cepej

European Commission for the Efficiency of Justice

Commission européenne pour l'efficacité de la justice

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 9 December 2021

CEPEJ(2021)13

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

REVISED SATURN GUIDELINES FOR JUDICIAL TIME MANAGEMENT (4th revision)

Document adopted at the 37th plenary meeting of the CEPEJ (Strasbourg and online, 8 and 9 December 2021)

Table of contents

Introduction

All national court administrations, willing to apply such guidelines should undertake comparative analyses of the level of implementation of these guidelines and the time management tools used by the courts in their jurisdictions, identify guidelines that are not implemented and develop efficient strategies on how to implement and improve them.

The time management guidelines of SATURN must be translated and made available to all courts, judicial administrations, ministries of justice, local and national lawyers associations, public prosecutors and crime units in the police in charge of criminal investigations, victims' organizations and other user organizations and enforcement agencies in all member States. Any authority, organisation or individual involved should be encouraged to implement these guidelines appropriately.

PART I: GUIDELINES FOR COURTS

I. General principles and guidelines

A. Transparency and foreseeability

1. The users of the justice system should be involved in the time management of judicial proceedings.

2. The users should be informed and, where appropriate, consulted regarding every relevant aspect that influences the length of proceedings.

3. The length of proceedings should be foreseeable as far as possible.

4. The general statistical and other data regarding the length of proceedings, in particular per types of cases, should be available to the general public.

B. Optimum length

5. The length of judicial proceedings should be appropriate.

6. It is particularly important and in the public interest that the length of judicial proceedings is not unreasonable. Procedures should not be excessively long. They should, under some circumstances, also not be too short, if this would unduly impact the users' right of access to court.

7. The time management of judicial proceedings, if not determined by the behaviour of the users themselves, should be decided in an impartial and objective manner, avoiding significant differences with regard to timing of similar cases.

8. Particular attention should be given to the appropriateness of the total length of proceedings, from the initiation of the proceedings to the final result, corresponding to the satisfaction of the aims that the users wanted to obtain through the judicial process.

C. Planning and collection of data

9. The length of judicial proceedings should be planned, both at the general level (planning of average/mean duration of particular types of cases, or average/mean duration of process before certain types of courts), and at the level of concrete proceedings.

10. The users are entitled to be consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps.

11. The length of judicial proceedings should be monitored through an integral and well-defined system of collection of information. Such a system should be able to promptly provide both the detailed statistical data on the length of proceedings at the general level, and identify individual instances at the origin of excessive and unreasonable length.

12. The court responsible for the case handling should record the steps at the trial stage. Where a case is appealed, the information available from the court file or record should be such that the appeal court should

be able to ascertain that the total time use at the trial stage – also the time spent at the first instance court and on sending the case between courts – has been properly recorded. Lower courts that receive cases for retrial must do the same for all time spent at previous instances – whether on appeal or in the first instance.

13. The court file or record should clearly show the steps of:

- case arrival at the first instance court (courts should check that the recording of the pre-trial steps is complete)
- trial preparation (several actions might happen during this step, ex: appointment of public defender, appointment of experts, setting the date of the main hearing, summons of witnesses, preparatory conferences and hearings)
- beginning of the trial (first oral hearing on the merits)
- further hearings for evidence (some States use only one main hearing)
- end of the hearings
- decision making at the first instance
- announcement and delivery of the first instance decision
- launching of legal remedies
- preparation of appellate hearings
- appelate hearings
- decision making at the appeal instances
- other stages and remedies (ex: reopening, constitutional review, retrial, etc)
- sending of the final sentence to the execution authorities

(This list contains examples and should be adapted to the peculiarities of each jurisdiction.)

14. This information should be available to guide the work of prosecutors, court administrators, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the users and the general public.

15. Courts should use the “Towards European Timeframes for Judicial Proceedings Implementation guide” when setting suitable timeframes.

D. Flexibility

16. The time management of the judicial process should be adjusted to the needs of the concrete proceedings, paying special attention to the needs of users.

17. The normative setting of time limits by legislation or other general acts should be used cautiously, having regard to possible differences in concrete cases. If the time limits are set by the law, their observance and appropriateness should be continually monitored and evaluated.

18. If the law provides that particular types of cases should have priority or be decided urgently, this general rule should be interpreted in a reasonable way, in the light of the purpose for which the urgency or priority was provided for.

E. Committed collaboration of all stakeholders

19. Optimum and foreseeable length of proceedings[1] should be within the responsibility of all institutions and persons who participate in the design, regulation, planning and conduct of judicial proceedings, in particular by taking into account ethical rules.

20. In particular, the actions needed to ensure the implementation of the principles and guidelines contained in this document should be undertaken by legislators, policy makers and the authorities responsible for the administration of justice.

21. The central bodies responsible for the administration of justice have the duty to ensure that the means and conditions necessary for appropriate time management are available, and take action where appropriate.

[1] See the Framework Programme: "A new objective for judicial systems: the processing of each case within an optimum and foreseeable timeframe (CEPEJ(2004)19Rev2) and Length of court proceedings in the member States of the Council of Europe based on the case law of the European Court of Human Rights" (F. Calvez and N. Régis), updated in 2018 available on www.coe.int/cepej.

The bodies of court administration should assist in time management by collecting information and facilitating the organisation of judicial proceedings. The bodies that conduct the proceedings should actively engage in the planning and organisation of the proceedings.

22. Framework agreements with lawyers regarding timeframes and deadlines should be encouraged in all jurisdictions, cooperation of lawyers being important for putting forward suitable calendars for each case.

II. Guidelines for legislators and policy makers

A. Resources

1. The judicial system needs to have sufficient resources to cope with its regular workload in due time. The resources should be distributed according to the needs and must be used efficiently.

2. There should be specific resources that can be utilised in case of unexpected changes in the workload or the inability of the system to process the cases promptly.

3. The decisions on the utilisation of resources for the functioning of the judiciary should be made in a way that stimulates effective time management. If it is necessary, it should be possible to reallocate the resources in a fast and effective way in order to avoid delays and backlogs.

B. Organisation

4. The judicial bodies should be organised in a way that encourages effective time management.

5. Within this organisation, the responsibility for time management or judicial processes should be clearly determined. There should be a unit that permanently analyses the length of proceedings with a view to identify trends, anticipate changes and prevent problems related to the length of proceedings.

6. All organisational changes that affect the judiciary should be studied as regards the possible impact on the time management of judicial proceedings.

C. Substantive law

7. Legislation should be clear, simple, in plain language and not too difficult to implement. Changes in substantive law should be well prepared.

8. When enacting new legislation, the government should always study its impact on the volume of new cases and avoid rules and regulations that may generate backlogs and delays.

9. Both the users and the judicial bodies should be informed in advance about changes in legislation, so that they can implement them in a timely and efficient way.

D. Procedure

10. The rules of judicial procedures should enable compliance with optimum timeframes. Rules that unnecessarily delay the proceedings or provide for overly complex procedures should be eliminated or amended.

11. The rules of judicial procedure should take into account the applicable Recommendations of the Council of Europe, in particular the Recommendations:

- R(81)7 on measures facilitating access to justice;
- R(84)5 on the principles of civil procedure designed to improve the functioning of justice;
- R(86)12 concerning measures to prevent and reduce the excessive workload in the courts;
- R(87)18 concerning the simplification of criminal justice;
- R(95)5 concerning the introduction and improvement of the functioning of appeal systems and procedures in civil and commercial cases;
- R(95)12 on the management of criminal justice;
- R(2001)3 on the delivery of court and other legal services to the citizens through the use of new technologies.

12. In drafting or amending the procedural rules, due regard should be had to the opinion of those who will apply these procedures.

13. The procedure in the first instance should promote expedition, while at the same time affording to users their right to a fair and public hearing.

14. Use of accelerated proceedings should be encouraged, where appropriate.

15. In appropriate cases, the appeal options may be limited. In certain cases (e.g. small claims) the appeal may be excluded, or a leave to appeal may be requested. Manifestly ill-founded appeals may be declared inadmissible or rejected in a summary way.

16. The recourse to the highest instances should be limited to the cases that deserve their attention and review.

III. Guidelines for authorities responsible for administration of justice

A. Division of labour

1. The duty to contribute to appropriate time management is shared by all the authorities responsible for the administration of justice (courts, judges, Rechtspfleger, administrators), and all persons involved professionally in the judicial proceedings (e.g. experts and lawyers), each within his competences.

2. All authorities responsible for the administration of justice should cooperate in the process of setting standards and targets. In the elaboration of these standards and targets the other stakeholders and the users of the justice system should also be consulted.

B. Monitoring

3. The timeframes of judicial proceedings should be captured as caseflow data and be capable of scrutiny by means of a chart of caseflow statistics. There should be sufficient information with respect to the length of particular types of cases and the length of all stages of judicial proceedings.

4. It should be ascertainable from the caseflow data and chart of statistics whether the standards and targets for the specific types of cases and/or specific courts are being observed.

5. The body in charge of individual proceedings should monitor compliance with the time limits that are being set or agreed with the other participants in the proceedings.

6. The monitoring should be done in accordance with the European Uniform Guidelines for Monitoring of Judicial Timeframes – EUGMONT (see Appendix I).

C. Intervention

7. If departures from standards and targets for judicial timeframes are being observed or foreseen, prompt actions should be taken in order to remedy the causes of such departures.

8. Particular attention should be given to procedures where the overall duration of a case is such that it may give rise to a finding of the violation of the human right to a trial within reasonable time.[2]

9. The monitoring should make sure that the periods of inactivity (waiting time) in the judicial proceeding are not excessively long, and wherever such extended periods exist, particular efforts should be made in order to expedite the proceedings and compensate for the delay[3].

[2] Length of court proceedings in the member States of the Council of Europe based on the case law of the European Court of Human Rights" (F. Calvez and N. Régis), updated in 2018 available on www.coe.int/cepej.

[3] The duty to pay special attention to the periods of inactivity that can be attributed to the courts and other State authorities also arises out of the case-law of the European Court of Human Rights in relation to Article 6 of the ECHR.

D. Use of new technologies

10. The use of new technologies within courts should be encouraged in order to reduce timeframes of judicial proceedings, in particular for the case management and during the proceedings, in particular:

- telephone-conferences and videoconferences at different stages of the proceedings;
- electronic communication between the court and the parties and more generally for all parties involved in the proceedings;
- relations between participants to the proceedings;
- consulting files at a distance;
- codification of offences.

E. Accountability

11. Everyone who, by their act or omission, causes delays and adversely affects the observance of set standards and targets in the time management should, consistent with the principle of judicial independence, be held accountable.

12. In addition to the appropriate accountability for ineffective time management, the State may be held liable for the consequences caused to the users by the unreasonable length of proceedings.

IV. Guidelines for court managers

A. Collection of information

1. Court managers should, with the aid of caseflow data, collect information on the most important steps in the judicial process. They should keep records regarding the duration between these steps. In respect to the steps monitored, due regard should be given to the Time management Checklist, Indicator Four[4].

2. The information collected should be available to guide the work of administrative court staff, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the parties and the general public.

B. Continuing analysis

3. All information collected should be continually analysed and used for the purposes of monitoring and the improvement of performance.

4. The collected information should be available for the purposes of statistical evaluation. Subject to the protection of privacy, the collected data should also be available to independent researchers and research institutions for the purposes of scientific analysis.

5. The reports on the results of analysis should be produced at regular intervals, at least once a year, with appropriate recommendations.

C. Established targets

6. In addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual courts. The court managers should have sufficient authorities and autonomy to actively set or participate in setting of these targets.

7. The targets should clearly define the objectives and be achievable. They should be published and subject to periodical re-evaluation.

8. The targets may be used in the evaluation of the court performance. If they are not achieved, concrete steps and actions should be taken to remedy the situation.

D. Crisis management

9. In the situations where there is a significant departure from the targets set at the court level, there should be specific means available to address rapidly and adequately the cause of the problem.

---

[4] Time management Checklist (CEPEJ(2005)12Rev).

V. Guidelines for judges

A. Active case management

1. The judge should have sufficient powers to manage the proceedings actively.

2. Subject to general rules, the judge should be authorised to set appropriate time limits and adjust time management to the general and specific targets as well as to the particulars of each individual case.

3. Standard electronic templates for the drafting of judicial decisions and judicial decision support software should be developed and used by judges and court staff.

B. Timing agreement with the parties and lawyers

4. In the time management of the process, due consideration should be given to the interests of the users. They have the right to be involved in the planning of the process at an early stage.

5. Where possible, the judge should attempt to reach agreement with all participants in the procedure regarding the procedural calendar. For this purpose, he should also be assisted by appropriate court personnel (clerks) and information technology.

6. The deviations from the agreed calendar should be minimal and restricted to justified cases. In principle, the extension of the set time limits should be possible only with the agreement of all parties, or if the interests of justice so require.

C. Co-operation and monitoring of other actors (experts, witnesses etc.)

7. All participants in the process have the duty to co-operate with the court in the observance of set targets and time limits.

8. In the process, the judge has the right to monitor the observance of time limits by all participants, in particular, but not restricted to, those invited or engaged by the court, such as witnesses or experts.

D. Suppression of procedural abuses

9. All attempts to willingly and knowingly delay proceedings should be discouraged.

10. There should be procedural sanctions for causing delay and vexatious behaviour. These sanctions can be applied either to the parties or their representatives.

11. If a member of a legal profession grossly abuses procedural rights or significantly delays the proceedings, it should be reported to the respective professional organisation for such sanctions as may be appropriate.

E. The reasoning of judgments

12. The reasoning of all judgments should be concise in form and limited to those issues requiring to be addressed. The purpose should be to explain the decision. Only questions relevant to the decision of the case should be taken into account.

13. It should be possible for judges, in appropriate cases, to give an oral judgment with a written decision.

VI. Guidelines for Rechtspfleger

A. Role of Rechtspfleger in the various phases of proceedings

1. Rechtspfleger[5] should actively manage cases assigned to them with due respect to the requirements of reasonable length of proceedings.

2. Rechtspfleger should deal promptly and diligently with all legal documents. They should take steps to ensure that all documents and data are recorded in the case management system and regularly updated to maintain the reliability of data.

3. When Rechtspfleger manage judicial proceedings independently, they should conduct them in the most efficient way. General time limits and those set up for each individual case should be taken into account. Procedural calendars should be drawn up with all participants to the proceedings to reduce the risk of undue delays.

4. When Rechtspfleger perform certain judicial duties within their national legal orders, in that context, they may be entrusted with the same competences as judges with regard to judicial time management.

5. Rechtspfleger should discourage all attempts to willingly and knowingly delay proceedings. Where possible, gross abuses of procedural rights or significant delays in the proceedings should be reported for potential sanctions.

6. When Rechtspfleger have competences to make judicial decisions independently, the decisions should be drawn up in a concise way and address all relevant arguments to the proceedings. Standard electronic templates and judicial decision support software should be developed and used to enhance the decision drafting process. Rechtspfleger should communicate their decisions to the parties in language understandable to everyone.

B. Training on judicial time management

7. The initial and in-service legal training for Rechtsfleger should include information on the requirements set out in Article 6 of the ECHR to avoid delays in proceedings and their contribution to effective judicial time management and timeframes. Training should also include CEPEJ guidelines and tools relevant to judicial time management.

C. Use of information and communication technologies

8. Rechtspfleger should be proficient and keep abreast of developments in information and communication technologies to record reliable data in the most efficient way. This would allow them to obtain information necessary for adopting measures to conduct proceedings within optimal timeframes.

[5] The Glossary of CEPEJ definitions defines Rechtspfleger as “independent judicial officer, performing the tasks assigned by law, who is not a judicial assistant but works within the court and may carry out legal tasks in various areas, e.g. family law and guardianship law, law of succession, and the law on the land register and commercial registers; in some States, may also have competence to make judicial decisions independently such as on the granting of nationality, payment orders, execution of court decisions, auctions of immovable goods, criminal cases, and enforcement of judgements in criminal matters, reduced sentencing by way of community service, prosecution in district courts, decisions concerning legal aid, etc.; in some States may also be competent to undertake administrative judicial tasks”.

VII. Guidelines for non-judge court staff

A. Role of non-judge court staff in the various phases of proceedings

A.1. Lodging of claims/applications and commencement of proceedings

1. Non-judge court staff[6] should deal promptly and diligently with the documents (hard and electronic copies) submitted by the parties or drawn up by judges. Files should be updated, wherever necessary, and the reliability of data should be guaranteed at each stage of proceedings.

2. Non-judge court staff should be involved in the entire judicial process, including opening the files, making sure that all the relevant documents are available (submissions by the parties, summonses, evidence, etc.) and that the basic procedural requirements are met in the documents received (a sufficient number of copies, proper submission of all attachments/enclosures).

3. Non-judge court staff should make sure that all documents are registered in the case management system.

A.2. Payment of court costs and legal aid

4. Non-judge court staff should administer and manage the financial aspects of cases. They should identify procedures which are free of charge and those requiring financial contributions by the parties in relation to court (lump-sum fees, advance payment of costs for administering justice, taking evidence, translation, etc.) and other costs (defrayal of costs of professional representation, etc.).

5. Non-judge court staff should keep track of deadlines for payment, their reminders and ensure that they are both communicated and registered in the case management system. At the end of the proceedings, they may be required to assist judges in calculating court fees and other costs and in setting lawyers' fees.

6. Non-judge court staff should inform the parties without sufficient financial resources of the availability of legal aid and receive and deal with applications for such aid.

A.3. Conduct of the proceedings

7. Non-judge court staff should assist judges to check compliance with the procedural and legal requirements for the proceedings (admissibility, time limits, territorial and material jurisdictions, lis alibi pendens). They should report any procedural defects to judges.

8. Non-judge court staff should take part in drawing up procedural calendars in the various phases of the proceedings concerned in accordance with the statutory rules relating to the serving of documents and time limits. Procedural calendars should be drawn up under supervision of the judge and, where possible, in agreement with all the parties involved in the proceedings. Regarding the planning process, priority may be given to conference calls or videoconferences with the parties and/or lawyers, judicial experts and other participants.

9. Non-judge court staff should ensure that the procedural calendars take due account of the availability of court rooms, other necessary equipment or facilities, staff, interpreters and judicial experts.

10. Throughout the proceedings, non-judge court staff should record all developments and time limits in the procedural calendars in a timely manner. They should record all acts/measures or incidents in proceedings with the respective dates. The use of a specific computer program is recommended to manage procedural calendars.

11. Particular attention should be given to any changes of the initial time limits. The reasons for these changes should be swiftly registered with the appropriate codes (requests made by defendants to extend time limits for submitting responses, cancellations of hearings because of illness, suspensions with a view to agreeing settlements or default by parties linked to failure to act within time limits set or failure by parties to appear at hearing, etc.).

[6] These guidelines are intended for the non-judge staff whose task it is to assist the judges directly as well as for the administrative staff responsible for administrative matters in courts.

12. Non-judge court staff should notify judges beforehand of forthcoming activities and time limits (for instance, notifying the judge that, according to the procedural calendar, decisions must be finalised by specific dates in the near future) and of any potential or actual delays as soon as they are identified (for instance, absence of expert reports, applications for extension of deadlines and other incidents affecting proceedings such as deaths of parties, removals of lawyers, etc.). Non-judge court staff should record automatic notifications for the set deadlines for procedural actions in procedural calendars and inform judges of discrepancies in relation to the agreed time limits.

13. Non-judge court staff should keep records of hearings by drawing up minutes or making audio or video recordings. They are responsible for communicating/serving the documents to judges, lawyers, parties and other actors.

A.4. Drawing up legal documents

14. Non-judge court staff may be required to draw up court orders (summonses, requests for documents, etc.) and draft court decisions upon the instructions of the judge. Where applicable, they can prepare judgments in simple cases where the reasoning may be concise in form.

B. Training for non-judge court staff

15. Non-judge court staff should keep their legal and judicial knowledge and professional skills up to date by participating in a system of compulsory continuous training (for example, the rules governing civil, administrative and criminal proceedings, legal deadlines, timeframes, information and communication technologies and court management).

16. Training should include a specific module on the length of proceedings and in particular the reasonable time requirement enshrined in Article 6(1) of the ECHR. Training should also include CEPEJ guidelines and tools relevant to judicial time management.

17. Training modules should enable the staff to identify the various stages in specific judicial proceedings and the related measures that are important for ensuring that proceedings take place within a reasonable time.

C. Use of information and communication technologies

18. Non-judge court staff should be proficient and keep abreast of developments in using the computer systems and programs in place and their functionalities, such as electronic communication, automatic notifications reminding the relevant actors of proceedings (judges, parties, prosecutors, etc.) of the deadlines for procedural actions, online consultation of proceedings, specific computer programs to manage procedural calendars, telephone conferences and videoconferences.

PART II: GUIDELINES FOR PROSECUTORS

Introduction

1. This part of the guidelines is directed to prosecutors in the criminal procedure and covers primarily the preliminary phase of investigation, before the phase following commencement of proceedings in court (pre-trial stage), whatever the legal system of the country concerned.

2. Prosecutor is understood as the competent person for the preliminary stage of investigation of the criminal procedure.

3. Other guidelines, as stated in Part I of this document, apply *mutatis mutandis* to prosecutors:

A. Planning and collection of data

4. The length of criminal proceedings should be planned at the investigation stage, the prosecutorial stage and before the courts (planning of average/mean duration of particular types of cases, or average /mean duration of process before certain types of judicial bodies). Planning should take place both at the general level and at the level of individual cases in accordance with timeframes indicated in procedural law.

5. The users (suspects, victims, defenders) are entitled to be informed, and where possible, consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps from the beginning of the investigations.

B. Intervention

6. If departures from standards and targets for prosecutorial timeframes are being observed or foreseen, prompt actions should be taken in order to remedy such departures.

7. Particular attention should be given to the cases where total duration is such that it may give rise to a finding of a violation of the fundamental right to a trial within reasonable time. ECHR Articles 5 and 6 contain important time regulations in criminal cases that all member States should respect:

- ECHR Article 5 contains the following "time regulations"[7]:

  i) a person arrested shall be informed promptly in a language which he understands, of the reasons for his arrest and of any charge against him
  ii) a person arrested shall be be brought promptly before a judge or other officer authorised by law to exercise judicial power
  iii) a person arrested shall be entitled to trial within a reasonable time or to release pending trial
  iv) a person in custody shall have his detention reviewed at reasonable intervals
  v) a person who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his or her detention shall be decided speedily by a court.

- ECHR Article 6 contains the following three "time regulations":

  1. a fair and public trial within reasonable time
  2. a person charged with an offence should be informed promptly in a language which he understands and in detail, of the nature and cause of the accusation against him
  3. a person charged with an offence should have adequate time for the preparation of his defence.

8. Judicial authorities should be aware of such "time regulations" and establish systems to monitor them.

9. Measuring of time use starts with the beginning of the pre-trial stage when a person is substantially affected by the investigation. Special attention should be paid to the use of arrest or custody, the opening of preliminary investigation against the accused or when they are formally charged with the offence by the police or prosecution. Counting ends when the final judgment is given by the court or the prosecution is otherwise terminated by the prosecutor or the court. Records that clearly show the dates relevant for measuring time use according to the reasonable time criterion should be part of the case file when the case arrives in court.

10. Special attention should be paid to priority cases such as cases in which the suspect is in custody or already serving prison sentence and police violence cases.

11. These records should clearly show the dates of:

- the commitment of the offence
- the arrest of the suspect
- the use of pre-trial detention
- the start of the investigations
- the issuing of the indictment.

12. The monitoring should make sure that the periods of inactivity (waiting time) in the criminal proceedings are not excessively long, and wherever such periods exist, particular efforts should be made in order to speed up the proceeding and make up for the delay.

---

[7] ECtHR caselaw also has added other time regulations, namely that if the person arrested not be released pending trial, a new review for release must take place after a certain elapse of time from the last review.

C. Collection of information

13. Prosecutors and managers of the prosecution services should collect information on the most important steps in the criminal proceeding – especially at the pre-trial stage. They should keep records regarding the duration between these steps. In respect to the steps monitored, due regard should be given to the Time management Checklist, Indicator Four.

14. The authority responsible for the investigation and indictment according to domestic law (police, prosecution, investigating judge) should carry out the recording of the steps at the pre-trial stage. The prosecution should always check that the police recording is complete and accurate on time use before sending the case to the court.

15. A timeline should be set up that includes the following steps (see Appendix 3):

- the commitment of the alleged offence
- suspicion of the offence from reports or police intelligence
- start of the investigation
- suspect substantially affected by the investigation[8]
- arrest of the suspect
- pre-trial detention
- indictement/final charge
- sending the case to the court or termination by the prosecutor.

D. Continuing analysis

16. All information collected should be continually analysed and used for the purposes of monitoring and the improvement of performance.

17. The reports on the results of these analyses should be produced at regular intervals, at least once a year, with appropriate recommendations.

18. Electronic case management systems with alerts and alarms should be available to all judicial authorities involved in the time use control. All targets should be integrated into the timeline and monitored by the case management system.

19. The case management systems should allow for efficient transfer of data on time use between the police, prosecution and the courts necessary for monitoring the time regulations for criminal cases in ECHR Articles 5 and 6. They should show the combined time use in the police, prosecution and the courts necessary for monitoring these time regulations. They should show the investigation. They should warn not only when the time limit is over, but should also include a system for safe minimum periods of durations and warnings when it is time to act to avoid exceeding this limit.

E. Established targets

20. In addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual prosecutor offices. Prosecutors and managers should have sufficient authority and autonomy to actively set or participate in setting of these targets.

21. The targets should be clearly defined and be achievable. They should be published and be subject to periodical re-evaluation.

22. The targets may be used in the evaluation of the performance of prosecutors. If they are not achieved, the concrete steps and actions should be taken to remedy the situation.

F. Crisis management

23. If departures from targets set by prosecutor offices are being observed or foreseen, prompt actions should be taken in order to remedy such departures.

---

[8] The standard “substantially affected” is discretionary and should be interpreted from the case law of ECtHR by the responsible judicial authority.

G. Timing agreement with the parties and lawyers and coordination between involved authorities

24. Where possible, the prosecutors should attempt to involve all participants in the procedure regarding the procedural calendar. For this purpose, they should also be assisted by appropriate administration personnel (clerks and police) and information technology.

25. The deviations from the agreed calendar should be minimal and restricted to justified cases. In principle, the extension of the set time limits should be possible only with the agreement of all participants, or if the interests of justice so require.

PART III: GUIDELINES FOR LAWYERS

Introduction

1. A lawyer is a person qualified and authorised according to the national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters.[9]

2. Lawyers can contribute to shortening or speeding up criminal and civil proceedings while bearing in mind the objective to protect their client's interests in conformity with applicable law. Bars or other lawyers' professional associations may draw up professional standards and codes of conduct to ensure that, in defending the legitimate rights and interests of their clients, lawyers act in a way which avoid undue delays in judicial proceedings.

A. Training for lawyers

3. Lawyers should keep their knowledge up to date in terms of their professional skills and qualifications but also of the principles governing the work of the lawyer in relation with other justice professionals.

4. Where possible, it seems appropriate to provide some initial training common to the various legal professions (judges, prosecutors and lawyers) although there would be no need to merge judicial academies and Bar schools. This joint learning should promote dialogue between justice professionals and mutual understanding of their respective roles which would help to avoid conflicts and disagreements, that could cause delays in proceedings.

5. Training courses for lawyers should include a specific module on the length of proceedings and in particular the reasonable time requirement enshrined in Article 6(1) of the ECHR and the vital importance of avoiding undue delays in judicial proceedings.

6. Beyond the initial training, shared in-service training should be organised to further encourage dialogue between lawyers and judges, which is essential to the proper administration of justice.

B. Mediation and other forms of dispute resolution

7. Lawyers should play an important role in dispute resolution processes. They should, when appropriate, assess the scope for prioritising dispute resolution, such as negotiations and mediation, before initiating any judicial proceedings, if this is in the client's interest.

8. Lawyers should have a thorough understanding of dispute resolution processes and have the appropriate technical skills necessary to effectively support clients in all types of dispute resolution procedures, both adjudicative and amicable, including mediation.[10]

---

[9] Recommendation No. R(2000)21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyers.

[10] See also the CEPEJ Mediation Development Toolkit – Training programme for lawyers to assit clients in mediation developed jointly with the Council of Bars and Law Societies of Europe (CCBE) adopted by CEPEJ at its plenary meeting (Strasbourg, 5 and 6 December 2019).

C. Pre-trial preparation

9. Framework agreements with Bars and other lawyers' professional associations concerning timeframes and deadlines should be encouraged in all courts, the lawyers' co-operation being important when determining the procedural calendar for each case. Framework agreements must respect national laws and procedures.

10. The procedures should include establishing a dialogue between judges and lawyers, in compliance with the national laws and regulations. This dialogue must take the adversarial principle into account. It should allow lawyers and judges to talk to each other to resolve difficulties that may arise during the proceedings.

11. The holding of a preliminary hearing to assess the state of preparation of the case should be encouraged taking into account national laws and practices. The preliminary hearing should be an opportunity to settle any objection or request from the parties to dismiss the case. If relevant, the positions of the parties and the evidence they intend to adduce should be submitted to the judge for comparison at the preliminary hearing.

12. Where necessary, when no procedural deadline is provided for by law, the preliminary hearing should also aim to establish the procedural calendars, bearing in mind the time it might take to consult any experts.

13. The procedural calendar, thus set by mutual agreement between the judge and the lawyer, should determine the time needed to prepare the case before the hearing and establish a time limit for the pleadings. The procedural calendar should be respected, except in the event of force majeure or exceptional circumstances. If no agreement is reached, the decision of the judge will be binding.

14. The parties should file their written submissions within the prescribed time limits. They should avoid making any requests that could be considered unreasonable or submitting muddled or incomplete grounds and co-operate fully with the experts appointed in the proceedings if any. Applications for deferrals should always be justified and submitted to the assessment of judges, whose decisions on the matter may not be subject to appeal.

D. Use of information and communication technologies

15. Lawyers should be proficient and keep abreast of developments in using information and communication technologies. Lawyers' offices should therefore be equipped with the necessary technology to help dematerialise the proceedings (electronic document management, collaborative file management, videoconferencing).

16. Recourse to videoconferencing should be encouraged in a manner compatible with the right to a fair trial enshrined in Article 6 of the ECHR and the CEPEJ guidelines on videoconferencing in judicial proceedings.[11] Although videoconferencing can be an effective way of reducing delays in court proceedings, it can never fully replace face-to-face hearings.

17. Arrangements for consultation between courts and Bars or other lawyers' professional associations should be made to take stock of the policy in place regarding the use of information and communication technologies and make any changes that may be needed. The ongoing dialogue should help reducing the length of proceedings.

E. Obligations of lawyers

18. Lawyers should be aware of their role and responsibilities towards ensuring the efficient functioning of justice and the importance of conducting proceedings within a reasonable time while bearing in mind their clients' interests.

19. Lawyers must adhere to the deontological standards of the profession developed by Bars or other lawyers' professional associations, which, if necessary, may be referred to by the judge, to remind lawyers of their duties.

20. In compliance with national laws and regulations, serious and deliberate failures to respect procedural deadlines should be subject to predetermined procedural sanctions without violating the rights to due process

[11] The CEPEJ guidelines on videoconferencing in judicial proceedings adopted in June 2021.

of law. In any event these sanctions would be taken only where lawyers deliberately neglected their obligations and caused unjustified delays, which are detrimental to the conduct of the proceedings.

21. In addition to the procedural sanctions, personal sanctions against representatives of the parties in the event of manifest abuse should remain the exception. Such events should be reported to the respective Bars or other lawyers' professional associations for such sanctions as may be appropriate.

PART IV: GUIDELINES FOR COURT-APPOINTED EXPERTS

Introduction

1. An expert is a person holding expert competence in a particular area and gives evidence and/or an expert opinion in court proceedings on an issue to which such competence is relevant.[12] The role of experts in the procedure or trial differs from one state to the other, but there are also features that are shared.

2. Court-appointed experts can also contribute to shortening or speeding up the procedure as any request for an expert opinion adds to the length of judicial proceedings.[13] It accordingly requires particular diligence in criminal cases, especially in view of the situation of the individuals being prosecuted.

A. Selecting the expert

3. Where lists are available, when applying for registration, the expert should strictly limit the skills they declare to their genuine fields of professional expertise, as set out in the detailed list of expert skills. This limitation would avoid later refusals of assignments, the need for the appointment of a new expert by the requesting judge and the resulting delays that inevitably entails.

B. Expert training

4. The expert should keep their knowledge up to date, in terms of their professional skills and qualifications and the principles governing the work of the expert. The expert should in particular be familiar with the principles governing civil, administrative or criminal proceedings. This would help to avoid expert opinions being dismissed for breach of an essential rule, such as the adversarial principle, and the added delay of having to appoint a new expert.

5. Training courses for experts should include a specific module on the length of proceedings and in particular the reasonable time requirement enshrined in Article 6(1) of the ECHR. Training should also include CEPEJ guidelines and tools relevant to judicial time management.

6. In order to manage the duration and efficiency of the meetings they may need to organise with the parties and their lawyers, the expert should be trained in group facilitation and conflict management.

C. Choosing an expert

C.1. Appointing the expert

7. The expert whose name does not feature on official lists of judicial experts are also expected to be fully conversant with and to follow the principles governing civil, administrative or criminal proceedings, and respect the duty of diligence and celerity in criminal cases in particular.

8. The expert should give the judge intending to appoint them all the relevant information, including details of their current workload and their past performance in respecting the prescribed deadlines.

9. The expert should in particular inform judges of their availability, especially when it may be affected by a temporary increase in workload or simultaneous assignments for other judges, or even by personal factors.

---

[12] Glossary of CEPEJ definitions adopted by CEPEJ at its 33rd plenary meeting (Strasbourg, 5 – 6 December 2019).

[13] See also CEPEJ Guidelines on the role of court-appointed experts in judicial proceedings in the Council of Europe's Member States adopted by CEPEJ at its 24th plenary meeting (Strasbourg, 11 – 12 December 2014).

C.2. Accepting and refusing assignments

10. The expert should let the requesting judge know as soon as possible whether they accept the assignment. They should decline the offer if they are unavailable temporarily or in the longer term.

11. When an expert accepts an assignment, they are expected to complete it in full. If they are prevented from completing the assignment for valid reasons, like a conflict of interests, they should immediately inform the judge, stating the reasons.

C.3. The oath

12. The oath taken by the expert should expressly mention the duty of diligence and celerity. In the absence of an oath, the application form for inclusion on a list or the acceptance of an assignment should include a formal undertaking by the expert to comply with their duty of diligence or promptness.

13. Experts should be required to take the oath jointly and once only, before their first assignment rather than before every assignment, in writing or in the presence of the requesting judge. The formality of taking the oath before every assignment could cause unnecessary delay in the execution of the mission.

D. The assignment

D.1. Scope

14. The scope of an expert's assignment may be more limited when it concerns a purely technical question which does not require complex research. In that case the consultation may be assigned orally at the hearing, unless the judge orders it to be assigned in writing.

D.2. Content

15. In particularly complex cases, the expert appointed may attend a meeting with the parties and their counsel, organised by the judge, with a view to defining the details of the assignment and the timeline.

D.3. Conciliation

16. Where there is the possibility for the judge to entrust a conciliation mission to the expert, if the parties come to reconcile, the expert notes that the assignment has become obsolete and should immediately inform the requesting judge.

E. The expert report process

E.1. Deadlines for the expert assignment

17. If the law sets deadlines for the completion of expert assignments, the expert should respect them. They should also submit their opinions by the date laid down in the decision of the judge.

18. If an expert encounters particular difficulties in completing an assignment, they should immediately notify the judge and request an extension, so that the decision granting the extension can be given before the initial deadline has expired.

19. In addition, if the initial deadline expires without an extension having been granted, the expert should immediately answer the first request for an explanation made by the judge.

20. When experts fail to complete an assignement within the agreed time, their remuneration may be reduced, or they may be replaced.

21. Where lists are available, if experts cause delays in several procedures, their place on the list of available experts may not be renewed, or they may be withdrawn or deleted from that list.

22. While late delivery of an opinion is not a ground of nullity and does not render the opinion null and void, the expert's professional civil liability may be incurred in respect of any damage caused by the delay.

E.2. Execution of the expert assignment

23. The expert must be aware of their role and responsibilities towards ensuring the smooth and efficient functioning of justice and the importance of conducting proceedings within a reasonable time. They should adhere to the ethical standards developed by their respective professional organisations, which if necessary, may be referred to by the judge, to remind experts of their duties.

24. The expert should take into account any conventions or agreements signed by the body of judicial experts to which they belong and the Bar of the lawyers involved in the proceedings, in order to harmonise the expert report process, in particular the duration between the sending of convocations and the holding of the first meeting.

25. At the first meeting convened by the expert with the parties and their counsel, the expert should question the parties about the nature and volume of the documents to be produced and gauge the scope of the assignment. They should also consider the need to call in any expert in another field (sapiteur) and to give notice to third parties. At the end of the meeting the expert should give the parties and their counsel a provisional timetable for the expert's work and the delivery of the final opinion.

26. The expert should also set optimal deadlines for completion of the different phases of the assignment, as it is not always sufficient for the expert to set out a provisional timetable, even if this satisfies the parties' need for foreseeability.

27. The expert should inform the judge of the progress made and the work done. Above all, they should also inform the judge without delay of any difficulties they encounter, especially if they do not receive the documents needed to complete their task within the time agreed with the parties and their counsel. This information would enable the judge to issue orders to submit the documents concerned and thus enable expert interventions to be pursued diligently.

28. If an expert feels the need to request the assistance of a specialised expert (sapiteur) in order to resolve a technical issue in that field, be it an expert of their own choosing or one appointed by a judge at their request, he or she should clearly delimit the scope of the other expert's intervention and make sure the person works swiftly and produces the required information as soon as possible.

F. The expert's opinion

29. Since the mission often includes the drafting of a preliminary report, the expert should produce it without delay in order to give the parties and their counsel enough time to make observations before the expert opinion is finalised. The time used to draft this preliminary report and collect the parties' observations can save time in the settlement of the dispute by avoiding the need to refer technical questions to the court which would oblige it to solicit additional expert assistance.

30. In the final report, the expert should answer all the technical questions asked and only those questions. If the opinion is incomplete, the court may have to refer back to the expert, which will be a waste of time, possibly with no additional remuneration. If the opinion covers more ground than necessary, the court might see fit to reduce the expert's fees.

31. Where the courts have recourse to standard assignments for experts for simple and/or repetitive cases, adapting them to the specific needs of each case, for example in civil cases for compensation for bodily harm, medical liability, construction problems and faulty workmanship, or in criminal cases, in the fields of psychiatry, psychology or forensic medicine, the expert should have access to model forms containing all the standard questions usually asked, so they do not have to reproduce them from scratch.

32. The expert should also avoid filling their reports with too many procedural details and give thought to how many pages are really needed in order to resolve the dispute. Nor should they append documents with which the parties and the court are already familiar. However, they should draft an inventory of the documents produced. Limiting the number of documents to those strictly necessary will reduce the time needed for everyone concerned to acquaint themselves with the relevant information.

G. Use of information and communication technologies

33. The experts should be proficient and keep abreast of developments in using information and communication technologies necessary for dematerialising the procedures which helps to guarantee the

integrity of the documents transferred, the security and confidentiality of exchanges, the record of the steps taken and the accuracy of the dates on which documents were sent and opened.

34. If the competent authorities put in place a national or regional database containing information on the expert fields of expertise, their qualifications and location, the experts should regularly update this information, while also regularly indicating their availabilities.

35. If the competent authorities put in place a platform accessible by experts, judges, parties and their counsel, the experts could, after having obtained consent of the parties, dematerialise the exchanges in the context of civil and administrative proceedings.

PART V: GUIDELINES FOR ENFORCEMENT AGENTS

Introduction

1. An enforcement agent is a person authorised by the state to carry out the enforcement process, irrespective of whether that person is employed by the state or not[14] (private, state-employed and semi-private). Enforcement agents represent a vital component of the rule of law.[15]

2. Judicial time management for enforcement agents is intrinsically linked to the effective and fair enforcement of court decisions, which are the responsibility of states, which establish the rules laying down the deadlines for enforcement.[16] The enforcement of court decisions should take into account the needs of the claimant and the rights of the defendant in a transparent manner and in compliance with the European Convention on Human Rights.

A. Training for enforcement agents

3. The enforcement agent should keep their knowledge and professional skills up to date by participating in a system of compulsory continuous training.

4. Training courses for the enforcement agent should include a specific module on the length of proceedings and in particular the reasonable time requirement enshrined in Article 6(1) of the ECHR. Training should also include CEPEJ guidelines and tools relevant to judicial time management.

5. Training modules should enable the enforcement agent to identify the various stages of specific enforcement procedures and the related enforcement measures that are important in ensuring that judicial decisions are enforced within a reasonable time. In addition, they may include other subjets, such as the principles and objectives of enforcement, professional conduct and ethics of the enforcement agent, the legal framework on enforcement of court decisions, the appropriateness, organisation and implementation of enforcement measures, international enforcement of court decisions and other enforceable titles and information and communication technology.

B. Use of information and communication technology

6. The enforcement agent should be proficient in using information and communication technologies and keep abreast of developments. The enforcement agent should be equipped with the technology needed to digitalise and shorten enforcement time lines. They should be proficient in recording reliable data and information in computer programs. They should input all information on the principal stages of the enforcement procedure from commencement to completion of the procedure in the suitable program.

7. Enforcement agents' professional associations should be available to participate in consultations which may be established to take stock of the policies in place regarding the use of information and communication technology to reduce enforcement times and to make any necessary adjustments.

---

[14] CEPEJ Glossary adopted by the CEPEJ at its 33rd plenary meeting (Strasbourg, 5 - 6 December 2019).

[15] Pini and others v. Romania, ECtHR, 22 June 2004, 78028/01; 78030/01.

[16] Please see also the Council of Europe's Recommendation No.R(2003) 17 on enforcement, Recommendation No. R (2003) 16 on the execution of administrative and judicial decisions in the field of administrative law and Guidelines for a better implementation of the existing Council of Europe's Recommendation on enforcement.

C. Access to and collection of information on the defendant and their assets

8. In order to ensure the swift and efficient execution of enforcement measures, the enforcement agent should take all necessary steps to obtain swiftly all information concerning the enforcement measure for which they are responsible, notably the defendant's details (name, address, employer, assets and their location), preferably using digitised methods and with due regard for data protection requirements.

D. Assisting the enforcement agent and co-operating in the enforcement process

9. The enforcement agent should take all necessary steps to enlist the direct assistance of public officials and any other persons considered necessary for enforcement of the decision for which they are responsible (experts, technicians, translators, interpreters, local authorities, locksmiths, removal firms, risk insurers, child support specialists, etc.).

10. The enforcement agent should take all necessary steps to obtain swiftly any authorisations for assistance that are necessary, using digitised methods.

E. Conduct of enforcement operations

E.1. Setting enforcement operations in motion

11. Once the enforceable title has been obtained, the enforcement agent responsible for enforcing it should be able to make themselves available when required by law to do so, using digitised methods, as soon as possible.

E.2. Powers of the enforcement agent

12. The enforcement agent should have sole competence for the execution of enforceable titles and all enforcement procedures provided for by the law of the state in which they operate.

E.3. Enforcement deadlines

13. In order to ensure the best possible management of judicial time in enforcement, the enforcement agent should enjoy the independence they need to choose the most appropriate enforcement measures in accordance with the law and with the claimant's agreement.

14. The enforcement agent should ensure, throughout the procedure, that they complete all due diligence required for execution of the enforceable title as rapidly as possible and before expiry of the deadlines set by law.

E.4. Urgent procedures and problems with enforcement

15. The enforcement agent should take all necessary steps to obtain authorisations required for the performance of enforcement measures that should be dealt with in circumstances outside their own statutory remit, by applying directly to the competent court ruling at short notice, using an accelerated and urgent enforcement procedure. For example, this may be required when the enforcement measure is to be applied on premises occupied by a third party who denies access, or where enforcement in a place other than the defendant's principal place of residence is only possible outside statutory working hours.

16. If a legal problem arises over enforcement, the enforcement agent should suspend their operations and have the difficulty resolved by applying directly to the competent court ruling at short notice, using an accelerated and urgent procedure.

E.5. Notices to parties

17. The enforcement agent should keep the claimant, their legal representative or, where appropriate, the court routinely informed of the actions they take in the performance of their remit.

18. The enforcement agent should keep defendants informed of the various stages of the enforcement procedure, as and when they are completed, and of any opportunities or arrangements for challenging the enforcement, by means of standard documents designed, for example:

- To notify defendants of the consequences of enforcement (including the cost of enforcement) and of the costs of failure to comply with a decision ordering them to pay;
- To notify defendants of the enforcement measures to be taken against them and their rights, as and when implemented, so that defendants can either comply with them or, if they so choose, challenge them.

19. The enforcement agent should keep third parties involved in the enforcement procedure informed so that, on the one hand, their rights are upheld and, on the other, that they are able to discharge any obligations incumbent on them or are made aware of the consequences of failing to do so.

F. Disputes and suspensions

20. The enforcement agent should be guaranteed that:

- Any objection to enforcement measures is made within a reasonable time, so as not to paralyse or delay the enforcement process;
- Enforcement is not automatically suspended if challenged;
- Situations which may cause an enforcement measure to be suspended are strictly regulated, under the supervision of a court that will rule on disputes arising from enforcement procedures.

G. Quality of enforcement and statistics

21. The enforcement agent should be aware of their role and responsibilities towards ensuring the smooth and efficient functioning of justice and the importance of conducting enforcement proceedings within a reasonable time.

22. The enforcement agent should comply with the ethical rules and code of conduct applicable to their profession which, if necessary, may be cited to remind enforcement agents of their obligations. Such ethical rules should include enforcement deadlines.

23. The enforcement agent should be able to provide information to the parties on enforcement operations for which they are responsible, obtained from the compilation of statistical databases on enforcement.

Appendix I*:*

European Uniform Guidelines for monitoring of judicial timeframes (EUGMONT)

1. General data on courts and court proceedings

System of monitoring should have available and public information on the general design of the judicial system, with special attention to the information relevant for the time management of the proceedings. The information on the general level should include accurate information on:

- the number and types of courts and their jurisdiction;
- the number and types of proceedings in the courts;
- the proceedings designated as priority (urgent) cases;

The data on judicial system should be regularly updated, and be available at least on the annual level (start/end of the calendar year). The following data on the number of proceedings in the courts should be available:

- total number of proceedings pending at the beginning of the monitored period (e.g. calendar year);
- new proceedings (proceedings initiated within the monitored period, e.g. in the calendar year);
- resolved cases (proceedings finalised within the monitored period either through a decision on the merit, a withdrawal of the case, a friendly settlement, etc…);
- total number of proceedings pending at the end of the monitored period.

The data on the finalised proceedings can be split according to the way how the proceedings ended. At least, the cases that ended by a decision on the merits should be distinguishable from the cases that ended otherwise (withdrawal of the claim, settlement, rejection on formal grounds).

Example I.

Courts of the State of XXX

	Court or branch of jurisdiction	Cases pending on 1.1.20XX	New cases initiated in 20XX	Resolved cases in 20XX	Cases pending on 31.12.20XX	Cases pending on 31.12.20XX > 2 years
1	Court(s) A					
2	Court(s) B					
3	Court(s) C					
	TOTAL					

N.B: "cases pending on 31.12.20XX" = "cases pending on 1.1.20XX" + "new cases initiated in 20XX" – "resolved cases in 20XX".

2. Information on types of cases

The information about the cases in the courts should be available both as the total, aggregate information, and as information divided according to the types of cases. For this purpose, some general and universal categories of cases should be utilised, such as division on civil, criminal and administrative cases.

Within the general categories, a more detailed types or groups of cases should be distinguished (e.g. labour cases; murder cases), and the same information should be available for the appropriate subtypes (e.g. employment dismissal cases within labour cases).

At this stage, each court can use its own case category. However, the following four categories are mandatory for each court: litigious divorce, dismissal, robbery and intentional homicide.

- *Litigious divorce cases*: i.e. the dissolution of a marriage contract between two persons, by the judgement of a court of a competent jurisdiction. The data should not include: divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (procedure of mutual consent, even if they are processed by the court) or ruled through an administrative procedure. If your country has a totally non-judicial procedure as regards divorce or if you cannot isolate data concerning adversarial divorces, please specify it and give the subsequent explanations. Furthermore, if there are in your country, as

regards divorce, compulsory mediation procedures or reflecting times, or if the conciliation phase is excluded from the judicial proceeding, please specify it and give the subsequent explanations.

- *Employment dismissal cases:* cases concerning the termination of (an) employment (contract) at the initiative of the employer (working in the private sector). It does not include dismissals of public officials, following a disciplinary procedure for instance.

- *Robbery* concerns stealing from a person with force or threat of force. If possible, these figures should include: muggings (bag-snatching, armed theft, etc.) and exclude pick pocketing, extortion and blackmail (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts.

- *Intentional homicide* is defined as the intentional killing of a person. Where possible the figures should include: assault leading to death, euthanasia, infanticide and *exclude* suicide assistance (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts.

- For the purposes of further comparison with other European systems, the precise definition and scope of the other case type used by the court (especially the non-common categories) should be appended.

Example II
City Court of XXX

	Type of case	Cases pending on 1.1.20XX	New cases initiated in 20XX	Resolved cases in 20XX	Cases pending on 31.12.20XX	Cases pending on 31.12.20XX > 2 years
1	**Civil cases**					
1a	Litigious divorces					
1b	Dismissals					
…	…					
2	**Administrative**					
2a	…					
…						
3	**Criminal cases**					
3a	Intentional homicides					
3b	Robberies					
…	…					
	TOTAL					

3. Information on timeframes of proceedings

3a. Information on court-based timeframes of proceedings per duration periods and average/maximum timeframes

Every court should collect data regarding the timeframes of proceedings that are taking place in the court. **Pending and completed cases** within the period (e.g. calendar year) should be separately monitored, and the **data on their duration** should be split in the groups according to the periods of their duration, i.e. cases pending or completed **in:less than one month, 1-3 months, 4-5 months, 7 to 12 months, 1-2 years, 2-3 years, 3-5 years and more than 5 years**. In addition to the spread of cases according to periods of their duration, the **average and mean duration of the proceedings have to be calculated,** and **an indication of minimum and maximum timeframes should be given as well.** The time of processing should consider only the time that was needed to process the case **within the particular court**, i.e. the time between the moment when the case arrived to the court and the moment when the case exited the court (e.g. final decision, transfer to a higher court to be decided on appeal, etc.).

If possible, **the information on timeframes of proceedings for the completed cases should be distinguishable for the cases completed after a full examination of the case** (i.e. the cases that ended by a decision on the merits) **and the cases that were completed otherwise** (by withdrawal, settlement, lack of jurisdiction etc.).

Example III

City Court of XXX

	Duration of cases resolved in 20XX (situation as per 31.12.20XX)											
		Number of resolved cases	< 1 month.	1-3 month	4-6 month	7-12 month	1-2 year	2-3 y.ear	3-5 year	5 year>	Number of pending cases	Disposition time, in days
1	**Civil cases**											
1a	Litigious divorces											
1b	Dismissals											
…	…											
2	**Administrative**											
2a	…											
…												
3	**Criminal cases**											
3a	Intentional homicides											
3b	Robberies											
…	…											
	TOTAL OF CASES											

3b. Information on total duration of proceedings

It is particularly important that the cases in the court also can be distinguished **according to their total duration**. The total duration is the time between the initiation of the proceedings and the final disposal of the case (see the CEPEJ Time-management checklist and SATURN Guidelines). If possible, the time needed to enforce the decisions should also be appended to the information on total timeframes of proceedings.

The court has to know its own situation regarding the procedure lengths for the different types of cases (civil, administrative, and criminal) and, if possible, for the different case categories that are most representative of the court caseload (e.g. family, labour, contracts, torts etc.).

This diagnosis should be done for at least the last 3 (or even better 5) years to have a quite clear picture of the court caseflow.

The example below deals with different case categorisation (civil cases, administrative and criminal cases, and then for specific case categories within these large groups).

Example IV

City Court of XXX

	Duration of pending cases in 20XX (situation as per 31.12.20XX)											
		Number of pending cases	< 1 month.	1-3 month	4-6 month	7-12 month	1-2 year	2-3 y.ear	3-5 year	5 year>	Number of resolved cases	Disposition time, in days
1	**Civil cases**											
1a	Litigious divorces											
1b	Dismissals											
…	…											
2	**Administrative**											
2a	…											
…												
3	**Criminal cases**											
3a	Intentional homicides											
3b	Robberies											
…	…											
	TOTAL OF CASES											

4. Monitoring of intermediate stages of proceedings and waiting time

The monitoring of timeframes should not be limited to the collection of data regarding total timeframes between the start and the end of the proceedings. Information on duration of intermediate stages of the proceedings should also be collected. At the minimum, the stages to be monitored should **include the duration of the preparatory stage of the proceedings** (e.g. time between the start of the proceedings and the first hearing on the merits), **the central stage** (e.g. from the first to the last hearing on the merits) **and the concluding stage of the trial** (e.g. from the last hearing to the delivery of the decision on the merits). **The data on duration of appeals proceedings, or duration of other legal remedies should also be available**. Special monitoring should be provided for the **periods of inactivity (waiting time).**

These statistics must be completed at the national level by the relevant body (Ministry of Justice, High Council for the Judiciary, etc.).

Example V

City Court of Danubia

	Type of case	*Average duration of intermediate stages in the proceedings (situation as per 31.12.20XX)*					
		Trial stage			***Legal remedies***		
		Preparation of the proceeding	**Hearings**	**Judgment**	**Appeal**	**Special recourse**	**Other**
1	**Civil cases**						
1a	Litigious divorces						
1b	Dismissals						
…	…						
2	**Administrative**						
2a	…						
…							
3	**Criminal cases**						
3a	Intentional homicides						
3b	Robberies						
…	…						
	TOTAL						

5. Analytical information and indicators

Based on the general data on courts, numbers of cases and their duration, as well as on the other relevant information on the courts and judicial system, further instruments may be used as indicators and benchmarks of performance in the courts[17].

Inter alia, the following indices can be used to analyse and monitor the duration and other factors important for the understanding of timeframes in the court:

1. Clearance rate (CR indicator): Relationship between the new cases and completed cases within a period, in percentage.

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

[17] See also document CEPEJ(2016)12, « Measuring the quality of justice », part 4.

Example: If in a calendar year 500 new cases were submitted to the court, and the court completed at the same time 550 cases, the CR is 110%. If the court would complete 400 cases, the CR would be 80%. A CR above 100 % means that the number of pending cases decreases.

2. Case Turnover ratio: Relationship between the number of resolved cases and the number of unresolved cases at the end. This requires a calculation of the number of times during the year (or other observed period) that the standardized case types are turned over or resolved.

$$\text{Case Turnover Ratio} = \frac{\text{Number of Resolved Cases}}{\text{Number of Unresolved Cases at the End}}$$

3. Disposition time (DT indicator): it compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period. 365 is divided by the number of resolved cases divided by the number of unresolved cases at the end, so as to be able to express it in number of days. The ratio measures how quickly the judicial system (of the court) turns over received cases – that is, how long it takes for a type of cases to be resolved. This indicator provides further insight into how a judicial system manages its flow of cases.

$$Disposition\,Time = \frac{365}{CaseTurnoverRatio}$$

Other indicators (for information)

4. Efficiency rate (ER indicator): Relationship between the number of personnel used in a court in a year and the output of cases from the same court at the end of the year.

5. Total backlog (TB indicator): Cases remaining unresolved at the end of the period, defined as difference between the total number of pending cases at the beginning of the period, and the cases resolved within the same period. ***Example*:** If there were 1000 cases pending at the beginning of the calendar year, and the court terminated 750 cases during the calendar year, at the end of the calendar period there would be 250 cases that are calculated as total backlog.

6. Backlog resolution (BR indicator): The time needed to resolve the total backlog in months or days, calculated as the relationship between the number of cases and the clearance time. ***Example:*** If there are 100 cases considered as total backlog at the end of the period, and the court completed 200 cases in the same period, the BR indicator is 6 months or 180 days.

7. Case per judge (CPJ indicator): Number of cases of a particular type per judge in the given period. ***Example:*** If a court has 600 pending civil cases at the end of the calendar year and 4 judges that deal with them, the CPC is 150.

8. Standard departure (SD indicator): Departure from the set targets per type of case in the given period, in percentage or days. ***Example:*** If the target for completion of litigious divorce case in the first instance was set to be 200 days, and in the calendar year the average duration of such cases was 240 days, the SD indicator is 40 days or 20%.

Please note that Appendix II includes Excel sheets with mathematic formula which can be directly used by the courts from the electronic version of this document available on www.coe.int/cepej, file "SATURN Centre".
To use the document as an Excel calculation sheet, please double click on the relevant table.

Number of cases per court – V2.0

Court or branch of courts	Cases			
	pending from the previous period	initiated during the peirod	resolved	pending at the en of the period
Court A	362	1027	1089	300
Court B	397	1131	1210	318
Court C	279	771	853	197
Court D	262	1072	1056	278
Court E	279	1085	1094	270
Court F	999	1014	1312	701
Court G	877	1086	1374	589
Court H	0	7	7	0
TOTAL	3455	7193	7995	2653

Number of cases per type – V2.0

Type of cases	Cases			
	pending from the previous period	initiated during the period	resolved	pending at the end of the period
1. Civil cases				
Litigious divorces	362	1027	1089	300
Dismissal cases	279	771	853	197
....	0	0	0	0
2. Administrative cases				
....	0	0	0	0
3. Criminal cases				
Robberies	279	1085	1094	270
Intentional homicides	877	1086	1374	589
....	0	0	0	0
TOTAL	1797	3969	4410	1356

Duration of cases V.2

Court or branch of court	Cases										
	Distribution										
	Resolved cases	Cases pending at the end of the period	< 1 month	1-3 months	4-6 months	7-12 months	1-2 years	2-3 years	3-5 years	> 5 years	Disposition time in days
1. Civil cases											
Litigious divorces	**5456**	**1915**	**668**	**1675**	**1172**	**1137**	**781**	**23**	**0**	**0**	**128.11**
Dismissal cases	**1371**	**428**	**244**	**774**	**231**	**81**	**40**	**1**	**0**	**0**	**113.95**
....	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**365.00**
2. Administrative cases											
....	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**365.00**
3. Criminal cases											
Robberies	**1161**	**314**	**438**	**530**	**147**	**35**	**11**	**0**	**0**	**0**	**98.72**
Intentional homicides	**7**	**0**	**2**	**4**	**1**	**0**	**0**	**0**	**0**	**0**	**52.14**
....	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**1**	**365.00**
Total	**7998**	**2660**	**1355**	**2986**	**1554**	**1256**	**835**	**27**	**3**	**3**	**121.39**

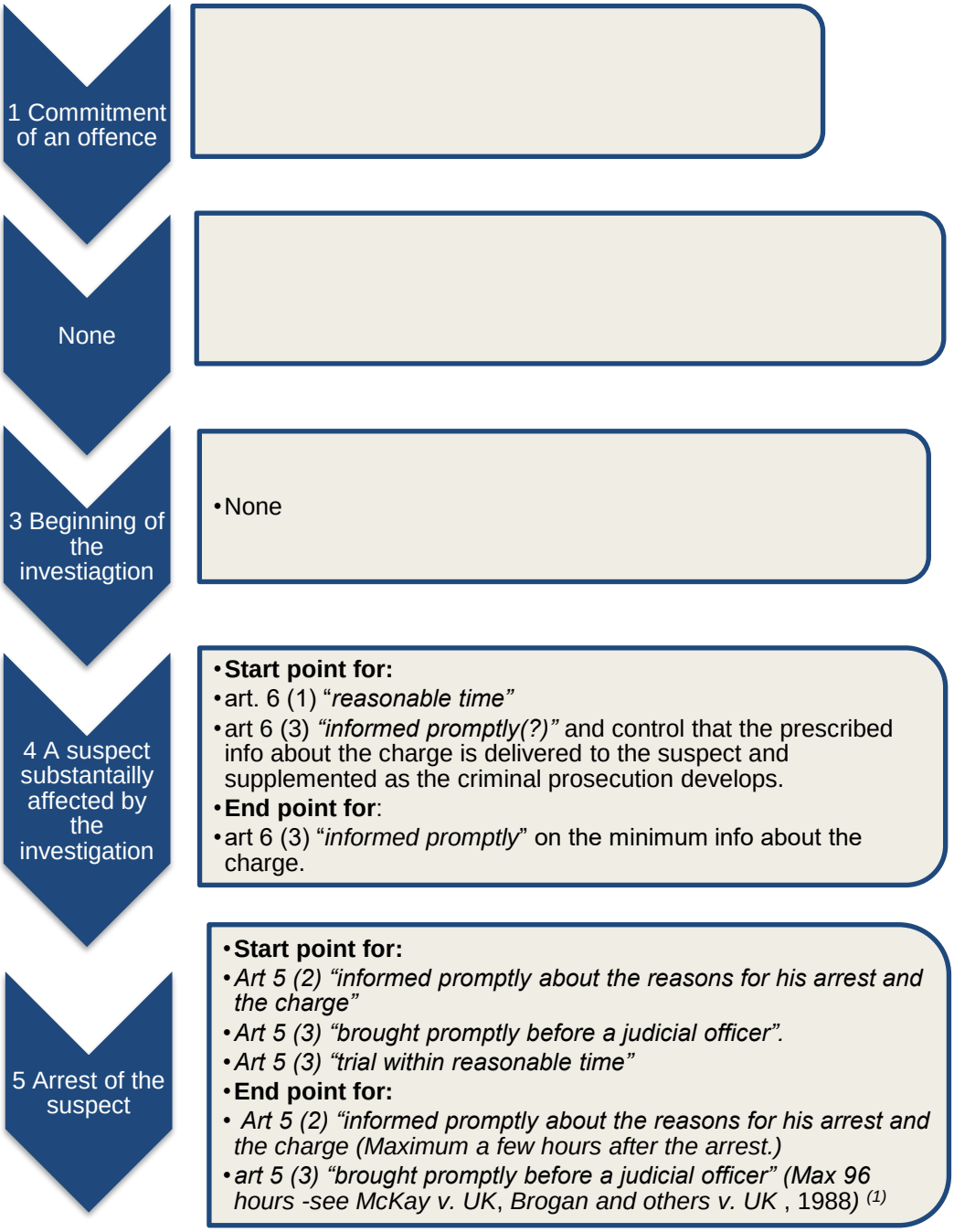
$$\text{Disposition time} = \frac{365}{\text{(nbr of resolved cases / nbr of unresolved cases)}}$$

Average duration in the proceedings

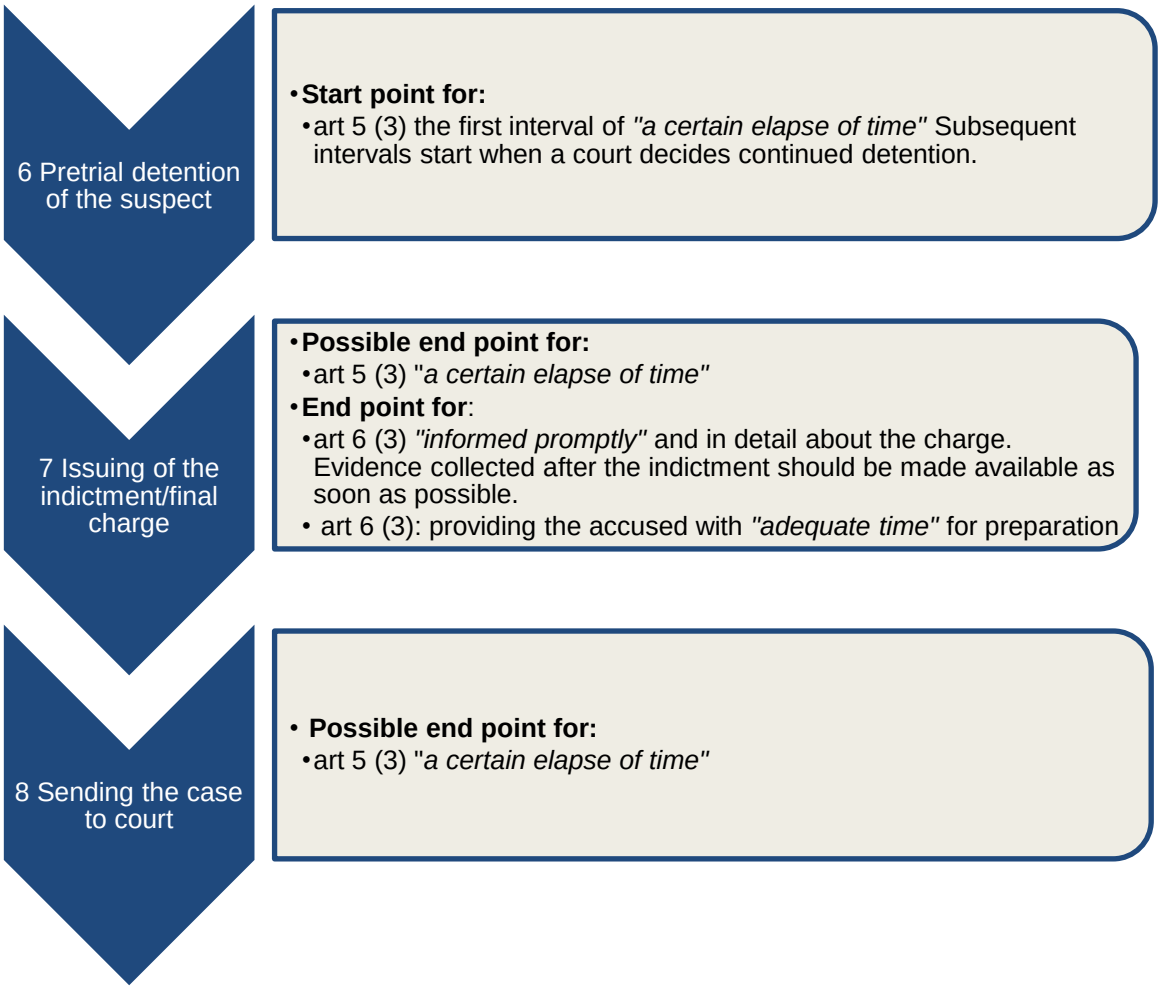
Average duration of the intermediate stages in the proceedings						
	Trial stage			Legal remedies		
Type of cases	**Preparation (nb days)**	**Hearings (nb days)**	**Judgement (nb days)**	**Appeal (nb weeks)**	**Special recourse (nb weeks)**	**Other (nb weeks)**
1. Civil cases						
Litigious divorces	80	20	80	18	18	–
Dismissal cases	60	2	20	18	–	–
....						
2. Administrative cases						
....						
3. Criminal cases						
Robberies	150	30	70	20	15	–
Intentional homicides	120	20	60	20	12	–
....						

APPENDIX III: TIMELINE SHOWING THE DIFFERENT STAGES OF THE CRIMINAL PROCEDURE BEFORE AND DURING THE TRIAL

PRETRIAL STAGE - TIME MEASUREMENT POINTS IN ECHR ARTICLES 5 AND 6
Time line
Primary responsible: Police and/or prosecution



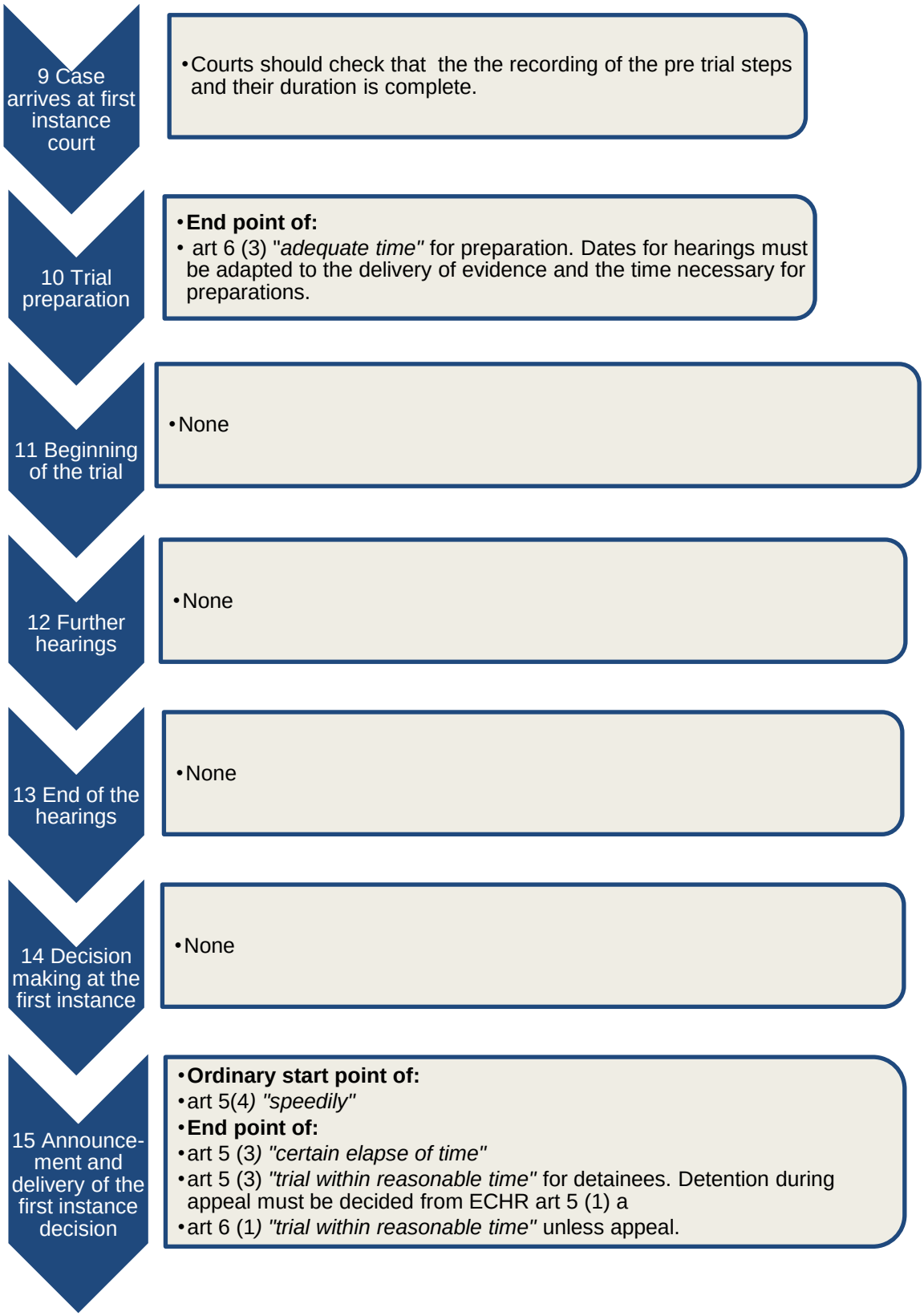
(1) See also: "Any period in excess of four days is prima facie too long (*Oral and Atabay v. Turkey*, § 43; *McKay v. the United Kingdom* [GC], § 47; *Năstase-Silivestru v. Romania*, § 32). Shorter periods can also breach the promptness requirement if there are no special difficulties or exceptional circumstances preventing the authorities from bringing the arrested person before a judge sooner (*Gutsanovi v. Bulgaria*, §§ 154-59; *İpek and Others v. Turkey*, §§ 36-37; *Kandzhov v. Bulgaria*, § 66).

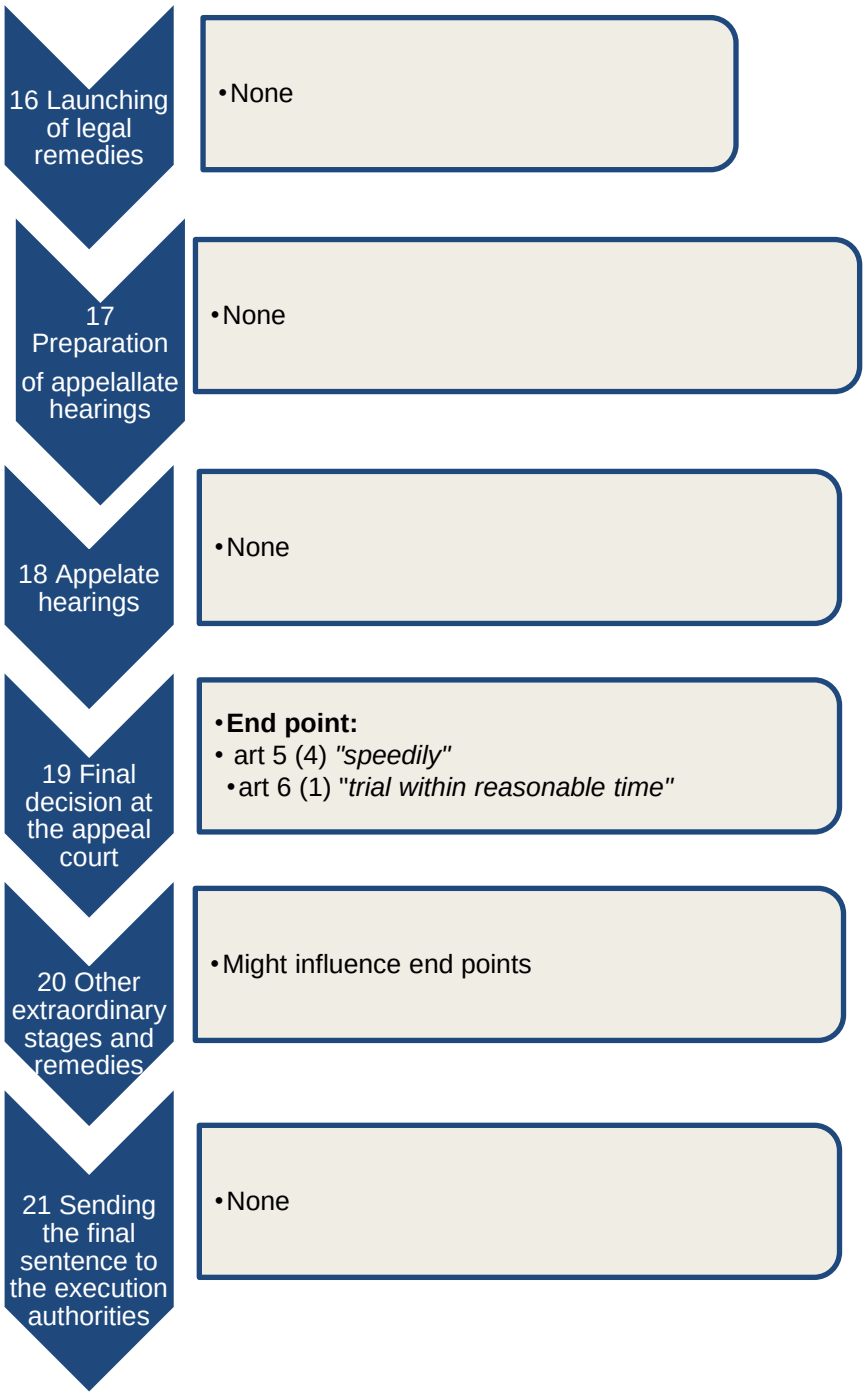

6 Pretrial detention of the suspect
•Start point for:
•art 5 (3) the first interval of "a certain elapse of time" Subsequent intervals start when a court decides continued detention.
7 Issuing of the indictment/final charge
•Possible end point for:
•art 5 (3) "a certain elapse of time"
•End point for:
•art 6 (3) "informed promptly" and in detail about the charge. Evidence collected after the indictment should be made available as soon as possible.
• art 6 (3): providing the accused with "adequate time" for preparation
8 Sending the case to court
• Possible end point for:
•art 5 (3) "a certain elapse of time"

TRIAL STAGE - TIME MEASUREMENT POINTS IN ECHR ARTICLE 5 AND 6

Time line.

Primary responsible: Courts




16 Launching of legal remedies
•None
17 Preparation of appelallate hearings
•None
18 Appelate hearings
•None
19 Final decision at the appeal court
•End point:
• art 5 (4) "speedily"
•art 6 (1) "trial within reasonable time"
20 Other extraordinary stages and remedies
•Might influence end points
21 Sending the final sentence to the execution authorities
•None