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 ofjudicialindependence 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

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