

Tenth EU Justice Scoreboard Shows Need to Restore Trust of the Public in the Judicial Systems



News

Thomas Wahl

On 19 May 2022, the Commission published the [tenth 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. It serves as one of the EU's main tools to improve the effectiveness of the national judicial systems of the 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. For the Scoreboards of previous years → related links at sidebar.

The tenth edition of the Scoreboard includes 14 new or remodelled figures. In comparison to previous figures, it includes, for the first time, data on the effects of the COVID-19 pandemic on the efficiency of justice systems, the accessibility to justice for persons with disabilities, and the effectiveness of investment protection by the laws and courts.

In general, the 2022 Scoreboard presents a diverse picture of the effectiveness of justice systems in the Member States, in particular as regards digitalisation. While the high level of digitalisation in some Member States allowed for an almost unobstructed functioning of the courts and prosecution services during the COVID-19 pandemic, in others the temporary closures of courts led to a decrease in efficiency, particularly at first instance courts. Furthermore, challenges remain to ensure full trust of citizens in the legal systems of all Member States. The [key findings](#) can be summarised as follows:

Efficiency:

- Looking at the data since 2012, the trends for civil, commercial and administrative cases are generally positive;
- The length of first instance court proceedings continued to decrease or remained stable;
- In several Member States identified as facing challenges with the length of proceedings in first instance courts, higher instance courts perform in a more efficient manner;
- In the specific area of money laundering, in more than half of Member States, first instance court proceedings take up to a year on average, whereas they take around 2 years on average in several other Member States.

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Quality:

- Compared to 2020, legal aid has become more accessible in around a third of Member States – especially partial legal aid – and more restricted in two Member States. This contrasts with the previous trend of legal aid becoming less accessible in some Member States;
- Alternative dispute resolution remains lower in administrative cases than in civil, commercial or labour cases;
- Regarding access to justice by persons with disabilities, all Member States have at least some arrangements in place (such as procedural accommodations), but only half of Member States offer also specific formats, such as Braille or sign language upon request. In addition, just over half of Member States offer digital solutions for disabled persons;
- Regarding access to justice and its impact on investor confidence, almost all Member States have measures in place for companies to receive financial compensation for losses caused by administrative decisions or inaction, and courts may suspend the enforcement of administrative decisions upon request;
- Although most Member States already use digital solutions in different contexts and to varying degrees, there is significant room for improvement in the digitalisation of justice. This concerns, inter alia, online information about Member States' judicial systems, digital-ready procedural rules, use of digital technology by courts and prosecution services, and secure electronic tools for communication.

Independence

- Based on a [Eurobarometer survey](#), the perception of independence of the national justice systems in the EU among the general public has improved in half of the Member States facing specific challenges when compared to 2016. However, the general public's perception of independence decreased in more than half of all Member States and in more than half of the Member States facing specific challenges. In addition, the level of perceived independence remains particularly low in few Member States;
- Another [Eurobarometer survey among companies](#) showed that independence has improved in over half of the Member States compared to 2016. Compared to 2020, the companies' perception of independence decreased in less than one third of all Member States (whereas last year this was the case in over half of Member States) and in about one fifth of Member States facing specific challenges. In a few Member States, the level of perceived independence remains particularly low;
- Among the reasons for the perceived lack of independence of courts and judges, the interference or pressure from government and politicians was the most stated reason;
- Companies believed that administrative conduct, stability and quality of the law-making process, as well as effectiveness of courts and property protection are key factors for confidence in investment protection;
- The unpredictable, non-transparent administrative conduct, and difficulty to challenge administrative decisions in court was the most stated reason by companies regarding the effectiveness of investment protection;
- Regarding a more refined overview of the safeguards in place against a prosecutor's decision not to prosecute a case if the case deals with victimless crimes (e.g. money laundering) or crimes with a victim, the 2022 Scoreboard showed that there is, in both cases, the possibility to challenge the decision not to prosecute before a court in some Member States; however, in the majority of Member States there is either a review by a superior prosecutor, by a court or by both. In a few Member States there is no possibility to review a decision not to prosecute.

As outlined above the EU Justice Scoreboard has several links to other EU assessment actions. The findings will feed into the Commission's 2022 Rule of Law Report (→ [eucrim 3/2021, 134-135](#)). They are also used for the monitoring of the National Recovery and Resilience Plans, in which the Member States outlined investment and reform measures to be funded through the [Recovery and Resilience Facility](#).

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