



## The 2015 EU Justice Scoreboard: -Questions & Answers

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#### What is the EU Justice Scoreboard?

The EU Justice Scoreboard is an information tool that contributes to the [European Semester](#) by providing objective data on the quality, independence and efficiency of justice systems in all Member States. The aim of the EU Justice Scoreboard is to assist Member States, as part of an open dialogue, in improving the functioning of their justice systems.

The Justice Scoreboard contributes to identifying potential shortcomings and good practices and aims to present trends on the functioning of the national justice systems over time. While the Scoreboard presents comparative information on Member States' justice systems based on a number of particular indicators, it is not intended to present an overall single ranking, or to promote any particular form 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 parameters of what constitutes an effective justice system.

#### 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, which sets out EU priorities for the coming year to boost growth and job creation.

#### How can justice support growth?

Effective justice systems are important structural components of an attractive business environment. Where judicial systems guarantee a good enforcement of rights and contracts, creditors are more likely to lend and firms are dissuaded from opportunistic behaviour. More effective courts promote the entry of entrepreneurs into the market and foster competition.

This is why, since 2011, national judicial reforms have been an integral part of Economic Adjustment Programmes and, since 2012, improving the quality, independence and efficiency of national judicial systems has been a key priority in the European Semester.

In 2014, the Commission addressed country-specific recommendations to twelve Member States (BG, ES, HR, IE, IT, LV, MT, PL, PT, RO, SK, SI) in the area of justice. The 2015 [Annual Growth Survey](#) renews the commitment to carrying out structural reforms in the area of justice.

#### What does the EU Justice Scoreboard measure?

The 2015 EU Justice Scoreboard presents indicators related to the **efficiency, quality and independence of justice systems**. Although a number of indicators remain the same as in the previous editions, so that their evolution can be followed, the 2015 scoreboard provides more fine-tuned data.

The length of proceedings (disposition time), clearance rate (the rate of resolving cases), and the number of pending cases remain the main indicators for **efficiency of the justice system**. More fine-tuned data are also provided based on new sources of information, for example, on the efficiency of courts in the areas of public procurement and intellectual property rights.

As in the previous editions, the 2015 Scoreboard examines indicators which help to improve the **quality of justice**, notably looking at the training of judges, monitoring and evaluation of court activities, budgets and human resources allocated to courts, the availability of Information and Communication Technology (ICT) systems and of alternative dispute resolution methods.

The 2015 Scoreboard refers to new parameters: for the first time, it presents data on the share of female professional judges, as more gender diversity can contribute to a better quality of justice systems. It also provides new data on the use and the promotion of alternative dispute resolution methods, including in consumer disputes, the quality of online small claim proceedings and courts' communications policies.

The Scoreboard presents findings based on indicators relating to the perceived **independence of the justice system**. Perception of independence is important, as it can influence business investment decisions but what is more important is that judicial independence is effectively protected. The 2015 Scoreboard provides updated information on the legal safeguards presented last year and expands the comparative overview on structural independence.

To assist Member States in their efforts to improve business climate and overcome the sovereign debt and financial crisis, the Scoreboard focuses on litigious civil and commercial cases as well as on administrative cases.

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

The EU Justice Scoreboard provides information on the functioning of justice systems and helps assess the impact of justice reforms. Poor performance revealed by the Scoreboard indicators always requires a deeper analysis of the reasons behind the result. This country-specific assessment is carried out in the context of the European Semester process through bilateral dialogue with concerned authorities and stakeholders.

It takes into account the particularities of the legal system and the context of the concerned Member States. It may eventually lead the Commission to propose Council country-specific recommendations on the improvement of justice systems

### **What is the link between the 2015 EU Justice Scoreboard and the country reports on the economic policy published on 26 February?**

The country reports published on 26 February provide information on the efforts made by Member States to address [Country-Specific Recommendations \(CSRs\)](#) adopted in 2014 by the Council. The CSRs apply to many different areas relevant for the economy, including justice. In 2014, twelve Member States (BG, ES, HR, IT, LV, MT, PL, PT, RO, SI, SK, IE) received CSRs related to their justice systems. Together with individual country assessments, the 2015 EU Justice Scoreboard feeds the country reports for these Member States.

The publication of the country reports paves the way for a new set of CSRs in May. In March, the Commission will organise another round of bilateral meetings with Member States to provide an opportunity to discuss the country reports. By mid-April, the Member States are expected to present their National Reform Programmes and their Stability or Convergence Programmes. Based on all these sources, the Commission will present a new, focused set of CSRs for 2015-2016 in May, targeting the most important priorities to be tackled.

### **What is the methodology of the EU Justice Scoreboard?**

The Scoreboard uses different sources of information. Most of the quantitative data are currently provided by the Council of Europe Commission for the Evaluation of the Efficiency of Justice (CEPEJ) with which the Commission has concluded a contract in order to carry out a specific annual study. These data are from 2013 and have been provided by Member States according to the CEPEJ methodology.

For the 2015 Scoreboard, the Commission has used additional sources of information, for example Eurostat, the World Bank, or the World Economic Forum. The Commission has also used information collected through the European judicial networks (in particular the European Network of Councils for the Judiciary, which provided replies to a questionnaire on judicial independence) and the group of contact persons on national justice systems.

Further data have been obtained through data collection exercises and field studies on the functioning of national courts when they apply EU law in the areas of competition, consumer protection, Community trademarks and public procurement.

### **Why is some data missing?**

Gathering data on the key elements of justice systems covering all Member States remains a challenge. There are different reasons for this: lack of availability of data due to insufficient statistical capacity, the fact that the national categories for data collection do not correspond to the ones used by CEPEJ, or, in a few cases, unwillingness to participate in the collection of data for the Scoreboard. In view of the importance of well-functioning national justice systems, the Commission calls on all Member States to provide all data relevant to the Scoreboard.

The Commission will intensify its work with the European networks and bodies in the area of justice to improve the gathering of data and will reinforce the cooperation with the group of contact persons on national justice systems. In addition, the lack of capacity of certain Member States to collect relevant justice statistics may be addressed in the framework of the European Semester.

### **Why are national justice systems important for the EU?**

In addition to its key role for creating an investment friendly environment, the effectiveness of national justice systems is crucial for the effectiveness of all EU law, be it for EU economic laws, or for EU consumer protection or environment legislation as well as for the strengthening of mutual trust.

Whenever a national court upholds EU law, it acts as a 'European Union court'. For example, national courts play an essential role in enforcing EU competition law and other legislation crucial for the Single Market, in particular in e-commerce, intellectual property, public procurement, and environment and consumer protection. National courts should provide effective judicial protection to everyone, citizens and businesses, whose rights guaranteed under EU law have been violated.

Shortcomings in a national justice system are thus not only a problem for a particular Member State, but can be an obstacle for the functioning of the Single Market, the well-functioning of the EU area of Justice, which is based on mutual trust, and the effective implementation of the EU acquis.

### **How is the EU Scoreboard used, concretely?**

The findings of the Scoreboard feed the country specific assessment on economic policy and structural reforms in Member States carried out in the context of the 2015 European Semester (on the state of play of the 2015 European Semester see [IP/15/4504](#) and [MEMO/15/4511](#)).

The findings of the Scoreboard are also being taken into account for setting out the funding priorities under the European Structural and Investment Funds (ESIF) as regards justice reforms. For monitoring the effectiveness of ESIF support, indicators in line with the Scoreboard indicators have been set up.

The Commission will encourage judicial networks to deepen their assessment of the effectiveness of legal safeguards aiming at protecting judicial independence.

To improve the availability and quality of data on justice systems, the Commission will continue to work with the European networks in the area of justice and the group of contact persons on national justice systems.

### **What are the main findings of this third edition?**

The key findings of the 2015 Scoreboard highlight the three priority areas that need to be addressed:

- **Improvement in the efficiency of justice systems in Member States can be observed.** For example, this is the case for Slovenia regarding the reduction of backlogs in non-criminal cases and for Greece regarding the length of proceeding for administrative cases. In Romania there are also some positive signs as regards the rate of resolving civil, commercial and administrative cases. However, the situation varies significantly depending on the respective Member State and indicator. Reaping the rewards of justice reforms takes time.
- **Efforts to enhance ICT tools for the judicial system have continued.** However, the indicators reveal gaps in a number of Member States, both for ICT tools available for the administration and management of courts and for electronic communications between courts and parties.
- In the majority of the Member states **more than 20% of judges participated in continuous training on EU law or on the law of other Member States.** This exceeds the 5% annual target of legal practitioners who need to be trained in order to reach, by 2020, the objective of 50%.
- The majority of Member States enable **free online access to civil and commercial judgments for the general public**
- **The higher the court instance, the lower the share of female judges.** Even if the share of female professional judges for both first and second instance as well as Supreme Courts shows a positive trend, most Member States still have some way to go to reach the gender balance zone of 40-60%.

### **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 reliable and comparable data on the efficiency, quality and independence of national justice systems which can be used to support recommendations made to the Member States in the context of the European Semester. It is not a mechanism for guaranteeing the rule of law across the EU.

The EU Rule of Law Framework ([IP/14/237](#)) allows the Commission to enter into a political dialogue with the Member State concerned to prevent that an emerging systemic threat to the rule of law escalates. The framework can be used in situations where there is a systemic breakdown, which adversely affects the integrity, stability and proper functioning of the institutions and mechanisms established at national level to secure the rule of law.

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

No, this is not the purpose of the Justice Scoreboard exercise.

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 also against organised crime. To smooth the entry of both countries 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. It aims to present trends in the functioning of national justice systems over times. It is not a binding mechanism, but is rather intended to help identify issues that deserve particular attention.

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