

# 2019 EU Justice Scoreboard: Downward Trend for Judicial Independence



## News

**Thomas Wahl**

On 26 April 2019, the Commission published the [2019 EU Justice Scoreboard](#). The Scoreboard presents an [annual comparative overview](#) of indicators relevant for the independence, quality, and efficiency of justice (for the Justice Scoreboards of previous years, see [eucrim 2/2018, 80-81](#), and [eucrim 2/2017, 56](#)). The parameters are an essential tool for measuring the effectiveness of national justice systems. The data are important for the EU – not only to lay the basis for good investments and to attract businesses, but also to monitor the rule-of-law value.

In general, the 2019 Scoreboard indicates positive trends as regards the efficiency of justice systems and the quality of justice:

### *Efficiency*

- In almost all EU Member States, the length of first-instance court proceedings remained stable or even decreased since 2010;
- Those Member States facing substantial challenges showed an increase in the length of proceedings in 2017;
- The length of proceedings specifically as regards money laundering cases varied: in approx. half of the Member States, they take up to one year on average; they take around two years on average in a number of other Member States.

### *Quality in terms of accessibility*

- Almost all EU Member States provide some online information on their judicial systems; however, differences remain as regards information content and adequacy for the people's needs;
- Over the years, legal aid for consumers has become less accessible in some EU Member States;
- In some Member States, there are dissuasive effects compromising access to justice for people in poverty;

### *Quality in terms of resources*

- Overall, in 2017, general government total expenditure on law courts remained mostly stable in Member States;
- In half of the Member States, over 50% of the judges regularly participate in continuous training measures on EU law or the law of another EU Member State;
- The percentage of regular training in other skills, such as judgecraft, IT, court management, and judicial ethics, remains very heterogeneous within the EU Member States;

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### Quality in terms of assessment tools

- Several Member States extended monitoring to more specific elements and some involved more specialised court staff for quality compared to past years;
- Compared to previous years, there was no improvement in implementing ICT case management systems in many Member States;
- Surveys among court users and legal professionals have decreased, with more Member States opting not to conduct any surveys.

### Quality in terms of setting standards

- For the first time, the 2019 Justice Scoreboard includes data on standards regarding the quality of judgments. Standards vary considerably among the EU Member States, but most provide some kind of professional training for judges on the structure, style of reasoning, and drafting of judgments;
- As a good practice to improve citizen-friendly justice, access mechanisms have been put in place for court users to obtain clarification on court decisions. Only some EU Member States provide these mechanisms;
- Those Member States facing efficiency challenges are currently not using timing standards;
- Standards for backlogs are still not as widespread as those fixing time limits and timeframes;
- Only a few Member States have continuous monitoring mechanisms for predefined timeframes.

As regards the *independence of justice*, the Scoreboard mainly measures perceived independence by EU citizens and companies. Data are obtained by means of several surveys, conducted, e.g., by Eurobarometer and the World Economic Forum. The 2019 Justice Scoreboard concludes that, although the perception of judicial independence improved in about two-thirds of Member States compared to 2016, the perception of judicial independence by businesses and the general public decreased in about three fifths of all Member States compared to the 2017 Scoreboard. The most frequently stated reason for the perceived lack of independence of courts and judges is interference or pressure from government and politicians. The second most frequently stated reason is pressure from economic or other specific interests. Both reasons stated above are noteworthy for those Member States in which perceived judicial independence is very low.

For the first time, the 2019 EU Justice Scoreboard includes information on disciplinary regimes for judges in the various national systems. It also provides information on the appointment and dismissal of prosecutors. These data are important indicators for the independence of justice systems in the EU.

The EU Justice Scoreboards will also feed the so-called [European Semester](#), where the European Commission carries out a detailed analysis of EU Member States' plans for macroeconomic, budgetary, and structural reforms. It issues recommendations on a country-by-country basis for a period of 12-18 months to be adopted by the Council. If the results indicate poor performance in individual Member States, the Commission will take a closer look at their legislation and institutions.

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