



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## Response questionnaire project group Timeliness

### Domstolsverket (Sweden)

#### 1. The Court System and Available Statistics

##### *1.1. The Court System*

###### *The Swedish courts*

There are three kinds of courts in Sweden: the general courts, which comprise district courts, courts of appeal and the Supreme Court; the general administrative courts, that is to say, administrative courts, administrative courts of appeal and the Supreme Administrative Court; and also the special courts, which determine disputes within special areas, for example, the Labour Court and the Market Court. The regional rent and tenancy tribunals determine disputes between, for example, tenants and landlords. The National Legal Aid Authority deals with matters concerning the Legal Aid Act that are not determined by any court.

###### *District court*

There are 48 district courts spread out over the whole of Sweden. Cases in the district court are divided into three categories; contentious cases, criminal cases and matters.

###### *Court of appeal*

The court of appeal is the second instance on issues relating to criminal cases, contentious cases and other judicial issues that have already been dealt with by a district court. However, in certain cases, 'leave to appeal' (permission) is required for the court of appeal to consider an appeal. There are six courts of appeal in Sweden. Each of the six courts of appeal has a geographical catchment area - a court district - which can vary from covering five district courts to twenty.

###### *The Supreme Court*

The Supreme Court (HD) is the final instance to which you can appeal. However, it is not possible to appeal against all cases to the Supreme Court. Leave to appeal is required for a case to be considered.

This is granted by the Supreme Court itself, basically only in those cases where it is important to establish a judgment that may provide guidance for the Swedish district courts and courts of appeal.

#### *Administrative courts*

There are 12 administrative courts throughout Sweden. The administrative courts deal with cases, relating among other things to disputes between private persons and the authorities.

#### *Administrative courts of appeal*

There are four administrative courts of appeal in Sweden, and each administrative court of appeal receives matters from the administrative courts within its catchment area.

#### *The Supreme Administrative Court*

The Supreme Administrative Court is the supreme general administrative court and considers determinations on appeal from any of the four administrative courts of appeal in Sweden. All appeals will not be considered by the Supreme Administrative Court, but only those where the Supreme Administrative Court grants leave to appeal. The main rule is that leave to appeal is only granted if the Supreme Administrative Court's determination may be of importance as a precedent.

#### *Migration Courts*

The Swedish Migration Board makes decisions on matters concerning residence permits, Swedish nationality and other similar matters. If you receive a rejection decision from the Swedish Migration Board, you can appeal against it to the Migration Courts, which reconsider aliens and nationality matters in full. The Migration Courts are located at three of Sweden's administrative courts. These are the Administrative Courts in Stockholm, Malmö and Gothenburg.

#### *The Migration Court of Appeal*

The Migration Court of Appeal is the final instance for the reconsideration in full of aliens and nationality cases. Leave to appeal is required. It is granted if a decision by the court is required as guidance on how similar cases are to be assessed or if there are extraordinary reasons for hearing the appeal. The Migration Court of Appeal does not have any lay judges.

#### *Svea Court of Appeal - supreme instance for the special courts*

Svea Court of Appeal, besides its ordinary functions as a court of appeal for its district, is also responsible for appeals regarding certain special kinds of cases, among other things, those from the regional rent tribunals. The Environmental Court of Appeal is also part of the Svea Court of Appeal, and determines appeals from all the environmental courts.

#### *The Labour Court*

The Labour Court is a special court with the function of considering labour law disputes. Every dispute, which relates to the relationship between an employer and an employee, is a labour dispute.

*The Market Court*

The Market Court is a special court, which deals with cases relating to issues concerning whether various forms of marketing have been conducted in a proper manner.

*Court of Patent Appeals (PBR)*

PBR is an independent special court that, upon appeal, reviews decisions by the Patent and Registration Office in matters concerning patents, trademarks and designs, names and publication authorisations. The court also reviews the decisions of the Swedish Board of Agriculture in matters concerning flora species protection.

*1.2. Statistic information on Courts, judges and cases*The number of courts 2009

There are 48 district courts, six courts of appeal, one Supreme Court, twelve administrative courts, four administrative courts of appeal and one Supreme Administrative Court. There are also eight regional rent and tenancies tribunals. Furthermore there are three special courts; The Labour Court, The Market Court and the Court of Patent Appeals

The number of judges 2009

The total number of permanent judges was 1 062. The associated judges, who were 483, are not included.

The number of incoming and decided cases 2009

	Incoming cases	Decided Cases
<b>District courts</b>		
Undisputed family cases	22 729	21 803
Other civil cases	59 733	56 875
Criminal cases, sanctions are fines	13 035	9 277
Other criminal cases	74 441	76 437

Environmental cases	2 075	1 910
Property law cases	1 244	1 373
<b>Court of appeal</b>		
Civil cases	2 800	3 306
Criminal cases	9 072	9 209
Other cases	11 335	11 524
<b>The Supreme Court</b>		
Civil cases	475	527
Criminal cases	1 675	1 659
Other cases	3 874	3 737
<b>Administrative courts</b>		
	125 456	119 884
<b>Administrative courts of appeal</b>		
	34 519	35 590
<b>The Supreme Administrative Court</b>		
	8 263	10 110

### 1.3. *Statistic information on processing time*

#### Total processing time 2009

The government's objective of the processing time is defined as the time in month it takes to decide 75 percent of the cases (75 percentile). The objective for different case categories and the result 2009 are shown below. Also the result for the median is shown because this may facilitate comparisons with other countries. Priority cases, undisputed family cases and migration cases are excluded in the calculation of processing time.

	<b>Government's objective</b>	<b>result 75 percentile</b>	<b>result median</b>
<b>District courts</b>			
Civil cases	7	7,0	3,2
Criminal cases	5	5,3	2,8
<b>Courts of appeal</b>			
Civil cases	7	7,7	2,5
Criminal cases	5	8,2	4,7
<b>The Supreme Court</b>			
Civil cases	-	6,3	3,4
Criminal cases	-	3,8	1,9
<b>Administrative courts</b>			
All cases	6	6,4	3,1
<b>Administrative courts of appeal</b>			
All cases	6	9,0	4,0
<b>The Supreme Administrative Court</b>			
All cases	-	10,4	4,0

It is not possible to specify the time of intermediate stages of the proceedings such as preparation of the case and waiting for hearing the case etc.

## 2. Statistics, Requirements and Transparency

### 2.1. *What statistics are provided for on a regular basis?*

The statistic system contains a lot of information. The most important parts of the statistics are the following.

- The number of incoming, decided and pending cases
- The number of pending cases older than six months respectively older than 12 month
- Statistics of the total processing time
- Statistics concerning hearings
- Statistics concerning parties
- Statistics concerning number of judges used to handle the case

### 2.2. *Are provided statistics published?*

*If not published, to whom are they available?*

*Is bench marking encouraged?*

The statistics is easily available by fixed reports for all employees in every court and the National Courts Administration. Statistics is compiled in a publication once a year, which is available to the public. The National Courts Administration encourage bench marking in various ways.

### 2.3. *Is processing time of individual cases transparent?*

It is possible for the court staff to monitor the processing time of individual cases in the case management system.

### 2.4. *Are requirements for processing time stipulated?*

There are no requirements for processing time for individual cases. The government has set objectives for the processing time defined as the time in month it takes to decide 75 percent of the cases (75 percentile).

2.5. *What are the consequences of exceeding required/reasonable processing time according to national rules or practice?*

On certain conditions it may be possible for parties to sue the state for damages. The Office of the Chancellor of Justice makes the decision of damages.

2.6. *Can the parties and others make a complaint about the processing time?*

Since 2010 is it possible to request that cases that have been unduly delayed should be given priority by the court. An application for “förtursförklaring” is processed and decided by the court. In determining whether the case has been delayed, it should be considered how complex the case is, how the parties have acted, how authorities and courts have dealt with the case and the importance for the applicant. An application for “förtursförklaring” should be dealt with promptly and the court's decision may not be appealed.

2.7. *Are user surveys on processing time carried out?*

*If so how often?*

Some individual courts have done surveys on court user satisfaction, but not on a regular basis.

### 3. **Reduction of Caseload and Facilitating Court Procedures**

3.1. *Which means of reduction of caseload are used?*

Primarily, means of reduction of caseload are used in three different areas. Firstly, there have in recent years been quite a few changes in the procedural code and other legislation in order to make it easier for the courts to plan their operations and handle cases more effectively. For example new rules concerning service of process are adopted, which will make it possible for the courts to use simplified service more often in criminal cases. For some years

the courts are, among other things, obliged to make schedules and compilations in certain civil cases as means to urge a faster ruling. Secondly, the courts nowadays more widely question the way in which they perform their duties and develop new and more efficient organizations and ways of processing cases. There is a specific department at the Swedish National Courts Administration which offer the courts support on these matters. Thirdly, certain reinforcement groups have been created. The judges who form a part of these groups can be engaged by courts which, for instance, have problems with a big caseload.

3.2. *Are any special easy procedures available?*

*No.*

3.3. *What simplifications of ordinary procedures are applied?*

In optional civil cases, the courts can pass a default judgement when one of the parties does not comply or pass a settlement out of court when the parties concur. In criminal cases the courts have a possibility in certain easier cases to pass a judgement on documentary evidence or pass a judgement even though the defendant has not been present at the hearing. Furthermore, there is nowadays a demand of a leave to appeal in all civil cases. There is also a demand of a leave to appeal in all criminal cases where the District Court has passed a pecuniary penalty.

3.4. *Give examples of practices used within ordinary procedures to speed up ordinary procedures.*

Many courts work very focused with optional civil cases in order to examine the conditions to pass a settlement out of court and have introduced certain arrangements for this. In criminal cases many courts have made the service of process less formal and thus more efficient by letting parties and people giving evidence contact the courts through telephone or e-mail in these matters instead of always demanding a written service receipt.

#### **4. Increase of Capacity and Improvement of Processing**

4.1. *Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases?*



Instead of increasing the amount of courts the ambition is to increase the capacity by decreasing the number of courts, thus making each court bigger and thereby more effective and less vulnerable. There are certain actions taking place concerning reallocation of both judges and cases. Those actions are mainly taking place within the system of reinforcement groups pointed out above (3.1).

There are two different teams of judges, “flying brigades”, which help courts to decrease the number of pending cases during a limited time period. One of these teams is focused to determine cases which are older than two years.

If the number of incoming cases has increased in a court on permanent bases, a new judge may be appointed. Many courts have also assistance from retired judges.

It is possible to reallocate judges within a court but not between different courts.

4.2. *Do you try to limit processing time by taking on assistance from deputy judges, trainee judges, or juridical assistants?*

Yes. At the same time as the numbers of courts have decreased, the remaining courts have enhanced their efforts in refining the judges’ work to judicial operations, by building drafting organisations with law clerks and court secretaries, which take care of preparation issues.

*Do you try to limit processing time by facilitating processing of cases?*

Yes. As pointed out above (3.1) the legislator is addressing certain issues concerning changes in the procedural framework in order to facilitate the courts’ processing of cases. When building drafting organisations the courts themselves also look over their routines for dealing with cases, amongst other purposes in order to eliminate unnecessarily work and thus make the preparation more effective.

4.3. *Do you try to limit processing time by giving secretary or juridical assistance to individual judges?*

Yes (see 4.2). The development is towards creating workplaces where judges and other personnel work together in teams. The ambition is that the judges in those teams shall perform judicial operations only and other personnel take care of preparation issues.

4.4. *Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project?*

Yes. From time to time these issues are addressed in different kinds of projects. For example the Swedish National Courts Administration is now administrating a project concerning the courts' need for support in conducting quality enhancement work systematically and effectively. Another example is a project that the Swedish Agency for Public Management conducted a couple of years ago, concerning an overall evaluation of the courts' internal organization and forms of work and an analysis of the connections between a court's internal organization and its capacity to achieve the aim of conducting high-quality, efficient work. Furthermore, the Swedish National Audit Office is continuously auditing the activities in various areas of the courts for the purpose of promoting the optimum use of resources and efficient administration. The courts are also themselves addressing these issues from a scientific point of view when, for example, conducting surveys with court users and/or in dialogue with other professional actors such as lawyers and prosecutors.

5. **Other initiatives**

5.1 *Have other initiatives concerning timeliness been undertaken or are they contemplated?*

As pointed out above (3 and 4), initiatives concerning timeliness and quality enhancement work are continually undertaken as well from the legislator and other public authorities as from the courts themselves.