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DELAY IN THE RESOLUTION OF PROCESSES CONCERNING THE TRIAL OF CIVIL CASES WITHIN AN OPTIMAL AND PREDICTABLE TIME – BRIEF SPECIFICATIONS FROM NATIONAL AND EUROPEAN CASE LAW

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Abstract: *The trial of civil cases, in the new concept of "optimal and foreseeable term" or in the old one of "reasonable term" constitutes an essential factor in the conduct of the act of justice regarding the right to a fair trial enshrined in the provisions of art. 6 par.1 of the European Convention on Human Rights.*

This term refers to the speed of the trial procedure. However, it must be borne in mind that this "speed" must not lead to a "rapid" resolution of the dispute. There must be an overview, so that through a short term of the trial the quality of the act of justice is not achieved or even lost.

Keywords: *jurisprudence; delay; trial*

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INTRODUCTION

The trial of civil cases, in the new concept of "optimal and foreseeable term" or in the old concept of "reasonable term" constitutes an essential factor in the conduct of the act of justice regarding the right to a fair trial enshrined in the provisions of art. 6 par.1 of the European Convention on Human Rights: "Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, which shall decide on the violation of his civil rights and obligations."

It should be mentioned from the outset that, although the Convention uses the phrase "reasonable time", nevertheless the provisions of the Romanian Code of Civil Procedure refer to "optimal and foreseeable time". Do the two notions represent one and the same thing?

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In the Compendium of "best practices" on time management in judicial proceedings adopted by the European Commission for the Efficiency of Justice, of 8 December 2006 Strasbourg, it is stated that "The Compendium was built around the key concept of optimal and foreseeable duration, which requires a brief explanation: as the Framework Programme mentions "we have been accustomed to referring to the concept of reasonable time, as provided for in Article 6.1 of the European Convention on Human Rights. However, this standard represents a lower limit (which draws the line between a violation and a non-violation of the Convention) and should not be taken into account as an adequate result, where it is reached". The aim is therefore to achieve an adequate duration of judicial proceedings, which means resolving and adjudicating cases in a timely manner, without unjustified delays. To achieve this, courts and decision-makers need a tool to measure whether the resolution of cases takes place in due time, which quantifies delays and assesses whether the policies and practices undertaken are functional and correspond to the general objective of processing cases within a certain time frame. The time frame is such a tool." (https://rm.coe.int/comisia-europeana-pentru-eficienta-justitiei-cepej-compendiu-de-cele m/1680747d39#_Toc161644492.)

Since the adoption of this Compendium, it appears that the European Commission's recommendation has not been upheld by the E.C.R. nor by the Court of Justice of the E.U.

1. DELAY IN THE RESOLUTION OF PROCEEDINGS LEADS TO A DECREASE IN THE CREDIBILITY OF THE COURTS IN THE ACT OF JUSTICE

In the doctrine, "the right to a trial within an optimal and predictable time frame means more than the right to expeditious proceedings, implying the setting of realistic and controllable timeframes for judicial proceedings, and efficient and prompt intervention, through appropriate measures, in the event of delays. Art. 233 of the Civil Procedure Code also specifies that, at the first hearing to which the parties are legally summoned, the judge, after hearing the parties, will estimate the duration necessary for the investigation of the trial, taking into account the circumstances of the case, so that the trial is resolved within an optimal and predictable time frame; only for sound reasons, after hearing the parties, will the judge be able to reconsider the duration initially established." (I. Deleanu, 2013, p.211.)

We believe that this notion of "optimal and foreseeable term" is a new procedure of the "reasonable term" and certainly could not replace and cancel the concept of the reasonable term enshrined in the Convention and of course found in the case law of the ECHR.

This article requires attention and study from specialists because a delay in the resolution of trials leads to a decrease in the credibility of litigants in the act of justice, in the independence and impartiality of judges. In a modern society, delaying the resolution of cases leads to the breaking of the legal bond between man and court.

Article 6 is entirely independent of the way in which domestic procedures determine the length of proceedings, with the result that a breach of the time-limit set by the domestic courts will not necessarily constitute a breach of Article 6. Unlike in many national systems, under the Court's case-law no time-limit is set for a particular type of proceedings and all situations are examined on a case-by-case basis. In a civil case, the starting point of the period to be taken into account for the purposes of satisfying the "reasonable time" requirement is determined by the date on which the application is lodged, unless the applicant is prevented by law from lodging it, in which case the

period will be calculated from the time when the first objection is raised. (https://rm.coe.int/16806f1616).

In other words, the European Court considers that in the civil field, the reasonable term has as its starting point the date of the court's investiture and as its final point the execution of the judgment.

Professor Dinu, in the article "Theoretical and practical aspects of resolving civil cases within an optimal and foreseeable term" specifies that A first guarantee of a fair trial in the field of the litigants is to have access to a court, by which is understood the right to appreciate the court, the right to obtain a solution by pronouncing a court decision, the right to obtain an enforceable title. The fundamental principle of civil proceedings, consisting of the right to a fair trial, within an optimal and foreseeable period, is legislatively enshrined in the Romanian Constitution, in the European Convention on Human Rights and in the Code of Civil Procedure. Thus, according to art. 6 para. (1) C. Fr. civ., "every person has the right to have his case heard fairly, within an optimal and foreseeable time, by an independent, impartial court established by law. To this end, the court is obliged to order all measures permitted by law and to ensure the prompt execution of the judgment". A second guarantee involves resolving the case within an optimal and foreseeable time. Thus, according to art. 6 para. (1) sentence I C. pr. civ., "every person has the right to have his case heard fairly, within an optimal and foreseeable period (...), the competent court having the obligation to order all measures permitted by law in order to carry out the trial expeditiously, provisions that take care. applies both in the trial phase and in the enforced execution phase, according to art. 6 para. (2) of the Civil Code.

The legislation does not define the notion of "fair trial", its meaning being related to the observance of other fundamental principles, namely, the principle of the right to defense, the principle of equality of the parties in the trial, the principle of adversarial proceedings. Fair trial in the domestic legal system presupposes the existence of a single file to which all procedural documents carried out in the case are attached and which can be consulted by the parties or their representatives either on the day of the trial, or previously in the archive or through the electronic file, the trial hearings are public, most procedural documents are written (the request for summons, response, counterclaim, response to response, requests for intervention formulated by third parties in the case of voluntary intervention or by the initial parties against third parties in the case of forced intervention forms). These features are found in all legal systems of continental origin, of course, there are also particularities depending on the legislation of each state.

A first guarantee of a fair trial is the right of the litigant to have access to a court, by which is understood the right to refer the court, the right to obtain a solution by pronouncing a court decision, the right to obtain the forced execution of the enforceable title. The fundamental principle of civil procedure, consisting in the right to a fair trial, within an optimal and foreseeable time, is legislatively enshrined in the Romanian Constitution, in the European Convention on Human Rights and in the Code of Civil Procedure. Thus, according to art. 6 para. (1) C. pr. civ., "every person has the right to have his case tried fairly, within an optimal and foreseeable time, by an independent, impartial court established by law. To this end, the court is obliged to order all measures permitted by law and to ensure the expeditious conduct of the trial".

A second guarantee involves the resolution of the case within an optimal and foreseeable time. Thus, according to art. 6 para. (1) sentence I C. pr. civ., "every person has the right to have his case tried fairly, within an optimal and foreseeable time (...)", the court having the obligation to order all measures permitted by law in order to conduct the trial expeditiously, provisions that apply both in the trial phase and in that of forced execution, according to art. 6 para. (2) C. pr. civ. (M. Dinu, Constitutional Law Review no. 2/2019, p.117 - 118.)

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2. DEFINITION AND NATIONAL AND EUROPEAN LEGISLATIVE FRAMEWORK

A precise definition of the reasonable term is not given in the normative acts, nor in the doctrine.

As an outline of a definition regarding the trial of civil cases within an optimal and reasonable term, we can formulate the idea that this term is the guarantee of the speedy resolution of the dispute without any delays on the part of the court or any party.

The legal regulation of the institution of trial of civil cases within a reasonable term is mentioned in the provisions of art. 6 para. 1 of the European Convention on Human Rights which states that "Everyone has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, which will decide on the violation of his civil rights and obligations"; Art. 47 para. (2) of the Charter of Fundamental Rights of the EU: "Everyone has the right to a fair and public hearing within a reasonable time".

In Romanian legislation, this concept is enshrined in the provisions of art. 21 paragraph (3) of the Romanian Constitution: "The parties have the right to a fair trial and to the resolution of cases within a reasonable time"; Law no. 304/2004 on judicial organization in the provisions of art. 10 "all persons have the right to a fair trial and to the resolution of cases within a reasonable time"; Law no. 303/2004 on the status of judges and prosecutors: art. 99 paragraph (1) letter e, It constitutes disciplinary offenses … "failure to comply, repeatedly and for imputable reasons, with the legal provisions regarding the expeditious resolution of cases"; Code of Ethics for Judges and Prosecutors, in art. 13: "judges have the obligation to resolve cases in compliance with the legal deadlines, and if the law does not provide for it, within a reasonable time"; Internal Order Regulation of Courts, in art. 5 para. (2) letter g - "judges have the following duties: letter g "to resolve within a reasonable time the cases referred to the court"; Art. 6 para. 1 C. Proc.civ. "The right to a fair trial, within an optimal and foreseeable time - Every person has the right to have his case heard fairly, within an optimal and foreseeable time, by an independent, impartial court established by law."; Art. 201 para. 3-5 C. Proc.civ. "(3) Within 3 days from the date of filing the objection, the judge shall set by resolution the first trial term, which shall be no more than 60 days from the date of the resolution. (4) ....on the expiry of the respective term, the judge shall set by resolution the first trial term, which shall be no more than 60 days from the date of the resolution, ordering the summoning of the parties. (5) In urgent trials, the terms provided for in paragraphs (1)-(4) may be reduced by the judge depending on the circumstances of the case"; Art. 238 paragraph 1 of the Civil Procedure Code - "At the first trial date to which the parties are legally summoned, the judge, after hearing the parties, will estimate the duration necessary for the investigation of the trial, taking into account the circumstances of the case, so that the trial is resolved within an optimal and foreseeable period. The duration thus estimated will be recorded in the conclusion."; Art. 241 paragraph 1 of the Civil Procedure Code "For the investigation of the trial, the judge sets short terms, even from one day to the next"; Art. 522-526 of the Civil Procedure Code - Contestation regarding the delay of the trial.

3. C.E.D.O. CASE LAW

The Court has held that the reasonable period of time is determined by a cumulative assessment requiring three main criteria: the nature and complexity of the case, the conduct of the applicant and the conduct of the authorities.

The delay in resolving civil cases has been a concern of the European Court of Justice. The emphasis was on observing the respect of the national legislation of the Member States to pay attention to the provisions of Art. 6 of the Convention and not to create moral and material prejudice to litigants through unjustified delays in resolving trials by the courts, delays that extend over long periods of time.

Over time, the case law of the E.C.R. has demonstrated in most cases, serious violations by national courts in prolonged delays in admitting/rejecting evidence, in pronouncing judgments or even in deciding the first trial date.

A relevant case in this regard is the case of Laino v. Italy. In this case, both the divorce and the request for the assignment of custody of the minor children formulated by the applicant occurred within a period of 8 years and 2 months from the date of the trial, finding in this respect a serious violation of the notion of an optimal and foreseeable time limit for resolving a case.

Although the applicant on 15 March 1990, introduced the two heads of claim, the president of the court scheduled the date of 12 July 1990 for the hearing dedicated to the attempt at an amicable settlement.

It seems that the three hearings of 11 October 1990, 7 March and 10 October 1991 were postponed at the applicant's request, as part of the attempt to resolve the dispute out of court. The preparation of the case did not resume until 13 February 1992. After a hearing on 22 April 1993, four witnesses were heard. The hearing of 25 November 1993 was automatically postponed to 15 December 1994. On that date, the President of the Naples Court ordered that the case be transferred to the Nola Court (which had become competent ratione loci). As no judge had been appointed, the case then remained dormant until the hearing of 8 May 1997, which hearing was definitively postponed due to the judge's absence.

The date of the hearing before that court was not set until 8 May 1997. However, when the day arrived, the proceedings were automatically postponed to 10 July 1997 due to the judge's absence. The parties submitted their pleadings on 13 November 1997, and the hearing before the competent chamber took place on 8 May 1998. It was on 27 May 1998 that the court pronounced the separation of the spouses, confirmed the provisional measures concerning the custody of the children and the use of the family home.

The applicant Laino lodged an application with the Commission on 12 June 1996. He complained that the delay in the resolution of the case had resulted in the failure to conduct the entire proceedings within a reasonable time, as required by Article 6 § 1 of the Convention, and that, because of that duration, there had been a violation of his right to respect for his family life as guaranteed by Article 8 of the Convention.

According to the Court's case-law, the reasonableness of the length of the proceedings must be assessed in particular in the light of the complexity of the case and the conduct of the applicant and the competent authorities. In cases concerning the status of persons, what is at issue in the dispute for the applicant is also a relevant criterion and special diligence is also required as regards the possible consequences which excessive delay may have, in particular on the exercise of the right to respect for family life. As regards the conduct of the authorities hearing the case, the Court considers that, having regard to the stakes at stake for the applicant, the legal separation and the setting of the terms and conditions relating to the custody of the children and the right of access, the domestic courts did not act with the special diligence required by Article 6 § 1 of the Convention in such cases. The various periods of inactivity attributable to the State, and in particular those running

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from 25 November 1993 to 15 December 1994 and then from that date to 10 July 1997, are not compatible with the principle of compliance with a "reasonable time". Having regard also to the total length of the proceedings, the Court considers that there has been a violation of Article 6 § 1 concerning the delay in the disposal of the proceedings. (https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-63461%22]}.

Another relevant case of delay in the resolution of the case is the case of Beaumartin v. France.

In short, the applicants, Pierre Beaumartin and his sisters Jeanne Droin and Paule Thibout, jointly held ten shares in Société Immobilière du Karmat El Hadj, a company incorporated under Moroccan law which was the sole owner of an agricultural property of over 400 hectares located in the Kenitra province of Morocco and whose capital consisted of 6,000 shares.

They also held almost all the shares in Société foncière du Quartier de l'Europe, a French civil society, itself holding 5,959 shares in the Moroccan company and also the owner of a building in Paris.

By a dahir (royal decree) of 2 March 1973, the Moroccan government nationalised agricultural land belonging to foreigners. On 2 August 1974, after negotiations, the Moroccan and French Governments concluded a memorandum of understanding to regulate the financial consequences of the said measure with regard to the property of French nationals.

By a decision of 23 June 1980, notified on 31 July 1980, the State Commission compensated the applicants as individuals, solely on the basis of the shares held directly in the Société Immobilière du Karmat El Hadj, namely four shares for Mr Beaumartin and three shares for each of his sisters. On the other hand, it refused to compensate them in their capacity as majority shareholders of the Société foncière du Quartier de l'Europe, pursuant to Article 1 § 2 of the Protocol.

The applicants challenged this decision before the Paris Administrative Court on 26 September 1980. They criticised the Commission for having taken, for the purpose of compensation for the agricultural property of the real estate company, the Moroccan company, taking into account only the shares which they held in their own name in the latter, and not those which they held in the French real estate company.

Mr and Mrs Beaumartin applied to the Commission on 19 July 1989. Relying on Article 6 of the Convention, they maintained that their case had not been heard within a reasonable time by the administrative courts, nor fairly by the Council of State, in so far as the latter considered itself bound by the opinion of the Minister for Foreign Affairs.

It should be noted that the period to be taken into consideration began on 26 September 1980, the date on which the appeal was lodged with the Paris Administrative Court, and ended on 27 January 1989, with the delivery of the judgment of the Council of State dismissing it. It therefore extends over eight years and four months.

Like the Commission, the Court acknowledges that the applicants prolonged the proceedings by almost nine months by wrongly lodging an application with the Paris Administrative Court; moreover, they contributed to the length of the proceedings by waiting four months after the appeal was lodged to lodge their statement. Furthermore, the case involved difficulties because of the content of Article 1 of the Franco-Moroccan Memorandum of Understanding and the procedure followed to obtain its official interpretation.

The Court notes, however, long periods of stagnation before the Council of State, for which it has not obtained an explanation: thus, the respondent administration waited twenty months from the notification to submit observations, and the trial court waited more than five years to organize the first hearing. Therefore, in the present case, it cannot consider a period of more than eight years to be "reasonable".

Accordingly, there has been a violation of Article 6 § 1 on this point.

According to the Court, the Council of State failed to guarantee them a fair trial. (https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-62452%22]}.

4. NATIONAL CASE LAW

The case law presents in some cases different decisions of the courts interpreting the optimal and foreseeable term of the trial of civil cases or even relates to the lack of a legal definition of the optimal term in the Civil Procedure Code. In civil legislation, according to the provisions of Article 238 para. 1 regarding the estimation of the duration of the investigation of the trial states that "At the first trial date to which the parties are legally summoned, the judge, after hearing the parties, will include the duration necessary for the investigation of the trial, taking into account the circumstances of the case, so that the trial is resolved within an optimal and foreseeable time frame. The duration thus included will be recorded in the conclusion".

In order to ensure the speed of the civil trial, the Civil Procedure Code introduces the institution of the appeal regarding the delay of the trial, through which any of the parties, as well as the prosecutor participating in the trial, may file an appeal by which, invoking the violation of the right to resolve the trial within an optimal and foreseeable time frame, request the taking of legal measures so that this situation is eliminated.

A relevant decision from the national jurisprudence in which the complaint filed by the petitioner was rejected as unfounded is Civil Decision no. 406/2018 pronounced by the Bucharest Court, Section III – Civil. In the motivation of the appeal regarding the delay in the process, based on the provisions of art. 522 para. 2 point 1, point 2 and point 4 of the Civil Code, it was stated that the U.U.R. is the only representative organization for the Ukrainian ethnic community, the third in terms of numbers in Romania, the delay in registering the updated component of the management bodies attracting significant damages.

The subject of the request is the approval of the registration in the Register of Associations and Foundations of the mentions corresponding to the decision of the Extraordinary Congress of 23.06.2018. The procedure for resolving these requests is one, regulated by the provisions of OG no. 26/2000, including the purpose pursued by the act itself.

The provisions of art. 119 para. 2 C.p.civ., which included the court management to immediately take measures to distribute the file, in this case the file being distributed with delay or distributed to a temporary non-functional panel. From the first trial date of 13.09.2018, that is, after 66 days, the premises of delay were created by failure to comply with art. 238 C.p.civ. regarding the estimation of the duration of the trial.

The Tribunal's reasoning is based on the consideration that the institution of the appeal regarding the delay of the trial is a newly introduced institution and regulated by the code of civil procedure and comes as a protective measure and at the same time as a formal guarantee regarding the resolution of trials within an "optimal and foreseeable" term (according to the regulation of art. 6 para. 1 of the European Convention on Human Rights), including the need to remove the old judicial process which was deficient in terms of the expeditious and efficient resolution of civil trials.

In the case law of the E.C.R.O., it was held that the fulfillment of the condition of "reasonable time" is not limited to "creating a judicial process, which does not provide for judicial or administrative delays" but also implies "offering concrete remedies for the situation of exceeding the reasonable duration of judicial proceedings, according to art. 13 of the Convention". Moreover, the

Tribunal holds that in the absence of a legal definition of the optimal term in the Code of Civil Procedure, this represents a preventive instrument, intended to prevent those errors of the court, capable of determining the unjustified prolongation of the course of civil proceedings, beyond the limit of an "optimal and foreseeable" duration within the meaning of art. 6 para.(1) of the European Convention on Human Rights. The court also states that these deadlines are established independently of the conduct of the panel to which the case was randomly assigned and have in context the administration of the court in relation to the volume of cases registered in the court, the number of judges to whom these cases are assigned, the auxiliary staff and many other factors that are analyzed by the president of the court and its management board. (http://rolii.ro/hotarari/5c340ca6e490097c1f000197 (last accessed on 03/03/2025).

I consider that the court, erroneously, rejected the complaint filed by the petitioner on the grounds invoked. The Tribunal did not take into account the reasoning of the European Court which considers that in the civil field, the reasonable time has as its starting point the date of the court's investiture and as its final point the execution of the judgment. Moreover, according to art. 6 para. (1) C. pr. Civ., "every person has the right to have his case heard fairly, within an optimal and foreseeable time, by an independent, impartial court established by law". In this regard, the court is obliged to have at its disposal all legal methods and to ensure the expeditious conduct of the trial, these provisions apply both in the trial phase and in that of the enforced execution, according to art. 6 para. (2) C. pr. Civ.

The petitioner's summons was filed on 09.07.2018, and the first hearing date was set on 13.09.2018. In this case, given the subject matter of the summons, the registration of amendments in the petitioner's court document, this request falls under the category of emergency procedures.

In another situation, by civil decision no. 156/2018 issued by the Bucharest Court, this court declared the complaint regarding the delay in the civil process unfounded, and dismissed it.

The court found that the subject matter of the trial is the division of assets, including those of the spouses, who have numerous assets and also invoke legal issues regarding their acquisition. It is also noted that such a file with this subject matter requires complex evidentiary support, and it is necessary for the court to make addresses in order to attach documents necessary for resolving the case.

Although the court included a reasonable time limit for resolving the case, it could not be respected, as another time interval was necessary for the administration of evidence.

Therefore, the court shows that the other criticisms raised regarding the method of approving and administering evidence effectively concern the activity of the court, the judge being able in each case to assess the method of approving and administering them. (http://rolii.ro/hotarari/5b344494e49009181c000113.)

I believe that the court's reasoning is erroneous because it did not take into account the clarification of the plaintiff who showed the court that all the necessary documents were submitted to the file and it is possible to proceed to discussing the evidence with judicial expertise.

Thus, the court, after taking the parties' conclusions on the forensic evidence, again postponed the forensic evidence after it will rule on the request for suspension, a request to which it also postponed the ruling after administering all the evidence. By this approach to the process, the court maintained the resolution of the present case, which did not comply with the legal obligation to administer all the evidentiary material, as provided by law.

I consider that the plaintiff's request is based on the fact that she also showed that the optimal and foreseeable term was violated because 6 months have passed since the trial court was supposed to rule on the forensic evidence and, having taken the parties' conclusions on this evidence, did not

rule. By failing to fulfill the court's legal obligation to administer all the legally requested evidence, the appellant's right to resolve the process within an optimal and foreseeable term is prejudiced.

Moreover, the conditions provided for in art. 522 of the Civil Procedure Code are not met. In this case, they are met as follows: the court did not comply with the legal obligation to administer all the evidentiary material, as it itself was formulated and as the law provides; the law provides that procedural incidents are resolved when they arise, the court took the parties' conclusions on the grounds of suspension and ordered the postponement of the ruling until the administration of all the evidence, but despite this, the court clearly refuses to administer all the evidence; the optimal and foreseeable term was violated because 6 months have passed since the moment when the trial court was supposed to rule on the expert evidence and even at that moment, although it took the parties' conclusions on this evidence, the court did not rule.

By civil decision no. 2101/2018 pronounced by the Constanța Court, Civil Section I, the court wrongly admitted the complaint of the challenge regarding the delay of the process formulated by the appellant-plaintiff and orders that the trial court shall put the evidence with the interrogation into the contradictory discussion of the parties, as well as to proceed with their administration under the conditions in which the conditions of admissibility, utility and conclusiveness are met and at the same time put the evidence with the commodity expertise into the contradictory discussion of the parties, after the administration of the evidence with the interrogation, as well as to proceed with its administration under the conditions in which the conditions of admissibility, utility and conclusiveness are met.

In this case, it was held that the plaintiff, filed a challenge regarding the delay of the process, requesting that the court order the return of the extension of the proposed evidence, the approval and proceeding with its administration.

In the justification of the application, it was stated that he filed the partition action on 14.11.2017 and the first trial date was filed on 16.07.2018, in response to the admission of a request to change the term granted on 10.09.2018.

At the 3rd trial date granted in the case, the trial of the case was postponed due to the lack of the expert report, setting a deadline for submitting the expert report on 15.01.2019. During the hearing, the plaintiff requested a review of the method of administering the evidence, indicating that the evidence can be administered, a request that was unjustifiably rejected by the court, due to the lack of any interdependence between the conclusions of the expert report and the rest of the evidence proposed for administration.

It was shown that the way in which the trial judge ordered the administration of the evidence is likely to outline the exceeding of a reasonable term for resolving the case. The conclusions of the expert report cannot influence the other evidence administered in the case, the evidence with the interrogation of the defendant and the evidence with the commodity expertise. From this point of view, the position of the court, which ordered the extension of the discussion of all the other evidence administered in the case, after the real estate expertise, is found to be the notion of delaying the process.

Thus, it is well known that the administration of evidence with the real estate expertise takes over 6 months, adding the terms that will be granted for the response to the objections and the submission of the response to them if they are admitted. (http://www.rolii.ro/hotarari/5c1b0499e49009941500006e (last accessed on 03.03.2025).

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CONCLUSION

The term "reasonable" or more recently "optimal or foreseeable term" refers to the speed of the trial procedure. However, it must be borne in mind that this "speed" should not lead to a "quick" resolution of the dispute. There must be an overall perspective, so that a short trial term does not lead to the achievement or even loss of the quality of the act of justice.

The trial within a reasonable term aims to guarantee a fair trial.

In some cases, case law presents different decisions of the courts interpreting the optimal and foreseeable term of the trial of civil cases or is even linked to the lack of a legal definition of the optimal term in the Civil Procedure Code.

The delay in resolving civil cases was a concern of the European Court of Justice. The emphasis was placed on observing the respect of the national legislation of the states, including paying attention to the provisions of art. 6 of the Convention and not to create moral and material prejudice to litigants through unjustified delays in resolving cases by the courts, delays that extend over long periods of time.

Over time, the E.C.E.D.O. jurisprudence has presented in most cases, serious deviations of national courts in prolonged delays in admitting/rejecting evidence, in pronouncing judgments or including in deciding the first trial term.

This article requires attention and study from specialists since a delay in resolving cases leads to a decrease in the credibility of litigants in the act of justice, in the independence and impartiality of judges. In a modern society, delaying the resolution of cases leads to the breaking of the legal bond between the person and the court.

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