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Given there is no specific definition of what constitutes the same product within EMIR and its implementing measures, ESMA's opinion clarifies:

- as to when two contracts can or cannot be considered as the same instrument for the purpose of portfolio-margining – the opinion contains such clarification for all asset classes; and
- that CCPs have to limit the reduction in margin requirement when portfolio-margining different instruments.

ESMA's opinion helps to build a common Union supervisory culture and consistent supervisory practices, as well as ensuring uniform procedures and consistent approaches throughout the Union.

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[Opinion on portfolio margining requirements under Article 27 of EMIR Delegated Regulation](#)

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EU Justice Scoreboard 2017: justice systems becoming more effective, but challenges remain

Commenting on today's presentation of the main findings of this year's EU Justice Scoreboard, Commissioner **Jourová** said: *"The 5th edition of the EU Justice Scoreboard confirms that effective justice systems are essential to build trust in a business and investment-friendly environment in the single market. I encourage Member States to ensure that any justice reform respects the rule of law and judicial independence. This is key for citizens and businesses to fully enjoy their rights. An independent and well-functioning justice system is a fundamental pillar of every democracy."* The EU Justice Scoreboard which gives a comparative overview of the efficiency, quality and independence of justice systems in the EU Member States. Its aim is to assist national authorities in their efforts to improve their justice systems by providing this comparative data. In this fifth edition, the Justice Scoreboard includes, for the first time, information on how consumers can access justice and data on the length of anti-money laundering cases. On the situation of judicial independence in Member States, this edition presents a new survey on the reasons for the perceived lack of independence of the justice system by citizens and companies and shows new data on safeguards for protecting judicial independence. The Commission also published today the results of Eurobarometers analysing the perceived independence of the national justice systems in the EU among the general public and among companies. You'll find more information in the [press release](#), the full [2017 Scoreboard](#), the [Q&A](#), the [factsheet](#) and the [press conference](#). (For more

information: Christian Wigand – Tel: +32 229 62253; Melanie Voin – Tel: +32 229 58659)

L'Union européenne renforce son soutien au Tchad

Le Commissaire européen en charge de la coopération internationale et du développement Neven **Mimica**, en visite à N'Djamena, annonce un soutien supplémentaire de 100 millions d'euros. Le Commissaire Neven **Mimica** a fait la déclaration suivante: «Ce nouveau paquet de 100 millions d'euros témoigne de la détermination de l'Union européenne à aider le Tchad à faire face à la crise économique et budgétaire, ainsi que soutenir ses efforts de réforme et de lutte contre la pauvreté. Le Tchad est un partenaire important de l'Union européenne, il fait face à de nombreux défis et nous sommes à ses côtés.» Cet appui vise à soutenir des secteurs essentiels tels que la nutrition, la sécurité alimentaire et la résilience, l'agriculture durable, la gouvernance démocratique, la promotion de l'Etat de droit. Au cours de sa visite, le Commissaire Neven **Mimica** va également signer un engagement financier relatif à la gestion des aires protégées et des écosystèmes fragiles pour un montant de 33 millions d'euros issus du [Fonds Européen de Développement](#). Un second engagement financier concerne un projet pour l'insertion socio-professionnelle des jeunes pour un montant de 10.3 millions d'euros, issus du [Fonds fiduciaire d'urgence pour l'Afrique](#) et mis en œuvre à travers l'Agence Française de Développement. (Pour plus d'information: Carlos Martín Ruiz de Gordejuela – Tel.: + 32 229 65322; Christina Wunder – Tel.: + 32 229 92256)

Commission publishes latest round report and EU proposals for trade agreement with Mercosur

The Commission today published as part of [its commitment](#) to a more transparent trade and investment policy – a report summarising the progress made during the latest round of negotiations for a trade agreement between the EU and Mercosur (Argentina, Brazil, Paraguay and Uruguay), which took place in Buenos Aires during the week of 20 March. During the round, the EU tabled textual proposals on trade and sustainable development, transparency, access to energy and raw materials, an annex on technical barriers to trade in the automotive sector, and a proposal on agriculture including provisions on bilateral and multilateral cooperation, wine and spirits, and other topics. These proposals are now also available online on DG Trade's [Transparency in Action](#) portal. The latest round of negotiations included meetings in working groups covering 15 different areas. Parties also agreed to merge their proposals into consolidated texts and, in the area of competition, reached provisional agreement on a full text. After the round, the EU and Mercosur also published a joint communiqué, which is available [here](#). Both sides agreed to hold an inter-sessional round in Buenos Aires at the end of May. The next full round is scheduled before the summer break. More information on the EU-Mercosur talks is available on the [website of DG Trade](#). (For more information: Daniel Rosario – Tel.: + 32 229 56185; Axel Fougner – Tel.: +32 229 57276)

Mergers: Commission clears 21st Century Fox's proposed acquisition of Sky under EU merger rules

The European Commission has approved unconditionally under the EU Merger Regulation the proposed acquisition of Sky by Twenty-First Century Fox, a US-based diversified global media company. The proposed transaction would combine Sky plc (Sky), the leading pay-TV operator in Austria, Germany, Ireland, Italy and the UK and Twenty-First Century Fox, Inc (Fox), one of the six major Hollywood film studios (20th Century Fox), as well as a TV channel operator (Fox, National Geographic). The Commission found that the proposed transaction would lead to only a limited increase in Sky's existing share of the markets for the acquisition of TV content as well as in the market for the wholesale supply of TV channels in the relevant Member States. Given that the merging companies are mainly active at different levels of the market, the Commission's assessment focused on whether, as a result of the proposed transaction: (a) Fox would be able to prevent or significantly limit access by Sky's competitors to its films and other TV content, as well as to its TV channels, (b) Sky would have the incentive to cease purchasing content from Fox's competitors and (c) Sky could prevent competing channels from accessing its platform. Based on the results of its market investigation, the Commission concluded that the proposed transaction would raise no competition concerns. As the Commission's findings concern solely the competition aspects of the proposed transaction, today's clearance decision is without prejudice to the UK's ongoing media plurality review of the proposed transaction. A full press release is available online in [EN](#), [FR](#) and [DE](#) (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Tsoni – Tel.: +32 229 90526)

Mergers: Commission clears acquisition of Delta Lloyd by NN Group in Dutch insurance sector

The European Commission has approved under the EU Merger Regulation the acquisition of sole control over Delta Lloyd N.V. by NN Group N.V., both of the Netherlands. Delta Lloyd and NN are insurance companies that provide company pension schemes, individual life insurance policies and non-life insurance. They are both also active in banking and asset management. The Commission's investigation focused particularly on the possible effects on competition in pensions in the Netherlands, where the companies have the strongest market position. The Commission concluded that the proposed transaction would not raise competition concerns either in this or any of the other areas where the companies' activities overlap in insurance and insurance distribution in the Netherlands and Belgium. In the Dutch pensions market, the Commission found that the new entity would continue to face competition from both other major insurance companies and from other pension providers. This is partly due to recent changes on the Dutch pensions market, which have increased competition by allowing a range of new actors to offer pension solutions. In all other areas, the Commission concluded that the merged entity would continue to face significant competition, and that the transaction would not have any detrimental effect on consumer choice. Following notification of the transaction to the Commission, the Dutch authorities requested a referral of the case to the Dutch Competition Authority. As the transaction does not give rise to any competition concerns,

the legal grounds for referral are not met and the Commission therefore rejected the referral request. More information will be available on the Commission's [competition](#) website, in the public [case register](#) under the case number [M.8257](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Tsoni – Tel.: +32 229 90526)

Mergers: Commission clears acquisition of Żabka Polska by CVC Capital Partners

The European Commission has approved under the EU Merger Regulation the acquisition of Żabka Polska S.A. of Poland by CVC Capital Partners of Luxembourg. Żabka Polska S.A. operates a franchise network of grocery retail stores in Poland. CVC Capital Partners is a private equity company. The Commission concluded that the proposed acquisition would not raise competition concerns because the companies are not active in the same markets and because market shares in all vertically linked markets remain limited. The transaction was examined under the simplified merger review procedure. More information is available on the Commission's [competition](#) website, in the public [case register](#) under the case number [M.8428](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Tsoni – Tel.: +32 229 90526)

ANNOUNCEMENTS

L'Union européenne et l'Algérie renforcent leurs relations dans le domaine de l'énergie

Le 11 Avril, le Commissaire européen chargé de l'Action pour le climat et de l'Energie Miguel **Arias Cañete** rencontra à Bruxelles le Ministre algérien de l'Energie M. Noureddine Boutarfa. Ils discuteront du [Partenariat Stratégique](#) sur l'énergie entre l'Union européenne et l'Algérie. Le Commissaire Miguel **Arias Cañete** a déclaré, avant la rencontre : «Le *Partenariat stratégique euro-algérien sur l'énergie a été lancé il y a deux ans lors de ma première visite à Alger et est maintenant une composante permanente et structurelle des relations euro-algériennes. L'UE et l'Algérie sont dans une relation d'interdépendance: l'Europe s'appuie sur le gaz algérien pour sa sécurité d'approvisionnement et l'Algérie compte sur le marché européen pour la sécurité de la demande. Mais l'Algérie a également un grand potentiel dans les domaines des énergies renouvelables et de l'efficacité énergétique. L'UE est fortement engagée à soutenir l'Algérie dans ces domaines politiques.*» Le Partenariat Stratégique UE-Algérie prévoit une coopération dans les domaines du gaz naturel et du pétrole brut ainsi que de l'électricité, des énergies nouvelles et renouvelables, de l'efficacité énergétique et du développement des infrastructures. Dans le cadre de ce partenariat le premier [Forum d'Affaires Euro-Algérien](#) sur l'énergie a eu lieu en mai 2016. Lors de la réunion de demain le Commissaire **Arias Cañete** et le ministre Boutarfa examineront les progrès qui ont été faits depuis lors dans la coopération sur l'énergie, surtout en ce qui concerne les investissements européens dans la production et l'approvisionnement de gaz et le secteur de l'énergie renouvelable en Algérie. Un coin VIP aura lieu le 11 Avril à 11:30 CET au Berlaymont avec le Commissaire et le Ministre algérien de l'Energie, il sera retransmis par [Europe by Satellite](#). (Pour plus d'informations: Anna-Kaisa Itkonen – Tél.: +32 229 56186; Nicole Bockstaller – Tél.: +32 229

Questions and Answers on the 2017 EU Justice Scoreboard

What is the EU Justice Scoreboard?

The EU Justice Scoreboard is an information tool aiming at assisting the EU and Member States to achieve more effective justice. It does this by providing objective, reliable and comparable data on the quality, independence and efficiency of the justice systems in all Member States.

The Scoreboard contributes to identifying potential shortcomings, improvements and good practices. It shows trends in the functioning of national justice systems over time. It does not present an overall single ranking, but an overview of how all the justice systems function. This is based on various indicators that are of common interest to all the Member States.

The Scoreboard does not promote any particular type of justice system and puts all Member States on an equal footing. Whatever the model of the national justice system– or the legal tradition in which it is anchored – timeliness, independence, affordability and user-friendly access are some of the essential features of an effective justice system.

Why are national justice systems important for the EU?

Effective justice systems play a crucial role in upholding the rule of law and the EU's fundamental values. They are also crucial for ensuring that individuals and businesses can fully enjoy their rights, for strengthening mutual trust, and for building a business and investment-friendly environment in the single market. This is why improving the effectiveness of national justice systems is one of the priorities of the [European Semester](#) – the EU's annual cycle of economic policy coordination. The EU Justice Scoreboard helps Member States to achieve this priority.

What are the main novelties of this fifth edition?

The 2017 edition looks into new aspects of the functioning of justice systems, in particular from the viewpoints of citizens and businesses:

The Scoreboard examines:

- which channels consumers use to file complaints against companies (e.g. courts, out of court methods);

- how legal aid and court fees impact access to justice and the length of court proceedings;
- how many consumers have used the online dispute resolution (ODR) platform since it became operational in 2016.

The Scoreboard also presents:

- the outcome of a survey on how lawyers communicate with courts and how they use ICT;
- the outcome of a survey on how citizens and companies perceive the independence of judges;
- an analysis of the existing safeguards for judicial independence relating to the status of judges: from their appointment, evaluation and possible transfer without consent, to their potential dismissal.

For the first time, the Scoreboard provides an overview of the functioning of national justice systems when applying EU anti-money laundering legislation. It also examines the length of proceedings for provisional measures to prevent imminent infringement before the final resolution of the case.

Finally the Scoreboard looks into standards aiming to improve court management and the information given to parties about the progress achieved on their file.

What are the main findings of the 2017 EU Justice Scoreboard?

- **Shorter civil and commercial court proceedings:** including in a number of Member States whose justice systems are facing challenges. This improvement is clearer over the five-year period than in the short-term.
- **Analysis of consumer protection enforcement:** The length of administrative proceedings and judicial review in this field varies a lot depending on the country. The Scoreboard shows that many consumer issues can be solved directly by consumer authorities and don't go to courts.
- **Analysis of the fight against money laundering:** first data in this area shows a large variation in case length – from less than half a year to almost three years- for proceedings dealing with anti-money laundering offenses.
- **Limited access to justice for poorer citizens:** the Scoreboard shows that in some Member States, citizens whose income is below the poverty threshold do not receive any legal aid in some types of disputes.
- **Use of ICT tools still limited in some countries:** while it's widely used for communication between courts and lawyers in half of the Member States, the use of ICT for electronic signature is very limited in over half the EU countries. New data on how lawyers use ICT when communicating with courts again underlines the importance of electronic communication for well-functioning justice systems.
- **Improved or stable perception of judicial independence among the general public:** this is the case in more than two-thirds of Member States, [compared to 2016](#). The trend is the same for businesses' perception since 2010. Among the reasons for the perceived lack of independence of courts and judges, the interference or pressure from government and politicians

was the most stated reason. The 2017 edition also presents data on the safeguards in place in the different Member States to guarantee the judicial independence of judges.

- **Quality standards:** Most Member States have standards fixing time limits or timeframes to avoid lengthy judicial proceedings. However, such standards are not in place in certain Member States with less efficient justice systems.

What is the European Semester?

The European Commission has set up a yearly cycle of economic policy coordination called the European Semester. Each year the European Commission undertakes a detailed analysis of EU Member States' programmes of economic and structural reforms and provides them with recommendations for the next 12-18 months.

The European Semester cycle starts when the Commission adopts its Annual Growth Survey, usually towards the end of the year. This sets out EU priorities for the coming year to boost growth and job creation.

In the 2017 [Annual Growth Survey](#), the Commission calls on the Member States to "Member States need to step up their efforts to implement the necessary reforms aimed at removing obstacles to investment that were identified in the context of the European Semester. (...)In particular, efficient and transparent public administration and effective justice systems are necessary to support economic growth and deliver high quality services for firms and citizens.

How does the EU Justice Scoreboard contribute to the European Semester?

The Scoreboard provides information on the functioning of justice systems and helps assess the impact of justice reforms. If the Scoreboard reveals poor performance, this always requires a deeper analysis of the reasons for this. This country-specific assessment is carried out in the context of the European Semester process through bilateral dialogue with the authorities and stakeholders concerned.

The country-specific assessment takes into account the particularities of the legal system and the context of the concerned Member State. It may eventually lead the Commission to propose that the Council adopts Country-Specific Recommendations on the improvement of national justice systems.

How can effective justice systems support growth?

Effective justice systems play a key role in establishing confidence throughout the business cycle. When judicial systems guarantee the enforcement of rights, creditors are more likely to lend, firms are dissuaded from opportunistic behaviour, transaction costs are reduced, and innovative businesses are more likely to invest.

The positive impact of national justice systems on the economy is underlined in literature and research, including from the [European Central Bank](#), [International Monetary Fund](#), [OECD](#), [World Economic Forum](#) and [World Bank](#).

How does the 2017 EU Justice Scoreboard examine the effectiveness of justice?

The Scoreboard uses indicators that examine the three main features of an effective justice system: efficiency, quality and independence.

Efficiency

The indicators related to the efficiency of proceedings include: the length of judicial proceedings (disposition time); the clearance rate (the ratio of the number of resolved cases over the number of incoming cases); and the number of pending cases. The Scoreboard also presents the average length of proceedings in specific fields when EU law is involved.

Quality

Easy access to justice, adequate resources, effective assessment tools and appropriate standards are key factors that contribute to the quality of justice systems. The Scoreboard uses various indicators covering these factors: such as indicators for the electronic submission of claims, communication between the courts and parties, the training of judges, financial resources, and ICT case management systems and standards.

Independence

The Scoreboard examines the perception of judicial independence among the general public and companies. It also presents information on legal safeguards in Member States for certain situations where judicial independence could be at risk.

What is the methodology of the EU Justice Scoreboard?

The Scoreboard uses various sources of information. Large parts of the quantitative data are provided by the [Council of Europe Commission for the Evaluation of the Efficiency of Justice \(CEPEJ\)](#) with which the Commission has concluded a contract to carry out a specific annual study. These data range from 2010 to 2014, and have been provided by Member States according to CEPEJ's methodology. The study also provides detailed comments and country-specific information sheets that give more contextual information and should be read together with the figures.

The other sources of data are the group of contact persons on national justice systems, the [European Network of Councils for the Judiciary \(ENCJ\)](#), the [Network of the Presidents of the Supreme Judicial Courts of the EU](#), [Association of the Councils of State and Supreme Administrative Jurisdictions of the EU \(ACA\)](#), the [European Competition Network](#), the [Council of Bars and Law Societies of Europe \(CCBE\)](#), the [Communications Committee](#), the [European Observatory on infringements of intellectual property rights](#), the [Consumer Protection Cooperation Network](#), [Eurostat](#), the [European Judicial Training Network \(EJTN\)](#), the [World Bank](#) and the [World Economic Forum](#).

Why is some data missing?

Although data are still lacking for certain Member States, the data gap

continues to decrease, particularly for indicators the efficiency of justice systems. The remaining difficulties in gathering data are often due to insufficient statistical capacity or to the fact that the national categories for which data are collected do not exactly correspond to the ones used for the Scoreboard. In very few cases, the data gap is due to the lack of willingness of certain national authorities to contribute. The Commission will continue to encourage Member States to further reduce this data gap.

What is the relation between the EU Justice Scoreboard and the Commission EU Rule of Law Framework adopted in 2014?

These two tools are separate from each other as they serve different purposes.

The EU Justice Scoreboard provides yearly, reliable and comparable data on the efficiency, quality and independence of national justice systems. This can be used to support recommendations made to the Member States in the context of the European Semester.

The EU Rule of Law Framework ([IP/14/237](#)) allows the Commission to enter into a political dialogue with the Member State concerned. The aim of the political dialogue is to prevent an emerging systemic threat to the rule of law from further escalating.

Will the EU Justice Scoreboard replace the Cooperation and Verification Mechanism?

No, the EU Justice Scoreboard and the [Cooperation and Verification Mechanism \(CVM\)](#) pursue different objectives and have different scopes.

The Cooperation and Verification mechanism is specific to Bulgaria and Romania. When they joined the EU on 1 January 2007, Romania and Bulgaria still had progress to make in the fields of judicial reform, as well as the fight against corruption and – in the case of Bulgaria – organised crime. To smooth the entry of both countries into the EU and, at the same time, safeguard the workings of its policies and institutions, the EU decided to establish a special “cooperation and verification mechanism” to help them address these outstanding shortcomings.

The Justice Scoreboard is a comparative tool which covers all Member States. Its main focus is on civil, commercial and administrative justice. It aims to present trends in the functioning of national justice systems over time. It is not a binding mechanism. It is intended to help identify issues that deserve particular attention.

For further information

[IP/17/890](#)