

2018 EU Justice Scoreboard: Focus on Judicial Independence

Thomas Wahl

News

On 28 May 2018, the Commission published the [2018 EU Justice Scoreboard](#). The Scoreboard provides a comparative overview of the independence, quality, and efficiency of justice systems in the EU Member States.

The EU Justice Scoreboard regularly focuses on litigious civil and commercial as well as administrative cases with a view to giving guidance to the EU Member States for an investment-, business-, and citizen-friendly environment. It also, however, provides criminal law-related information, e.g., on the average length of first-instance court cases dealing with money laundering criminal offences or the organisation of the prosecution services.

In comparison to the previous editions, the [2018 Scoreboard](#) further develops the different indicators (for the 2017 Scoreboard, see [euclid 2/2017](#), p. 56). One focus is on judicial independence, which is an important benchmark in times of threats to the rule of law. The 2018 Scoreboard also looks in detail at the Councils for the Judiciary, at the involvement of the executive and the parliament in the appointments and dismissals of judges and court presidents, as well as at the organisation of prosecution services. For the first time, the report presents data on the length of proceedings in all court instances.

Regarding the length of judicial proceedings dealing with money laundering offences, updated data show that, in about half of the Member States, the first-instance court proceedings take up to a year on average. In several Member States facing such challenges, however, these proceedings take around two years or more.

As regards the organisation of prosecution services, the Scoreboard observes that it varies throughout the Union and that there is no uniform model. There is, however, a widespread tendency to allocate for a more independent prosecutor's office, rather than one subordinated or linked to the executive. The Scoreboard collected data on certain aspects of the organisation of the prosecution service. Particular aspects are who decides on disciplinary measures against prosecutors, who is empowered to transfer or promote prosecutors, and who has the competence to give general guidance on crime policy or instructions on prosecution services in individual cases.

Other [key findings](#) of the 2018 Scoreboard are as follows:

Judicial independence:

- Businesses' perception of independence has improved or remained stable in about two-thirds of Member States when compared with both the previous year and since 2010;
- Interference or pressure from government and politicians was the most frequently stated reason for the perceived lack of independence of courts and judges;

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- The status and position of judges is the most frequently cited reason for good perception of independence.

Efficiency:

- Since 2010, efficiency has improved or remained stable in almost all Member States with very few exceptions;
- Positive efficiency trends were particularly observed for Member States in which the EU identified economic problems.

Quality in terms of accessibility:

- Over the years, legal aid for consumers has become less accessible in some Member States, as the income threshold for legal aid remained unchanged while the poverty level increased;
- In more than half of Member States, electronic submission of claims is not in place or is possible only to a limited extent;
- Online access to court judgments has improved in a number of Member States compared to previous years.

Quality in terms of resources:

- General government expenditure on the judicial system remained stable in most Member States in 2016, while significant differences in allocated amounts persist;
- Most Member States provide for continuous training of the judiciary in EU law, but efforts need to be intensified to train judges to communicate with specific groups of parties (e.g., the visually or hearing impaired), to deal with gender-sensitive practices in judicial proceedings, and on the role of interpreters.

Quality in terms of assessment tools:

- Almost all Member States monitor the number and length of court cases and have regular evaluation systems;
- Compared to previous years, several Member States have extended monitoring to include more specific elements, and some have involved more specialised court staff to improve quality;
- ICT case management systems still need to be implemented in many Member States.

Quality in terms of setting standards:

- Most Member States use timing standards; however, certain Member States that are facing efficiency challenges are currently not using such standards;
- Timeframes are often set up solely by the judiciary, and the monitoring of timeframes remains the responsibility of the judiciary;
- Most Member States have standards on backlogs, but their scope varies considerably;
- Most Member States have standards on how to inform the parties about the progress of their case, the court timetable, or potential delays, but many differences exist as regards the methods of information used.

The EU Justice Scoreboard is not designed to rate the different legal systems of the EU Member States, but rather to provide information on the functioning of justice systems. It also helps assess the impact of justice reforms. It may be used for more specific recommendations on an individual Member State within the so-called “[European Semester](#)” – the framework for the coordination of economic policies across the EU. It

allows EU countries to discuss their economic and budget plans and monitor progress at specific times throughout the year.

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