



European
Commission

THE 2019 EU JUSTICE SCOREBOARD

fact sheet | April 2019

The independence, quality and efficiency of the justice systems are crucial for upholding the rule of law and the values upon which the EU is founded. With the launch of the first Scoreboard in 2013, the EU is encouraging Member States to improve the effectiveness of their justice systems. Reforms should not just be undertaken for the sake of reforming, but in a manner which upholds the rule of law and complies with European standards on judicial independence.

The EU Justice Scoreboard is part of the EU's rule of law toolbox used by the European Commission to monitor justice reforms and feeds into the European Semester. The 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 Country Reports, which enable a deeper analysis based on the national legal and institutional context.

The 2019 EU Justice Scoreboard provides a new overview of disciplinary regimes regarding judges in national justice systems and safeguards in place to prevent political control of judicial decisions. The Scoreboard sheds light on the distribution of management powers over prosecutors in national justice systems and shows authorities involved in the appointment and dismissal procedures of national prosecutors, key indicators for the independence of a prosecution service. Another novelty in this year's Scoreboard is a breakdown of total government spending on law courts by category such as wages, salaries, court buildings, software and legal aid. The Scoreboard also includes an overview of standards used in highest courts to improve the quality of judgements.

This document contains a selection of graphs with quantitative data from the *2019 EU Justice Scoreboard*.



See the complete
2019 EU Justice Scoreboard at:

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

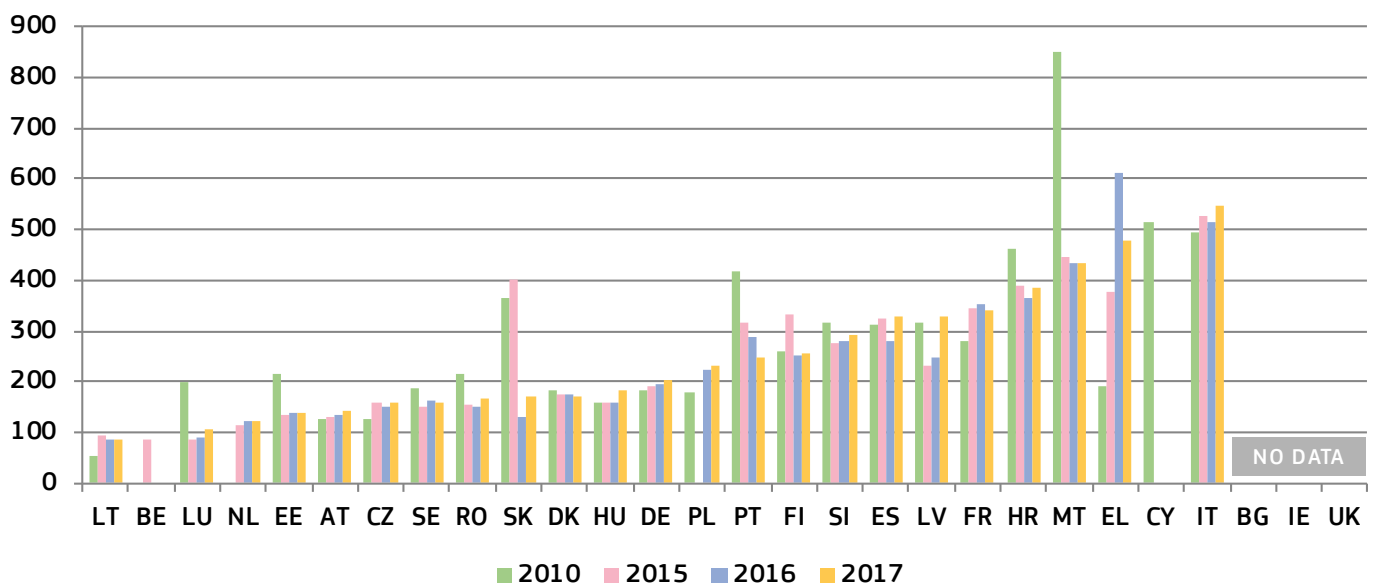
1. Efficiency of justice

An efficient justice system manages its caseload and backlog of cases, and delivers rulings without undue delay. The 2019 EU Justice Scoreboard contains data on efficiency covering eight years (2010-2017). 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.

Length of proceedings

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

(source: CEPEJ study)

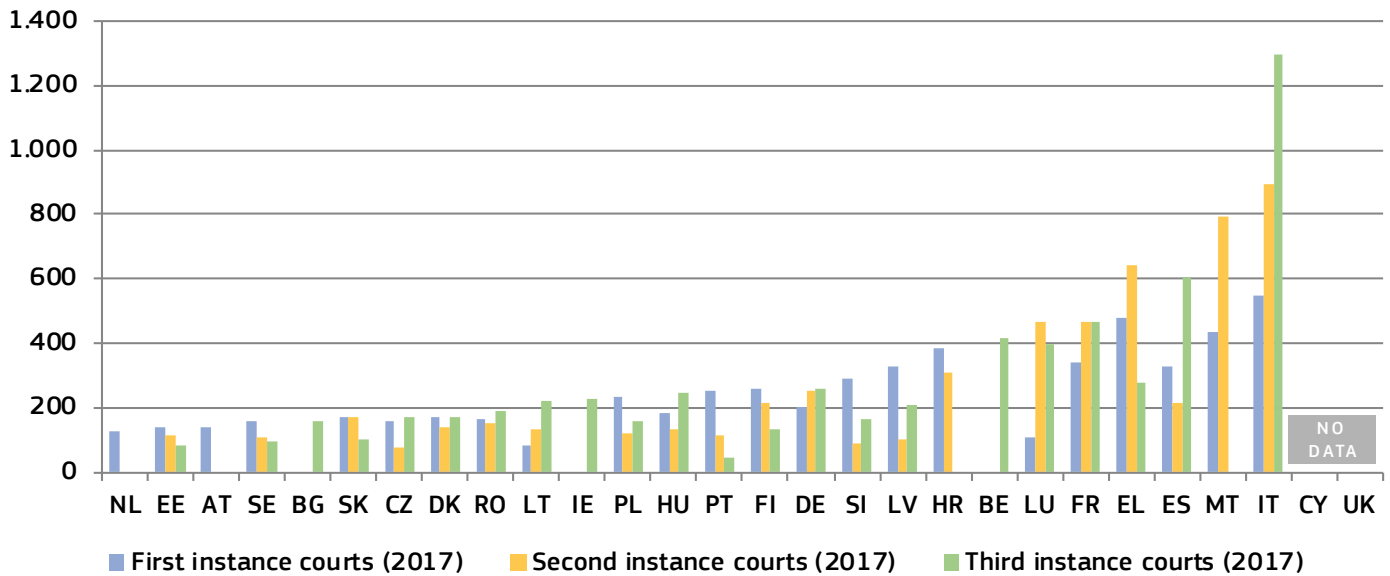


(*) Under the CEPEJ methodology, litigious civil/commercial cases concern disputes between parties, e.g. disputes regarding contracts. Non-litigious civil/commercial cases concern uncontested proceedings, e.g. uncontested payment orders. Methodology changes in EL and SK. Pending cases include all instances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

Efficiency of justice systems

Figure 2 Time needed to resolve litigious civil and commercial cases (*) at all court instances in 2017 (1st, 2nd and 3rd instance/in days)

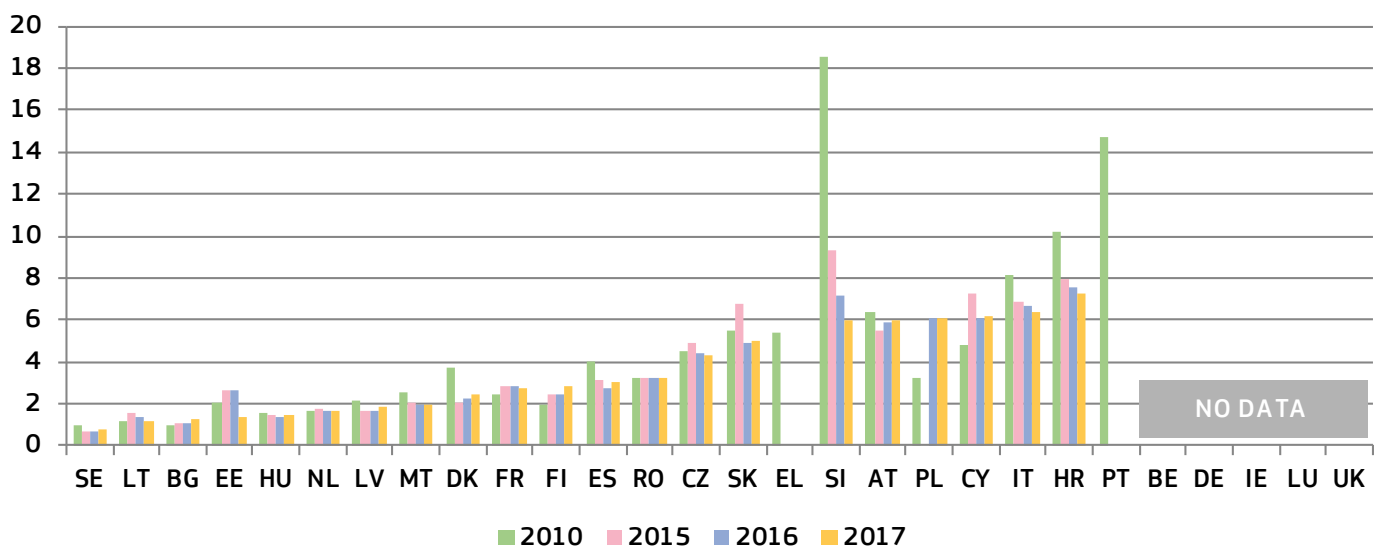
(source: CEPEJ study)



(*) 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 and third instance courts in NL and AT, for third instance courts in HR. No third instance court in MT. Access to third instance court may be limited in some Member States.

Figure 3 Number of pending civil, commercial and administrative and other cases (*) (1st instance/per 100 inhabitants)

(source: CEPEJ study)

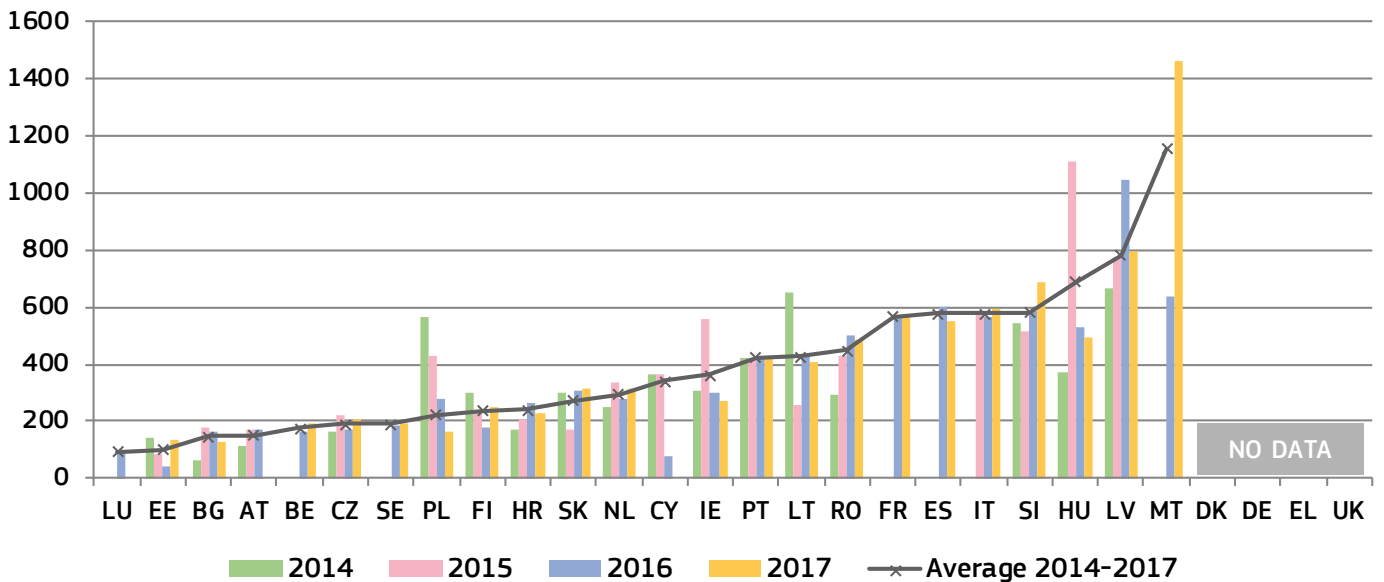


Efficiency of justice systems

Money Laundering

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

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



(*)No data for 2017: LU, AT, CY, PL and FR. 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. SE: calculation in 2017 based on a sample of resolved cases. 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 hearing

Quality

2. Quality of justice systems

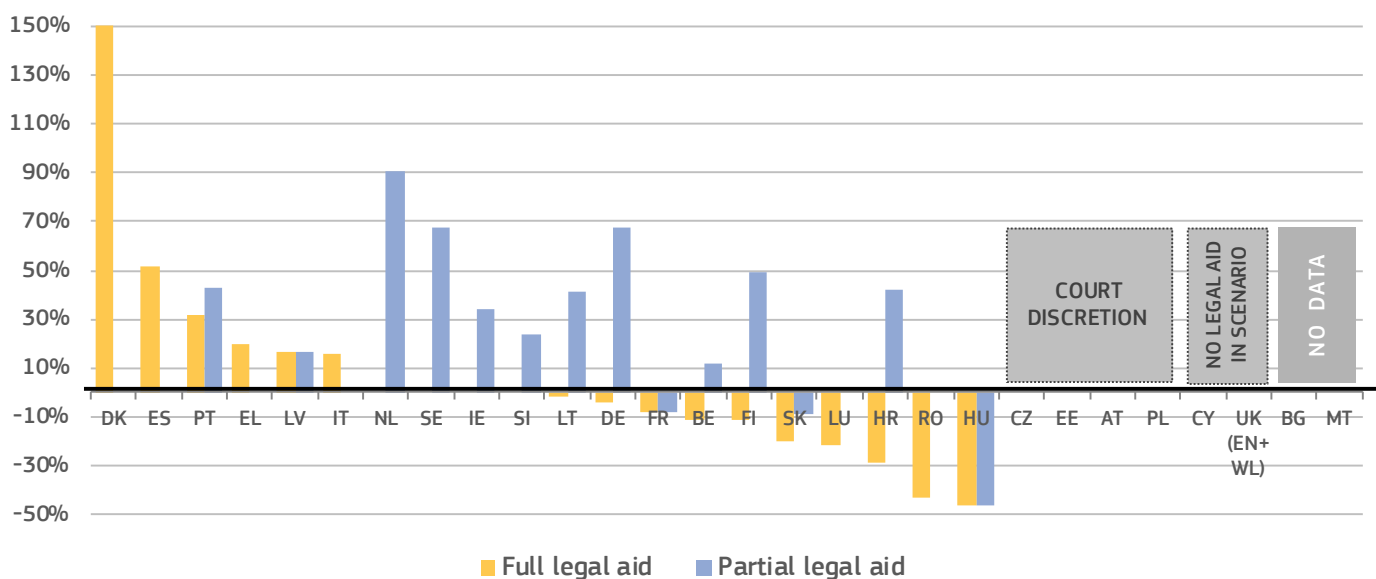
High quality decisions are what citizens and business are expecting from an effective justice system. Easy access, adequate resources, effective assessment tools and appropriate standards are the factors that contribute to a high quality of justice systems. The 2019 Scoreboard shows that the situation varies across the EU and that Member States are active in addressing and improving various aspects of quality of their justice systems.

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, citizens with an income below the Eurostat poverty threshold would not receive legal aid. Compared to last year, though, few Member States have made legal aid more reachable. 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 (*) (differences in % from Eurostat poverty threshold)

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



(*)LV: income thresholds are not comparable with previous year due to adaptation of methodology for calculation. EE: decision to grant legal aid is not based on the level of financial resources of the applicant. IE: income threshold for full legal aid is not comparable with the previous year due to adaptation of methodology for calculation; partial legal aid has to take into account also the disposable assets of the applicant.

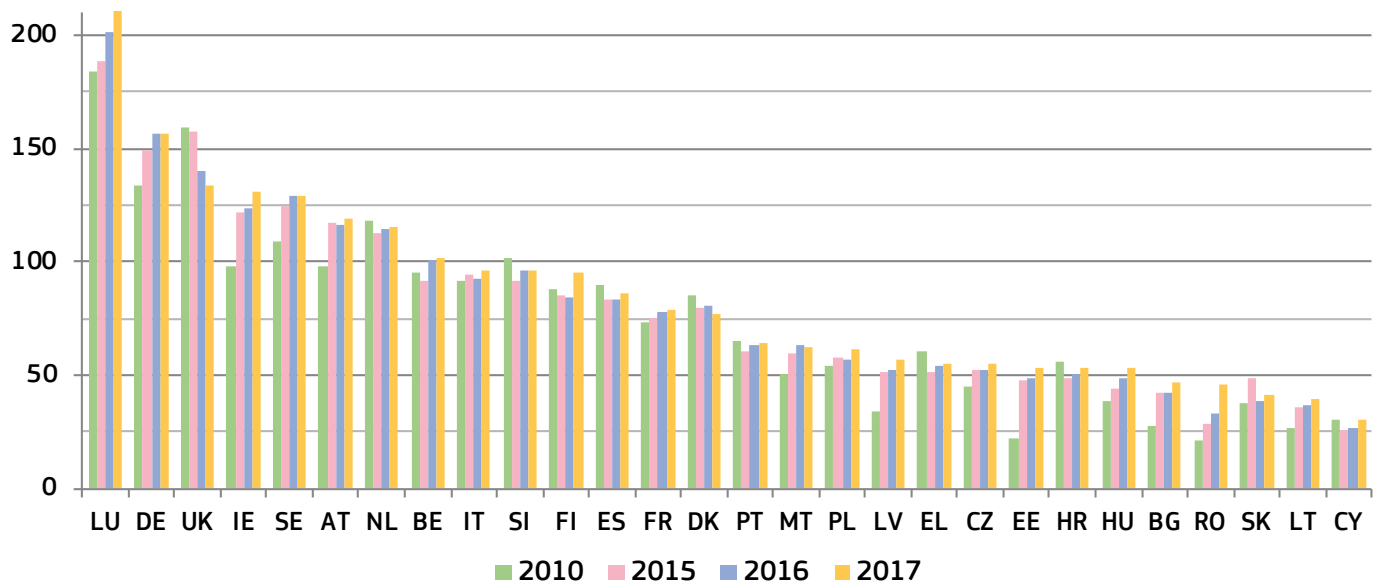
Quality

Financial resources

Adequate resources and well-qualified staff are necessary for the good functioning of justice systems. 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 EUR per inhabitant)

(source: Eurostat)

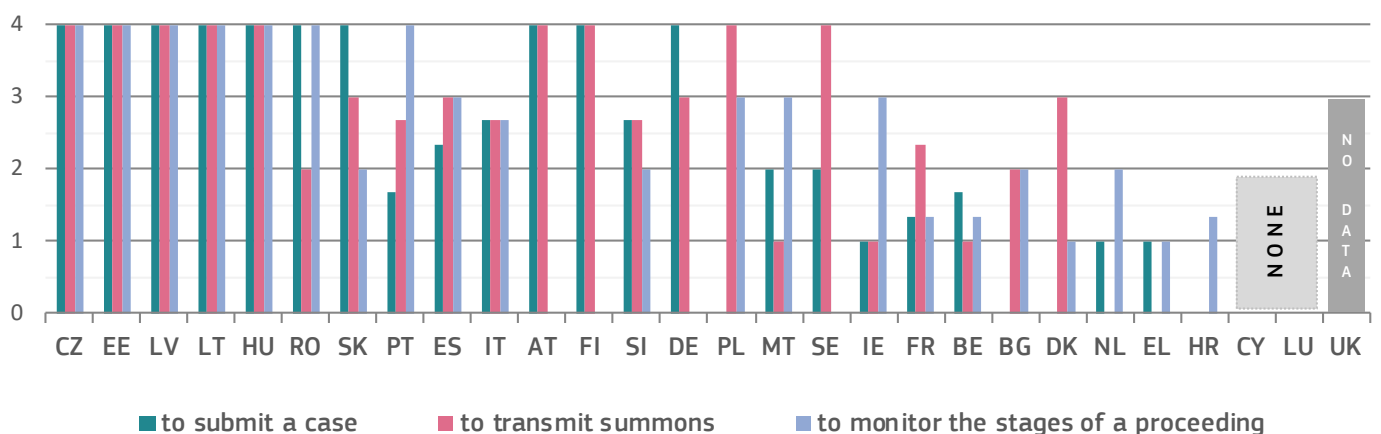


Electronic tools

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 is not in place or is possible only to a limited extent and that not all Member States allow following the progress of court proceedings online.

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

(source: CEPEJ study)



(*) DK and RO: cases may be submitted to courts by email

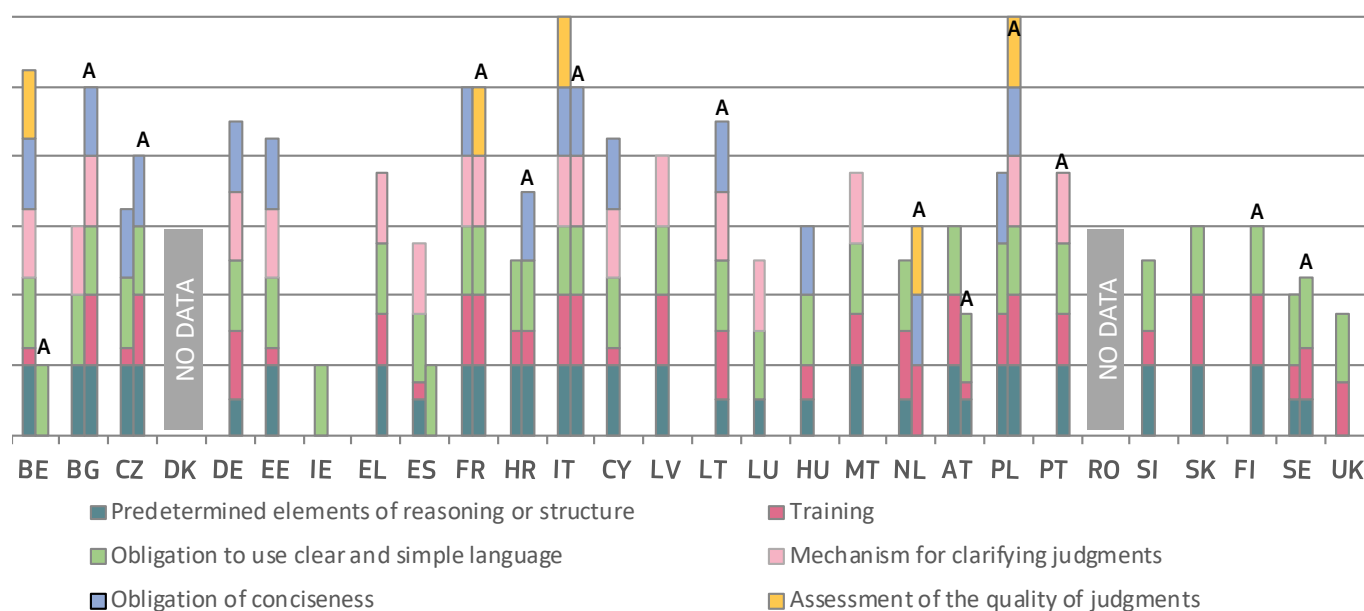
Quality

Quality standards

Quality standards can drive up the quality of justice systems. Without entering into the merits of individual decisions and in cooperation with European judicial networks, Figure 8 presents the standards adopted by the Member States regarding selected indicators considered to contribute to the overall quality of judgments.

Figure 8 Standards applied to improve the quality of judgments in highest courts (*)

(source: European Commission with ACA-Europe and NPSJC)



(*) For each Member State, the left column presents the practices in Supreme Courts, the right column presents the practices in Supreme Administrative Courts (column marked with letter "A"). The Member States appear in the alphabetical order of their geographical names in the original language. Member States were given one point per indicator of the quality of judgments. Training includes the legal training of judges on the structure of written decisions (0.25 points), legal training of Supreme Courts' judges on the style of reasoning of written judgments, legal training of lower courts' judges on the style of reasoning of written decisions (0.25 points) and training on the drafting of judgments (university, judges' school or on the job) (0.25 points). An obligation to use clear and simple language is considered to exist whether required by law, regulation or professional practice (1 point). The obligation of conciseness is considered to be applicable whether based on law, court regulations or practices (1 point). The assessment of the quality of judgments refers to the existence of an internal mechanism at the level of the Supreme Court to assess the global quality of its own decisions (1 point). IT, Corte Suprema di Cassazione: although a procedural tool for clarification of judgments does not exist, in some situations, certain aspects of the case may still be clarified at the stage of the execution of the decision before a competent judge. DK and RO: no data. Participating courts: BE: Cour de Cassation (Supreme Court) and Conseil d'Etat (Council of State) BG: Върховен касационен съд (Supreme Court) and Върховен административен съд (Supreme Administrative Court). CZ: Nejvyšší soud (Supreme Court) and Nejvyšší správní soud (Supreme Administrative Court) DE: Bundesverwaltungsgericht (Federal Administrative Court). EE: Riikohus (Supreme Court). IE: Chúirt Uachtarach (Supreme Court). EL: Συμβούλιο της Επικρατείας (Council of State). ES: Tribunal Supremo (Supreme Court). FR: Cour de Cassation (Supreme Court) and Conseil d'Etat (Council of State). HR: Vrhovni sud (Supreme Court) and Visoki upravni (Supreme Administrative Court). IT: Corte Suprema di Cassazione (Supreme Court) and Consiglio di Stato (Council of State). CY: Ανώτατο Δικαστήριο (Supreme Court). LV: Augstākā tiesa (Supreme Court). LT: Vyriausiasis Administracinis Teismas (Supreme Administrative Court). LU: Cour de Cassation (Supreme Court). HU: Kúria (Supreme Court). MT: Court of Appeal. NL: Hoge Raad (Supreme Court) and Raad van State (Council of State). AT: Oberster Gerichtshof (Supreme Court) and Verwaltungsgerichtshof (Supreme Administrative Court). PL: Sąd Najwyższy (Supreme Court) and Naczelny Sąd Administracyjny (Supreme Administrative Court). PT: Supremo Tribunal Administrativo (Supreme Administrative Court). SI: Vrhovno sodišče (Supreme Court). SK: Najvyšší súd (Supreme Court). FI: Korkein hallinto-oikeus (Supreme Administrative Court). SE: Högsta domstolen (Supreme Court) and Högsta förvaltningsdomstolen (Supreme Administrative Court). UK: Supreme Court.

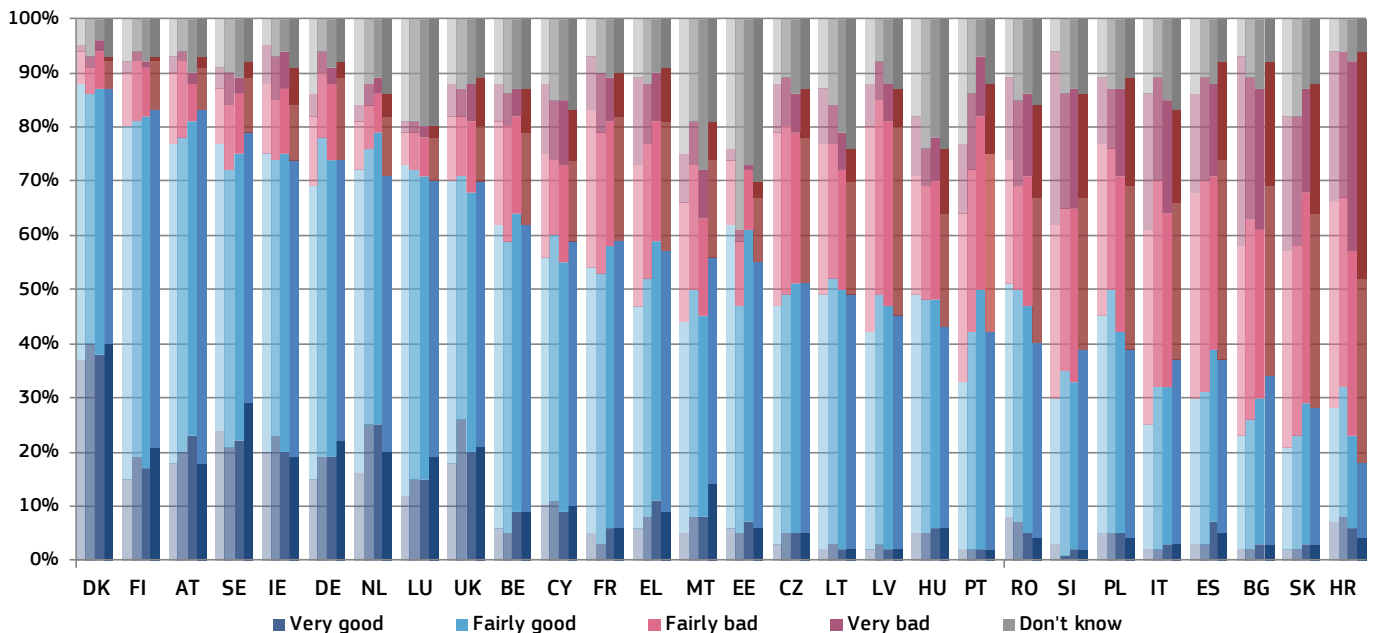
Independence

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 2019 EU Justice Scoreboard shows trends in perceived judicial independence, presents updated figures on the appointment and dismissal of judges-members of the Councils for the Judiciary. It also presents new overviews on national disciplinary regimes regarding judges, on the distribution among different authorities of the main management powers over national prosecution services, and on the authorities involved in the appointment and dismissal of national prosecutors.

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

(source: Eurobarometer¹ — light colours: 2016, 2017 and 2018, dark colours: 2019)



(*)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.

1. <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/flash/surveyky/2196> Eurobarometer survey FL474 on the perceived independence of the national justice systems in the EU among companies, 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?'

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 ²)

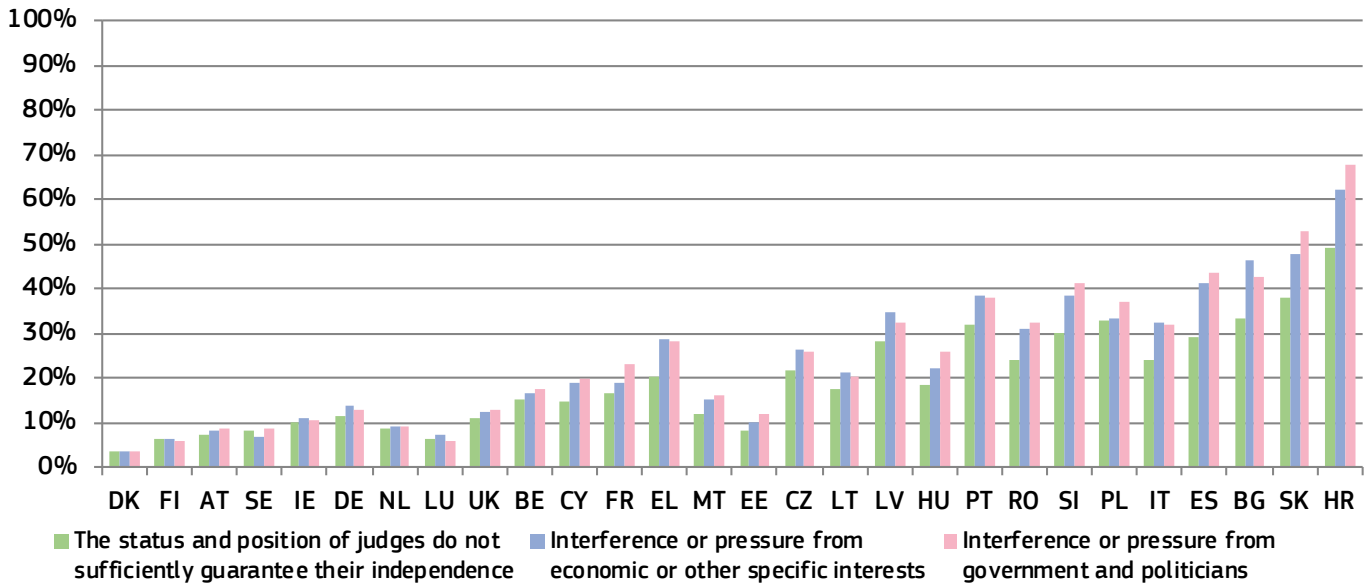
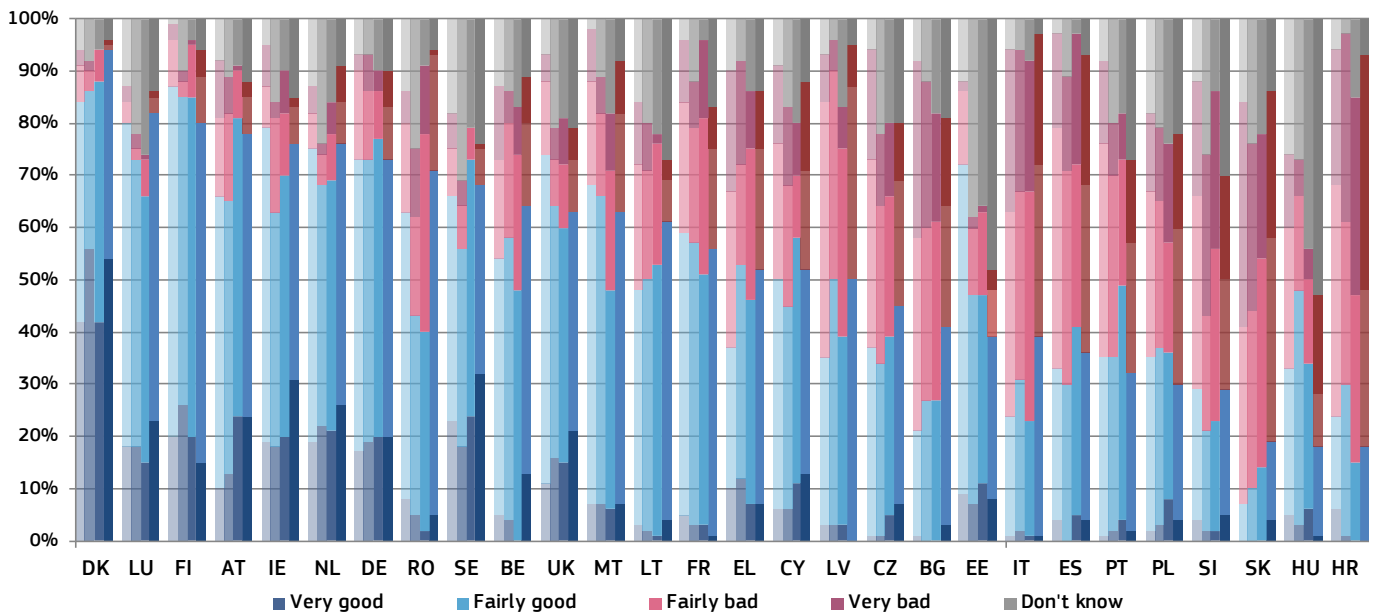


Figure 11 Perceived independence of courts and judges among companies (*)

(source: Eurobarometer ³ — light colours: 2016, 2017 and 2018, dark colours: 2019)



(*) 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

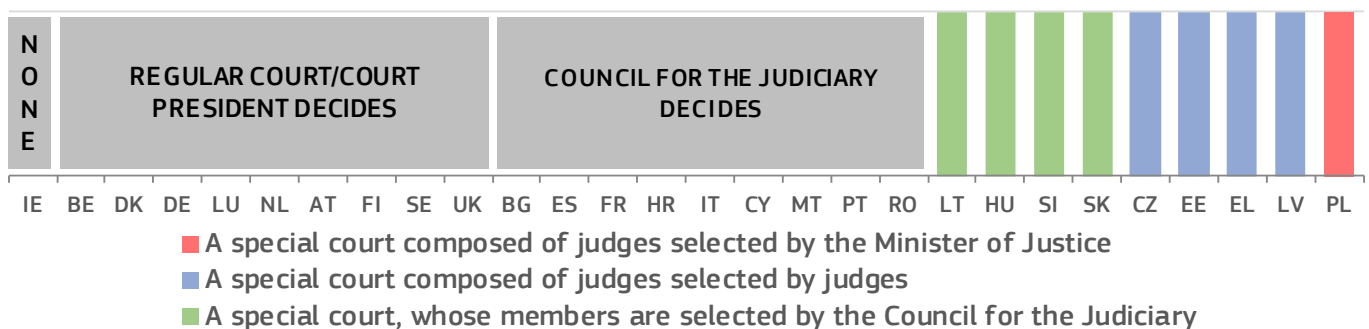
2. <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/flash/surveyky/2196> Eurobarometer survey FL474 on the perceived independence of the national justice systems in the EU among companies, replies to the question: 'Could you tell me to what extent each of 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. <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/flash/surveyky/2199> Eurobarometer survey FL475 on the perceived independence of the national justice systems among the general public, 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?'

Independence

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 allow for a more independent prosecutor's office, rather than one subordinated or linked to the executive. 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 and without unjustified interference. In particular, where the government gives instruction of a general nature, for example on crime policy, such instructions must be in writing and published in an adequate way. Where the government has the power to give instructions to prosecute a specific case, such instructions must carry with them adequate guarantees.

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

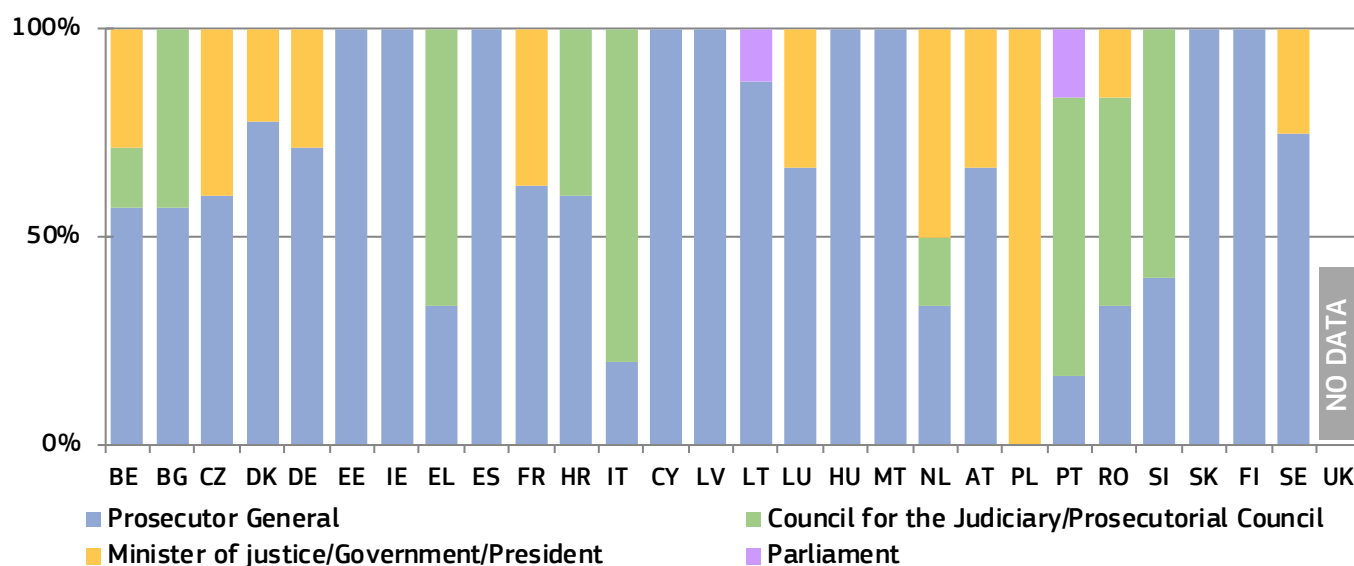


(*) **BG**: Lighter disciplinary sanctions may be imposed by the Court President. **CZ**: Disciplinary cases are examined by disciplinary chambers of the Supreme Administrative Court. The members are proposed by the President of the Court among a list of judges and they are chosen by sortition. **DK**: The Court of Indictment and Revision whose members are proposed by several actors (judiciary, law firm and public organisation) and appointed by the Ministry of Justice following the recommendation of the Judicial Appointments Council (independent body) decides. **DE**: Disciplinary measures can be applied in formal disciplinary proceedings (Section 63 German Judiciary Act) by service courts ('Dienstgerichte der Länder' concerning federal state judges, and 'Dienstgericht des Bundes' concerning federal judges), which are special panels in regular courts. The members of these panels are appointed by the judges ('Präsidium') of the particular court (higher regional court or regional court, or the Federal Court of Justice). Less severe disciplinary measures, such as reprimand, can be issued in a disciplinary ruling (Section 64 German Judiciary Act) 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**: Judges are not subject to a disciplinary body or disciplinary regime apart from the procedure under the Constitution under which 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. **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). **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 Tribunal appointed by the Council for the Judiciary. **MT**: The Commission for the Administration of Justice decides. **PL**: The Minister of Justice selects disciplinary judges after a non-binding consultation with the National Council for the Judiciary. **SI**: The disciplinary court is appointed by the Council for the Judiciary among members of the Council itself and among judges proposed by the Supreme Court. **SK**: 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 he has committed a serious crime or repeatedly neglected his duties and thereby shown himself 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. **UK (EN&WL)**: The Lord Chief Justice has the power, with the agreement of Lord Chancellor, to give a judge formal advice, a formal warning or a reprimand, or to suspend them from office in certain circumstances. **UK (NI)**: Disciplinary cases are decided by Lord Chief Justice and Judicial Appointments Ombudsman.

Independence

Figure 13 Distribution of main management powers over national prosecution services (*)

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



(*) The Member States appear in the alphabetical order of their geographical names in the original language. The main management powers of the Prosecutor General are described in Figure 56. **BE:** Council for the Judiciary; power to decide on promotion of prosecutors. Minister of Justice: power to issue general guidance regarding prosecution policy on advice of the Board of prosecutors general and to give instructions regarding prosecution in individual cases (a right of positive injunction to prosecute is foreseen in art. 364 of the Code of Criminal Procedure and art. 151 (1) of the Constitution). **BG:** Council for the Judiciary (Prosecutor's college of the Supreme Judicial Council); powers to decide on a disciplinary measure regarding a prosecutor, on individual evaluation and on promotion of prosecutors. Minister of Justice may propose the appointment, promotion, demotion, transfer and release from office of judges, prosecutors and investigating magistrates. **CZ:** Minister of Justice: power to decide on the promotion of prosecutors; power to transfer prosecutors without their consent only in case of organisational changes based on the law. **DK:** Minister of Justice: powers to decide on disciplinary measures regarding prosecutors and to decide on promotion of prosecutors. **DE:** Minister of Justice: power to issue general guidance regarding prosecution policy and to give instructions regarding prosecution in individual cases. **EE:** Disciplinary proceedings shall be initiated at the request of an interested person or on their own initiative by the Minister of Justice against the Prosecutor General, chief state prosecutor or chief prosecutor. **EL:** Supreme Judicial Council: power to promote and transfer public prosecutors, effected by Presidential decree. Minister of Justice is exceptionally allowed to issue general information directives to prosecutors in relation to the application of the legal instruments adopted within the Council of the European Union concerning the judicial cooperation of the Member States in the fields of the prevention and combating of certain types of crimes. **ES:** Fiscal Council (Prosecutorial Council) has the power to review decisions made by the Prosecutor General in cases set in law. **FR:** Minister of Justice: power to issue general guidance regarding prosecution policy; power to decide on disciplinary measures regarding prosecutors on the opinion of the High Council for the Judiciary (Conseil Supérieur de la Magistrature) (Article 65 of the French Constitution and Articles 48, 58-1 and 59 of the Statutory Order). If the Minister intends to take a decision that is more serious than the one proposed by the High Council for the Judiciary, the Council must be consulted again (section 58 (1) of the Statutory Order). The President of the Republic issues a decree to promote a prosecutor on the opinion of the Council for the Judiciary. High Council for the Judiciary gives opinion on disciplinary measures, transfers of prosecutors without consent, and promotion of prosecutors. **HR:** State Attorneys Council: power to decide on disciplinary measures and to promote prosecutors. **IT:** Council for the Judiciary: powers to decide on a disciplinary measure regarding a prosecutor, to transfer prosecutors without their consent, to decide on individual evaluation of a prosecutor, and to promote a prosecutor. **CY:** Council for the Judiciary dismisses the Prosecutor General. **LV:** Council of the Prosecutor General: according to the Article 29, part 2 of the Law on Prosecution Office, the Council as a collegiate advisory institution reviews the main issues related to the organization and operation of the Prosecution Office and performs other functions provided in the law (e.g. develops and adopts statutes governing selection, traineeship and qualification examination of applicants to the Prosecutor's position and statutes for evaluation of prosecutors' professional performance). **LT:** Parliament (Seimas) sets the operational priorities of the Prosecution Service and conducts parliamentary scrutiny of non-procedural actions. **LU:** Minister of Justice may instruct prosecution services to prosecute in a case (but cannot instruct not to prosecute). However, there have not been any instructions since more than 20 years. There is no legal requirement to consult a prosecutor or seek the opinion of the Prosecutor General on such an instruction. The Grand-Duke, as the Head of State, has the competence to decide on promotion of prosecutors, on the basis of a favourable opinion by the state prosecutor / General Prosecutor. **MT:** The police have the exclusive competence to institute and undertake criminal proceedings and act as prosecutors before the inferior courts; the Attorney General acts as a prosecutor before the Superior Courts when the compilation of evidence before the Inferior Courts is concluded. **NL:** Attorney General's Council (College van procureurs-generaal): power to issue general guidance regarding prosecution policy. Minister of Justice: power to issue general guidance regarding prosecution policy and to decide on certain disciplinary measure on prosecutors; it may instruct prosecution services to prosecute or not to prosecute in a case, but needs to beforehand obtain a written reasoned opinion of the Attorney General's Council (College van procureurs-generaal) on the suggested instructions, and notification to Parliament is required. However, so far, there has only been one such case more than twenty years ago. The Head of the Public Prosecution Service within the district where the Public Prosecutor is working has the power to decide on disciplinary measures and on the evaluation of prosecutors. **AT:** Minister of Justice: power to issue general guidance regarding prosecution policy and to give instructions regarding prosecution in individual cases with the approval of an independent body (Weisungsrat) established at the General Prosecutors office. The powers of the Prosecutor General do not include direct management over the prosecution service as referred to in the chart. The other management powers shown in the chart are held either by the Superior Prosecutor or by the Independent Personnel Board (Personalkommission), consisting of four members, who must be public prosecutors (see comments under Figure 56). As regards the promotion of a prosecutor, it requires an application for a higher position and follows the rules applicable to an appointment as a prosecutor (i.e. proposal by the independent Personal Board (Personalkommission), appointment by the Federal President delegated to the Minister of Justice). The power to decide on a disciplinary measure regarding a prosecutor resides with the Disciplinary Courts, which also have the power to transfer a prosecutor as a sanction. **PL:** Prosecutor General is also the Minister of Justice. **PT:** Council for Judiciary: power to decide on a disciplinary measure regarding a prosecutor, to transfer prosecutors without their consent, to decide on individual evaluation of a prosecutor and on promotion of a prosecutor. Parliament can issue general guidance regarding prosecution policy. **RO:** Council for Judiciary: power to decide on a disciplinary measure regarding a prosecutor and to decide on promotion of a prosecutor (according to Article 40 par 2 letter i) of the Law no 317/2004, the Prosecutorial Section within the Superior Council of Magistracy (SCM) issues the promotion decision of the prosecutors, but the promotion is decided only after a competition (Article 43 of the Law no 303/2004)). Minister of Justice, according to the recently amended article 69 of Law no. 304/2004 on judicial organisation, may ask the General Public Prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, or, as the case may be, the General Public Prosecutor of the National Anti-Corruption Public Prosecutor's Office, for information on the activity of the Public Prosecutor's Offices and may issue written guidelines about the steps to be taken in crime prevention and control. According to Article 40 par 2 letter h) of the Law no 317/2004 on SCM, the Prosecutorial Section within the SCM is competent to decide on complaints against the final decision of the evaluation committee (the rating). According to Article 39 par 3 of the Law no 303/2004 on the judges and prosecutors statute, the individual evaluation of the prosecutors is performed by special committees constituted on the decision of the SCM. **SI:** State Prosecutorial Council: powers to transfer prosecutors without their consent, to decide on individual evaluation of a prosecutor, to decide on promotion of a prosecutor. Moreover, the State Prosecutorial Council is responsible for the appointment and dismissal of the heads of district state prosecutor's offices, performance assessment and promotion, transfers, secondments and participation in the appointment procedure of state prosecutors, providing opinions on the policy of prosecution, performance assessment and efficiency of functioning of the state prosecutor's offices, the protection of self-dependence in the performance of state prosecutorial service and the performance of other matters in accordance with the State Prosecutor's Office Act. **SK:** The powers of the Prosecutorial Council (Prosecutors' Board) do not include direct management over the prosecution service as referred to in the chart. The Prosecutors' Board has other powers (e.g. decides on the objections of a prosecutor against the content of the evaluation, which the Head of the Public Service Office has not complied with, and expresses its opinion on the temporary assignment of a prosecutor to another Prosecution Office). **SE:** Government can issue general guidance regarding prosecution policy.

