

2020 EU Justice Scoreboard: Improvements in Efficiency, but Decline in Perceived Judicial Independence

Thomas Wahl

On 10 July 2020, the Commission published the eighth edition of the [EU Justice Scoreboard](#). The Scoreboard presents an annual comparative overview of indicators relevant for the independence, quality, and efficiency of justice systems in all EU Member States. The scoreboards mainly focus on civil, commercial, and administrative cases to pave the way for a more investment-friendly, business-friendly, and citizen-friendly environment. They are an established tool by which to analyse trends in the EU justice systems and are also part of the EU's [Rule of Law toolbox](#), which is used by the Commission to monitor justice reforms undertaken by Member States. Comparative information assists the EU and Member States in improving the effectiveness of national justice systems. For the Scoreboards of previous years, see [euclid 1/2019](#), p. 7; [euclid 2/2018](#), pp. 80-81; and [euclid 2/2017](#), p. 56).

For the first time, [the 2020 Scoreboard](#) presents charts on child-friendly justice and on court fees/legal fees in commercial cases. In general, the 2020 Scoreboard acknowledges positive trends in the efficiency and accessibility of EU justice systems, but persistent challenges remain regarding the perception of judicial independence:

Efficiency:

- Looking at the available data since 2012 in civil, commercial, and administrative cases, efficiency has improved or remained stable in 11 Member States, while it decreased in eight Member States (albeit often only marginally);
- Most of the Member States that have been identified in the context of the European Semester as facing specific challenges have shown positive developments, e.g., the length of first instance court proceedings has decreased or remained stable since 2012;
- Nearly all Member States (including those facing challenges) reported a high clearance rate (more than 97%) in the broad “all cases” category and in litigious civil and commercial cases, meaning that courts are generally able to keep up with incoming cases, while making progress on backlogs;
- As regards proceedings dealing with money laundering offences, the trend of previous years has been confirmed: in around half of Member States, the first instance court proceedings take up to one year on average; these proceedings take around two years on average in several Member States facing challenges regarding prosecution of money laundering offences;

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Quality in terms of accessibility:

- Although almost all Member States provide access to certain online information about their judicial system, including a centralised web portal with online forms and interactive education on legal rights, differences (still) are still apparent as regards the content of the information and how adequately it responds to people's needs;
- Compared to 2018, the accessibility of legal aid remained stable in 2019; at the same time, legal aid has become less accessible in some Member States over the years;
- In more than half of the Member States, electronic submission of claims and transmission of summons are still not in place or possible only to a limited extent, as was already seen in the 2019 EU Justice Scoreboard. Large gaps remain especially as regards the possibility to follow court proceedings online;
- All Member States have put in place at least some arrangements for machine-readable judgments, albeit with considerable variance among Member States in terms of how advanced these arrangements are;
- Almost all Member States make at least some arrangements for children, e.g., measures for child-friendly hearings. However, child-friendly websites with information about the justice system exist in less than half the Member States.

Quality in terms of resources:

- There are major differences in the spending patterns among Member States if one looks at the breakdown of total expenditure into different categories, e.g., salaries of judges/court staff and investments in fixed assets;
- Improvements have been made as regards trainings on handling impaired or vulnerable persons, including asylum seekers, as well as on awareness raising of and dealing with disinformation.
- Training of judges on judgecraft, IT skills, and judicial ethics remains low in most countries;

Quality in terms of assessment tools:

- While most Member States have fully implemented ICT case management systems, gaps still remain in conjunction with tools by which to produce court activity statistics. Some Member States are not able to collect nationwide data across all justice areas.
- As in previous years, the use of surveys among court users and legal professionals has again decreased.

The 2020 Scoreboard presents the developments in perceived *judicial independence* from [surveys of the general public \(Eurobarometer\)](#) and [companies \(Eurobarometer and World Economic Forum\)](#). Compared to 2018, the public's perception of independence has decreased in about two-fifths of all Member States in 2019 and in about half of the Member States facing specific challenges. The interference/pressure from government and politicians was the most frequently stated reason for the perceived lack of independence of courts and judges, followed by the pressure due to economic or other specific interests. The 2020 Justice Scoreboard also presents an updated overview of the disciplinary regimes in the various national systems. The overview includes the following:

- Which authorities are in charge of disciplinary proceedings against judges and prosecutors;
- Which investigators are in charge of disciplinary investigations against judges;
- How the judiciary is involved in the appointment of judges/members of the Council for the Judiciary and the composition of the Councils for the Judiciary;

- Which bodies can give instructions to prosecutors in individual cases and which safeguards are in place, if such instructions are given in a concrete case.

The EU Justice Scoreboard is one of the sources in the upcoming Rule of Law Report, which the Commission plans to present later this year. As announced in the Communication “on further strengthening the rule of law within the Union – A blueprint for action” (see [eucrim 2/2019, p. 79](#)), the EU Justice Scoreboard will be developed further in the relevant rule-of-law related areas. As the 2020 Scoreboard covers the period from 2012 to 2019, it does not reflect the consequences of the COVID-19 crisis.

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