



Strasbourg, 30 June 2017

CEPEJ(2017)7

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ) 29th plenary meeting (29 – 30 June 2017)

Abridged report

A. FOREWORD

The European Commission for the Efficiency of Justice (CEPEJ) held its 29th plenary meeting in Strasbourg on 29 – 30 June 2017. The meeting was chaired by Mr Georg STAWA (Austria), President of the CEPEJ.

The agenda appears in the Appendix.

B. LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN BY THE CEPEJ

The CEPEJ:

1. Information by the President of the CEPEJ, the CEPEJ members and the Secretariat

- took note of the information provided by its President, its members and its Secretariat who had
 participated in various fora where the work of the CEPEJ had been presented and discussed,
 contributing to the promotion of public policies aimed at ensuring the efficiency and quality of judicial
 systems;
- took note of the information provided by Albania, Cyprus, Greece, Iceland, Latvia, Lithuania, the Republic of Moldova, Montenegro, the Netherlands, Norway, the Russian Federation, Spain, "the former Yugoslav Republic of Macedonia", Morocco and Mexico on recent developments in the judicial field; invited its members to forward to the Secretariat written information and useful references which could be included in the area "country profiles" of the CEPEJ web site;

2. CEPEJ co-operation programmes

- welcomed the progress made in the on-going cooperation programmes, which allow the practical implementation of the methodology and tools of the CEPEJ and thus provide strong added value to the work of the Council of Europe in the beneficiary States and entities, in particular as regards the following programmes:
 - Horizontal Facility for Western Balkans Albania and Kosovo* Joint programme with the European Union
 - Turkey Developing mediation practices in civil disputes Co-operation with the Swedish International Cooperation Development Agency (Sida),
 - Evaluation of the Latvian judicial system,
 - Strengthening the efficiency and quality of the Slovak judicial system,
 - Programme to support the justice sector reform improving the functioning of justice in Morocco by using the tools of CEPEJ Joint Programme with the European Union;
 - Towards Strengthened Democratic Governance in the Southern Mediterranean Tunisia, Jordan Joint programme with the European Union
- thanked the authorities of Azerbaijan and the Republic of Moldova for the cooperation developed in the framework of the projects which came successfully to an end in March-April 2017 and were part of the Council of Europe and European Union Eastern Partnership for Good Governance; noted that opportunities were being explored for continuing such cooperation from the lessons learnt and good practices achieved by the pilot courts of both countries within the framework of the Partnership;

- supported continued cooperation with Morocco and Tunisia on judicial reforms within the framework of bilateral programmes beyond the end of 2017 and instructed the Secretariat to explore such possibilities;
- agreed to develop specific cooperation for the development of mediation in Bulgaria;

3. Evaluation of the European judicial systems

- welcomed the developments by the Secretariat as regards the CEPEJ-STAT interactive database, instructed the CEPEJ-GT-EVAL to oversee the updating of the data by the Secretariat twice a year and the inclusion in the CEPEJ-STAT of the data collected annually in the framework of the preparation of the "EU Justice Scoreboard"; invited its members to ensure a wide communication in their countries around this tool and instructed the Secretariat to promote it;
- took note of the work carried out under the supervision of the CEPEJ-GT-EVAL in the framework of a specific study on legal professions, based on information from the 2014-2016 evaluation cycle;
- noted the amendments proposed by the CEPEJ-GT-EVAL to the Explanatory note (CEPEJ(2017)3) to the Evaluation Scheme (CEPEJ(2016)9)Rev;
- **took note** of the updating of the "Scheme for evaluating judicial systems Key judicial indicators", within the framework of the cooperation programmes, and **instructed the Secretariat** to adapt the explanatory note accordingly:
- **reminded** its members to appoint national correspondents entrusted with responding to the Evaluation Scheme and to provide their contact details to the Secretariat as soon as possible; national correspondents would be invited to exchange on the draft 2018 report in spring 2018;
- welcomed the new electronic system for collecting data (CEPEJ-COLLECT), noted that the system was open on 8 June 2017, as well as a separate file on issues related to the use of information technology in the courts, to be completed by the national correspondents before 31 December 2017, and urged the national correspondents to comply with this timeframe, in order for the data to be processed from January 2018 and the report to be adopted by the CEPEJ at its 31st plenary meeting (mid 2018);
- welcomed the forthcoming renewal of a four year contract between the Council of Europe and the European Commission with a view to preparing the "EU Justice Scoreboard" using the CEPEJ methodology and findings, instructed the Secretariat, under the authority of the CEPEJ-GT-EVAL and the Bureau, to prepare, in full cooperation with the EU member states, the new Study on judicial systems to be forwarded to the European Commission at the end of 2017 as part of the preparation of this Scoreboard; therefore underlined, in the framework of the preparation of this Study, for the member States of the European Union, that a specific questionnaire has been opened in CEPEJ-COLLECT, together with specific questions on IT in courts, it being understood that the responses should be submitted to the Secretariat by 22 September 2017, and urged the relevant national correspondents to comply with this timeframe;
- instructed the CEPEJ-GT-EVAL to prepare for the 31st plenary meeting the analysis of the 2016 data collected though:
 - a general report including key data and comments (key facts and figures) which make it possible to evaluate the state of judicial systems and their evolution;
 - a thematic report focused on the court users:
 - the enrichment of the CEPEJ-STAT data base;
- took note of the reporting on the peer evaluation visit on judicial statistics to the Czech Republic (6-7 February) and Cyprus (30-31 May 2017) and agreed that a new evaluation visit would take place to Georgia on 19-20 September 2017;

4. Quality of justice

- took note of the on-going work carried out by the CEPEJ-GT-QUAL;
- took note of the on-going work carried out by the OECD on equal access to justice: development of the survey module to measure people's legal needs and encouraged the CEPEJ-GT-QUAL to take it into account within the framework of its work;

5. Judicial time management

- took note of the on-going work carried out by the Steering group of the SATURN Centre according to its strategic action plan;
- welcomed the "Handbook for implementing the CEPEJ Tools" (CEPEJ-SATURN(2016)6Rev2) prepared by the Steering group of the SATURN Centre;
- reiterated its invitation to the volunteer courts in the member States to indicate to the Secretariat their candidature for organising a coaching programme within the court aimed at implementing the SATURN tools for judicial time management based on the CEPEJ Guide and invited its members to signal this opportunity widely to the courts in their states;

6. Mediation

• welcomed the re-activation of the work of the Working Group on mediation (CEPEJ-GT-MED), took note of the on-going work carried out, and in particular the creation of a toolkit to complement the Guidelines on mediation aimed at the main players across Europe (judges, court clerks, lawyers and private mediators) and including standardised mediation training curricula;

7. Ad hoc Working Group for the harmonisation of the definitions used by CEPEJ

 noted that the ad hoc working group on the harmonisation of definitions used in the CEPEJ tools would meet in Dublin (Ireland) on 12 September 2017, coordinated by Laetitia BRUNIN (France);

8. Network of pilot courts

 thanked the authorities of Norway for having invited the Network of pilot courts to hold its next plenary meeting in Kristiansand on 6 September 2017;

9. Relations between the CEPEJ and the other bodies of the Council of Europe

 took note of the information provided on the activities of the Consultative Council of European Judges (CCJE), the Consultative Council of European Prosecutors (CCPE), and as regards cooperation with the European Court of Human Rights;

10. Other cooperation with the European Union

 took note of the information provided by the representatives of Malta and Estonia, speaking on behalf of the outgoing and incoming presidencies of the European Union, on the recent and planned developments within the Union in the field of justice;

11. European Day of Justice and Crystal Scales of Justice

- invited its members to promote initiatives for the 2017 edition of the European Day of Justice;
- noted with satisfaction that, for the 2017 edition of the "Crystal Scales of Justice", 36 entries had been filed from 18 countries and two European bodies; noted that the Jury would meet on 12 September 2017 in Paris to decide on the prize list which would be made public in Edinburgh (United Kingdom) on 27 October 2017, where the main event of the European Day of Justice would take place on the topic: "the independence of justice in a modern world";

12. CEPEJ Innovation Centre

- **instructed the Secretariat** to develop, in particular in electronic form, the CEPEJ Innovation Centre as a virtual place bringing together good practices as regards court organisation and to implement activities of research on good practices at the European level;
 - 13. Report by the Secretary General of the Council of Europe: "The state of democracy, human rights and the rule of law in Europe"

welcomed the 2017 Report by the Secretary General of the Council of Europe on the "State of democracy, human rights and the rule of law – a security imperative for Europe" and reiterated its readiness to be involved in the implementation of the Council of Europe Plan of Action on strengthening judicial independence and impartiality;

14. Observers with the CEPEJ

 took note of the information provided by its Observers, and in particular the European Expertise and Expert Institute, the European Association of Judges, the Association of European Administrative Judges, thanked them for their concrete contribution to the CEPEJ's activities and invited them to contribute further to the implementation of its Activity Programme;

15. Working method of the CEPEJ

- recalled the invitation for its member States to appoint substitute members of the CEPEJ;
- recalled that the implementation of the numerous cooperation programmes by the CEPEJ requires the
 availability of members and experts of the CEPEJ and called upon its members and experts to inform
 the Secretariat of their willingness to participate in such programmes;
- agreed to improve access to the various tools produced by the CEPEJ, in particular by proposing an
 electronic bench-book enabling stakeholders to access more intuitively to these tools in the form of an
 electronic index with key words leading to the relevant documents and instructed the Secretariat to
 further reflect on this issue;
- encouraged its members to join the CEPEJ on Facebook;

16. Preparation of the 15th anniversary of the CEPEJ

 agreed to celebrate its 15th anniversary during its 30ths plenary meeting (Strasbourg, 7-8 December 2017 and entrusted its Bureau and the Secretariat to prepare this event taking into account the discussions at this meeting.

APPENDIX I

AGENDA

- 1. Opening of the meting
- 2. Adoption of the agenda
- 3. Information by the President and members of the CEPEJ and the Secretariat
- 4. Recent developments in the judicial field in the Council of Europe Member states

Delegations are invited, if they so wish, to inform the CEPEJ on recent significant developments in their countries in the judicial field since December 2016, where appropriate.

5. CEPEJ's cooperation programmes

- i. State of affairs on some programmes
 - Programme to support the justice sector reform improving the functioning of justice in Morocco using the tools of CEPEJ - Joint programme with the European Union
 - Evaluation of the Latvian judicial system
 - Strengthening the efficiency and quality of the Slovak judicial system
 - Development of mediation in Bulgaria

ii. Finalised and other on-going a programmes

- Programmatic Co-operation Framework for the countries of the Eastern partnership -Azerbaijan and Republic of Moldova - Joint programme with the European Union
- Horizontal Facility for Western Balkans and Turkey Albania and Kosovo* Joint programme with the European Union
- Turkey Developing mediation practices in civil disputes Co-operation with the Swedish International Cooperation Development Agency (Sida)
- Towards Strengthened Democratic Governance in the Southern Mediterranean Tunisia, Jordan - Joint programme with the European Union

The CEPEJ members are invited to examine the progress in the co-operation programmes (see the document mentioned below). The CEPEJ members acting as experts involved in these programmes, as well as the Secretariat, are prepared to answer any questions that may be put to them during the meeting.

6. Evaluation of European judicial systems

Rapporteur: Jean-Paul JEAN (France), President of the CEPEJ-GT-EVAL

- i. Implementation of the 2016 2018 evaluation cycle
 - Planning of the work and of the schedule
 - New system of data collection
 - Issue of the repeated absence of specific data
 - developments of CEPEJ-STAT and the opportunity to integrate in this system the data collected within the framework of the "Justice Scoreboard" (EU)
- ii. Specific Study on the judicial professionals
- iii. Cooperation with the European Union within the framework of the "Justice Scoreboard"
- iv. Implementation of the pilot peer evaluation co-operation process
- v. Updating of the « Scheme for evaluating judicial systems Key judicial indicators » in the framework of the co-operation programmes

7. Quality of justice (CEPEJ-GT-QUAL)

Rapporteur: François PAYCHERE (Switzerland), Chair of the CEPEJ-GT-QUAL

^{*} This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

- Information on the on-going work
- ii. Equal access to Justice: development within the OECD of the survey module to measure people's legal needs by *Martin FORST and Chloe LELIEVRE, Public Governance Directorate, OECD*
- 8. SATURN Centre on judicial time management: : information on the on-going work Rapporteur: Giacomo OBERTO (Italy), Chair of the Steering group of the SATURN Centre
 - Information on the on-going work
 - ii. Introduction to the "Handbook for implementing the CEPEJ Tools"
- 9. Mediation (CEPEJ-GT-MED): information on the on-going work
 Rapporteur: Rimantas SIMAITIS (Lithuania), Chair of the CEPEJ-GT-MED
- 10. Ad hoc Working Group for the harmonisation of the definitions used by CEPEJ
- 11. Network of pilot courts
- 12. Relations between the CEPEJ and other Council of Europe Institutions
 - i. Consultative Council of European Judges (CCJE)
 - ii. Consultative Council of European Prosecutors (CCPE)
- **13. Other cooperation scheme with the European Union :** latest developments within the European Union in the judicial field

Rapporteurs: Francesco DEPASQUALE (Malta) and Marko AAVIK (Estonia) on behalf of the outgoing and incoming presidency of the European Union

14. European Day of Justice and the 'Crystal Scales of Justice'

Rapporteur: Secretariat

15. CEPEJ Innovation Centre

Rapporteur: Secretariat

16. Report by the Secretary General of the Council of Europe: "The state of democracy, human rights and the rule of law in Europe"

Rapporteur: Secretariat

17. Observers to the CEPEJ

Organisations who have been granted observer status with the CEPEJ are entitled, if they wish, to make an oral presentation of their current activities relevant to the CEPEJ and/or submit a written information to the Secretariat which could be distributed during the meeting.

18. Working methods of the CEPEJ

- i. CEPEJ experts training
- ii. CEPEJ Deputy members
- iii. Improving access to the CEPEJ tools: an electronic "benchbook"
- 19. Preparation of the 15the anniversary of the CEPEJ

Rapporteur: Georg STAWA, President of the CEPEJ

20. Any other business

APPENDIX II

List of participants / Liste des participants

CEPEJ MEMBERS / MEMBRES DE LA CEPEJ

ALBANIA/ALBANIE

Soeda DOCAJ, Judicial Inspector, Ministry of Justice, TIRANA

ANDORRA/ANDORRE

Carme OBIOLS, Secrétaire Générale, Conseil Supérieur de la Justice, ANDORRA LA VELLA

ARMENIA/ARMENIE

Vigen KOCHARYAN, Vice-ministre de la Justice, Ministère de la Justice, EREVAN

AUSTRIA/AUTRICHE

Georg STAWA, Secretary General of the Austrian Ministry of Justice, Federal Ministry of Justice, VIENNA (President of the CEPEJ / Président de la CEPEJ)

AZERBAIJAN/AZERBAÏDJAN

Ramin GURBANOV, Judge, Baku City Yasamal District Court, Co-ordinator of Judicial Modernisation Project, BAKU

BELGIUM/BELGIQUE

Dietger GEERAERT, Attaché, Service Public Fédéral de la Justice, BRUXELLES

BOSNIA AND HERZEGOVINA/BOSNIE-HERZÉGOVINE

Dragomir VUKOJE, Judge of the Appellate Division of the Court of Bosnia and Herzegovina, SARAJEVO,

BULGARIA/BULGARIE

Ekaterina TODOROVA, Senior Expert, International Legal Co-operation and European Affairs Directorate, Ministry of Justice, SOFIA

CROATIA/CROATIE

Ivan CRNČEC, assistant Minister, International Co-operation Directorate, Ministry of justice, ZAGREB

CYPRUS / CHYPRE

Costas PAMBALLIS, Judge at the Supreme Court, NICOSIA

CZECH REPUBLIC/REPUBLIQUETCHEQUE

Ivana BORZOVÁ, Head of Department of Civil Supervision, Ministry of Justice, PRAGUE

DENMARK/DANEMARK

Marianne GRAM NYBROE, International Coordinator, Department of Training Danish Court Administration, COPENHAGEN - **Apologised / Excusée**

ESTONIA/ESTONIE

Marko AAVIK, Deputy Secretary General, the Judicial Administration at the Ministry of Justice, TALLINN,

FINLAND/FINLANDE

Kari Samuli KIESILĀINEN, Head of Department, Directorate General, Ministry of Justice, HELSINKI : **Apologised / Excusé**

Taru ALANAATU, Senior Officer, Department of Judicial administration, Ministry of Justice, HELSINKI

FRANCE

Laetitia BRUNIN, Adjointe à la Sous-Directrice de la statistique et des études, Secrétariat général, Ministère de la justice, PARIS

GEORGIA/GÉORGIE

Nino BAKAKURI, Judge, Supreme Court, TBILISSI

GERMANY/ALLEMAGNE

Matthias HEGER, Chef du Service de Procédure civile internationale, Ministère fédéral de la justice, BERLIN - Apologised / Excusé

Jörg ALLMENDINGER, Ministerialrat, Leiter des Referats V 2, EJN-contact point for Baden-Württemberg, Department for European Law and International Law, Ministry of Justice and for European Affairs of Baden-Württemberg, STUTTGART

GREECE/GRÈCE

Michael PIKRAMENOS, Councilor of State, and As. Professor of Law School at University of Thessaloniki, ATHENS: **Apologised / Excusé**

Aikaterini DASKALOPOULOU, Ministry of Justice, Transparency and Human Rights, Department of EU and International Organizations, ATHENS

HUNGARY/HONGRIE

Gábor SZÉPLAKI-NAGY, Procureur, Chef d'unité, Parquet Général, Ministère de la justice, BUDAPEST

ICELAND/ISLANDE

Arnfrídur EINARSDOTTIR, Judge at the District Court of Reykjavik, District Court of Reykjavik, REYKJAVÍK

IRELAND/IRLANDE

Noel RUBOTHAM, Head of Reform and Development, Courts Service, DUBLIN

Nicola KELLY, Courts Policy Division, Department of Justice and Equality, DUBLIN

ITALY/ITALIE

Fabio BARTOLOMEO, Directeur général des statistiques, Ministère de la Justice, ROME

Giacomo OBERTO, Magistrat, Tribunal de Grande Instance, TURIN (Chair of the CEPEJ-SATURN / Président du CEPEJ-SATURN)

LATVIA/LETTONIE

Aija BRANTA, Judge of the Supreme Court, RIGA

LITHUANIA/LITUANIE

Laima GARNELIENE, Judge, Criminal Cases Division, Lithuanian Court of Appeal, VILNIUS

LUXEMBOURG

Robert BIEVER, Procureur Général d'Etat honoraire, Ministère de la justice, LUXEMBOURG-KIRCHBERG, **Apologised / Excusé**

MALTA/MALTE

Francesco DEPASQUALE, Magistrate, Magistrates' Chambers, The Law Courts, VALETTA

Joanne BATTISTINO, Research and Special Projects Officer, Office of the Director General, Strategy & Support, Ministry For Justice, Culture and Local Government, VALLETTA

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Victoria PALANCIUC, Agency for the administration of the courts, Ministry of Justice, CHISINAU

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Sébastien BIANCHERI, Premier juge au tribunal de première instance, Palais de Justice, MONACO

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NETHERLANDS/PAYS BAS

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Marta CANCELA CARVALHO, Legal Advisor, Directorate General for Justice Policy, Ministry of Justice, LISBON

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Violeta BELEGANTE, Conseiller juridique, Chef du service du droit privé, Direction de l'Elaboration des actes normatifs, des études et de la documentation, Ministère de la Justice, BUCAREST

THE RUSSIAN FEDERATION/FÉDÉRATION DE RUSSIE

Alexandra DRONOVA, Head of the Department of Legal Assistance and Interaction with the Judicial System of the Ministry of Justice, MOSCOW

Alexander PARSHIN, Deputy Director-General of the Judicial Department of the Supreme Court, MOSCOW

Alina PASHKOVA, Head of International Co-operation Department of the Judicial Department of the Supreme Court, MOSCOW

Alexandra KRIVOSHEEVA, Specialist, Department of Legal Assistance and Interaction with the Judicial System of the Ministry of Justice, MOSCOW

Anton MARKOVSKIY, Deputy to the Permanent Representative of the Russian Federation to the Council of Europe, STRASBOURG, FRANCE.

SERBIA/SERBIE

Jelena DERETIC, Head of Department for Judicial Professions, Sector for European Integration and International Projects, Ministry of Justice, BELGRADE - **Apologised / Excusée**

Iva KOVACEVIC, Sector for European Integration and International Projects, Ministry of Justice, BELGRADE

SLOVAK REPUBLIC/RÉPUBLIQUESLOVAQUE

Ladislav DUDITS, Judge, Kosice Regional Court, Krajsky sud v Kosiciach, KOSICE

SLOVENIA /SLOVENIE

Tina BRECELJ, State Secretary, Ministry of Justice, Župančičeva 3, LJUBLJANA

SPAIN/ESPAGNE

Juan Fernando ARMENGOT IBORRA, Advisor, Directorate General for international Legal Co-operation and Relations with Religious Affairs, Ministry of Justice, MADRID

SWEDEN/SUÈDE

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Kevin WESTALL, Court Reform Policy, Devolution and Tribunal Reform, Ministry of Justice, LONDON

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Jorge Antonio CRUZ RAMOS, Magistrat, Conseiller de la Magistrature Fédérale

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Raja BOUSSEMA, chargée de la coopération internationale, Asie, Amérique, Union Européenne et Conseil de l'Europe, Cabinet du ministère de la justice, TUNIS - **Apologised / Excusée**

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Pierre VINCENT, Président maintenu en activité près le tribunal administratif, Cour d'Appel administrative de Nancy, NANCY, FRANCE

EUROPEAN ASSOCIATION OF JUDGES (AEM-EAJ) / ASSOCIATION EUROPEENNE DES MAGISTRATS (AEM-EAJ)

Cristina MARZAGALLI, Juge, Tribunal de Varese, ITALIE

EUROOPEAN JUDICIAL TRAINING NETWORK (EJTN) / RESEAU EUROPEEN DE FORMATION JUDICIAIRE (REFJ)

Regine KANONEKA, Junior Project Manager, Exchange Unit Programme, BRUXELLES, BELGIQUE

COUNCIL OF THE NOTARIAT OF THE EUROPEAN UNION (CNUE) /CONSEIL DES NOTARIATS DE L'UNION EUROPEENNE (CNUE)

Geertjan SARNEEL, Meijling & Sarneel Notarissen en Adviseurs, Vestiging Kapelle, BRUXELLES, BLGIQUE

MAGISTRATS EUROPÉENS POUR LA DÉMOCRATIE ET LES LIBERTÉS (MEDEL) - Apologised/ Excusé

EUROPEAN EXPERTISE AND EUROPEAN INSTITUTE (EEEI) / INSTITUT EUROPEEN DE L'EXPERTISE ET DE L'EXPERT (EEEI)

Raymond LEMAIRE, Président, Institut européen de l'Expertise et de l'Expert, LEVALLOIS, FRANCE

Alain NUEE, Premier Président honoraire de la Cour d'Appel de Versailles, NANCY, FRANCE

EUROPEAN UNION / UNION EUROPÉENNE

EUROPEAN COMMISSION / COMMISSION EUROPÉENNE

Ingo WEUSTENFELD, Policy officer, Directorate General Justice and Consumers, Unit 03 - General justice policies and judicial systems, BRUSSELS, BELGIUM - **Apologised / Excusé**

Eirini GEORGIOPOULOU, Secrétariat Général - Structural Reform Support Service, BRUXELLES, BELGIQUE

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS / AGENCE DE L'UNION EUROPEENNE POUR LES DROITS FONDAMENTAUX - Apologised / Excusée

COUNCIL OF EUROPE / CONSEIL DE L'EUROPE

PARLIAMENTARY ASSEMBLY / ASSEMBLEE PARLEMENTAIRE - Apologised / Excusée

EUROPEAN COURT OF HUMAN RIGHTS (ECHR) / COUR EUROPÉENNE DES DROITS DE L'HOMME (CEDH)

Paola TONARELLI-LACORE, Registry of the European Court of Human Rights / Greffe de la Coureuropéenne des droits de l'Homme

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