

COE. 07/84 PR

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

Principles of civil procedure designed to improve the functioning of justice

Recommendation No. R (84) 5
adopted by the Committee of Ministers
of the Council of Europe
on 28 February 1984
and
Explanatory Memorandum

Strasbourg 1984



This work has been published in French under the title:

*Principes de procédure civile propres à améliorer le fonctionnement de la justice
(Recommandation n° R (84) 5)*

ISBN 92-871-0333-X

Strasbourg, Council of Europe, Publications Section

ISBN 92-871-0334-8

© Copyright, Council of Europe, Strasbourg 1984

Printed in the Federal Republic of Germany

1. Recommendation No. R (84) 5, adopted by the Committee of Ministers of the Council of Europe on 28 February 1984, was prepared by the Committee of experts on the working of the judicial system (CJ-FJ), set up under the authority of the European Committee on Legal Cooperation (CDCJ).

2. This publication contains the texts of Recommendation No. R (84) 5 and the explanatory memorandum prepared by the committee of experts, as amended by the CDCJ.





**RECOMMENDATION No. R (84) 5
ON THE PRINCIPLES OF CIVIL PROCEDURE
DESIGNED TO IMPROVE THE FUNCTIONING OF JUSTICE¹**

*(Adopted by the Committee of Ministers on 28 February 1984
at the 367th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Whereas the right to justice guaranteed by Article 6 of the European Convention on Human Rights is an essential feature of any democratic society;

Whereas the implementation of the measures and principles laid down in Committee of Ministers Resolutions (76) 5 and (78) 8 on legal aid and Recommendation No. R (81) 7 on measures facilitating access to justice would make it easier for citizens to exercise their right to justice;

Whereas, however, some rules of civil procedure used in member states may prove to be an obstacle in obtaining effective justice because, first, they may no longer meet the needs of modern society and, secondly, they may sometimes be abused or manipulated to cause delay;

Whereas civil procedure should be simplified and made more flexible and expeditious, while at the same time maintaining the guarantees provided for litigants by the traditional rules of procedure and maintaining the high level of justice required in a democratic society;

Whereas in order to attain these objectives, it is necessary to make available to the parties simplified and more rapid forms of proceedings

1. When this Recommendation was adopted, the Representatives of Belgium and the Netherlands, in application of Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, reserved the right of their governments to comply or not with the second sentence of Principle 5 as set out in the appendix to the Recommendation.

and to protect them against abusive or delaying tactics, particularly by giving powers to the court to direct the proceedings more efficiently;

Taking into account the discussions held and the resolutions adopted by the European Ministers of Justice at their 12th Conference, held in May 1980 in Luxembourg.

Recommends that the governments of member states adopt or reinforce, as the case may be, all measures which they consider necessary to improve civil procedure, being guided by the principles set out in the appendix to this Recommendation.

Appendix to Recommendation No. R (84) 5

Principles of civil procedure designed to improve the functioning of justice

Principle 1

1. Normally, the proceedings should consist of not more than two hearings, the first of which might be a preliminary hearing of a preparatory nature and the second for taking evidence, hearing arguments and, if possible, giving judgment. The court should ensure that all steps necessary for the second hearing are taken in good time, and in principle no adjournment should be allowed except when new facts appear or in other exceptional and important circumstances.
2. Sanctions should be imposed when a party, having perhaps received notice to proceed, does not take a procedural step within the time-limits fixed by the law or the court. Depending on the circumstances, such sanctions might include declaring the procedural step barred, awarding damages, costs, imposing a fine and striking the case off the list.
3. The court should be able to summon the witnesses and appropriate sanctions (fines, damages, etc.) should be applied in cases of unjustified non-attendance of such witnesses. When a witness is absent, it is for the court to decide whether the case should continue without his evidence. To facilitate the taking of evidence, provision should be made for the use of modern technical means, such as the telephone or video, in appropriate circumstances.
4. If an expert appointed by the court fails to communicate his report or is late in communicating it without good reason, there should be appropriate sanctions. These might take the form of a reduction of fees,

the payment of costs or damages, as well as disciplinary measures taken by the court or by a professional organisation, as the case may be.

Principle 2

1. When a party brings manifestly ill-founded proceedings, the court should be empowered to decide the case in a summary way and, where appropriate, to impose a fine on this party or to award damages to the other party.
2. When a party fails to observe the duty of fairness in its conduct of the proceedings and clearly misuses procedure for the manifest purpose of delaying the proceedings, the court should be empowered either to decide immediately on the merits or to impose sanctions such as fines, damages or declaring the procedure barred; in special cases it should be possible to require the lawyer to pay the cost of the proceedings.
3. Professional associations of lawyers should be invited to make provision for disciplinary sanctions in cases where one of their members has acted in the manner described in the foregoing paragraphs.

Principle 3

The court should, at least during the preliminary hearing but if possible throughout the proceedings, play an active role in ensuring the rapid progress of the proceedings, while respecting the rights of the parties, including the right to equal treatment. In particular, it should have *proprio motu* powers to order the parties to provide such clarifications as are necessary; to order the parties to appear in person; to raise questions of law; to call for evidence, at least in those cases where there are interests other than those of the parties at stake; to control the taking of evidence; to exclude witnesses whose possible testimony would be irrelevant to the case; to limit the number of witnesses on a particular fact where such a number would be excessive. These powers should be exercised without going beyond the object of the proceedings.

Principle 4

The court should, at least at first instance, be empowered to decide, having regard to the nature of the case, whether written or oral proceedings, or a combination of the two, should be used except in cases expressly prescribed by law.

Principle 5

Except where the law prescribes otherwise, the parties' claims, limitations or defences and in principle their evidence, should be presented at the earliest possible stage of the proceedings and in any event before the end of the preliminary stage, if there is one. On appeal, the court should not normally admit facts which were not presented at first instance unless:

- a. they were not known at first instance;
- b. the person presenting them was not a party to the proceedings at first instance;
- c. there is some special reason for admitting them.

Principle 6

Judgment should be given at the conclusion of the proceedings or as soon as possible thereafter. The judgment should be as concise as possible. It may invoke any rule of law but it should with certainty resolve, expressly or implicitly, all claims raised by the parties.

Principle 7

Steps should be taken to deter the abuse of post-judgment legal remedies.

Principle 8

1. Moreover, particular rules or sets of rules should be instituted in order to expedite the settlement of disputes:

- a. in urgent cases;
- b. in cases relating to an undisputed right or an established liquidated claim and in cases involving small claims;
- c. in the field of road accidents, labour disputes, landlord and tenant issues and certain questions of family law, in particular the fixing and reassessment of maintenance.

2. To this end, one or more of the following measures could be utilised: simplified methods of commencing litigation; no hearing or convening of only one hearing or, as the occasion may require, of a preliminary preparatory hearing; exclusively written or oral proceedings, as

the case may be; prohibition or restriction of certain exceptions and defences; more flexible rules of evidence; no adjournments or only brief adjournments; the appointment of a court expert, either *ex officio* or on application of the parties, if possible at the commencement of the proceedings; an active role for the court in conducting the case and in calling for and taking evidence.

3. These particular rules or set of rules might, according to the circumstances, be compulsory, available on the application of any of the parties or be subject to the consent of all parties.

Principle 9

The most modern technical means should be made available to the judicial authorities so as to enable them to give justice in the best possible conditions of efficiency, in particular, access to the various sources of law and speeding up the administration of justice.



EXPLANATORY MEMORANDUM

Introduction

1. Civil procedure includes a broad range of rules which by law the parties and the court have to follow in order to clarify the facts and the law relevant to a given case. Most legal systems have an ordinary civil procedure which as a rule applies and particular rules. Principles 1 to 6 of this Recommendation deal with ordinary procedure and Principle 7 lays down a rule on post-judgment legal remedies. Principle 8 defines areas where particular rules of procedure should be used. Principle 9 refers to technical means designed to accelerate the proceedings.

2. However, no clear distinction can be drawn between principles applicable to ordinary procedure and those applicable to the particular rules. Some of the principles set out in this Recommendation can help in most cases, regardless of whether they are applied to ordinary procedure or to particular rules, to improve the administration of justice by making it faster and more efficient.

3. The instrument is not aimed at harmonising the national legal systems, but it contains a list of principles applicable to civil procedure. The governments may choose among them those principles that are best suited for improving the procedure in force in their respective legal systems. This stems from the operative part of the Recommendation that "recommends that the governments of member states adopt or reinforce, as the case may be, all measures which they consider necessary to improve civil procedure, being guided . . .".

Principle 1

4. For the purposes of this instrument, "hearing" means the sitting or sittings devoted to one stage of the proceedings. The question of the number of hearings is related to most of the other factors relevant to a case. It is influenced by the choice between ordinary and simplified procedure, by whether the various stages of the procedure are conducted orally or in writing, by whether the services of a lawyer are compulsory

or optional, by the role played by the judge, by the rules relating to adjournments, objections, raising the question of limitation, new facts, etc.

5. It would not seem possible to lay down in advance, in rigid and general terms, the number of hearings required for a case. Normally, however, if one hearing is not sufficient, two hearings should be enough. The first hearing should be devoted to the preliminary phase of the proceedings for the purpose of establishing the object of the case, the course it is likely to follow and the parties' claims, while the second should be used for the taking of evidence, the pleadings and the decision. The number of hearings can only be restricted in this way if the proceedings are strictly controlled and if all steps in the procedure are completed in good time; this process must be supervised by the court, which must ensure that the case is only adjourned in exceptional circumstances affecting basic issues in the dispute, when, for example, new and pertinent facts come to light which could not have been known at the time of the preliminary hearing.

6. Time-limits given to the parties are designed to allow them the time needed to complete the various steps in the proceedings. A failure by the parties to respect these time-limits tends to delay the proceedings, increases their cost and should be sanctioned. For the parties to be able to rely on fair proceedings and for the case to proceed as it should, it is necessary that the time-limits should be clearly known; this can be achieved by means of notice given either by the court or by the other party. If this condition has been met and the time-limits are still not respected, sanctions should be imposed on the defaulting party, the severity of which should be determined by the importance of the procedural step which has been omitted and by the effects of the omission on the further course of the proceedings and on the interests of the other party. Suitable sanctions might include removing the case from the list when the plaintiff is at fault, the possibility of recognising the plaintiff's claim when the defendant is at fault, or, for either party, payment of damages or costs and forfeiture of the right to take a given procedural step.

Domestic law should regulate the application of these sanctions; however, for the purposes of this instrument, removing the case from the list should mean withdrawing a particular case from the list of cases set down for trial. Removing a case from the list does not in itself affect the parties' right of action or prejudice the merits.

7. The giving of evidence by witnesses is of major importance in many cases. The court should have the power to subpoena witnesses either on its own motion or on application by the parties, following the procedure conditions. These rules do not prevent the possibility, accepted in several legal systems, of the parties calling witnesses on their own decision. Action should also be taken, firstly, to facilitate the giving of evidence by witnesses who are genuinely unable to appear in court when needed and, secondly, to prevent and, if necessary, penalise the unwarranted absence of witnesses. The Recommendation mentions technical means, such as the telephone or audio-visual systems, as possible ways of facilitating the taking of evidence, but it does not exclude the use of more traditional procedures such as written evidence or having the court visit the witness to obtain evidence. In cases of unjustified absence, provision should be made for sanctions, normally of a pecuniary nature, such as fines or damages. Irrespective of whether the witness's absence is justified or not, it will be for the court to decide whether the case should continue without the evidence in question or whether it must be adjourned.

The possible imposition of sanctions will be effected according to the system of civil procedure, the powers of the parties in relation to their cases and the public interest, which may possibly require an action to proceed in spite of the passive attitude of the parties.

8. Like Recommendation No. R (81) 7 on measures facilitating access to justice, this instrument only applies to experts appointed by the court either on its own motion or on the application of the parties, not to those appointed by the parties themselves. In some states, the courts may order experts to provide assistance, but do not always possess effective means of ensuring that the experts respect the time-limits in submitting their reports.

The Recommendation mentions sanctions such as restriction of fees, payment of costs or damages and disciplinary measures.

The latter are taken, in some states, by the courts. In other states, they are taken by professional organisations which have the responsibility of the supervision in this area. However, in cases where such organisations do not exist or lack effective means or neglect their tasks, the court should have the power of imposing disciplinary measures.

Principle 2

9. The procedure aims at regulating the order and form of the various acts which are to lead to the resolution of the dispute, and at protecting

the legitimate rights and interests of the parties by allowing them to present their cases in an appropriate manner and to use all the relevant means in doing so. It follows that use by the parties of the various procedural means at their disposal is lawful, but it should also be realised that, in certain cases, the use of some or all of these means may lead to results which are unjust.

10. One example of abuse is where a party issues a manifestly ill-founded claim in which the objective circumstances of the case reveal the absence of any foundation for a claim. In this event, a rapid decision following a summary procedure is appropriate. It is also proper that, in appropriate cases, account being taken of all the circumstances of the case, sanctions should be imposed on those who, for no valid reason, have set the system of litigation in motion and have attempted to prejudice other persons.

11. Other common types of procedural abuse are: ill-advised or vexatious litigation, the raising of preliminary points or unfounded criminal charges with a view to holding up the proceedings, the raising of limitations or other objections without good cause, the ill-timed production of documents and unreasonable requests for adjournment. A common feature of these cases is the use or attempted use of procedural measures for purposes for which they were not intended. Where, account being taken of all the circumstances of the case, such an intention can be clearly established, the court should have the power to thwart the manoeuvres. This principle gives the court the power, mentioned above, to decide the case summarily.

12. Very often, it is not easy to establish immediately such an improper intention. In such a case the possibility of adequate sanctions is the only way of correcting the effects of misuse of procedure and deterring those who are tempted to engage in it. The principle enumerates possible sanctions, which range from a summary decision on the merits to ordering counsel to pay the costs. Since it may be difficult in certain countries for the court to penalise the lawyer guilty of procedural abuse, the professional organisations should be requested to provide for disciplinary sanctions in such cases.

Principle 3

13. In many member states, civil procedure is characterised by the fact that the powers of the court are limited to a large extent by the activity or inactivity of the parties. Considering that all the states are attempting to facilitate access to justice, that principles aiming at this goal have

been enshrined at European level in Recommendation No. R (81) 7, on measures facilitating access to justice and, furthermore, that the parties are allowed to dispense with the services of a lawyer in certain cases, it is essential that the judge should be able to play an active role. While the judge's impartiality must be maintained and the parties' freedom to conduct their case preserved, the court's powers in this area should include: authority to give directions and expedite the proceedings; to call for evidence, at least in those cases where there are interests other than those of the parties at stake; to supervise the taking of evidence; to raise questions of fact and of law which serve to elucidate the essential issues and to arrange for statements to be made by witnesses, and possibly to limit their number, while at the same time ensuring that evidence relevant to the case is admitted and the rights of the parties safeguarded.

14. These powers of the court must always be exercised with the greatest care; their extent and the way in which they are exercised must necessarily depend on the special features of each case, particularly the nature and importance of the interests involved, the personal characteristics of the parties and the type of procedure followed. The importance of the interests involved must be assessed both objectively (the value or object of the claim) and subjectively (the importance to the parties). In certain cases, particularly those involving family law, special attention must be paid to any public interest which may exist in addition to the interest of the parties. It is essential that the court should play an active role in cases where the parties are not assisted by a lawyer, or particularly when the parties are insufficiently represented or informed.

15. It is preferable that the court is able to play this active role at all stages in the proceedings. However, in systems where the powers of the court are limited to a large extent by the activity or inactivity of the parties, it should at least be able to intervene actively at the preliminary stage of the action, for the purpose of determining clearly and fully the claims of the parties, the matters at issue and the course the action is likely to follow.

Principle 4

16. The civil procedure followed in the legal system of the member states combines oral and written elements in various proportions, which are determined by various factors. Thus in cases concerned with small debts, in simple cases and in cases where the parties can dispense with the services of a lawyer or when an urgent procedure is employed, the oral procedure normally predominates. By contrast, the written pro-

cedure predominates during the preliminary or preparatory phase, where the subject matter is of great value or large sums are involved, in complex cases, in appeal proceedings, in default proceedings and in certain cases where the remoteness of the parties' place of residence from the court and the nature of the case make the use of written procedures preferable. Some legal systems give the court a certain discretion to decide whether, in view of the special features of each case, certain parts of the procedure should be conducted orally or in writing.

17. This being so, it is impossible to establish for all cases whether one or the other procedure is preferable. The principle therefore gives the court wide discretion to decide, having regard to the nature of the case, which procedure should be used. The principle states that this power cannot be exercised in cases where the law expressly prescribes a specific procedure. Besides, since in some legal systems the court's discretion in this matter is more limited in appeal proceedings, the possibility of restricting this power to proceedings at first instance has been stated. However, the underlying intention of the principle is such that it would be advisable for states to examine whether such a power should become of more general application.

Principle 5

18. The ultimate aim of an action is to arrive at a decision on the merits of the parties' claims; however, the possibility of achieving this objective while respecting the legitimate rights and interests of the parties and, possibly, third parties as well, depends on the fulfilment of a series of conditions relating to the parties, the object of the action, the jurisdiction of the court and the procedure followed. The parties may lawfully object to the commencement or continuation of an action if the above-mentioned conditions have not been satisfied, for example where the case has to be transferred because of the court's lack of jurisdiction. However, objections of this kind should not be accepted when they have been raised at a late stage of the proceedings or when they are intended merely to divert or delay the course of the proceedings.

19. It is thus of the greatest importance that all the factors which may influence the course of the proceedings should be known, or made known, at the outset of the action, so that the parties' claims and the context within which the action is to be conducted can be established and judgment given with minimum delay. For these reasons, the principle lays down the general rule that the claims of the parties, limitations or defences and, if possible, proposals for evidence considered to be necessary must, in principle, be presented at first instance as early

as possible, and in any case, in countries where this exists, before the conclusion of the preliminary phase of the proceedings. This will allow the court to decide rapidly on the limitations or defences involved and, where appropriate, to move on directly to consider the merits of the case. This general rule must not, however, be regarded as an absolute principle, and it should be possible for the law to provide for exceptions, for instance in cases where the parties appear without the assistance of a lawyer. The ignorance or inexperience of the parties may justify a flexible application of the principle and the court should guide the course of the proceedings in accordance with the rules laid down in Principle 4, ensuring that any deficiencies are supplemented.

20. Facts alleged during proceedings will, by their nature, importance or bearing on the object of the action, influence also the conduct of appeal proceedings. It is, thus, important to establish criteria for the admission or rejection of facts in these proceedings.

At present, the situation varies from one state to the next: some allow facts to be presented that were not raised at first instance, whereas others do not.

21. Principle 6 proposes a compromise for states situated between these two extremes, affirming the general rule that facts which were not produced at first instance may not be admitted. It does, however, provide for three exceptions which are justified by the reason that it would be manifestly unjust to reject facts which are very important for the proceedings and to deprive a third party of the possibility to protect his interests. The first exception concerns facts which were not known during the proceedings at first instance and could not therefore have been cited. The second concerns cases in which the person presenting the facts was not a party to the proceedings at first instance. This reflects the possibility in some countries whereby a person concerned by the action may join in the appeal. Thirdly, there are exceptional circumstances which may justify the admission of those facts. A case in point would be if the facts were of such importance in relation to the object of the action that failure to consider them would lead to a miscarriage of justice.

In all these cases, the court, when using its power to guide the proceedings, must assess the importance of the alleged new facts, their effect on the proceedings and their consequences for the rights and interests of the parties, as well as for the object of the action, with a view to bringing the action to a conclusion as speedily and effectively as possible.

Principle 6

22. This principle is a logical consequence of the previous ones, which are intended to accelerate proceedings. Since the complexity of cases varies greatly, it would be unwise to establish a hard and fast rule on the matter. In proceedings in which there are hearings it is desirable that judgment be given at the conclusion of the hearing or, where the complexity of the case, for example, makes this not possible, judgment should be given shortly after, in which case, unless the period of time for rendering judgment is already laid down by law, the court should fix the date. In the case of written proceedings, judgment should be given at the conclusion of the procedure or soon afterwards.

23. This recommendation represents a follow-up to Principle 5 in Recommendation No. R (81) 7 on measures facilitating access to justice. It urges that judgments be concise. Having regard to the function of judgments and their effects on the rights and interests of parties, it is essential that they be logical, concise and expressed in clear language.

24. As for the giving of reasons for the judgment, the principle *da mihi factum, dabo tibi ius* applies. The court's reasoning should not necessarily be restricted by the legal allegations of the parties, but should extend to any rule of law which it considers pertinent.

25. As for the operative clauses of the judgment, these should decide the issues raised by the parties. The decision may be explicit, but it may also be implicit if the judgment as a whole makes it clear. The obligation to decide all the issues raised by the parties does not apply to all the questions raised in the course of the proceedings, some of which may be irrelevant or trivial.

Principle 7

26. Although recognised as a basic right in all the member states, appeal to a higher court cannot be exempted from certain restrictions. Under Principles 10 and 15 of Recommendation No. R (81) 7 on measures facilitating access to justice, such restrictions are justified by the need to limit the duration and cost of the proceedings, particularly when the claim concerns only a small sum or to prevent an appeal for merely dilatory purposes.

27. The above-mentioned Recommendation already provides two possible measures to counter the abuse of remedies: the provisional execution of judgments and the charging of current interest rates on sums awarded by the judgment before execution. These are not the only possible

measures, however. States may provide that prior leave is required to bring an appeal. This would be refused where the appeal was manifestly ill-founded. A restriction of this kind on the exercise of the right of appeal would apply only where the lack of grounds was clear; where it was not, a detailed examination of the case would be required and there would be no appreciable saving of time or work.

28. Some restrictions on the right of appeal itself operate in practice as limitations on appeals. Thus, the legal systems in many states lay down minimum amounts for claims to avoid overloading the appeal courts with an excessive number of small claims. However, in practice, monetary depreciation reduces the effectiveness of these limits and they should consequently be periodically updated. In some states, these limits are altered by administrative decisions while in others revisions are carried out by Parliament, which makes periodic revisions more difficult. Thus, a simplified procedure for a regular updating or even a rule based on an objective economic indicator has been suggested.

29. Apart from the above-mentioned ways of controlling the use of legal remedies, states might impose appropriate sanctions, such as fines or damages, whenever it is established that an appeal has been lodged for essentially dilatory purposes.

Principle 8

30. The procedure does not necessarily have to be uniform for all cases, and it should be possible, within appropriate limits, to adjust it to the subject matter, the amount at stake, the personal characteristics of the parties and the type of interests involved. Flexibility of this kind should help to facilitate access to the courts, expedite the working of the judicial system and reduce the cost both to the community and to the parties.

31. Particular rules of procedure have been introduced in many states for this purpose, and their use is chiefly determined by:

a. the nature of the claim: disputes on which an early decision is required (urgent cases procedure) and recovery of certified uncontested debts;

b. the value involved: small claims;

c. the personal characteristics of the parties and the type of the interests at stake: employer-employee relations, landlord and tenant

relations, questions of family relations, (divorce, custody of children, maintenance) and disputes involving consumers;

d. the frequency of certain cases showing similar characteristics: disputes relating to road accidents.

32. For the purposes of this Recommendation, particular rules of procedure include, firstly, those that are simplified by comparison with ordinary procedures and, secondly, summary procedures. The purpose of summary procedures is to deal with certain situations by means of rapid judicial measures. In some legal systems, such summary procedures are regarded as simplified procedures. Furthermore, they may have the force of *res judicata*, which is not the case in other legal systems; regardless of this, however, their characteristics set them apart from ordinary procedures, and they may thus be regarded as particular rules of procedure.

33. There are many possible ways of simplifying and speeding up procedures, and those listed in this principle are given as examples. Some of those indicated are described in detail in other principles concerning ordinary procedure. The use of one or more of these approaches will depend on all the factors affecting the case in question and on the relations between them; thus, for example, the role of the court will vary according to whether written or oral procedure predominates.

In any case, simplification of procedures must not weaken the fundamental guarantees provided for the parties to present their case adequately or to use lawful and relevant means in countering their adversaries' claims. It is essential that the parties should receive in good time the information which they need in order to take a given step in the proceedings and that the time-limits should make it possible to gather the relevant evidence.

34. Domestic law should determine in what cases or in what areas mandatory particular rules of procedure should be introduced and in what cases the wishes of one or both of the parties should be taken into account.

Principle 9

35. This principle is not strictly speaking a principle of civil procedure. However, it is clear that civil procedure can be conducted more rapidly if the judges and the other judicial officers can make use of the appropriate technical means.

36. Among these means, the use of computers should be mentioned first as a way of issuing acts of procedure and, in general, for the administration of the judicial bodies.

37. A second important area concerns data processing. The task of the judges, as well as of lawyers in general, is becoming increasingly difficult because of the proliferation of the legal texts in force in both national and international law. As a consequence, it is often difficult to ascertain all the legal rules applicable in a given case. It is therefore of the highest importance to improve the technical means that make it possible to have an easy and rapid access to the various sources of the law by making use of data processing.

