EU Justice Scoreboard - civil and administrative justice in the Member States

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PURPOSE: presentation of the **EU Justice Scoreboard** for 2013.

BACKGROUND: the objective of the EU Justice Scoreboard is to assist the EU and the Member States to achieve more effective justice by providing objective, reliable and comparable data on the functioning of the justice systems of all Member States.

The main characteristics of the Scoreboard are:

- **a comparative tool:** it covers all Member States and focuses on timeliness, independence, affordability, and easy access to the Member States' justice systems without presenting an overall single ranking;
- **a non-binding tool:** it is to be operated as part of an open dialogue with the Member States which aims to help the Member States and EU institutions in defining better justice policies and to identify issues that deserve particular attention;
- **an evolving tool:** it will gradually expand in the areas covered, the indicators and the methodology, with the objective of identifying the essential parameters of an effective justice system.

Coverage: the 2013 edition examines efficiency indicators for non-criminal cases, in particular for **litigious civil and commercial cases** which are relevant for resolving commercial disputes, and for **administrative cases**.

CONTENT: the 2013 Scoreboard targets a certain number of difficulties such as:

1. **Length of proceedings:** at least one third of Member States have an average length of proceedings that is at least twice as long as in the majority of Member States. The length of proceedings is linked to the rate at which the courts can resolve cases, the 'clearance rate', and to the number of cases that are still waiting to be resolved (pending cases). If this situation persists over several years, this could be indicative of a more systemic problem requiring corrective measures. **The reduction of the excessive length of proceedings should be a priority** in order to improve the business environment and attractiveness for investment.
2. **Evaluation of the quality of justice:** effective time management of court cases requires that the courts, the judiciary and all justice end-users can be informed on the functioning of courts through a **regular monitoring system**. The Scoreboard shows that (i) a large majority of Member States has a comprehensive monitoring system, but several Member States are lagging behind or do not make the data available; and (ii) that several Member States do not perform regular evaluations of court activities and that quality standards are not defined in more than half of the Member States.
3. **Justice and ICTs:** ICT systems for the registration and management of cases are indispensable tools at the disposal of courts for an effective time management of cases, as they help to improve the rate at which the court can treat cases and thereby to reduce the overall length of proceedings. Most Member States have a well-developed system for the registration and management of cases; however, in several Member States developments are lagging behind. The ICT systems also play an increasing role in cross-border cooperation between judicial authorities and thereby facilitate the implementation of EU legislation.
4. **Alternative Dispute Resolution:** effective mediation and other alternative dispute resolution (ADR) methods provide an early settlement between parties on voluntary basis, reduce the number

of pending cases and can thus have an important positive impact on the workload of courts, which are then more able to keep reasonable timeframes.

5. **Training of judges:** initial and continous training is important for maintaining or increasing the knowledge and the skills of justice personnel. Training is particularly important considering the continuous development of national and EU legislation, the increased pressure to meet the expectations of end-users and the trend towards the professional management within the judiciary.
6. **Resources:** investing in a well organised justice system can make an important contribution to sustainable growth.
7. **Disparity in the perception of independence:** as a general rule, justice must not only be done, it must be seen to be done. Even though several Member States are among the top 10 worldwide leaders in terms of the perception of judicial independence, the Scoreboard shows a rather low level of perception of judicial independence by business end-users of the justice system in certain Member States. These findings merit special attention and a more detailed assessment into why a lack of trust exists for certain Member States.

Next steps: the key findings of the 2013 Scoreboard highlight the priority areas that need to be addressed. The Commission will translate these priorities into the following actions:

- the issues identified in the Scoreboard will be taken into account in preparing the forthcoming country specific analysis of the 2013 European Semester. They will also guide the work in the context of the Economic Adjustments Programmes.
- the Commission has proposed that Regional Development and Social Funds will be available for reforms of the judicial systems in the next multi-annual financial framework.

On the basis of this Scoreboard, the Commission invites the Member States, the European Parliament, and all stakeholders to an open dialogue and constructive collaboration towards the continued improvement of the national justice systems in the EU in the context of the European Semester, of Europe's growth strategy 'Europe 2020', the strengthening of the Single Market and the EU's Citizens' Agenda.

In the medium term, the Commission plans to launch a wider debate on the role of Justice in the EU and will organise, on 21 and 22 November 2013, the *Assises de la justice*, a high-level conference, which will bring together senior policy makers at European and national level, judges from supreme courts and other courts, judicial authorities, legal professions and all stakeholders. Such a joint reflection is indispensable for **developing a true European area of justice**.