



European
Commission

THE 2020 EU JUSTICE SCOREBOARD

Fact sheet | July 2020

Effective justice systems are essential for the implementation of EU law and for upholding the rule of law and the values upon which the EU is founded. National courts act as EU courts when applying EU law. It is national courts in the first place that ensure that the rights and obligations provided under EU law are enforced effectively (Article 19 TEU). Effective justice systems are also essential for mutual trust, the investment climate and the sustainability of long-term growth.

The EU Justice Scoreboard is part of the rule of law toolbox that the EU has been building to help uphold the rule of law. It presents an annual overview of indicators focussing on the efficiency, quality and independence of justice, the essential parameters of effective justice systems. The EU Justice Scoreboard will feed into the first annual EU Rule of Law Report, one of the major initiatives of the Commission's Work Programme for 2020. The Justice Scoreboard and the Rule of Law Report complement each other. Whilst the former presents a comparative overview of the EU justice systems, the Rule of Law Report will provide a country specific synthesis of significant developments in Member States. Moreover, the EU Justice Scoreboard has become a key reference for the European Semester country-specific assessments.

The 2020 edition of the Scoreboard further develops indicators on all three elements of effective justice systems – efficiency, quality and independence. For the first time, it also presents a consolidated chart on child-friendly justice and new charts on court fees and legal fees in commercial cases, availability of judgments in a machine-readable format, and updated or new indicators on authorities involved in disciplinary proceedings regarding judges and prosecutors.

This document contains a selection of graphs with quantitative data from the *2020 EU Justice Scoreboard*.



See the complete
2020 EU Justice Scoreboard at:

https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en

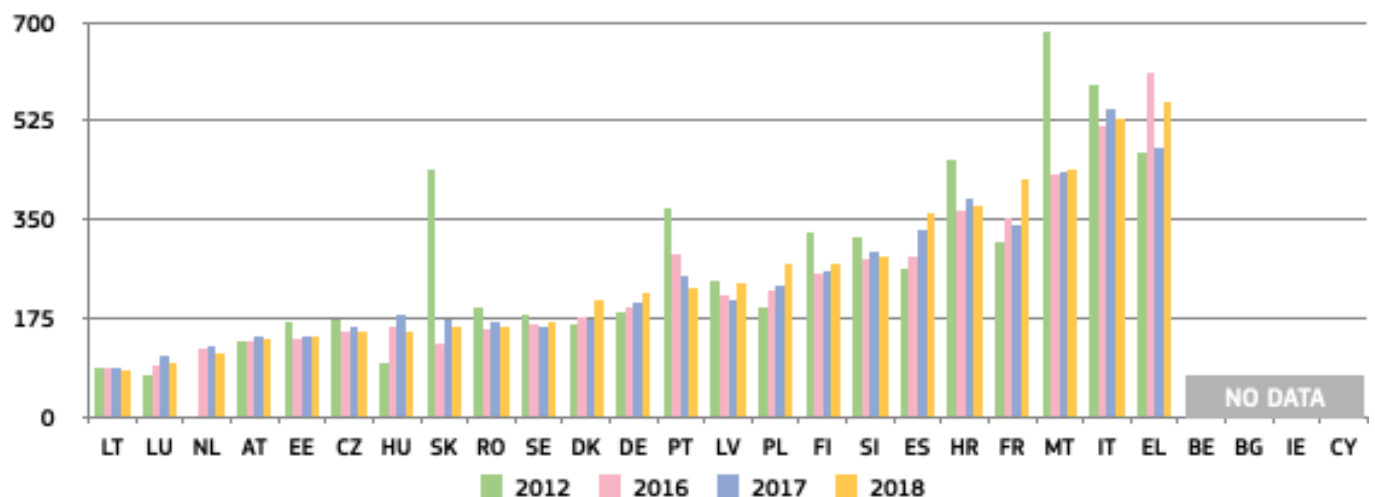
1. Efficiency of justice

An efficient justice system manages its caseload and backlog of cases, and delivers judgments without undue delay. The 2020 EU Justice Scoreboard contains data on efficiency covering seven years (2012–2018). Looking at the available data since 2012 in civil, commercial and administrative cases, efficiency has improved or remained stable in 11 Member States, while it decreased, albeit often only marginally, in 8 Member States. 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 ⁽¹⁾.

Length of proceedings

Figure 1 Estimated time needed to resolve litigious civil and commercial cases, 2012 – 2018 (*) (1st instance/in days)

(source: CEPEJ study)



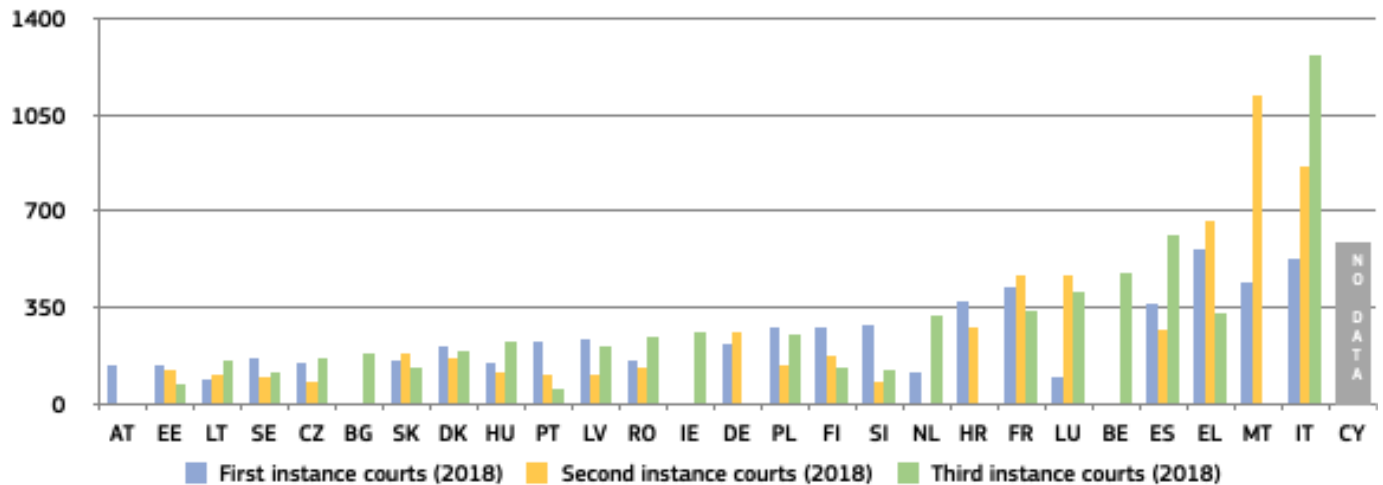
(*) Under the CEPEJ methodology, litigious civil/commercial cases concern disputes between parties, e.g. disputes regarding contracts. Non-litigious civil/commercial cases concern uncontested proceedings, e.g. uncontested payment orders. Methodology changes in **EL** and **SK**. Pending cases include all instances in **CZ** and, until 2016, in **SK**. Data for **NL** include non-litigious cases.

1. HR, IT, CY, HU, MT, PT and SK, which received 2019 European Semester country-specific recommendations, and BE, BG, IE, EL, ES, LV, PL, RO, and SI for which the challenges have been reflected in the recitals of their 2019 country-specific recommendations and country reports.

Efficiency of justice systems

Figure 2 Estimated time needed to resolve litigious civil and commercial cases (*) at all court instances in 2018 (1st, 2nd and 3rd instance/in days)

(source: CEPEJ study)

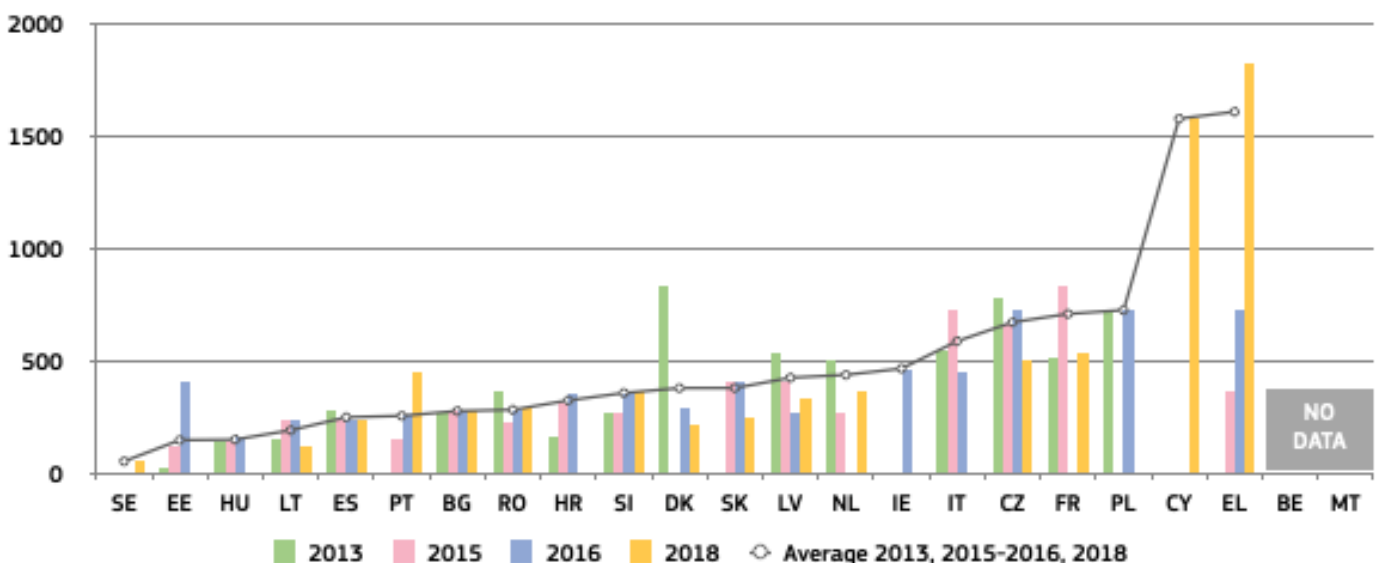


(*) The order is determined by the court instance with the longest proceedings in each Member State. No data available for first and second instance courts in **BE**, **BG** and **IE**, for second instance courts in **NL**, for second and third instance courts in **NL** and **AT**, for second instance courts in **DE** and **HR**. No third instance court in **MT**. Access to third instance court may be limited in some Member States.

Consumer Protection

Figure 3 Consumer protection: Average length of judicial review, 2013-2018 (*) (1st instance/in days)

(source: European Commission with the Consumer Protection Cooperation Network)



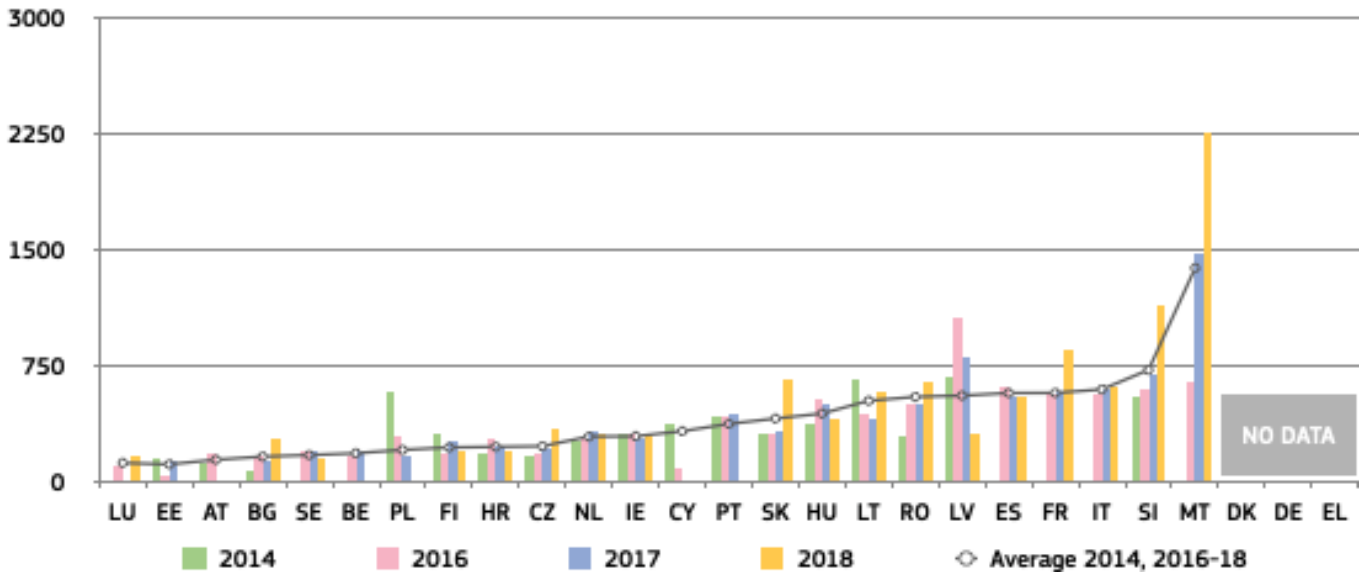
(*) **AT**, **EE**, **FI**, **DE**, **LU**: scenario is not applicable as consumer authorities are not empowered to decide on infringements of relevant consumer rules. The number of relevant cases is low (less than five) in **CY**, **IE**, **NL** and **SE**. An estimate of average length was provided by **EL** and **RO**.

Efficiency of justice systems

Money Laundering

Figure 4 Money laundering: Average length of court cases, 2014-2018 (*) (1st instance/in days)

(source: European Commission with the Expert Group on Money Laundering and Financing of Terrorism)



(*) No data for 2018: BE, EE, CY, AT, PL, and PT. ES, NL: estimated length. LV: Due to a relatively low number of cases in 2016 various factors possibly impact the length of proceeding, e.g. a stay in a single case for objective reasons. PL: Calculation of length for 2016 based on a randomly selected sample of cases. SE: calculation in 2017 based on a sample of resolved cases; the data for 2018 are preliminary. IT: data refer to the responding courts, covering about 91% of the total proceedings in 2015, and about 99% in 2016 and 2017; data refer to both trial and preliminary court hearings.

Quality

2. Quality

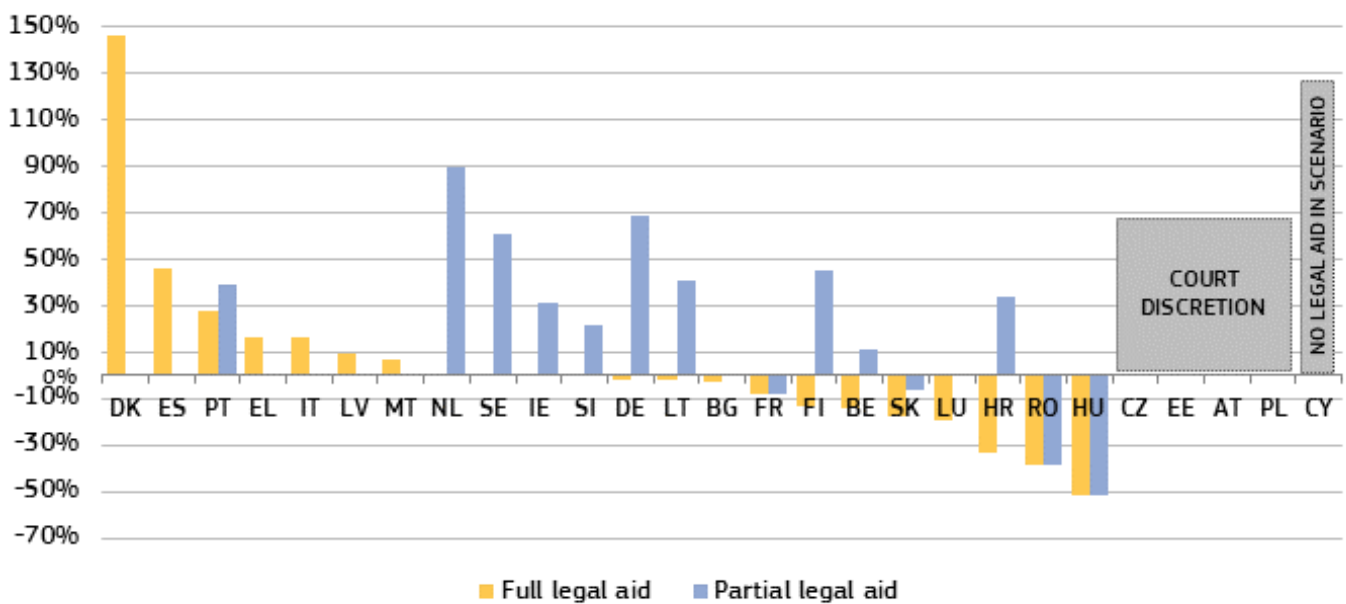
High quality decisions are what citizens and business expect from an effective justice system. Easy access, adequate resources, effective assessment tools and appropriate standards are the factors that contribute to a high quality of justice systems. The 2020 Scoreboard shows that, while the situation varies across the EU, Member States are active in addressing and improving various aspects of the quality of their justice system.

Legal Aid

The availability of legal aid and the level of court fees have a major impact on access to justice, in particular for people in poverty. Figure 5 shows that in some Member States, consumers whose income is below the Eurostat poverty threshold would not receive legal aid. Compared to last year, accessibility of legal aid has remained stable. At the same time, over the years, legal aid has become less accessible in some Member States.

Figure 5 Income threshold for legal aid in a specific consumer case, 2019 (*) (differences in % from Eurostat poverty threshold)

(source: European Commission with the Council of Bars and Law Societies of Europe (CCBE))



(*) **EE**: decision to grant legal aid is not based on the level of financial resources of the applicant. **IE**: partial legal aid has to take into account also the disposable assets of the applicant. **LV**: thresholds vary by municipality, upper limit is represented in the chart.

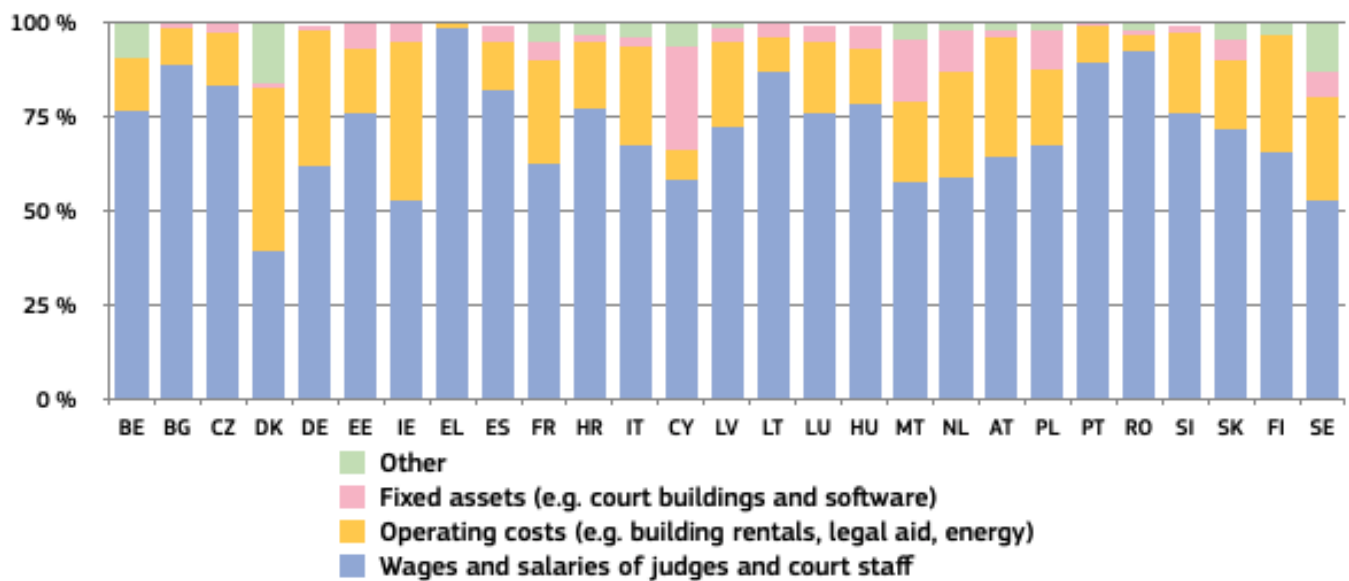
Quality

Financial resources

Adequate resources and well-qualified staff are necessary for the good functioning of the justice system. Figure 6 shows the main economic categories comprising government expenditure on law courts (wages and salaries of judges and court staff, including social contributions; operating costs for goods and services consumed by the law courts such as building rentals, office consumables, energy and legal aid; investment in fixed assets, such as court buildings and software, and other expenditure).

Figure 6 General government total expenditure on law courts (*) (in 2018, as a percentage of GDP)

(source: Eurostat)

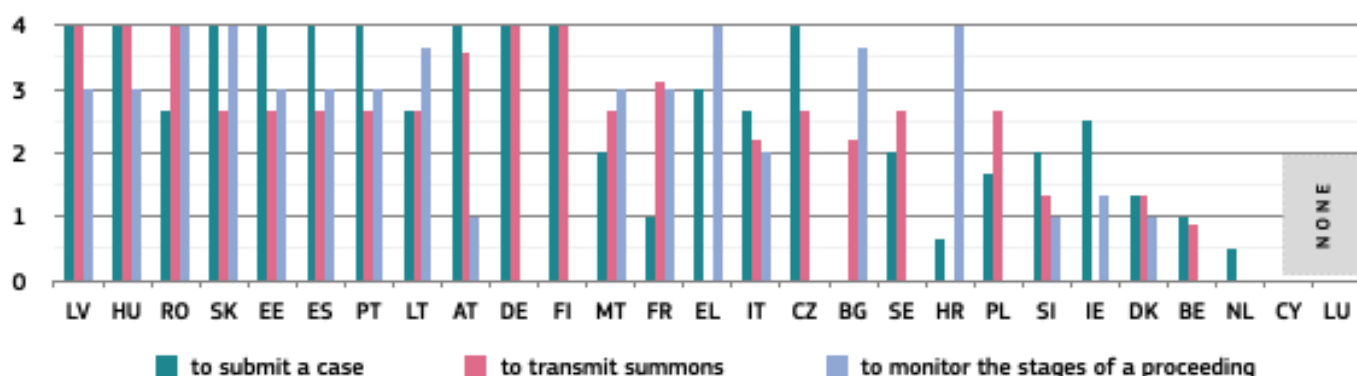


Electronic tools

The availability of electronic tools throughout the judicial procedure improves the access to justice and reduces delays and costs. Figure 7 shows that in more than half of the Member States, electronic submission of claims and transmission of summons is still not in place or is possible only to a limited extent, as was already seen in the 2019 EU Justice Scoreboard. Large gaps remain in particular as regards the possibility to follow court proceedings online, where no Member State has reached full deployment in all courts in all areas of law.

Figure 7 Availability of electronic means, 2018 (*) (0 = available in 0 % of courts, 4 = available in 100 % of courts)

(source: CEPEJ study)



(*) New methodology, data is not comparable to past years. DK and RO: cases may be submitted to courts by email.

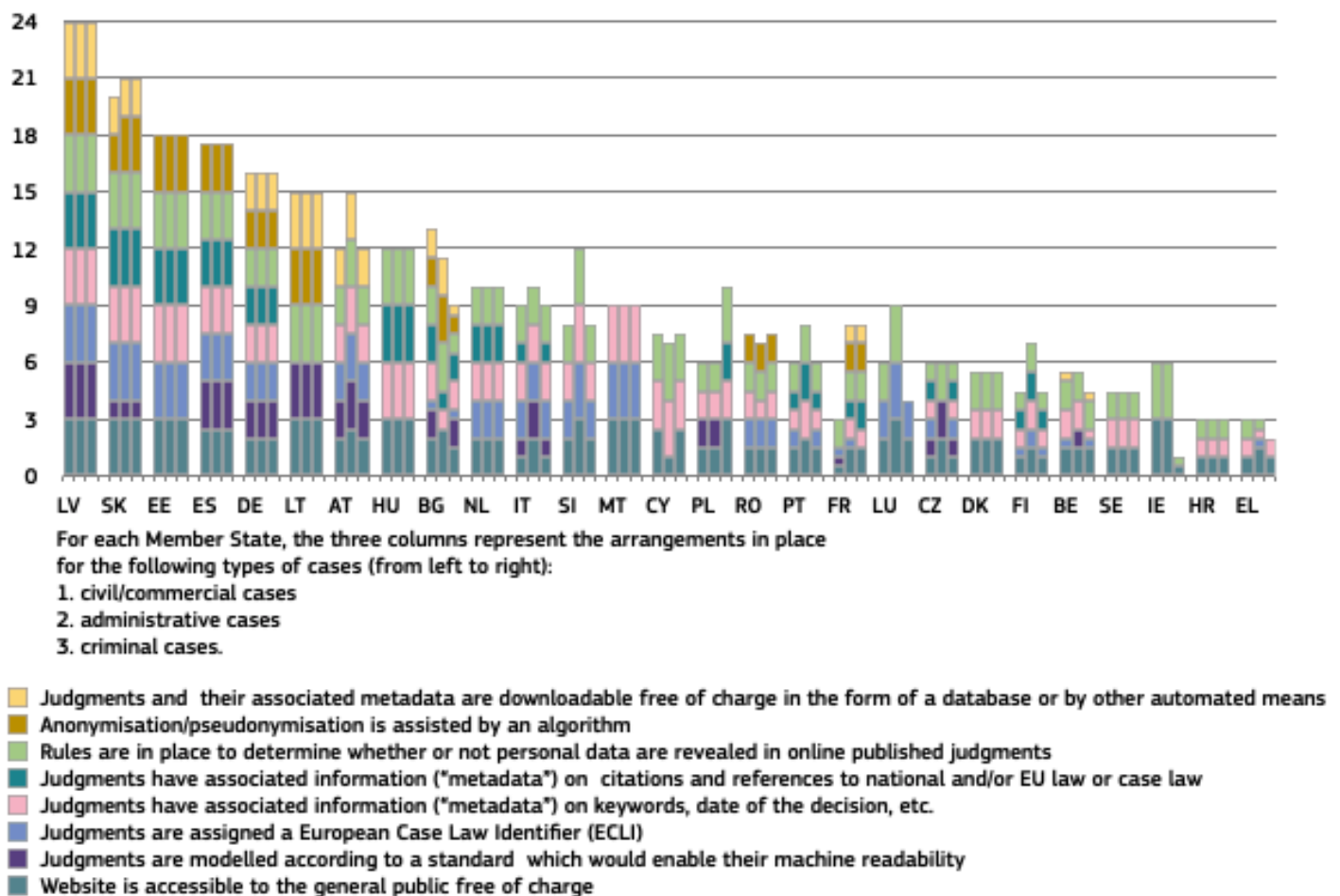
Quality

Accessing Judgments

Ensuring online access to judgments increases the transparency of justice systems, helps citizens and businesses understand their rights, and can contribute to consistency in case-law. The arrangements for online publication of judicial decisions are essential for creating user-friendly search facilities that make case-law more accessible to legal professionals and the general public. Seamless access to and easy reuse of case law enables innovative 'legal tech' applications supporting practitioners. The 2020 EU Justice Scoreboard deepens the examination of arrangements in place in the Member States that can facilitate producing machine-readable judicial decisions. Figure 8 shows that while all Member States have at least some arrangements in place for civil/commercial, administrative and criminal cases, a considerable variance among the Member States can be observed. It appears that administrative courts are relatively more advanced as regards creating the enabling factors for an algorithm-friendly justice system. Justice systems where arrangements for modelling judgments according to a standards enabling their machine readability have been put in place seem to have potential to achieve better results in the future.

Figure 8 Arrangements for producing machine-readable judicial decisions, 2019 (*) (civil/commercial, administrative and criminal cases, all instances) (source: European Commission in cooperation with the group of contact persons on national justice systems)

(source: European Commission in cooperation with the group of contact persons on national justice systems)



(*) Maximum possible: 24 points per type of cases. For each of the three instances (first, second, final) one point can be given if all judicial decisions are covered. If only some judicial decisions are covered at a given instance, only half point is awarded. Where a Member State has only two instances, points have been accorded for three instances by mirroring the respective higher instance as the non-existing instance. For those Member States which do not distinguish between administrative and civil/commercial cases, the same points have been allocated for both areas of law. **ES:** The use of the database of the General Council for the Judiciary (CGPJ) for commercial purposes, or the massive download of information is not allowed. The reuse of this information for the elaboration of databases or for commercial purposes must follow the procedure and conditions established by the CGPJ through its Judicial Documentation Center. **FR:** Only the judgments published by the Cour de Cassation are accessible to the public, free of charge. Those published by the courts of appeal on Jurica are accessible through the private virtual justice network, and to legal publishers. Judgments transmitted by the first-instance and high courts to the Cour de Cassation, are not subject to anonymisation or pseudonymisation. Open access to court judgments – excluding repetitive and systematic requests – has been established. The re-use of personal data of judges and judicial staff for the purposes of evaluating, analysing, comparing or predicting their actual or supposed professional practices is punishable. **IE:** The Irish legal system does not have a specialised court jurisdiction to deal with administrative law cases. **LU:** In administrative cases, there are only two court levels

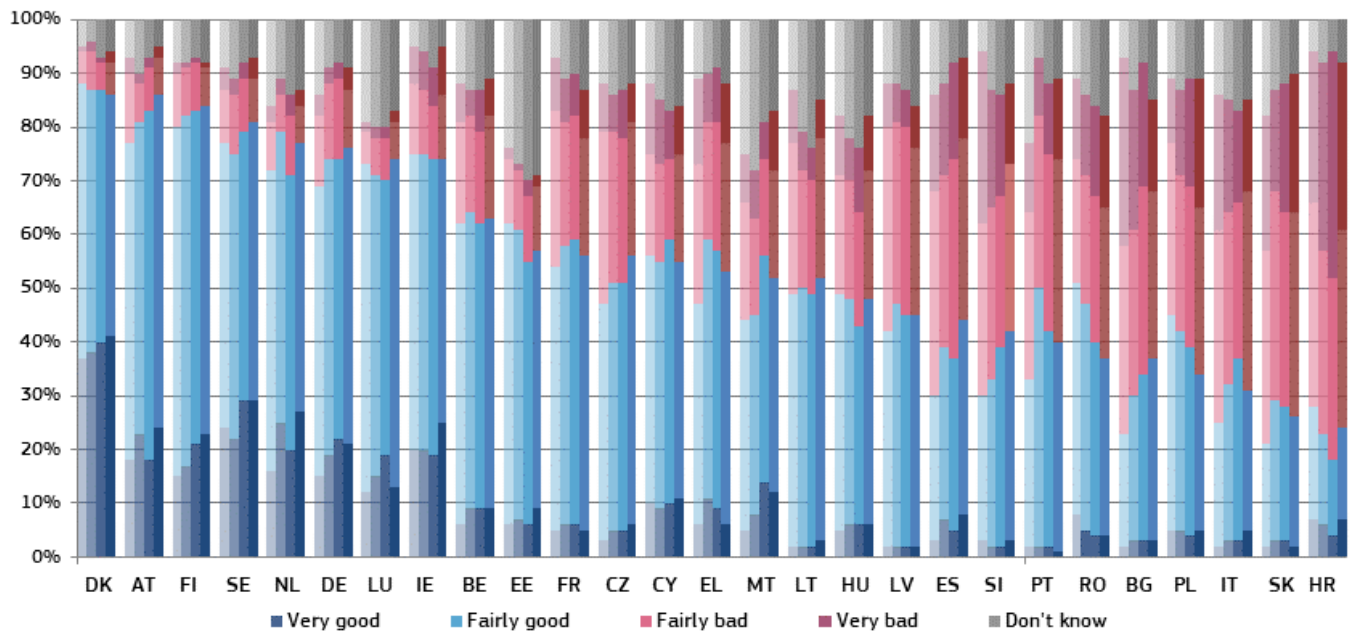
Independence

3. Independence

Judicial independence, which is integral to the task of judicial decision-making, is a requirement stemming from the principle of effective judicial protection referred to in Article 19 TEU, and from the right to an effective remedy before a court or tribunal enshrined in the Charter of Fundamental Rights of the EU (Article 47). The 2020 EU Justice Scoreboard shows updated indicators in relation to the perceived independence of courts and judges, the legal safeguards on the disciplinary proceedings regarding judges, instructions to prosecutors in individual cases and the appointment of members of the Councils for the Judiciary, and two new overviews on the disciplinary proceedings regarding prosecutors.

Figure 9 Perceived independence of courts and judges among the general public (*)

(source: Eurobarometer⁽²⁾) — light colours: 2016, 2018 and 2019, dark colours: 2020



(*)Member States are ordered first by the percentage of respondents who stated that the independence of courts and judges is very good or fairly good (total good); if some Member States have the same percentage of total good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is fairly bad or very bad (total bad); if some Member States have the same percentage of total good and total bad, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very good; if some Member States have the same percentage of total good, total bad and of very good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very bad.

2. Eurobarometer survey FL483, conducted between 7 and 11 January 2020. Replies to the question: 'From what you know, how would you rate the justice system in (our country) in terms of the independence of courts and judges? Would you say it is very good, fairly good, fairly bad or very bad?'; see: https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en.

Independence

Figure 10 Main reasons among the general public for the perceived lack of independence (share of all respondents — higher value means more influence)

(source: Eurobarometer ⁽³⁾)

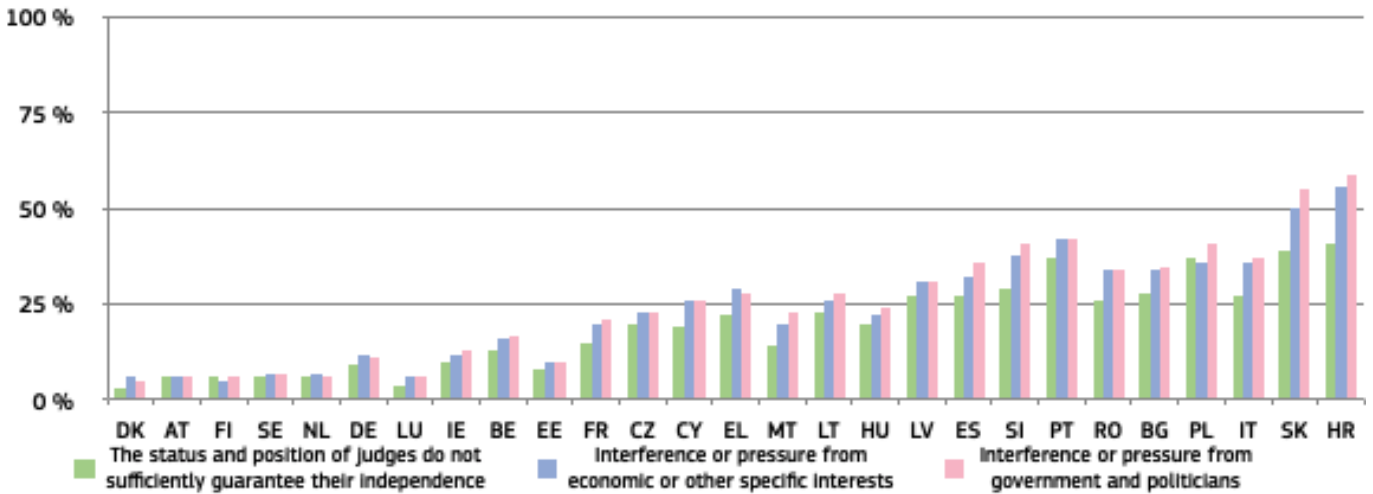
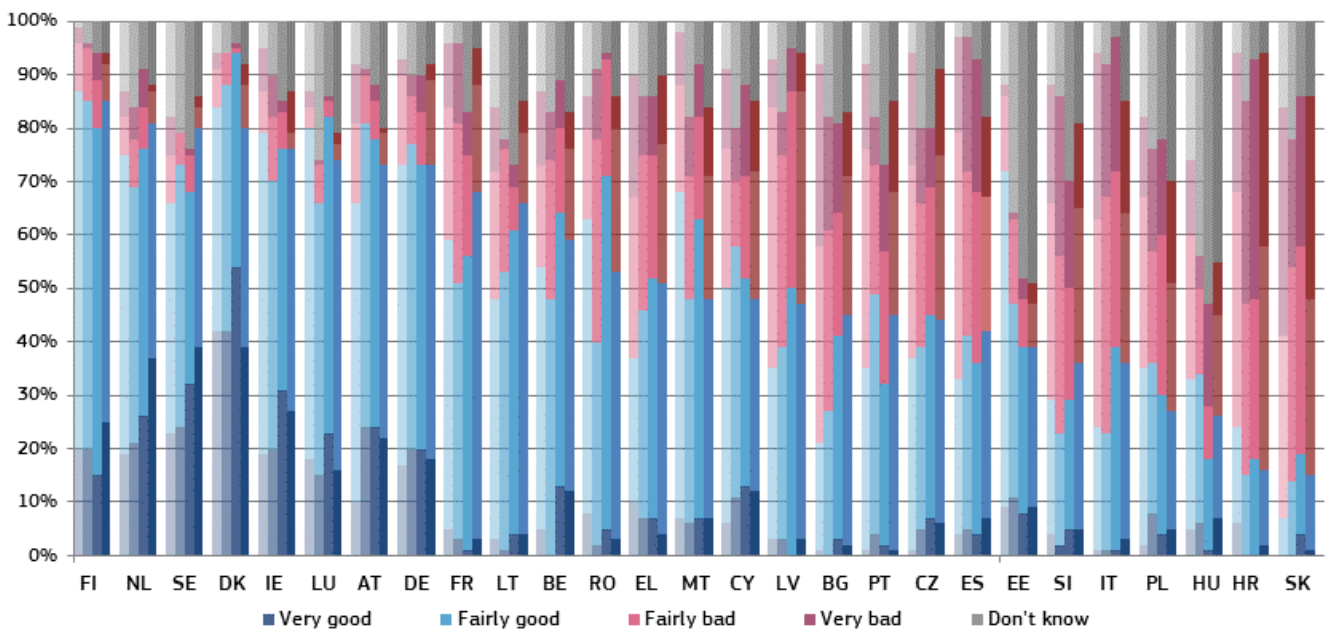


Figure 11 Perceived independence of courts and judges among companies (*)

(source: Eurobarometer ⁽⁴⁾ — light colours: 2017, 2018 and 2019, dark colours: 2020)



(*) Member States are ordered first by the percentage of respondents who stated that the independence of courts and judges is very good or fairly good (total good); if some Member States have the same percentage of total good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is fairly bad or very bad (total bad); if some Member States have the same percentage of total good and total bad, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very good; if some Member States have the same percentage of total good, total bad and of very good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very bad.

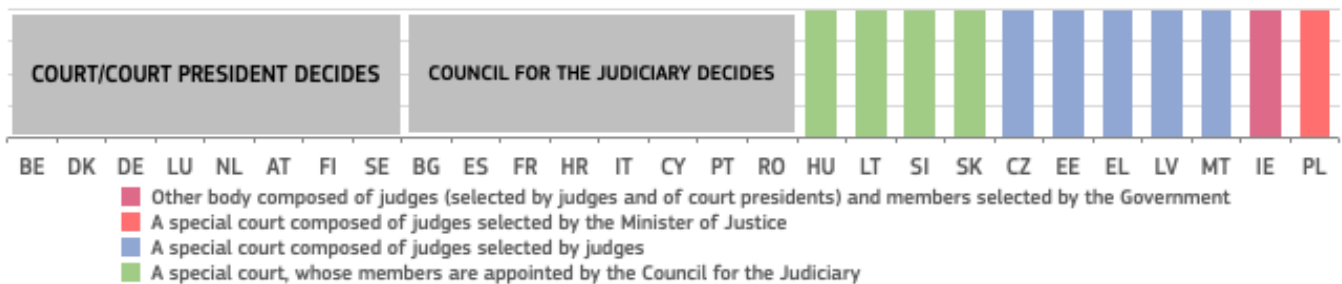
3. Eurobarometer survey FL483, replies to the question: 'Could you tell me to what extent each of the following reasons explains your rating of the independence of the justice system in (our country): very much, somewhat, not really, not at all?'.
 4. Eurobarometer survey FL484, conducted between 7 January and 20 January 2019. Replies to the question: 'From what you know, how would you rate the justice system in (our country) in terms of the independence of courts and judges? Would you say it is very good, fairly good, fairly bad or very bad?'; see: https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en.

Independence

Disciplinary proceedings regarding judges are among the most sensitive situations in relation to judicial independence. According to the Court of Justice of the European Union, “the rules governing the disciplinary regime [...] of those who have the task of adjudicating in a dispute must provide the necessary guarantees in order to prevent any risk of that disciplinary regime being used as a system of political control of the content of judicial decisions”⁽⁵⁾. The set of guarantees identified by the Court of Justice as essential for safeguarding the independence of the judiciary include rules which define both conduct amounting to disciplinary offences and the penalties actually applicable; rules which provide for the involvement of an independent body in accordance with a procedure which fully safeguards the rights enshrined in Articles 47 and 48 of the Charter, in particular the rights of the defence; and rules which lay down the possibility of bringing legal proceedings challenging the disciplinary bodies’ decisions⁽⁶⁾.

Figure 12 presents an updated overview of the authorities that decide on disciplinary sanctions regarding ordinary judges, which can be either (a) regular independent authorities such as courts (Supreme Court, Administrative Court or Court President) or Councils for the judiciary, or (b) other authorities whose members are specifically appointed by the Council for the Judiciary, by judges or by the executive to decide in disciplinary proceedings regarding judges.

Figure 12 Authority deciding on disciplinary sanctions regarding judges (*)⁽⁷⁾



(*) **BG**: Lighter disciplinary sanctions may be imposed by the Court President. Any decision on disciplinary measures are open to judicial review before the Supreme Administrative Court. **CZ**: Disciplinary cases are examined by disciplinary chambers of the Supreme Administrative Court. The members are proposed by the President of the Court from among a list of judges and are chosen by sortition. **DK**: The special Court of Indictment and Revision comprising five members, formally appointed by the Minister of Justice but nominated respectively by the Supreme Court, the High Courts, the Judges Association and the Bar Association in addition to a distinguished academic, decides on disciplinary sanctions. The president of a first instance court can issue a warning. **DE**: Disciplinary measures can be applied in formal disciplinary proceedings (see Section 63 German Judiciary Act for federal judges and the equivalent provision at the level of the Länder) by service courts ('Dienstgericht des Bundes' concerning federal judges and 'Dienstgerichte der Länder' concerning federal state judges), which are special panels in regular courts. The members of these panels are appointed by the judges ('Präsidium') of the particular court (the Federal Court of Justice or higher regional court or regional court). Less severe disciplinary measures, such as reprimands, can be issued in a disciplinary order (see Section 64 German Judiciary Act for federal judges and the equivalent provisions at the level of the Länder) by either a court president or the ministry of justice (both at the level of federal states and at federal level). **EE**: Disciplinary cases are examined by the Disciplinary Chamber of Judges appointed by the Supreme Court, and by the General Assembly of all Estonian judges. **IE**: The Judicial Conduct Committee decides, which is established by the Judicial Council and is composed of three judges elected by their peers, five court presidents (members ex officio) and by five lay-members appointed by the government. Under the Constitution, a judge may be removed from office for stated misbehaviour or incapacity upon resolutions passed by both Houses of Parliament (the Oireachtas) calling for his/her removal. **EL**: The disciplinary authority over judges is exercised, in the first and second instance, by councils composed of regular judges of higher rank chosen by lot. Disciplinary authority over high ranking judges is exercised by the Supreme Disciplinary Council. **IT**: Decisions of the Council for the Judiciary on disciplinary measures are open to judicial review before the Supreme Court. **LV**: Disciplinary cases are examined by the Judicial Disciplinary Committee, whose members are appointed by the general meeting of judges. **ES**: Disciplinary decisions regarding minor disciplinary offences are made by the governance chamber of the respective Court of the district where the disciplined judge sits (High Court of Justice, National Court and Supreme Court, and even by the Presidents of Supreme Court, National Audience and Superior Court of Justice where the disciplined judge sits according 421.1.a) Organic Law of Judiciary). **LT**: At first instance, the Judicial Court of Honour, whose members and chairperson (judge, elected by the Council for the Judiciary) are laid out in the Ruling of the Council for the Judiciary, decides. It is composed of six judges selected and appointed by the Council for the Judiciary, two members appointed by the President of the Republic and two members appointed by the Speaker of the Seimas. At second instance, the Supreme Court decides. **HU**: Disciplinary cases are examined by the Service Court appointed by the National Judicial Council. The president of the court may impose the mildest sanction ('warning') that can be challenged before the Service Court. **MT**: The Committee for Judges and Magistrates, which is a subcommittee of the Commission for the Administration of Justice, decides. The Committee consists of three judges or magistrates elected by their peers. **PL**: The Minister of Justice selects disciplinary judges after a non-binding consultation with the National Council for the Judiciary. The Disciplinary Chamber of the Supreme Court, tasked with deciding i.a. on disciplinary cases of judges in second instance, was found to be not an independent court within the meaning of EU law in three rulings of the Supreme Court, implementing the judgment of the Court of Justice of 19 November 2019. **SI**: The disciplinary court is appointed by the Council for the Judiciary, from among members of the Council itself and from among judges proposed by the Supreme Court. **SK**: Presidents of first instance courts have the power to impose the disciplinary sanction of a 'written warning'. Disciplinary panels are appointed by the Council for the Judiciary. For the President and Vice President of the Supreme Court, the Constitutional Court is competent for disciplinary proceedings. **SE**: A permanent judge may be removed from office only if they have committed a serious crime or repeatedly neglected their duties, and thereby show that they are manifestly unfit to hold the office. Should the decision to remove the judge from office have been made by another authority than a court (in practice by the National Disciplinary Offence Board), the judge concerned may call upon a court to review that decision. The decision can be challenged by the judge on their own in the district court or with a support of the trade union in the labour court as a first instance court.

⁵ See Court of Justice of the European Union, judgments of 5 November 2019, Commission v. Poland, C-192/18, ECLI:EU:C:2019:924, para 114; of 24 June 2019, Commission v. Poland, C-619/18, ECLI:EU:C:2019:531, para 77, and of 25 July 2018, LM, C-216/18 PPU, ECLI:EU:C:2018:586, para 67.

⁶ See Court of Justice of the European Union, judgment of 24 June 2019, Commission v. Poland, C-619/18, ECLI:EU:C:2019:531, para 77, and judgment of 25 July 2018, LM, C-216/18 PPU, ECLI:EU:C:2018:586, para 67.

⁷ Data collected through an updated questionnaire drawn up by the Commission in close association with the EN CJ. Responses to the updated questionnaire from Member States that have no Councils for the Judiciary, are not EN CJ members, or their EN CJ membership has been suspended, were obtained through cooperation with the NPSC.

