

Justice Scoreboard 2018 – Q&A

What is the EU Justice Scoreboard?

The EU Justice Scoreboard is a comparative information tool that aims to assist the EU and Member States to improve the effectiveness of national justice systems. 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 good practices, improvements and potential shortcomings. 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 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?

Justice systems play a crucial role in upholding the rule of law and the EU's fundamental values. They ensure that individuals and businesses can fully enjoy their rights, strengthen mutual trust, and help to build 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 in the sixth edition?

The 2018 edition develops further certain aspects of the functioning of justice systems:

- **Judicial independence:** new data, particularly on the Councils of the Judiciary and on the involvement of the executive and the parliament in the appointment and dismissal of judges and court presidents;
- **Criminal justice:** updated data on the average length of money-laundering offences and information on the organisation of the Member States' prosecution services;
- **Structural funds:** new overview of how they are used for justice reforms;
- **Length of proceedings:** new data on the length of proceedings in all courts instances (first, second and third instance) for civil and administrative cases;
- **Access to justice for specific groups:** showing how the justice system takes into account the needs of specific groups of users (e.g. children, visually impaired people, non-native speakers).

The Scoreboard also presents:

- How legal aid and court fees impact access to justice;
- How ICT is used in the communication of lawyers with courts and whether a small claims procedure can be handled online in the courts of the Member States;
- The distribution of financial resources: levels and criteria in the judicial system;
- How citizens and companies perceive the independence of judges compared to previous years (see 2018 survey).

What are the main findings of the 2018 EU Justice Scoreboard?

- **Improved or stable perception of judicial independence among businesses:** this is the case in more than two-thirds of Member States, both when compared with last year or since 2010. The most stated reason for the perceived lack of independence of courts and judges is the interference or pressure from government and politicians.
- **Use of ICT tools still limited in some countries:** in more than half of Member States electronic submission of claims is limited or does not exist. An updated survey of the actual use of ICT between courts and lawyers shows that ICT tools are widely used in 12 out of 22 Member States covered and that last year these tools became compulsory in more Member States.
- **Limited access to justice for poorer citizens:** the Scoreboard confirms that in some Member States, citizens whose income is below the poverty threshold do not receive any legal aid in certain types of disputes. The legal aid has also become less accessible over the years, since poverty levels have gone up, while the threshold for legal aid remained the same.
- **Most Member States have standards on timing:** quality standards fixing time limits are most widespread, while standards on timeframes and backlogs are used less. However, certain Member States facing efficiency challenges are not currently using such standards.
- **Overall shorter civil and commercial court proceedings:** including in Member States whose justice systems are facing challenges. However, several Member States still have very long court proceedings. In a few Member States with the most substantial challenges the length of the administrative proceedings further increased.
- **Civil first instance courts are generally able to deal with the incoming cases:** nearly all Member States, including those facing challenges, report a high clearance rate (more than 97%) in civil and commercial court proceedings.
- **Substantial length of combined administrative and judicial proceedings in the consumer protection area:** the combined length reaches two years in a number of Member States. While most consumer complaints are solved by consumer authorities without the need for judicial review, the cumulative effect of both proceedings can be very substantial, in

particular for a consumer seeking redress.

- **Analysis of the fight against money laundering:** new data shows that in about half of Member States first instance court proceedings take up to a year on average. In some Member States facing challenges they can take on average two or more years.

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' plans for macroeconomic, budgetary and structural reforms and issues recommendations for the next 12-18 months to be adopted by the Council. The European Semester cycle starts in November with the publication of the Commission's Annual Growth Survey. The Annual Growth Survey sets out general economic and social priorities for the EU and provides Member States with generic policy guidance for the following year.

In the 2018 [Annual Growth Survey](#), the Commission underlines that “stronger and more efficient public institutions are crucial for building resilient economic structures that foster investment and growth, in full respect of the rule of law. (...) Countries with more efficient institutions are also less likely to suffer lower growth volatility and severe output collapses. For example, an effective justice system supports business by facilitating contract enforcement and contributing to fight corruption. (...) The rule of law and improvement in the independence, quality and efficiency of justice systems are crucial for a business friendly environment.”

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

The Scoreboard provides information on the functioning of justice systems and helps assessing the impact of justice reforms. If the Scoreboard reveals poor performance, the reasons behind it always require deeper analysis. 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 2018 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 caseload, 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 to cover these factors: such as 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 both 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. This data ranges from 2010 to 2016, and has been provided by Member States according to CEPEJ's methodology. The study also provides detailed comments and country-specific fact sheets that give more contextual information and complement the figures.

The other sources of data are the groups 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](#), the [Expert Group on Money Laundering and Financing of Terrorism](#), [Eurostat](#), the [European Judicial Training Network \(EJTN\)](#), the [World Bank](#) and the [World Economic Forum](#).

Why is some data missing?

Although data is still lacking for certain Member States, the data gap continues to decrease, particularly concerning the efficiency of justice systems. The remaining difficulties in gathering data are often due to insufficient statistical capacity or the fact that the national categories for which data is 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 national authorities' willingness to contribute. The Commission will continue to encourage Member States to further reduce this data gap.

What is the new mechanism the Commission proposed on rule of law in the Multi Annual Financial Framework?

The proposed Regulation equips the Union to better protect its budget when weaknesses in the rule of law impair – or threaten to impair – sound financial management or the financial interests of the Union.

In particular, the Regulation could be invoked when a generalised deficiency as regards the rule of law in a Member State endangers one of the following State functions:

- The proper functioning of the authorities implementing the Union budget,
- The proper functioning of investigation and public prosecution of fraud or corruption relating to the budget,
- The effective judicial review by independent courts,
- The prevention and sanctioning of fraud, corruption or other breaches of EU law relating to the budget, or
- The effective and timely cooperation with the European Anti-Fraud Office and with the European Public Prosecutor's Office.

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 and serve different purposes.

The EU Justice Scoreboard provides yearly, reliable and comparable data on the independence, quality and efficiency 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

[Press release](#)