

Annex: Procedural steps

A standard list of procedural steps is provided below. The procedural steps that in law or in practice are common for our standardized case have been marked with a “Yes”. Please indicate whether those procedural steps still apply to our standardized case (whether by law or in practice), and confirm whether last year’s published data are still correct.

Last year’s published data reconciles responses from multiple contributors. Please note that you can provide comments next to the relevant step.

	Filing and service	Last year’s answer	Comments (optional)
1	Plaintiff requests payment. Plaintiff or his lawyer asks Defendant orally or in writing to comply with the contract.	Yes	[Yes]
2	A third person formally notifies Defendant. A person other than the Plaintiff or his lawyer, such as a notary public, formally notifies Defendant of Plaintiff’s request for payment.	No	[No]
3	Mandatory conciliation or mediation. Plaintiff and Defendant attempt to settle the dispute prior to initiating the lawsuit. Conciliation or mediation is unsuccessful. Attempts at settlement are recorded and the judge is informed of same.	No	[Starting from March 20, 2012 the mediation will be mandatory for the disputes in the following matters: (i) property rights; (ii) division of assets; (iii) hereditary succession; (iv) family agreement; (v) leasing; (vi) bailment; (vii) firm tenancy; (viii) medical responsibility ; (ix) responsibility for slander by press means or other advertising means; (x) insurance, banking, and financial contracts.]
4	Plaintiff hires a lawyer.	Yes	[Yes]
5	Plaintiff files a summons and complaint with the court (orally or in writing).	Yes	[Yes]

	Filing and service	Last year's answer	Comments (optional)
6	Plaintiff pays court fees (e.g. court duties, stamp duties, or any other type of court fees). Answer 'yes' even if Plaintiff recovers these costs.	Yes	[Yes]
7	Registration of court case by the court administration (this can include assigning a reference number to the case).	Yes	[Yes]
8	Assignment of court case to a judge (through a random procedure, automated system, ruling of an administrative judge, court officer, etc).	Yes	[Yes]
9	Judicial scrutiny of summons and complaint. <i>Judge examines</i> Plaintiff's summons and complaint for formal requirements as a matter of law or standard practice.	No	[No]
10	Judge admits summons and complaint (after verifying the formal requirements).	No	[No]
11	Plaintiff requests service of process on Defendant. Plaintiff requests in writing to the court for an order that process be served on Defendant.	No	[No]
12	Court order for service. Upon Plaintiff's request, <i>judge orders</i> process to be served on Defendant.	No	[No]
13	Delivery of summons and complaint to person authorized to perform service of process on Defendant. The judge or a court officer delivers the summons to a summoning office, officer, or authorized person (including Plaintiff), for service of process on Defendant.	No	[No]
14	Arrangements for physical delivery of summons and complaint. <i>Plaintiff</i> takes the necessary steps to arrange for physical service of process on Defendant (e.g. instructing a court officer or a private bailiff).	Yes	[Yes]
15	Mailing of summons and complaint. Court or process server, including (private) bailiff mails summons and complaint to Defendant.	No	[Yes - this is an option available to the Bailiff]
16	Attempt at physical delivery. An attempt to physically deliver summons and complaint to Defendant is made.	Yes	[Yes]
17	Second attempt at physical delivery. If a first attempt is not ordinarily successful, a second attempt to <i>physically</i> deliver the summons and complaint to Defendant is required by law or standard practice. (Check 'yes' only if a first attempt at physical delivery is not ordinarily successful).	No	[No]
18	Application for substituted service. Because physical delivery is NOT successful , Plaintiff has recourse to substituted service. Substituted service can include, but is not limited to, service by publication in newspapers or affixing of a notice in court or on public bulletin boards. Only check as 'yes' if physical delivery is ordinarily unsuccessful as a matter of practice and substituted service is then mandatory.	No	[No]
19	Court order regarding substituted service. <i>Judge in a court order sets out</i> acceptable means for substituted service in a particular case.	No	[No]
20	Substituted service. Substituted service is completed by publication in newspapers, by affixing a notice in court or on public bulletin boards, etc.	No	[No]

	Filing and service	Last year's answer	Comments (optional)
21	Proof of service. Plaintiff submits proof of service to court, as required by law or standard practice.	Yes	[Yes]
22	Application for pre-judgment attachment. Plaintiff submits an application in writing for the attachment of Defendant's property prior to judgment (see assumption 5).	Yes	[Yes]
23	Decision on pre-judgment attachment. Judge decides whether to grant Plaintiff's request for pre-judgment attachment of Defendant's property and notifies Plaintiff and Defendant of the decision.	Yes	[Yes]
24	Guarantees securing attached property. Plaintiff submits guarantees or bonds to secure Defendant against possible damages to attached property (see assumption 5).	No	[No]
25	Pre-judgment attachment order. Defendant's property is attached prior to judgment. Attachment order either involves physical attachment, or is achieved by freezing, registering, marking, or otherwise separating and restricting Defendant's movement of specific moveable assets (see assumption 5).	Yes	[Yes]
26	Custody of assets attached prior to judgment. If physical attachment is ordered, Defendant's attached assets are placed in the custody or control of an enforcement officer or private bailiff (see assumption 5).	No	[Yes - however sometime the assets could placed in the custody of the defendant]
27	Report on pre-judgment attachment. Court enforcement officer or private bailiff issues and delivers a report on the attachment of Defendant's property to the judge (see assumption 5).	No	[No]
28	Hearing on pre-judgment attachment. A hearing takes place as a matter of law or standard practice to resolve the question of whether Defendant's assets can be attached prior to judgment. This process may include the submission of separate summons and petitions (see assumption 5).	Yes	[Yes]

	Trial and judgment	Last year's answer	Comments (optional)
29	Defendant's deposit of a bond or payment guarantee with the court. Defendant deposits a bond or guarantee with the court, as required by law or standard practice.	No	[No]
30	Defendant files preliminary objections. Defendant presents preliminary objections to the court. (Preliminary exemptions differ from answers on the merits. Examples of preliminary motions are motions to dismiss on the basis of the statute of limitations or jurisdictional objections, etc.) Checked as 'yes' when preliminary objections are commonly raised by Defendant in a frivolous manner (e.g. as a delay tactic) and are routinely permitted by the judicial system.	Yes	[Yes]
31	Plaintiff's answer to preliminary motions. Plaintiff responds to preliminary motions raised by Defendant. Checked as 'yes' if preliminary motions are commonly raised (step 30) and if Plaintiff responds to them immediately.	No	[No]

	Trial and judgment	Last year's answer	Comments (optional)
32	Judge's resolution on preliminary objections. Judge decides on preliminary objections separately from the merits of the case. Checked as 'yes' if preliminary objections are commonly made (step 30) and if judge resolves the question before rendering his decision.		[No - Usually judge does not decide on preliminary objections and resolve these only through the final judgement.]
33	Defendant files an answer to Plaintiff's claim. Defendant files a written pleading which includes his answer or defense on the merits of the case (see assumption 4).	Yes	
34	Deadline for Plaintiff to reply to Defendant's defense or answer. Judge sets a deadline for Plaintiff's submission of a reply to the Defendant's defense or answer.	No	[Yes]
35	Plaintiff's written reply to Defendant's answer. Plaintiff responds to Defendant's answer with a written pleading, which may or may not include witness statements or expert (witness) statements.	Yes	[Yes]
36	Filing of written submissions. Plaintiff and Defendant file written pleadings and submissions with the court and transmit copies of the written pleadings or submissions to one another. The pleadings may or may not include witness statements or expert (witness) statements.	Yes	[Yes]
37	Adjournments. Court procedure is delayed because one or both parties request and obtain an adjournment to submit written pleadings. Check as 'yes' if this commonly happens.	Yes	[No]
38	Court's mailing of allocation questionnaire to parties. The court mails a questionnaire to the parties asking each to allocate the case among different case-tracks (for example, multi-track, fast-track) and asking each to frame the issues for trial.	Yes	[Yes]
39	Parties' answer to court's allocation questionnaire. Parties submit their completed allocation questionnaires to the court (including their answers regarding case-tracks and the issues for trial).	No	[No]
40	Framing of issues. Plaintiff and Defendant assist the court in framing the issues on which evidence is to be presented.	No	[No]
41	Court appointment of independent expert. Judge appoints, either at the parties' request or at his own initiative, an independent expert to decide whether the quality of the goods Plaintiff delivered is adequate (see assumption 6-b).	No	[No]
42	Notification of court-appointment of independent expert. The court notifies both parties that the court is appointing an independent expert (see assumption 6-b).	Yes	[Yes]
43	Delivery of expert report by court-appointed expert. The independent expert, appointed by the court, delivers his or her expert report to the court (see assumption 6-b).	Yes	[Yes]
		Yes	[Yes]

	Trial and judgment	Last year's answer	Comments (optional)
44	Pre-trial conference on procedure. The judge meets with the parties to discuss procedural issues (for example which applications and motions parties intend to file, which documents parties intend to rely on, etc.).	No	[No]
45	Setting of date for mediation hearing. The judge sets a date for a mediation hearing, sometimes also called a 'pre-trial conference,' and notifies the parties of the hearing date.	No	[No]
46	Mediation hearing. The judge, during this informal meeting with the parties, encourages them to settle the case (acting as mediator). The case cannot be settled, the judge may draft a pre-trial conference report, after which the case may be allocated to another judge for trial.	No	[No]
47	Request for interlocutory order. Defendant raises preliminary issues, such as jurisdiction, statute of limitation, etc. Checked as 'yes' if commonly raised by the Defendant as a matter of practice, regardless of justification.	No	[No]
48	Court's issuance of interlocutory order. Court decides the preliminary issues the Defendant raised by issuing an interlocutory order. Check as 'yes' if this is commonly the case in commercial cases.	No	[No]
49	Plaintiff's appeal of court's interlocutory order. Plaintiff appeals the court's interlocutory order, which suspends the court proceedings. Check as 'yes' if an appeal by Plaintiff is common in this case.	No	[No]
50	Discovery requests. Plaintiff and Defendant make requests for the disclosure of documents, attempting to force the other party to reveal potentially detrimental documents. Check as 'yes' if discovery requests usually entail disputes.	No	[No]
51	Discovery disputes. Following a request for discovery of documentary evidence by one of the parties, the other party disputes the request and calls upon the judge to decide the issue. Check as 'yes' if discovery disputes are provided by law and commonly happen.	No	[No]
52	Request for oral hearing or trial. Plaintiff lists the case for trial on the court's calendar or applies for the date(s) for the oral hearing or trial.	Yes	[Yes]
53	Setting of date(s) for oral hearing or trial. <i>Judge sets</i> the date(s) for the oral hearing or trial.	Yes	[Yes]
54	Preliminary hearing aimed at preparing for the oral hearing. The judge meets the parties to make practical arrangements for the oral hearing on the merits of the case.	No	[No]
55	Pre-trial conference aimed at preparing for trial. The judge meets with parties to make practical arrangements for the trial (for example, the number of witnesses parties intend to call on during trial, how much time each party is given to present oral arguments etc.).	No	[No]

	Trial and judgment	Last year's answer	Comments (optional)
56	List of (expert) witnesses. The parties file a list of (expert) witnesses with the court (see assumption 6-a).		[Yes, a sort of list is contained in the briefs by which the parties ask for the admittance of the proposed witness]
57	Summoning of (expert) witnesses. The court summons (expert) witnesses to appear in court for the oral hearing or trial (see assumption 6-a).	Yes	
58	Adjournments. Court proceedings are delayed because one or both parties request and obtain an adjournment to prepare for the oral hearing or trial as a matter of common practice.	Yes	[No]
59	Oral hearing (prevalent in civil law). The parties argue the merits of the case at an oral hearing before the judge. Witnesses and a court-appointed independent expert may be heard and questioned at the oral hearing.	Yes	[No]
60	Trial (prevalent in common law). The parties argue the merits of the case at (an) oral session(s) before the court. Witnesses and expert witnesses are questioned and cross-examined during trial.	Yes	[Yes]
61	Adjournments. Court proceedings are delayed because one or both parties request and obtain an adjournment during the oral hearing or trial, resulting in an additional or later trial or hearing date.	No	[No]
62	Request for closing of the evidence period. Plaintiff or Defendant requests the judge to close the evidence period.	No	[Yes] [The parties can waive the evidences requested and obtained]
63	Closing of the evidence period. The court makes a formal decision to close the evidence period.	No	
64	Advice by public prosecutor or third party. The office of the public prosecutor or any other third party advises the court on how to decide the case.	Yes	[Yes]
65	Order for submission of final arguments. The judge sets a deadline for the submission of final factual and legal arguments.	No	[No]
66	Final arguments. The parties present their final factual and legal arguments to the court either by oral presentation or by a written submission.	Yes	[Yes]
67	Judgment date. The judge sets a date for delivery of the judgment.	Yes	
68	Notification of judgment in court. The parties are notified of the judgment at a court hearing.	No	[No]
69	Writing of judgment. The judge produces a written copy of the judgment.	No	[No]
		Yes	[Yes]

	Trial and judgment	Last year's answer	Comments (optional)
70	Registration of judgment. The court office registers the judgment after receiving a written copy of the judgment.	Yes	[Yes]
71	Court notification of availability of the written judgment. The court notifies the parties that the written judgment is available at the courthouse.	Yes	[Yes]
72	Plaintiff receives a copy of the judgment. Plaintiff receives a copy of the written judgment which is 100% in favor of plaintiff (see assumption 7).	Yes	[Yes]
73	Defendant is formally notified of the judgment. Plaintiff or court formally notifies the Defendant of the judgment. The appeal period starts to run from the day the Defendant is formally notified of the judgment.	Yes	[Yes]
74	Appeal period. By law defendant has the opportunity to appeal the judgment during a specified period. Defendant decides not to appeal. Seller decides to start enforcing the judgment when the appeal period ends (see assumption 8).	Yes	[Yes]
75	Order for reimbursement by Defendant of Plaintiff's court fees. The judgment orders Defendant to reimburse Plaintiff for the court fees Plaintiff has advanced, because Defendant has lost the case.	Yes	[Yes] [Yes]. However, the judge can order that each party pays its own legal fees.]

	Enforcement of judgment	Last year's answer	Comments (optional)
76	Plaintiff hires a lawyer. Plaintiff hires a lawyer to enforce the judgment or continues to be represented by a lawyer during the enforcement of judgment phase.	Yes	[Yes]
77	Plaintiff retains an enforcement agent to enforce the judgment. Plaintiff retains the services of a court enforcement officer such as a court bailiff or sheriff, or a private bailiff.	Yes	[Yes]
78	Publication of judgment. The judgment is published in an official journal, gazette or local newspaper.	No	[No]
79	Plaintiff requests an enforcement order. Plaintiff applies to the court to obtain an enforcement order ('seal' on judgment).	Yes	[Yes]
80	Plaintiff advances enforcement fees. Plaintiff pays the fees related to the enforcement of the judgment.	Yes	[the fees are anticipated by the plaintiff but are put in charge of the defendant.]
81	Attachment of enforcement order to judgment. Judge attaches the enforcement order ('seal') to the judgment.	Yes	[Yes]

	Enforcement of judgment	Last year's answer	Comments (optional)
82	Delivery of enforcement order. The court's enforcement order is delivered to a court enforcement officer or a private bailiff.	Yes	[Yes]
83	Plaintiff's request for physical enforcement. As Plaintiff commonly fears that Defendant might physically resist the taking into custody of its previously attached movable assets, Plaintiff requests the judge or the police authorities to obtain police assistance during the physical enforcement of the pretrial order of attachment. . Check as "yes" only if the pretrial order of attachment for Defendant's moveable assets does not ordinarily involve physical seizure of the assets at the pretrial stage.	No	[No]
84	Judge's order for physical enforcement. <i>Judge orders</i> the police to assist with the physical enforcement of the attachment of Defendant's movable assets. Check as "yes" only if the pretrial order of attachment for Defendant's moveable assets does not ordinarily involve physical seizure of the assets at the pretrial stage.	No	[No]
85	Request to Defendant to comply voluntarily with judgment. Plaintiff, a court enforcement officer or a private bailiff requests Defendant to voluntarily comply with the judgment.	Yes	[Yes]
86	Identification of Defendant's assets by court official or Defendant for purposes of enforcement. The judge, a court enforcement officer, a private bailiff or the Defendant himself identifies Defendant's movable assets for the purposes of enforcing the judgment through a sale of Defendant's assets.	Yes	[Yes]
87	Contestation of selection of assets identified for sale. A party, Plaintiff or Defendant, which was not involved in the designation of the assets for attachment, contests the selection of assets for enforcement of judgment through a sale.	Yes	[Yes]
88	Plaintiff identifies Defendant's assets for attachment. Plaintiff identifies Defendant's assets for attachment.	No	[Yes, except for movable assets, bank accounts and real estate assets are always identified and selected by the plaintiff.]
89	Creditor notification of intent to attach. A court enforcement officer or private bailiff notifies other creditors of the intent to attach Defendant's goods.	Yes	[Yes, but only to those who have a pre-emption right on the attached goods.]
90	Attachment. Defendant's movable goods are attached (physically or by registering, marking or separating assets).	Yes	[Yes]

	Enforcement of judgment	Last year's answer	Comments (optional)
91	Report on execution of attachment. A court enforcement officer or private bailiff delivers a report on the attachment of Defendant's movable goods to the judge.	Yes	[Yes]
92	Valuation or appraisal of attached movable goods. The court or court-appointed valuation expert evaluates the attached goods.	Yes	[Yes]
93	Enforcement disputes before court. The enforcement of the judgment is delayed because Defendant opposes aspects of the enforcement process before the judge.	No	[The defendant is entitled to oppose the attachment before the judge. The appeal does not automatically delay the enforcement, but the judge can order such delay occurring serious reasons.]
94	Call for public auction. Judge calls an auction by, for example, advertising or publication in the newspapers.	Yes	[Yes]
95	Sale through public auction. The Defendant's movable property is sold at public auction.	Yes	[Yes]
96	Direct sale. Defendant's property is sold but not through a public auction. Checked as 'yes' if the direct sale is common as an alternative to a public auction (assumption 9 is disregarded here).	No	[Yes, direct sale is as common as the sale through public auction. The judge is entitled to elect between the above means of sale.]
97	Judge's decision on bids. Judge determines the adequacy of the bids presented at public auction.	Yes	[Yes]
98	Distribution of proceeds. The proceeds of the public auction are distributed to Plaintiff (and, where applicable, to other creditors, according to the rules of priority).	Yes	[Yes]
99	Reimbursement of Plaintiff's enforcement fees. Defendant reimburses Plaintiff's enforcement fees which plaintiff had advanced previously.	Yes	[Yes]

	Enforcement of judgment	Last year's answer	Comments (optional)
100	Payment. <i>Judge orders</i> that the proceeds of the public auction or the direct sale be delivered to Plaintiff.	Yes	[Yes]