



Second Study Commission  
Civil law and procedure

Meeting in Porto, 7 - 10 September 1998

Conclusions

APPEAL PROCEEDINGS

29 written reports had been submitted by the members of the commission for the preparation of the general report, 18 of these were taken into consideration. The delegates from 39 nations were present. The general report by the president was adopted.

The discussions in the commission covered the following matters in particular:

Provisions for limitation of the right of appeal

The composition of the appellate court (panel or single judge)

Provisions for sanctions against frivolous filing of an appeal

The commission unanimously adopted the following

CONCLUSIONS

- 1) As a guarantee for better justice appeals, particularly on matters of law, should be judged by a panel of judges rather than by a single judge.
- 2) While the right of appeal against final judgements should in theory be unlimited, proper measures should be taken to discourage frivolous exercise of the right of appeal.
- 3) Particularly in cases of small value, it is also appropriate to limit the right of appeal.
- 4) Appeals against interlocutory judgements or decisions should only be permitted with leave of the court.
- 5) The ultimate aim of any appeal system should be to achieve a just resolution of the dispute between the parties consistent with the equally important principle that parties are entitled to a speedy final decision.