

Justice Scoreboard – Questions and Answers

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, 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 seventh edition of the EU Justice Scoreboard?

The 2019 edition develops further certain aspects of the functioning of justice systems:

- **Judicial independence:** new indicators on the authorities involved in disciplinary proceedings regarding judges, in the main management powers over national prosecution services, and in the appointment and dismissal of national prosecutors;
- **Investment in justice systems:** new overview on how financial resources are spent in each justice system;
- **Quality of justice:** a new overview on the standards used in highest courts to improve the quality of judgments, in cooperation with the European judicial networks (Association of the Councils of State and Supreme Administrative Jurisdictions of the EU and the Network of the

Presidents of the Supreme Judicial Courts of the EU).

The Scoreboard also presents:

- How citizens and companies perceive the independence of judges compared to previous years (see [2019 Eurobarometer survey](#) on 'Perceived independence of the national justice systems in the EU among the general public' and 2019 [Eurobarometer survey](#) on 'Perceived independence of the national justice systems in the EU among companies').
- How legal aid and court fees impact access to justice;
- Access to justice for more vulnerable groups, such as children, visually or hearing impaired people, victims of gender-based violence, non-native speakers.

What are the main findings of the 2019 EU Justice Scoreboard?

- **Positive trend on efficiency:** data on efficiency spanning over eight years (2010-2017) show that positive developments can be observed in most of the Member States which have been identified in the context of the European Semester as facing specific challenges.
- **Investment on justice remained stable:** overall, in 2017, general government total expenditure on law courts remained mostly stable in Member States. The breakdown of this expenditure into different categories, such as salaries, court buildings, software, building rentals or legal aids, however reveals significant differences in spending patterns among Member States.
- **Challenges as regards perception of judicial independence remain:** In about two-thirds of Member States, the perception of judicial independence has improved when compared to 2016. However, compared to last year, the public's perception of independence decreased in more than two-thirds of Member States identified in the European Semester as facing specific challenges. The most stated reason for the perceived lack of independence of courts and judges is the interference or pressure from government and politicians.
- **Most Member States ensure quality of judgments through training of judges:** regarding the standards used in highest courts to improve the quality of judgments, most courts provide specific training to judges on the structure, style of reasoning and drafting of judgments. In some Member States, court users have access to mechanisms to obtain clarifications regarding court decisions, an interesting practice to improve citizen-friendly justice systems.
- **Safeguards for national prosecution services and disciplinary proceedings vary:** Regarding the national prosecution services, the EU Justice Scoreboard shows that in some Member States there is a certain level of concentration in one single authority of the main management powers. In addition, in most countries, the Council for the Judiciary/Prosecutorial Council or the prosecution service is involved in the appointment and dismissal of national prosecutors. As to disciplinary proceedings regarding judges, in most Member States, the authority deciding on disciplinary sanctions is an independent authority such as a court or a Council for the judiciary. In some Member States, it is a special court whose members are specifically selected or

appointed by the Council for the Judiciary, by Judges or, in one Member State, by the Minister of Justice.

- **Caseload in competition area is decreasing:** the overall caseload faced by courts across Member States decreased significantly resulting in reduced length of judicial review in seven Member States.
- **Use of ICT tools still limited in some countries:** many Member States have not yet implemented ICT case management system to their full potential and no improvements have been achieved compared to previous years. In some Member States, it is still not possible to ensure nationwide data collection across all justice area.
- **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. Compared to last year, two of such Member States have made legal aid more accessible. The difficulty in benefiting from legal aid, together with sometimes significant levels of court fees in some Member States, could have a deterrent effect on people in poverty to access justice.
- **Length of money laundering proceedings remains a challenge:** data show that in about half of Member States first instance court proceedings in the fight against money laundering 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 relation between the EU Justice Scoreboard and the EU's rule of law toolbox?

The EU Justice Scoreboard is one of the tools of the [EU's rule of law toolbox](#).

The annual EU Justice Scoreboard looks at a range of indicators to assess the independence, quality and efficiency of national justice systems. This comparative tool is complemented by country specific assessments, presented in the European Semester Country Reports, which enable to make a deeper analysis based on the national legal and institutional context.

The EU's rule of law toolbox consists of a wide range of tools to carefully monitor, assess, and respond to the rule of law issues in Member States, among others infringement procedures, the European Semester, the EU Justice Scoreboard, the Cooperation and Verification Mechanism (CVM), the Rule of Law Framework and the procedure of Article 7 TEU.

The Commission, in its [Communication to further strengthening the Rule of Law](#) published on 3 April, has invited EU institutions and Member States, as well other stakeholders, to contribute ideas to how the rule of law toolbox could develop in the future.

Building on this reflection process and the ongoing debate, the Commission will return to this issue with its own conclusions and proposals in June 2019.

What is the European Semester?

The [European Semester](#) is the EU's yearly cycle of economic, fiscal and social policy coordination. 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](#) and the Commission's proposal for a Council recommendation on the economic policy of the euro area. 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. The euro area recommendation provides tailored advice to euro area Member States on issues relevant for the functioning of the euro area as a whole.

In the 2019 Annual Growth Survey, the Commission underlines that "well-performing public institutions contribute to higher growth and are a precondition for the successful delivery of other reforms" and that "this includes (...) respect for the rule of law". It also stresses that "the rule of law, effective justice systems and robust anti-corruption frameworks are crucial to attracting business and enabling economic growth. This relates in particular to the independence and efficiency of court systems as well as a comprehensive approach to fighting corruption, which combines prevention, effective prosecution and sanctions".

The [2019 Recommendation for the Euro Area](#) as endorsed by the European Council on 21-22 March 2019 highlights the need to improve the quality of institutions and in particular the effectiveness of justice systems.

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

The Scoreboard looks at a range of indicators to assess the independence, quality and efficiency of national justice systems and helps assessing the impact of justice reforms in Member States. If the Scoreboard reveals poor performance, the reasons behind it always require deeper analysis of the national legal and institutional context. 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 which uphold the rule of law have since a long time been identified as having a positive economic impact. Where judicial systems guarantee the enforcement of rights, creditors are more likely to lend, businesses are dissuaded from opportunistic behaviour, transaction costs are reduced and innovative businesses are more likely to invest.

The beneficial impact of well-functioning national justice systems for the economy is supported by a wide range of studies and academic literature, including from the [European Central Bank](#), [the International Monetary Fund](#), the [OECD](#), the [World Economic Forum](#) and [the World Bank](#).

How does the 2019 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.

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, and overviews on the organisation of national prosecution services.

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 2017, 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 should be read together with 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 [Communications Committee](#), the [European Observatory on infringements of intellectual property rights](#), the [Expert Group on Money Laundering and Financing of Terrorism](#), [Eurostat](#), the [European Judicial Training Network \(EJTN\)](#), and the [World](#)

[Economic Forum](#).

Why are some data missing?

Although data are still lacking for certain Member States, the data gap continues to decrease. 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.

For further information

[Press release](#)