



Strasbourg, 5 June 2023

CEPEJ-SATURN(2023)9

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

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

34<sup>th</sup> meeting, 29 and 31 March 2023

**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 34<sup>th</sup> meeting in Lublin, Poland, on 29 and 31 March 2023. The meeting was organised together with the 16<sup>th</sup> meeting of the CEPEJ Network of pilot courts held on 30 March 2023 (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. TOOL ENABLING TO BETTER ANALYSE TIMEFRAMES ACCORDING TO THE VARIOUS STAGES OF CIVIL PROCEEDINGS**

3. Marco FABRI, scientific expert, presented the preliminary analysis of the replies from the pilot courts to the questionnaire on the length of civil proceedings. The replies were collected based on the questionnaire on the length of civil proceedings elaborated by the group CEPEJ-SATURN and adopted at its 33<sup>rd</sup> meeting held in October 2022. The questionnaire was sent to the pilot courts in January 2023 via the CEPEJ Collect. 32 pilot courts from 27 countries replied to the questionnaire. To facilitate the discussion within the CEPEJ-SATURN, the Secretariat prepared the following documents: i) the compilation of the replies to the questionnaire (Document CEPEJ-SATURN (2023)6) and ii) the summary information on the various steps of the civil proceedings (Document CEPEJ-SATURN(2023)8).

4. The preliminary analysis showed that most respondents (pilot courts) have no legal deadlines for the various stages of civil proceedings nor collect the data on their real duration. However, it appears that there are some procedural rules that (apparently) affect the overall length of the proceedings, especially in the trial stages between preliminary/first to final hearings.

5. The CEPEJ-SATURN decided to continue working on this theme with pilot courts to explore different aspects of the stages of civil proceedings and identify reasons for delays. In a first stage, it has been proposed to work with a limited number of pilot courts. The possibility of involving the members of the CEPEJ in a later was also discussed to enable the wider collection of information. The CEPEJ-SATURN instructed the Secretariat to launch a call for expression of interest among pilot courts and to continue working with the Task Force set up on further analysis of the various stages of civil proceedings.

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

6. Ivan CRNCEC (Croatia), Ana KRNIC-KULUSIC (Croatia) and Alexandre PALANCO (France) presented the preliminary draft report on case weighting systems (CWS) in public prosecution services (Document CEPEJ-SATURN(2023)3). The document was prepared based on the replies to the detailed questionnaire adopted by the CEPEJ-SATURN at its 33<sup>rd</sup> meeting held in October 2022 and subsequent interviews with representatives of those prosecution services that use fully or partially case weighting. 30 public prosecution services replied to the questionnaire and/or provided further information in writing (Document CEPEJ-SATURN(2023)1 and Document CEPEJ-SATURN(2023)2).

7. The report has been structured around the following main sections: i) theory of case weighting (definition and the methods of data collection); ii) overviews of countries using CWS and their synthesis (Austria, Belgium, Bulgaria, Denmark, Germany, Lithuania, the Netherlands, Norway, Sweden), iii) alternative systems to case weighting (including illustrative cases); and iv) guiding principles for case weighting. Some non-European countries with CWS will be also covered in the report. There are few prosecution offices in Europe using CWS and the systems are very divers. The lack of information was cited as one of the reasons for not implementing CWS. A great number of respondents expressed their interest in organising the exchanges of views on this topic to learn more about CWS.

8. The CEPEJ-SATURN expressed its appreciation for the document and provided comments. It agreed that the draft report should be prepared and submitted for adoption at the next meeting in October 2023. Until then, the scientific experts will carry out the remaining interviews with the countries with CWS to complete the country synthesis (e.g. Austria, Australia, Germany and Norway) together with the detailed analysis and the guiding principles.

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

9. The CEPEJ-SATURN 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(2023)4). The draft opinion was prepared by the Secretariat. The new draft took into account comments provided by the other working groups of the CEPEJ (CEPEJ-GT-EVAL, CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST) and the European Union of Rechtspfleger and court clerks (EUR).

10. The new draft Opinion referred to the necessity to redraft the provisions regarding alternative dispute resolution (ADR) while highlighting the need for raising awareness on the ADR methods among justice professionals. The updated Recommendation may also include new provisions related to the use of information and communication technologies (ICT) and the necessity to equip courts with adequate technical equipment (e.g. computers and software). The list of non-judicial tasks of which judges could be relieved from were expended to the family, criminal, procedural and commercial laws and the law of persons.

11. The draft Opinion was discussed with the pilot courts at the 16<sup>th</sup> meeting held in Lublin, Poland, on 30 March 2023. The pilot courts confirmed that they faced high workload. They highlighted, as a means for reduce workload, the importance for national justice sector strategies, the quality ICT equipment in courts and training on ADR. The discussion focused on the possible tasks which could be moved from judges to other persons or institutions. The pilot courts agreed that although there is a room for improvement on this front the simple transfer of tasks from judges will not reduce their workload unless substantive measures are taken for the judicial system as a whole.

12. The CEPEJ-SATURN instructed the Secretariat to prepare the new draft Opinion based on the comments received by the pilot courts, the working groups of CEPEJ and observers to the CEPEJ. The new version should be sent to the CEPEJ-SATURN for their comments in writing. The CEPEJ-SATURN agreed that, once finalised, the draft Opinion should be submitted to the CEPEJ for adoption at its next plenary meeting in June 2023.

#### **5. REVISION OF THE TIME MANAGEMENT CHECKLIST**

13. At its plenary meeting in December 2022, the CEPEJ decided to postpone the adoption of the draft Revised Time Management Checklist and its Explanatory Note until the next plenary meeting in June 2023 to take into account comments received during the meeting. The Checklist is a tool for collecting data and information useful for analysing the length of proceedings in the courts. The CEPEJ-SATURN met online in January 2023 to discuss how to integrate the comments. Based on the discussion, Dimitrije SUJERANOVIC (Serbia), scientific expert of CEPEJ-SATURN, presented the new draft Time Management Checklist (Document CEPEJ-SATURN(2022)5REV1) and the Explanatory Note (Document CEPEJ-SATURN(2022)15REV1). The changes concerned mainly case categorisation, starting points for case-tracking and use of artificial intelligence (AI) in courts. The CEPEJ-SATURN adopted the Checklist and the Explanatory Note and decided to submit it to the CEPEJ for adoption at its next plenary meeting.

14. As a follow up to this activity, two proposals were discussed. Firstly, the CEPEJ-SATURN welcomed the proposal received the members of the CEPEJ to prepare a time management checklist for public prosecution services. Secondly, the CEPEJ-SATURN agreed to reflect further on possible collection of information based on the Checklist's indicators to test the Checklist in practice and explore the situation in this area. The pilot courts could be involved in the activity.

## **6. TRAINING ON JUDICIAL TIME MANAGEMENT**

15. The Secretariat presented to the CEPEJ-SATURN the designed module on judicial time management of the on-line HELP course on the CEPEJ (Document CEPEJ-SATURN(2022)16REV) and comments received from the SATURN members prior to the meeting. The module is composed of three main sections that explain the notion of reasonable time, how to measure time to process cases and tools helping to improve the processing time of cases. The CEPEJ-SATURN agreed to send further comments in writing to the Secretariat by 25 April 2023. The comments will be forwarded to the designers prior to the preparation of the final design of the module. It is expected that the final module will be presented at the next SATURN meeting in October 2023.

## **7. COMPILATION OF GOOD PRACTICES**

16. In line with its terms of reference for 2022 and 2023, the CEPEJ-SATURN decided to start collecting good practices concerning judicial time management in member State. The discussion focused on the concept note prepared by the Secretariat (Document CEPEJ-SATURN(2022)9REV1). The concept note was structured around the areas of work aimed at producing this tool. The concept note also foresees the setting up of the CEPEJ Resource Centre on judicial time management/efficiency of justice that would contain different practices and measures relevant for effectively managing the courts. The CEPEJ Resource Centre on cyberjustice and artificial intelligence could serve as an example for creating this Resource Centre.

17. The CEPEJ-SATURN noted that the Resource Centre may play an important role in creating a forum for practice-sharing on the topics related to the efficiency of justice. The CEPEJ-SATURN decided to invite the members of the Secretariat in charge of the CEPEJ Resource Centre on cyberjustice and AI to the next SATURN meeting to share information on the steps taken and challenges encountered during its development.

## **8. BACKLOG REDUCTION TOOL**

18. Dimitrije SUJERANOVIC (Serbia), scientific expert, presented the second draft backlog reduction tool (Document CEPEJ-SATURN(2023)5). The draft was structured around the main steps necessary for solving backlog of cases: i) identification of the problem; ii) analysis of the possible reasons for backlog; iii) creation of a strategy to fight backlog; iv) implementation of the measures to solve backlog and their continuous monitoring; and v) creation of the sustainable prospect. This draft was prepared based on the concept note adopted in the CEPEJ plenary in December 2022 and the first draft backlog reduction tool prepared by the Secretariat.

19. The CEPEJ Resource Centre may supplement the backlog reduction tool to collect measures and practices in the field of judicial time management/efficiency of justice. The CEPEJ-SATURN expressed its great appreciation for the document. It agreed that the scientific expert will continue working on the document. Its subsequent drafts will be discussed by the ad hoc working group on fighting backlog (set up by CEPEJ in January 2023) with a view to possible adoption of the new tool at the CEPEJ plenary meeting in June 2023.

## **9. MEETING OF THE CEPEJ NETWORK OF PILOT COURTS**

20. The 16<sup>th</sup> meeting of the CEPEJ Network of pilot courts was held on 30 March 2023 in Lublin, Poland, together with the 34<sup>th</sup> CEPEJ-SATURN meeting. The meetings were organised upon the invitation of the District of Lublin-East. 31 pilot courts participated in the Network's meeting. The pilot courts exchanged views on the following topics: fighting backlog of cases, evaluating the performance of judges, and reducing the excessive workload in courts. These topics were discussed in the workshops providing the participants with an opportunity to present their court practices as well as to shape the future CEPEJ tools and guidelines.

21. The discussion showed that there are different organisational and procedural measures that courts can implement to successfully resolve backlogs and prevent their future formation. These measures can be taken on the system-wide level, but also by courts themselves or even by individual judges. Increased recourse to

alternative dispute resolution, information and communication technologies and transfer of tasks from judges to other persons or institutions could relieve the courts from their workload.

22. The exchange of views in the plenary focused on the role of the Network of pilot courts and the analysis of the replies to the questionnaire on the length of civil proceedings (see the item 2 above). The Secretariat presented to the pilot courts the CEPEJ Resource Centre on Cyberjustice and Artificial Intelligence. The following two concrete measures resulted from the discussion: Measure 1: one regular meeting in person per year will be supplemented by an addition on-line meeting(s) to discuss a specific topic relevant for the pilot courts and/or the CEPEJ and measure 2: select a group of pilot courts to work on the possible tool on the length of various steps of civil proceeding. It is expected that these measures will strengthen the co-operation with the pilot courts.

## **10. OTHER BUSINESS**

23. The CEPEJ-SATURN decided to organise the next meeting on 5 and 6 October 2023.

## ANNEX I

### AGENDA

29 March 2023: 9.00 am – 5.30 pm – John Paul II  
Catholic University, Aleje Racławicki 14, Lublin, Room  
217

1. Opening of the meeting  
Adoption of the agenda

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(2023)OJ/Prov  
Draft list of participants  
CEPEJ-PilotCourts(2023)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 Time Management Checklist  
CEPEJ-SATURN(2022)5REV1  
Draft Explanatory Note  
CEPEJ-SATURN(2022)15REV1

REFERENCE DOCUMENT  
Time management checklist  
CEPEJ(2005)12REV

4. Case weighting in public prosecution services  
Exchange of views on the preliminary synthesis  
and analysis and the way forward  
*Experts in charge: Ivan Crncec, Ana Krnic-Kulusic,  
Alexandre Palanco*  
(29 March 2023 - 12:00 am - 1.00 pm)

WORKING DOCUMENT  
Preliminary synthesis on case  
weighting in public prosecution  
services  
CEPEJ-SATURN(2023)3

REFERENCE DOCUMENT  
Compilation of replies to  
the questionnaire on case weighting in  
public prosecution services – country-  
by-country  
CEPEJ-SATURN(2023)1

Compilation of replies to  
the questionnaire on case weighting in  
public prosecution services  
overview by question  
CEPEJ-SATURN(2023)2

<p>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 (29 March 2023 – as from 2:30 pm onwards)</p>	<p>WORKING DOCUMENT</p> <p>Draft CEPEJ Opinion aimed at proposing to the CDCJ an update of the Recommendation (86)12 CEPEJ-SATURN(2023)4</p> <p>Contribution from the European Union of Rechtspfleger (EUR)</p> <p>Contribution from EUR No.2</p> <p>REFERENCE DOCUMENT</p> <p>Recommendation (86)12 of the Committee of Ministers</p> <p>Compilation of contributions from the working groups of CEPEJ CEPEJ-SATURN(2023)7</p>
<p>6. Backlog reduction tool Exchange of views on the preliminary draft <i>Expert in charge: Dimitrije Sujevanovic</i></p>	<p>WORKING DOCUMENT</p> <p>Preliminary draft backlog reduction tool CEPEJ-SATURN(2023)5</p> <p>REFERENCE DOCUMENT</p> <p>Concept note on the preparation of a backlog reduction tool CEPEJ-SATURN(2022)18REV</p>
<p>31 March 2023: 9.30 am – 12.00 am</p>	
<p>7. Visit to the pilot court in Lublin-East Exchange of views with the representatives of the pilot court Lublin-East <i>Address: District Court Lublin-East in Świdnik Ul. Kardynała Stefana Wyszyńskiego 18, Świdnik Meeting point at KUL, Raławickie Street 14, Lublin</i></p>	
<p>31 March 2023: 2.00 pm – 5.30 pm – venue: John Paul II Catholic University, Aleje Raławickie 14, Lublin, Room 217</p>	

<p>8. Tool to analyse the length of civil proceedings Exchange of views on the replies to the questionnaire and the way forward <i>Experts in charge: Marco Fabri and Ruth Straganz-Schröfl</i></p>	<p>WORKING DOCUMENT</p> <p>Brief information on the length of the various steps of the civil proceedings CEPEJ-SATURN(2023)8</p> <p>Data based on the replies to the questionnaire on analysing the length of civil proceedings CEPEJ-SATURN(2023)6</p> <p>REFERENCE DOCUMENT</p> <p>Questionnaire on analysing the length of civil proceedings CEPEJ-SATURN(2021)11REV</p>
<p>9. 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</p>	<p>WORKING DOCUMENT</p> <p>Concept note on the revision of the compendium of “best practices” on time management of judicial proceedings CEPEJ-SATURN(2022)9REV1</p> <p>REFERENCE DOCUMENT</p> <p>Compendium of “best practices” on time management of judicial proceedings CEPEJ(2006)13</p>
<p>10. 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</p> <p>Draft HELP-CEPEJ module on judicial time management (designed) CEPEJ-SATURN(2022)16/ENREV</p> <p>Concept note on training curriculum on CEPEJ tools on judicial timeframes (with Appendix) CEPEJ-SATURN(2021)5</p>



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11. Any other business  
Exchange of views on i) possible future co-operation  
with pilot courts and ii) possible new themes for  
SATURN work

REFERENCE DOCUMENT  
Report of the meeting  
CEPEJ-SATURN(2022)19  
Terms of reference  
CEPEJ – SATURN  
2022 – 2023

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## ANNEX II

### LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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#### MEMBERS / MEMBRES

**Vassilis ANDROULAKIS**, Judge, Council of State, Athens, GREECE (excused)

**Ivana BORZOVÁ**, Head of Department of Civil Supervision, Ministry of Justice, Prague, CZECH REPUBLIC (excused)

**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 CEPEJ-SATURN

**Christian DE VALKENEER**, Président du tribunal de première instance de Namur-Dinant, Belgique, e-mail : devachri@gmail.com

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#### SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

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

**Dimitrije ŠUJERANOVIĆ**, judicial expert, Belgrade, SERBIA

**Ana KRNIC-KULUSIC**, judicial expert, Zagreb, CROATIA

**Alexandre PALANCO**, Doctor in public law, Catholic University, Lyon, FRANCE

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

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#### OBSERVERS / OBSERVATEURS

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

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

Directorate General of Human Rights and Rule of Law (DGI)

*Direction générale droits de l'Homme et Etat de droit (DGI)*

**Eva KONECNA**, Secretary of the CEPEJ-SATURN

**Milan NIKOLIC**, Co-Secretary of the CEPEJ-SATURN

**Ioana VOELKEL**, Assistant