



# THE 2018 EU JUSTICE SCOREBOARD

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Effective justice systems are crucial for upholding the rule of law and the values upon which the European Union is founded. They ensure that citizens can fully enjoy their rights and businesses benefit from legal certainty and an investment-friendly environment in the single market. Since 2013, the EU is encouraging Member States to improve the independence, quality and efficiency of their justice systems through the justice scoreboard.

The EU Justice Scoreboard is a regular annual information tool which provides data on the quality, independence and efficiency of justice systems in all EU Member States. It is also part of a dialogue with Member States in the context of the European Semester.

The *2018 EU Justice Scoreboard* adds a number of new indicators. In particular, this edition looks in more detail into the area of criminal law (anti-money laundering) and presents a first overview of the organisation of prosecution services in Member States. It also includes an overview on how the EU structural funds are used for justice reforms, adds new data on the length of proceedings at all court instances (first, second and third court instance) and looks into the access to Justice of specific groups (e.g. children, visually impaired and non-native speakers).



**See the complete  
2018 EU Justice  
Scoreboard at:**

[https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard\\_en](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en)

## 1. Efficiency of justice systems

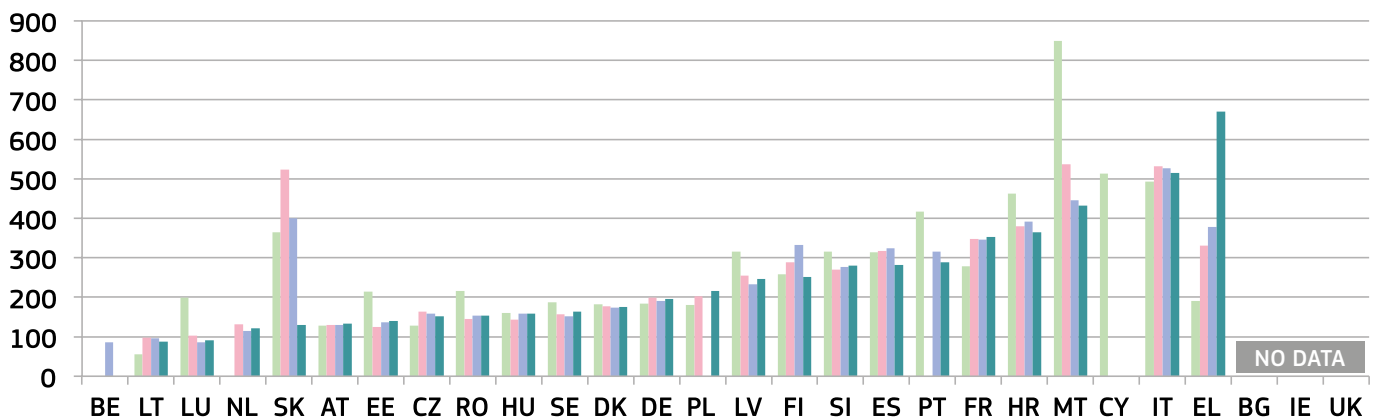
An efficient justice system manages its caseload and backlog of cases, and delivers rulings without undue delay. The *2018 EU Justice Scoreboard* contains data on efficiency covering seven years (2010-2016). Looking at the general data in civil, commercial and administrative cases, it shows that over that period an overall positive trend on efficiency prevails. According to the data available since 2010, efficiency has improved or remained stable in almost all Member States with very few exceptions. In particular, it is encouraging to observe the positive developments in the Member States which have been identified in the context of the European Semester or economic adjustment programme as facing challenges.

### Length of proceedings

**Figure 1** Time needed to resolve litigious civil and commercial cases (\*) (1<sup>st</sup> instance/in days)

2010 2014 2015 2016

Source: CEPEJ study

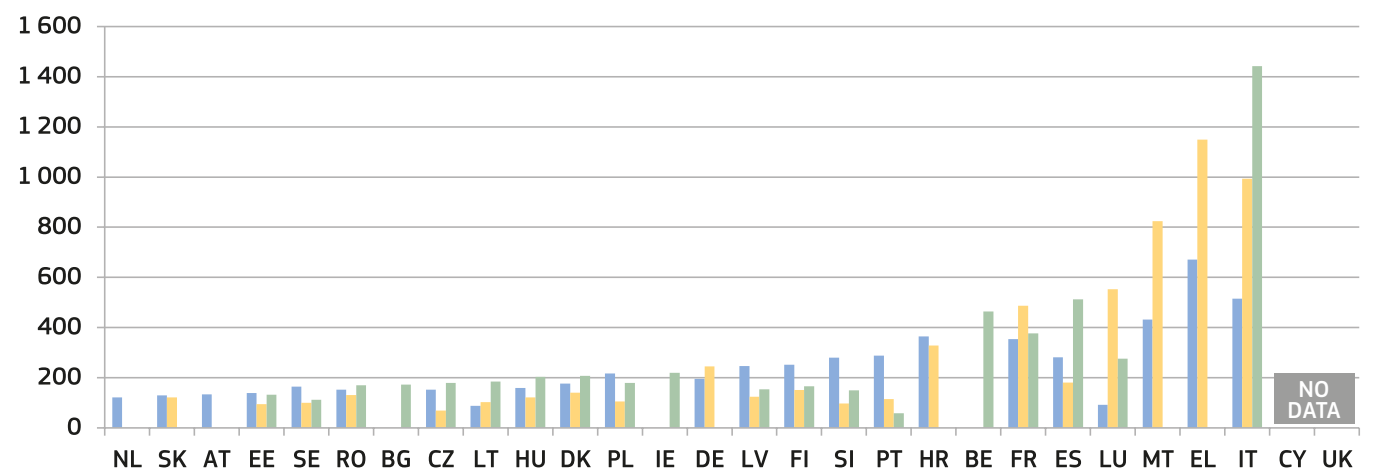


(\*) Under the CEPEJ methodology, litigious civil/commercial cases concern disputes between parties, e.g. disputes regarding contracts. Non-litigious civil/commercial cases concern uncontested proceedings, e.g. uncontested payment orders. Methodology changes in EL and SK. Pending cases include all instances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

**Figure 2** Time needed to resolve litigious civil and commercial cases (\*) at all court instances in 2016 (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> instance/in days)

First instance courts (2016) Second instance courts (2016) Third instance courts (2016)

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 and third instance courts in NL and AT, for third instance courts in DE, EL, HR and SK. No third instance court in MT. Access to third instance court may be limited in some Member States.

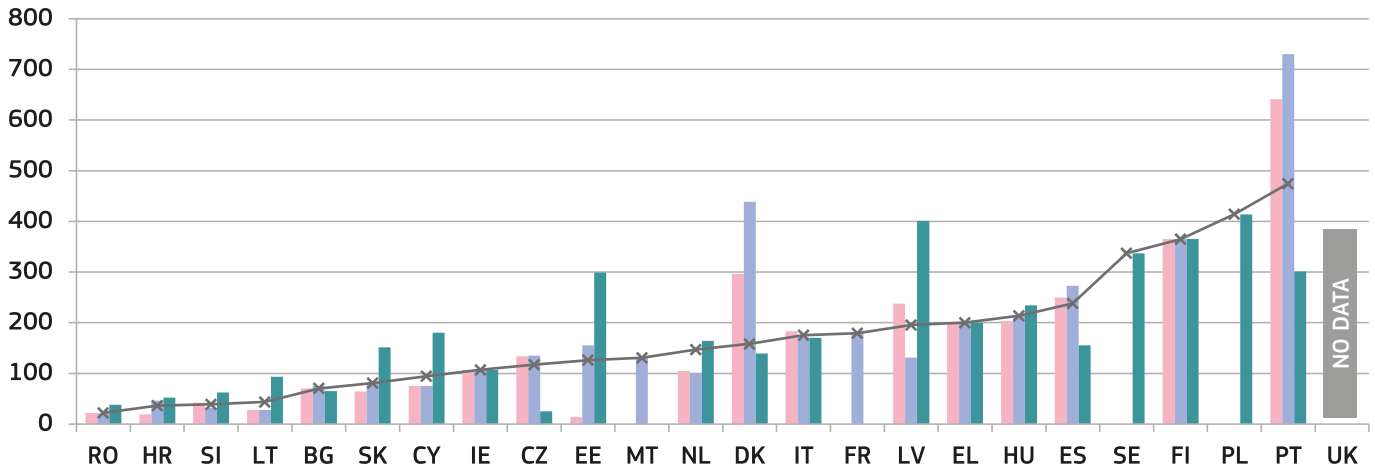
1. Efficiency of justice systems

Consumer protection

**Figure 3 Consumer protection: Average length of administrative decisions by consumer protection authorities (\*) (1<sup>st</sup> instance/in days)**

2014 2015 2016 \* Average 2014 - 2016

Source: European Commission with the Consumer Protection Cooperation Network



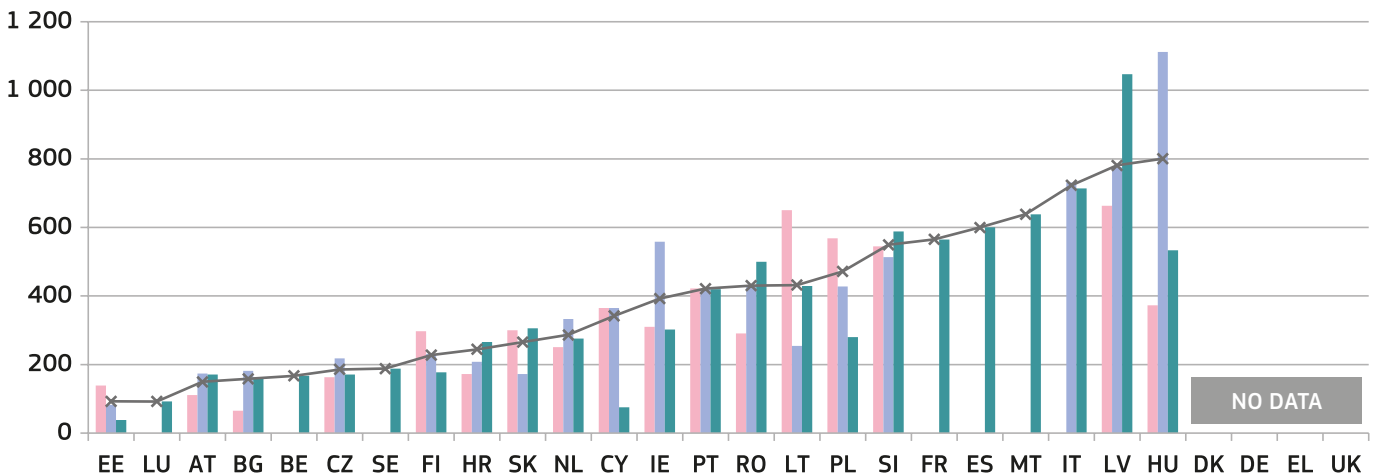
(\*) BE, DE, LU, AT: scenario is not applicable. SE: change in regulation allowed an authority to adopt a relevant decision issuing a conditional fine. CZ: all decisions, including non-final decisions of the authority, were included in the calculation of the average length. PL: data includes only proceedings where a decision was issued and does not include proceedings that were formally discontinued. DK: a variation in average length compared to previous years can be explained by a change in methodology. NL: data covers decisions in which an administrative fine was imposed because of infringement of substantive rules. ES: data covers a limited number of Autonomous Communities. Some Member States indicated that they also use informal instruments to enforce consumer law, which are generally successful (NL, LU) or compliance is reached without a decision of an authority (MT). An estimate or a range of an average length was provided by EL, IE, RO and FI. In case of a minimum and maximum range, the figure shows an average. Some authorities are competent for only parts of relevant EU law.

Money Laundering

**Figure 4 Money laundering: Average length of court cases (\*) (1<sup>st</sup> instance/in days)**

2014 2015 2016 \* Average 2014 - 2016

Source: European Commission with the Expert Group on Money Laundering and Financing of Terrorism



(\*) ES: estimated length. LV: Due to a relatively low number of cases in 2016, there are various factors possibly impacting 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.

## 2. Quality of justice systems

High quality decisions are what citizens and business are expecting 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 2018 Scoreboard shows that the situation varies across the EU.

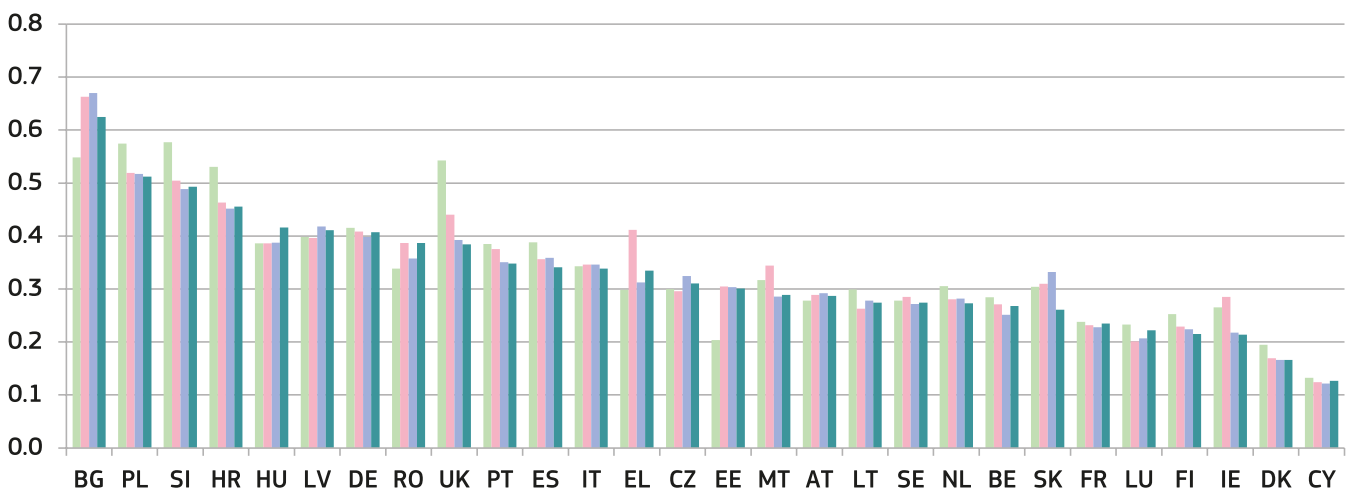
### Financial resources

Adequate resources and well-qualified staff are necessary for the good functioning of the justice system. Figure 5 shows the budget actually spent on courts as a share of gross domestic product (GDP).

**Figure 5** General government total expenditure on law courts (\*) (as a percentage of GDP)

2010 2014 2015 2016

Source: Eurostat



(\*) 2016 data for ES, FR, NL, and SK are provisional.

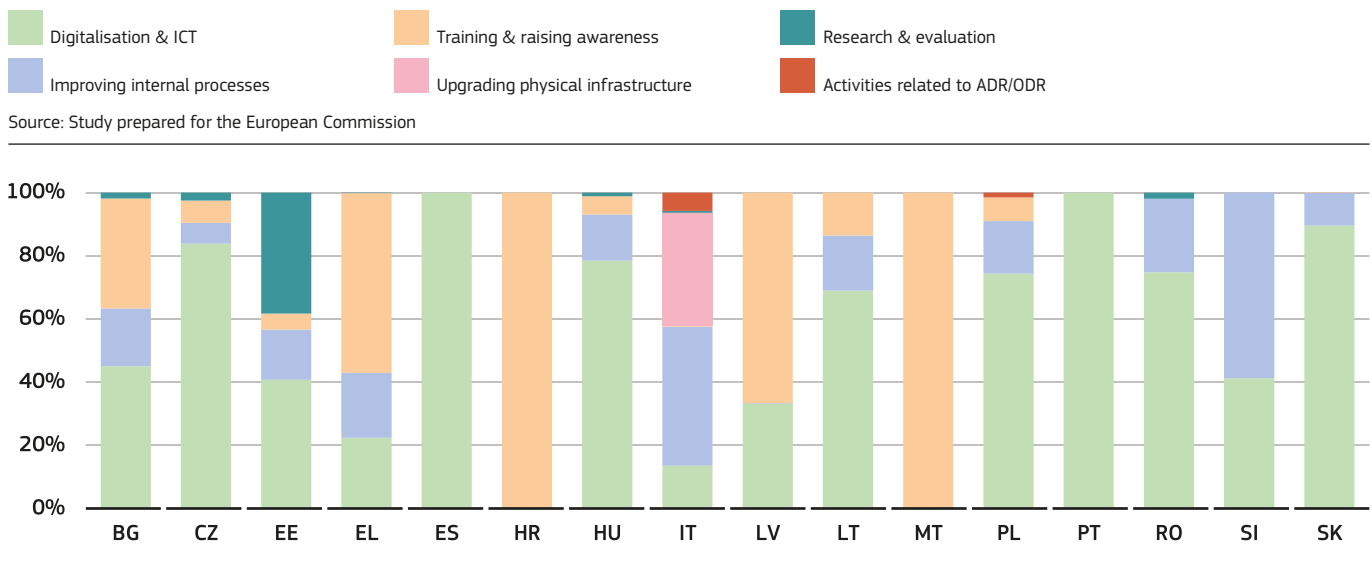
The Commission financially supports certain justice reforms through the European Structural and Investment Funds (ESI Funds).

Since 2007, 16 Member States have used ESI Funds to improve the effectiveness of their justice systems. Between 2007 and 2023, these Member States will have spent more than EUR 900 million to increase the efficiency and improve the quality of their justice systems. Funded activities include:

- improving business processes in courts by introducing case management systems or a human resources strategy;
- digitalising the judiciary by establishing e-services for citizens and businesses;
- providing training to court staff and raising citizens' awareness of their rights.

2. Quality of justice systems

**Figure 6 Support for justice systems from Structural Funds by objective and Member State since 2007**

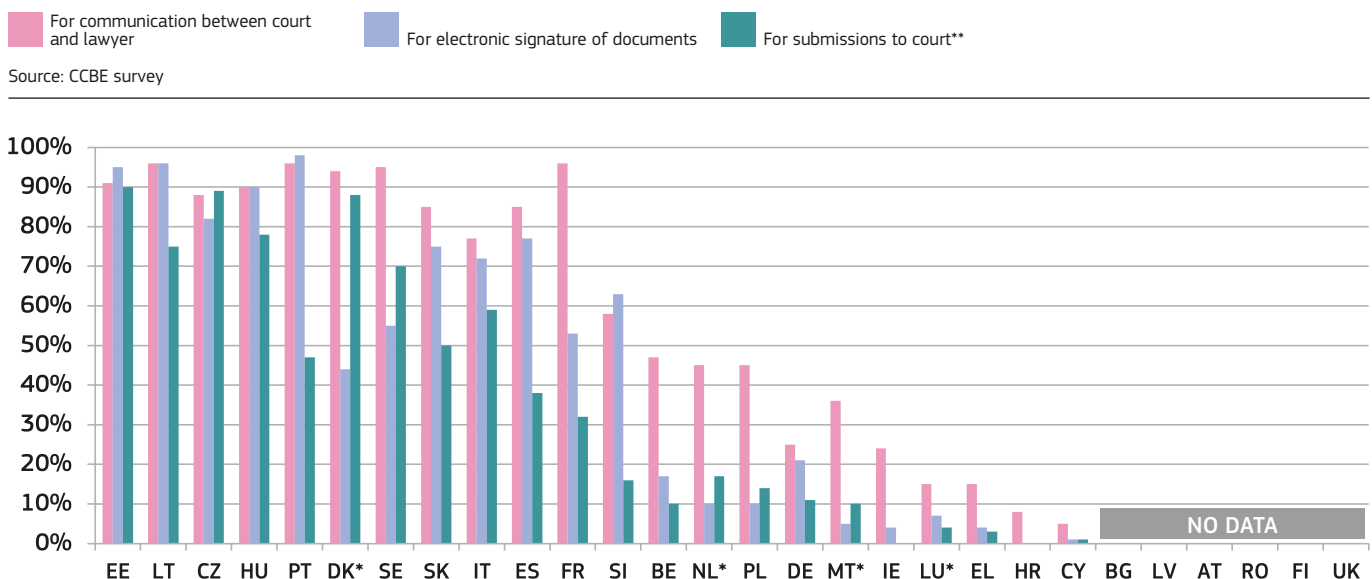


Source: Study prepared for the European Commission

Technology tools

The availability of technology throughout the judicial procedure improves the access to justice and reduces delays and costs. A survey on the use of ICT between courts and lawyers shows that ICT tools are widely used in 12 out of the 22 Member States covered by the survey. They are most frequently used for general communication with courts, while signatures of documents and submissions of claims, summons and evidence are less frequently done by electronic means.

**Figure 7 Use of ICT between courts and lawyers (\*)**



(\*) Data for DK, NL, MT and LU from 2016. Submissions to court covers: 'electronic submission of a claim', 'electronic submission of summons to appear in court' and 'electronic submission of evidence/supporting documents'.

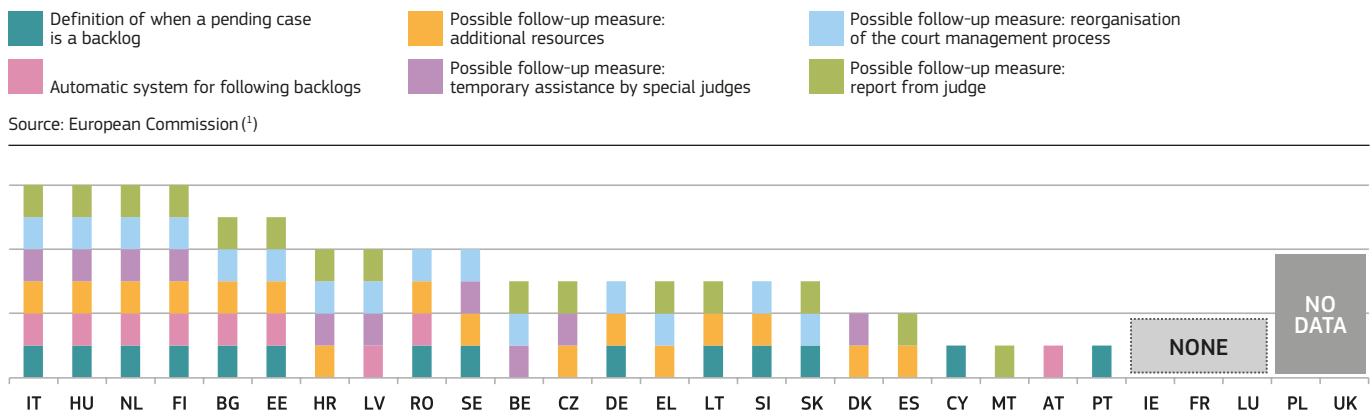
(\*\*) Submissions to court covers the following answer options: 'electronic submission of a claim', 'electronic submission of summons to appear in court', 'electronic submission of evidence/supporting documents'.

## 2. Quality of justice systems

## Quality standards

Standards can drive up the quality of justice systems. Standards on backlogs are a useful tool that can contribute to better case management and improved efficiency. Most Member States have standards on backlogs, but their scope varies considerably.

**Figure 8 Backlogs: definition, automatic monitoring and follow-up(\*)**



Source: European Commission<sup>(1)</sup>

(\*) Several Member States indicated they did not have an automatic system for following backlogs, including instructions which can be introduced manually (DK, MT, ES). DE indicated that different systems exist at federal state level, such as the indicator-based information system KISS in Bavaria, including traffic light indications and early warnings. LT: the courts information system LITEKO is planned to gradually introduce such an automatic system in 2018. BE: the standards on backlogs do not include a definition, automatic monitoring or follow-up.

<sup>(1)</sup> 2017 data collected in cooperation with the group of contact persons on national justice systems.

<sup>(2)</sup> Eurobarometer survey FL461, conducted between 15 and 16 January 2018. 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?': [https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard\\_en](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en)

<sup>(3)</sup> Eurobarometer survey FL461, 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?'

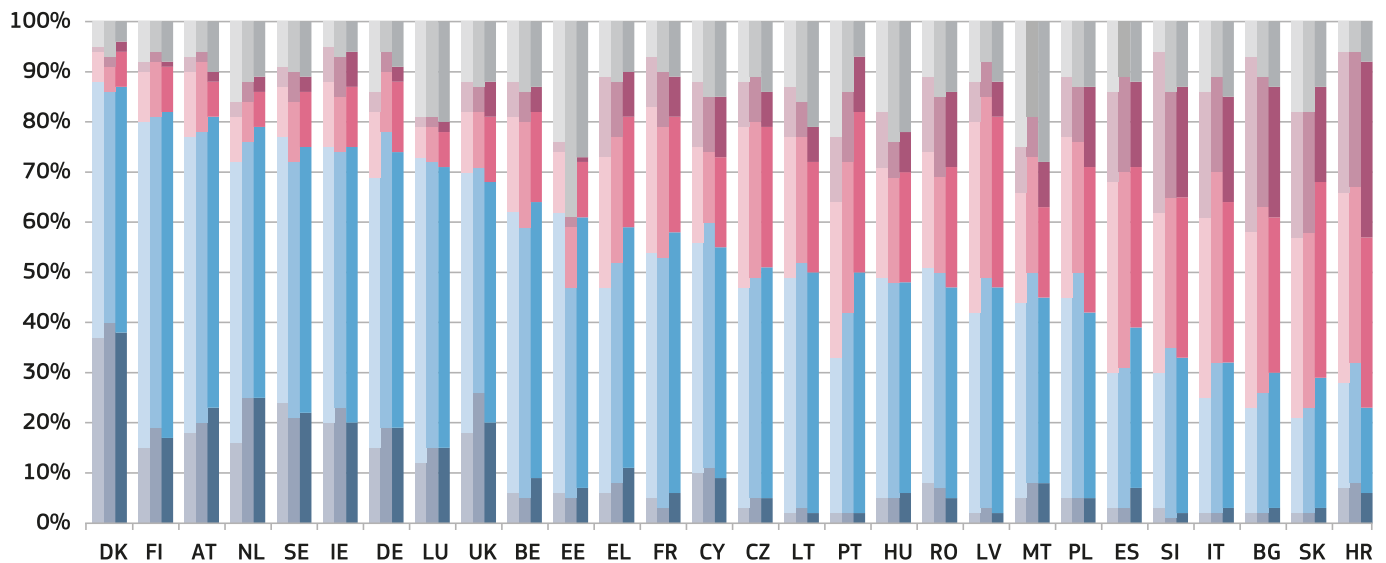
### 3. Independence

Judicial independence is a fundamental requirement, which is vital for upholding the rule of law, the fairness of judicial proceedings and the trust of citizens and businesses in the legal system. For this reason, any justice reform should uphold the rule of law and comply with European standards on judicial independence. The *2018 EU Justice Scoreboard* shows trends in perceived judicial independence, looks in greater detail at the appointment and dismissal of judges, court presidents and judges-members of the Councils for the Judiciary; as well as on the organisation of the prosecution services.

**Figure 9 Perceived independence of courts and judges among the general public** (light colours: 2016 and 2017, dark colours: 2018)

Very good Fairly good Fairly bad Very bad Don't know

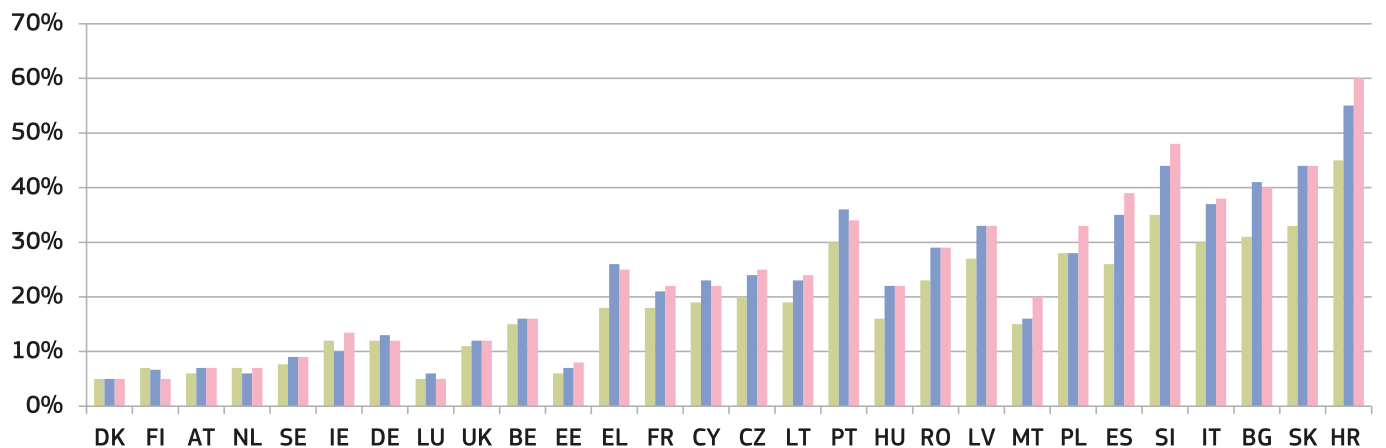
Source: Eurobarometer (2)



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

The status and position of judges do not sufficiently guarantee their independence Interference or pressure from economic or other specific interests Interference or pressure from government and politicians

Source: Eurobarometer (3)

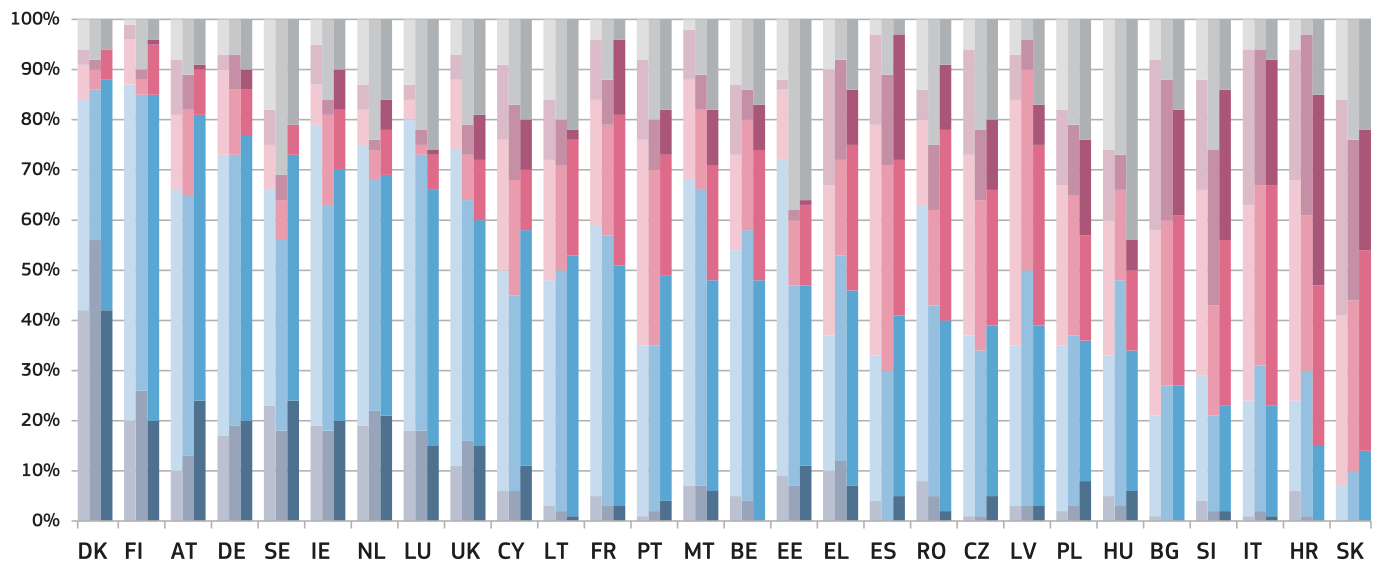


## 3. Independence

**Figure 11 Perceived independence of courts and judges among companies** (light colours: 2016 and 2017, dark colours: 2018)

Very good Fairly good Fairly bad Very bad Don't know

Source: Eurobarometer<sup>(4)</sup>



Public prosecution plays a major role in the criminal justice system as well as in cooperation in criminal matters. The proper functioning of the prosecution service is important for fighting money laundering and corruption. Organisation of prosecution services varies throughout the EU and there is no uniform model for all Member States. However, there is a widespread tendency to allocate for a more independent prosecutor's office, rather than one subordinated or linked to the executive<sup>(5)</sup>. Whatever the model of the national justice system or the legal tradition in which it is anchored, European standards require that Member States take effective measures to guarantee that public prosecutors are able to fulfil their professional duties and responsibilities under adequate legal and organisational conditions<sup>(6)</sup> and without unjustified interference<sup>(7)</sup>. The figure below presents an overview of certain aspects of the organisation of the prosecution services. It gives an overview over how prosecution services are managed and controlled, in particular who decides on a disciplinary measure regarding a prosecutor, who has the power to transfer prosecutors without their consent or the power to promote a prosecutor. The figure also shows whether the executive or the parliament have the possibility to give general guidance on crime policy or instructions on prosecution in individual cases.

<sup>(4)</sup> Eurobarometer survey FL462, conducted between 15 January and 24 January 2018. 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?': [https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard\\_en](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en)

<sup>(5)</sup> CDL-AD(2010)040-e Report on European Standards as regards the Independence of the Judicial System: Part II — the Prosecution Service — Adopted by the Venice Commission — at its 85th plenary session (Venice, 17-18 December 2010), para. 26.

<sup>(6)</sup> Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system, adopted by the Committee of Ministers of the Council of Europe on 6 October 2000 (the 2000 Recommendation), para. 4.

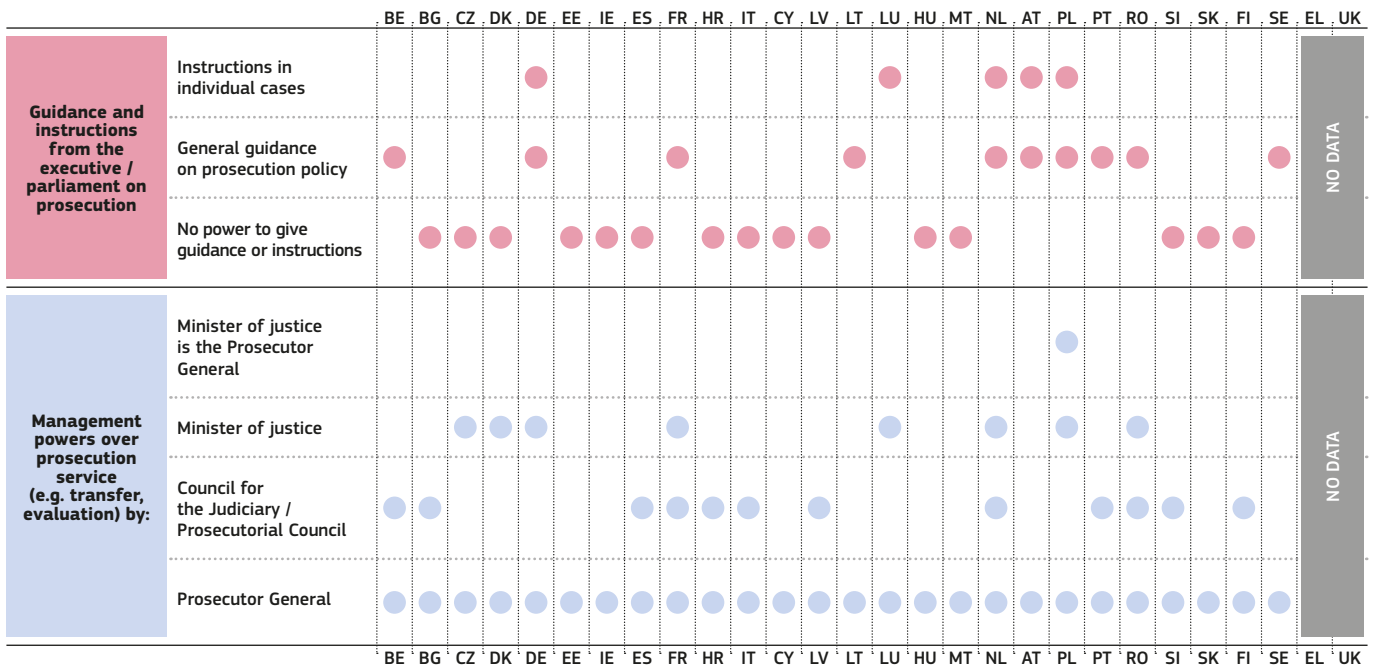
<sup>(7)</sup> The 2000 Recommendation, paras 11 and 13.



3. Independence

**Figure 12 Organisation of the prosecution services (\*)**

Source: European Commission with the Expert Group on Money Laundering and Financing of Terrorism



(\*) For more details regarding the national frameworks of organisation of the prosecution services shown in the chart, see the full text of the 2018 EU Justice Scoreboard.