



SUPREME JUDICIAL COUNCIL

BDKh-65-Vo-165

2021

DECISION

**ON PRESCRIBING THE BENCHMARKS FOR AVERAGE DURATION
OF COURT PROCEEDINGS AS PER INDIVIDUAL
TYPES AND COMPLEXITY OF CASES**

Guided by point 28 of part 1 of Article 89, part 1 of Article 94 of the “Judicial Code of the Republic of Armenia” Constitutional Law, the Supreme Judicial Council

HEREBY DECIDES:

1. To prescribe benchmarks for average duration of court proceedings as per individual types and complexity of cases, according to Annex 1.
2. This Decision shall enter into force on the day following the date of its promulgation.

**ACTING CHAIRPERSON
OF THE SUPREME JUDICIAL COUNCIL**

G. JHANGIRYAN

30 August 2021

city of Yerevan

Annex 1

to Decision of the Supreme Judicial Council No SJC-65-Vo-165 of 30 August 2021

BENCHMARKS FOR AVERAGE DURATION OF COURT PROCEEDINGS AS PER INDIVIDUAL TYPES AND COMPLEXITY OF CASES

I. GENERAL PROVISIONS

1. The aim of prescribing benchmarks for average durations of court proceedings is to ensure the examination and disposition of court cases within reasonable time periods, accountability of courts and judges, and predictability of the duration of court proceedings.
2. This Decision shall not apply to the durations of court proceedings specified by procedural laws.
3. When defining benchmarks for average duration of court proceedings, the level of complexity of a case has been taken as a basis. According to the level of complexity, a case can be: simple, of medium complexity, complex and of particular complexity.

The level of complexity of a case is determined based on the criteria of legal and factual complexity of a case.

The legal complexity criterion is determined based on the specifics of the legal norms and institutions to be applied.

According to the legal complexity criterion, a case can have the following coefficients:

- (a) low degree of complexity — 0,25 coefficient;
- (b) medium degree of complexity — 0,50 coefficient;
- (c) high degree of complexity — 0,75 coefficient;
- (d) higher degree of complexity — 1,0 coefficient.

The factual complexity criterion of a case is determined based on the volume of the procedural actions to be performed and the circumstances which inevitably delay the duration of a case examination.

According to the factual complexity criterion, a case can have the following coefficients:

- (a) low degree of labour-intensity — 0,25 coefficient;
- (b) medium degree of labour-intensity — 0,50 coefficient;
- (c) high degree of labour-intensity — 0,75 coefficient;
- (d) higher degree of labour-intensity — 1,0 coefficient.

The level of complexity of a case is the total sum of the coefficients of the factual complexity criteria and the legal complexity criterion.

4. A separate statistical line in the “Judicial System” portal shall be granted to a case in accordance with the classification of court cases, which enables to individualise the benchmark for duration of examination of each case.

In case of a change in the level of complexity of a case during the court proceedings, the respective court staff shall make a relevant indication thereon in the “Judicial System” portal.

5. The periods of suspension of case proceedings, the time periods specified by the court for reconciliation and mediation, the periods of expert examination, as well as the periods when it has been impossible to perform the procedural actions due to a force majeure situation having arisen during case proceedings shall not be included in the prescribed benchmark periods.

6. The benchmark for duration of proceedings at the courts of first instance of general jurisdiction of the Republic of Armenia are introduced in Chapter 1 of this Procedure, the possible deviation wherefrom may not exceed ten per cent of the total number of cases examined and completed in the proceedings of each judge.

The benchmark for duration of proceedings at the Administrative Court of Appeal of the Republic of Armenia is nine months.

The benchmark for duration of proceedings at the Criminal Court of Appeal of the Republic of Armenia is three months.

The benchmark for duration of proceedings at the Court of Cassation of the Republic of Armenia is 15 months.

7. The process of observing the benchmarks for duration of court proceedings prescribed by this Decision shall be subject to monitoring and these durations may be revised based on the results of the mentioned monitoring.
8. The moment of accepting, by the court, the statement of claim/application, criminal case, appeal and cassation appeal for proceedings shall be deemed to be the start of calculation of the benchmark periods prescribed by this Decision.
9. Total number of the cases accepted by the court for proceedings during the given year shall be a basis for calculation of the benchmarks for duration prescribed by this Decision.
10. The ABA time standards were taken as a basis for defining the average benchmark periods of cases. All the cases of a specific level of complexity pending before a court during the given year shall correspond to one hundred per cent. Groups shall be separated from the total number of cases corresponding to one hundred per cent, for each of which a specific period shall be prescribed. In order to calculate the actual percentage of each group of

cases, it is necessary to deduct from that percentage the smaller percentage rate preceding it.

11. The benchmarks for duration prescribed by this Decision shall apply to the cases accepted for proceedings after the entry into force of this Decision.

**CHAPTER I. BENCHMARKS FOR AVERAGE DURATION
OF PROCEEDINGS AT THE COURT OF FIRST INSTANCE AS PER
INDIVIDUAL TYPES AND LEVEL OF COMPLEXITY OF CASES**

1. Civil cases

Factual complexity criterion on civil cases

Factual complexity criterion on civil cases	Coefficient of factual complexity criterion
Proceedings involving participants having no command of the Armenian language	0,25
Submission of two or more motions on self-recusal during the proceedings	0,25
Motions on extending the procedural time limits	0,25
Succession of parties during the proceedings	0,5
Assigning expert examinations	0,5
Need for a judicial assignment	0,75
Appealing an interim judicial act	0,75 (for each appeal)
Number of plaintiffs (applicants) and/or respondents, including those being involved during the proceedings	1 (for each party)
Number of claims (two or more), including the claims being completed during the proceedings	1 (for each claim)
Number of other participants of the proceedings, including those being involved during the proceedings	1 (for each participant)
Filing a counterclaim	1
Need for application of foreign or international law	1
Combining several court cases under one proceedings	1

Legal complexity criterion on civil cases

Case type	Coefficient of legal complexity criterion	Statistical line
Family cases	0,25	1.1
Cases on confirmation of facts having legal significance	0,25	1.2
Cases on declaring the movable property as ownerless and recognising the right of ownership of the applicant over the property	0,25	1.3
Cases on declaring a minor as having full active legal capacity (emancipation)	0,25	1.4
Cases on declaring the citizen as having no active legal capacity or having limited active legal capacity, declaring the citizen having been declared as having no active legal capacity as having active legal capacity or removing limitations on active legal capacity of a citizen	0,25	1.5
Cases on declaring a citizen as missing or dead	0,25	1.6
Cases on restoration of rights certified by bearer and order lost securities (bearer proceedings)	0,25	1.7
Cases on reviewing the court judgment based on the conciliation agreement of parties, as initiated upon the application of an enforcement officer	0,25	1.8
Succession cases	0,5	2.1
Insurance cases	0,5	2.2
Disputes arising from legal relations pertaining to arising, change, termination and protection of the right of ownership	0,5	2.3
Cases on land law disputes	0,5	2.4
Disputes arising from transactions	0,75	3.1
Disputes arising from separate contracts	0,75	3.2
Disputes related to non-property damages	0,75	3.3
Cases on property law disputes	0,75	3.4
Contractual disputes	0,75	3.5
Corporate disputes	0,75	3.6
Class action lawsuits	0,75	3.7
Adoption cases	0,75	3.8
Disputes on obligations arising from unilateral contracts	1.0	4.1
Cases on intellectual property rights	1.0	4.2
Cases on payment and settlement-related disputes	1.0	4.3

Case type	Coefficient of legal complexity criterion	Statistical line
Cases on disputes on trust management of property	1.0	4.4
Cases on disputes related to fund management	1.0	4.5
Cases on disputes on authorisation for complex entrepreneurial activity	1.0	4.6
Cases on disputes related to factoring	1.0	4.7
Appealing against decisions of the Central Bank of the Republic of Armenia and insolvent banks, credit organisations, investment companies, investment funds managers and temporary administrations of insurance companies	1.0	4.8

The level of complexity of civil cases shall be calculated by adding the coefficient of factual complexity criteria to the coefficient of legal complexity criteria. According to the level of complexity, a case can be:

- a/ simple – in case of 2,25-4,5 coefficients;
- b/ of medium complexity – in case of 4,5-8 coefficients;
- c/ complex – in case of 8-10 coefficients;
- d/ of particular complexity – in case of 10 and more coefficients.

Out of the simple civil cases:

- 70 per cent shall be subject to examination within a period of 1 month;
- 90 per cent shall be subject to examination within a period of 2 months;
- 100 per cent shall be subject to examination within a period of 3 months.

Out of the civil cases of medium level of complexity:

- 70 per cent shall be subject to examination within a period of 4 months;
- 90 per cent shall be subject to examination within a period of 5 months;
- 100 per cent shall be subject to examination within a period of 6 months.

Out of the complex civil cases:

70 per cent shall be subject to examination within a period of 8 months;

90 per cent shall be subject to examination within a period of 10 months;

100 per cent shall be subject to examination within a period of 12 months.

Out of the civil cases of particular complexity:

70 per cent shall be subject to examination within a period of 13 months;

90 per cent shall be subject to examination within a period of 15 months;

98 per cent shall be subject to examination within a period of 18 months.

2. Bankruptcy cases

Factual complexity criterion on bankruptcy cases

Factual complexity criterion on bankruptcy cases	Criterion of factual complexity coefficient
Proceedings involving participants having no command of the Armenian language	0,25
Submission of two or more motions on self-recusal during the proceedings	0,25
Assigning expert examinations	0,5
Motions on extending the procedural time limits	1
Number of creditors	1 (for each creditor)
Number of other participants of the proceedings, including those being involved during the proceedings	1 (for each participant)
Need for application of foreign or international law	1

Legal complexity criterion on bankruptcy cases

Bankruptcy cases	Coefficient of legal complexity criterion	Statistical line
1. Cases on bankruptcy of a legal person	0,50	1
2. Cases on bankruptcy of an individual entrepreneur	0,50	1.2
3. Cases on bankruptcy of a natural person	0,50	1.3

The level of complexity of bankruptcy cases shall be calculated by adding the coefficient of factual complexity criteria to the coefficient of legal complexity criteria.

According to the level of complexity, a case can be:

- a/ simple – in case of 2,5-5 coefficients;
- b/ of medium complexity – in case of 5-7 coefficients;
- c/ complex – in case of 7-10 coefficients;
- d/ of particular complexity – in case of 10 and more coefficients.

Out of the simple bankruptcy cases:

90 per cent shall be subject to examination within a period of 3 months;

100 per cent shall be subject to examination within a period of 4 months.

Out of the bankruptcy cases of a medium level of complexity:

70 per cent shall be subject to examination within a period of 5 months;

90 per cent shall be subject to examination within a period of 6 months;

100 per cent shall be subject to examination within a period of 7 months.

Out of the complex bankruptcy cases:

70 per cent shall be subject to examination within a period of 8 months;

90 per cent shall be subject to examination within a period of 10 months;

100 per cent shall be subject to examination within a period of 12 months.

Out of the bankruptcy cases of particular complexity:

70 per cent shall be subject to examination within a period of 13 months;

90 per cent shall be subject to examination within a period of 15 months;

98 per cent shall be subject to examination within a period of 18 months.

3. Administrative cases

Factual complexity criterion on administrative cases

Factual complexity criterion on administrative cases	Coefficient of factual complexity criterion
Proceedings involving participants having no command of the Armenian language	0,25
Motions on self-recusal during the proceedings	0,25 (for each case)
Assigning expert examinations	0,25
Need for a judicial assignment	0,25
Succession of parties during the proceedings	0,5
Appealing against an interim judicial act	0,75 (for each appeal)
Number of plaintiffs (applicants) and/or respondents, including those being involved during the proceedings	1 (for each party)
Number of claims, including the claims completed during the proceedings	1 (for each claim)
Number of other participants of the proceedings, including those being involved during the proceedings	1 (for each participant)
Filing a counterclaim	1
Need for application of foreign or international law	1
Combining several court cases under one proceedings	1

Legal complexity criterion on administrative cases

Case type	Coefficient of legal complexity criterion	Statistical line
Cases on challenging administrative acts on administrative offences issued by the Road Police and failure to pay the local duty prescribed by law for paid parking lots in communities or cases on disputing acts on parking without a registration plate or with at least one number closed	0,25	1.1
Cases on subjecting to administrative liability through judicial procedure	0,25	1.2
Cases on protection of personal data	0,5	1.3
Cases on challenging the lawfulness of notarial actions	0,25	1.4
Cases on challenging lawfulness of the decision on submitting a situational declaration by the Commission for Prevention of Corruption	0,25	1.5
Cases instituted in connection with lawsuits brought by a non-governmental organisation	0,5	2.1
Cases instituted in connection with lawsuits on implementation of actions	0,75	2.4
Cases instituted in connection with lawsuits on obliging to do something	1.0	3.1
Cases instituted in connection with lawsuits on recognising something	1.0	3.2
Cases instituted in connection with lawsuits on challenging an interfering administrative act	1.0	3.3

The level of complexity of administrative cases shall be calculated by adding the coefficient of factual complexity criteria to the coefficient of legal complexity criteria.

According to the level of complexity, a case can be:

- a/ simple – in case of 2,25-4 coefficients;
- b/ of medium complexity – in case of 4-6 coefficients;
- c/ complex – in case of 6-10 coefficients;
- d/ of particular complexity – in case of 10 and more coefficients.

Out of the simple administrative cases:

90 per cent shall be subject to examination within a period of 3 months;

100 per cent shall be subject to examination within a period of 4 months.

Out of the administrative cases of medium level of complexity:

90 per cent shall be subject to examination within a period of 5 months;

100 per cent shall be subject to examination within a period of 6 months.

Out of the complex administrative cases:

70 per cent shall be subject to examination within a period of 8 months;

90 per cent shall be subject to examination within a period of 10 months;

100 per cent shall be subject to examination within a period of 12 months.

Out of the administrative cases of particular complexity:

70 per cent shall be subject to examination within a period of 13 months;

90 per cent shall be subject to examination within a period of 15 months;

98 per cent shall be subject to examination within a period of 18 months.

4. Criminal cases

Factual complexity criterion on criminal cases

Factual complexity criterion on criminal cases	Coefficient of factual complexity criterion
Conflicts of interests of the accused	0,25
Number of other participants of the proceedings	0,25 (for each participant)
Number of accused	0,5 (for each accused)
Number of incriminated acts	0,5 (for each act)

Factual complexity criterion on criminal cases	Coefficient of factual complexity criterion
Change of the defence counsel or defence counsels	0,75
Appealing against an interim judicial act	0,75 (for each appeal)
Assigning expert examinations	1
Need for a judicial assignment	1
Proceedings involving participants having no command of the Armenian language	1
Combining several court cases under one proceedings	1
Cases on the same accused which are pending before different judges	1
Public resonance of court proceedings or interest of the media, taking into account their influence on administrative-organisational issues	1

Coefficient of legal complexity criterion on criminal cases

Case type	Coefficient of legal complexity criterion	Statistical line
Articles 130.1, 143-148, 155, 156, 158-163, 169, 169.1, 170, 171, 173, 174, 184.1, 185, 186, 186.1, 212, 215.2, 216.1, 243, 243.1, 244, 258.2-260, 264, 265, 277-280, 281-298, 317, 323, 330, 331, 342, 346 and 374 of the Criminal Code of the Republic of Armenia	0,25	1.1
Articles 113, 117-124.1, 128-131, 134, 137, 149-154.10, 157, 164-167.1, 171.1, 172, 180, 183, 184, 214, 216, 225.1-240, 245-257, 263, 268, 269.1-274, 276, 280.1, 280.2, 307.1-307.2, 314.1-314.3, 315-315.2, 319-322, 324-329, 332-332.5, 334.1, 335, 342.1-345.1, 347-355, 361-362, 364-364.2, 369-372 and 376 of the Criminal Code of the Republic of Armenia	0,5	1.2
Articles 108-112, 114-116, 125, 125.1, 127-127.2, 132-133, 138-142, 168, 169.2, 176, 177, 181, 182, 187-189.1, 190.1-209, 213, 215.1, 223.1-223.4, 241, 242, 261, 262, 267, 269, 308-314, 316, 329.1, 333, 334, 336-341.2, 356-360, 363, 365-368.1 and 377-397.1 of the Criminal Code of the Republic of Armenia	0,75	1.3
Articles 104-107, 175, 178, 179, 190, 217-223, 224, 225, 258, 266, 267.1, 275, 299-307, 360.1, 360.2, 373 and 375 of the Criminal Code of the Republic of Armenia	1.0	1.4

The level of complexity of criminal cases shall be calculated by adding the coefficient of factual complexity criteria to the coefficient of legal complexity criteria. According to the level of complexity, a case can be:

- a/ simple – in case of 1,25-2 coefficient;
- b/ of medium complexity – in case of 2-4 coefficient;
- c/ complex – in case of 4-10 coefficient;
- d/ of particular complexity – in case of 10 and more coefficient.

Out of the simple criminal cases:

90 per cent shall be subject to examination within a period of 3 months;

100 per cent shall be subject to examination within a period of 4 months.

Out of the criminal cases of a medium level of complexity:

90 per cent shall be subject to examination within a period of 6 months;

100 per cent shall be subject to examination within a period of 8 months.

Out of the complex criminal cases:

70 per cent shall be subject to examination within a period of 9 months;

90 per cent shall be subject to examination within a period of 10 months;

100 per cent shall be subject to examination within a period of 12 months.

Out of the criminal cases of particular complexity:

70 per cent shall be subject to examination within a period of 12 months;

90 per cent shall be subject to examination within a period of 18 months;

100 per cent shall be subject to examination within a period of 24 months.

The level of complexity of criminal cases shall be calculated by adding the coefficient of factual complexity criteria to the coefficient of legal complexity criteria. According to the level of complexity, a case can be:

- a/ simple – in case of 1,25-2 coefficients;
- b/ of medium complexity – in case of 2-4 coefficients;
- c/ complex – in case of 4-10 coefficients;
- d/ of particular complexity – in case of 10 and more coefficients.

CHAPTER II. THE BENCHMARK FOR AVERAGE DURATION OF EXAMINATION OF APPEALS AND CASSATION APPEALS (CASES) LODGED AGAINST INTERIM JUDICIAL ACTS (WHICH DO NOT DECIDE THE CASE ON THE MERITS)

1. The appeals lodged against interim judicial acts (which do not decide the case on the merits) of the court of first instance of general jurisdiction under criminal cases shall be subject to examination within a period of three months.
2. The cassation appeals lodged against judicial acts of the Criminal Court of Appeal which do not decide case on the merits, shall be subject to examination within a period of three months.
3. The cassation appeals lodged against interim judicial acts of the Administrative Court of Appeal shall be subject to examination within a period of three months.

CHAPTER III. PROCEEDINGS AT THE COURT OF CASSATION

1. The cases accepted for proceedings by the Court of Cassation shall be qualified as cases of particular complexity which, in the legal sense, is conditioned by the following:
 - a. need for ensuring uniform application of laws and other regulatory legal acts applied to the case;
 - b. need for eliminating the distortion of the very nature of justice through elimination of the fundamental violation of human rights as a result of disposition of the case;
 - c. need for evolution of the law.
2. The factual complexity of examination of cases accepted for proceedings by the Court of Cassation is conditioned by the following:
 - a. factual complexities having arisen in lower courts;
 - b. the complicated procedure for case examination and delivery of a judicial act.
3. The benchmark for duration of proceedings at the Court of Cassation of the Republic of Armenia is 15 months.