of Recommendation(86)12 on measures to prevent and reduce the excessive workload in the courts (Document CEPEJ-SATURN(2022)17), the compendium of good practices on time management of judicial proceedings (CEPEJ-SATURN(2006)13) and the CEPEJ Handbook on court dashboards (CEPEJ(2021)8REV1). The update of the Recommendation would be sought to identify measures and concrete examples of the necessary ICT equipment in the courts as well as ICT skills and practice to facilitate the work of judges and clerks (see item 4 of the report).

8. TOOL FOR BACKLOG REDUCTION

16. The Secretariat informed the Working Group of the continuous interest from the States to address backlog of cases in the courts. This might have a negative effect the right to a fair trial within reasonable time. The Working Group decided to start developing a general tool on backlog reduction. It could serve as a model for member States in setting up and implementing measures to prevent and reduce backlogs. This tool would be developed in co-operation with other working groups of the CEPEJ. A concept note will be prepared by the Secretariat and presented at the plenary meeting of the CEPEJ in December 2022.

9. MEETING OF THE NETWORK OF THE PILOT COURTS

17. The CEPEJ pilot courts met on 13 October in Strasbourg, after a three-year interruption due to the COVID-19 pandemic. The pilot courts exchanged views on the following topics: the gender diversity in the recruitment and promotion of judges, the access of women to justice, the stages and length of civil proceedings and the use of e-auctions in the courts (CEPEJ-Pilot Courts(2022)OJ). Apart from the CEPEJ-SATURN, the topics reflected the work of other working groups, and in particular CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST.

18. The pilot courts exchanged on the challenges they are facing and possible solutions to these challenges. Examples were the use of videoconferencing to facilitate and speed up judicial proceedings (even when holding trials in person are impossible due to the pandemic), projects helping remove the barriers and increase the number of women in higher positions in the courts as well as processes facilitating women's access to justice. The next meeting of the Network of CEPEJ pilot courts is scheduled to take place in 2023 in Lublin (Poland).

8. OTHER BUSINESS

19. The Working Group decided to postpone to the next meeting the item on the compilation of good practices analysing success factors concerning judicial time management in member states. A draft concept note was prepared for this purpose (CEPEJ-SATURN(2022)9).

ANNEX I

AGENDA

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1. **Opening of the meeting**
Adoption of the agenda
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2. **Meeting of the Network of pilot courts**
Preparation of the meeting of pilot courts

Working document

Draft agenda of the meeting of the Network of pilot courts
[CEPEJ-PilotCourts\(2022\)OJ/Prov](#)

List of CEPEJ pilot courts
[CEPEJ-PilotCourts\(2022\)1](#)

3. **Revision of the Time Management Checklist**
Exchange of views on the Revised Time Management Checklist and the Explanatory Note with a view to its adoption
Expert in charge: Dimitrije SUJERANOVIC

Working document

Draft Revised Time Management Checklist
[CEPEJ-SATURN\(2022\)5](#)

Draft Explanatory Note
[CEPEJ-SATURN\(2022\)15](#)

REFERENCE DOCUMENT

Time management checklist
[CEPEJ\(2005\)12REV](#)

4. **Case weighting in public prosecution services**
Exchange of views on the questionnaire and the way forward
Experts in charge: Ivan Crncec, Ana Krnic-Kulusic, Alexandre Palanco

Working document

Draft questionnaire on case weighting in public prosecution services
[CEPEJ-SATURN\(2022\)12](#)

List of contact persons regarding case weighting in public prosecution services
[CEPEJ-SATURN\(2022\)11](#)

Concept note on the specific event on case weighting

[CEPEJ-SATURN\(2022\)10](#)

Reference document

Compilation of replies to the preliminary questionnaire on case weighting in public prosecution services

[CEPEJ-SATURN\(2022\)7](#)

Working document

Draft CEPEJ Opinion aimed at proposing to the CDCJ an update of the Recommendation (86)12

[CEPEJ-SATURN\(2022\)17](#)

Draft proposal aimed at proposing to the CDCJ to update the Recommendation (86)12

[CEPEJ-SATURN\(2022\)13](#)

5. **Possible update of the Recommendation No. R(86)12 of the Committee of Ministers to member States concerning measures to prevent and reduce the excessive workload in the courts**
Exchange of views on the draft proposals and the way forward

List of Committee of Ministers recommendations pertaining to the workload in the courts

[CEPEJ-SATURN\(2022\)8](#)

[Opinion of the European Union of Rechtspflege \(EUR\) on the proposed amendment concerning Recommendation 86\(12\)](#)

Reference document

[Recommendation \(86\)12 of the Committee of Ministers](#)

Working document

Concept note on revision of the compendium of “best practices” on time management of judicial proceedings

[CEPEJ-SATURN\(2022\)9](#)

6. **Compilation of good practices analysing success factors concerning judicial time management in member States**
Exchange of views on the possible future tool and the way forward

Reference document

Compendium of “best practices” on time management of judicial proceedings

[CEPEJ\(2006\)13](#)

<p>7. Joint meeting of CEPEJ-SATURN and CEPEJ-GT-CYBERJUST Mutual information on on-going work and preliminary exchange of views on potential future joint work</p>	<p>Reference document Terms of reference 2022-2023 CEPEJ-GT-CYBERJUST</p>
<p>8. Tool to analyse the length of civil proceedings Exchange of views on the revised questionnaire and the way forward <i>Experts in charge: Marco Fabri and Ruth Straganz-Schröfl</i></p>	<p>Working document Revised questionnaire on analysing the length of civil proceedings CEPEJ-SATURN(2021)11REV</p>
<p>9. CEPEJ training course on judicial time management Exchange of views on the documents related to training on judicial time management and the way forward</p>	<p>Working document Draft HELP-CEPEJ module on judicial time management CEPEJ-SATURN(2022)16/EN CEPEJ-SATURN(2022)16/FR Concept note on training curriculum on CEPEJ tools on judicial timeframes (with Appendix) CEPEJ-SATURN(2021)5</p>
<p>10. Any other business Exchange of views on i) possible future co-operation with pilot courts and ii) possible new themes for SATURN work</p>	<p>Reference document Report of the meeting CEPEJ-SATURN(2022)6 Terms of reference CEPEJ – SATURN 2022 - 2023</p>

ANNEX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBERS / MEMBRES

Vassilis ANDROULAKIS, Judge, Council of State, Athens, GREECE

Ivana BORZOVÁ, Head of Department of Civil Supervision, Ministry of Justice, Prague, CZECH REPUBLIC

Ivan CRNČEC, Justice Sector Reform Expert, Ministry of Justice, Zagreb, CROATIA

Francesco DEPASQUALE, The Honourable Mr Justice, Superior Courts, Valletta, MALTA

Mitja KOZAR, Judicial Councilor, District Court of Maribor, Maribor, SLOVENIA

Giacomo OBERTO, Judge, First-Instance Civil Court in Turin, ITALY, President of SATURN

PRESIDENT OF CEPEJ / *PRESIDENT DE LA CEPEJ*

Ramin GARAGURBANLI, Judge, Criminal Division of the Baku Court of Appeal, Head of the working group on e-Court System, Ministry of Justice, Baku, AZERBAIJAN

SCIENTIFIC EXPERTS / *EXPERTS SCIENTIFIQUES*

Marco FABRI, Director, Research Institute on Judicial Systems, National Research Council (IRSIG-CNR), Bologna, ITALY

Dimitrije ŠUJERANOVIĆ, udicial expert, Belgrade, SERBIA

OBSERVER STATES TO THE CEPEJ / *ÉTATS OBSERVATEURS AUPRES DE LA CEPEJ*

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Gali AVIV, Director, Research Division, Supreme Court, Jerusalem, ISRAEL

OBSERVERS / *OBSERVATEURS*

Jean-Jacques KUSTER, représentant, European Union of Rechtspfleger and court clerks (EUR), Strasbourg, FRANCE

Mathieu CHARDON, Secretary General, International Union of Bailiffs (UIHJ), Paris, FRANCE

**COUNCIL OF EUROPE / CONSEIL DE L'EUROPE
SECRETARIAT**

Directorate General of Human Rights and Rule of Law (DGI)
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Muriel DECOT, Secretary of the CEPEJ
Eva KONECNA, Secretary of the CEPEJ-SATURN
Milan NIKOLIC, Co-Secretary of the CEPEJ-SATURN
Ioana VOELKEL, Assistant
