

# Minutes

## ENCJ Project Team on Timeliness

*Subgroup Meeting at the Kick-Off Meeting on 11<sup>th</sup> and 12<sup>th</sup> October 2010*

Present: Niels Grubbe (Coordinator), Kira Kolby Christensen (Secretary); Axel Kittel (Belgium); Jean Luc Cottyn (Belgium); Jean Pierre Dreno (France); Arpad Orosz (Hungary); Riccardo Fuzio (Italy); Zita Smirnoviene (Lithuania); Frits Bakker (Netherlands); Patrícia Helena Costa (Portugal); Diana Minca (Romania); Matej Čujovič (Slovenia); Thomas Gottwald (Austria); Sakari Laukkanen (Finland); Maren Reuß (Germany); Iarfhlaith O'Neill (Ireland); Patrich Hodge (Scotland); Ann Ganelind (Sweden).

### **1. Opening**

Mr. Niels Grubbe opened the meeting and bit everyone welcome. He especially welcomed the representatives of Belgium, France, Hungary, Italy, Netherlands, Romania, Slovenia, Finland, Ireland and Scotland who had not been able to participate at the Project Team's first meeting in September in Copenhagen. Niels Grubbe informed that it had been considered to postpone the Team's first meeting to this Kick-Off Meeting as also envisaged by the ENCJ-secretariat. Considering the work to be done he found it however greatly advantageous to start as soon as possible.

### **2. The work done so far**

Mr. Niels Grubbe informed the Team Members of the background for setting up this Project Team and of the assignment given by the General Assembly in June 2010, cf. the description also given in the Minutes of the Project Team's first meeting.

Mr. Niels Grubbe then briefly informed of the work already done in the Project Team.

On the issue on how to go about the project the Team Members had at the first meeting decided on the following:

- To send out a Request to all Members and Observers asking them to update/supplement the Register on Quality and Access to Justice;
- To draw up a Questionnaire on Timeliness with simple questions covering both statistics on processing times in all Members and Observers of the ENCJ and information on any methods applied or contemplated to be applied in the near future in order to meet long processing times;
- To draw up a Report on Timeliness on basis of the Questionnaire and a Catalogue of Issues;
- To discuss Best Practices and if possible make Recommendations or give ideas on how to meet long processing times

and

- To draw up a framework for the Conference to be carried out some time during autumn 2011 or spring 2012. The Report and any Recommendations will form the topics to be discussed at the Conference.

On 14 September 2010 the Team sent out a Request to all Members and Observers asking them to update/supplement the Register. The Team has further drawn up a draft Questionnaire, a draft Guide to the Questionnaire and a draft Catalogue of Issues to be dealt with by the Project Team.

The main purpose of this Sub Group Session is to go through the draft Questionnaire and the draft Guide to the Questionnaire and decide on any necessary alterations. Coordinator will then revise the documents accordingly and send them out to all Member and Observer bodies within 15 October 2010. The deadline for answering the Questionnaire will be 22 November 2010.

### **3. Questionnaire and Guide to Questionnaire on Timeliness**

The method of sending out a Questionnaire to collect information from all Members and Observers on how they are dealing with the issue on timeliness was discussed and the Team Members present agreed to continue as planned by the members who had attended the first Team meeting.

The Questionnaire will be addressed to the Administration/Council who is the actual member of the ENCJ. To facilitate the process of answering the Questionnaire the Team Members decided that Coordinator should – when sending out the Questionnaire – send a copy of the request and the documents to the Team Members as well. Coordinator shall further state in the request that the Questionnaire should be answered in co ordnance with the member of the Project Team, wherefore the member will take contact to the person responsible in the Administration/Council for answering the Questionnaire.

The Team Members further agreed on the following in regard to the Guide to the Questionnaire:

It should be stated in “General Comments” that the Council may – if it is found feasible – give a collected answer to more than one question. In order to keep the answers clear and comparable the Questionnaire must however as a main rule be answered as such. It is not the intention of the Questionnaire to collect memos containing only one long general description.

In regard to answers on available statistics the Guide should clarify that

- answers must only include the newest possible statistics, and
- only statistics for each instance – not each court – but
- should include statistics on incoming cases as well as decided cases

It should further be stated that detailed information will not be included in the Report.

Regarding consequences on lack of fulfilling any requirements (2.5) it should be mentioned that answers also may include that fulfilment of requirements is not controlled.

Point 3.3. in the Guide should clarify that the answer may include information on whether simplifications made possible by law is actually applied.

Examples in 3.4. and 4 may also be scientific, experimental or technical projects related to management with the aim of improving court proceedings/increasing the courts capacity. One may also in an individual 5<sup>th</sup> Question ask about any other initiatives taken in regard to timeliness.

The members further decided on a number of concrete alterations of the singular points in the Guide which Coordinator will make sure to incorporate before sending out the Questionnaire.

#### **4. Project Fiche**

A draft Project Fiche was discussed and agreed upon with some alterations.

#### **5. Time Schedule and Next step**

The draft Time Schedule was discussed and coordinator will send out a revised Time Schedule with the amendments agreed upon by the Team Members.

The Team Members decided on the following dates for the next meetings in the Project Team:

**3<sup>rd</sup> meeting: 29-30 November 2010**

**4<sup>th</sup> meeting: 28 February - 1 March 2011**

and

**5<sup>th</sup> meeting: 11-12 April 2011**

As for the 5<sup>th</sup> meeting it was decided to wait and see whether it will be necessary to meet. For now the Team Members are thus simply asked to reserve the dates for a 5<sup>th</sup> meeting in their calendars.

The Team Members agreed to have the meetings **begin at 15.00 on the 1<sup>st</sup> day and end at 15.00 on the 2<sup>nd</sup> day.**

Rome has offered to host the 3<sup>rd</sup> meeting, and the Italian CSM will send information to the Team Members on location and recommendable hotels located close by the meeting place and at fair prices.

The Netherlands and Romania offered at the meeting to host either of the later meetings and Finland informed that they might be able to host the 5<sup>th</sup> meeting in April. All the Team Members are however asked to consider hosting either the 4<sup>th</sup> or the 5<sup>th</sup> meeting and to give notice to Coordinator within 2 weeks whether they would or would not be able to host.

Referent: Kira Kolby Christensen 15-10-10