



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



ENCJ South – Eastern Region Seminar on Timeliness Bucharest, Romania 9 – 10 November 2015

On 9-10 November 2015 ENCJ organised a regional Timeliness seminar in Bucharest for the Central and South Eastern countries. The seminar was the 3rd in a series of 4 seminars.

Participants came from the Judicial Councils and authorities of Albania, Bulgaria, Croatia, Czech Republic, Greece, Hungary, Montenegro, Romania, Slovenia and Slovakia. The CEPEJ and the European Commission also attended and addressed the participants. The meeting was chaired by ENCJ coordinator Mr Niels Grubbe of Denmark and hosted by the Romanian CSM.

The aim of the seminar was to increase awareness for the issue of Timeliness, to deepen the understanding of causes and remedies, and to discuss the recommendations and the cooperation between stakeholders, and thus to further the implementation of the recommendations. It was deemed appropriate to organise the seminars with participants from countries within a region with comparable legal cultures and traditions.

Monday 9 November

Mr. Judge Marius Badea TUDOSE – The president of the CSM opened and welcomed all the participants in the Seminar. The traditions in the legal field are similar but there are differences between the separate countries. The participation will be useful for all the countries that are represented. The significance of the ENCJ report on timeliness was pointed out. Timeliness is an important issue and the legal cultures represented have enough in common to have fruitful discussion. Romania does not have a tradition in ADR, but it has taken some steps in that field. He said he was looking forward to comments and discussion in respect of the ADR.

Niels Grubbe (coordinator of the Seminar, Denmark) - welcomed all the participants and expressed thanks to Mr. Tudose for his speech and presence. He gave an overview of the work in the field of Timeliness and its significance for the courts, justice and society. The decision to organise regional seminars – is due to the proximity of the legal traditions. This is the 3rd Seminar which covers the countries from South-Eastern Europe. The basis for the discussions during the Seminar will be the issues indicated in [ENCJ Timeliness Report](#).

Niovi Ringou - Deputy Head of Unit, European Commission, DG Justice, welcomed all the participants in the Seminar. Judges have always played an active role in promoting the effectiveness of national justice systems. As part of the European judicial systems it is important to realize the diversity of the respect of justice. The respect for the Rule of Law is a precondition in the Treaties for EU membership. Well-functioning justice systems play an active role and contribute to economic growth. Both businesses and citizens should be able to trust on the judiciary. The European semester focuses on the quality, independence and efficiency of justice. These elements are crucial for the effective implementation of EU law. Brief information about the EU Justice Scoreboard was given. Each year it presents a factual analysis of the judiciaries and identifies potential shortcomings and good practices. It encourages the separate member states to initiate or complete their reforms in the field of justice and also provides an overview of the functioning of justice on the basis of



different indicators. She praised the role of ENCJ pointing out the excellent cooperation they have. Quality and efficiency data come from CEPEJ. ENCJ provides the European commission with the appropriate information in relation with the independence and it will be present in the future edition of the Scoreboard.

Niels Grubbe made a presentation on the scope, impact and causes of timeliness. The reasons for undue delay were presented. The causes of the delay should be analyzed. There is shortage of money in all countries but there are other causes for delay. The solution of problems shall take the efforts of all stakeholders. Balancing remedies with other quality features and independence were also presented.

Session I Reduction of caseload

Niels Grubbe presented the agenda of the Seminar and the methodology. In each session there should be a short presentation by each country that is represented setting out their challenges in the particular area. He made an introduction, describing the current state of play in relation to timeliness in Denmark. Introductions of each of the countries represented about their main challenges in the field of Reduction of caseload were made. A common problems for all the countries is the difficult implementation of ADR, challenges faced in the process of the judicial map reform, challenges in the process of drafting new procedural codes and finding the balance between reducing the caseload, but not at the expense of the efficiency and quality of justice.

Workshop discussion

The participants then went to discuss the topic of reduction of case load. The issues and questions dealt with during the first workshop were:

- Judicial dispute prevention
- Alternative dispute resolution
- Amicable settlement
- Extended competence of lower courts – limitation of appeal
- Multiparty actions

Session II Capacity management

Niels Grubbe made a brief introduction pointing out the topics that will be discussed during this session.

Elka Atanasova of VSS Bulgaria made a presentation on the “Methods of approach for measuring and regulation of the workload of the prosecutors in Bulgaria”. An elaboration and implementation of a model for analysis and objective assessment of the workload in the courts and the prosecutor’s offices and workload standard of the judges, prosecutors and investigators was identified as a strategic goal of SJC.

Introductions of each of the countries represented about their main challenges in the field of capacity management were made. Almost all the countries are facing problems with the difference in workload between courts. Flying brigades, (temporarily) transfer of judges and appointment of judges’ assistants were indicated as potential solutions. The unequal reallocation of judges was also indicated as an issue.

Workshop discussion

The participants then went to discuss the topic of capacity management. The issues and questions dealt with during the second workshop were:

- Balancing load and capacity
- Transfer of cases, reallocation of judges, flying brigades
- Retired judges and juridical assistants
- Composition of the tribunal



Ivana Borzova – CEPEJ talked about CEPEJ and in particular the experiences of the Saturn Centre. It is dedicated to avoiding breaches of Art 6 ECHR in relation to reasonable time. The SATURN guidelines for time management were presented. Guidelines 2, 3, 4, 5 and 6 concerns monitoring and collection of data. The guidelines on planning, setting targets and intervention are 7, 8, 9 and 10. Guidelines on consultation on the scheduling of procedural steps are 14, 15 and 16. In September 2015 the Implementation Guide has been updated. The participants were encouraged to get familiar with SATURN guidelines.

Horatius Dumbrava – CSM Romania made a presentation on “Efficiency indicators”. Indicators can be used in courts` activity to measure the efficiency and to create incentives for increased efficiency. Each court, depending on its individuality and management targets may assess its activity based on each particular indicator. The effectiveness of courts will be measured in four categories – very effective, effective, satisfactory and ineffective.

Session III Procedures and Case Management

Introductions of each of the countries represented about their main challenges in the field of procedures and case management were made. In most of the countries there were new legal acts implemented to improve the case management and to reduce the time for solving the cases. There should be a programme for each case setting out a time limits for all the steps during the procedure.

Workshop discussion

The participants then went to discuss the topic of procedures and case management. The issues and questions dealt with during the third workshop were:

- Procedural steps – reduction and time limitation
- Case management, call-overs
- Hearing – reduction and limitation
- Written judgements – simplification and limitation
- Small case procedures

Session IV Processing and Goals

Introductions of each of the countries represented about their main challenges in the field of processing and goals were made. The significance of cooperation between all stakeholders was pointed out. Examples for the initiation of such a cooperation were given. Goals – who sets them and what are the circumstances of not achieving them. In many cases the law stipulates the period for deciding a case after the hearing.

Workshop discussion

The participants then went to discuss the topic of processing and goals. The issues and questions dealt with during the last workshop were among others:

- Video and telephone meetings
- Electronic recording
- Electronic tracing and filing
- Specialization



At the end of the Seminar all the participants were kindly invited to fill in an evaluation form. Over 90% of the participants indicated that the length of the Seminar was right. The overall rate of the Seminar was indicated as excellent or good. All the participants expect the Seminar to make a significant difference in the way they approach timeliness issues. The provision of comparable statistics from the separate countries was indicated as an aspect that could be improved in the future.

Evaluation of the Seminar

