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2024 EU Justice Scoreboard

1. INTRODUCTION

Effective justice systems are essential for the application and enforcement of EU law and upholding the rule of law and other values the EU is founded on and which are common to the Member States. National courts act as EU courts when applying EU law. It is national courts in the first place that ensure that the rights and obligations set in EU law are enforced effectively (Article 19 of the Treaty on European Union (TEU)).

In addition, effective justice systems are also essential for mutual trust and for improving the investment climate and the sustainability of long-term growth. This is why improving the efficiency, quality and independence of national justice systems features among the priorities of the European Semester – the EU's annual cycle of economic policy coordination. The 2024 annual sustainable growth survey ([1]), which sets out the economic and employment policy priorities for the EU, confirms the link between effective justice systems and Member States' business environment, and an economy that works for people ([2]). Well-functioning and fully independent justice systems can have a positive impact on investment and are key for investment protection, and therefore contribute to productivity and competitiveness. They are also important for ensuring the effective cross-border enforcement of contracts, administrative decisions and dispute resolution, essential for the functioning of the single market ([3]).

In this context, the EU Justice Scoreboard gives an annual overview of indicators focusing on the essential parameters of effective justice systems:

- efficiency;
- quality;
- independence.

The 2024 Scoreboard further develops the indicators for all three aspects, including on arrangements for supporting the participation of persons with disabilities as professionals in the justice system, and on the digitalisation of justice, which has played a crucial role in keeping the courts functioning during the COVID-19 pandemic and supporting their recovery in its aftermath, as well as more generally, to promote efficient and accessible justice systems ([4]). This edition of the Justice Scoreboard solidifies the business dimension on all three aspects by continuing the presentation of data on efficiency in the area of the fight against corruption. Finally, the 2024 Scoreboard presents the next steps of the justice systems' recovery from the effects of the COVID-19 pandemic on the efficiency of these systems.

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1 COM(2023) 901 final.

2 Respect for the rule of law, in particular independent, quality and efficient justice systems, legal certainty and equality before the law are also key determinants of a business environment that fosters investment and innovation. COM(2023) 901 final, p. 6.

3 See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Identifying and addressing barriers to the Single Market, COM(2020)93, and accompanying SWD(2020)54.

4 See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Digitalisation of justice in the European Union: A toolbox of opportunities, COM(2020)710, and accompanying SWD(2020)540.

– The Annual Rule of Law Cycle –

As announced in President von der Leyen's political guidelines, the Commission has established a comprehensive Annual Rule of Law Cycle to deepen its monitoring of the situation in Member States. The Rule of Law Cycle acts as a preventive tool, promoting dialogue and joint awareness of rule of law issues. At the centre of the cycle is the annual Rule of Law Report, which provides a synthesis of significant developments – both positive and negative – in all Member States and in the Union as a whole. The Reports, including its 2023 edition, published on 5 July 2023, draw on a variety of sources, including the EU Justice Scoreboard ([5]). The 2024 EU Justice Scoreboard has also been further developed to reflect the need for additional comparative information identified during the preparation of the 2023 Rule of Law Report, so as to support forthcoming Rule of Law Reports, including in the area of the fight against corruption.

What is the EU Justice Scoreboard?

The EU Justice Scoreboard is an annual comparative information tool. Its purpose is to assist the EU and Member States improve the effectiveness of their national justice systems by providing objective, reliable and comparable data on a number of indicators relevant for the assessment of the (i) efficiency, (ii) quality and (iii) independence of justice systems in all Member States. It does not present an overall single ranking. Rather, it gives an overview of how all Member States' justice systems function, based on indicators that are of common interest and relevance for all Member States.

The Scoreboard does not promote any particular type of justice system and treats all Member States on an equal footing.

Efficiency, quality and independence are essential parameters of an effective justice system, whatever the model of the national justice system or the legal tradition on which it is based. Figures for these three parameters should be read together, as all three are often interlinked (initiatives aimed at improving one may affect another).

The Scoreboard mainly presents indicators concerning civil, commercial and administrative cases, as well as, subject to availability of data, certain criminal cases (i.e. cases concerning money laundering at first instance courts), in order to assist Member States in their efforts to create an environment which is more efficient, better for investments as well as business and citizen-friendly. The Scoreboard is a comparative tool which evolves in the course of dialogue with Member States and the European Parliament ([6]). Its objective is to identify the essential parameters of an effective justice system and to provide relevant annual data.

What is the methodology of the EU Justice Scoreboard?

The Scoreboard uses a range of information sources. The Council of Europe's European Commission for the Efficiency of Justice (CEPEJ), with which the Commission has concluded a contract to carry out a specific annual study, provides much of the quantitative data. The data cover 2012-2022, and have been provided by Member States in accordance with the CEPEJ's methodology. The study also provides detailed comments and country-specific factsheets that give more context. They should be read together with the figures ([7]).

Data on the length of proceedings collected by the CEPEJ show the 'disposition time' – a calculated length of court proceedings (based on a ratio between pending and resolved cases). Data on courts' and

[5] https://commission.europa.eu/publications/2023-rule-law-report-communication-and-country-chapters_en

[6] E.g. European Parliament resolution of 29 May 2018 on the 2017 EU Justice Scoreboard (P8_TA(2018)0216).

[7] https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en

administrative authorities' efficiency in applying EU law in specific areas show the average length of proceedings derived from the actual length of court cases. Note that the length of court proceedings may vary substantially between areas in a Member State, particularly in urban centres where commercial activities may lead to a higher caseload.

Other data sources, covering the period from 2012 to 2023, are: the group of contact persons on national justice systems ([8]), the European Network of Councils for the Judiciary (ENCJ) ([9]), the Network of the Presidents of the Supreme Judicial Courts of the EU (NPSJC) ([10]), the Association of the Councils of State and Supreme Administrative Jurisdictions of the EU (ACA-Europe) ([11]), the Council of Bar and Law Societies in Europe (CCBE) ([12]), the European Competition Network (ECN) ([13]), the Communications Committee (COCOM)([14]), the European Observatory on infringements of intellectual property rights([15]), the Consumer Protection Cooperation Network (CPC) ([16]), the Expert Group on Money Laundering and Terrorist Financing (EGMLTF) ([17]), Eurostat ([18]), and the European Judicial Training Network (EJTN) ([19]), the national contact points in the fight against corruption ([20]), and the Network of Public Prosecutors or equivalent institutions at the Supreme Judicial Courts of the Member States of the European Union (NADAL Network) ([21]).

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8 To help prepare the EU Justice Scoreboard and promote the exchange of best practice on the effectiveness of justice systems, the Commission asked Member States to designate two contact persons, one from the judiciary and one from the ministry of justice. This informal group meets regularly.

9 The ENCJ brings together Member States' national institutions that are independent of the executive and legislature, and are responsible for supporting the judiciary in the independent delivery of justice: https://www.encj.eu/

10 The NPSJC provides a forum that gives European institutions the opportunity to request the opinions of supreme courts, and brings them closer by encouraging discussion and the exchange of ideas: http://network-presidents.eu/

11 ACA-Europe is composed of the Court of Justice of the EU and the Councils of State or the Supreme administrative jurisdictions of each EU Member State: https://www.aca-europe.eu/index.php/en/

12 CCBE represents European bars and law societies in their common interests before European and other international institutions. It regularly acts as a liaison between its members and the European institutions, international organisations, and other legal organisations around the world: https://www.ccbe.eu/

13 The ECN has been established as a forum for discussion and cooperation between European competition authorities in cases where Articles 101 and 102 of the Treaty on the Functioning of the EU (TFEU) are applied. The ECN is the framework for the close cooperation mechanisms of Council Regulation (EC) No 1/2003 . Through the ECN, the Commission and the national competition authorities in all EU Member States cooperate with each other: http://ec.europa.eu/competition/ecn/index_en.html

14 The COCOM is composed of EU Member State representatives. Its main role is to provide an opinion on the draft measures that the Commission intends to adopt on digital market issues: https://ec.europa.eu/transparency/comitology-register/screen/committees/C15401/consult?lang=en

15 The European Observatory on Infringements of Intellectual Property Rights is a network of experts and specialist stakeholders. It is composed of public and private sector representatives, who collaborate in active working groups: https://euipo.europa.eu/ohimportal/en/web/observatory/home

16 The CPC is a network of national authorities responsible for enforcing EU consumer protection laws in EU and EEA countries: https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/consumer-protection-cooperation-network_en

17 The EGMLTF meets regularly to share views and help the Commission define policy and draft new anti-money laundering and counter-terrorist financing legislation: https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupID=2914

18 Eurostat is the statistical office of the EU: https://ec.europa.eu/eurostat/

19 The EJTN is the principal platform and promoter for the training and exchange of knowledge of the European judiciary: https://www.ejtn.eu/en/

20 The Commission maintains an informal group of contact persons dealing with the fight against corruption. See also https://home-affairs.ec.europa.eu/policies/internal-security/corruption/how-eu-helps-member-states-fight-corruption_en.

21 https://attorneygeneral.mt/activities/nadal-network-conference/

Over the years, the Scoreboard methodology has been further developed and refined in close cooperation with the group of contact persons on national justice systems, particularly through a questionnaire (updated annually) and by collecting data on certain aspects of the functioning of justice systems.

The availability of data, in particular for indicators on the efficiency of justice systems, continues to improve. This is because many Member States have invested in their capacity to produce better judicial statistics. Where difficulties in gathering or providing data persist, this is either due to insufficient statistical capacity, or because the national categories for which data are collected do not correspond exactly to the ones used for the Scoreboard. Only in very few cases is the data gap due to a lack of contributions from national authorities. The Commission continues to encourage Member States to further reduce this data gap.

How does the EU Justice Scoreboard feed into the European Semester and how is it related to the Recovery and Resilience Facility (RRF)?

The Scoreboard provides elements for assessing the efficiency, quality and independence of national justice systems. In doing so, it aims to help Member States make their national justice systems more effective. By comparing information on Member States' justice systems, the Scoreboard makes it easier to identify best practices and shortcomings and to keep track of challenges and progress made. In the context of the European Semester, country-specific assessments are carried out through a bilateral dialogue with the national authorities and the stakeholders concerned. Where the shortcomings identified have macroeconomic significance, the European Semester analysis may lead to the Commission proposing to the Council to adopt country-specific recommendations to improve the national justice systems in individual Member States ([22]). The RRF has made available more than EUR 648 billion in loans and non-repayable financial support, of which each Member State would need to allocate a minimum of 20% to the digital transition and a minimum of 37% to measures contributing to climate objectives. So far, the reforms and investments proposed by Member States have exceeded these targets, with an estimated digital expenditure at 26% and climate expenditure at about 40%. The RRF offers an opportunity to address country-specific recommendations related to national justice systems and to accelerate national efforts to complete the digital transformation of justice systems. Payments to Member States under the performance-based RRF are contingent on the fulfilment of milestones and targets. 7 100 milestones and targets were proposed, of which about two thirds are related to investments and one third to reforms. Under the RRF Regulation, before their adoption, the Commission had to assess whether the Member States' recovery and resilience plans (RRPs) could contribute to effectively addressing all or a significant number of challenges identified in the relevant country-specific recommendations or challenges identified in other Commission documents adopted in the context of the European Semester ([23]). Following pre-financing payments as well as payment requests by the Member States and positive assessments by the Commission on the satisfactory fulfilment of the respective milestones and targets[24], a total of EUR 224.32 billion in RRF grants and loans have been disbursed to the Member States in the last years. The fulfilment of 83% of milestones and targets remains to be assessed by the Commission.

Why are effective justice systems important for an investment-friendly business environment?

[22] In the context of the European Semester, the Council, on the basis of the Commission's proposal, addressed country-specific recommendations on their justice systems to seven Member States in 2019 (HR, IT, CY, HU, MT, PT and SK) and eight Member States in 2020 (HR, IT, CY, HU, MT, PL, PT and SK). There were no country-specific recommendations in 2021 due to the ongoing RRF processes. In 2022, there were two Member States (PL and HU) with country specific recommendations related to judicial independence.

[23] Article 19(3)(b) and Article 24(3) and (5) of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility, OJ L 57, 18.2.2021, p. 17.

[24] It is to be noted that the EU Justice Scoreboard is one of the sources of information feeding into the European Semester. This information does not prejudge the Commission's assessments of the fulfilment of milestones under the RRF.

Effective justice systems that uphold the rule of law have a positive economic impact, which is particularly relevant in the context of the European Semester and the RRF. Where and when judicial systems guarantee the enforcement of rights, creditors are more likely to lend, transaction costs are reduced and businesses are more likely to invest, have higher confidence and are dissuaded from opportunistic behaviour. In fact,an effective justice system is vital for sustained economic growth. It can improve the business climate, foster innovation, attract foreign direct investment, secure tax revenues and support economic growth. The benefits of well-functioning national justice systems for the economy are confirmed by a wide range of studies and academic literature ([25]), including from the International Monetary Fund (IMF) ([26]), the European Central Bank (ECB) ([27]), the European Network of Councils for the Judiciary ([28]), the Organization for Economic Cooperation and Development (OECD) ([29]), the World Economic Forum ([30]), and the World Bank ([31]).

A study has found a strong correlation between a reduction in the length of court proceedings (measured in disposition time ([32])) and the growth rate of the number of companies ([33]), and that a higher percentage – by 1% – of companies perceiving the justice system as independent correlates with higher firms' turnover and greater productivity growth ([34]).

Several surveys have also highlighted the importance of the effectiveness of national justice systems for companies. For example, in one survey, 93% of large companies replied that they systematically and continuously review the rule of law conditions (including judicial independence) in the countries they invest in ([35]). In another survey, over half of small and medium-sized enterprises (SMEs) replied that the cost and excessive length of judicial proceedings were the main reasons for not starting court proceedings over the

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25 "Justice and finance: Does judicial efficiency contribute to financial system efficiency?" Muhammad Atif Khan a, Muhammad Asif Khan, Mohammed Arshad Khan, Shahid Hussain, Veronika Fenyves: https://www.sciencedirect.com/science/article/pii/S2214845023001709

26 IMF, Regional Economic Outlook, November 2017, *Europe: Europe Hitting its Stride*, p. xviii, pp. 40, 70: https://www.imf.org/~/media/Files/Publications/REO/EUR/2017/November/eur-booked-print.ashx?la=en

27 ECB, 'Structural policies in the euro area', June 2018, ECB Occasional Paper Series No 210: https://www.ecb.europa.eu/pub/pdf/scpops/ecb.op210.en.pdf?3db9355b1d1599799aa0e475e5624651

28 European Network of Councils for the Judiciary and the Montaigne Centre for the Rule of Law and Administration of Justice of Utrecht University, 'Economic value of the judiciary – A pilot study for five countries on volume, value and duration of large commercial cases', June 2021: https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Reports/Economic%20value%20of%20te%20judiciary%20-%20pilot%20study.pdf

29 See e.g. 'What makes civil justice effective?' OECD Economics Department Policy Notes, No. 18, June 2013 and 'The Economics of Civil Justice: New Cross-Country Data and Empirics', OECD Economics Department Working Papers, No. 1060, August 2013.

30 World Economic Forum, 'The Global Competitiveness Report 2019', October 2019: https://www.weforum.org/reports/global-competitiveness-report-2019

31 World Bank, 'World Development Report 2017: Governance and the Law, Chapter 3: The role of law', pp. 83, 140: http://www.worldbank.org/en/publication/wdr2017

32 The 'disposition time' indicator is the number of unresolved cases divided by the number of resolved cases at the end of a year multiplied by 365 (days). It is a standard indicator developed by the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ): http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp

33 Vincenzo Bove and Leandro Elia, 'The judicial system and economic development across EU Member States', JRC Technical Report, EUR 28440 EN, Publications Office of the EU, Luxembourg, 2017: http://publications.jrc.ec.europa.eu/repository/bitstream/JRC104594/jrc104594_2017_the_judicial_system_and_economic_development_across_eu_member_states.pdf

34 *Idem.*

35 The Economist Intelligence Unit, 'Risk and Return – Foreign Direct Investment and the Rule of Law', 2015 http://www.biicl.org/documents/625_d4_fdi_main_report.pdf, p. 22.

infringement of intellectual property rights (IPR) ([36]). The Commission's Communications on *Identifying and addressing barriers to the single market* ([37]) and the *Single market enforcement action plan* ([38]) also provide insights into the importance of effective justice systems for the functioning of the single market, in particular for businesses.

How does the Commission support the implementation of good justice reforms through technical support?

Member States can draw on the Commission's technical support available through the Directorate-General for Structural Reform Support (DG REFORM) under the Technical Support Instrument (TSI) ([39]), with a total budget of EUR 864.4 million for 2021 to 2027. Since 2021, the TSI has been supporting projects directly linked to the effectiveness of justice, such as the digitalisation of justice, reforms of judicial maps or better access to justice. The 2024 TSI call for proposal included a Flagship Technical Support Project on "Reinforcing Democracy and the Rule of Law", with the objective of strengthening the capacity of national authorities with the ensuing enhancement of their judicial systems as well as improving the quality and efficiency of justice systems. The TSI also complements other instruments, namely the RRF, since it can support Member States in the implementation of their recovery and resilience plans. The RRPs include actions related to making justice more effective: digitalising justice, reducing backlogs, and improving the management of courts and cases.

How does the Justice programme support the effectiveness of justice systems?

With a total budget of around EUR 305 million for the period 2021-2027, the justice programme supports the further development of the European area of Justice based on the rule of law including the independence, quality and efficiency of the justice system, based on mutual recognition and mutual trust, and on judicial cooperation. In 2023, around EUR 41.1 million were provided to fund projects and other activities under the three specific objectives of the programme:

- EUR 11.1 million were provided to promote judicial cooperation in civil and criminal matters and to contribute to the effective and coherent application and enforcement of EU instruments as well as to support to Member States for their connection to the ECRIS-TCN system,
- EUR 16 million were provided in support to training of justice professionals on EU civil, criminal and fundamental rights law, legal systems of the Member States and the rule of law,
- EUR 14 million were provided to promote access to justice (including e-Justice), victims' rights and the rights of persons suspected or accused of crime as well as to support the development and use of

[36] EU Intellectual Property Office (EUIPO), Intellectual Property (IP) SME Scoreboard 2016: https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/sme_scoreboard_study_2016/Executive-summary_en.pdf

[37] COM(2020)93 and SWD(2020)54.

[38] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Long term action plan for better implementation and enforcement of single market rules*, COM(2020)94, in particular actions 4, 6 and 18.

[39] https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/tsi
The TSI regulation was adopted in March 2021. According to its Article 5 the aim is to support: "….institutional reform and efficient and service-oriented functioning of public administration and e-government, simplification of rules and procedures, auditing, enhancing capacity to absorb Union funds, promotion of administrative cooperation, **effective rule of law, reform of the justice systems**, capacity building of competition and antitrust authorities, strengthening of financial supervision and reinforcement of the fight against fraud, corruption and money laundering" (emphasis added).

digital tools and the maintenance and extension of the e-Justice portal (in complementarity with the Digital Europe Programme

Why does the Commission monitor the digitalisation of national justice systems?

Digitalisation of justice is key to increasing the effectiveness of justice systems and a highly efficient tool for facilitating access to justice and increasing the quality of justice. The COVID-19 pandemic has brought to the forefront the need for Member States to accelerate modernisation reforms in this area.

Since 2013, the EU Justice Scoreboard has included certain comparative information on the digitalisation of justice across the Member States, for example in the areas of online access to judgments or online claim submission and follow-up.

The Commission's Communication on *Digitalisation of justice in the European Union – A toolbox of opportunities* ([40]), adopted in December 2020, presents a strategy aimed at improving access to justice and the effectiveness of justice systems using technology. As outlined in the Communication, a number of additional indicators were included in the EU Justice Scoreboard as of 2021. The purpose is to ensure comprehensive and timely in-depth monitoring of progress areas and challenges encountered by Member States in their efforts towards the digitalisation of their justice systems. Regulation (EU) 2023/2844 on digitalisation of cross-border judicial cooperation in civil, commercial and criminal matters ([41]) allows natural and legal persons to communicate electronically with competent judicial authorities in the context of cross-border proceedings, as well as to pay court fees electronically. In this context, the Justice Scoreboard will monitor the progress achieved by Member States in the implementation of the Regulation.

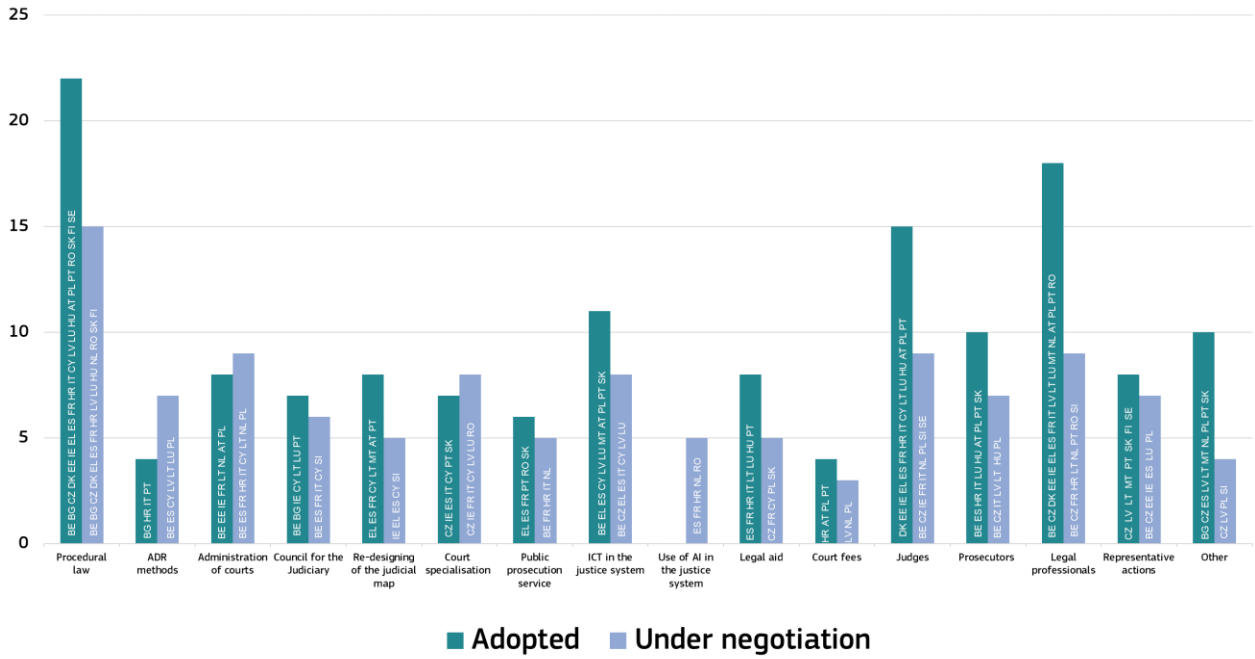
[40] COM(2020) 710 final.

[41] Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation, PE/50/2023/REV/1, OJ L, 2023/2844, 27.12.2023.

2. CONTEXT: DEVELOPMENTS IN JUSTICE REFORMS IN 2023

In 2023, a large number of Member States continued their efforts to further improve the effectiveness of their justice systems. Figure 1 presents an updated overview of adopted and planned measures across several areas of justice systems in Member States engaged in reforming their justice systems.

Figure 1: Legislative and regulatory activity concerning justice systems in 2023 *(adopted measures/initiatives under negotiation in each Member State) (source: European Commission ([42]))*



In 2023, procedural law continued to be an area of particular focus in many Member States, with a significant amount of ongoing or planned legislative activity. Reforms concerning the rules for legal professionals and the status of judges also saw significant activity. The momentum from preceding years on legislation for the use of information and communication technologies (ICT) continued in 2023. Five Member States are planning to use artificial intelligence in their justice systems, however, no legislation was reportedly adopted in 2023. The overview confirms the observation that justice reforms require time – sometimes several years – from their announcement, until the adoption of the legislative and regulatory measures and their implementation on the ground.

[42] This information has been collected in cooperation with the group of contact persons on national justice systems for 26 Member States. DE explained that a number of judicial reforms were under way, but that the scope and scale of the reform process can vary within the 16 federal states.

3. KEY FINDINGS OF THE 2024 EU JUSTICE SCOREBOARD

Efficiency, quality and independence are the main parameters of an effective justice system, for all three of which the Scoreboard presents indicators.

3.1. Efficiency of justice systems

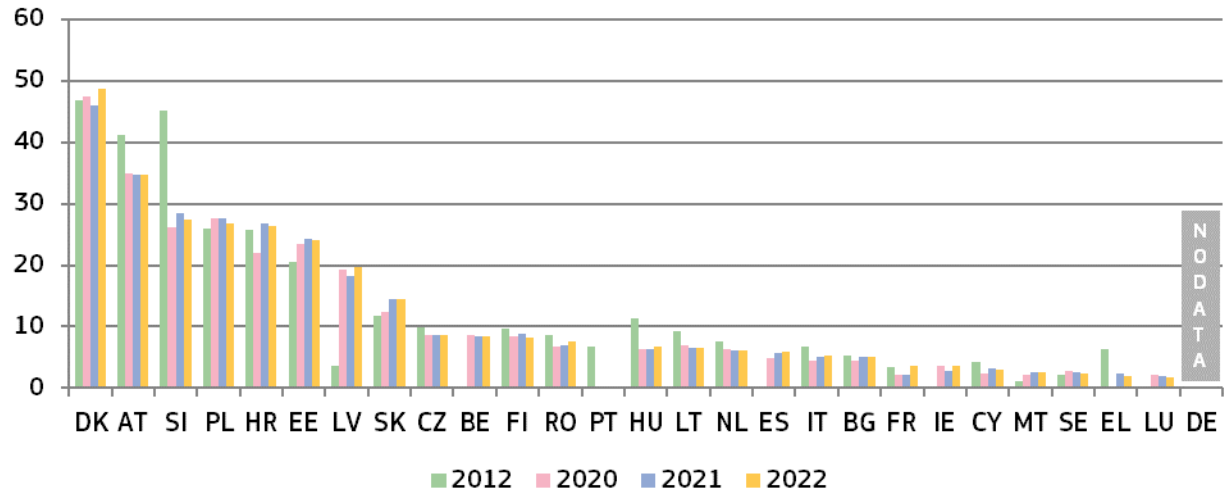
The Scoreboard presents indicators for the efficiency of proceedings in the broad areas of civil, commercial and administrative cases and in specific areas where administrative authorities and courts apply EU law ([43]).

The efficiency related indicators in 2022, in particular the number of incoming cases, clearance rate and disposition time, showed the first results of the efforts for recovery from the impact of the COVID-19 pandemic, which affected Member States in different ways (e.g. in terms of timing or severity) ([44]).

3.1.1. Developments in caseload

The caseload of national justice systems decreased notably in 3 Member States, compared to the previous year, while increasing or remaining stable in 23. Overall, it continues to vary considerably between Member States (Figure 2).

Figure 2: Number of incoming civil, commercial, administrative and other cases in 2012, 2020 – 2022 (*) *(1st instance/per 100 inhabitants) (source: CEPEJ study ([45]))*



(*) Under the CEPEJ methodology, this category includes all civil and commercial litigious and non-litigious cases, non-litigious land and business registry cases, other registry cases, other non-litigious cases, administrative law cases and other non-criminal cases.

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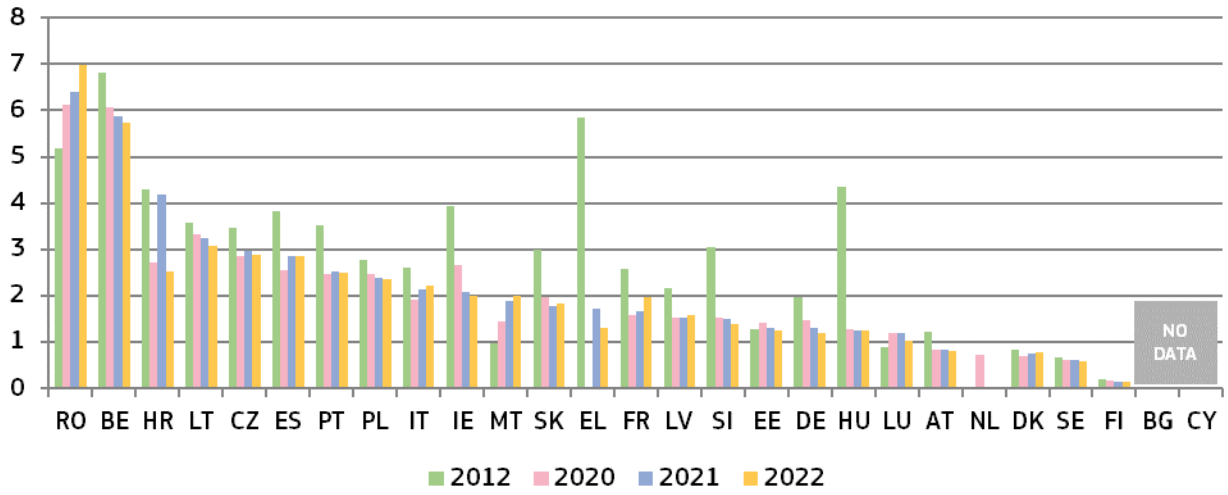
[43] The enforcement of court decisions is also important for the efficiency of a justice system. However, comparable data are not widely available.

[44] More details on the individual Member States' situation are presented in the 2022 study on the functioning of judicial systems in the EU Member States – country profiles, carried out by the CEPEJ Secretariat for the Commission: https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en.

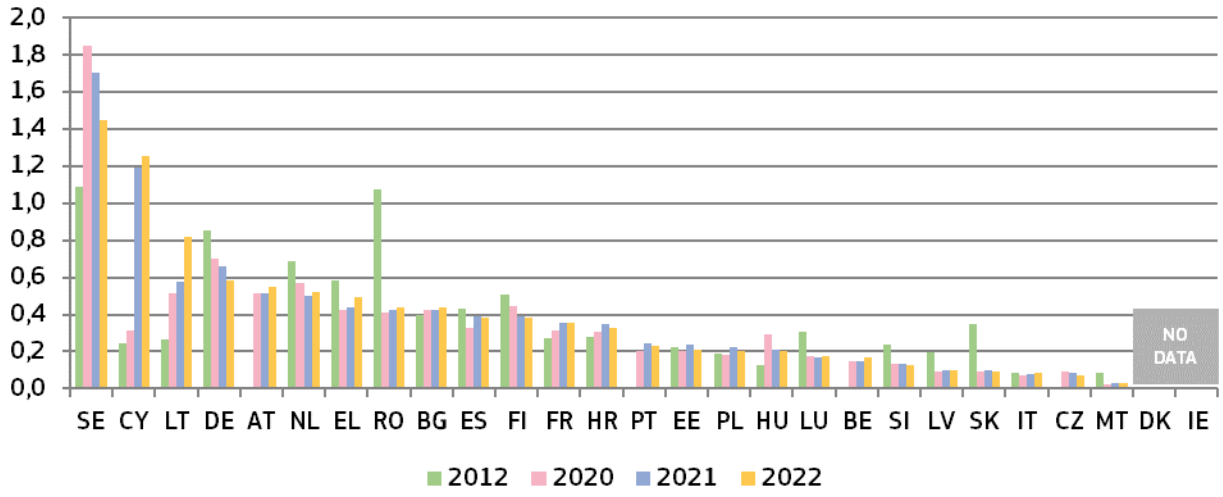
[45] 2022 study on the functioning of judicial systems in the EU Member States, carried out by the CEPEJ Secretariat for the Commission: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en#documents

Figure 3: Number of incoming civil and commercial litigious cases in 2012, 2020 – 2022 (*) *(1st instance/per 100 inhabitants) (source: CEPEJ study)*



*(*) Under the CEPEJ methodology, litigious civil/commercial cases concern disputes between parties, e.g. disputes about contracts. Non-litigious civil/commercial cases concern uncontested proceedings, e.g. uncontested payment orders. Methodology changes in **EL** and **SK**. Data for **NL** include non-litigious cases.*

Figure 4: Number of incoming administrative cases in 2012, 2020 – 2022 (*) *(1st instance/per 100 inhabitants) (source: CEPEJ study)*



*(*) Under the CEPEJ methodology, administrative law cases concern disputes between individuals and local, regional or national authorities. **DK** and **IE** do not record administrative cases separately. Removal from judicial procedure of some administrative procedures occurred in **RO** in 2018. Methodology changes in **EL**, **SK** and **SE**. In **SE**, migration cases have been included under administrative cases (retroactively applied for 2017).*

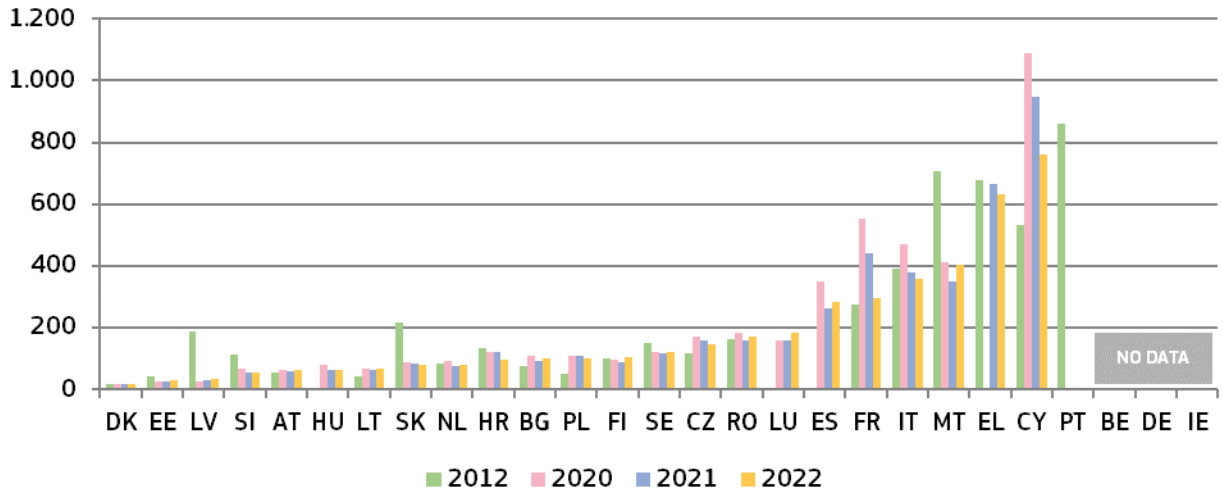
3.1.2. General data on efficiency

The indicators on the efficiency of proceedings in the broad areas of civil, commercial and administrative cases are: (i) estimated length of proceedings (disposition time), (ii) clearance rate, and (iii) number of pending cases.

– Estimated length of proceedings –

The length of proceedings indicates the estimated time (in days) needed to resolve a case in court, meaning the time taken by the court to reach a decision at first instance. The 'disposition time' indicator is the number of unresolved cases divided by the number of resolved cases at the end of a year multiplied by 365 (days) ([46]). It is a calculated quantity that indicates the estimated minimum time that a court would need to resolve a case while maintaining the current working conditions. The higher the value, the higher is the probability that it takes the court longer to reach a decision. Figures mostly concern proceedings at first instance courts and compare, where available, data for 2012, 2020, 2021 and 2022 ([47]). Figures 7 and 9 show the disposition time in 2022 in civil and commercial litigious cases, and administrative cases at all court instances.

Figure 5: Estimated time needed to resolve civil, commercial, administrative and other cases in 2012, 2020 – 2022 (*) *(1st instance/in days) (source: CEPEJ study)*

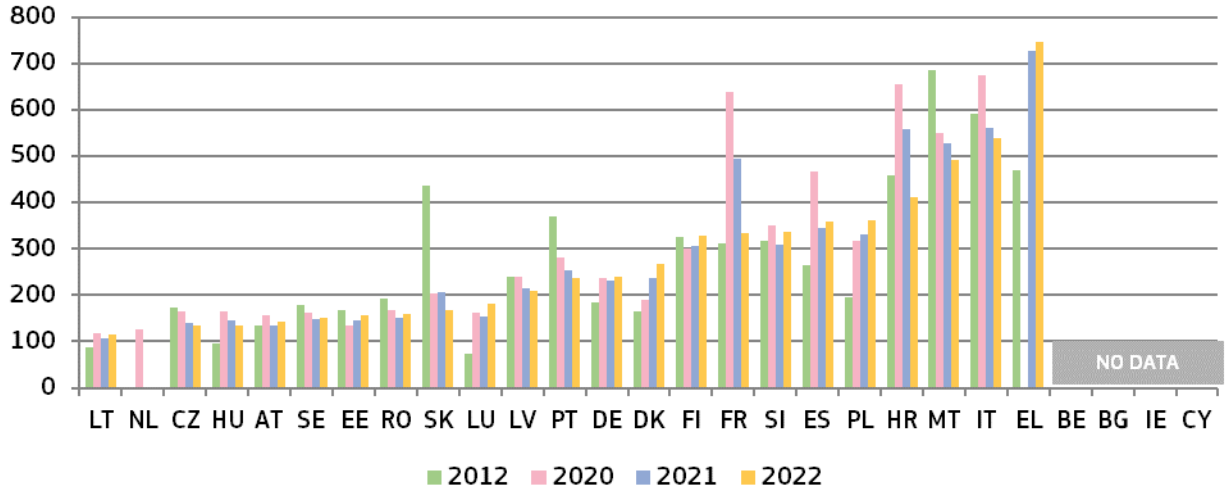


*(*) Under the CEPEJ methodology, this category includes all civil and commercial litigious and non-litigious cases, non-litigious land and business registry cases, other registry cases, other non-litigious cases, administrative law cases and other non-criminal cases. Methodology changes in **SK**. Pending cases include all instances in **CZ** and, until 2016, in **SK**. **LV**: the sharp decrease is due to court system reform, error checks and data clean-ups of the information system. **PT**: On 1 September 2013, the new Code of civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal. It is based on a new paradigm, which states that the proceedings that are run in court must stand out clearly from those who run out of court. The authorities are still working to implement the mechanism in question. However, so far it has not been possible to adapt the collection of data and thus not possible to provide the necessary data for this figure.*

[46] Length of proceedings, clearance rate and number of pending cases are standard indicators defined by CEPEJ: http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp

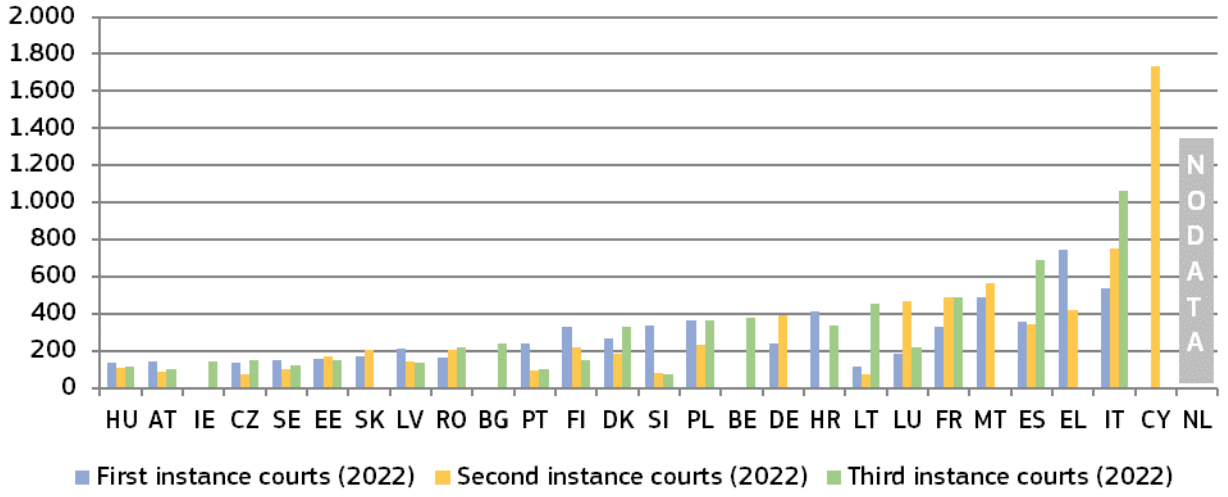
[47] The years were chosen to keep the eight-year perspective with 2012 as a baseline, while at the same time not overcrowding the figures. Data for 2010, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 are available in the CEPEJ report.

Figure 6: Estimated time needed to resolve <u>litigious civil and commercial cases at first instance in 2012, 2020 – 2022</u> (*) *(1st instance/in days) (source: CEPEJ study)*



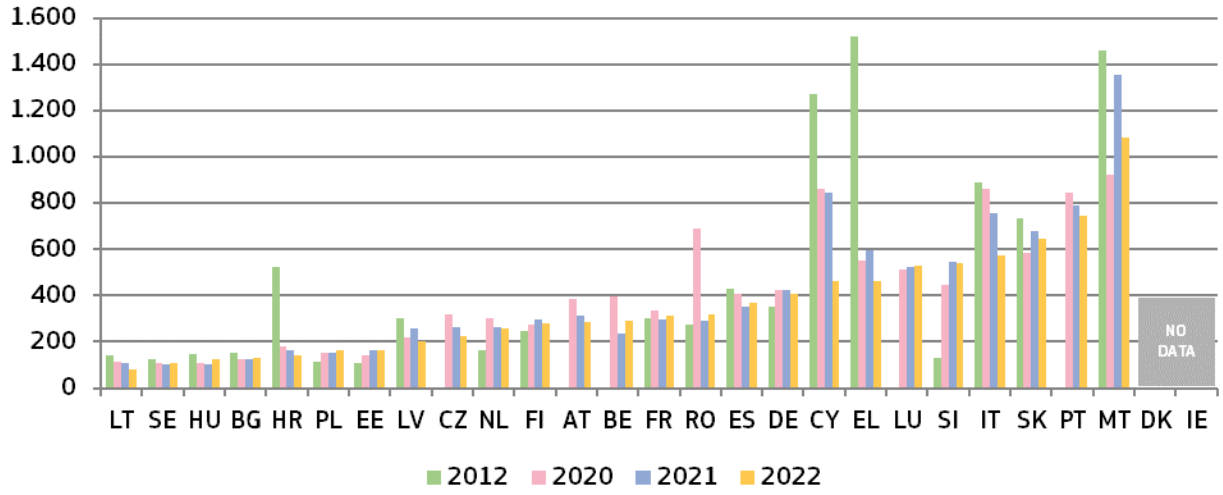
*(*) Under the CEPEJ methodology, litigious civil/commercial cases concern disputes between parties, e.g. disputes about contracts. Non-litigious civil/commercial cases concern uncontested proceedings, e.g. uncontested payment orders. Methodology changes in **EL** and **SK**. Pending cases include all instances in **CZ** and, up to 2016, in **SK**. **IT**: the temporary slowdown of judicial activity due to strict restrictive measures to address the COVID-19 pandemic affected the disposition time. Data for **NL** include non-litigious cases.*

Figure 7: Estimated time needed to resolve <u>litigious civil and commercial cases at all court instances in 2022</u> (*) *(1st, 2nd and 3rd instance/in days) (source: CEPEJ study)*



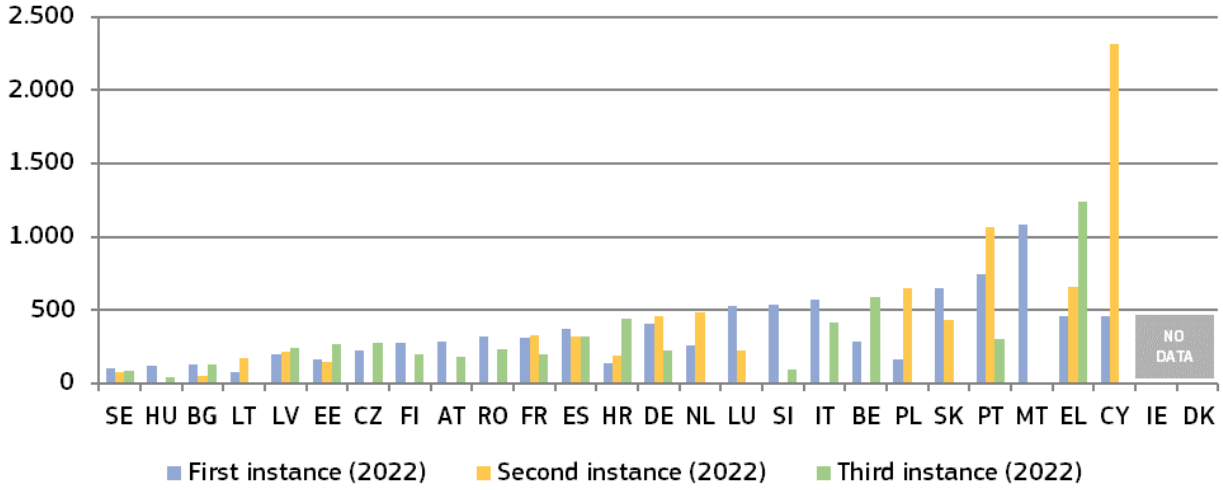
*(*) The order is determined by the court instance with the longest proceedings in each Member State. No data are available for first and second instance courts in **BE** and **BG**, for second instance courts in **NL,** for second and third instance courts in **AT** or for third instance courts in **DE** and **HR**. There is no third instance court in **DE** and **MT**.. Access to a third instance court may be limited in some Member States.*

Figure 8: Estimated time needed to resolve <u>administrative cases at first instance in 2012, 2020 – 2022</u> (*) *(1st instance/in days) (source: CEPEJ study)*



*(*) Administrative law cases concern disputes between individuals and local, regional or national authorities, under the CEPEJ methodology. Methodology changes in **EL** and **SK**. Pending cases include courts of all instances in **CZ** and, until 2016, in **SK**. **DK** and **IE** do not record administrative cases separately. **CY**: in 2018, the number of resolved cases increased because cases were tried together, 2 724 consolidated cases were withdrawn and an administrative court was set up in 2015.*

Figure 9: Estimated time needed to resolve <u>administrative cases</u> <u>at all court instances in 2022</u> (*) *(1st and, where applicable, 2nd and 3rd instance/in days) (source: CEPEJ study)*

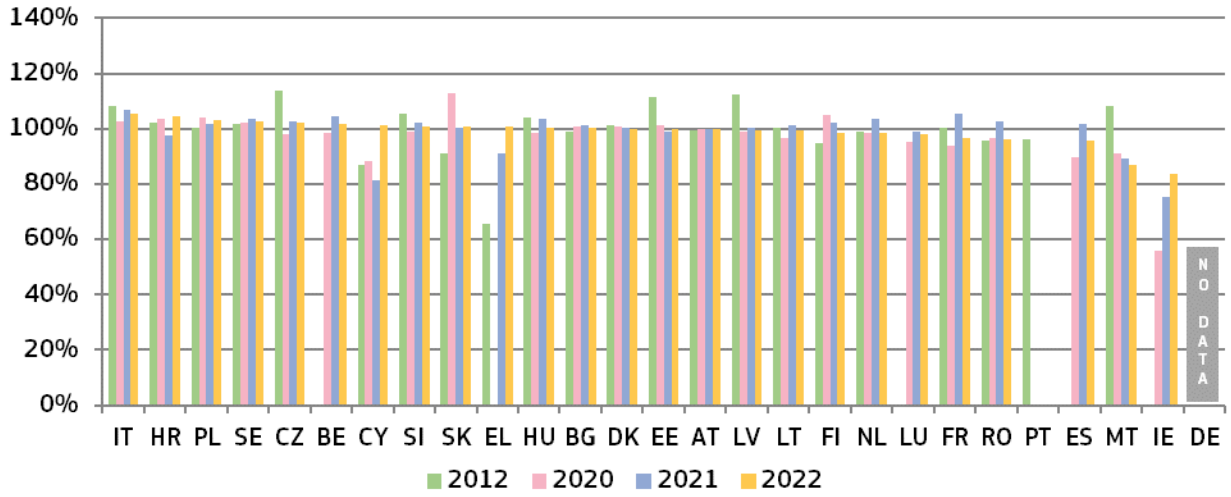


*(*) The order is determined by the court instance with the longest proceedings in each Member State. No data available for second instance courts in **BE**, **CZ**, **HU**, **MT**, **AT**, **PL, RO**, **SI**, **SK** and **FI**, for third instance courts in **CY**, **LT**, **LU** and **MT**. The supreme, or other highest court, is the only appeal instance in **CZ**, **IT**, **CY**, **AT**, **SI** and **FI**. There is no third instance court for these types of cases in **LT**, **LU** and **MT**. The highest Administrative Court is the first and only instance for certain cases in **BE**. Access to third instance courts may be limited in some Member States. **DK** and **IE** do not record administrative cases separately.*

– Clearance rate –

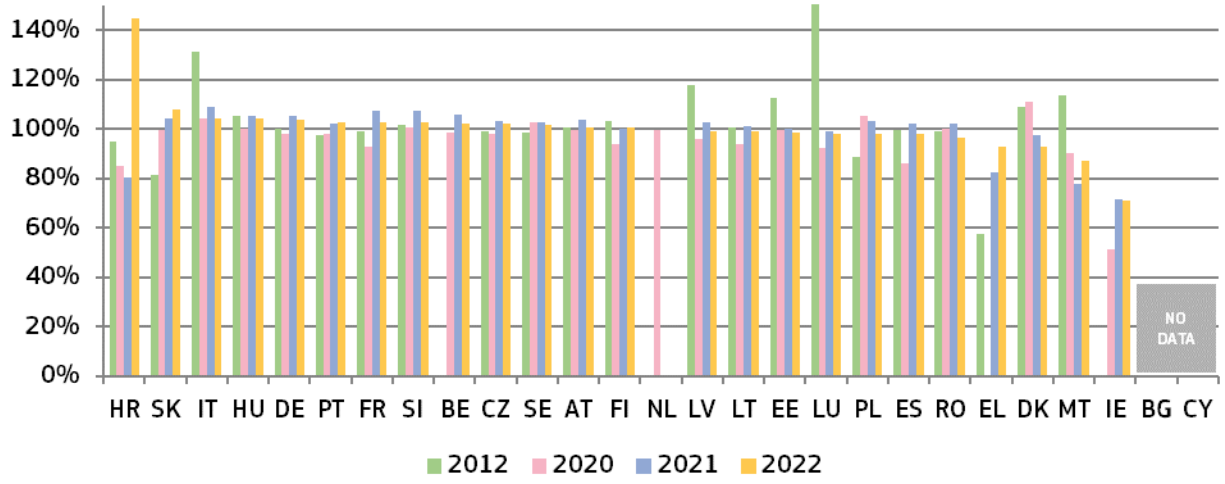
The clearance rate is the ratio of the number of resolved cases over the number of incoming cases. It measures whether a court is keeping up with its incoming caseload. When the clearance rate is around 100% or higher, it means the judicial system is able to resolve at least as many cases as come in. When the clearance rate is below 100%, it means that the courts are resolving fewer cases than the number of incoming cases.

Figure 10: Rate of resolving civil, commercial, administrative and other cases in 2012, 2020 – 2022 (*) *(1st instance/in % — values higher than 100% indicate that more cases are resolved than come in, while values below 100% indicate that fewer cases are resolved than come in) (source: CEPEJ study)*



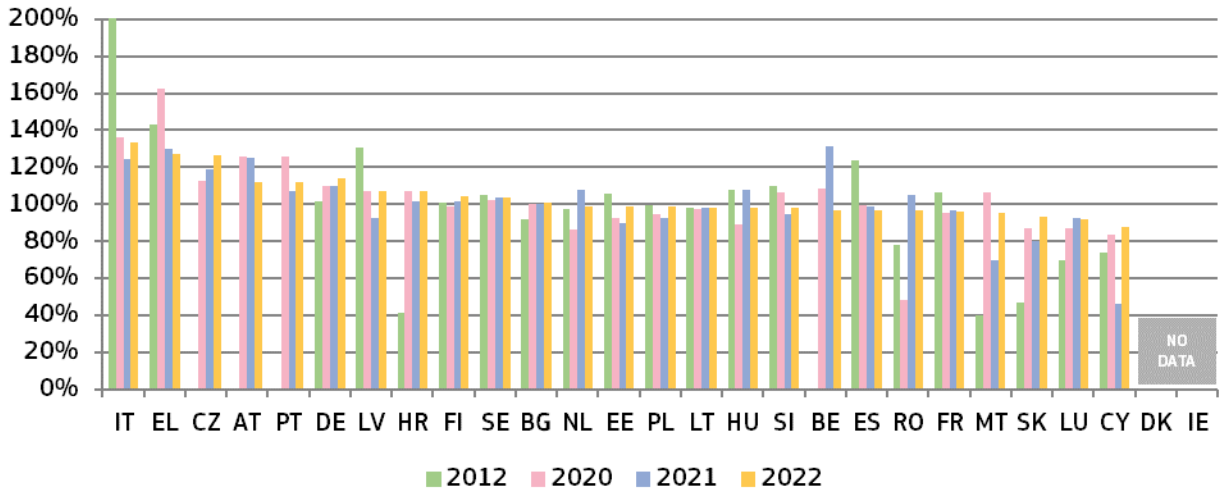
*(*) Under the CEPEJ methodology, this category includes all civil and commercial litigious and non-litigious cases, non-litigious land and business registry cases, other registry cases, other non-litigious cases, administrative law cases and other non-criminal cases. Methodology changes in **SK**. **IE:** the number of resolved cases is expected to be underreported due to the methodology. **IT**: different classification of civil cases introduced in 2013.*

Figure 11: Rate of resolving <u>litigious civil and commercial cases in 2012, 2020 – 2022</u> (*) *(1st instance/in %) (source: CEPEJ study)*



*(*) Methodology changes in **EL** and **SK**. **IE:** the number of resolved cases is expected to be underreported due to the methodology. **IT**: different classification of civil cases introduced in 2013. Data for **NL** include non-litigious cases.*

Figure 12: Rate of resolving <u>administrative cases in 2012, 2020 – 2022</u> (*) *(1st instance/in %) (source: CEPEJ study)*

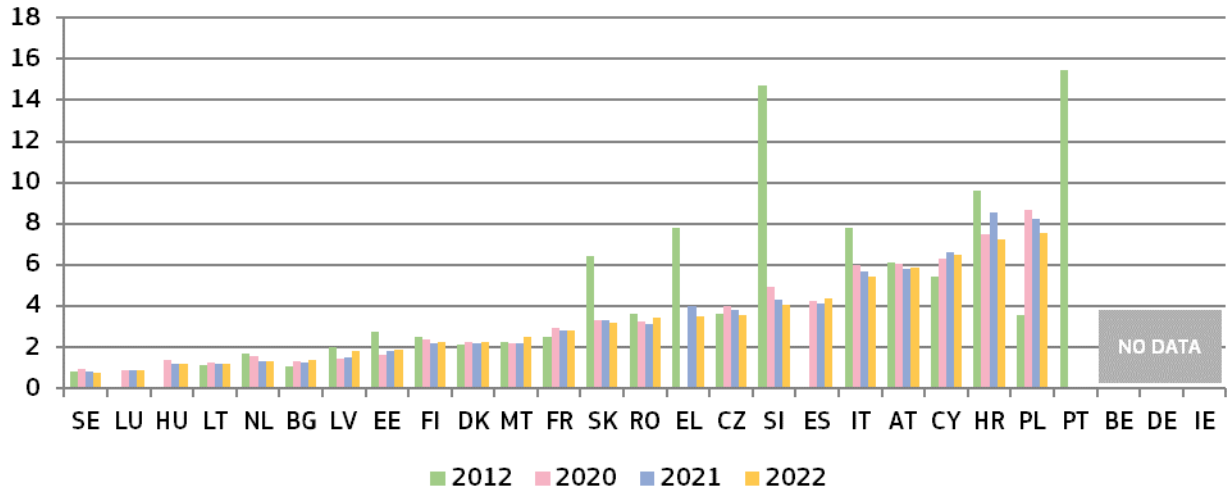


*(*) Past values for some Member States have been reduced for presentation purposes (**IT** in 2012=279.8%); Methodology changes in **EL** and **SK**. **DK** and **IE** do not record administrative cases separately. In **CY**, the number of resolved cases has increased because cases were tried together, 2 724 consolidated cases were withdrawn and an administrative court was set up in 2015.*

– Pending cases –

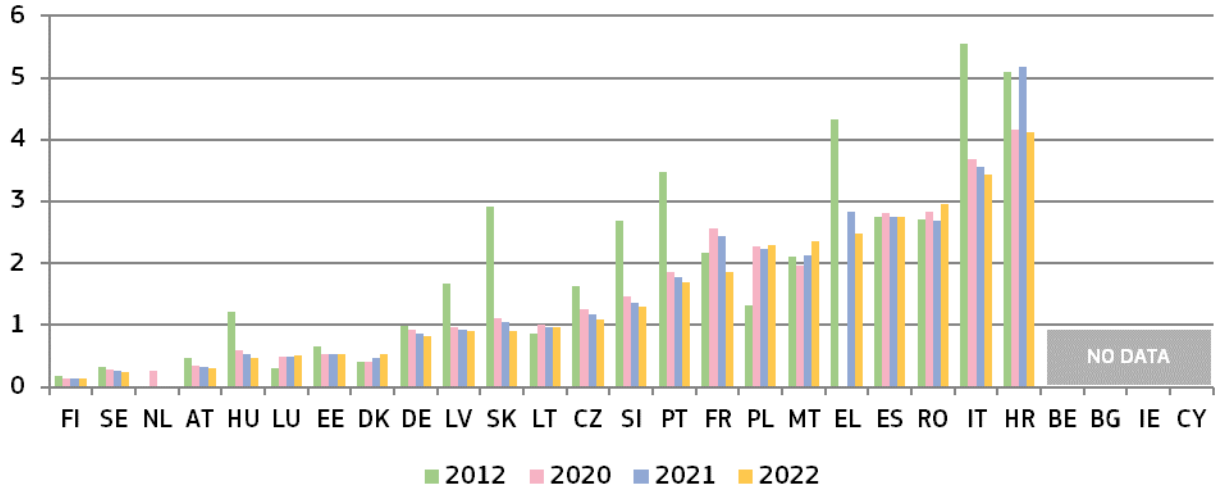
The number of pending cases expresses the number of cases that remains to be dealt with at the end of the year in question. It also affects disposition time.

Figure 13: Number of <u>pending civil, commercial and administrative and other cases in 2012, 2020 – 2022</u> (*) *(1st instance/per 100 inhabitants) (source: CEPEJ study)*



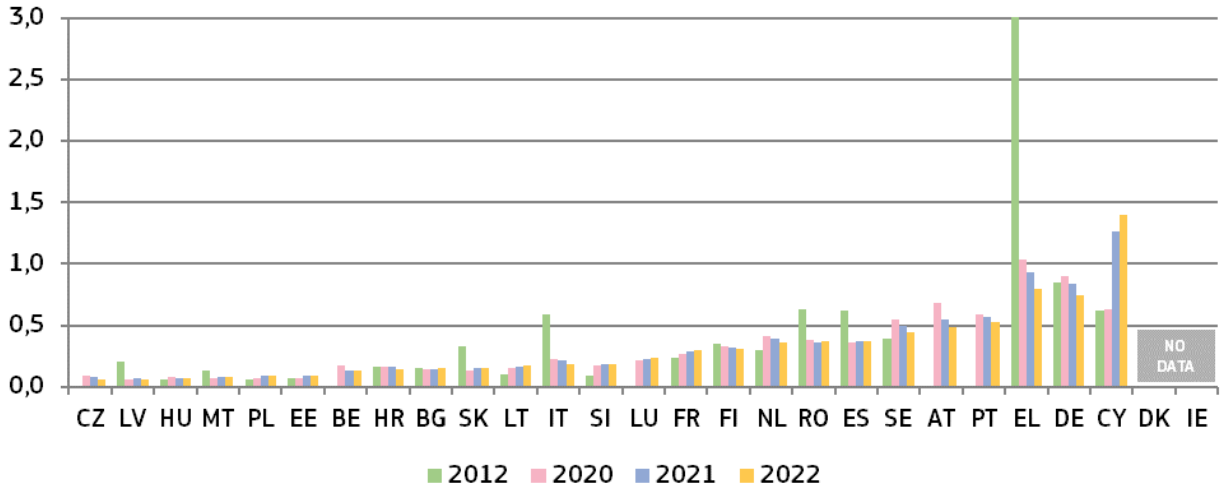
*(*) Under the CEPEJ methodology, this category includes all civil and commercial litigious and non-litigious cases, non-litigious land and business registry cases, other registry cases, other non-litigious cases, administrative law cases and other non-criminal cases. Methodology changes in **SK**. Pending cases include cases before courts of all instances in **CZ** and, until 2016, in **SK**. **IT**: different classification of civil cases introduced in 2013.*

Figure 14: Number of <u>pending litigious civil and commercial cases in 2012, 2020 – 2022</u> (*) *(1st instance/per 100 inhabitants) (source: CEPEJ study)*



*(*) Methodology changes in **EL** and **SK**. Pending cases include cases before courts of all instances in **CZ** and, until 2016, in **SK**. **IT**: different classification of civil cases introduced in 2013. Data for **NL** include non-litigious cases.*

Figure 15: Number of pending administrative cases in 2012, 2020 – 2022 (*) *(1st instance/per 100 inhabitants) (source: CEPEJ study)*



*(*) Past values for some Member States have been reduced for presentation purposes (**EL** in 2012 = 3.5). Methodology changes in **EL** and **SK**. Pending cases include cases before courts of all instances in **CZ** and, until 2016, in **SK**. **DK** and **IE** do not record administrative cases separately.*

3.1.3. Efficiency in specific areas of EU law

This section complements the general data on the efficiency of justice systems and presents the average length of proceedings ([48]) in specific areas of EU law. The 2024 Scoreboard builds on previous data for competition, electronic communications, the EU trademark, consumer law and anti-money laundering. A sixth area was added last year, to include data on anti-corruption proceedings, and this has been solidified with another year of data ([49]). The now six areas have been selected because of their relevance for the single market and the business environment. This edition continues with the overview of efficiency of administrative authorities with updated figures on the areas of competition and consumer protection. In general, long delays in judicial and administrative proceedings may have negative impacts on rights stemming from EU law e.g. when appropriate remedies are no longer available or serious financial damages become irrecoverable. For business in particular, administrative delays and uncertainty in some cases can lead to significant costs and undermine planned or existing investments ([50]).

[48] The length of proceedings in specific areas is calculated in calendar days, counting from the day on which an action or appeal was lodged before the court (or the indictment became final) until the day on which the court adopted its decision (Figures 16-23). Values are ranked based on a weighted average of data for 2013 and 2020-2022 for Figures 16, 18, 19 and 20, and for 2014 and 2020-2022 for Figures 21 and 22. For Figure 17, data cover 2020-2021. For Figure 23, the data cover 2021-2022. Where data were not available for all years, the average reflects the available data presented in the chart, calculated based on all cases, a sample of cases or, in very few countries, estimations.

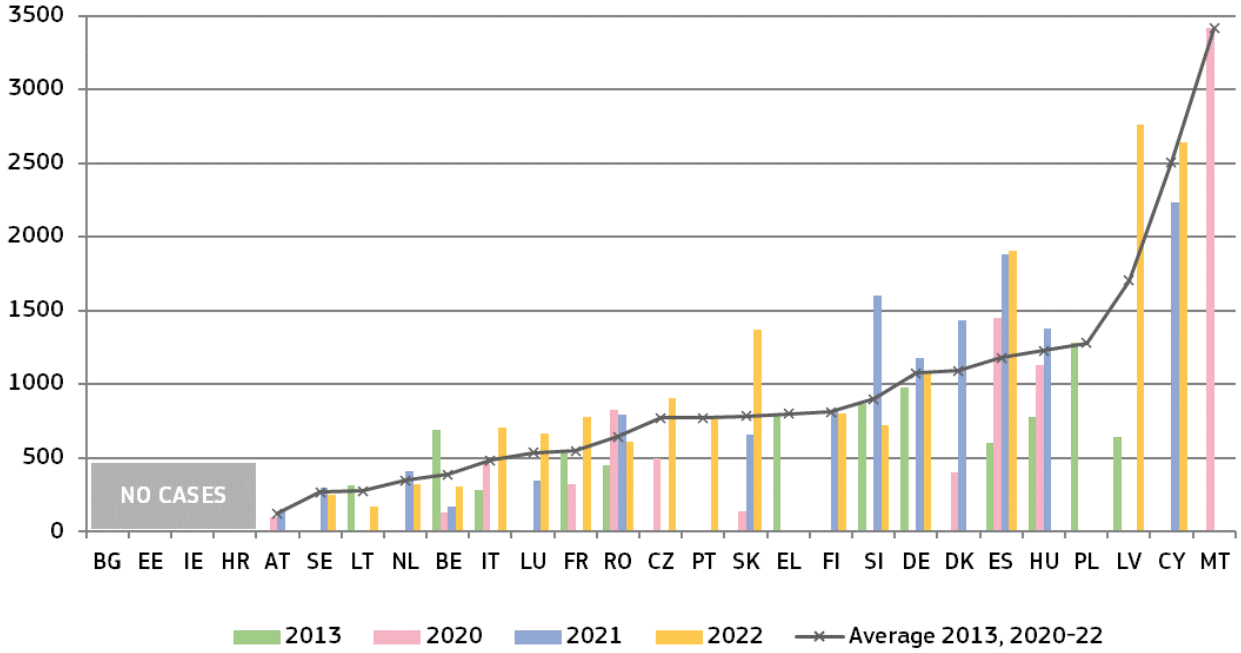
[49] Proposal for a Directive on combatting corruption COM (2023) 234 and Joint Communication on the fight against corruption JOIN(2023) 12 final.

[50] Figure 18 of the Retention and Expansion of Foreign Direct Investment, Political Risk and Policy Responses, 2019 the World Bank Group.

– Competition –

The effective enforcement of competition law is essential for an attractive business environment as it ensures a level playing field for businesses. It promotes economic initiative and efficiency, creates a wider choice for consumers and helps reduce prices and improve quality. Figure 16 presents the average length of cases brought against decisions of national competition authorities applying Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) ([51]). Figure 17 presents the average length of proceedings before the national competition authorities when applying Articles 101 and 102 of the TFEU.

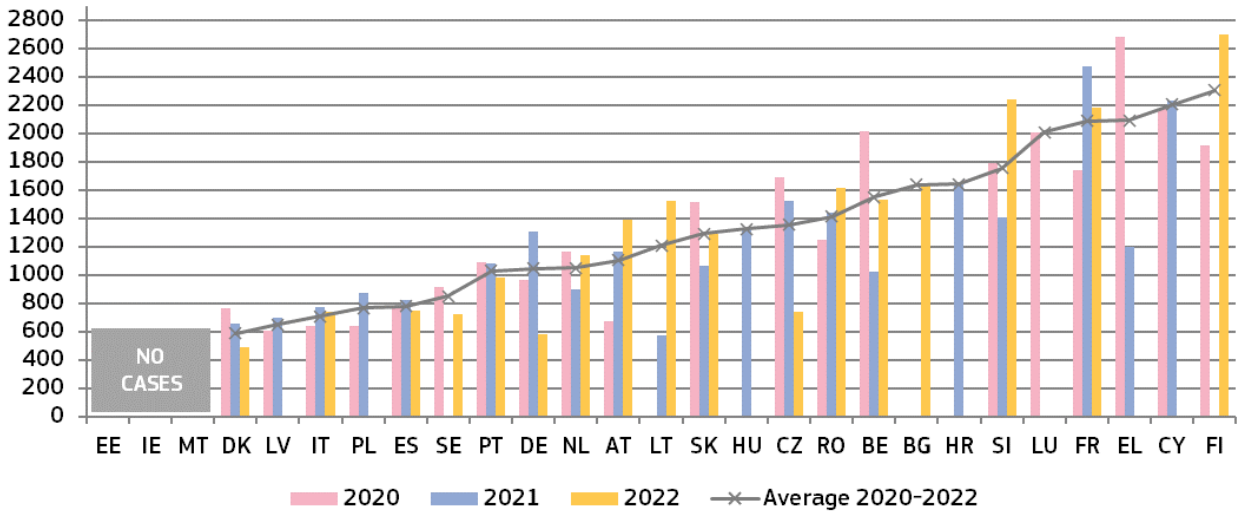
Figure 16: <u>Competition</u>: average length of judicial review in 2013, 2020 – 2022 (*) *(1st instance/in days) (source: European Commission with the European Competition Network)*



*(*) **IE** and **AT**: the scenario is not applicable as the authorities do not have powers to take respective decisions. **AT**: data include cases decided by the Cartel Court involving an infringement of Articles 101 and 102 TFEU, but not based on appeals against the national competition authority. An estimation of length was used for **IT**. An empty column can indicate that the Member State reported no cases for the year in question. The number of cases is low (below five a year) in many Member States. This can make the annual data dependent on one exceptionally long or short case (e.g. **MT** were there was only one case).*

[51] See Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance), OJ L 1, 4.1.2003, p. 1–25, in particular Articles 3 and 5.

Figure 17: <u>Competition</u>: average length of proceedings before the national competition authorities in 2020-2022 (*) *(in days) (source: European Commission with the European Competition Network)*



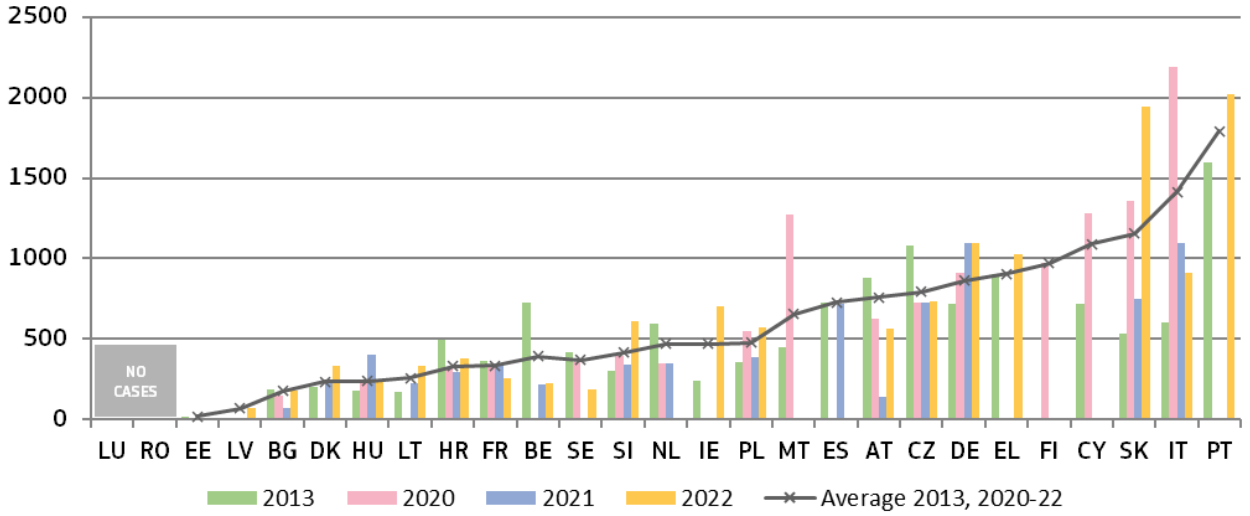
(*) The results for all three years (2020, 2021 and 2022) have been updated in light of an agreement between all Member States on when do they consider a case to be opened. For this reason, the data in the above figure cannot be compared to the data published in previous EU Justice Scoreboards. ***CZ****: The administrative proceedings before the Czech NCA consist of two instances. The second instance represents the review procedure within the authority. After the adoption of the first instance decision, the parties to the proceedings have the right to lodge an appeal to the Chairman of the Czech NCA who then issues the second instance decision. The second instance decision of the Czech NCA's Chairman is the subject to the judicial review.* ***DK****: In 2021, there was a change in the Danish competition regime caused by the transposition of the ECN+ Directive. As part of this, there was a change in the fining system where fines changed from criminal to civil. Consequently, handling of court cases changed from being handled by the public prosecutor to being handled by the Danish Competition and Consumer Authority (DCCA) which now brings the cases to the civil courts with a claim for a fine after the DCCA has made a decision on substance, i.e. that the undertaking has infringed the competition rules. As part of the introduction of civil fines, the DCCA now has the power to settle cases out of court with a civil fine in cases where the undertaking admits the infringement of the competition rules, there is case law on the level of the fine for comparable infringements, and the infringement as well as the evidence for the infringement is clear. This new power has resulted in an increase of decisions made by the DCCA in 2022.* ***IT****: In 2022, nine proceedings opened by the Italian Competition Authority (three under Article 101 TFEU and six under Article 102 TFEU) are not taken into account because they closed with undertakings. In 2021, six proceedings opened by the Italian Competition Authority (five under Article 101 TFUE and one under Article 102 TFUE) are not taken into account because they closed with undertakings. Proceedings I833 - Gare Consip per acquisizione beni e servizi per informatica e telecomunicazioni –, opened by the Italian Competition Authority under Article 101 TFEU, are not taken into account because at the end of the proceedings did not find any breaches of Article 101 TFUE.* ***CY****: The length of proceedings is attributed to delays caused by recalls and re-examinations of cases and repetitions of procedures in order to comply with applicable administrative law and court decisions. Also, other factors that have contributed to the length of proceedings are the nature and complexity of the cases, the deadline extensions at the requests of the parties and the COVID-19 pandemic.* ***LV****: For 2020, this particular case was formally opened on 28 December 2018. Whereas only on 16 July 2020, it was recognised that the potential infringement may affect trade between Member States.* ***AT****: Competition law is enforced in a mixed administrative/judicial system, whereby the (administrative) Federal Competition Authority investigates cases of suspected infringements and, where appropriate, files applications to the (judicial) Cartel Court for decisions on the substance. The length of proceedings under the newly agreed methodology therefore now covers the combined duration of proceedings before the administrative NCA and the judicial NCA. Investigations and proceedings leading to decisions in 2021 and 2022 were impeded and delayed by the effects and limitations caused by the COVID-19 pandemic. Moreover, data include proceedings relating to a large scale cartel in the construction sector. Due to the size of this case proceedings*

triggered by the same first investigative measure were (and still are being) led and concluded successively, gradually distorting the average length of proceedings. ***PT****: Regarding proceedings which have led to several final decisions in different dates (e.g. staggered decisions for different undertakings in the same case, either all settlement decisions or a combination of decisions involving the settlement and "normal" procedure), the NCA reports each decision (and respective duration) separately. This approach follows the instructions of the questionnaire, which requests the number of final decisions, and takes into account the efficiency gains achieved in the proceedings which involve settlement procedures.* ***SK****: There is a two-instance administrative procedure for competition law matters. The duration of proceedings was calculated from the first investigative measure until the final administrative decision of the second instance.*

– Electronic communications –

The objective of EU electronic communications legislation is to raise competition, to contribute to the development of the single market and to generate investment, innovation and growth. The positive effects for consumers can be achieved through effective enforcement of this legislation which can lead to lower prices for end users and better quality services. Figure 18 presents the average length of judicial review cases against the decisions of national regulatory authorities applying EU law on electronic communications ([52]). It covers a broad range of cases, ranging from more complex 'market analysis' reviews to more straightforward consumer-focused issues.

Figure 18: <u>Electronic communications</u>: average length of judicial review in 2013, 2020 – 2022
(*) *(1st instance/in days) (source: European Commission with the Communications Committee)*



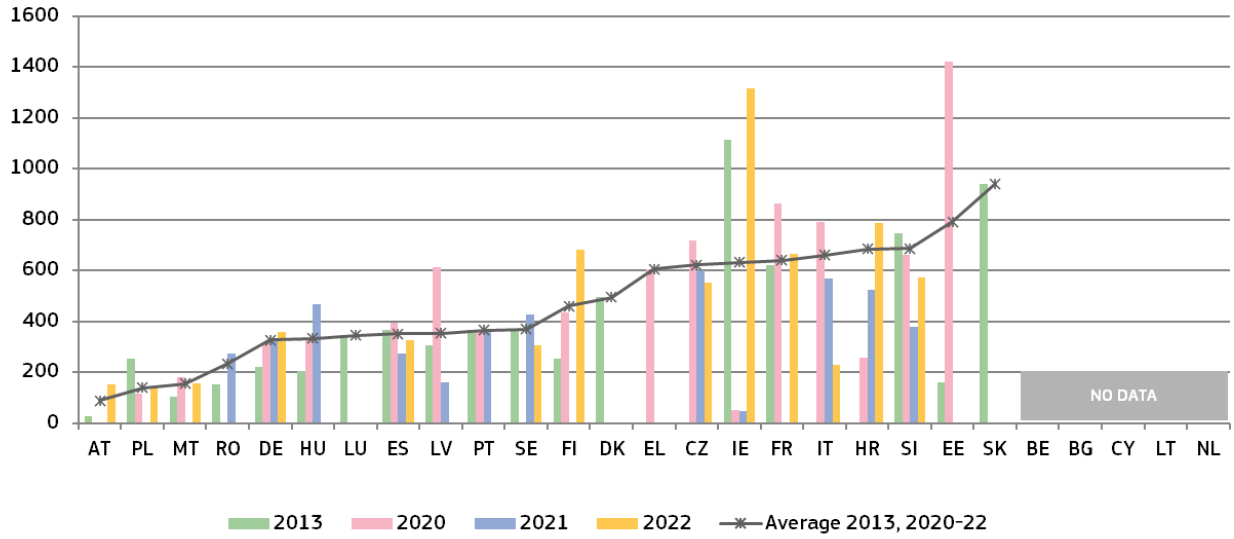
(*) *The number of cases varies from one Member State to another. An empty column indicates that the Member State reported no cases for the year (except* ***PT*** *for 2020, and* ***RO*** *no data). In some instances, the limited number of relevant cases (****BG****,* ***CY, MT****,* ***NL****,* ***SK****,* ***FI, SE****) can make the annual data dependent on one exceptionally long or short case and result in wide variations from one year to the next.* ***DK****: quasi-judicial body in charge of 1st instance appeals.* ***EE:*** *The average length of judicial review cases in 2013 was 18 days.* ***ES****,* ***AT****, and* ***PL****: different courts in charge depending on the subject matter.*

[52] The calculation has been made based on the length of cases of appeal against national regulatory authority decisions applying national laws that implement the EU regulatory framework for electronic communications (Directives 2002/19/EC (Access Directive), Directive 2002/20/EC (Authorisation Directive), Directive 2002/21/EC (Framework Directive), Directive 2002/22/EC (Universal Service Directive), as well as other relevant EU law such as the radio spectrum policy programme and Commission spectrum decisions, excluding Directive 2002/58/EC on privacy and electronic communications.

– EU trademark –

Effective enforcement of intellectual property rights is essential to stimulate investment in innovation. EU legislation on EU trademarks ([53]) gives the national courts a significant role to play, in acting as EU courts and taking decisions that affect the single market. Figure 19 shows the average length of EU trademark infringement cases in litigation between private parties.

Figure 19: EU trademark: average length of EU trademark infringement cases in 2013, 2020 – 2022 (*) *(1st instance/in days) (source: European Commission with the European Observatory on infringements of intellectual property rights)*



*(*) **FR**, **IT**, **LT**, **LU**: a sample of cases used for data for certain years. **DK**: data from all trademark cases (not only EU) in Commercial and Maritime High Courts; for 2018 and 2019, no data on average length due to changes in data collection system. **EL:** data based on weighted average length from two courts. **ES**: cases concerning other EU IP titles are included in the calculation of average length.*

– Consumer protection –

Effective enforcement of consumer law ensures that consumers benefit from their rights and that companies infringing consumer laws do not gain an unfair advantage. Consumer protection authorities and courts play a key role in enforcing EU consumer law ([54]) within the various national enforcement systems. Figure 20 illustrates the average length of judicial review cases against decisions of consumer protection authorities applying EU law.

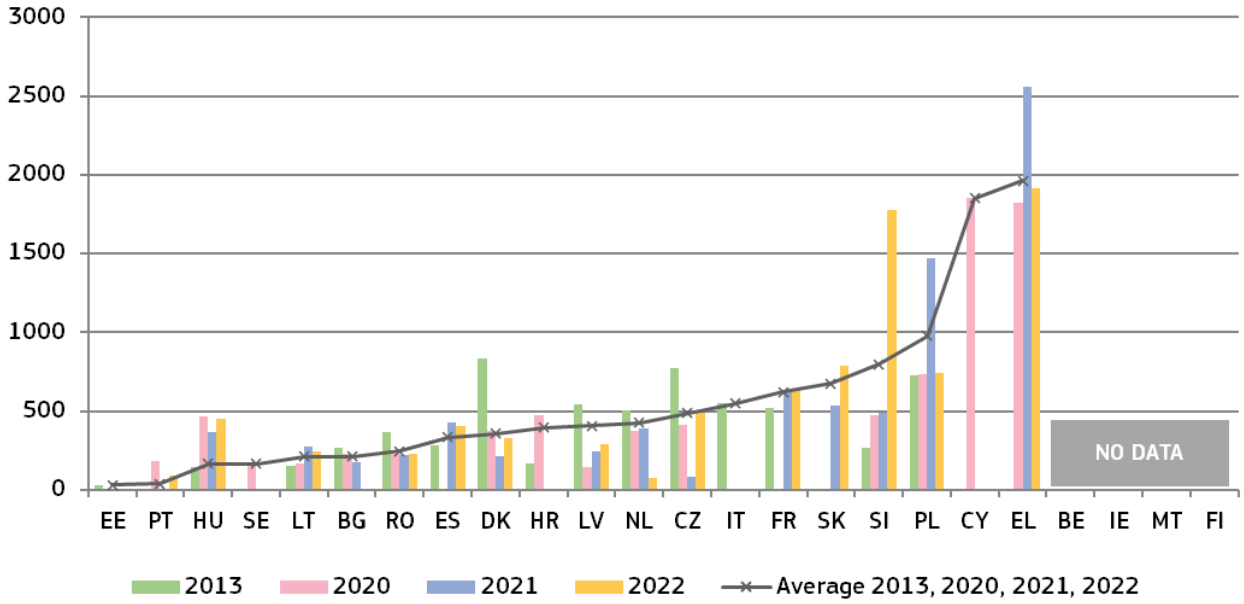
For consumers or companies, effective enforcement can involve a chain of actors, not only courts but also administrative authorities. To shed more light on this enforcement chain, the length of proceedings by consumer authorities is presented. Figure 21 shows the average length of time it took for administrative decisions by national consumer protection authorities in 2014 and 2020-2022 from the moment a case is opened. Relevant decisions include declaring infringements of

[53] Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trademark (OJ L 154, 16.62017, p. 1-99).

[54] Figures 20 and 21 relate to the enforcement of the Unfair Terms Directive (93/13/EEC), the Consumer Sales and Guarantees Directive (1999/44/EC), the Unfair Commercial Practices Directive (2005/29/EC) and the Consumer Rights Directive (2011/83/EC), and their national implementing provisions.

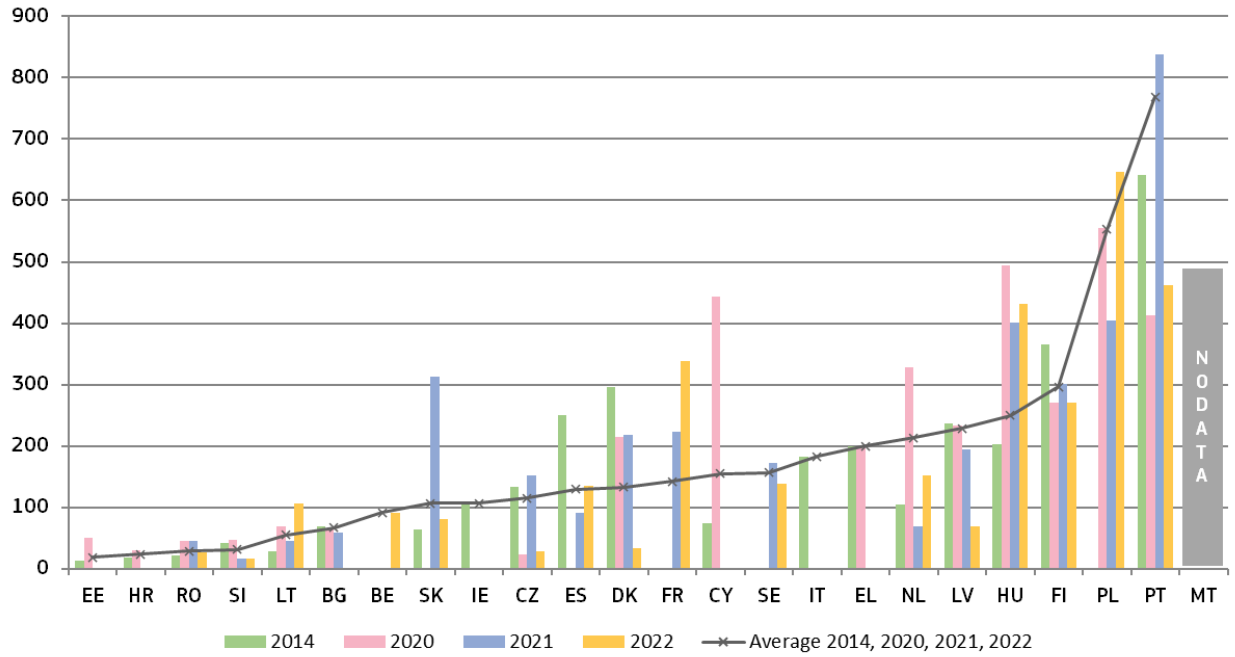
substantive rules, interim measures, cease and desist orders, initiation of court proceedings or case closure.

Figure 20: Consumer protection: average length of judicial review in 2013, 2020 – 2022 (*) *(1st instance/in days) (source: European Commission with the Consumer Protection Cooperation Network)*



*(*) **DE**, **LU, AT**: scenario is not applicable as consumer authorities are not empowered to decide on infringements of relevant consumer rules. The number of relevant cases for 2020 is low (fewer than five) in **IE** and **FI**. An estimate of average length was provided by **EL** and **RO** for certain years.*

Figure 21: Consumer protection: average length of administrative decisions by consumer protection authorities in 2014, 2020 – 2022 (*) *(1st instance/in days) (source: European Commission with the Consumer Protection Cooperation Network)*



*(*) **DE**, **LU**, **AT**: scenario is not applicable as consumer authorities are not empowered to decide on infringements of relevant consumer rules. An estimate of average length was provided by **DK**, **EL**, **FR**, **RO** and **FI** for certain years.*

– Money laundering –

In addition to depriving criminals of resources for perpetrating their illicit acts and effectively dismantling organised crime networks, tackling the prevention of and the fight against money laundering[55] is crucial for the soundness, integrity and stability of the financial sector, confidence in the financial system and fair competition in the single market ([56]). Money laundering can discourage foreign investment, distort international capital flows and negatively affect a country's macroeconomic performance, resulting in welfare losses, thereby draining resources from more productive economic activities ([57]). The Anti-money laundering Directive requires Member States to maintain statistics on the effectiveness of their systems to combat money laundering and terrorist financing ([58]). In cooperation with Member States, an updated questionnaire was used to collect data on the judicial stages in national anti-money laundering regimes. Figure 22 shows the average length of first instance court cases dealing with money laundering criminal offences.

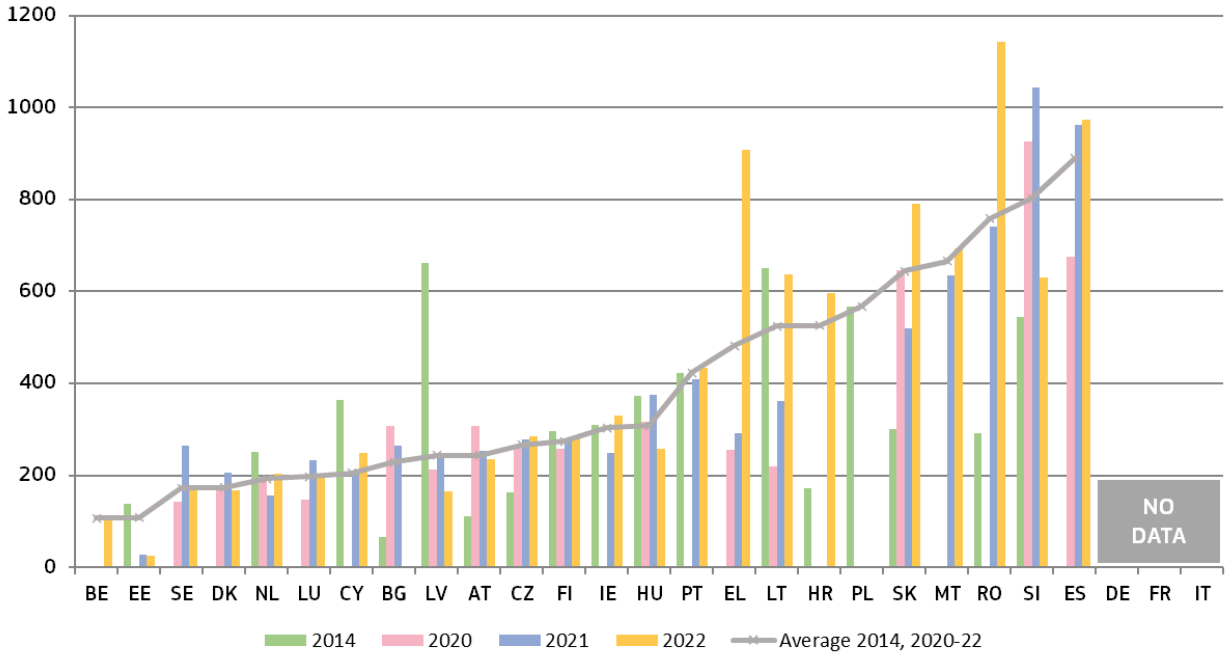
[55] EU legislation addresses the fight against money laundering through Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law.

[56] Recital 2 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

[57] IMF factsheet, March 8, 2018: https://www.imf.org/en/About/Factsheets/Sheets/2016/08/01/16/31/Fight-Against-Money-Laundering-the-Financing-of-Terrorism

[58] Article 44(1) of Directive (EU) 2015/849. See also revised Article 44 of Directive (EU) 2018/843, which entered into force in June 2018 and had to be implemented by Member States by January 2020.

Figure 22: <u>Money laundering</u>: average length of court cases in 2014, 2020 – 2022(*) *(1st instance/in days) (source: European Commission with the Expert Group on Money Laundering and Financing of Terrorism)*



*(*) No data for 2022: **BG, DE, IE** and **PL**. For **PT**: the database was filtered, for each and every judicial county, by the relevant criteria to reach the information related to money laundering files; regarding the average number of days, the dates of infraction and the date of final decision or closure were considered. **CY**: Serious cases, before the Assize Court, are on average tried within a year. Less serious offences, before the District Courts, take longer to be tried. **SK**: data correspond to average length of the whole proceedings, including at appeal court.*

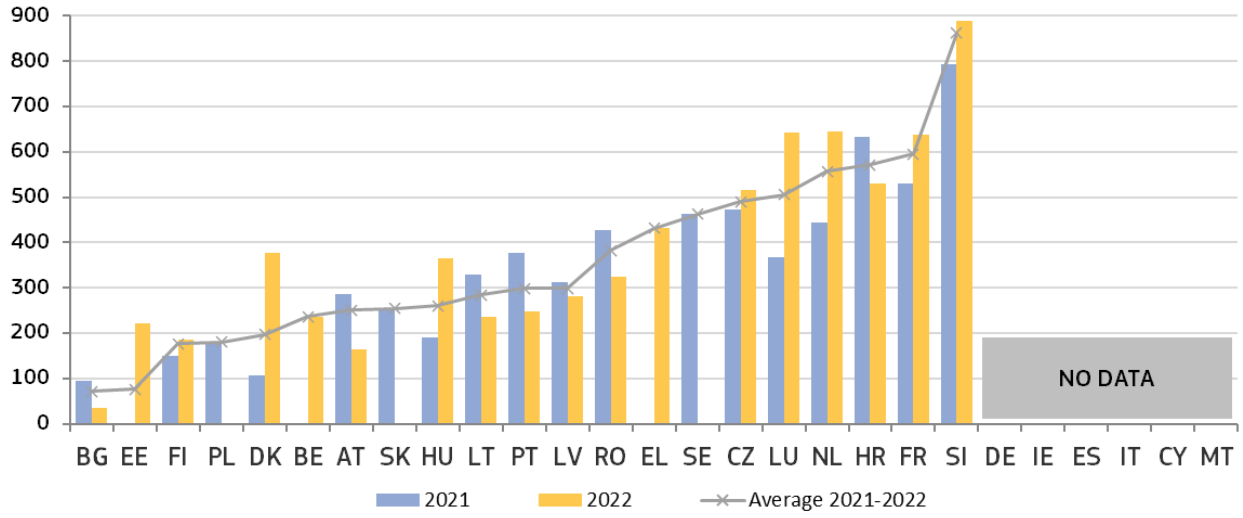
– Anti-corruption –

Corruption is an impediment to sustainable economic growth, diverting resources from productive outcomes, undermining the efficiency of public spending and deepening social inequalities. It hampers the effective and smooth functioning of the single market, creates uncertainties in doing business and holds back investment. Corruption is particularly complex to tackle since, unlike most crimes, both parties involved in a corruption case are generally interested in maintaining secrecy about it. This also contributes to a general difficulty to quantify the true magnitude of the corruption phenomenon across the EU. Corruption is a particularly serious crime with a cross-border dimension addressed in Article 83(1) of the Treaty on the Functioning of the European Union that can only be effectively tackled by common minimum rules across the European Union. On 3 May 2023, the Commission put forward a proposal for a Directive on combating corruption by criminal law; accompanied by a joint communication on the fight against corruption ([59]). The proposal for a directive updates and harmonises EU rules on the definitions of and penalties for corruption offences, to ensure high standards against the full range of corruption offences (i.e. bribery, but also misappropriation, trading in influence, abuse of functions, as well as obstruction of justice and the illicit enrichment related to corruption offence) to better prevent corruption and

[59] Proposal for a Directive on combatting corruption COM (2023) 234 and Joint Communication on the fight against corruption JOIN(2023) 12 final.

to improve enforcement. In cooperation with Member States, a new questionnaire was developed in 2022 to collect data on the length of court proceedings before first instance courts in bribery cases, which is presented in Figure 23 below ([60]).

Figure 23: <u>Corruption (bribery)</u>: average length of court cases in 2021 and 2022 (*) *(1st instance/in days) (source: European Commission with the National Contact Points for Anti-corruption)*



*(*) No reply to this question from **DE**, **IE**, **ES**, **IT**, **CY**, **MT**, **PL**, **SK** and **SE**. **NL**: In this calculation, the period starts to run at the date the Public Prosecution Service (PPS) summoned the defendant to appear in court: the period ends on the day when the judge of first instance delivers the final verdict. The average processing time for the aforementioned 35 cases is 645 days. However, account must be taken of the fact that a case is often not ready for the hearing at the moment the period starts to run. As a result, it takes some time before the case is presented for hearing. The average lenth from first hearing until delivery of the final verdict is 194 days.*

[60] This data collection has focussed on the criminal courts of first instance, which usually contribute the most to the overall length of criminal proceedings until the judgment becomes final.

3.1.4. Summary on the efficiency of justice systems

An efficient justice system manages its caseload and backlog of cases, and delivers its decisions without undue delay. The main indicators used by the EU Justice Scoreboard to monitor the efficiency of justice systems are therefore the **length of proceedings** (disposition time or average time in days needed to resolve a case), the **clearance rate** (the ratio of the number of resolved cases to the number of incoming cases) and the number of **pending cases** (that remain to be dealt with at the end of the year).

General data on efficiency

The 2024 EU Justice Scoreboard contains data on efficiency spanning more than 10 years (2012-2022). This time-span makes it possible to identify certain trends and takes account of the fact that it often takes time for the effect of justice reforms to be felt.

The data from 2012 to 2022 in civil, commercial and administrative cases shows positive trends in most cases. After the dip in efficiency observed in 2020, possibly due to the COVID-19 pandemic, 2021 saw a return to the efficiency levels of 2019, and 2022 saw further improvement. This shows the effect of the measures taken by Member States to make their systems more resilient to future disruptions and to address the immediate problems created by the years of the COVID-19 pandemic.

There were some positive developments in the Member States that have been considered, in the context of the European Semester, to be facing specific challenges ([61]).

- From 2012, based on the existing data for these Member States, and despite the COVID-19 pandemic, in 11 Member States, the **length of first instance court proceedings** in the broad 'all cases' category (Figure 5) decreased or remained stable. For the 'litigious civil and commercial cases' category (Figure 6) the length of first instance court proceedings continued to decrease or remained stable in 10 Member States. Compared to the previous year, figures 5 and 6 show a decrease in the length of proceedings for 8 and for 18 Member States, respectively, in some cases to below 2020 levels. In administrative cases (Figure 8), the length of proceedings since 2012 has decreased or remained stable in about 20 Member States. Compared to the previous year, 14 Member States saw a decrease in the length of proceedings in administrative cases in 2022.
- The Scoreboard presents data on the **length of proceedings in all court instances** for litigious civil and commercial cases (Figure 7) and administrative cases (Figure 9). Data show that in five of the Member States identified as facing challenges with the length of proceedings in first instance courts, higher instance courts have performed more

[61] In the context of the European Semester, the Council, on the basis of the Commission's proposal, addressed country-specific recommendations (CSRs) on their justice systems to seven Member States in 2019 (HR, IT, CY, HU, MT, PT and SK) and eight Member States in 2020 (HR, IT, CY, HU, MT, PL, PT and SK). There were no CSRs in 2021 due to the ongoing RRF process. In 2022, there were two Member States (PL and HU) with CSRs related to judicial independence. As of 2023, a dedicated CSR reflects the implementation of the national Recovery and Resilience Plans (RRPs) for each Member State. In addition, in 2023 the justice system was mentioned for two Member States (HU, PL). New challenges, not covered by the RRPs, can also be addressed in specific CSRs. In 2023, only PL received a CSR on its justice system, which was based on the 2022 CSR.

efficiently. However, for five other Member States facing challenges, the average length of proceedings in higher instance courts is even longer than in first instance courts.

- In the broad 'all cases' and the litigious civil and commercial cases' categories (Figures 10 and 11), the overall number of Member States whose **clearance rate** is over 100% remained the same as last year. In 2022, 20 Member States, including those facing challenges, reported a high clearance rate (more than 97%). This means that courts are generally able to deal with the incoming cases in these categories. In administrative cases (Figure 12), in 2022, in 9 Member States the clearance rate remained broadly the same as in 2021. While the clearance rate in administrative cases is generally lower than for other categories of cases, 10 Member States continue to make good progress. In particular, seven of the Member States facing challenges report an increase in the clearance rate for administrative cases since 2012.
- Since 2012, the situation has remained stable or continued to improve in four of the Member States facing the most substantial challenges with their **backlogs**, regardless of the category of cases (Figure 13). In 2022, despite the increase in the number of pending cases, in six Member States the number of pending cases remained stable in litigious civil and commercial cases (Figure 14) and in administrative cases (Figure 15). However, significant differences remain between Member States with comparatively few pending cases and those with a high number of pending cases.

Efficiency in specific areas of EU law

Data on the average length of proceedings in specific areas of EU law (Figures 16-23) provide an insight into the functioning of justice systems in concrete types of business-related disputes.

Data on efficiency in specific areas of EU law are collected based on narrowly defined scenarios, so the number of relevant cases may be low. However, compared to the calculated length of proceedings presented in the general data on efficiency, these figures provide for an actual average length of all relevant cases in specific areas in a year. It is worth noting that Member States where the general data on efficiency do not appear to show challenges nonetheless report significantly longer average case lengths in specific areas of EU law. At the same time, the length of proceedings in different specific areas may also vary considerably within the same Member State.

Another figure introduced last year focuses on the length of criminal proceedings, particularly those involving bribery, revealing the level of efficiency in that area of EU law.

Finally, the 2024 Scoreboard provides insight on the efficiency of the overall enforcement chain, which is important for a positive business and investment environment. For example, in competition law cases, there is a chart focusing on the length of proceedings before the National Competition Authority and of the judicial review of the decisions of this authority.

The figures for specific areas of EU law show the following trends.

- For **judicial review of competition cases** (Figure 16), as the overall caseload faced by courts across the EU increased, the length of judicial review decreased or remained stable in five Member States, while it increased in five. Despite the moderately positive trend, five Member States reported an average length exceeding 1 000 days in 2022. For **proceedings before the national competition authorities** (Figure 17), seven Member

States reported that proceedings took less than 1 000 days. Among the Member States cited as experiencing issues with efficiency in the judicial review of competition cases, three are among the most efficient when it comes to proceedings before the national competition authorities.

- For **electronic communications** (Figure 18), the caseload faced by courts decreased compared to previous years, continuing the positive trend observed in 2020 regarding reductions in length of proceedings. In 2022, five Member States registered a decrease in the average length of proceedings or figures remained stable, compared to 2021, and nine showed an increase.
- For **EU trademark infringement cases** (Figure 19), in 2022 the overall caseload slightly increased in comparison to 2021. However, while three Member States managed their caseload more efficiently, registering reduced or stable lengths of proceedings, five saw a clear increase in the average length of proceedings.
- In the area of **EU consumer law**, the possible combined effect of the enforcement chain consisting of both administrative and judicial review proceedings can be seen (Figures 20 and 21). In 2022, six Member States reported that their consumer protection authorities took on average less than three months to issue a decision in a case covered by EU consumer law in four other Member States, they took more than six months. Where decisions by the consumer protection authorities were challenged in court, trends in the length of the judicial review of an administrative decision in 2022 diverged, with increases in five Member States, and decreases in four, compared to 2021. In two Member States, the average length of a judicial review is still over 1 000 days.
- Effective measures to combat **money laundering** are crucial to protecting the financial system, ensuring fair competition and preventing negative economic consequences. Over-long court proceedings may hamper the EU's ability to fight money laundering or reduce the effectiveness of efforts in this field. Figure 22 presents updated data on the length of judicial proceedings dealing with money laundering offences. It shows that, while in 12 Member States first instance court proceedings take up to a year on average, they take up to 2 years on average in 5 Member States, and in 4 Member States they take up to 3.5 years on average ([62]).
- **Corruption** is a particularly serious crime with a cross-border dimension. It has negative economic consequences and can only be effectively tackled by common minimum rules across the EU. The Scoreboard presents figures on the length of judicial proceedings dealing with bribery cases. Figure 23 shows varying levels of data availability among Member States, and differences in the average length of proceedings before first-instance criminal courts. Looking at 2022 data, in eleven Member States, proceedings are concluded within about a year, while in the remaining seven where data are available, proceedings can last up to two years. Overall, the complexity of prosecuting and adjudicating bribery offences reflects the serious nature of the crime. This is also reflected in the length of proceedings.

[62] Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law will eliminate certain legal obstacles that may delay prosecution, such as a rule that prosecution for money laundering can only start when the proceedings for the underlying predicate offence have been concluded. Member States were required to transpose the Directive by 8 December 2020.

3.2. Quality of justice systems

There is no single way to measure the quality of justice systems. The 2024 EU Justice Scoreboard continues to examine factors that are generally accepted as relevant for improving the quality of justice. They fall into four categories:

1) access to justice for the public and businesses;

2) adequate financial and human resources;

3) putting in place of assessment tools;

4) digitalisation.

3.2.1. Access to justice

Accessibility is required throughout the whole justice chain to enable all people, including persons with disabilities, to obtain relevant information – about the justice system, about how to make a claim and the related financial aspects, about the state of play of proceedings up until they are complete – and to access the judgment online.

– Legal aid, court fees and legal fees –

The cost of litigation is a key factor that determines access to justice. High litigation costs, including court fees ([63]) and legal fees ([64]), may hinder access to justice. Litigation costs in civil and commercial matters are not harmonised at EU level. Governed by national legislation, they vary from one Member State to another.

Access to legal aid is a fundamental right enshrined in the Charter of Fundamental Rights of the EU ([65]). It allows access to justice to people who would not otherwise be able to bear or advance the costs of litigation. Most Member States grant legal aid based on the applicant's income ([66]).

Figure 24 shows the availability of full or partial legal aid in a specific consumer case involving a claim of EUR 6 000. It compares the income thresholds for granting legal aid, expressed as a percentage of the Eurostat poverty threshold for each Member State ([67]). For example, if the threshold for legal aid appears to be at 20%, it means that an applicant with an income 20% higher than the Eurostat poverty threshold for their Member State will still be eligible for legal aid. However, if the threshold for legal aid appears to be below 0, this means that a person with an income below the poverty threshold may not be eligible for legal aid.

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[63] Court fees are understood as an amount to be paid to start non-criminal legal proceedings in a court or tribunal.

[64] Legal fees are the bill for services provided by lawyers to their clients.

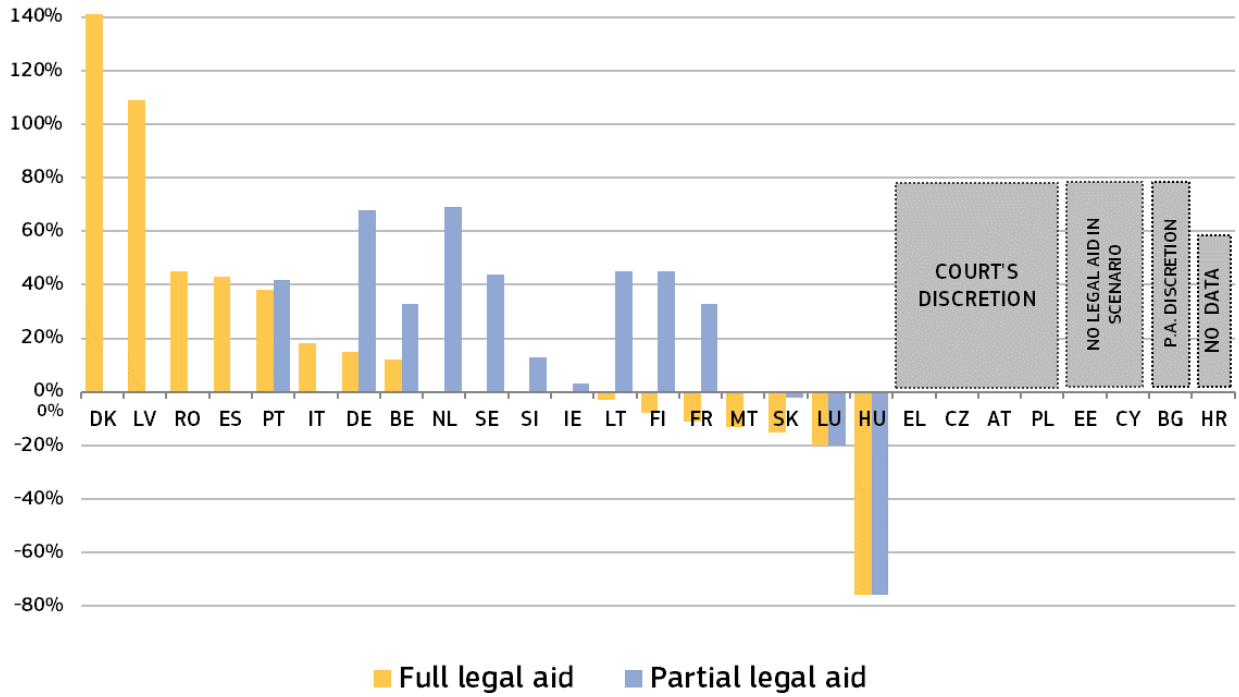
[65] Article 47(3) of the Charter of Fundamental Rights of the EU.

[66] Member States use different methods to establish the eligibility threshold, e.g. different reference periods (monthly/annual income). In 14 Member States there is also a threshold tied to the applicant's personal capital. This is not taken into account for this figure. In BE, BG, IE, ES, FR, HR, HU, LT, LU, NL and PT, certain groups of people (e.g. individuals who receive certain benefits) are automatically entitled to receive legal aid in civil/commercial disputes. Additional criteria that Member States may use, such as the merits of the case, are not reflected in this figure. Although not directly related to the figure, in several Member States (AT, CZ, DE, DK, IT, NL, PL, SI) legal aid is not limited to natural persons.

[67] To collect comparable data, each Member State's Eurostat poverty threshold has been converted to a monthly income. The at-risk-of-poverty (AROP) threshold is set at 60% of the national median equivalised disposable household income. European Survey on Income and Living Conditions, Eurostat table ilc_li01, https://ec.europa.eu/eurostat/databrowser/view/ilc_li01/default/table?lang=en

Nine Member States operate a legal aid system that provides for 100% coverage of the costs linked to litigation (full legal aid), complemented by a system covering partial costs (partial legal aid), the latter applying eligibility criteria different from that of the former. Nine Member States operate only a full or partial legal aid system. In four Member States, the courts have discretion over granting legal aid.

Figure 24: Income threshold for legal aid in a specific consumer case, 2023 (*) *(differences in % from Eurostat poverty threshold) (source: European Commission with the Council of Bar and Law Societies in Europe (CCBE) ([68]))*



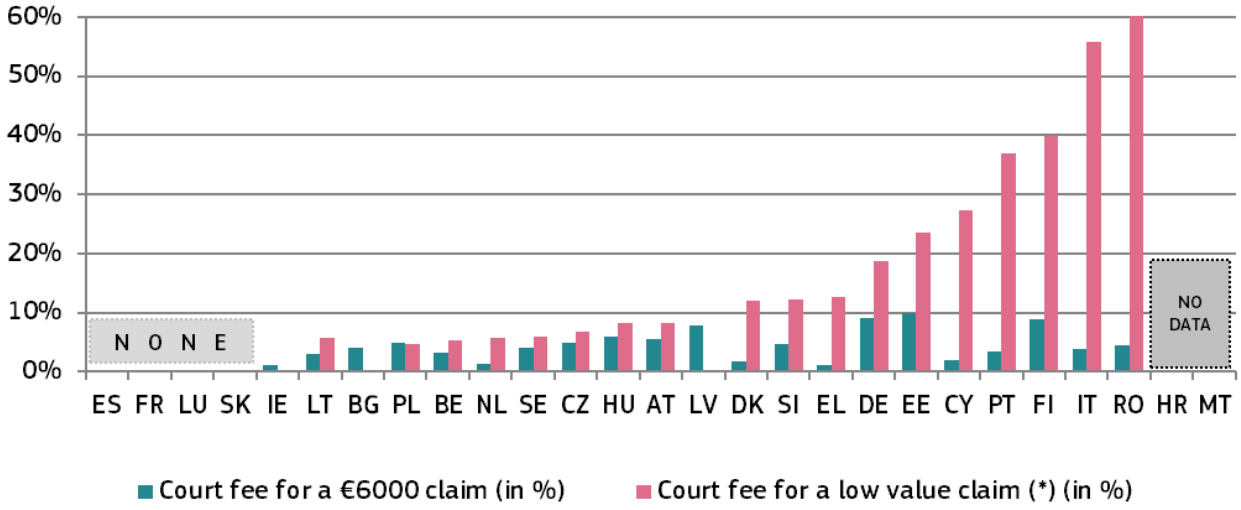
(*) Calculations are based on 2022 at-risk-of-poverty (AROP) threshold values. ***BE, DE, ES, FR, HR, IE, IT, LT, LU, NL, SI, SK, FI:*** *legal aid has to also take into account the applicant's disposable assets.* ***EL****: Beneficiary of legal aid is a person whose capital annual income does not exceed the 2/3 of the lowest annual salaries as provided by the existing legislation.* ***LU:*** *A partial legal aid regime was introduced. There is no specific threshold, the granting of the legal aid depends on the overall financial and family situation of the applicant.* ***HR:*** *no data provided.*

Recipients of legal aid are often exempt from paying court fees. Only in six Member States (Bulgaria, Czechia, Greece, Austria, Malta and Poland) are recipients of legal aid not automatically exempt from paying court fees. In Czechia, the court decides on a case-by-case basis whether or not to exempt a legal aid recipient from paying court fees. In Luxembourg, litigants who benefit from legal aid do not have to pay bailiff fees. Figure 25 compares, for two scenarios, the amount of the court fee presented as a proportion of the value of the claim. If, for example, in the figure

[68] The 2023 data are collected using replies from Council of Bar and Law Societies in Europe (CCBE) members to a questionnaire based on the following specific scenario: a dispute of a consumer with a company (two different claim values indicated: EUR 6 000 and the Eurostat AROP threshold for each Member State). Given that conditions for legal aid depend on the applicant's situation, the following scenario was used: a single 35-year-old employed applicant without any dependant or legal expenses insurance, with a regular income and a rented apartment.

below the court fee is 10% of a EUR 6 000 claim, the consumer will have to pay a EUR 600 court fee to start judicial proceedings. The low value claim is based on the Eurostat at-risk-of-poverty (AROP) threshold for each Member State.

Figure 25: Court fee to start judicial proceedings in a specific consumer case, 2023 (*) (*amount of court fee as a proportion of the value of the claim*) *(source: European Commission with the Council of Bar and Law Societies in Europe (CCBE) ([69]))*



*(*) Calculations are based on 2022 at-risk-of-poverty (AROP) threshold values. 'Low value claim' is a claim corresponding to the Eurostat poverty threshold for a single person in each Member State, converted to monthly income (e.g. in 2022, this value ranged from EUR 269 in **BG** to EUR 2266 in **LU**). **BE**: 24€ contribution to the Fund for the second line legal aid; Court registry fees: 50€ or 165€ Afterwards, if dismissed/convicted: possibly 1350 € for the procedural indemnity. **NL**: Court fees values correspond to a litigant with less than EUR 30 000 annual income. **SE**: The court fee is valid if value of claim exceeds € 2329.*

Figure 26 presents, for the first time, the rate of legal aid paid to criminal defence lawyers in a specific ciminal case based on a case study ([70]). Respondents have provided how much lawyers would get paid from the public budget in the described fictional scenario.

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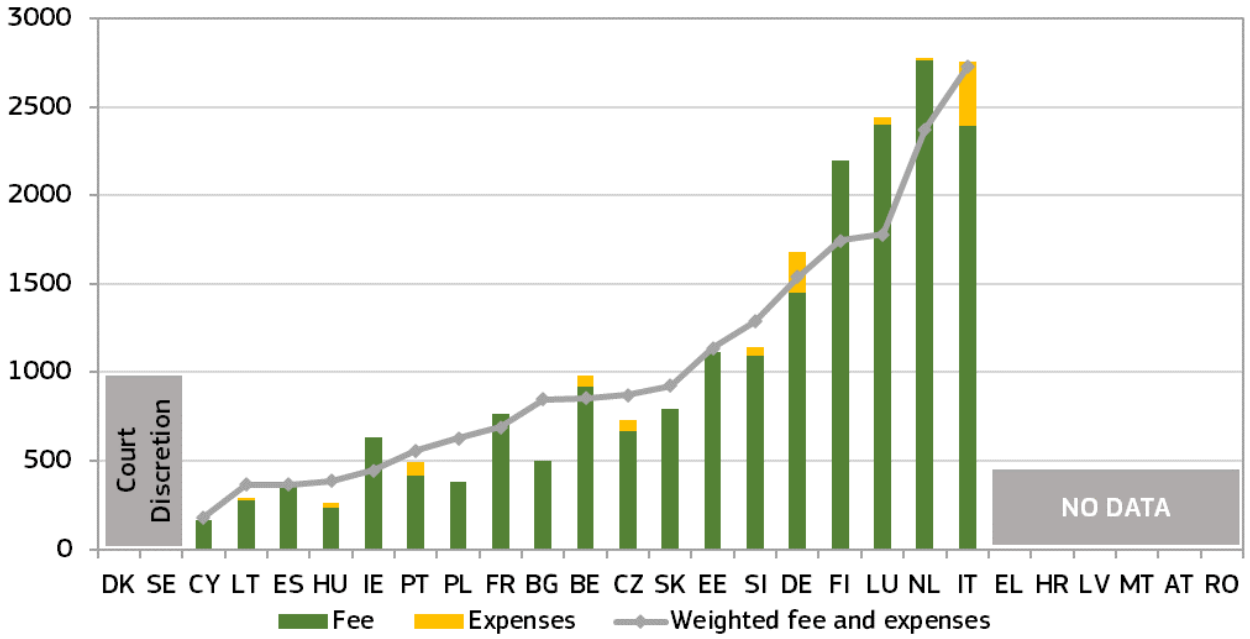
[69] The data, referring to income thresholds valid in 2022, have been collected using replies from Council of Bar and Law Societies in Europe (CCBE) members to a questionnaire based on the following scenario: a consumer dispute between an individual and a company (two different claim values indicated: EUR 6 000 and the Eurostat AROP threshold for each Member State).

[70] Mr X is a national of your country, he is single, unemployed and has no children. He was caught red-handed when selling green vegetable matter in front of a high school in the capital city of your country. The police found cash and 12 resealable plastic bags on him, each containing 5 grams of the green vegetable matter resembling marijuana. He was committed to the police station and detained. You have been appointed as his legal aid counsel. You travelled 30 minutes (10 km) with your motor vehicle to the police station. You spent 3 hours with advising Mr X and assisting his interview with the police. You travelled 30 minutes (10 km) with your motor vehicle back to your office. Next day, you attended the bail hearing (1 hour); you travelled 2x30 minutes (2x10 km). Mr X called you twice during his pre-trial detention; each call lasted 20 minutes. You talked to the investigator over the phone for 20 minutes. You spent 2 hours with studying the file and 1 hour with drafting a motion for his release on bail. Subsequently, you attended 3 hearings before the trial court, each lasting 2 hours and each involving 2 travels of 30 minutes (3x2x10 km). You spent also 3x1 hour for preparation for each of the court hearings, and 3x1 hour for advance preparation for the meeting with the client.

Figure 26: Rate of legal aid paid to criminal defence lawyers in a specific criminal case, 2023 *(*) (source: European Commission with the Council of Bar and Law Societies in Europe (CCBE) ([71]))*



(*) The data is gathered based on a specific case study. The amounts are all in EUR, and where needed they were converted from national currencies[72]. To take account of the economic differences between Member States the added value of the fee and exepense were divided by the comparative price level indices expressed in percentage where the EU average is 100%, DK is 149% and BG is 59%[73]. This adjusts the sum of fee and expenses that the lawyers receive. ***AT****: The Austrian legal aid system is state funded and based on the solidarity of <u>all</u> Austrian lawyers who <u>all</u> participate on a rotation based system in the legal aid system. In general, the single individual lawyer does not receive any direct remuneration for legal aid services. Instead, the Austrian state pays a yearly lump sum to the Austrian Bar for the total of legal aid services rendered by all lawyers. The Austrian Bar distributes this sum to the regional Bars on the basis of the number of registered lawyers who provided legal aid services and on the basis of the number of legal aid cases, which were handled by the regional Bars. The money is used for the lawyers' social security and pension scheme which is not state funded.*

– Accessing succession procedures –

Non-contentious judicial procedures, such as in the area of succession or family law, are frequently done by notaries, aiming at unburdening courts and in that way potentially enhancing the efficiency

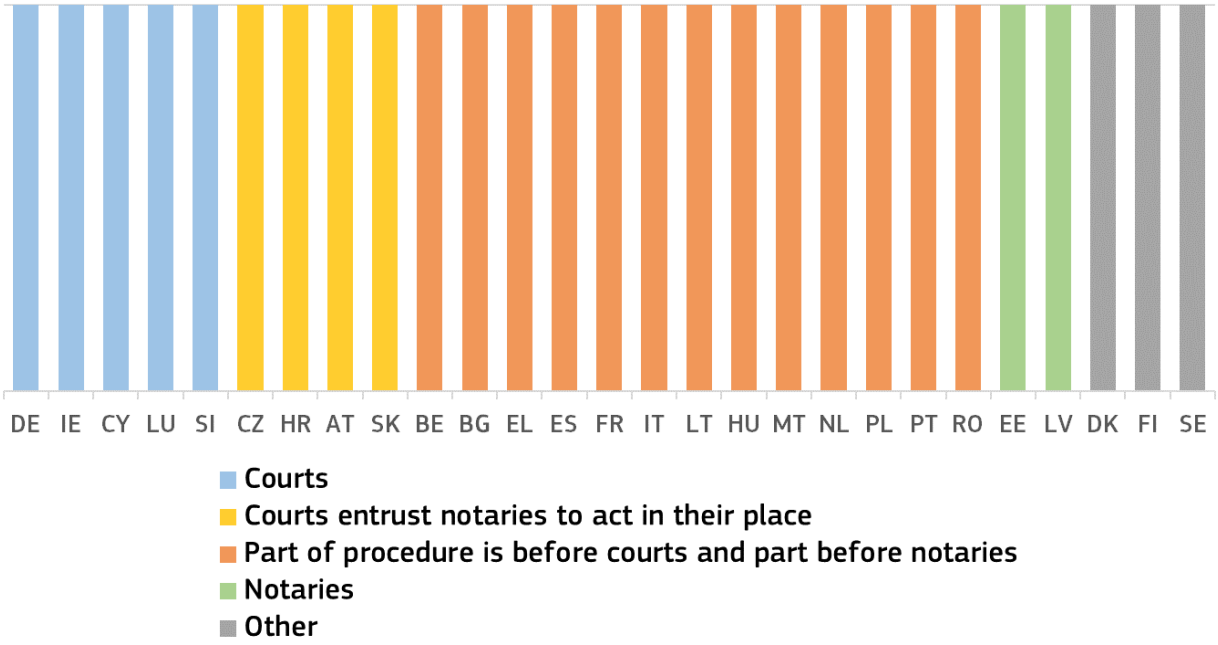
[71] The data, referring to income thresholds valid in 2022, have been collected using replies from Council of Bar and Law Societies in Europe (CCBE) members to a questionnaire based on the following scenario: a consumer dispute between an individual and a company (two different claim values indicated: EUR 6 000 and the Eurostat AROP threshold for each Member State).

[72] Conversion made using the European Central Bank's Euro Foreign Exchange Reference Rates applicable on 30 June 2023 - BGN 1.9558, CZK 23.742, DKK 7.4474, HUF 371.93, PLN 4.4388, RON 4.9635, SEK 11.8055.

[73] https://ec.europa.eu/eurostat/databrowser/view/tec00120/default/table?lang=en&category=t_prc.t_prc_ppp

and quality of the justice system. Figure 27 serves as an initial exploration in this regard, mapping which authorities are involved in succession procedures in the Member States.

Figure 27: Authorities involved in succession procedures, 2023 (*) (*source: e-Justice Portal ([74])*)



(*) Data were retrieved from the e-Justice Portal and validated in cooperation with the Group of Contact Persons on National Justice Systems. ***BE****: There is no legal obligation to consult a notary in each case, except for certain type of cases (e.g. a holographic or international will, judicial partition or division of real estate). In certain situations, the court of first instance or justice of the peace may be required to act.* ***BG****: An acceptance of succession is normally submitted by a written application to the district judge. Notaries are essential for publishing wills, describing the state of the will, noting its unsealing, and attaching the paper, all initialed by relevant parties.* ***CZ:*** *A district court has the jurisdiction to handle all succession proceedings, but usually instructs a notary to manage the proceedings. That notary then acts and takes decisions in the proceedings on behalf of the court.* ***DK****: The probate court (in the district court) ensures that the estate of a deceased person is settled and distributed correctly. In practice, it will often be the heirs themselves who distribute the inheritance. In some cases, succession cases need to be handled by a trustee who usually is a lawyer. The trustee is responsible for settling and closing the estate in collaboration with the probate court. The probate court can decide whether the distribution must be handled by a trustee.* ***DE:*** *In principle, it is the probate court of the local court at the testator's last usual place of residence in Germany that is competent to deal with matters of inheritance.* ***EE:*** *Notaries oversee succession proceedings if the testator's last residence was in Estonia. If the last residence was in a foreign country, Estonian notaries handle proceedings for Estonian property when not possible abroad or when foreign proceedings exclude or lack recognition in Estonia, irrespective of EU regulations.* ***IE****: The Dublin Probate Office and fourteen District Probate Offices handle the issuance of Grants of Probate for cases with a will and Letters of Administration for cases without a will. These offices are part of the Irish Courts Service.* ***EL:*** *The succession court or the district civil court of the capital city of the State has jurisdiction on succession-related matters. Notaries, the Greek consular authorities and tax authorities are also competent to draw up and safeguard wills.****ES:*** *Notaries determine the parties' entitlement to inherit the estate by law in the absence of disposition of property. In case of disputes between the parties concerned, it will be settled by the courts.* ***FR:*** *Matters of succession are dealt with by notaries - their involvement is mandatory if the estate includes immovable property*

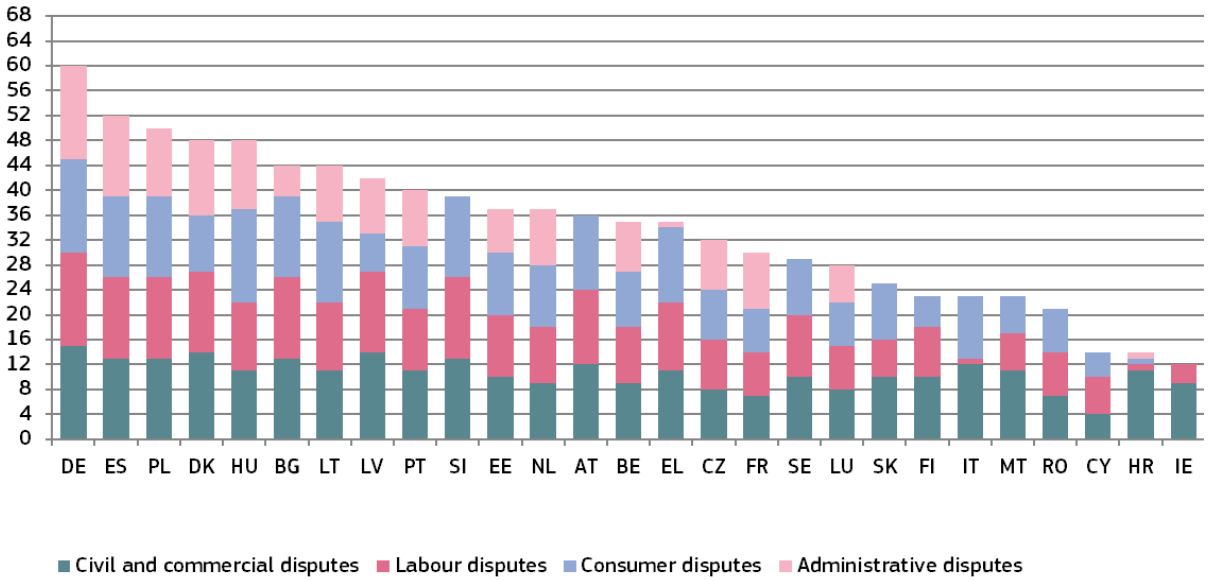
[74] https://e-justice.europa.eu/166/EN/succession

and optional if there is no immovable property. In the event of a dispute, the regional court has exclusive subject-matter and territorial jurisdiction. ***HR:*** *Probate proceedings in the first instance are conducted before a municipal court or before a notary public, as a trustee of the court.* ***IT:*** *The declaration of acceptance or renunciation occurs through a declaration issued by a notary or a clerk of the competent court in the jurisdiction where the succession is opened.****CY:*** *The competent authority is the District Court of the last domicile of the testator/deceased.* ***LT:*** *The notary and the court at the place of the opening of the succession are competent in matters of succession.* ***LU:*** *The heir or heirs assign all transactions for the settlement of the estate to a notary chosen by them or appointed by the testator.* ***HU****: Legal matters related to the estate are generally settled in probate proceedings conducted by a notary public. If there is a legal dispute between the interested parties, this may not be settled by the notary public but in court proceedings.* ***MT:*** *Courts have general jurisdiction to decide disputes related to successions. When there are no disagreements or disputes on successions, notaries and lawyers are usually engaged.* ***NL:*** *The notary is the competent authority with respect to inheritance law. If the heir wishes to waive the inheritance or accepts it on condition that the charges do not exceed the entitlement, he or she must submit a declaration to the court.* ***AT:*** *For the purposes of carrying out the process in sucession matters, the district court relies on the services of a notary acting in the capacity of a court commissioner.* ***PL:*** *Applicants refer matters of succession to a notary or the court with jurisdiction over the testator's last place of residence.* ***PT:*** *If the inheritance is contested, either the courts or notary's offices can conduct the inventory.* ***RO:*** *The competent bodies for non-contentious succession procedures are notaries, while courts of first instance are responsible for contentious succession proceedings.* ***SK:*** *The district court appoints a notary to handle the case. Generally, acts by the notary are considered as acts by the court, with a few exceptions.* ***FI:*** *Various authorities have jurisdiction over matters relating to the administration of succession. The district court is involved, but only regarding cases relating to the estate.* ***SE:*** *The distribution of the inheritance is mostly carried out without the involvement of the authorities. Inheritance disputes are also resolved by an ordinary court of competent jurisdiction.*

– *Accessing alternative dispute resolution methods* –

Figure 28 shows Member States' efforts to promote the voluntary use of alternative dispute resolution (ADR) methods with specific incentives. These may vary depending on the area of law ([75]).

Figure 28: Promotion of and incentives for using ADR methods, 2023 (*) *(source: European Commission ([76]))*



(*) Maximum possible: 68 points. Aggregated indicators based on the following indicators: 1) website providing information on ADR; 2) media publicity campaigns; 3) brochures for the general public; 4) provision by the court of specific information sessions on ADR upon request; 5) court ADR/mediation coordinator; 6) publication of evaluations on the use of ADR; 7) publication of statistics on the use of ADR; 8) partial or full coverage by legal aid of costs ADR incurred; 9) full or partial refund of court fees, including stamp duties, if ADR is successful; 10) no requirement for a lawyer for ADR procedures; 11) judge can act as a mediator; 12) agreement reached by the parties becomes enforceable by the court; 13) possibility to initiate proceedings/file a claim and submit documentary evidence online; 14) parties can be informed of the initiation and different steps of procedures electronically; 15) possibility of online payment of applicable fees; 16) use of technology (artificial intelligence applications, chat bots) to facilitate the submission and resolution of disputes; and 17) other means. For each of these 17 indicators, one point was awarded for each area of law. ***IE****: Administrative cases fall into the category of civil and commercial cases.* ***EL****: ADR exists in public procurement procedures before administrative courts of appeal.* ***ES****: ADR is mandatory in labour law cases.* ***PT****: For civil/commercial disputes, court fees are refunded only in the case of justices for peace.* ***SK****: The Slovak legal order does not support the use of ADR for administrative purposes.* ***FI****: Consumer and labour disputes are also considered to be civil cases.* ***SE****: Judges have procedural discretion on ADR. Seeking an amicable dispute settlement is a mandatory task for the judge unless it is inappropriate due to the nature of the case.*

[75] The methods for promoting and incentivising the use of ADR do not include compulsory requirements to use ADR before going to court. Such requirements may raise concerns about their compatibility with the right to an effective remedy before a tribunal enshrined in the Charter of Fundamental Rights of the EU.

[76] 2023 data collected in cooperation with the group of contact persons on national justice systems.

– Specific arrangements for access to justice –

The 2022 EU Justice Scoreboard presented a dedicated figure on specific arrangements to facilitate equal access to justice of persons with disabilities and the 2023 EU Justice Scoreboard continued a deeper exploration of selected specific arrangements that facilitate equal access to justice to persons at risk of discrimination overall and two specific groups: older persons and victims of violence against women and domestic violence. The 2024 EU Justice Scoreboard takes stock of selected specific arrangements for supporting the participation of persons with disabilities as professionals in the justice system.

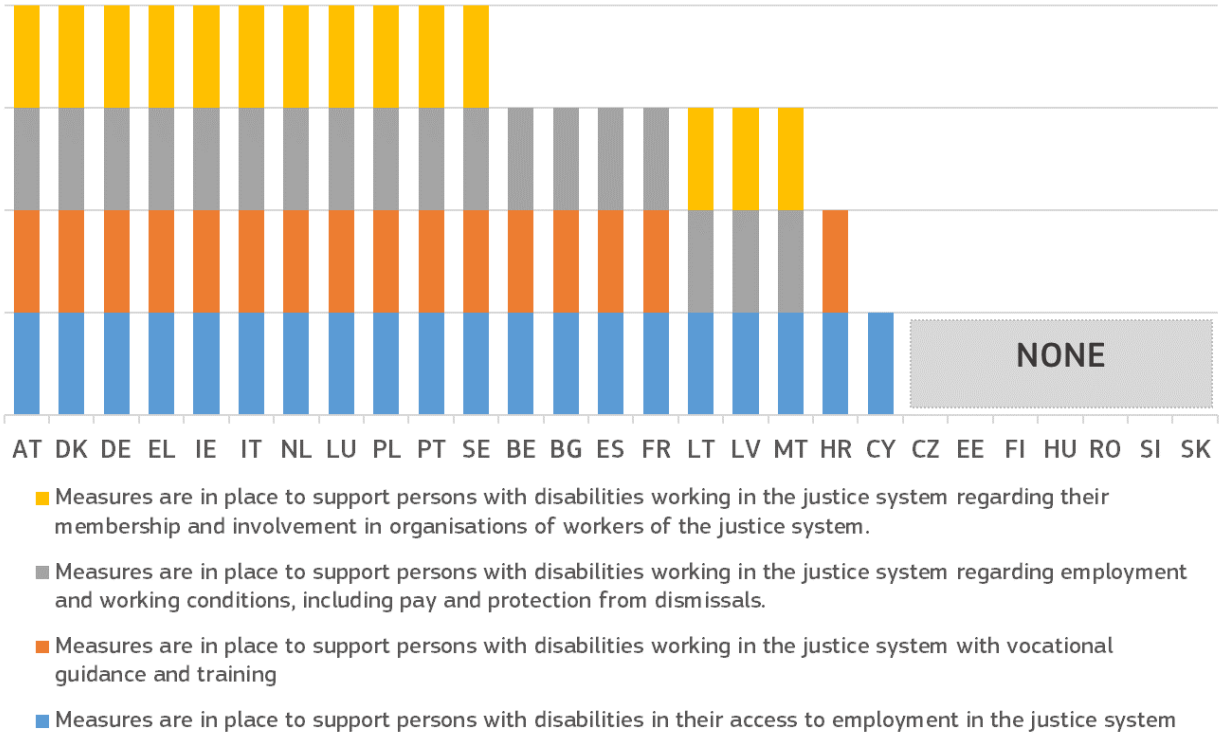
Council Directive 2000/78/EC (the "Employment Equality Directive")[77] prohibits direct and indirect discrimination in the field of employment and occupation based on inter alia disability. The Employment Equality Directive also requires employers to provide reasonable accommodation for persons with disabilities. This is also in line with the UN Convention on the Rights of Persons with Disabilities[78]. In this context, the European Commission committed in its Strategy for the Rights of Persons with Disabilities 2021-2030 to support Member States in boosting the participation of persons with disabilities as professionals in the justice system and collect good practices on supported decision-making[79]. Figure 29 shows a series of relevant measures in this regard, supporting the participation of persons with disabilities to work as professionals in the justice system on an equal basis with others.

[77] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000, p. 16–22.

[78] United Nations, 2006, Convention on the Rights of Persons with Disabilities. Treaty Series, 2515, 3.

[79] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030, COM/2021/101 final.

Figure 29: Specific arrangements for supporting the participation of persons with disabilities as professionals in the justice system, 2023 *(source: European Commission ([80]))*



BE: *General provisions exist in this area and apply when a person with a disability works for the civil service.* ***CZ:*** *"National Plan for the Promotion of Equal Opportunities for Persons with Disabilities for the Period 2021-2025" is in place, as adopted by the Government, which expressly supports the employment of persons with disabilities in the public sector, which includes also courts. General conditions are in place for persons with disabilities under the Act No. 262/2006 Coll., Labour Code and the Act No. 435/5004 Coll., on Employment.* ***DK:*** *The Danish judicial system also has a policy of equality which states that everyone regardless of age, gender, disability, race, religion or ethnic affiliation must be treated equally in connection with employment, promotion ect. and professional and personal development.* ***FR****: For candidates with disabilities, special arrangements may be put in place, such as additional time or special arrangements for preparing or carrying out the tests (Article 34-1 of Decree No 72-355 of 4 May 1972 on the National School of the Judiciary). Legislation on the opening, modernisation and accountability of the judiciary, subject to the decision of the Constitutional Council, establishes, in the status of judges and prosecutors, a principle of equal treatment for magistrates with disabilities. Thus, both the appointing authorities and the heads of courts must, in so far as is compatible with the particular features of the judicial organisation, take the measures appropriate to each specific situation to enable members of the judiciary with disabilities to develop a career project and take up posts of a higher level as well as to receive training tailored to their needs throughout their working life.* ***IE:*** *There are measures in place in general provisions in employment law in support of persons with disabilities (which would include persons working in the Courts Service and justice system).* ***EL:*** *Provisions of the Civil Service Code apply, which protect both their status and their working conditions (flexible working hours, trade union representation, salary, protection against illegal dismissal, etc.). Labour legislation in general protects the employment status of people with disabilities. A training program on the rights of persons with disabilities was included in the planning of the Training Institute of the National Center for Public Administration and Local Government was held in 2022 and 2023.* ***LT****: The specifics of the implementation of the labor relations of employees with disabilities are provided for by the Labor Code. The Occupational Safety and Health Law also establish guarantees for the people with disabilities. The Procedure for Reducing the Caseload of Judges, approved by the Judicial Council in 2019 provides that in cases*

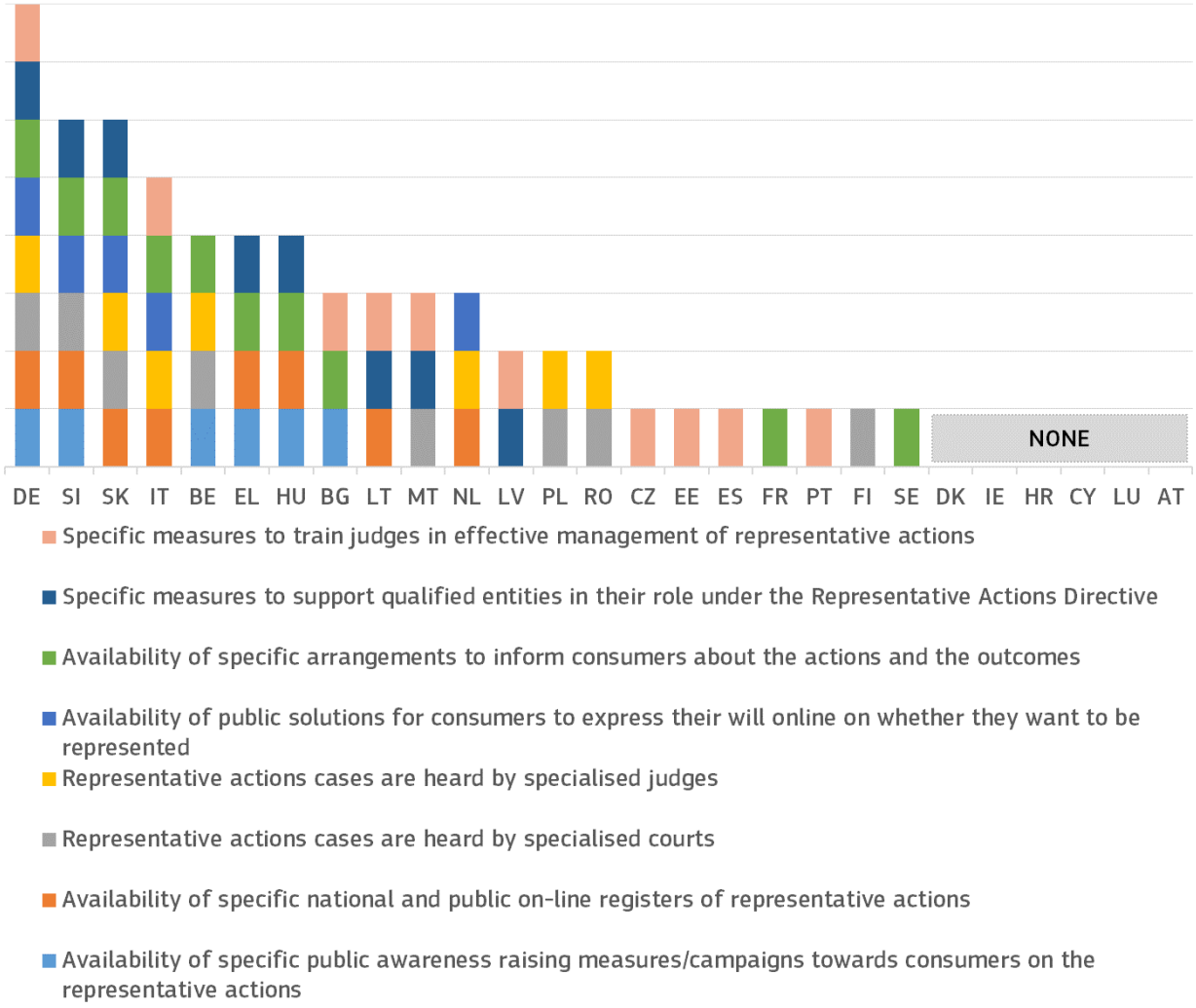
[80] 2023 data collected in cooperation with the group of contact persons on national justice systems.

where a judge submits a request to the president of the court to reduce the caseload and adds to it the conclusion of the health care institution, which justifies the level of less than 100 percent capacity set for him/her, the workload of the judge is reduced. ***LV:*** *Article 7 of the Labor Law stipulates that in order to promote the introduction of the principle of equal rights in relation to persons with a disability, an employer has an obligation to take measures that are necessary in conformity with the circumstances to adjust the work environment, to facilitate the possibility of persons with a disability to establish employment relationship, perform work duties, be promoted to higher positions or be sent to occupational training or further education, insofar as such measures do not place an unreasonable burden on the employer.* ***LU:*** *In order to facilitate access of persons with disabilities to their work place within the justice system, their means of transportation from home to work and back to their home are planned with a specialized transportation service. The ADEM (Administration de l'emploi) is in charge of vocational guidance and training of persons with disabilities. The Service national de la sécurité dans la Fonction publique and its Service psychosocial are contact points in matters of employment and working conditions, including pay and protection from dismissals for each and every professional within the justice system.* ***MT:*** *The Commission for the Rights of Persons with Disabilities (CRPD) seeks to ensure that all disabled persons employment rights are safeguarded irrespective of which section of the public or private sector they are employed in. The CRPD ensures this by proposing legislative amendments and educating the public about their rights and by monitoring and implementing equality measures such as Workplace Accessibility Tax Deduction Scheme that supports employers in making the necessary structural changes that would ensure accessibility to disabled employees.* ***NL****: Advisors HR (Banenafspraak) (pro)actively search for suitable candidates with disabilities for vacancies within the Prosecution Office. Adaptations needed in a training or course can be requested. Persons with a disability are almost always placed in regular positions with a regular employment contract, so grading and terms of employment as a civil servant (in accordance with CAO Rijk).* ***AT:*** *All measures affect the entire public service. There are no specific measures for the judiciary beyond this.* ***PL****: Support for people with disabilities in accessing employment, in terms of employment and working conditions, as well as vocational counseling and training, is regulated in legal acts of a general nature which also apply to people taking up employment within the judicial system.* ***PT:*** *The National Strategy for the Inclusion of People with Disabilities 2021-2025 covers private and public sectors. Law No. 38/2004 defines the general legal regime for people with disabilities. Decree-Law No. 29/2001 establishes the employment quota system for people with disabilities, with a degree of functional incapacity equal to or greater than 60%, in all bodies of the central, autonomous regional and local administrations, and Law No. 4/2019 establishes a system of employment quotas for people with disabilities, with a degree of incapacity equal to or greater than 60%, having in mind its recruitment by the private and public sectors not covered by the scope of Decree-Law no. 29/2001.* ***RO:*** *There are no special provisions on this topic since the persons are with disabilities are treated in an equal manner as the other persons.* ***SI****: Slovenia does not have specific legislation to support the participation of people with disabilities as professionals in the justice system, but there are laws and regulations that generally support the employment of this group of people. Persons with disabilities are employed on the basis of the Vocational Rehabilitation and Employment of Persons with Disabilities Act, which applies to all employers in Slovenia.* ***SK:*** *General provisions on employment of the persons with disabilities are in place, which apply also to the justice system.* ***FI****: Accessibility of the premises and accessibility of the documents has been taken into account in court houses. There are no further special arrangements to support persons with disabilities in their access to employment in the justice system.*

Figure 30 complements Figures 20 and 21 on efficiency of proceedings in the area of consumer law by showing specific selected measures undertaken by EU Member States to increase awareness on the new European model of collective redress ([81]) aimed at improving consumers' access to justice in mass harm situations.

[81] As introduced by Directive (EU) 2020/1828 on representative actions, https://commission.europa.eu/law/law-topic/consumer-protection-law/representative-actions-directive_en, for the protection of the collective interests of consumers.

Figure 30: Specific arrangements for representative actions protecting the collective interests of consumers, 2023 (*) *(source: European Commission ([82]))*



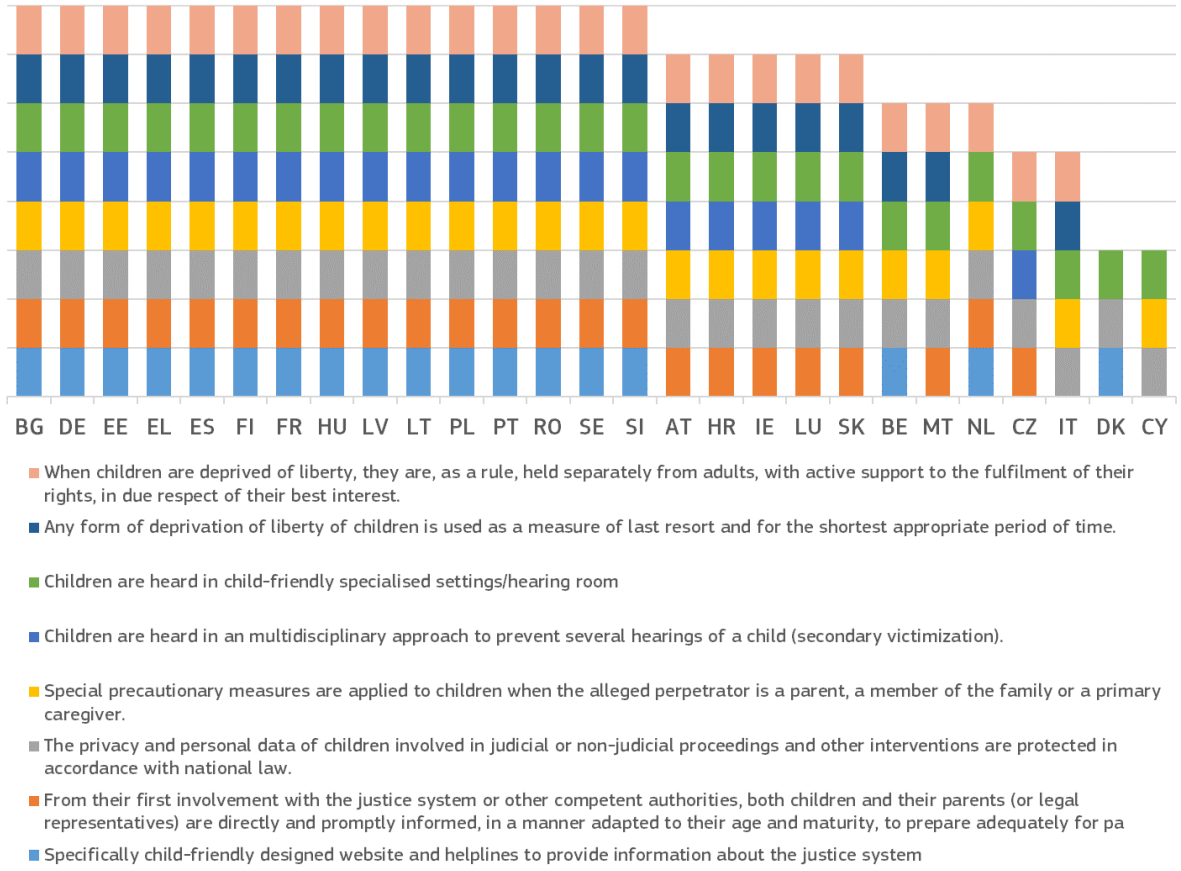
(*) Data on training is not reported for: ***IE, EL, FR, LU, PL, BE****: Special chambers in the French-speaking and Dutch-speaking Company Courts of Brussels (1st instance) and the Brussels Court of Appeal (2nd instance) have exclusive jurisdiction of in collective redress actions.* ***EL****: Respresentative actions are heard before the Multi-Membered First Instance Court. No specialised courts or judges are foreseen..* ***LV****: Consumer Rights Protection Center is starting to implement representative actions legislation in practice.* ***MT****: Art 8 of the Representative Actions (Consumers) Act (Cap.635) provides the procedure for representative actions including how consumers can join a representative action.* ***NL****: There are no specialised courts but a national expert group of judges from several courts.* ***SI****: The exclusive jurisdiction of four district courts – Ljubljana, Maribor, Celje and Koper - is established.* ***SK****: Municipal Court Bratislava IV, District Court Banská Bystrica and Municipal Court Košice are competent to hear collective actions. Consumers are able to join the collective action through any notary in Slovakia.*

The 2024 EU Justice Scoreboard extends the analysis of child friendly-justice. Figure 31 looks at a broader variety of specific arrangements for child-friendly justice (both civil and

[82] 2023 data collected in cooperation with the group of contact persons on national justice systems and the European Judicial Training Network.

criminal/juvenile justice proceedings). Figure 32 explores a broader range of specific arrangements available when a child is involved as a victim or as a suspect/accused person.

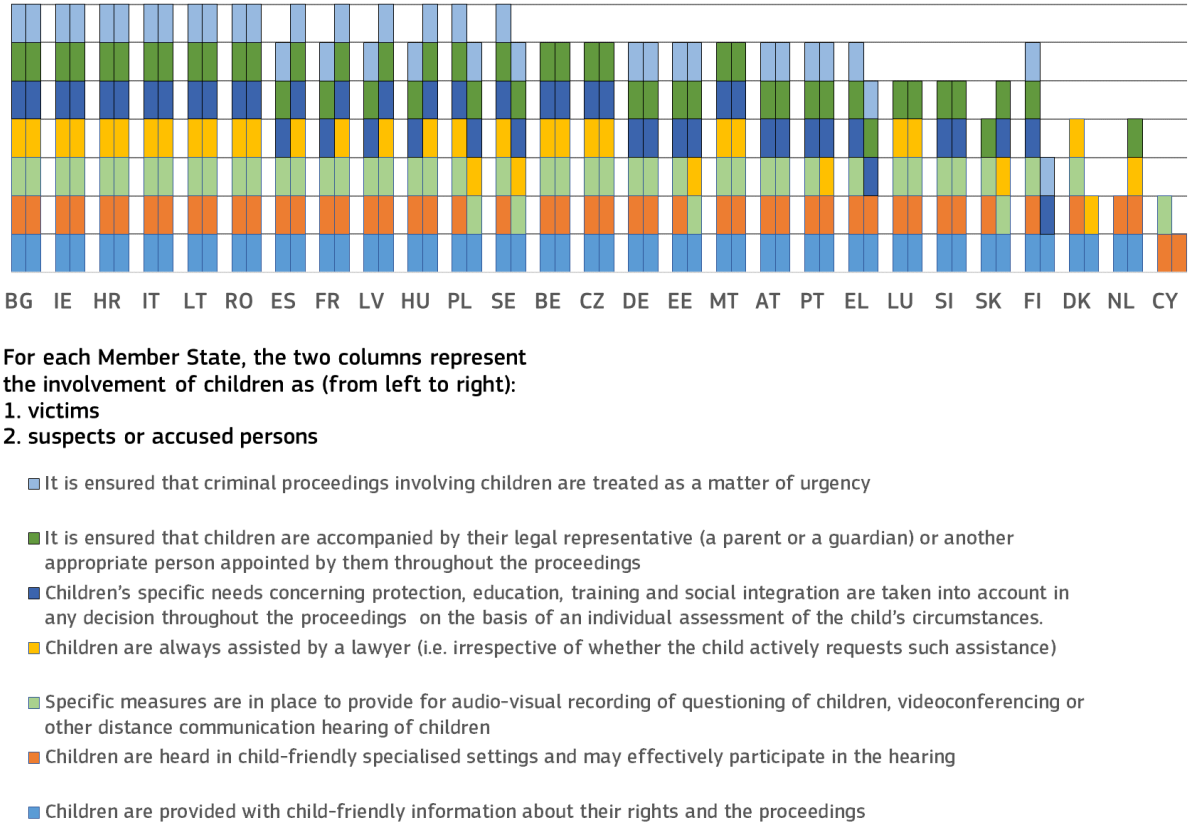
Figure 31: Specific arrangements for child-friendly justice/proceedings (both civil and criminal/juvenile justice proceedings), 2023 (*) *(source: European Commission ([83]).*



(*)Children: persons under 18 years of age.

[83] 2023 data collected in cooperation with the group of contact persons on national justice systems.

Figure 32: Specific arrangements for child-friendly proceedings with children involved as victims or suspects or as accused persons, 2023 (*) *(source: European Commission ([84]))*



(*) Children: persons under 18 years of age.

3.2.2. Resources

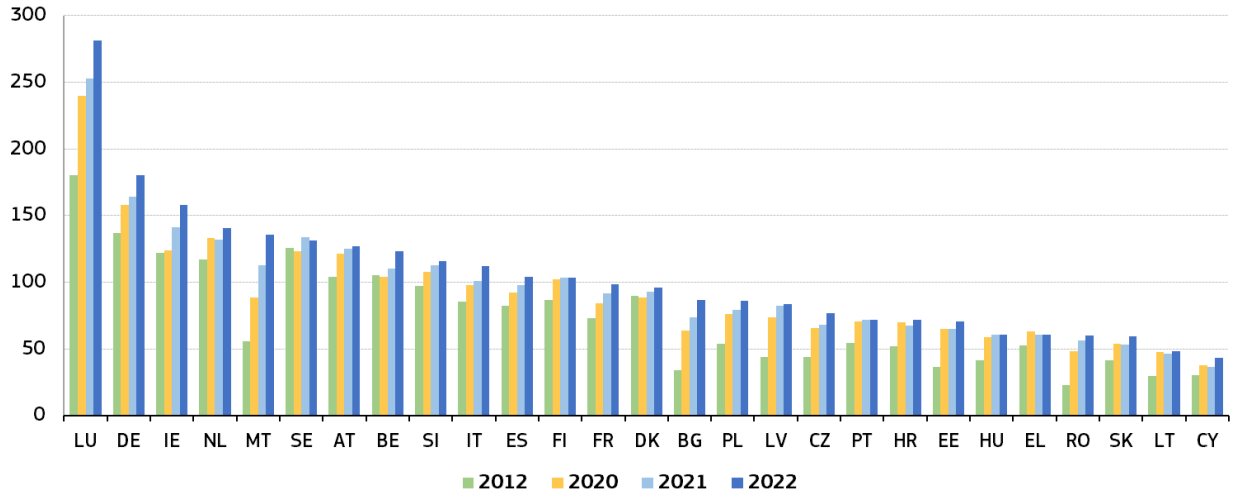
Sufficient resources, including the necessary investments in physical and technical infrastructure, and well qualified, trained and adequately paid staff of all kinds, are necessary for the justice system to work properly. Without adequate facilities, tools or staff with the required qualifications, skills and access to continuous training, the quality of proceedings and decisions is undermined.

– *Financial resources* –

The figures below show the actual government expenditure on the operation of the justice system (excluding prisons), both per inhabitant (Figure 33) and as a proportion of gross domestic product (GDP) (Figure 34).

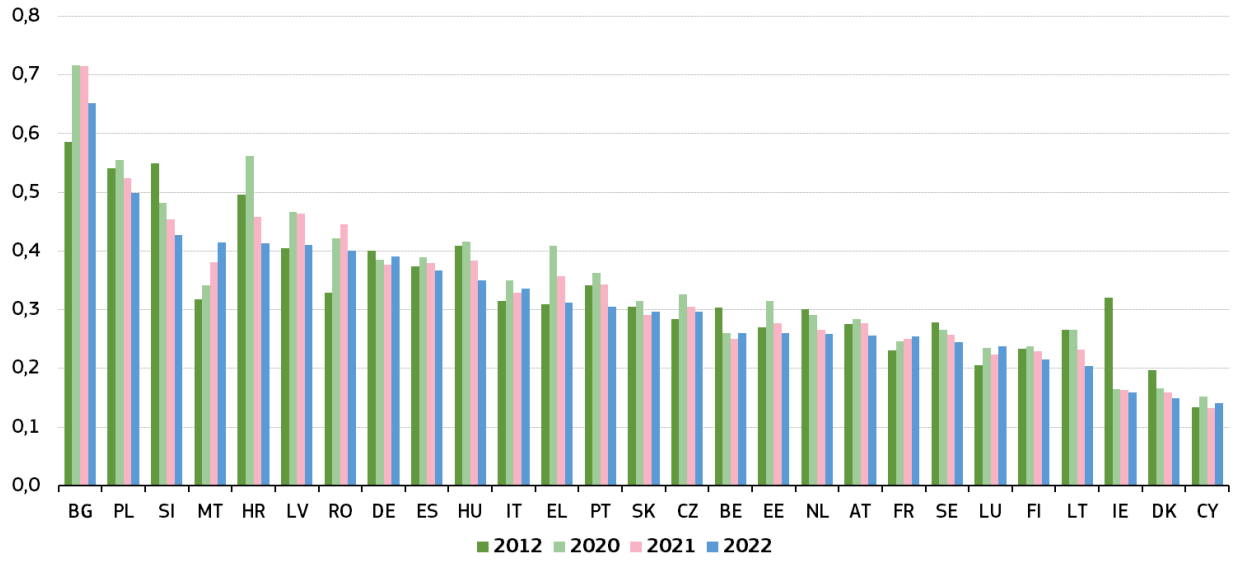
[84] 2023 data collected in cooperation with the group of contact persons on national justice systems.

Figure 33: General government total expenditure on law courts in EUR per inhabitant, 2012, 2020 – 2022 (*) *(source: Eurostat)*



(*) Member States are ordered according to their expenditure in 2022 (from highest to lowest). Data for 2021-2022 for EL, ES, FR and NL are provisional. Data for BE, CY, HU, PT and RO for 2022 are provisional. Data for 2019-2022 for DE are provisional. Data for BG and PL have a break in series in 2022.

Figure 34: General government total expenditure on law courts as a percentage of GDP, 2012, 2020 – 2022 (*) *(source: Eurostat)*

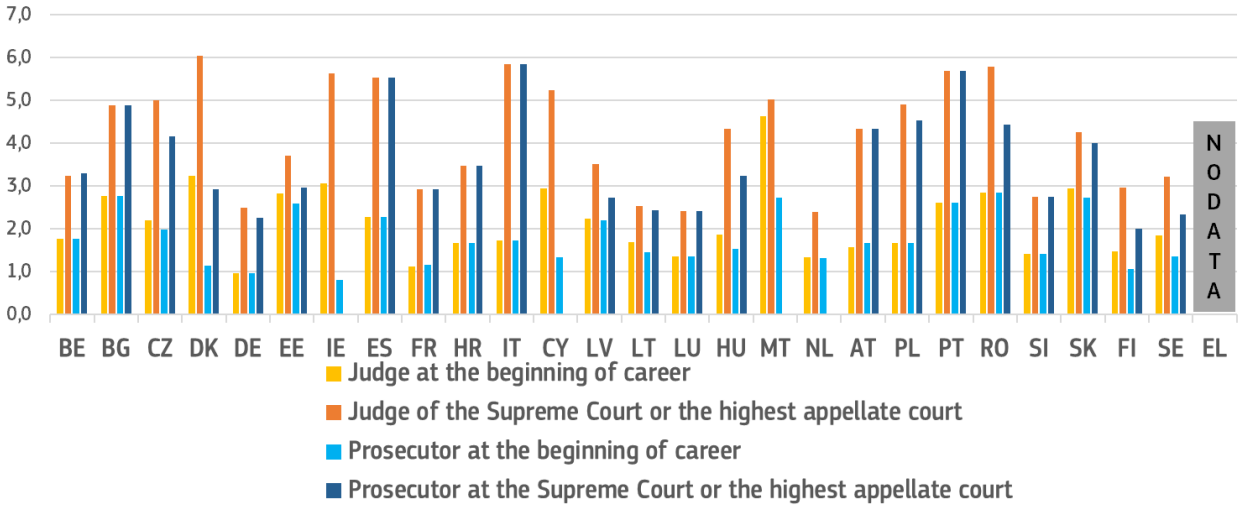


(*)Member States are ordered according to their expenditure in 2021 (from highest to lowest). Data for other years is provisional for BE, DE, ES, FR and PT.

Figure 35 presents the ratio of annual salaries of judges and prosecutors compared to the average annual salary in the country. For each country, the bars present these ratiosfor judges and prosecutors at the beginning of their respective careers, and at their peak. By virtue of Article 19(1) TEU, Member States have to ensure that both their courts as a whole and the individual judges are independent in the fields covered by Union law. While temporary reduction in remuneration in the context of austerity measures has not been considered in violation of this provision, the Court of

Justice of the EU has stated that the receipt by members of the judiciary of a level of remuneration conmensurate with the importance of the functions carried out constitutes an essential guarantee of judicial independence ([85]).

Figure 35: Ratio of annual salaries of judges and prosecutors with annual average gross salary in the country in 2022 (*) *(source: Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) study)*



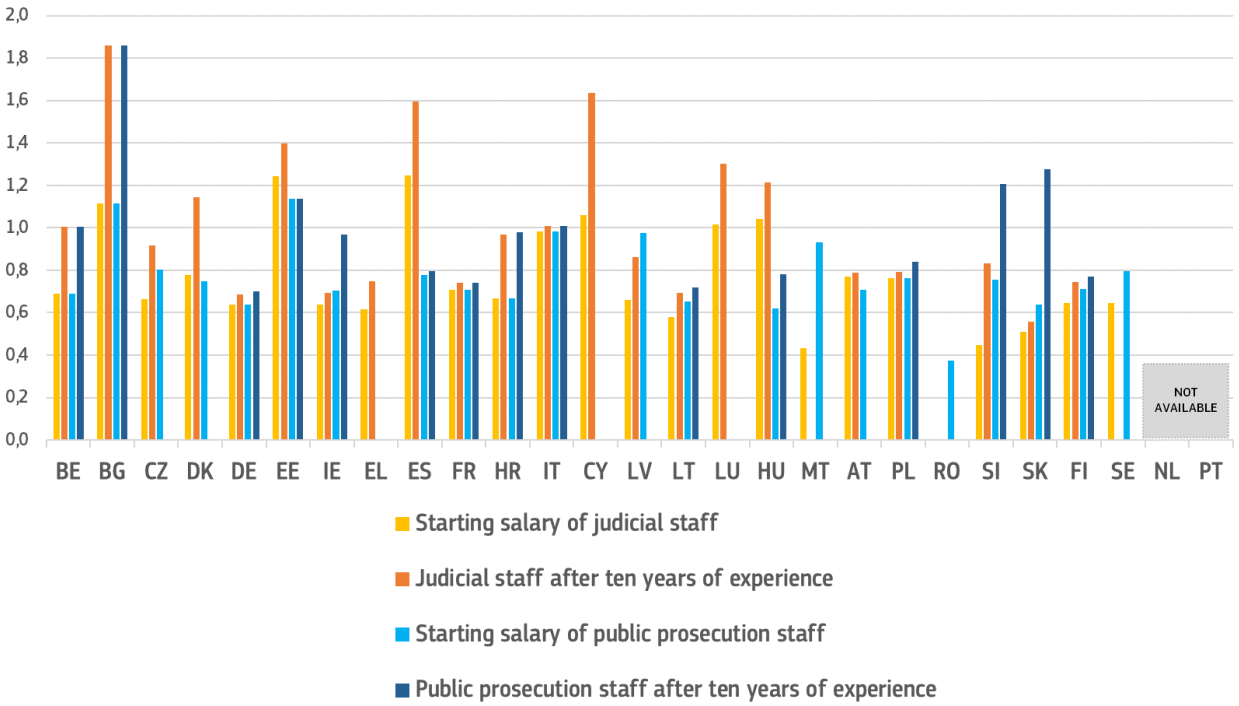
(*) Member States specific comments on the data are accessible in the CEPEJ study ([86]).

Figure 36 presents, for the first time, the ratio of annual salaries of judicial and prosecutorial expert staff compared to the average annual salary in the country. For each country, the first two bars present the ratios for judicial expert staff at the beginning of their respective careers, and after ten years into the service, while the third and fourth bars present the ratios for prosecutorial expert staff at the beginning of their respective careers, and after ten years into the service.

[85] Judgment of the Court of Justice of the European Union, Case C-64/16 *Associação Sindical dos Juízes Portugueses*, (ECLI:EU:C:2018:117) para. 45, "Like the protection against removal from office of the members of the body concerned (see, in particular, judgment of 19 September 2006, *Wilson*, C-506/04, EU:C:2006:587, paragraph 51), the receipt by those members of a level of remuneration commensurate with the importance of the functions they carry out constitutes a guarantee essential to judicial independence."

[86] *https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en#documents*

Figure 36: Ratio of annual salaries of judicial and prosecutorial expert staff with annual full-time adjusted average gross salary in the country in 2022 (*) *(source: European Commission and Eurostat ([87]))*



*(*) Indicator developed in cooperation with the group of contact persons on national justice systems. Data on salaries refers to the minimum gross annual starting salary, in 2022, in euro, and minimum gross annual salary after ten years of experience, in 2022, in euro. The gross salary is calculated before any welfare costs and taxes have been paid. Bonuses that are regularly paid to all staff irrespective of their personal circumstances are included (for example 13th salary that is paid without exception to staff in the court/public prosecution). Bonuses linked to personal circumstances (for example family allowances depending on the number of children) are excluded from the amount. Unless indicated otherwise, the minimum salary value from among the staff categories falling into the respective group of staff is used. The ratio was calculated against the Eurostat indicator 'Average full time adjusted salary per employee', nama_10_fte, for 2022. Judicial staff refers to expert staff at courts of first instance contributing to the judicial proceedings/involved in the decision making, such as assistant judges, Rechtspfleger, assistants to judges auxilliares de justice, court registrars. Public prosecution staff refers to expert staff at the lowest level of prosecution offices contributing to the proceedings/involved in decision making such as assistants of prosecutors, trainee prosecutors. The specific categories referred to by the individual Member States within these two broader groups and represented in the chart are, respectively; J: refers to judicial staff, P: refers to prosecutorial staff. **BE**: griffier/greffier (J), secretaris/secrétaire (P). The data provided include the holiday pay and end-of-year bonus. **BG**: judicial assistant (J), prosecutorial assistant (P). **CZ**: higher judicial officer (J), public prosecution staff (P). **DK**: assistant judge (J), prosecutor trainee (P). The assistant judge salary after ten years of experience is based on average salary. **DE**: not indicated. **EE**: law clerk (J), assistant prosecutor (P). **IE**: judicial assistant (J), legal executive (P). **EL**: court registrar (J). **ES**: Letrados de la Administración de Justicia (J), Cuerpo de Auxilio Judicial (P). **FR** : legal assistant/clerks (J), legal assistant/clerks (P). **HR**: judicial assistant (J), assistant of prosecutor (P). **IT**: judicial court staff belonging to III area and economic segment F1 (J), judicial court staff belonging to III area and economic segment F2 (J), public prosecution staff belonging to III area and economic segment F1 (P), public prosecution staff belonging to III area and economic segment F2 (P). **CY**: registrar (J). **LV**: assistant to judge (J), Lawyer-consultant,*

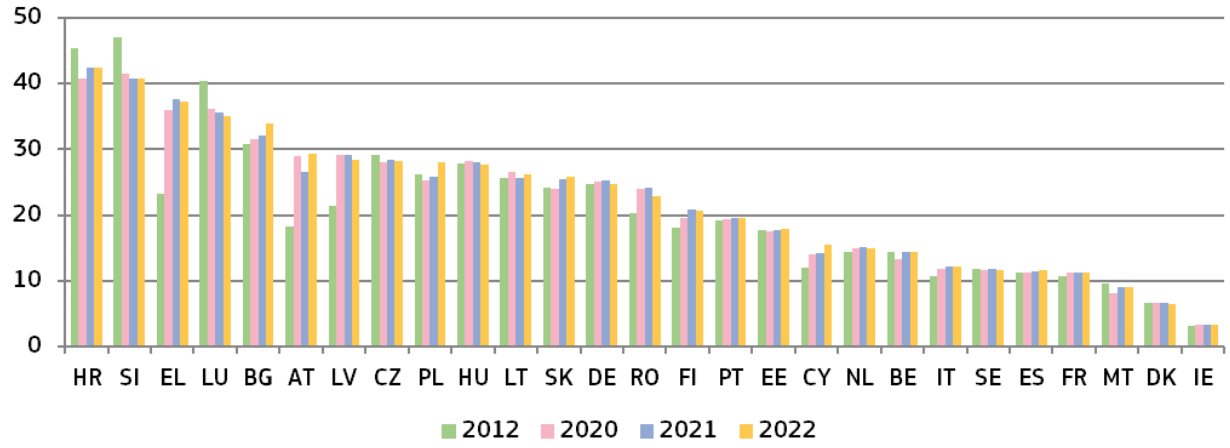
[87] 2023 data collected in cooperation with the group of contact persons on national justice systems and Eurostat. The source of data on annual average gross salary used for calculating the ratios in Figures 35 and 36 differ (in Figure 35, they are provided by CEPEJ, using information provided by their national correspondents, while in Figure 36, the source is Eurostat). Therefore, the ratios are not directly comparable between the two figures.

lawyer in the field of criminal law, lawyer – analyst (P). Judicial staff consists of assistants of judges only. There is no range of salaries in this category. In relation to the category "assistant to judge", the indicated data was the maximum salary in 2022. The salary for all assistants to judges are the same in first instance courts. For example, if the assistant of judge receives the highest evaluation mark in the annual evaluation process, then he or she can already receive the maximum salary within the first working year. As regards the staff of the Prosecution Office, the data is an average of the salary for the indicated positions. Staff at both levels of the Prosecution Office has a set salary that does not depend on the years worked in the office. ***LT****: Judicial assistants (senior judicial assistants) (J), assistants of prosecutors and assistants of the chief prosecutors (P).* The *salary values of judicial and public prosecution assistant and clerical staff is an average of specific salaries within a given category.* ***LU****: Référendaires: Employé A1 (J), Référendaires: Employé A1 (J).* ***HU*** *: Agent of the public prosecutor's office (P).* ***MT****: judicial assistant (J), trainee lawyer (P).* ***NL****: Not available due to missing Eurostat indicator of average full time adjusted salary per employee.* ***AT****: Judges in training/legal assistants/auditors/judicial officials (Rechtspfleger) (J), prosecutor in training (P). The data represents statutory salary rates. Staff members or different salary groups are grouped together in one staff member category, with an average value given based on the statutory salary and renumeration rates.* ***PL****: assistant judge (J). The data is an average of specific salaries within a given category.* ***RO****: trainee prosecutor (P). RO only has the category "trainee prosecutor" - not "assistants of prosecutors" nor other categories of expert staff contributing to the proceedings/involved in decision making. Consequently, only the starting salary for trainee prosecutors was provided. The category of judicial staff in courts of first instance did not exist in Romania in 2022, hence no data is provided for that category.* ***SI****: judicial assistant (J), senior judicial adviser (P).* ***SK****: assistant (J), legal trainee (P).* ***FI****: trainee judge (J), prosecutor's assistant (P).* ***SE****: law clerk step 1 (J), trainee public prosecutor (P).*

– Human resources –

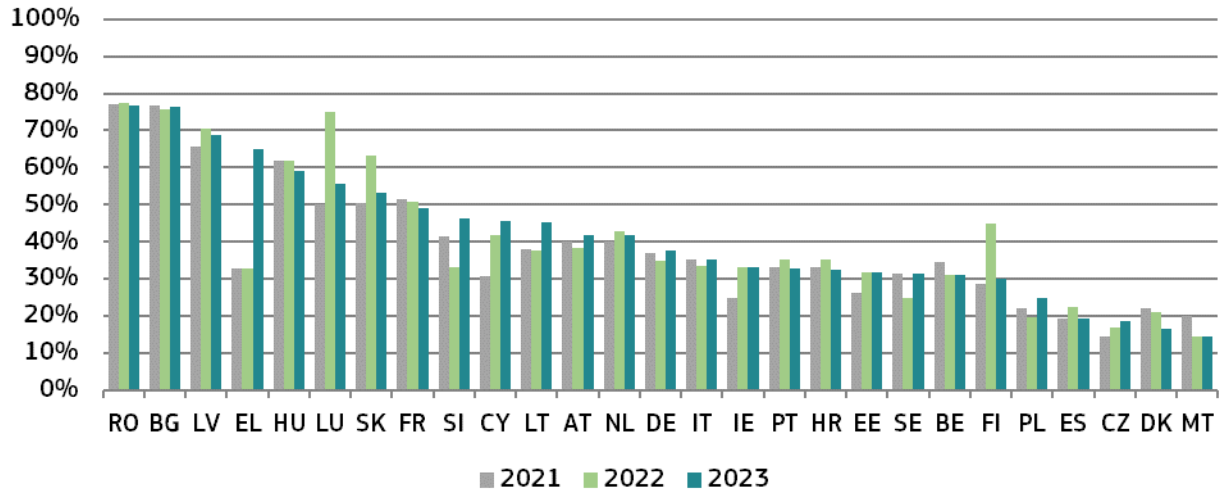
Adequate human resources are essential for the quality of a justice system. Diversity among judges, including gender balance, adds complementary knowledge, skills and experience and reflects the reality of society.

Figure 37: Number of judges, 2012, 2020 – 2022 (*) *(per 100 000 inhabitants) (source: Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) study)*



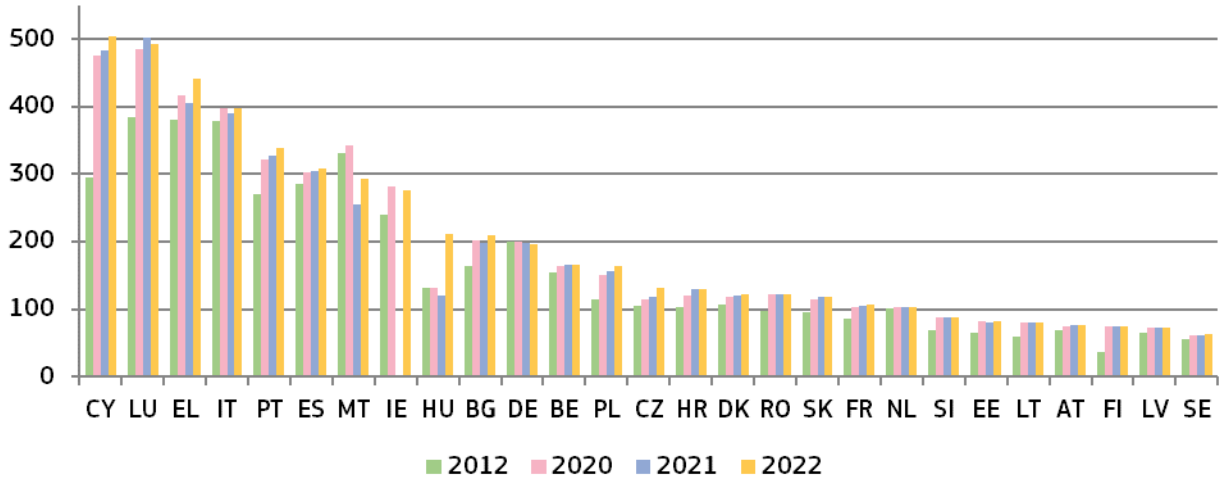
(*) This category consists of judges working full-time, in accordance with the CEPEJ methodology. It does not include the Rechtspfleger/court clerks that exist in some Member States. ***AT****: data on administrative justice have been part of the data since 2016.* ***EL****: since 2016, data on the number of professional judges include all the ranks for criminal and civil justice as well as administrative judges.* ***IT****: Regional audit commissions, local tax commissions and military courts are not taken into consideration. Administrative justice has been taken into account since 2018.*

Figure 38: Proportion of female professional Supreme Court judges 2021 – 2023 (*) *(source: European Commission ([88]))*



(*) The data are sorted by 2023 values, from the highest to the lowest.

Figure 39: Number of lawyers, 2012, 2020 – 2022 (*) *(per 100 000 inhabitants) (source: Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) study)*



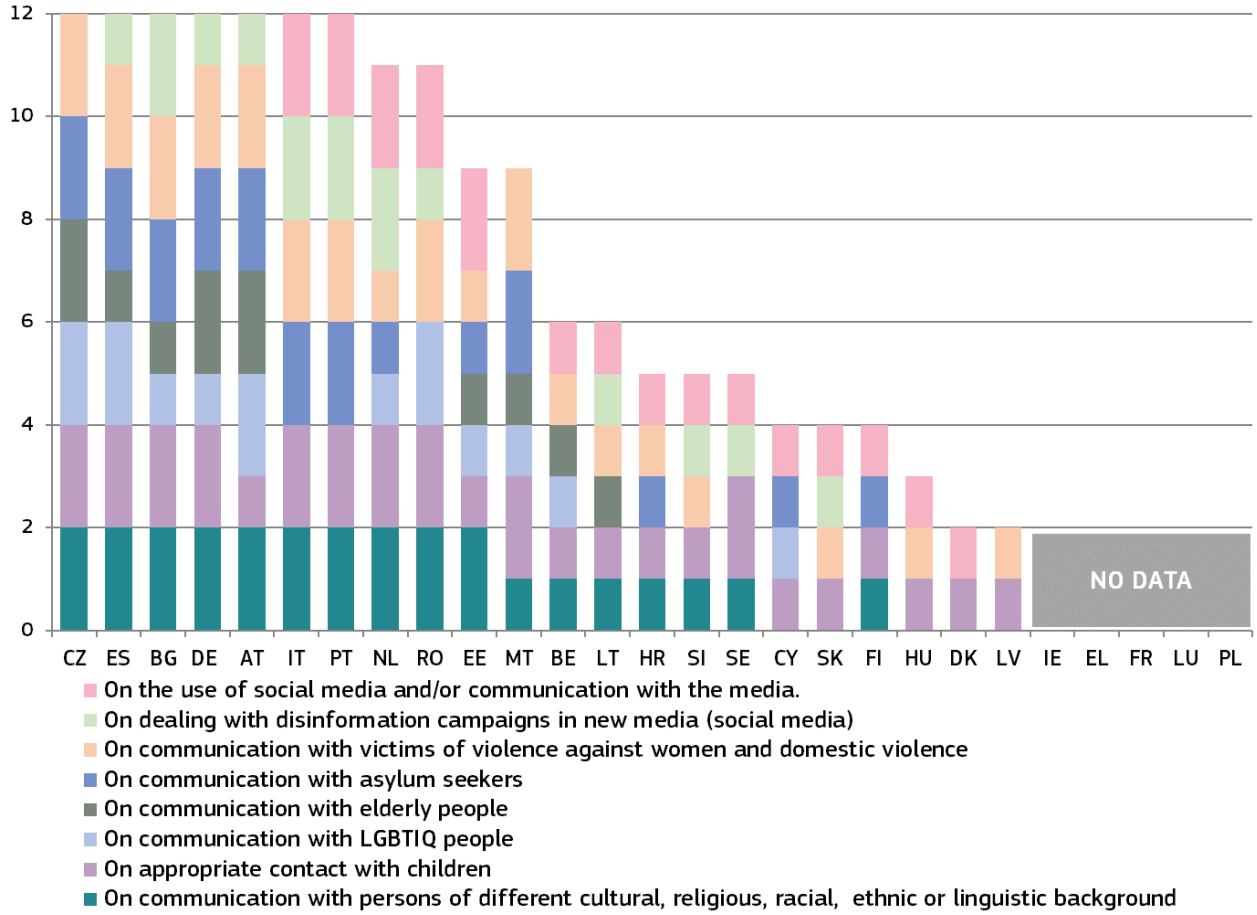
(*) In accordance with the CEPEJ methodology, a lawyer is a person qualified and authorised by national law to plead and act on behalf of their clients; to engage in the practice of law; to appear before the courts or advise and represent their clients in legal matters (Recommendation Rec (2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer). ***DE****: no distinction is made between different groups of lawyers in Germany.* ***FI****: since 2015, the number of lawyers provided includes both the number of lawyers working in the private sector and the number of lawyers working in the public sector.*

[88] European Institute for Gender Equality, Gender Statistics Database: https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_jud_natcrt__wmid_natcrt_supcrt/datatable

– Training –

Judicial training makes an important contribution to the quality of judicial decisions and the justice service delivered to citizens. The data set out below cover judicial training on communication with parties and on social media.

Figure 40: Availability of training in communication for judges, 2023 (*) *(source: European Commission ([89]))*



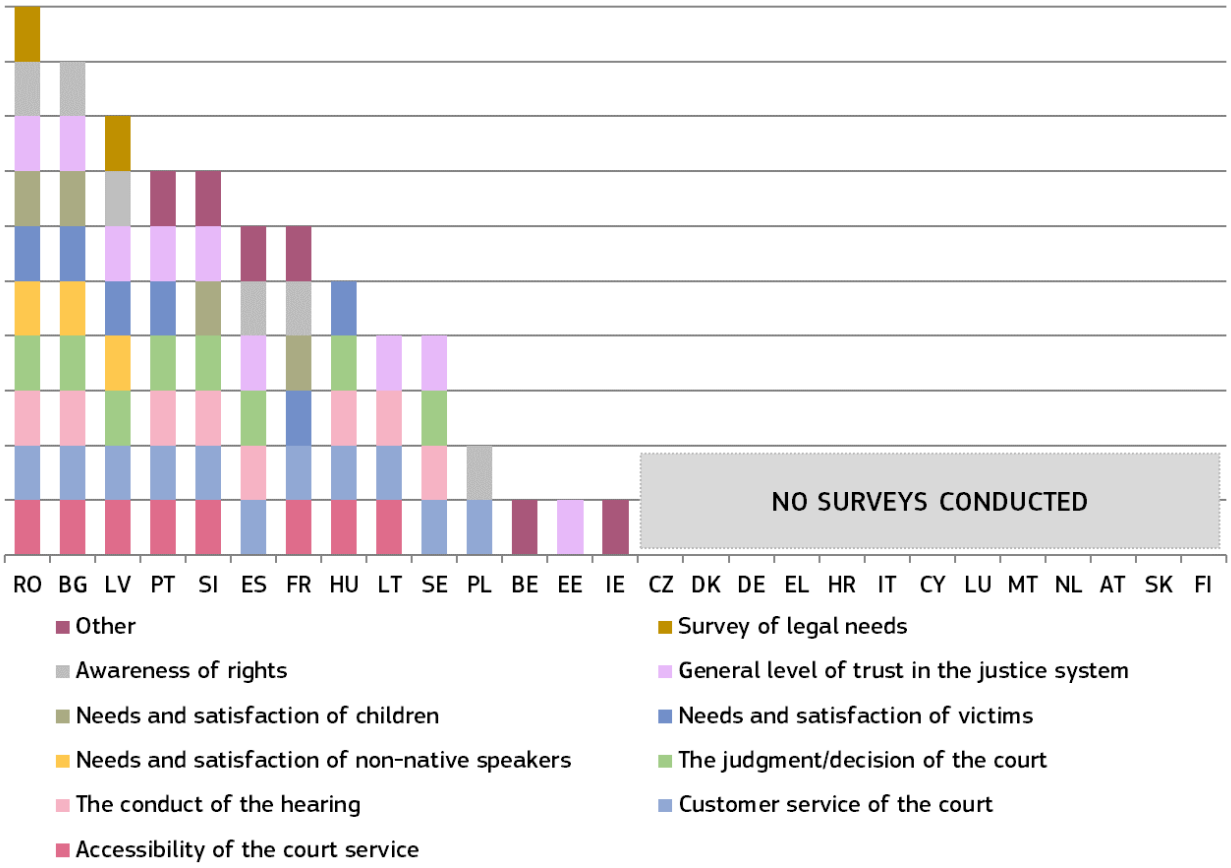
(*) Maximum possible: 16 points. Member States were given 1 point if they have initial training and 1 point if they have continuing training (maximum of 2 points for each type of training) on the topics displayed above.

[89] 2023 data collected in cooperation with the European Judicial Training Network.

3.2.3. Assessment tools

Regular evaluation could make the justice system more responsive to current and future challenges, thereby improving its quality. Surveys (Figure 41) are essential for assessing how justice systems operate from the perspective of legal professionals and court users.

Figure 41: Topics of surveys conducted among court users or legal professionals, 2023 (*) *(source: European Commission ([90]))*



(*) Member States were given one point per survey topic indicated regardless of whether the survey was conducted at national, regional or court level.

[90] 2023 data collected in cooperation with the group of contact persons on national justice systems.

3.2.4. Digitalisation

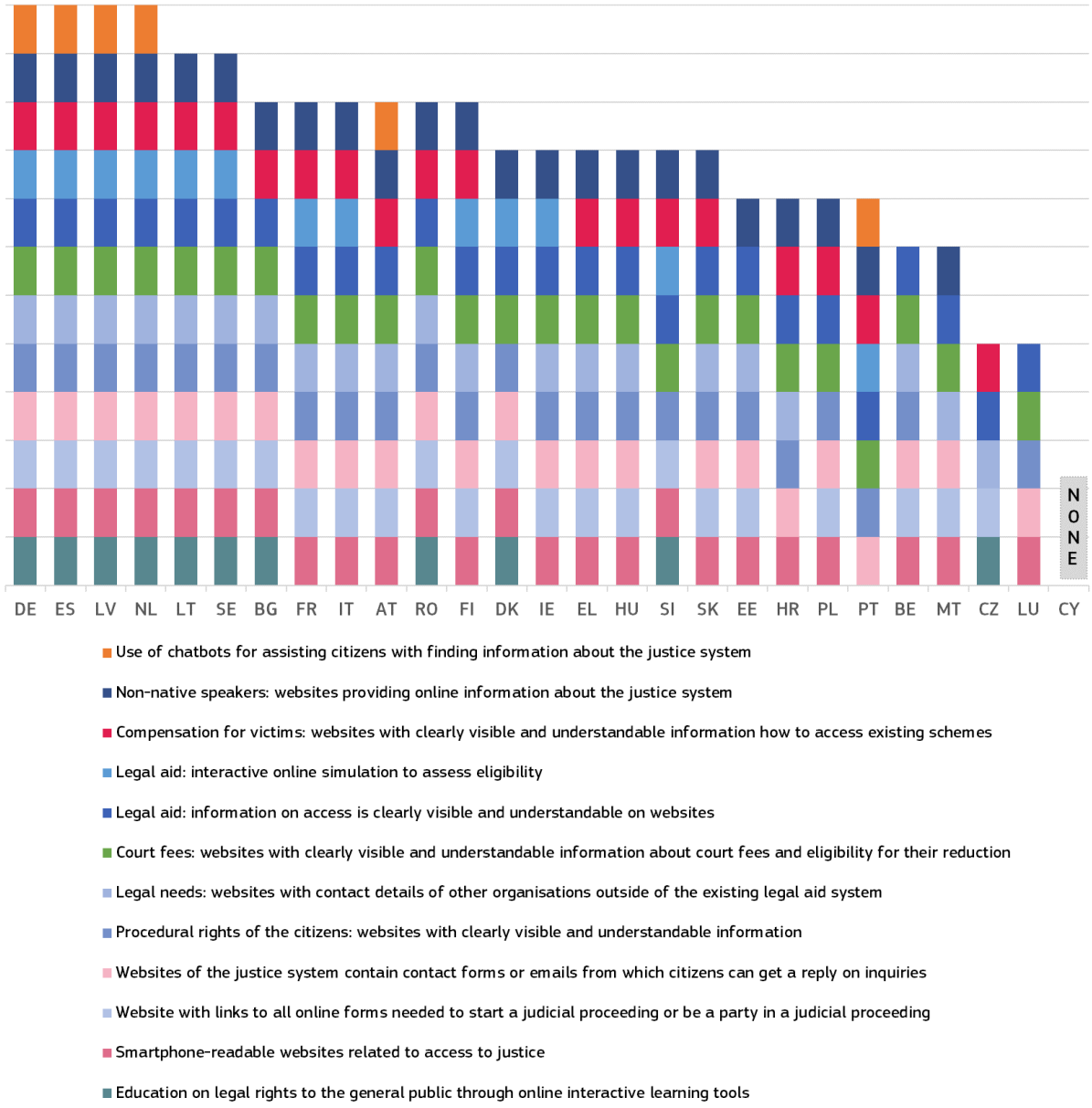
The use of information and communication technologies (ICT) can strengthen the Member States' justice systems and make them more accessible, efficient, resilient and ready to face current and future challenges. The COVID-19 pandemic has highlighted a number of challenges affecting the functioning of the judiciary and showed the need for the national justice systems to further improve their digitalisation.

Earlier editions of the EU Justice Scoreboard provided comparative data on certain aspects of the ICT in justice systems. As announced in the Commission's Communication on the digitalisation of justice in the EU of 2 December 2020 ([91]), the Scoreboard has been substantially augmented with further data on digitalisation in the Member States. This should allow for more in-depth monitoring of progress areas and outstanding challenges.

Citizen-friendly justice requires that information about national judicial systems is not only easily accessible but is also tailored to specific groups of society that would otherwise have difficulties in accessing the information, including persons with disabilities. Figure 42 shows the availability of online information and specific public services that can help people access justice.

[91] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Digitalisation of justice in the European Union: A toolbox of opportunities' COM(2020)710 and accompanying SWD(2020)540.

Figure 42: Availability of online information about the judicial system for the general public, 2023 (*) *(source: European Commission ([92]))*



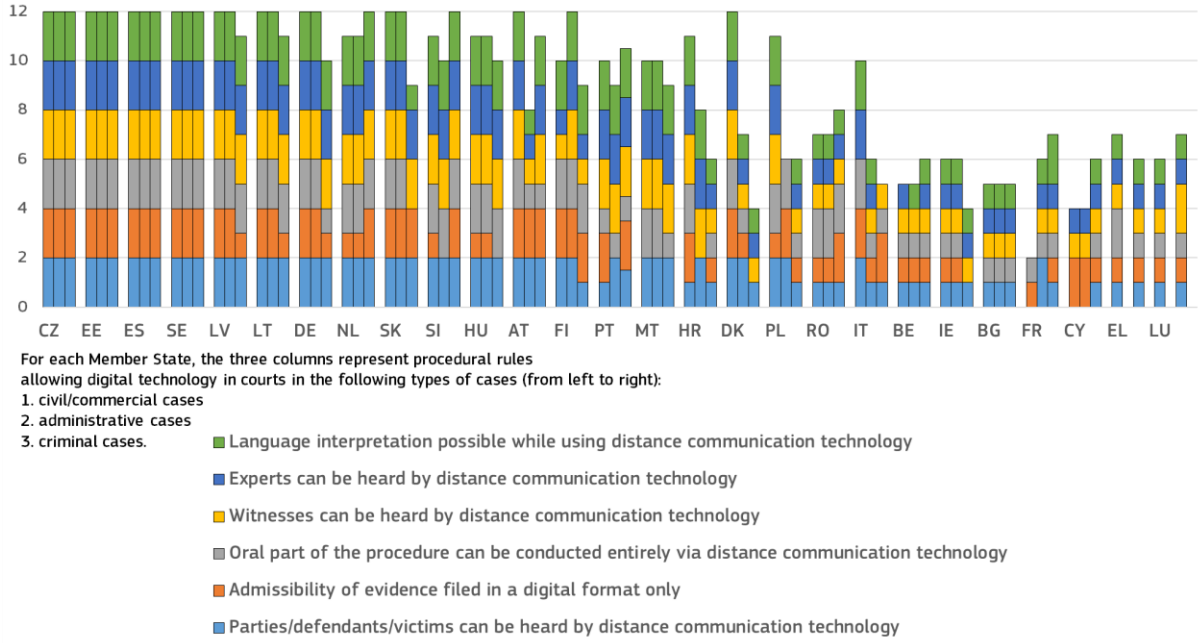
*(*) **DE**: Each federal state as well as the federal level decide individually which information to provide online.*

[92] 2023 data collected in cooperation with the group of contact persons on national justice systems.

– Digital-ready rules –

The use of digital solutions in civil/commercial, administrative and criminal cases often requires appropriate regulation in national procedural rules. Figure 43 illustrates the possibilities set out by law for various actors to use distance communication technology (such as videoconferencing) for court and court related procedures, and reflects the current situation on the admissibility of digital evidence.

Figure 43: Procedural rules allowing digital technology in courts in civil/commercial, administrative and criminal cases, 2023 (*) *(source: European Commission ([93]))*



(*) For each Member State, the first column presents procedural rules for civil/commercial cases, the second column for administrative cases and the third column for criminal cases. Maximum possible: 12 points. For each criterion, two points were given if the possibility exists in all civil/commercial, administrative and criminal cases, respectively (in criminal cases, the possibility of hearing the parties was split to cover both defendants and victims). The points are divided by two when the possibility does not exist in all cases. For those Member States that do not distinguish between civil/commercial and administrative cases, the same number of points has been given for both areas ***EL, LU****: none for administrative cases.*

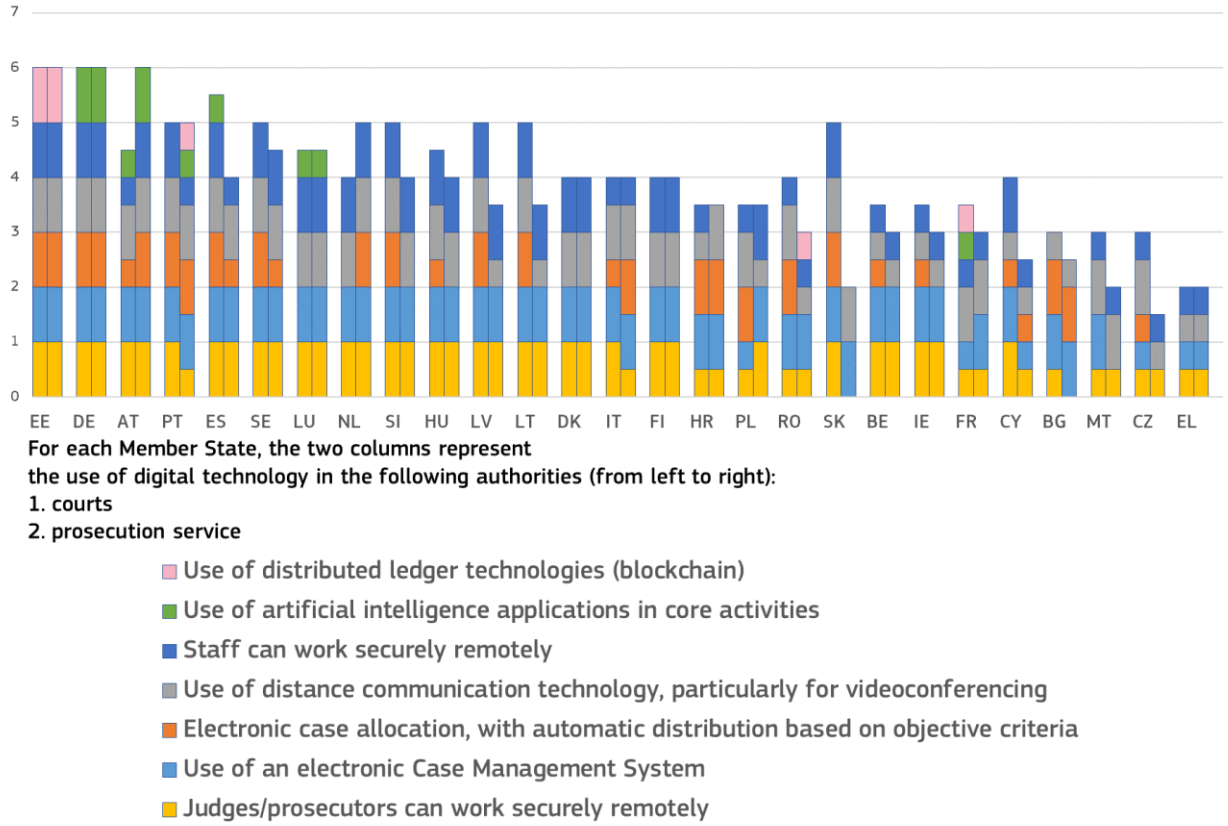
[93] 2023 data collected in cooperation with the group of contact persons on national justice systems.

– Use of digital tools –

Beyond digital-ready procedural rules, courts and prosecution services need to have appropriate tools and infrastructure in place for distance communication and secure remote access to the workplace (Figure 44). Adequate infrastructure and equipment is also needed for secure electronic communication between courts/prosecution services and legal professionals and institutions (Figures 45 and 46).

ICT, including innovative technology, plays an important role in supporting the work of judicial authorities. It therefore contributes significantly to the quality of justice systems. The availability of various digital tools at the disposal of judges, prosecutors and judicial staff can streamline work processes, ensure fair workload allocation and lead to a significant time reduction.

Figure 44: Use of digital technology by courts and prosecution services, 2023 (*) *(source: European Commission ([94]))*



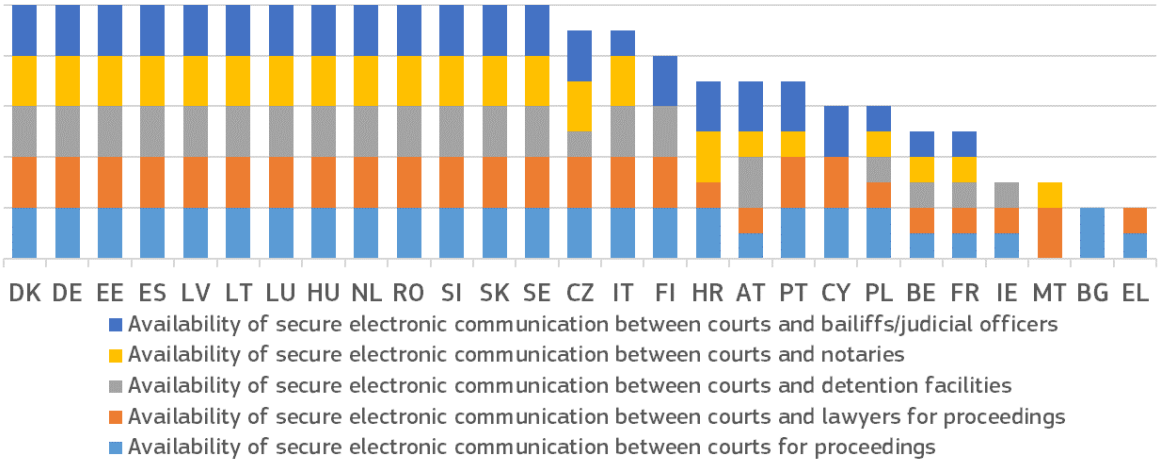
(*) Maximum possible: 7 points. For each criterion, one point was given if courts and prosecution services, respectively, use a given technology and 0.5 point was awarded when the technology is not always used by them.

Secure electronic communication can contribute to improving the quality of justice systems. The possibility for courts to communicate electronically between themselves, as well as with legal professionals and other institutions, can streamline processes and reduce the need for paper-based

[94] 2023 data collected in cooperation with the group of contact persons on national justice systems.

communication and physical presence, which would lead to a reduction in the length of pre-trial activities and court proceedings.

Figure 45: Courts: electronic communication tools, 2023 (*) *(source: European Commission ([95]))*

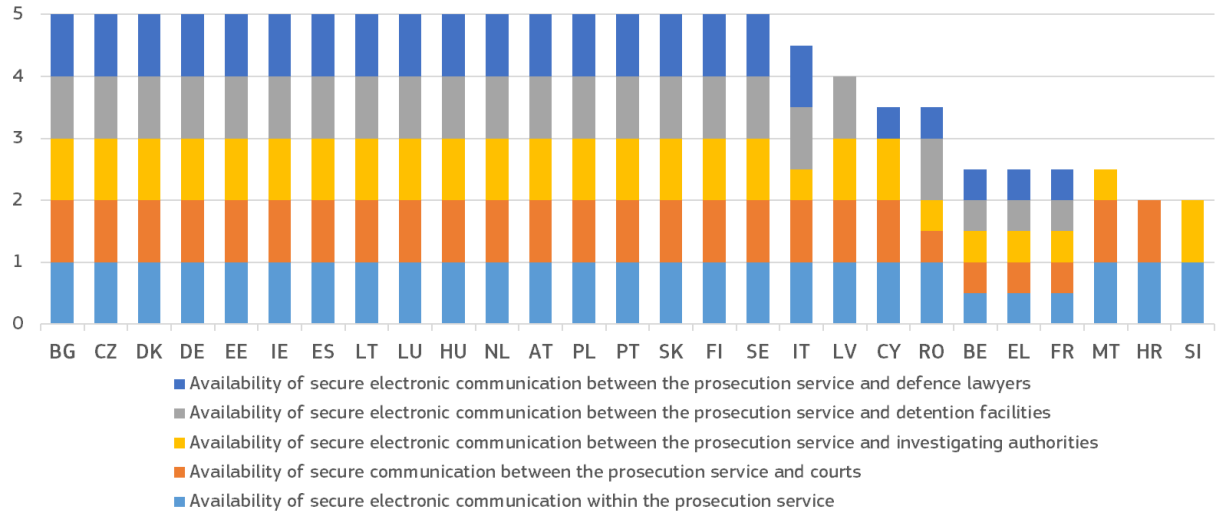


(*) Maximum possible: 5 points. For each criterion, one point was given if secure electronic communication is available for courts. 0.5 was awarded when the possibility does not exists in all cases. ***FI****: the tasks of notaries do not relate to courts. Therefore, there is no reason to provide them with secure connection.*

Prosecution services are essential for the functioning of the criminal justice system. Access to a secure electronic channel of communication could facilitate their work and thus improve the quality of court proceedings. The possibility for secure electronic communication between prosecution services and investigating authorities, defence lawyers and courts would enable a more expedient and efficient preparation of the proceedings before the court.

[95] 2023 data collected in cooperation with the group of contact persons on national justice systems.

Figure 46: Prosecution service: electronic communication tools, 2023 (*) *(source: European Commission ([96]))*



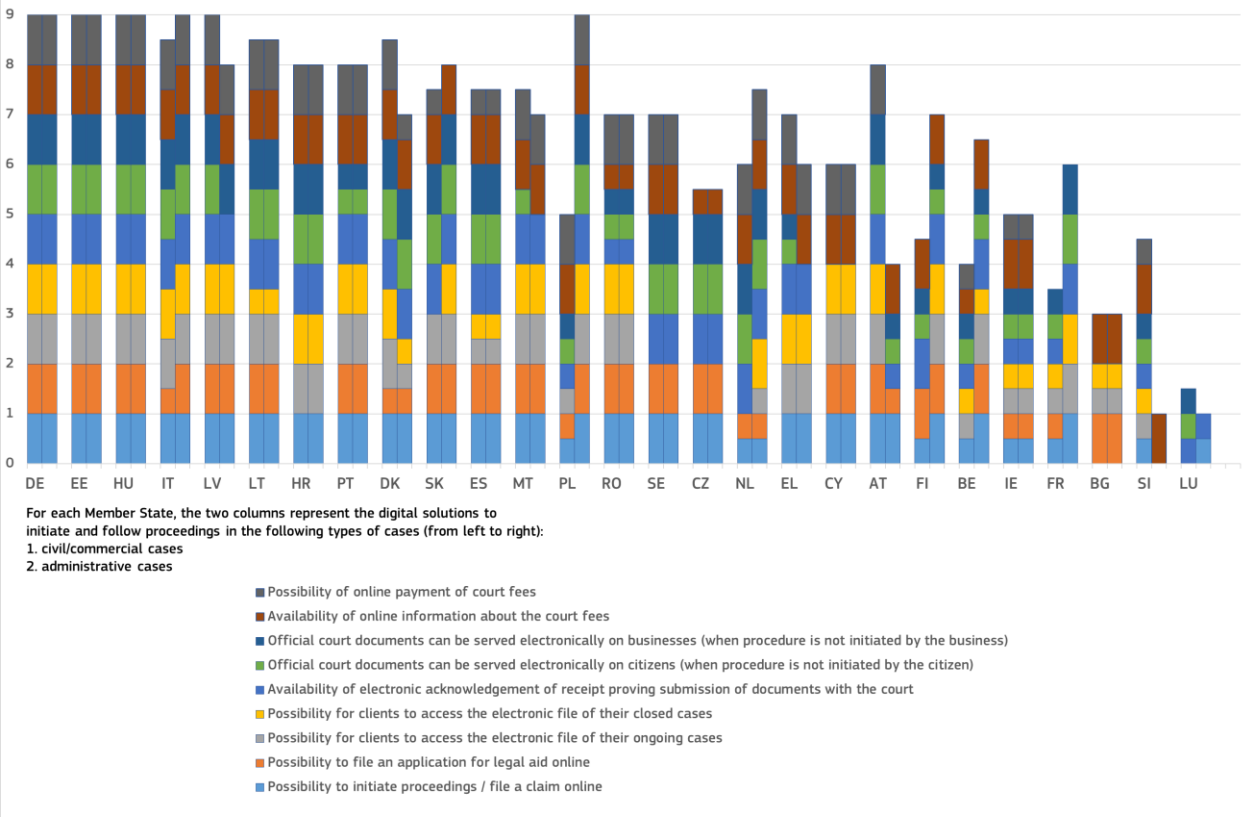
(*) Maximum possible: 5 points. For each criterion, one point was given if secure electronic communication is available for prosecution services. 0.5 was awarded when the possibility does not exist in all cases. Availability of electronic communication tools within prosecution service includes communication with lawyers employed by the prosecution service.

– Online access to courts –

The ability to carry out specific steps in a judicial procedure electronically is an important aspect of the quality of justice systems. The electronic submission of claims, the possibility to monitor and advance a proceeding online or serve documents electronically can tangibly facilitate access to justice for citizens and businesses (or their legal representatives) and reduce delays and costs. The availability of such digital public services would help bring courts one step closer to citizens and businesses, and by extension increase public trust in the justice system.

[96] 2023 data collected in cooperation with the group of contact persons on national justice systems.

Figure 47: Digital solutions to initiate and follow proceedings in civil/commercial and administrative cases, 2023 (*) *(source: European Commission ([97]))*

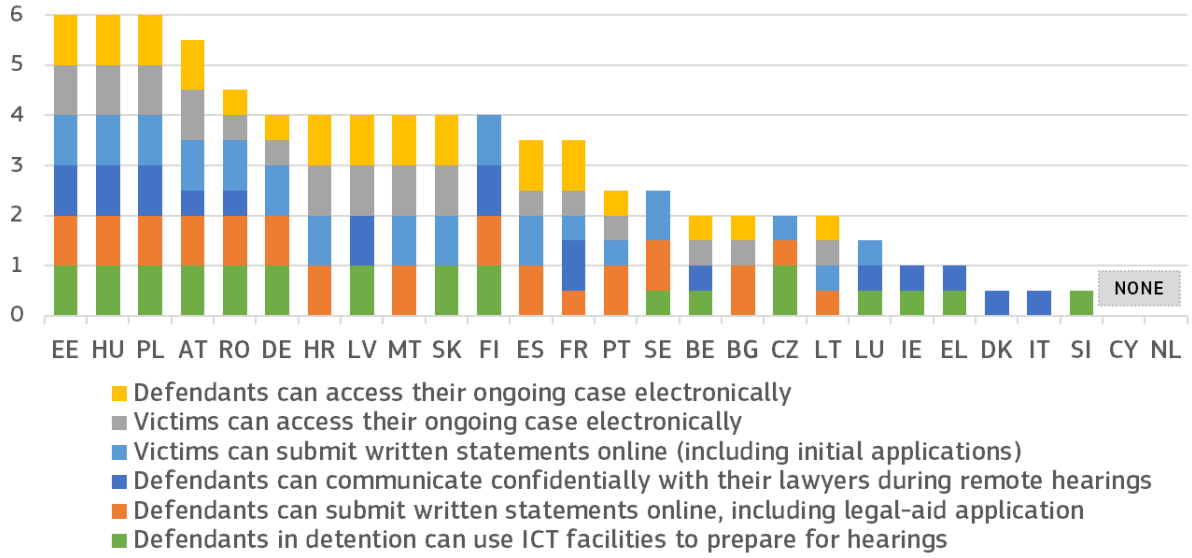


(*) Maximum possible: 9 points. For each criterion, one point was given if the possibility exists in all civil/commercial and administrative cases, respectively. 0.5 point was awarded when the possibility does not exist in all cases. For those Member States that do not distinguish civil/commercial and administrative cases, the same number of points has been given for both areas.

The use of digital tools for conducting and following court proceedings in criminal cases can also help guarantee the rights of victims and defendants. For example, digital solutions can enable confidential remote communication between defendants and their lawyers, allow defendants in detention to prepare for their hearing and help victims of crime avoid secondary victimisation.

[97] 2023 data collected in cooperation with the group of contact persons on national justice systems.

Figure 48: Digital solutions to conduct and follow court proceedings in criminal cases, 2023 (*) *(source: European Commission ([98]))*



(*) Maximum possible: 6 points. For each criterion, one point was given if the possibility exists in all criminal cases. 0.5 point was awarded when the possibility does not exists in all cases.

– Access to judgments –

Ensuring online access to judgments increases the transparency of justice systems, helps citizens and businesses understand their rights and can contribute to consistency in case-law. Appropriate arrangements for publishing judicial decisions online are essential for creating user-friendly search facilities ([99]) that make case-law more accessible to legal professionals and the general public, including persons with disabilities. Seamless access to and easy reuse of case-law makes the justice system algorithm-friendly, enabling innovative 'legal tech' applications that support practitioners.

The online publication of court decisions requires balancing a variety of interests, within the boundaries set by legal and policy frameworks. The General Data Protection Regulation ([100]) fully applies to the processing of personal data by courts. When assessing what data to make public, a fair balance has to be struck between the right to data protection and the obligation to publicise court decisions to ensure the transparency of the justice system. This is particularly true when there is a prevailing public interest that justifies the disclosure of those data. In many countries, the law or practice requires the anonymisation or pseudonymisation ([101]) of judicial decisions before

98 2023 data collected in cooperation with the group of contact persons on national justice systems.

99 See *Best practice guide for managing Supreme Courts*, under the project Supreme Courts as guarantee for effectiveness of judicial systems, p. 29.

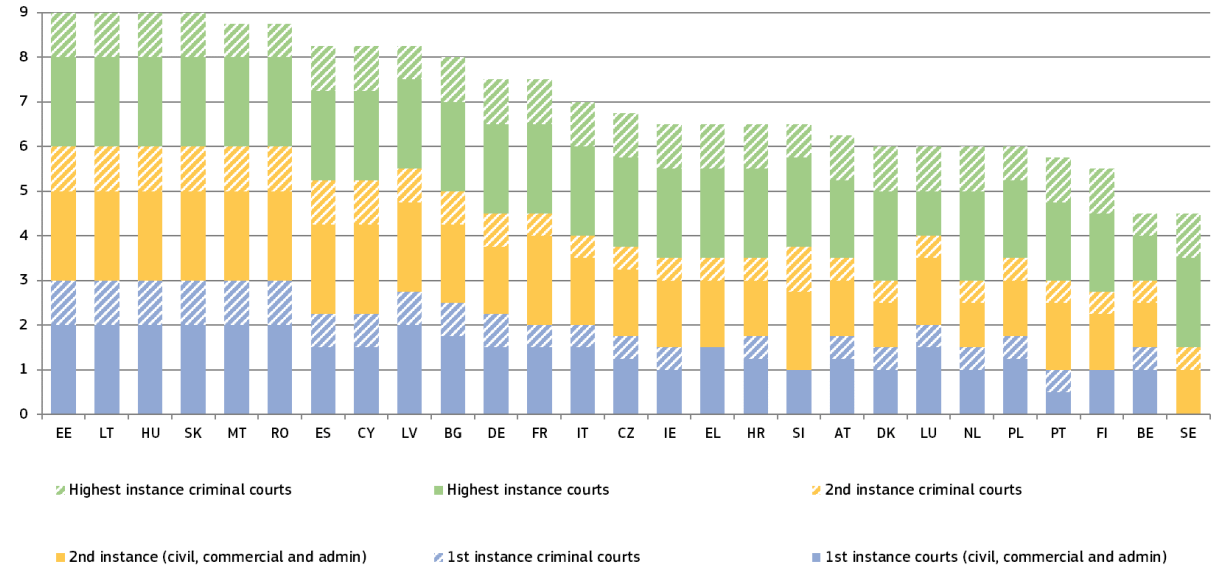
100 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

101 Anonymisation/pseudonymisation is more efficient if assisted by an algorithm. However, human supervision is needed, since the algorithms do not understand context.

publication, either systematically or upon request. Data produced by the judiciary are also governed by EU legislation on open data and the reuse of public sector information ([102]).

The availability of judicial decisions in a machine-readable format ([103]), as displayed in Figure 50, facilitates an algorithm-friendly justice system ([104]).

Figure 49: Online access to published judgments by the general public, 2023 (*) *(civil/commercial, administrative and criminal cases, all instances) (source: European Commission ([105]))*



(*) Maximum possible: 9 points. For each court instance, one point was given if all judgments are available for civil/commercial and administrative and criminal cases respectively, 0.75 points when most judgments (more than 50% are available) and 0.5 points when some judgments (less than 50%) are available. For Member States with only two court instances, points have been given for three court instances by mirroring the respective higher instance court of the non-existing instance. For those Member States that do not distinguish the two areas of law (civil/commercial and administrative), the same number of points has been given for both areas. ***BE****: for civil and criminal cases, each court is in charge of deciding on the publication of its own judgments.* ***DE****: each federal state decides on online availability of first instance judgments.* ***AT****: for first and second instance, judges decide which judgments are published. Decisions of the Supreme Court that reject an appeal without substantial reasoning are not published. Decisions of the Supreme Administrative Court taken by a single judge are published if the judge concerned decides to publish them. Furthermore, decisions only containing legal issues where there already is continuous jurisprudence of the Supreme Administrative Court and non-complicated decisions concerning discontinuance of proceedings are not published.* ***NL****: courts decide on publication according to published criteria.* ***PT****: a commission within the court decides on the publication.* ***SI****: procedural decisions with little or no significance for the case-law are not published; from decisions in cases, which are identical in substance*

[102] Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90) and Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

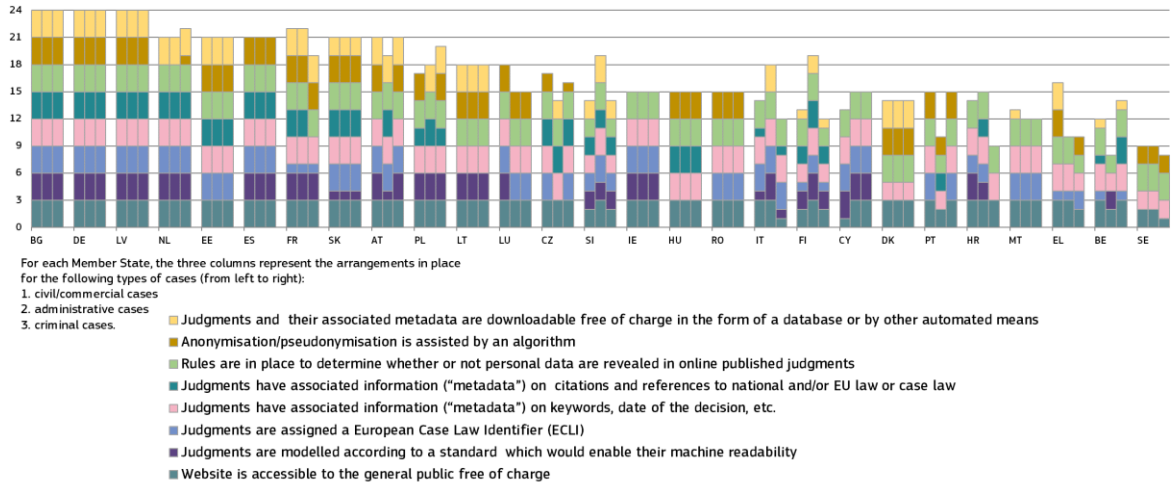
[103] Judgments modelled according to standards (e.g. Akoma Ntoso) and their associated metadata are downloadable free of charge in the form of a database or by other automated means (e.g. Application Programming Interface).

[104] See also Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European strategy for data, COM(2020) 66 final, Commission White Paper on Artificial Intelligence – A European approach to excellence and trust, COM(2020) 65 final, and Conclusions of the Council and the representatives of the Governments of the Member States meeting within the Council on Best Practices regarding the Online Publication of Court Decisions (OJ C 362, 8.10.2018, p. 2).

[105] 2023 data collected in cooperation with the group of contact persons on national justice systems.

(e.g. bulk cases), only the leading decision is published (together with the list of case files with the same content). Individual higher courts decide which judgments can be published. ***SK****: decisions on several types of civil cases, such as in inheritance matters or determining of paternity are not published.* ***FI****: courts decide which judgments are published.*

Figure 50: Arrangements for producing machine-readable judicial decisions, 2023 (*) *(civil/commercial, administrative and criminal cases, all instances) (source: European Commission ([106]))*



(*) Maximum possible: 24 points per type of case. For each of the three instances (first, second, final) one point can be given if all judicial decisions are covered. If only some judicial decisions are covered at a given instance, only half a point is awarded. Where a Member State has only two instances, points have been given for three instances by mirroring the respective higher instance as the non-existing instance. For those Member States that do not distinguish between administrative and civil/commercial cases, the same points have been allocated for both areas of law. ***ES:*** *The use of the General Council for the Judiciary (CGPJ) database for commercial purposes, or the massive download of information is not allowed. The reuse of this information for developing databases or for commercial purposes must follow the procedure and conditions established by the CGPJ through its Judicial Documentation Centre.* ***IE:*** *anonymisation of judgments is done in family law, child care and other areas where statute requires or a judge directs the identities of parties or persons not to be disclosed.*

[106] 2023 data collected in cooperation with the group of contact persons on national justice systems.

3.2.5. Summary on the quality of justice systems

Easy access, sufficient resources, effective assessment tools and digitalisation all contribute to a high-quality justice system. The public and businesses expect high-quality decisions from an effective justice system. The 2024 EU Justice Scoreboard makes a comparative analysis of these factors.

Accessibility

The 2024 Scoreboard looks again at a number of elements that contribute to a people-friendly justice system:

1) The **availability of legal aid** and the **level of court fees** have a major impact on access to justice, in particular for people living in poverty or at risk of poverty. Figure 24 shows that in three Member States, people whose income is below the Eurostat poverty threshold may not receive legal aid. The level of court fees (Figure 25) has remained largely stable since 2016, although in six Member States court fees were higher than in 2022, in particular for low-value claims. The burden of court fees continues to be proportionally higher for low-value claims. Difficulties in claiming legal aid combined with high court fees in three Member States could deter people living in poverty from attempting to access justice. The 2024 EU Justice Scoreboard also presents, for the first time, the **rate of legal aid paid to criminal defence lawyers** in a specific ciminal case, showing that a wide disparity exists among the Member States in the amounts lawyers would get paid from the public budget (Figure 26).
2) The 2024 EU Justice Scoreboard, for the first time, provides an overview of **authorities that are involved in succession procedures** in the Member States (Figure 27). While in 5 Member States the procedures take place only in courts and in 2 Member States it is carried out only by notaries, in 13 Member States a part of the procedure is before courts and part before notaries. In four Member States, courts entrust notaries to act in their place and in three Member States, other bodies are involved, too.
3) The 2024 EU Justice Scoreboard continues to analyse the ways in which Member States promote voluntary use of **alternative dispute resolution methods (ADR)** (Figure 28), including the possibility of using digital technologies. In 2023, the overall promotion effort increased, with nine Member States reporting more means of promotion, in particular about ADR methods in consumer disputes. The number of ways used to promote ADR methods is still lower for administrative disputes than for other disputes but has also increased since 2023.
4) For the first time, the 2024 EU Justice Scoreboard takes stock of specific arrangements to support **the participation of persons with disabilities as professionals in the justice system.** Figure 29 shows that 20 Member States have specific measures in place to support persons with disabilities in their access to employment in the justice system that may go beyond general provisions on employment of persons with disabilities. 20 Member States provide information on the rights of persons at risk of discrimination, 16 provide vocational guidance and training for persons with disabilities working in the justice system, 18 Member States support employees with disabilities regarding employment and working conditions, including pay and protection from dismissals, and 14 have measures to support persons with disabilities working in the justice system regarding their membership and involvement in

organisations of workers of the justice system.

5) Also for the first time, the 2024 EU Justice Scoreboard presents **specific selected measures for representative actions** protecting the collective interests of consumers. Figure 30 shows that 21 Member States have at least one such measure in place. From among the selected measures, specific arrangements to inform consumers about the actions and the outcomes and measures to train judges in effective management of representative actions belong to the most widespread ones, with 10 Member States having them in place, respectively.

6) Figure 31 shows that all Member States have some **specific arrangements for child-friendly justice and proceedings, both as regards civil and criminal justice proceedings**. 15 Member States have all 8 of the monitored specific arrangements in place, including, for example, a specifically child-friendly designed website and helplines to provide information about the justice system or measures in place to hold children separately from adults when they are deprived of their liberty. In all Member States, the privacy and personal data of children involved in judicial or non-judicial proceedings are protected in accordance with national law. Furthermore, all Member States have child-friendly specialised settings/hearing rooms in which children are being heard. A mapping of **specific arrangements for child-friendly proceedings with children involved as victims or suspects or as accused persons** (Figure 32) shows, for example, that 26 Member States provide information about the victim's or suspect's rights and the proceedings in a child-friendly way and in 18 Member States, criminal proceedings involving children are treated as a matter of urgency.

Resources

High-quality justice systems in Member States depend on sufficient financial and human resources. This requires appropriate investment in physical and technical infrastructure, initial and continuing training, and diversity among judges, including gender balance. The 2024 EU Justice Scoreboard shows the following.

7) In terms of **financial resources**, overall, in 2022, general government spending on law courts continues to show significant differences between Member States in spending levels of both per inhabitant and as a percentage of GDP (Figures 33 and 34). There are 7 Member States that increased their expenditure as a percentage of GDP in 2022 (a slowdown compared to 2021) while 22 Member States marked an increase in expenditure per capita.

8) The 2024 EU Justice Scoreboard continues to explore the situation in the Member States as regards salaries in the justice system. It presents, for the second time, the ratio of annual **salaries of judges and prosecutors** compared to the average annual salary in the country (Figure 35). For the first time, it also presents the **ratio of annual salaries of judicial and prosecutorial expert staff** compared to the average annual salary in the country (Figure 36). Both figures show wide-ranging differences among the Member States. Moreover, Figure 36 reveals that in 17 Member States, judicial expert staff at the beginning of their careers receives less than the national average salary. In 18 Member States, this is also the case of the public prosecution expert staff.

9) **Women** still account for fewer than 50% of judges at supreme court level in 20 Member States (Figure 38), while in 7 Member States half or more judges at supreme courts are

female. Figures for the three-year period from 2020 to 2023 show diverging levels and trends between Member States.

10) To **improve communication** with vulnerable groups (Figure 40), all Member States provide training on communicating with asylum seekers and/or with people from different cultural, religious, ethnic or linguistic backgrounds. Furthermore, 20 Member States provide training on the use of social media and communication with the media (slight increase from last year), and 13 raise awareness and provide training on dealing with disinformation (a slight decrease from last year).

Assessment tools

11) The **use of surveys** among court users and legal professionals (Figure 41) was lower in 2023 than in the preceding years, with 13 Member States not conducting any surveys. General level of trust in the justice system, accessibility of the court service and the conduct of the hearing are recurring topics for surveys, but only 3 Member States inquired about the needs and satisfaction of non-native speakers and 4 about the needs and satisfaction of children.

Digitalisation

Since 2021, the EU Justice Scoreboard has included a large, detailed section on aspects related to the digitalisation of justice. Although Member States already use digital solutions in different contexts and to varying degrees, there is significant room for improvement.

12) 26 Member States provide some **online information about their judicial system**, including websites with clear information on accessing legal aid, on court fees and on eligibility criteria for reduced fees (Figure 42). The situation remains stable compared to last year but some differences still exist between Member States at the level of information and the degree to which it responds to people's needs. For example, 11 Member States provide education on legal rights to the general public through online interactive learning tools. 26 Member States provide clearly visible and understandable information on legal aid.

13) Six Member States have **digital-ready procedural rules** (Figure 43), which allow fully or mostly for the use of distance communication and for the admissibility of evidence in digital format only. In 21 Member States, this is possible only in a limited number of situations. Nonetheless, there has been steady overall progress in this regard since 2020.

14) Figure 44 reveals the **use of digital technology by courts and prosecution services**. It shows that Member States do not fully use the potential allowed by their procedural rules (cf. Figure 43). Member States' courts, prosecutors and court staff already have various digital tools at their disposal, such as case-management systems, videoconferencing systems and teleworking arrangements. However, further progress could still be achieved in electronic case allocation systems, with automatic distribution based on objective criteria.

15) Courts in all Member States have some **secure electronic tools for communication** at their disposal although only 13 Member States have such tools for all types of communication that are monitored and for all cases (Figure 45). Around a fifth of the Member States still lack tools for digital communication with notaries, detention facilities or bailiffs/judicial officers. All Member States also provide for **secure electronic communication within the prosecution services** (Figure 46). All Member States except for one provide for secure

electronic communication between prosecution services and courts. Four Member States still lack tools for electronic communication between the prosecution services and defence lawyers.

16) In civil/commercial and administrative cases, 24 Member States provide individuals and businesses (or their legal representatives) with **online access to their ongoing or closed cases** (Figure 47), albeit to varying degrees. As regards digital solutions to conduct and follow court proceedings in criminal cases, Figure 48 shows that victims can submit written statements online either partly or fully in 17 Member States. However, in 11 Member States, defendants and victims do not have possibilities for following or pursuing their case electronically.

17) **Online access to court judgments** (Figure 49) has remained stable compared to last year. It is mainly judgments from the highest instances that are made accessible online.

18) As in previous years, the 2024 EU Justice Scoreboard analyses **arrangements for producing machine-readable judicial decisions** (Figure 50). All Member States have at least some arrangements in place for civil/commercial, administrative and criminal cases although there is considerable variation between them. In general, there is a tendency to introduce more arrangements, particularly for downloading the judgments free of charge (databases and other automated solutions), for modelling judgments to make them machine-readable, or for anonymising/pseudonymising judgments using algorithms. In 2022, 8 Member States reported improvement compared to the previous year, while the situation in 10 Member States remained stable. Justice systems with arrangements for modelling judgments in line with standards to make them machine-readable seem to have the potential to achieve better results in the future.

3.3. Independence

Judicial independence, which is integral to the task of judicial decision-making, is a requirement in EU law stemming from the principle of effective judicial protection referred to in Article 19 TEU, and from the right to an effective remedy before a court or tribunal enshrined in Article 47 of the Charter of Fundamental Rights of the EU ([107]). That requirement presumes:

(a) **external independence**, where the relevant body exercises its functions autonomously, without being subject to any hierarchical constraint or subordinated to any other body and without taking orders or instructions from any source whatsoever, thus being protected against external interventions or pressure that could impair the independent judgment of its members and influence their decisions; and

(b) **internal independence and impartiality**, where an equal distance is maintained from the parties to the proceedings and their respective interests with regard to the subject matter of those proceedings ([108]), and when individual judges are protected from undue internal pressue within the judiciary ([109]).

Judicial independence is vital to guarantee that all the rights that individuals derive from EU law will be protected and that the values common to the Member States set out in Article 2 TEU, in particular the value of the rule of law, will be safeguarded ([110]). Preserving the EU legal order is fundamental for all people and businesses whose rights and freedoms are protected under EU law.

A high level of perceived independence of the judiciary is vital for the trust which justice in a society governed by the rule of law must inspire in individuals. It also contributes to a growth-friendly business environment, as a perceived lack of independence can deter investment. The Scoreboard includes indicators for the judiciary's independence relating to the effectiveness of investment protection. In addition to indicators on perceived judicial independence from various

[107] See http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN

[108] Court of Justice, judgment of 16 November 2021, *Criminal proceedings against WB and Others*, Joined Cases C-748/19 to C-754/19, judgment of 6 October 2021, *W. Ż.*, C-487/19, judgment of 15 July 2021, *Commission v. Poland*, C-791/13, judgment of 2 March 2021, *AB*, C-824/18, judgment of 19 November 2019, *A. K. and Others*, C-585/18, C-624/18 and C-625/18, ECLI:EU:C:2019:982, paras. 121 and 122; judgment of 5 November 2019, *Commission v Poland*, C-192/18, judgment of 24 June 2019, *Commission v. Poland*, C-619/18, ECLI:EU:C:2019:531 paras. 73 and 74; judgment of 27 February 2018, *Associação Sindical dos Juízes Portugueses*, C-64/16, EU:C:2018:117, para. 44; judgment of 25 July 2018, *Minister for Justice and Equality*, C-216/18 PPU, EU:C:2018:586, para. 65.

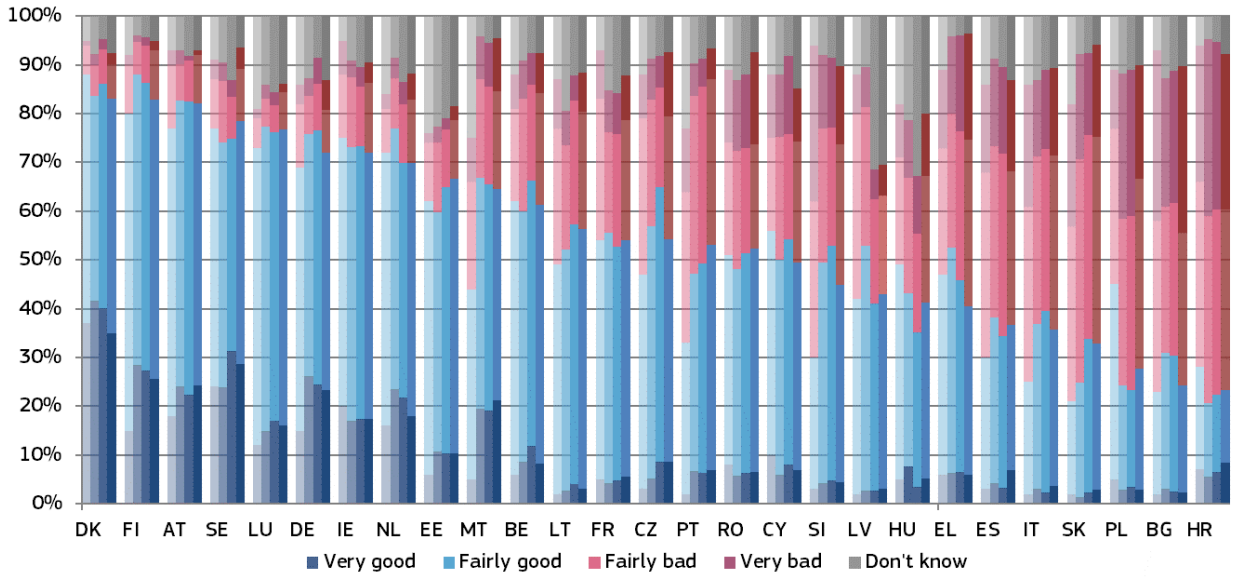
[109] Supreme Courts, as final instance courts, and higher/appeal courts in general, are essential to secure the uniform application of the law in Member States. Nevertheless, hierarchical judicial organisation should not undermine individual independence (Recommendation CM/Rec(2010)12, para. 22). Superior courts should not address instructions to judges about the way they should decide individual cases, except in national preliminary rulings or when deciding on legal remedies according to the law (Recommendation CM/Rec(2010)12, para. 23). A hierarchical organisation of the judiciary in the sense of a subordination of judges to higher instances in their judicial decision-making activity would be a clear violation of the principle of internal independence, according to the Venice Commission (Venice Commission, Report on the independence of the judicial system, Part I: the independence of courts, Study No. 494/2008, 16 March 2010, CDL-AD(2010)004, paras. 68 - 72). Any procedure for the unification of case-law must comply with fundamental principles of separation of powers, and even after such a decision of a higher/Supreme Court, all courts and judges must remain competent to assess their cases independently and impartially, and to distinguish new cases from the interpretation previously unified by a higher/Supreme Court (2022 EU Justice Scoreboard, p. 45).

[110] Court of Justice, judgment of 5 June 2023, *Commission v. Poland*, C-204/21, ECLI:EU:C:2023:442, para. 354 and the case law cited.

sources, the Scoreboard presents a number of indicators on how justice systems are organised to protect judicial independence, in certain types of situations where independence could be at risk. Reflecting input from the European Network of Councils for the Judiciary (ENCJ), the Network of the Presidents of the Supreme Judicial Courts of the EU (NPSJC), the Network of Public Prosecutors or equivalent institutions at the Supreme Judicial Courts of the Member States of the European Union (Nadal Network), and from the national contact points in the fight against corruption, this edition of the Scoreboard shows indicators on the composition of the Councils for the Judiciary, the authorities involved in the appointment of court presidents and national prosecutors, and provides an initial overview of the material and personal scope of asset declarations, as well as the verification and sanctions done by the specialised bodies involved in the collection and verification of asset declarations, that were presented in last year's publication.

3.3.1. Perceived judicial independence and effectiveness of investment protection

Figure 51: How the general public perceives the independence of courts and judges (*) *(source: Eurobarometer ([111]) - light colours: 2016, 2022 and 2023, dark colours: 2024)*



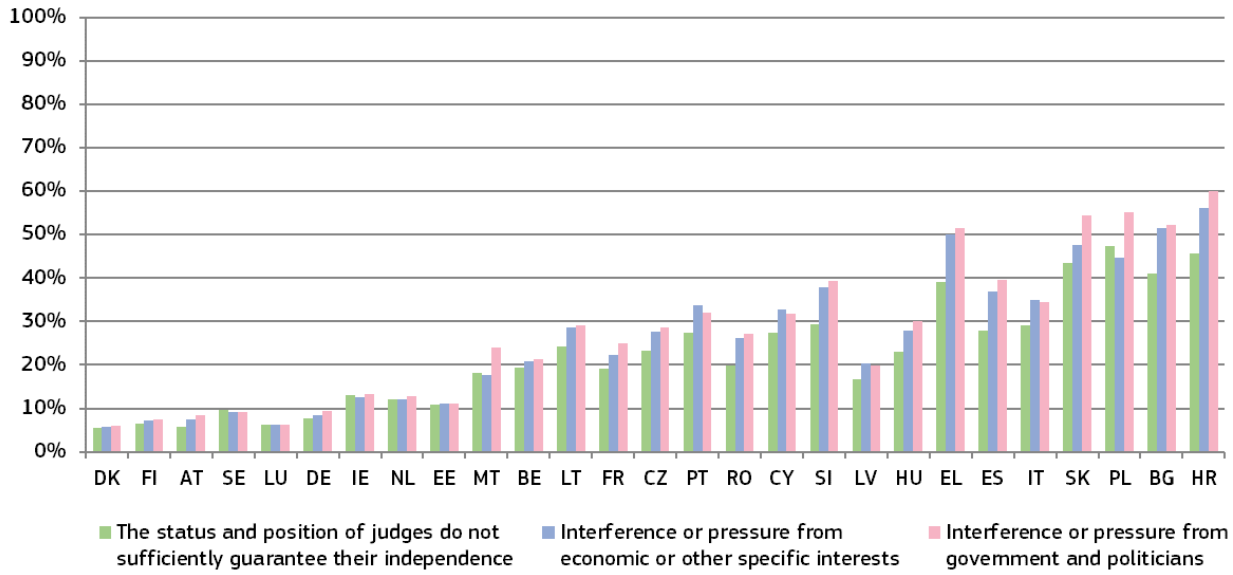
(*) Member States are ordered first by the percentage of respondents who stated that the independence of courts and judges is very good or fairly good (total good); if some Member States have the same percentage of total good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is fairly bad or very bad (total bad); if some Member States have the same percentage of total good and total bad, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very good; if some Member States have the same percentage of total good, total bad and of very good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very bad.

Figure 52 shows the main reasons given by respondents for a perceived lack of independence of courts and judges. Respondents among the general public who rated the independence of the justice

[111] Eurobarometer survey FL540, conducted between 14 and 27 February 2024. Replies to the question: 'From what you know, how would you rate the justice system in (your country) in terms of the independence of courts and judges? Would you say it is very good, fairly good, fairly bad or very bad?', see: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en#surveys; FL519 (2023), FL503 (2022), FL435 (2016), also available at: https://europa.eu/eurobarometer/screen/home.

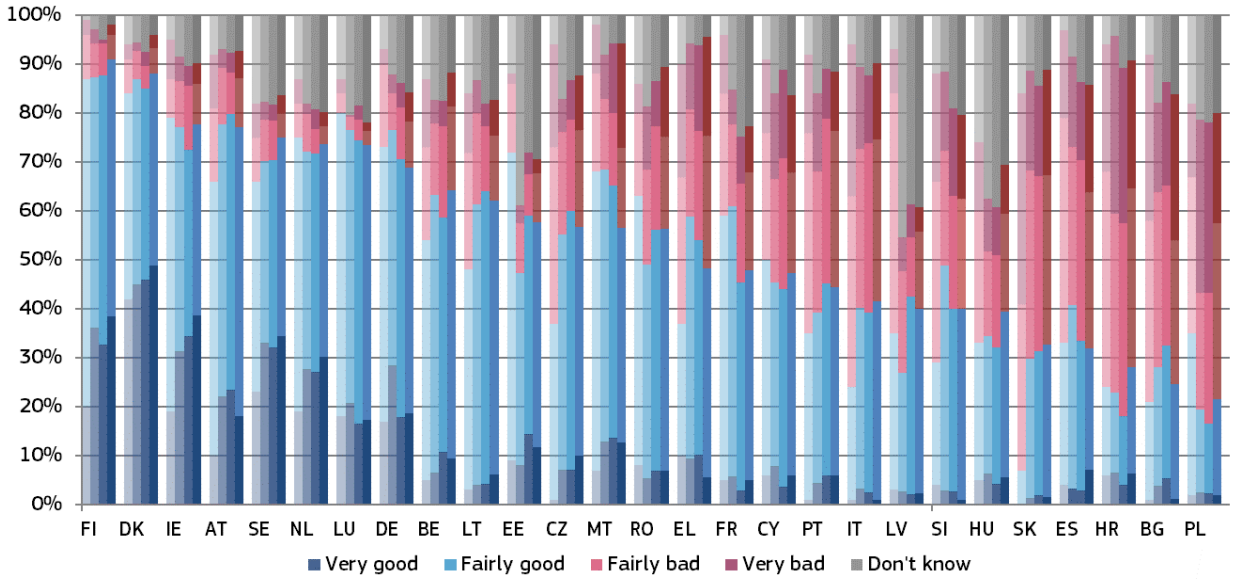
system as being 'fairly bad' or 'very bad' could choose between three reasons to explain their rating. The Member States are listed in the same order as in Figure 51.

Figure 52: Main reasons among the general public for the perceived lack of independence *(share of all respondents - higher value means more influence) (source: Eurobarometer ([112]))*



[112] Eurobarometer survey FL540, replies to the question: 'Could you tell me to what extent each of the following reasons explains your rating of the independence of the justice system in (our country): very much, somewhat, not really, not at all?' if reply to Q1 is 'fairly bad' or 'very bad'.

Figure 53: How companies perceive the independence of courts and judges (*) *(source: Eurobarometer ([113]) - light colours: 2016, 2022 and 2023, dark colours: 2024)*

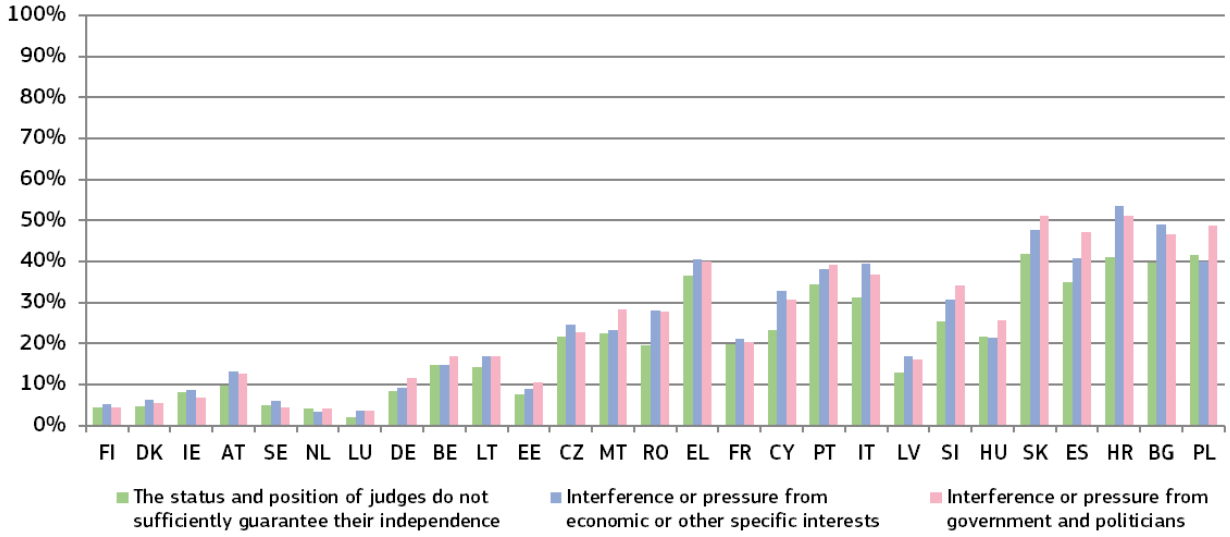


(*) Member States are ordered first by the percentage of respondents who stated that the independence of courts and judges is very good or fairly good (total good); if some Member States have the same percentage of total good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is fairly bad or very bad (total bad); if some Member States have the same percentage of total good and total bad, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very good; if some Member States have the same percentage of total good, total bad and of very good, then they are ordered by the percentage of respondents who stated that the independence of courts and judges is very bad.

Figure 54 shows the main reasons given by companies for the perceived lack of independence of courts and judges. Respondents which rated the independence of the justice system as being 'fairly bad' or 'very bad,' could choose between three reasons to explain their rating. The Member States are listed in the same order as in Figure 53.

[113] Eurobarometer survey FL541, conducted between 14 February and 5 March 2024, replies to the question: 'From what you know, how would you rate the justice system in (our country) in terms of the independence of courts and judges? Would you say it is very good, fairly good, fairly bad or very bad?', see: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en#surveys; from 2021, the sample size of companies surveyed was enlarged to 500 for all Member States except for MT, CY and LU, where the sample was 250. In previous years the sample size was 200 for all Member States except for DE, ES, FR, PL and IT, where the sample was 400. FL520 (2023), FL504 (2022), FL436 (2016) also available at: https://europa.eu/eurobarometer/screen/home.

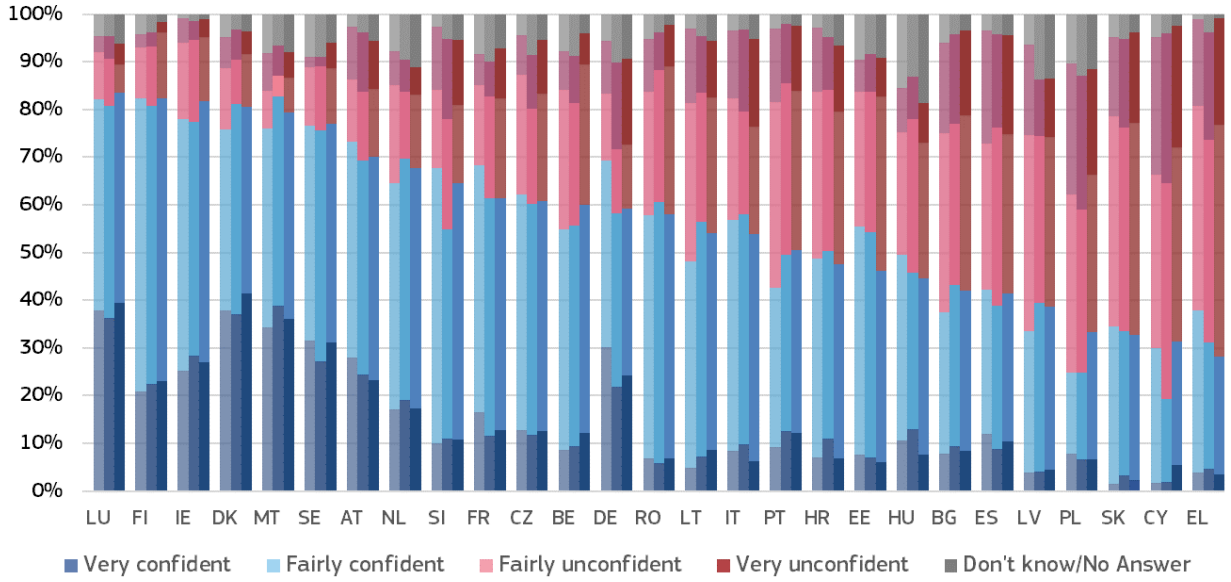
Figure 54: Main reasons among companies for the perceived lack of independence *(rate of all respondents - higher value means more influence) (source: Eurobarometer ([114]))*



[114] Eurobarometer survey FL541; replies to the question: 'Could you tell me to what extent each of the following reasons explains your rating of the independence of the justice system in (your country): very much, somewhat, not really, not at all?' if the response to Q1 was 'fairly bad' or 'very bad'.

Promoting, facilitating and protecting investments are key priorities within the EU single market. EU law aims to maintain a harmonious equilibrium between protecting investments and pursuing other public interest goals that enhance the welfare of its citizens. Figure 55 shows, for the third time, the indicator on how companies perceive the effectiveness of investment protection by the law and courts as regards, in their view, unjustified decisions or inaction by the State.

Figure 55: How companies perceive the effectiveness of investment protection by the law and courts (*) *(source: Eurobarometer ([115]) - light colours: 2022 and 2023, dark colours: 2024)*

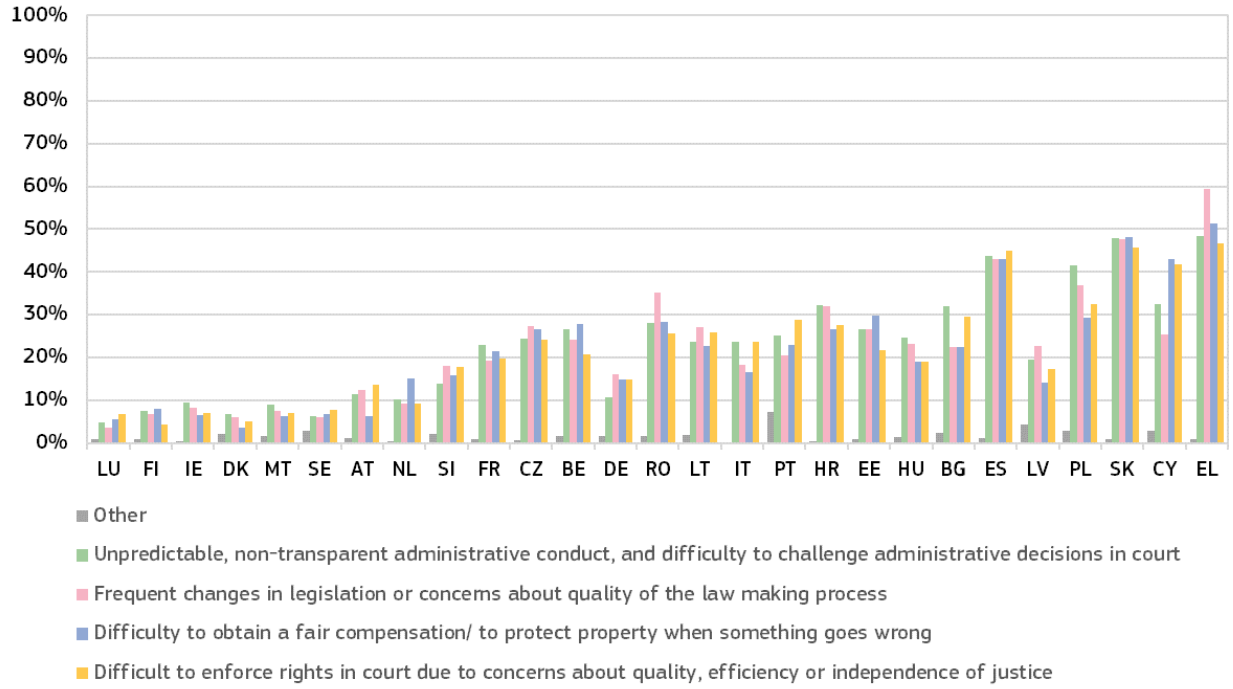


(*) Member States are ordered first by the combined percentage of respondents who stated that they are very or fairly confident in investment protection by the law and courts (total confident).

Figure 56 shows the main reasons given by companies for the perceived lack of effectiveness of investment protection. Respondents which rated their level of confidence as 'fairly unconfident' or 'very unconfident', could choose four reasons to explain their rating (and some indicated “other”). The Member States are listed in the same order as in Figure 55.

[115] Eurobarometer survey FL541 , conducted between 14 February and 5 March 2024, replies to the question Q3: 'To what extent are you confident that your investments are protected by the law and courts in (your country) if something goes wrong?' For the purpose of the survey, investment was defined as including any kind of asset that a company owns or controls and that is characterised by the commitment of capital or other resources, the expectation of gain or profit or the assumption of risk.

Figure 56: Main reasons among companies for their perceived lack of effectiveness of investment protection *(rate of all respondents - higher value means more influence) (source: Eurobarometer ([116]))*



While EU law may not solve every challenge investors may face in their activities, it does provide high level of protection for the rights of EU investors within the single market. This framework permits access to the market, operations on the market and retreat from the market across all Member States. Investors retain the ability to invoke their rights before administrative bodies and courts.

[116] Eurobarometer survey FL541; replies to the question: 'What are your main reasons for concern about the effectiveness of investment protection?' if the response to Q3 was 'fairly unconfident' or 'very unconfident'.

3.3.2. Structural independence

The guarantees of structural independence require rules, particularly on the composition of the court and the appointment, length of service and grounds for abstention, rejection and dismissal of its members, that are such as to dispel any reasonable doubt in the minds of individuals as to the imperviousness of the court to external factors and its neutrality with respect to the interests before it ([117]). They must, in particular, be such as to preclude not only any direct influence, in the form of instructions, but also types of influence that are more indirect and that are liable to have an effect on the decisions of the judges concerned ([118]).

European standards have been developed, particularly by the Council of Europe, for example in the *2010 Council of Europe Recommendation on judges: independence, efficiency and responsibilities* ([119]). The EU Justice Scoreboard presents certain indicators on issues that are relevant when assessing how justice systems are organised to safeguard judicial independence.

This edition of the Scoreboard contains new indicators on: authorities involved in the appointment of court presidents (Figures 58 and 59) ([120]); national frameworks regarding asset declarations (Figures 60, 61 and 62) ([121]); authorities involved in the appointment of (first-level) prosecutors

[117] See Court of Justice, judgment of 21 December 2023, *Krajowa Rada Sądownictwa (Maintien en fonctions d'un juge)*, C-718/21, EU:C:2023:1015, paras. 76-77, and the case-law cited, judgment of 5 June 2023, *Commission v. Poland*, C-204/21, ECLI:EU:C:2023:442, para. 355; judgment of 16 November 2021, *Criminal proceedings against WB and Others*, Joined Cases C-748/19 to C-754/19, para. 67; judgment of 6 October 2021, *W.Ż.*, C-487/19, para. 109; judgment of 15 July 2021, *Commission v. Poland*, C-791/19, para. 59; judgment of 2 March 2021, *A.B.*, C-824/18, para.117; judgment of 19 November 2019, *A. K. and Others* (Independence of the Disciplinary Chamber of the Supreme Court), C-585/18, C-624/18 and C-625/18,EU:C:2019:982, paras. 121 and 122; judgment of 24 June 2019, *Commission v. Poland*, C-619/18, EU:C:2019:531 paras. 73 and 74; judgment of 25 July 2018, *LM*, C-216/18 PPU, EU:C:2018:586, para. 66; judgment of 27 February 2018, *Associação Sindical dos Juízes Portugueses*, C-64/16, EU:C:2018:117, para. 44. See also paragraphs 46 and 47 of the Recommendation CM/Rec(2010)12 Judges: Independence, Efficiency and Responsibility (adopted by the Committee of Ministers of the Council of Europe on 17 November 2010) and the explanatory memorandum. These provide that the authority taking decisions on the selection and career of judges should be independent of the executive and legislative powers. With a view to guaranteeing its independence, at least half of the members of the authority should be judges chosen by their peers. However, where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary (without prejudice to the rules applicable to councils for the judiciary contained in Chapter IV) should be authorised to make recommendations or express opinions which the relevant appointing authority follows in practice.

[118] See Court of Justice, judgment of 5 June 2023, *Commission v. Poland*, C-204/21, ECLI:EU:C:2023:442, para. 355; judgment of 2 March 2021, *A.B.*, C-824/18, para. 119; judgment of 19 November 2019, *A. K. and Others* (Independence of the Disciplinary Chamber of the Supreme Court), C-585/18, C-624/18 and C-625/18, EU:C:2019:982, para. 123; judgment of 24 June 2019, *Commission v. Poland*, C-619/18, EU:C:2019:531 para. 112.

[119] See Recommendation CM/Rec(2010)12 Judges: Independence, Efficiency and Responsibility, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010 and the explanatory memorandum ('the Recommendation CM/Rec(2010)12').

[120] The figures are based on the responses to an updated questionnaire drawn up by the Commission in close association with the ENCJ. Responses to the updated questionnaire from Member States that have no Councils for the Judiciary or that are not ENCJ members (CZ, DE, EE, CY, AT and PL) were obtained in cooperation with the Network of the Presidents of the Supreme Judicial Courts of the EU.

[121] Figures are based on the responses to an updated questionnaire drawn up by the Commission in close association with the national contact points in the fight against corruption.

(Figures 63 and 64) and dismissal of Prosecutors General (Figure 65) ([122]); and (vi) a first overview of the authorities involved in the appointment of Constitutional Court members (Figure 66) ([123]). It also presents an updated overview of the composition of the Councils for the Judiciary (Figure 57) ([124]) and updated figure on the independence of bars and lawyers (Figure 67) ([125]). The figures present the national frameworks as they were in December 2023.

The figures presented in the Scoreboard do not provide an assessment or present quantitative data on the effectiveness of the safeguards. They are not intended to reflect the complexity and details of the procedures and accompanying safeguards. Implementing policies and practices to promote integrity and prevent corruption within the judiciary are also essential to guarantee judicial independence. Ultimately, the effective protection of judicial independence also requires, beyond whatever necessary norms, a culture of integrity and impartiality shared by magistrates and respected by the wider society.

– Composition of the Councils for the Judiciary –

Councils for the Judiciary are essential bodies for ensuring the independence of justice. It is for the Member States to organise their justice systems, including deciding on whether or not to establish a Council for the Judiciary. However, European standards, in particular Recommendation of the Council of Ministers of the Council of Europe CM/Rec (2010)12, recommend that 'not less than half the members of [Councils for the Judiciary] should be judges chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary' ([126]).

Figure 57 shows an updated overview, already presented in the 2016 and 2020 EU Justice Scoreboards, of the composition of the Councils for the Judiciary ([127]) according to the nomination process. In particular, it shows whether the members of the councils are judges/prosecutors proposed and selected/elected by their peers, members nominated by the executive or legislative branch, or members nominated by other bodies and authorities. The Figure is a factual representation of the composition of the Councils for the Judiciary and does not make a qualitative assessment of their effective functioning.

[122] Figures are based on responses to pilot questionnaire drawn up by the Commission in close cooperation with the Network of Public Prosecutors or equivalent institutions at the Supreme Judicial Courts of the Member States of the European Union – the Nadal Network.

[123] Figure has been drawn by the Commission.

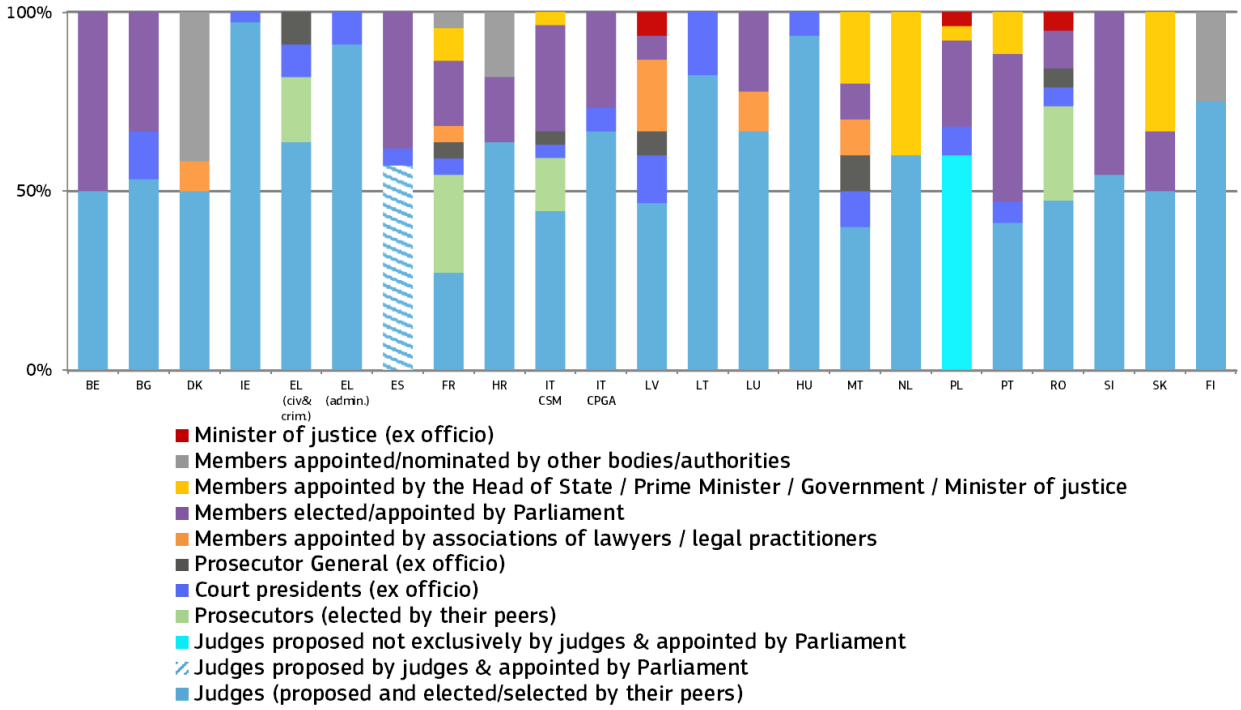
[124] Figure is based on the responses to an updated questionnaire drawn up by the Commission in close association with the ENCJ. Responses to the updated questionnaire from Member States that are not ENCJ members (PL) were obtained in cooperation with the Network of the Presidents of the Supreme Judicial Courts of the EU.

[125] Figure is based on the responses to an updated questionnaire drawn up by the Commission in close association with the Council of Bars and Law Societies of Europe (CCBE).

[126] Recommendation CM/Rec(2010)12, para. 27; see also 2016 CoE action plan, C item (ii); Opinion no.10(2007) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the Council for the Judiciary at the service of society, para. 27; and ENCJ, Councils for the Judiciary Report 2010-11, para. 2.3

[127] Councils for the Judiciary are independent bodies, established by law or under the constitution, that seek to safeguard the independence of the judiciary and of individual judges and thereby to promote the efficient functioning of the judicial system.

Figure 57: Composition of the Councils for the Judiciary (*source: European Network of Councils for the Judiciary and Network of Presidents of Supreme Judicial Courts of the EU ([128])*)



*(*) **BE:** Judicial members are either judges or prosecutors; **BG:** the Supreme Judicial Council was reformed and the former Prosecutorial chamber was turned into a Supreme Prosecutorial Council. The Supreme Judicial Council is now composed of 15 members, 8 of which are judges elected by their peers, 5 of them are members elected by the National Assembly (without the possibility of electing prosecutors or investigative magistrates in these positions), and 2 of them are the Presidents of the Supreme Cassation Court and Supreme Administrative Court. **DK:** The Board of the National Courts Administration is composed of twelve members (all are formally appointed by the Minister of Justice): a Supreme Court judge nominated by the Supreme Court, two high court judges nominated by the Eastern High Court and Western High Court respectively, a court president nominated by the presidents of the district courts, two district court judges nominated by the Danish Association of Judges, a representative of the other academic staff nominated by the Danish Association of Deputy Judges, two representatives for the administrative staff nominated by trade unions, a lawyer nominated by the Danish Bar and Law Society, two members with managerial and societal insight nominated by the Employment Council and the Rectors' College, respectively In addition a Judicial Appointments Council exists, which prepares proposals for judicial appointments (half of its members are judges selected by their peers); **IE:** The figure reflects the composition of the Judicial Council, member of the European Network of Councils for the Judiciary, established on 17 December 2019. The first plenary session of the Judicial Council, comprising all of the judges of Ireland, was held on 7 February 2020. **ES:** Members of the Council coming from the judiciary are appointed by the Parliament — the Council communicates to the Parliament the list of candidates who have received the support of a judges' association or of twenty five judges; **EL(civil & criminal judiciary):** the council has the total of 11/15 members, out of which 7/11 are judges. Judges and prosecutors are chosen by a lot. **EL (admininistrative judicary):** the council has the total of 11/15 members, out of which 10/14 are judges, who are chosen by a lot. **FR:** The Council has two formations — one with jurisdiction over sitting judges, the other with jurisdiction over prosecutors; the Council includes one member of the Conseil d'Etat (Council of State) elected by the general assembly of the Conseil d'Etat; **IT-CSM:** Consiglio Superiore della Magistratura (covering civil and criminal courts, and the prosecution service); according to the Constitution, the President of the Republic, the first President at the High Court of Cassation and the Prosecutor General at the Hight Court of Cassation are members ex officio. **IT-CPGA:** Consiglio di presidenza della giustizia amministrativa (covering administrative*

[128] The Figure is based on the responses to an updated questionnaire drawn up by the Commission in close association with the ENCJ. Responses to the updated questionnaire from Member States that are not ENCJ members (PL) were obtained in cooperation with the Network of the Presidents of the Supreme Judicial Courts of the EU.

*courts); **LU**: Conseil National de la Justice is composed of nine effective members and nine substitute members. The procedure for election of the substitute members is identical as the one for the effective members. **MT:** The Commission for the Administration of Justice is composed of ten members: the President of MT, as Chairman (having only a casting vote in case of a tied vote); the Chief Justice, as Deputy Chairman; the Attorney General; two members elected from among the Judges of the Superior Courts; two members elected from among the Magistrates of the Inferior Courts; one member appointed by the Prime Minister and one lay member appointed by the Leader of the Opposition; and the President of the Chamber of Advocates. **NL:** Members are formally appointed by Royal Decree on a proposal from the Minister of Security and Justice. **PL:** Candidate judges-members are proposed by groups of at least 2 000 citizens or 25 judges. From among the candidates, the deputies' clubs select up to nine candidates, from which a committee of the lower chamber of the Parliament (Sejm) establishes a final list of 15 candidates, who are appointed by the Sejm. On 6 March 2024, the Polish government tabled a draft law on the National Council for the Judiciary to remove doubts as to its independence and empower judges to appoint judges-members of the Council, instead of the Sejm.. On 17 September 2018, the European Network of Councils for the Judicary decided to suspend the membership of the National Council for the Judiciary (KRS) because it no longer met the requirements of the ENCJ that it is independent of the Executive and Legislature in a manner which ensured the independence of the Polish Judiciary. **PT:** The figure refers to the composition of the Conselho Superior da Magistratura. In addition, a High Council for the Administrative and Tax Courts (Conselho Superior dos Tribunais Administrativos e Fiscais) and a High Council for the Public Prosecution (Conselho Superior do Ministério Público) also exist. **RO:** elected magistrates are validated by the Senate; **SI:** Non-judge members are elected by the National Assembly on a proposal from the President of the Republic. **FI**: The Government formally appoints the board of directors of the National Courts Administration for a term of five years at a time from among the candidates proposed to it.*

– Appointment of court presidents –

Court presidents exercise an important role as they are usually assigned powers to manage the court. In performing their tasks (which vary between Member States), court presidents are to protect the independence and impartiality of the court and of individual judges. It is for the Member States to organise the procedure of selection, appointment or election of court presidents in such a way that not only the fulfillment of conditions as to their capabilities but also their independence and impartiality is ensured[129].

According to the Consultative Council of European Judges (CCJE) Opinion No 19 (2016) on the role of court presidents, the procedures for the appointment of court presidents should follow the same path as that for the selection and appointment of judges[130]. This includes a process of evaluation of the candidates and a body having the authority to select and/or appoint judges in accordance with the standards established in the 2010 Recommendation ([131]). The system of selection and appointment of court presidents should include, as a rule, a competitive selection process based on an open call for applications of candidates who meet pre-determined conditions laid down in the law ([132]). The European standards provide that safeguards of irremovability from office as a judge should apply equally to the office of court president, that the procedure in the case of pre-term removal of court presidents be transparent and that any risk of political influence

[129] 'The minimum qualification to become president of a court is that the candidate should have all the necessary qualifications and experience for appointment to judicial office in that court'. Consultative Council of European Judges (CCJE) Opinion No 19 (2016) The Role of Court Presidents, 10 November 2016 (the 2016 Opinion), para. 34: https://rm.coe.int/opinion-no-19-on-the-role-of-court-presidents/16806dc2c4

[130] Since 2019, the Court of Justice issued a number of rulings on judicial appointments and requirements of EU law in that respect. See notably judgment of judgment of 29 March 2022, *Getin Noble Bank*, C-132/20, EU:C:2022:235, paras. 82 to 84 and 107; judgment of 20 April 2021, C-896/19, *Repubblika v Il-Prim Ministru*, EU:C:2021:311, paras. 56 to 57, and the case-law cited:

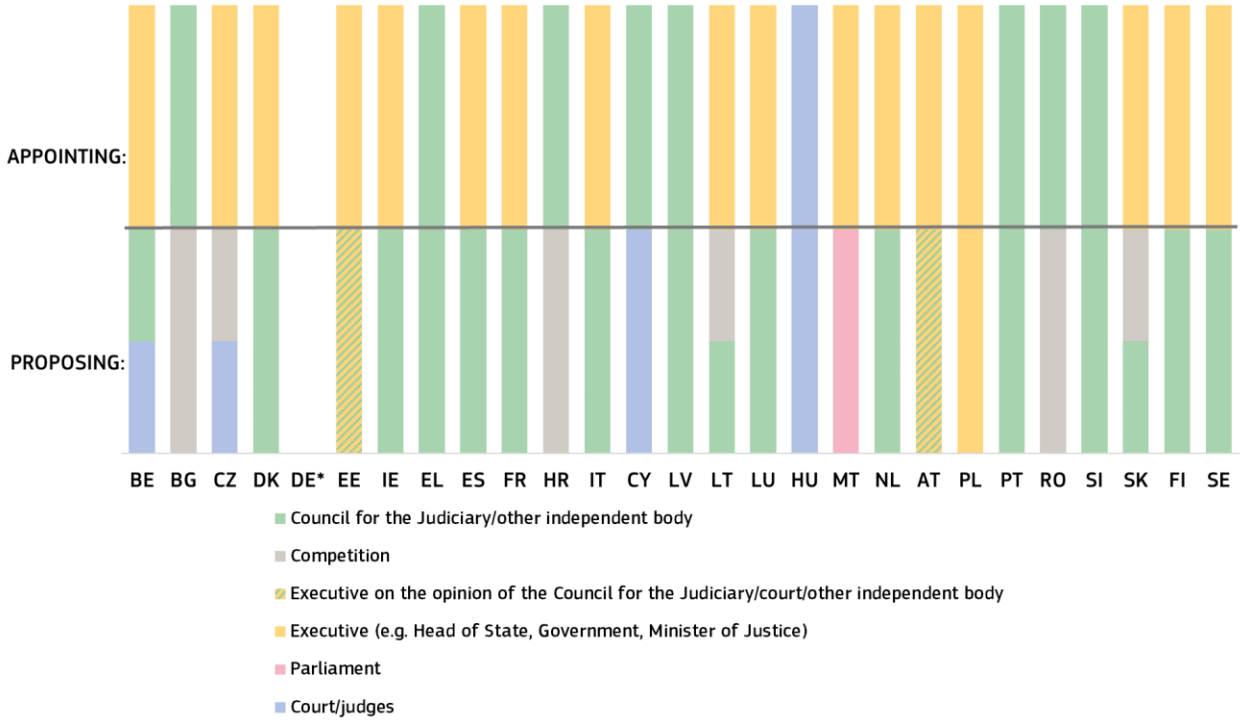
[131] Para. 38 of the 2016 Opinion.

[132] Para. 38 of the 2016 Opinion.

in this process should be firmly excluded, whereby the participation in this process of executive authorities should thus be avoided ([133]).

Figure 58 shows an overview of the bodies and authorities which propose candidates for appointment as court presidents and the authorities that appoint them, as well as the authorities that are consulted as part of the process (e.g. judges, Councils for the Judiciary).

Figure 58: Appointment of court presidents: proposing and appointing authorities (*) (*source: European Network of Councils for the Judiciary and Network of Presidents of Supreme Judicial Courts of the EU ([134])*)



*(*) **BE**: proposal: The Decision on the proposal is taken by the council for the judiciary on the mandatory advice of the president of the court; appointment: the King through a Royal decree drafted by the Minister of Justice. **BG**: proposal: common assembly of the court; the minister of justice, the candidate him/herself; appointment: Supreme Judicial Council. **CZ**: The figure reflects the appointment of the presidents of first instance courts/district courts. proposal: president of the regional court in accordance with the result of selection procedure announced by the regional court; appointment: Minister of Justice. For other court presidents (presidents of regional courts and of high courts), President appoints on a proposal from the Minister of justice and in accordance with the result of the selection procedure announced by the Ministry. **DK:** proposal: Judicial Appointments Council based on application of candidates to open positions; appointment: Minister of Justice. **EE**: The presidents of the first and second instance courts are appointed by the Minister of Justice after having heard the opinion of the full court for which the president is being appointed and receiving the approval from the Council for Administration of Courts. **IE:** proposal: Judicial Appointment Commission; appointment: President, upon nomination from the Government. **DE**: proceedings at the level of the federal states differ greatly. In half of the 16 federal states, judicial electoral committees participate in the recruitment. In some of the federal states, this matter is dealt with completely by their state Ministry of Justice, whereas*

[133] Paras. 45 and 47 of the 2016 Opinion.

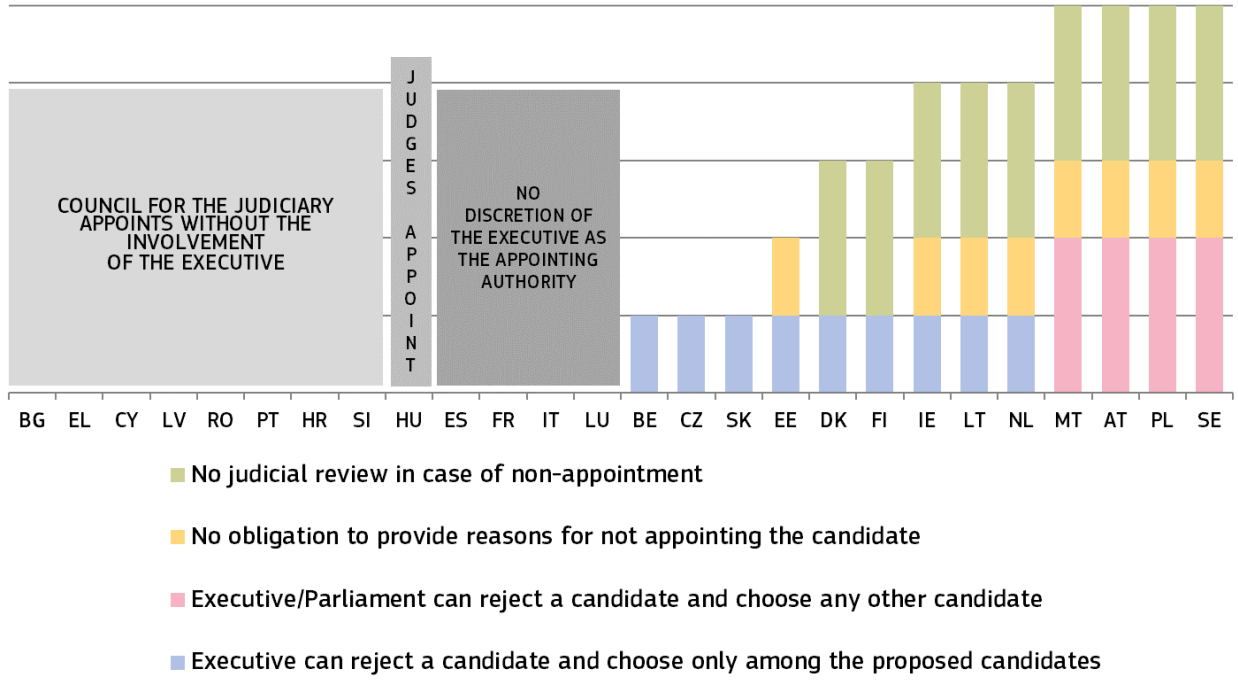
[134] Data collected through an updated questionnaire drawn up by the Commission in close association with the ENCJ. Responses to the updated questionnaire from Member States that have no Councils for the Judiciary are not ENCJ members, were obtained through cooperation with the NPSC.

in other federal states the authority to decide on recruitment and on the (first) appointment has been transferred to the presidents of the higher regional courts. Some federal states provide for mandatory participation of a council of judges. Others require a joint appointment by the competent minister and a conciliation committee if the council of judges objects. In some federal states, judges are elected by the state parliaments and have to be appointed by the state executive. ***IT****: proposal: Council; appointment: President of the Republic.* ***CY****: There is no proposing authority. The President and members of the Appeal Court, the Administrative Presidents of the District Courts, or the President of a Court of a Specialised Jurisdiction (depending on the position of the appointment), as well as the President of the Cyprus Bar Association and the Attorney General, can only submit their opinions/views ; appointment: Supreme Judicial Council.* ***LV****: proposal: Judicial Candidacy Selection Committee; appointment: Judicial Council.* ***LT****: The figure reflects the appointment of chairpersons of regional and district courts. proposal: Selection Commission of Candidates to Judicial Office + mandatory advice from the Judicial Council; appointment: President. Parliament appoints chairpersons of the Court of Appeal.* ***LU****: proposal: National Council for Justice; appointment: Grand-Duke.* ***MT****: The Chief Justice is appointed by the President acting in accordance with a resolution of Parliament supported by the votes of not less than two-thirds of all the members.* ***FR:*** *proposal: Superior Council of Magistracy; appointment: President of the Republic.* ***CZ****: Figure reflects the framework in place regarding the presidents and vice-presidents of the district courts, regional courts and high courts.* ***ES****: Although the formal appointment of court presidents is done by a Royal Decree signed by the King (in his capacity as Head of State) and the Minister of Justice, neither the King nor the Minister can object to the binding proposal for appointment made by the Council for the Judiciary.* ***HU****: Figure reflects the appointment of presidents of district courts, who are appointed by the regional court presidents. The President of the National Office for the Judiciary appoints the regional court presidents and the regional appeal court presidents. The judges at the district court form an opinion on the applicants to the vacancy by a secret ballot.* ***AT****: Proposal: special chamber of the court, higher court and supreme court; appointment: the Federal President on advice of the Minister of Justice.* ***PL****: The Minister of Justice appoints from the judges in a given court.* ***PT****: The presidents of the courts of first instance are selected and appointed by the Judicial High Council from among judges. The Presidents of the Courts of Appeal and the Supreme Court of Justice are elected by their peers.* ***FI****: proposal: Judicial Appointments Board; appointment: President.* ***SE****: proposal: Judges Proposal Board; appointment: Government.*

Figure 59 presents the competences of the executive power and parliament in appointing candidates as court presidents upon submission from the proposing authorities (e.g. judges or Council for the Judiciary). The height of the column depends on whether the executive or parliament have the possibility to reject a candidate for the court president, whether it can choose only among the proposed candidates, or whether it can choose and appoint any other candidate, even if they are not proposed by the competent authority. If a candidate is not appointed, an important safeguard is the obligation to provide reasons ([135]) and the possibility for a judicial review of the decision ([136]). The figure is a factual presentation of the legal system and does not make a qualitative assessment of the effectiveness of the safeguards.

[135] Judgment of 20 April 2021 in case C-896/19, *Repubblika and Il-Prim Ministru*, para. 71.
[136] Judgment of 19 November 2019 in joined cases C-585/18, C-624/18 and C-625/18, *AK et al.*, para. 145.

Figure 59: Appointment of court presidents: competence of the executive and parliament (*)
(source: European Network of Councils for the Judiciary and Network of Presidents of Supreme Judicial Courts of the EU ([137]))



*(*) **BG**: The President of the Republic has the right to veto the proposed candidate. Then the the Supreme Judicial Council has to vote again on the candidates that were proposed to them. If it re-elects the same candidate, the President is obliged to appoint them. **CZ**: The law does not explicitly state whether the President has the power not to appoint a candidate for a position of court president. There is also no case-law on this matter. **DK:** The Judicial Appointments Council can only propose one candidate for the position of court president to the Minister of Justice and the recommendation must be justified. The Minister of Justice has the formal appointment authority. Only in exceptional cases would the Minister of Justice not follow the Council's recommendation. In such a case, the Minister must inform Parliament's Legal Committee. In practice this has never happened. **EE**: The Minister of Justice may, but is not obliged to set up a selection board for the position of the president of the court. If the Minister of Justice decides to set up a selection board, which proposes a candidate for the position of a court president, that proposal is also not binding. If a candidate for the position of a court president is not appointed, they can turn to the administrative court to challenge the result of the competition. **IE**: The figure reflects the competence of the Government. Under Article 13.9 of the Constitution (i.e. a constitutional requirement rather than a practice), the President's power of appointment is only exercisable on the advice of the Government. **ES:** The Head of State (the King) as appointing authority must mandatorily follow the proposal of the Council for the Judiciary concerning judicial appointments and promotions. The King has therefore no discretion and no obligation to provide reasons. The decision of the King takes the form of a Royal Decree, is published in the Official Gazette and may not be challenged as such. It is the previous decision by the Council to propose a candidate for judicial appointment or promotion that can be appealed, initially through an administrative appeal (decided by the Plenary of the Council) and subsequently through a judicial review before the Administrative Division of the Supreme Court. **FR:** The appointment of heads of court (for both courts of appeal and courts of first instance) is the sole responsibility of the Superior Council of Magistracy, which makes proposals and takes decisions. The appointing authority referred to is the President of the Republic, who must formally appoint the judges through a decree with no discretion on the matter. If the candidate has been selected by the Council for an interview, the members of the Council will explain to the candidate why they have not been selected. This is a*

[137] Data collected through an updated questionnaire drawn up by the Commission in close association with the ENCJ. Responses to the updated questionnaire from Member States that have no Councils for the Judiciary are not ENCJ members, were obtained through cooperation with the NPSC.

practice introduced by the Council, not provided for by law. ***IT****: Following a proposal by the Supreme Council for Magistracy (CSM) or the Council for the judiciary for administrative judges (CPGA), which are in practice binding proposals, the President of the Republic issues a decree on the appointment of the President of the Supreme Court or the President of the Council of State, respectively, with no discretion in this regard.* ***LT****: A candidate to a judicial office shall be appointed by President's decree and a candidate who was not appointed has no grounds to request a judicial review of this act. The candidate can request that the Supreme Court carry out a special judicial review of the selection procedure based on procedural issues with the way the Selection Commission arrived at its opinion. (This opinion is not binding on the President of the Republic).* ***MT****: The authority presented is Parliament.* ***PL****: The Minister of Justice appoints from the judges in a given court.* ***SK:*** *Although it has never happened, if a candidate for a Court President were to not be appointed, the appointing authority/body would be required to provide them with the reasons for the decision, and there would be a possibility of a review before the Supreme Administrative Court or the Constitutional Court.* ***FI****: The President would give reasons for the decision, although this is not mentioned in the law.*

– Anti-corruption –

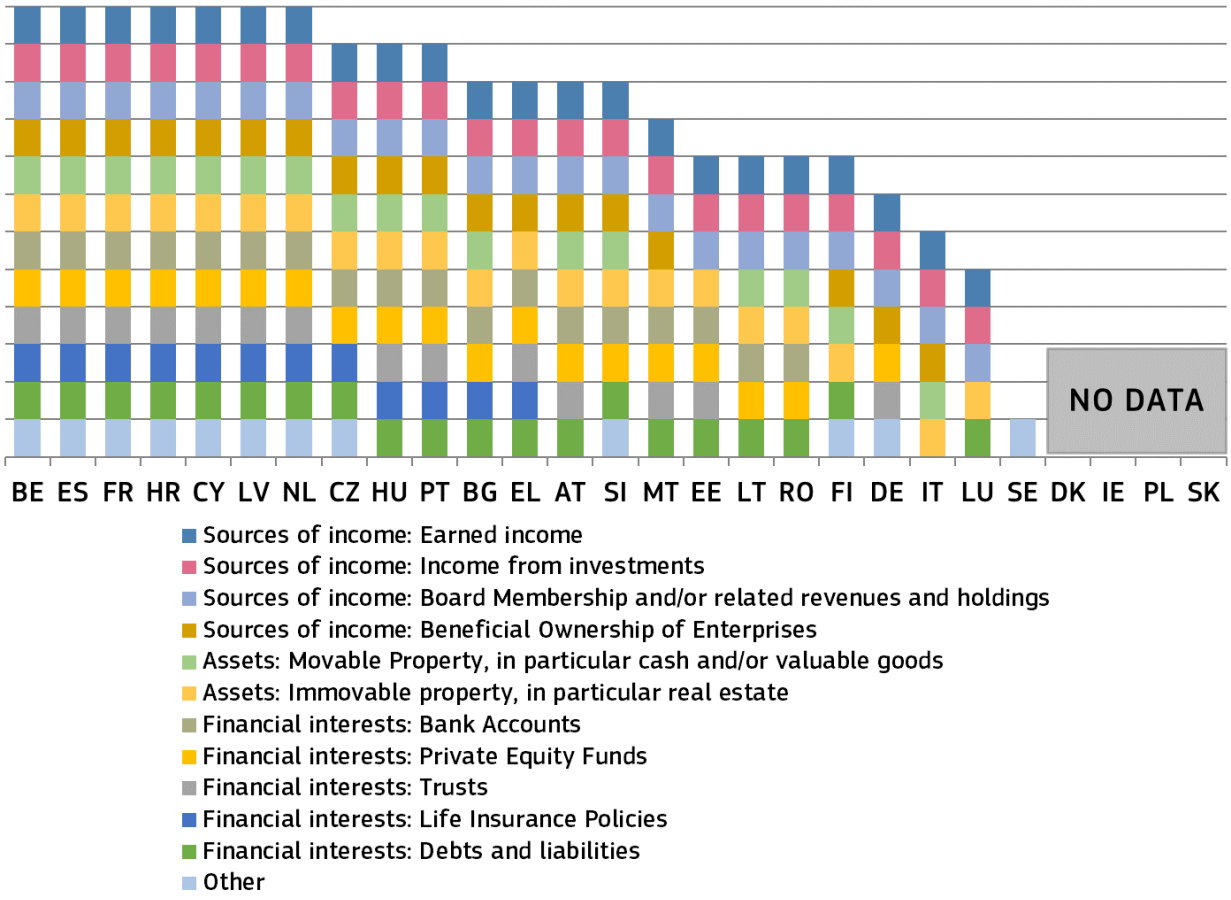
Corruption is a multi-faceted phenomenon, present both in the public and private sector. It has negative impacts on prosperity and economic growth, social cohesion, and on sustainable development. National anti-corruption frameworks are monitored by the Commission through the annual Rule of Law Report and also under the European Semester and the Recovery and Resilience Plans and, if relevant, as part of the assessment under the Conditionality Regulation[138]. On 3 May 2023, the Commission presented a Communication on the fight against corruption, and a proposal for a Directive on combating corruption by criminal law ([139]). These documents indicate the importance of the prevention of corruption, in order to foster a culture of integrity. The obligation for certain public officials to disclose assets is recognised as an important tool in this regard.

The 2024 EU Justice Scoreboard builds on last year's figures and presents an overview of the powers of national bodies involved in the area of prevention of corruption, focusing specifically on asset disclosure. Asset disclosure by public and elected officials is an essential tool to prevent corruption and to strengthen integrity. The figures set out the material scope (Figure 60) and the personal scope (Figure 61) of national frameworks with regard to asset declaration systems, and show whether there are mechanisms for transparency, verification of asset declarations and sanctions (Figure 62). Systems at national level can be different depending on the personal scope (e.g. members of Parliament often operate under a different "declaration regime" than judges and prosecutors). However, figures 60 and 62 do not differentiate on the basis of this personal scope, only verifying if any aspect of the asset declaration system has one of the indicated elements included. The data displayed does not provide for a comprehensive picture of detailed systemic weaknesses in law and practice.

[138] Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433I, 22.12.2020).

[139] Proposal for a Directive on combatting corruption COM (2023) 234 and Joint Communication on the fight against corruption JOIN(2023) 12 final.

Figure 60: National frameworks regarding asset declarations - material scope (*) *(Source: European Commission with the National Contact Points for Anti-corruption ([140]))*

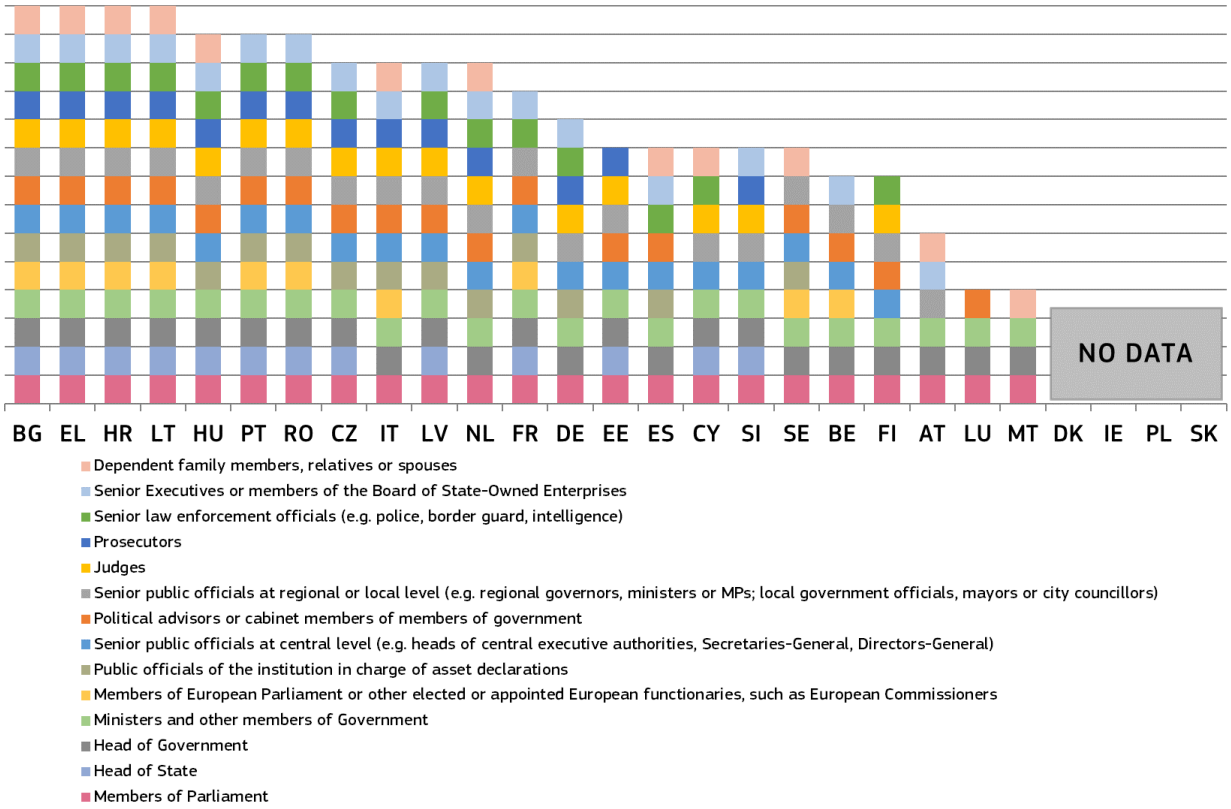


*(*) **BE**: The legal obligation of asset declaration includes not only sole ownership on assets but also of assets owned in community or co-ownership. **BG:** Declarants are obligaed to declare assets and financial interests exceeding a threshold of BGN 10 000 (± EUR 5 110 EUR). **CZ**: Declarants are obliged to declare incomes exceeding a threshold of CZK 100 000 (± EUR 3 950) per calender year and received during time in office but not directly resulting from the public office itself. **DE**: Addressess are obliged to declare only such interests held in private corporations or partnerships that amount to a threshold of more than five per cent, unless the activity of the private corporation or partnership relates exclusively to letting, leasing and management of private property. **ES**: Declarants are obliged to declare movable property exceeding a threshold of EUR 6 000 unit value and to declare held-for-trading financial assets exceeding a threshold of EUR 100 000 . Other assets to be declared include administrative franchises, intellectual and industrial property rights. **FR**: The declaration obligation also covers liabilities (loans and debts) and property that is divided into parts or held in joint ownership. Declarants are obliged to declare miscellaneous movable property, cash and other assets, including company current accounts and stock options exceeding a threshold of EUR 10.000. The income to be declared covers both earned income and investment income. **HR**: The only income to be declared is earned income. Declaration obligations of judges cover both acquired and inherited property. Declarants are obligaed to declare movable property (except for household items and clothing) exceeding an individual threshold of 398.000 EUR. Only direct ownership of enterprises must be disclosed. **HU**: The data displayed does not pre-empt any assessment under any applicable EU legislation, including the Conditionality Regulation or the RRF Regulation and, in particular with a view to beneficial ownership and private equity funds, immovable property/ real estate. **IT**: Movable property only needs to be declared if registered in public registries. **LV**: Declarants are obliged to declare cash and non-cash savings, loans and debts exceeding a total threshold of 20 minimum monthly*

[140] Data collected through a questionnaire drawn up by the Commission in close association with the National contact points in the fight against corruption.

wages (2022: EUR 500). ***LT:*** *Declarants are obliged to declare monetary and unrecovered funds, several movable property and securities exceeding a threshold of EUR 1 500.* ***AT****: Unless authorized by a parliamentary Incompatibility Committee, members of the federal government, state secretaries, members of provincial governments, the president of the National Council and the heads of parliamentary groups are generally not allowed to exercise employment next to their official duty and therefore cannot declare such income; members of parliament must declare their secondary activities. Members of the federal government, state secretaries and members of provincial governments are obliged to declare trusts and private equity funds exceeding a threshold of EUR 14 500.* ***RO****: Cash property can but does not need to be declared. Declarants are obliged to declare movable property, bank accounts/ funds/ investments and financial liabilities exceeding a threshold of EUR 5 000; movable assets that were sold in the prevoius year exceeding a threshold of 3.000 EUR; gifts and advantages received from institutions, companies etc. exceeding a threshold of EUR 500. The asset declaration also provides for a EUR 5 000 threshold in regards to precious metals, jewelry, art and worship pieces, collections of art and numismatics, objects that are part of the national or universal cultural heritage.* ***SI:*** *Assets exceeding the threshold of EUR 10 000 (per category) must be declared by amount, not by specific details to the kind of asset. This information can be obtained in official administrative procedure.* ***FI****: Certain declaration thresholds apply, wich vary depending on the status and position of the declarant and the asset to be declared. Thresholds range between EUR 5 000 (for outside duty income of members of parliament) to EUR 200 000 (for guarantees and liabilities). Sources of income: earned income and income from investments: Income received from secondary occupations is reported. Public sector wages and salaries are public as are tax data. Ministers do not need to declare their annual income or income from their investments in the declaration of private interests. Nonetheless, the same publicity of tax information applies to ministers as to anyone else. Assets: Movable Property: Not covered by the declaration of private interests. Nonetheless, the content of declarations of private interests has been standardised and the Government has introduced a register of gifts to which information on gifts received by ministers is entered (VN/23634/2020). Provisions on the declaration of private interests of members of Parliament are laid down in Parliament's Rules of Procedure. Financial interests: Trusts and Private Equity Funds: The State Civil Servants Act provides that state civil servants '…shall provide an account of his or her business activities, holdings in companies and other assets'.* ***SE****: Swedish public officials are obliged to report direct or indirect holdings of financial instruments pursuant to the Act on the Obligation for Certain Public Officials to Report Holdings of Financial Instruments and the Government Ordinance on the Obligation for Certain Public Officials to Report Holdings of Financial Instruments.*

Figure 61: National frameworks regarding asset declarations - personal scope (*) *(Source: European Commission with the National Contact Points for Anti-corruption ([141]))*

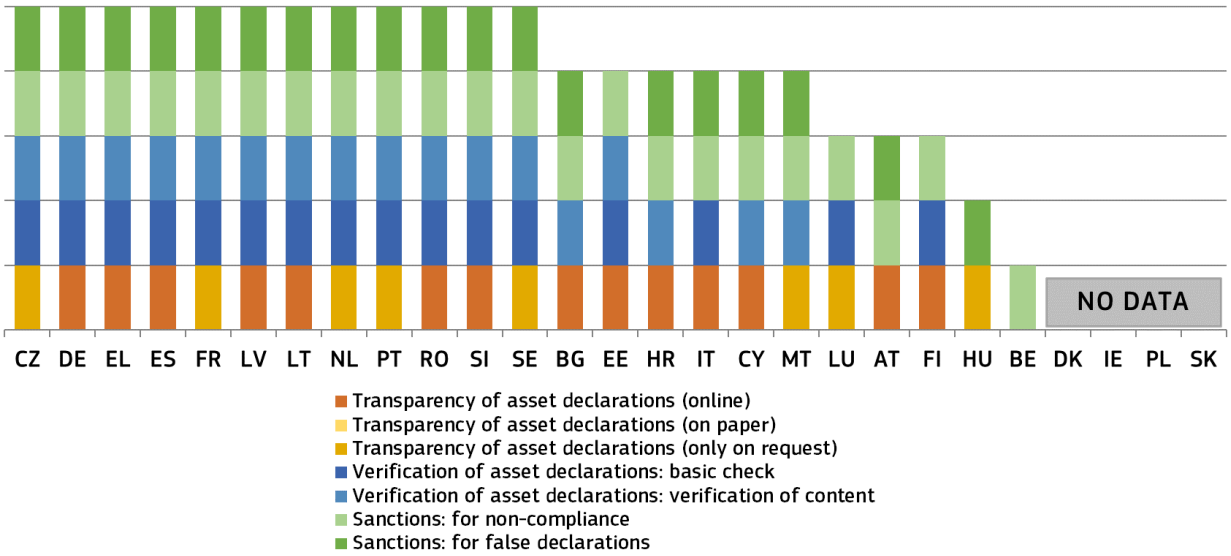


*(*) **BE**: Declarations must be submitted anually to the Court in a sealed envelope. **CZ**: In addition to the personal scope provided, asset declaration also applies to public officials handling public funds of more than 250.000 CZK (± 9.880 EUR), making decisions related to public procurement, making decisions in administrative proceedings or being involved in criminal proceedings. **DE**: Members of the federal government are not obliged to make asset declarations as they are not allowed to perform any secondary employment. For civil servants, secondary employment is restricted but if carried out, they have to notify and immediately report any changes, especially to the compensation paid. The same applies to judges and prosecutors. Public service employees must notify their employer in a timely manner of any additional paid employment. Under certain conditions, additional activities can be subject to restrictions or prohibited. **EL**: Declarations have to be provided annually and one year after the end of their mandate. **EL**: Declarations have to be provided annually and one year after the end of their mandate. **ES**: : As regards 'public officials of the institution in charge of asset declarations', only the head of the OCI (Conflict of Interest Office) is obliged to submit a declaration. As regards 'political advisors or cabinet members of members of government', only the heads of cabinet are obliged to submit declarations. Family members are obliged to submit asset declarations only in exceptional cases. Not all senior public officials at central level are civil servants.. **HR**: Declarations of Members of the Commission for the Resolution of Conflic of Interest have to be provided additionally 12 months after leaving office. Judges are obliged to report any significant change in property after taking office. **FR**: Declarations of the President have to be provided at the beginning and end of their term of office in order to assess whether there has been substantial changes in the assets following and in connection with their office. Spouses are only obliged to submit asset declarations in the case of a marriage under the regime of legal community based on profit. **IT**: Cabinet members are obliged to submit asset declarations only if they are public officials/civil servants. Cabinet members appointed externally, e.g. as an advisor, professor or assistant, are not obliged to asset declaration. Family members of first and second degree and non-separated spouses are obliged to submit asset and income declarations if the family member or spouse consents. **LV**: In addition to the personal scope provided, asset declaration also applies to members*

[141] Data collected through a questionnaire drawn up by the Commission in close association with the National contact points in the fight against corruption.

of the Public Procurement Commission, insolvency administrators, sworn notaries, sworn bailiffs. ***LT****: In addition to the personal scope provided, asset declaration also applies to electoral candidates, civil servants and their family members, notaries and their family members, members of the military, members of the Board of Bank or other credit institutions and their family members, some members of political parties and their family members.* ***LU****: Members of Government are obliged to submit an additional limited declaration to the Prime Minister prior to their appointment. Members of Parliament are obliged to inform their Chairman of any change affecting their declaration within 30 days; Councillors and Members of Government are obliged to issue a new declaration in the event of a change.* ***HU****: The data displayed does not pre-empt any assessment under any applicable EU legislation, including the Conditionality Regulation or the RRF Regulation.* ***MT****: Spouses are obliged to submit asset declarations on;y in the case that the assets forms part of the community of acquests.* ***NL****: Public officials of the institution in charge of asset declarations' generally have to submit asset declarations, but there is variety depending on the institution. Senior law enforcement officials from the National Police are required to submit asset declarations. Senior officials of the boarder guard only need to submit asset declarations if these qualify as ancillary activities. Declarations on family members are only mandatory for senior police officials. Prosecutors, border guards and judges only need to provide asset declarations for ancillary activities. Political advisers are obliged to declare assets similarly to civil servants. Top civil servants declare their assets at the start of their mandate, as soon as a new assignment or responsibility affects the financial interests, or when the financial interests changes* ***AT:*** *Declarations on the national level have to be provided within three months of taking office and then every second year and after resigning from office. For declarations on the provincial, regional and local level, there are individual regulations. As regards the declarations of members of Parliament, they have to be provided within one month from the moment of joining the house and the same applies in case of subsequent changes concerning the commencement of an occupation; the income declarations must be reported annually by 30 June for the previous calendar year.* ***PT****: In addition to the personal scope provided, asset declaration also applies to the Ombudsman, the Representatives of the Republic in the Autonomous Regions of Azores and Madeira, the Members of the Judicial High Council, of the Administrative and Tax Courts High Council and of the Public Prosecution Service High Council.* ***RO****: In addition to the personal scope provided, asset declaration also applies to members of the Superior Council of Magistracy, assimilations of judges and prosecutors, specialized auxiliary staff of the courts, the People's Advocate and its deputies, diplomatic and consular staff, persons with management and control positions within the educational system and state units of public health system, persons working in trade union federations, confederations and public institutions, members of the National Councils and the Financial Supervision Authority and the Intelligence Service. The assets of the spouse and the dependent children need to be declared by the deponent in their disclosure. Moreover, in case of trade union federations and confederations, only the president, vice-president, secretaries and treasuries are under the obligation to submit an asset disclosure. In regards to the Romanian Intelligence Service, the obligation lies only for the director, first deputy and their deputies. Moreover, the assets of the spouse and the dependent children need to be declared by the deponent in their disclosure. In addition, the public officials and dignitaries are required by law to declare their assets and interests annually (by June 15th), and within 30 days of starting and leaving office.* ***SI****: In addition to the personal scope provided, asset declaration also applies to individuals in charge of public procurement exceeding 100.000 EUR. Asset declarations of spouses, family members and connected individuals of declarants can be requested by the Commission for the Prevention of Corruption.* ***FI****: Only those senior law enforcement officials and board members of Special Operations Executive are obliged to declare their assets that fall under the Civil Servant Act's definition of high level officials. Declarations have to be provided as soon as taking office, when there are substantial changes and regularly on annual basis.* ***SE****: Minor children and spouses are only obliged to submit asset declarations if the declarant is a member of government. Financial instruments held by a minor child who is under the guardianship of the reporting person shall be reported. Members of Government also declare financial assets of their spouses and partners. If it is necessary with regard to the existence of inside information within an authority, the Government may decide that those who are part of the authority's management shall be obliged to report their holdings of financial instruments. In such cases senior public officials at central level such as heads of central executive authorities, Secretaries-General, Directors-General, etc are covered by the reporting obligation. The authority may, in turn, decide that other employees and contractors that have access to inside information as a part of their employment must be covered by the same reporting obligations. Senior public officials and their employees and contractors only have to provide a declaration of their holding of financial instruments in cases of dealing with delicate inside information and if the government requests such information.*

Figure 62: National frameworks regarding asset declarations: transparency, verification, sanctions (*) *(Source: European Commission with the National Contact Points for Anti-corruption ([142]))*



(*)'Transparency of asset declarations (online + on paper)' is to be read as 'Submission of asset declarations (online + on paper)'. If "only on request" is selected as an option, it by default means that the "online" and "on paper" options are not possible. ***DE****: Information relates to the German Parliament (Bundestag) only.* <u>*On Transparency*</u> *–* ***BE****: Annual publication only of remunerations received for mandates, functions and occupations.* ***CZ****: Declarations of judges, prosecutors and members of armed forces are not published.* ***EE****: Access to asset declarations is only granted upon identification.* ***EL****: Asset Declarations are published only for politically exposed individuals and for 3 years.* ***FR****: Asset declarations of members of the government and of the Transparency Authority (HATVP) are published on the HATVP website. Declarations of senators as well as members of the French and EU parliaments can be consulted at the prefecture. Declarations of other declarants are not published.* ***CY****: Asset declarations of spouses and children are not published.* ***LV****: Asset Declarations made by officials subject to the Law of Official Secret are not published.* ***LT****:The majority of declarations are published. For some officials, data is kept confidential.* ***HU****: The data displayed does not pre-empt assessments under any applicable EU legislation, including the Conditionality Regulation or the Recovery and Resilience Plan in general and, in particular with a view to the transparency and publication, as not all categories of officials as listed above in Figure 61 are required to make their asset declarations public (e.g. judges), while also the form of publication is in some cases not adequate to allow for public monitoring or effective verification. Only asset declarations of the President of the Supreme Court, the President of the National Office for the Judiciary and the Prosecutor General as well as senior political leaders are published. Declarations are removed one year after the end of mandate.* ***NL:*** *For members of the House of Representatives registries are available online for the general public in regards to recent years, and available only on request for preceeding years.* ***SI****: Only asset declaration changes are published and only for top-level politicians (MPs, ministers) and officials of key institutions (i.e. Constitutional Court judges) for a period of one year after termination of the mandate. Disclosed information is highly anonymised and objectivized.* ***FI****: Earned income information is not published. Declarations of ministers' private interests are available online on the websites of both the Government and Parliament, and Government communications containing declarations of private interests in paper form can be requested, for example, from the Registry of the Prime Minister's Office (in accordance with the Act on the Openness of Government activities).* ***SE****: Only some asset declarations – e.g. of the members of the government – are available upon request if not subject to secrecy. Asset declarations can be requested in accordance with the principle of public access to information, but may be subject to secrecy. The members of Goverment and state secretaries have given their consent to disclose their asset declarations.* <u>*On Verifications*</u> *–****BE and SI****: Verifications are carried out only upon suspicion of wrongdoing.* ***IT****: The Italian Competition Authority (AGCM) verifies the asset declarations of members of Government only.* ***HU****: The data*

[142] Data collected through a questionnaire drawn up by the Commission in close association with the National contact points in the fight against corruption.

displayed does not pre-empt assessments under any applicable EU legislation, including the Conditionality Regulation or the Recovery and Resilience Plan in general and, in particular with a view to the transparency and publication, as not all categories of officials as listed above in Figure 60 are required to make their asset declarations public (e.g. judges), while also the form of publication is in some cases (e.g. of member of Parliament) not adequate to allow for public monitoring. Furthermore, the sanction system to address failures of compliance is still to be reformed. ***MT****: Verification is carried out directly after submission, but can be repeated following a request by other competent authorities.* ***AT****: There is no formal verification process provided by law, but because of regular disclosing obligations, any extraordinary increases of assets will be noticed by the Court of Audit and shall be reported to the President of the National Council/Provincial Parliament. An Incompatibility Committee may also request officials to provide further information on their assets in case of suspicion.* ***RO****: Verifications are carried out only following a notification by the media or a natural/legal person including the focal point or following the failure of the declarant to submit asset declarations. On Sanctions –* ***BG****: Only cases of inexplicable assets of more than BGN 5 000(±EUR 2 550) are referred to the National Revenue Agency or to the Commission for Illegal Assets Forfeiture.* ***FR****: Sanctions include fines, imprisonment and the nullity of the appointment for certain public officials as well as a ban on holding public office.* ***IT****: The National Anticorruption Authority (ANAC) reviews the publishing of declarations of Members of the Government and of the Senate on the relevant websites.* ***RO:*** *Failure to disclose or failure to disclose within the legal timeframe is sanctioned with a fine and may trigger the evaluation procedure. Nonetheless, the verification procedure can also be triggered ex-officio, from information gathered through the media or other sources.* ***FI****: For false declarations: Measures under civil service law are also possible sanctions.*

– Safeguards relating to the functioning of national prosecution services in the EU –

Public prosecution plays a major role in the criminal justice system and in cooperation between Member States in criminal matters. The proper functioning of the national prosecution service is crucial for the effective fight against crime, including economic and financial crime, such as money laundering, and corruption. According to the case-law of the Court of Justice relating to the European Arrest Warrant Framework Decision ([143]), the public prosecutor's office can be considered a Member State judicial authority for the purposes of issuing and executing a European arrest warrant whenever it can act independently, without being exposed to the risk of being subject, directly or indirectly, to directions or instructions in a specific case from the executive, such as a Minister for Justice ([144]).

The organisation of national prosecution services varies across the EU and there is no uniform model for all Member States. However, the Council of Europe has noted a widespread tendency to have a more independent prosecutor's office, rather than one subordinated or linked to the

[143] Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

[144] Court of Justice, judgment of 27 May 2019, *OG and PI (Public Prosecutor's Office of Lübeck and Zwickau)*, Joined Cases C-508/18 and C-82/19 PPU, paras 73, 74 and 88, ECLI:EU:C:2019:456; judgment of 27 May 2019, C-509/18, para 52, ECLI:EU:C:2019:457; see also judgments of 12 December 2019, *Parquet général du Grand-Duché de Luxembourg and Openbaar Ministerie (Public Prosecutors of Lyon and Tours)*, in Joined Cases C-566/19 PPU and C-626/19, ECLI:EU:C:2019:1077; *Openbaar Ministerie (Swedish Prosecution Authority)*, C-625/19 PPU, ECLI:EU:C:2019:1078, and *Openbaar Ministerie (Public Prosecutor in Brussels)*, C-627/19 PPU, ECLI:EU:C:2019:1079; judgment of 24 November 2020, *AZ*, C-510/19, para 54, ECLI:EU:C:2020:953. See also judgment of 10 November 2016, *Kovalkovas*, C-477/16 PPU, paras 34 and 36, ECLI:EU:C:2016:861, and judgment of 10 November 2016, *Poltorak*, C-452/16 PPU, para 35, ECLI:EU:C:2016:858, on the term 'judiciary', 'which must […] be distinguished, in accordance with the principle of the separation of powers which characterises the operation of the rule of law, from the executive'. See also Opinion No. 13(2018) Independence, accountability and ethics of prosecutors, adopted by the Consultative Council of European Prosecutors (CCPE), recommendation xii.

executive ([145]). According to the Consultative Council of European Prosecutors, an effective and autonomous prosecution service committed to upholding the rule of law and human rights in the administration of justice is one of the pillars of a democratic state ([146]).

Procedures for appointing national prosecutors may influence the extent of the independence of a prosecution service. Whatever the model of the national justice system or the legal tradition in which it is anchored, European standards provide that Member States take effective measures to guarantee that public prosecutors are able to fulfil their professional duties and responsibilities under appropriate legal and organisational conditions ([147]) and without unjustified interference ([148]).

Figure 63 presents the appointment procedures for national prosecutors. It does not include the appointment of Prosecutors General or other assimilated management positions. The figure shows the diversity of models of organisation of the prosecution service across Member States gathering around the executive power or the judiciary. The figure also shows the role of the Prosecutor General and Councils for the Judiciary/Prosecutorial Councils as important actors in the appointment of prosecutors.

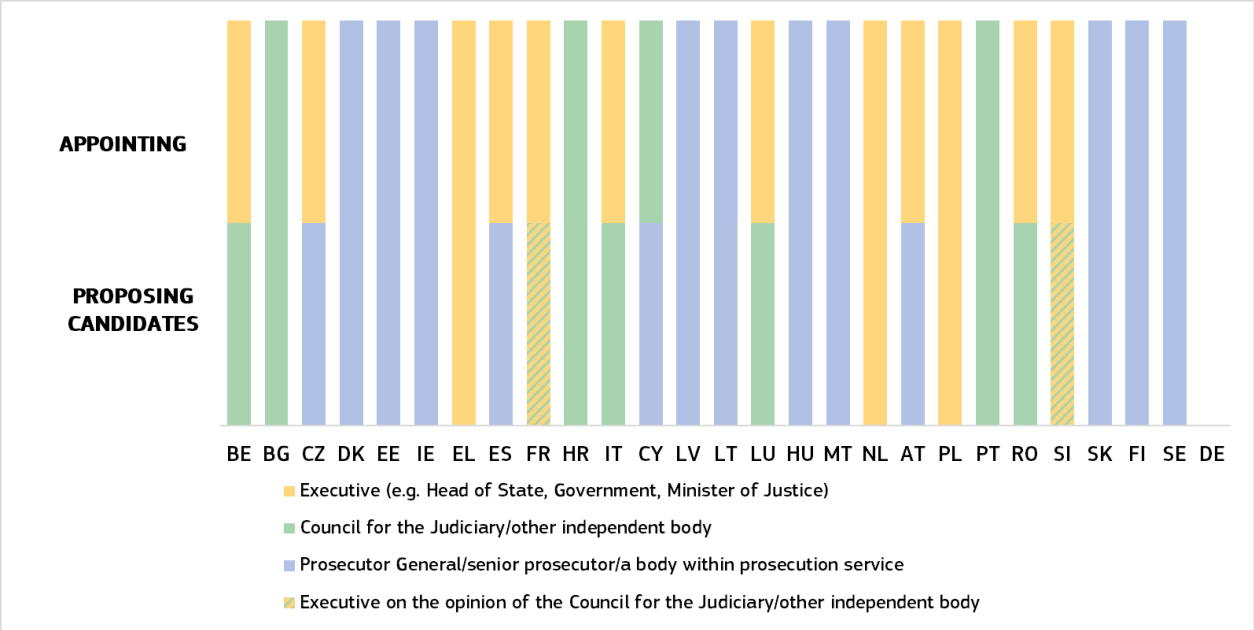
[145] CDL-AD(2010)040-e Report on European Standards as regards the Independence of the Judicial System: Part II - the Prosecution Service - Adopted by the Venice Commission - at its 85th plenary session (Venice, 17-18 December 2010), para. 26.

[146] In a democratic society, both courts and the investigative authorities must remain free from political pressure. The concept of independence means that prosecutors are free from unlawful interference in the exercise of their duties so as to ensure full respect for and application of the law and the principle of the rule of law and that they are not subject to any political pressure or unlawful influence of any kind. Independence applies not only to the prosecution service as a whole, but also to its particular bodies and to individual prosecutors. Whatever the model of the national justice system or the legal tradition in which it is anchored, European standards provide that Member States take effective measures to guarantee that public prosecutors are able to fulfil their professional duties and responsibilities under appropriate legal and organisational conditions and without unjustified interference. See Consultative Council of European Prosecutors (CCPE) Opinion No. 15 (2020) on the role of prosecutors in emergency situations, in particular when facing a pandemic; Opinion No. 16 (2021) on the Implications of the decisions of international courts and treaty bodies as regards the practical independence of prosecutors, para. 13. See also Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system, adopted by the Committee of Ministers of the Council of Europe on 6 October 2000 (the 2000 Recommendation), paras. 4, 11 and 13. Opinion No. 13(2018) Independence, accountability and ethics of prosecutors, adopted by the Consultative Council of European Prosecutors (CCPE), recommendations i and iii; Group of States against corruption (GRECO), fourth evaluation round 'Corruption prevention - Members of Parliament, Judges and Prosecutors', a large number of recommendations ask for the introduction of arrangements to shield the prosecution service from undue influence and interference in the investigation of criminal cases.

[147] Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system, adopted by the Committee of Ministers of the Council of Europe on 6 October 2000 (the 2000 Recommendation), para. 4.

[148] The 2000 Recommendation, paras 11 and 13. See also Opinion No. 13(2018) Independence, accountability and ethics of prosecutors, adopted by the Consultative Council of European Prosecutors (CCPE), recommendations i and iii.

Figure 63: Appointment of prosecutors: proposing and appointing authorities (*) *(Source: European Commission with the NADAL ([149]))*



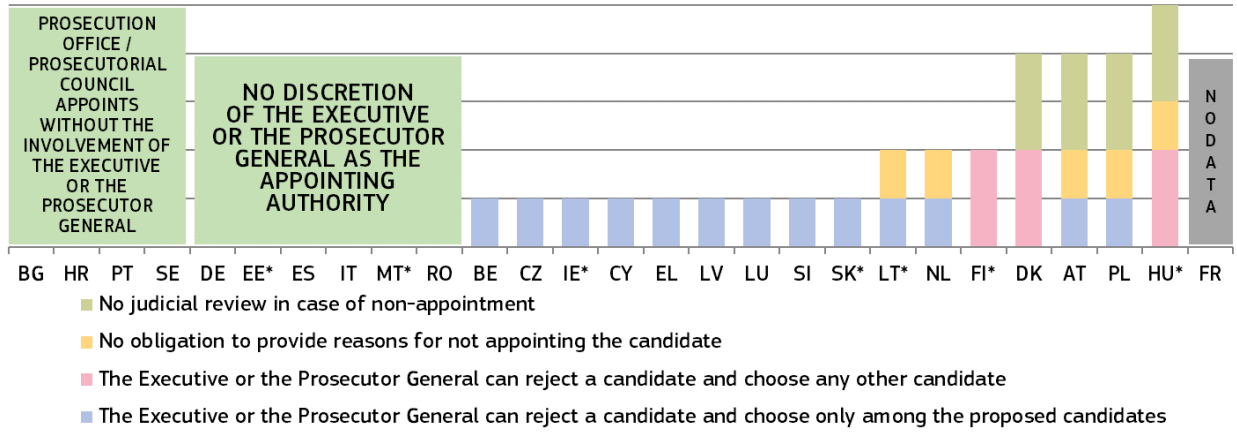
*(*) **BE:** Proposal for appointment: Council for the Judiciary. Decision on appointment: Head of State under the responsibility of the Minister of Justice. **CZ:** Proposal for appointment: Prosecutor General. Decision on appointment: Minister of Justice. **DK**: The HR office of the Director of Public Prosecutions has the power to appoint or reject candidate prosecutors (first instance prosecutors). Candidates to become prosecutors must send an application to a joint recruitment panel consisting of representatives from the Ministry of Justice, the Office of the Director of Prosecution, the Office of the National Commissioner of the Police, The Civil Agency, the Danish Data Protection Agency, the Independent Police Complaint Board and the Directorate for the Probation Service. The candidates must specify in their application that they candidate for becoming prosecutors. Applications stating that the candidate want to become a prosecutor are forwarded by the panel to the HR Office of the Director of Public Prosecutions. The HR Office of the Director of Public Prosecutions decides, which candidates will be invited to an interview at the HR Office of the Director of Public Prosecutions. After this interview the HR Office of the Director of Public Prosecutions decides if the candidate can proceed to an interview with the HR Office of the Prosecution Service in a specific Police District. After this interview the HR Office of the Director of Public Prosecutions decides on appointment or rejection of the candidate. **EE:** Proposal for appointment: prosecutors' competition committee for specialised prosecutors, district prosecutors and assistant prosecutors; chief prosecutors for senior prosecutors. Decision on appointment: Prosecutor General. **IE:** Proposal for appointment: a recruitment competition under a recruitment licence issued by the Commission on Public Service Appointments (CPSA) held normally by the Office of the Director of Public Prosecutions (or potentially by the Public Appointment Service). Decision on appointment: Director of Public Prosecutions. **ES:** Proposal for appointment: National Prosecutor following a report from the Fiscal Council, after hearing the Superior Fiscal Council of the respective Autonomous Community in the case of posts in the Public Prosecutor's Offices of its territorial scope. Decision on appointment: the Government. **EL:** Proposal for appointment: Ministry of Justice annually issues a ministerial decision concerning the entrance examination to the National School of Judges for candidate Public Prosecutors. The selection process -held by a five-member committee- currently consists of written and oral exercises. Once they enter the Greek National School of Judges, the successful candidates, start a 16-month course of study in both theory and practice. This training is followed by an examination used to rank them by order of merit. Depending on their rank, they will be appointed to the competent court. Decision on appointment: Candidates are appointed as Public Prosecutors by a Presidential decree. **FR:** Proposal for appointment: Minister of Justice on non- binding advice of the Council of the Judiciary. Decision on appointment: President of the Republic. **IT:** Decision on appointment: after the proposal of the Council, the Minister of Justice issues a ministerial decree, without any discretion not to appoint or to appoint any other candidate than the proposed candidate prosecutor. **CY:** Proposal for appointment: Attorney General. Decision on appointment: Public Service Commission with the opinion of the Attorney General. **LT:** Proposal for appointment: Prosecution Selection Commission (composed by two prosecutors nominated by the Collegiate Council, two prosecutors nominated by the Prosecutor General and one member nominated by each the President of the Republic, the Speaker of the Seimas and the Prime Minister). Decision on appointment: Prosecutor General. **LU:** Proposal*

[149] Data collected through a questionnaire drawn up by the Commission in close association with the NADAL Network of Prosecutors.

for appointment: The National Council for Justice, proposes a nomination to the Grand-Duke. Decision on appointment: the Grand-Duke without any discretion. ***HU:*** *Proposal/decision on appointment: Senior Prosecutor. Proposal for dismissal: Senior Prosecutor.* ***NL:*** *Proposal for appointment: Minister of Justice. Decision on appointment is taken by royal decree (the appointing authority has an obligation by constitutional practice to follow the proposal to appoint the candidate for the post of prosecutor).* ***AT:*** *Proposal for appointment: Independent Personnel Body (Personalkommission) consisting of four members, who must be public prosecutors. Decision on appointment: Federal President delegates the decision to the Minister of Justice.* ***PL:*** *Proposal for and decision on appointment: Prosecutor General - who is also the Minister of Justice - upon a motion of the National Public Prosecutor. A competent public prosecutor's office's board gives an opinion on a candidate for the post of prosecutor. According to the Action Plan by the Polish Government of 20 February 2024, there is the intention to split the office of the Minister of Justice and the Prosecutor-General.* ***RO:*** *Proposal for appointment: Superior Council of Magistracy. Decision on appointment: President (the appointing authority has an obligation by law to follow the proposal to appoint the candidate for the post of prosecutor).* ***SI:*** *Proposal for appointment: Minister of Justice on the opinion of the Council for the Prosecution Service. Decision on appointment: Government.* ***SK:*** *Proposal for appointment: Chairman of the Selection Board of the General Prosecutor´s Office. Appointment: Prosecutor General.* ***FI:*** *Appointment: Prosecutor General.* ***SE:*** *Proposal for, decision on appointment: Director of human resources of the Swedish prosecution authority, on the opinion of the Prosecutor General.*

Figure 64 presents an overview of the discretionary powers that the executive has over the appointment of national prosecutors, as well as the right to a judicial review in case of non-appointment.

Figure 64: Appointment of prosecutors: competence of the executive and Prosecutors General (*) *(Source: European Commission with the NADAL ([150]))*



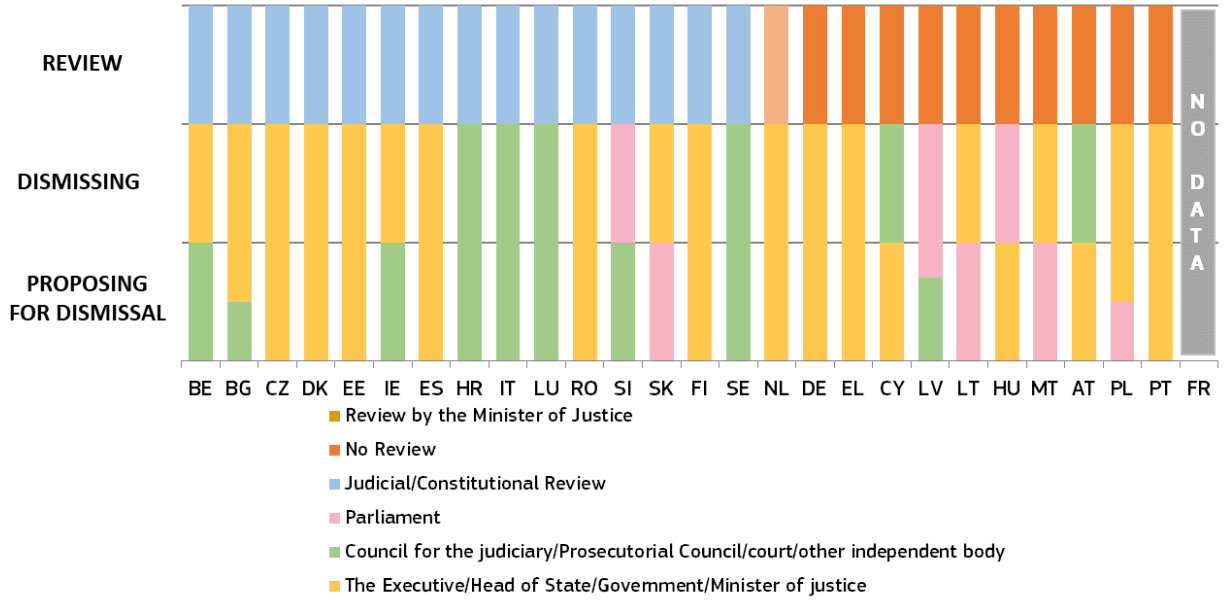
(*) The figure presents the national frameworks as they were in place in January 2024. For each Member State, one point was given if the executive can reject a proposed candidate and choose another candidate among those proposed, one point was given if there is no obligation by the executive to state reasons for not appointing a candidate prosecutor, two points were given if the executive can reject a candidate and choose any other candidate, and two points were given if there is no judicial review in case of non-appointment. The Member States for which the Prosecutor General is the appointing authority are marked with an asterisk (*). ***BE****: The Minister of Justice may refuse to appoint the candidate proposed by the High Council of Justice, but the case will then be referred back to the High Council of Justice, which may either present the same candidate with a different or better motivation, or present another candidate. The Minister of Justice does not have the power to appoint another person himself.* ***DE****: The employer must inform the applicant of the negative selection decision. The public employer must award the positions according to the suitability, performance and aptitude of the applicants (selection of the best). Compliance with this principle can be reviewed in court. If the plaintiff is successful, the public employer must make the selection decision again, taking into account the court's legal opinion. However, the decision does not have to be in favour of the plaintiff.* ***IE****: As a civil service body, all competitions are run in compliance with the Code of Practice for Appointments to Positions in the Civil Service and Public Service. The Codes of Practice are published by the Commission for Public*

[150] Data collected through a questionnaire drawn up by the Commission in close association with the NADAL Network of Prosecutors.

Service Appointments (CPSA). If a candidate is dissatisfied following a selection process, they have a right under the Code to request a review of a decision made during the process or make a complaint that the selection process followed was unfair. Candidates are also entitled to feedback in relation to their performance in a competition. ***ES****: According to Articles 27 of the 2022 Public Prosecutor´s Rules of Procedure (Reglamento) candidates who do not pass the course and those who could not take or complete the course due to duly justified force majeure may repeat it in the next call for a free competition, which they will join with the new promotion, in the terms provided in the Statute of the Autonomous Body Center for Legal Studies, approved by Royal Decree 312/2019, of the 26 of April 26. If these candidates fail this second course too, they will be definitively excluded and will be deprived of any expectation of entering into the Public Prosecutor Service based on the selective examinations they had passed (Likewise Article 309 of the LOPJ in relation to the Judiciary). So failure to complete the training course is the only reason for not appointing a candidate as Public Prosecutor and the reasons are linked to the final marking outcome this result is public but is not under the remit of the appointing authority.* ***NL****: It is theoretically possible for the Minister of Justice to decide not to appoint a candidate prosecutor, but in practice this never happens. There is an intensive selection by an independent committee within the public prosecutor's office of trainee prosecutors before being appointed as trainee prosecutor. The Minister does not appoint a prosecutor before receiving advise from the public prosecution's office. The appointment by the Minister is merely a formality. After the training period, the trainee is appointed as prosecutor by the Crown on the recommendation of the Minister. There is no review or appeal procedure specifically for rejection of a Minister's decision on appointing a trainee prosecutor or prosecutor. This is, however, a government decision affecting the candidate, which can always be appealed before a civil court. It will then become a labor dispute.* ***AT****: The candidate may appeal to a Commission for Equal Treatment, which may find a violation of the law. It is also possible to claim compensation for lost income in the course of a civil lawsuit. Neither of those measures can change the decision on the appointment.* ***SE****: The Swedish Prosecution Authority is the only authority involved in recruiting prosecutors and chooses who to appoint or reject. Only candidate prosecutors who have applied for a specific position as a prosecutor can be considered.*

Figure 65 presents the procedure for dismissing of the Prosecutor General. It shows the proposing and dismissing authorities, as well as the availability of review (e.g. by a court or a Constitutional Court).

Figure 65: Dismissal of the Prosecutor General (*) *(Source: European Commission with the NADAL ([151]))*



*(*) **BE**: The Public Prosecutor who represents the Public Prosecutor before the Disciplinary Tribunal and the Attorney General who represents the Public Prosecutor at the hearing of the Disciplinary Court of Appeal give an opinion and propose a disciplinary sanction (cf. art. 418§2 of the Judicial Code). If the Disciplinary Tribunal considers that a magistrate of the Public Prosecutor's Office should be dismissed, the Disciplinary Tribunal forwards a reasoned proposal for dismissal to the King. The King may depart from the decision to make a reasoned proposal for dismissal and impose, instead of the competent authority, any other disciplinary penalty referred to (see Article 418(3) of the Judicial Code). Review by the Disciplinary Court of Appeal. **BG**: Proposal: Supreme Prosecutorial Council. Dismissal: President of the Republic. Review by the Supreme Administrative Court. **CZ**: Proposal: Minister of Justice. Dismissal: Government. Review by the Supreme Administrative Court. **DK**: Proposal: Minister of Justice. Dismissal: the King. Dismissal or removal of the Director of Public Prosecutions must as any other civil servant be based on a reasoned argument relating to the circumstances of the institution (e.g. insufficient funds or restructuring) or to the conduct of the employee (e.g. lack of aptitude, too much absence due to sickness or cooperation problems). The Minister of Justice decides on the removal of the Director of Public Prosecutions, but must make a recommendation about this to HM the King, who has the final authority to carry out the dismissal.Before making a recommendation to HM the King, the Minister of Justice must follow the procedure below: The Director of Public Prosecutions must like any other public employee, be given the opportunity to comment on the facts of the case and/or make objections regarding the intended dismissal. Furthermore, in regards to civil servants (including the Director of Public Prosecutions) it follows from section 31 of the Civil Servants Act that both the employee and the employee organization having negotiating rights must be given the opportunity to make a statement prior to the implementation of the contemplated dismissal. Finally, according to the Civil Servants Act a hearing under the guidance of an independent judge must be held before a civil servant (including the Director of Public Prosecutions) is dismissed for professional misconduct. Review: Decisions on dismissal of a civil servant may be tried before the courts. **DE**: Proposal and Dismissal: Minister of Justice. **EE**: Proposal and Dismissal: Minister of Justice. **EL**: Proposal and*

[151] Data collected through a questionnaire drawn up by the Commission in close association with the NADAL Network of Prosecutors.

Dismissal: Minister of Justice. IE: Proposal: Committee consisting of I) the Chief Justice, (II) the Chairman of the General Council of the Bar of Ireland, (III) the President of the Incorporated Law Society, (IV) the Secretary to the Government, and (V) the Senior Legal Assistant in the Office of the Attorney General may submit a report to the Government recommending removal from office. The Government makes the ultimate decision.. Dismissal: Government. Review: Constitutional Court. ***ES****: Proposal: Government, after consulting the General Council of the Judiciary (CGPJ). Dismissal: the King. In 2007, the law was amended to introduce additional safeguards. The Government has no powers to discharge the Prosecutor General solely at its discretion. Review: Constitutional Court.* ***IT****: Proposal and Dismissal: Council for the judiciary. Review: Supreme Court.* ***LV****: Proposal: Council for the judiciary; Parliament; President of the Supreme Court. Dismissal: Parliament.* ***LT****: Proposal: Parliament. Dismissal: President. There is no regulation and no practice as regards a review procedure.* ***LU****: Proposal: National Council for Justice. Dismissal: Disciplinary court. Review: Administrative Court.* ***HU****: Proposal: President. Dismissal: Parliament. Based on the proposal of the President of the Republic, the Parliament may, by virtue of its decision, remove the Prosecutor General from his/her office if the Prosecutor General is unable to fulfil the duties arising fromhis/her mandate for reasons falling beyond his/her control. Based on the proposal of the President of the Republic, the Parliament shall pronounce the Prosecutor General's forfeiture of office in a decision if the Prosecutor General fails to fulfil his/her duties arising from his/her mandate for reasons falling within his/her control or committed a crime established in a final and absolute judgment or otherwise becomes unworthy of his/her office. If the Prosecutor General's mandate ceases because one of the conditions of appointment to a prosecution position set forth in the Prosecutors' Status Act are no longer fulfilled, the President of the Republic shall determine the fact thereof. Moreover, the President of the Republic shall determine the conflict of interests with regard to the Prosecutor General. The Prosecutor General's mandate shall cease upon the determination of the conflict of interests.* ***AT****: Proposal: Ministry of Justice. Dismissal: Supreme Court.* ***MT****: Proposal: Parliament (2/3 majority). Dismissal: President.* ***NL****: Proposal: Minister of Justice. Dismissal: the Crown. Review: Minister of Justice. A prosecutor general can object to a decision to fire him. The Minister of Justice decides on this objection.* ***PL****: There is no possibility of dismissing the Prosecutor-General who is at the same time the Minister of Justice. Therefore, the only procedure that would entail such effect is the procedure of removing from office a member of the Council of Ministers (in this case: the Minister of Justice).* ***PT****: Proposal: Government. Dismissal: President.* ***RO****: Proposal: Minister of Justice. Dismissal: Parliament. The dismissal of the prosecutor general is made by the President of Romania, on the proposal of the Minister of Justice, with the opinion of the Section for Prosecutors of the Superior Council of Magistracy. Review: Supreme Court.* ***SI****: Proposal: Prosecutorial Council. Dismissal: National Assembly (Parliament). Prior to making the decision, the National Assembly shall send the proposal to the Government to procure its opinion. Review: Administrative court.* ***SK****: Proposal: Parliament. Dismissal: President. Review: Constitutional Court.* ***FI****: Proposal: Minister of Justice. Dismissal: President. Review: Supreme Administrative Court.* ***SE****: Proposal and Dismissal: National Disciplinary Board.*

– Constitutional jurisdictions –

Constitutional justice is a key component of checks and balances in a constitutional democracy. As noted by the Venice Commission, there is no general requirement to establish a constitutional court ([152]). There are various ways to ensure conformity of the legislative and executive action with the Constitution, such as *a priori* review of constitutionality and *a posteriori* control, either by a Constitutional Court or by judicial instances exercising control in concrete cases of application of legislative or executive action. Constitutional jurisdictions play a crucial role in the effective application of EU law, ensuring the integrity of the EU legal order, and determining the fundamental principles that constitute the rule of law. As early as 1970, the Court of Justice recognised the constitutional traditions common to Member States as the basis of European protection of fundamental rights ([153]). More recently, the Court of Justice noted that the principles

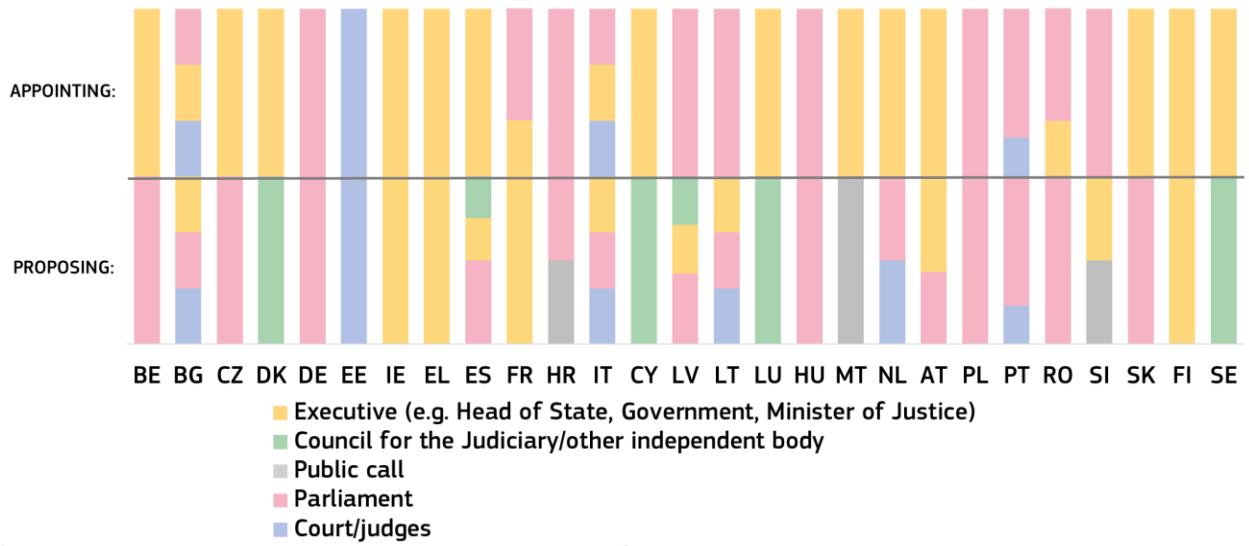
[152] Venice Commission, Compilation of Venice Commission opinions, reports and studies on constitutional justice, p. 6; Venice Commission, Rule of Law Checklist, para. 108.

[153] CJEU, judgment of 17 December 1970, *Internationale Handelsgesellschaft*, 11/70, EU:C:1970:114.

of the rule of law, as developed in the case law of the Court on the basis of the EU treaties, have their source in common values that are also recognised and applied by Member States in their own legal systems ([154]).

The organisation of justice, including the establishment, composition and functioning of a constitutional court, falls within the competence of Member States ([155]). In addition, constitutional courts, when they exist, may or may not be part of the judiciary. However, as noted by the Court of Justice, when exercising that competence, Member States are required to comply with their obligations deriving from EU law and, in particular, with the values on which the EU is founded ([156]). The Venice Commission has noted that the composition of Constitutional Courts and the procedure for appointing judges to the Constitutional Court are among the most important and sensitive questions of constitutional adjudication and for the preservation of a credible system of the rule of constitutional law. It underlined the need to ensure both the independence of the judges of the Constitutional Court and to involve different state organs and political forces in the appointment process so that judges are seen as being more than the instrument of one or the other political force ([157]). The 2024 EU Justice Scoreboard builds on last year's figures on the different solutions adopted in Member States to ensure the protection of constitutional rights at highest instance and their competences[158], and Figure 66 presents an initial overview of the bodies and authorities that propose candidates for their appointment as members of the highest instance exercising constitutional jurisdiction, and of the authorities that appoint them.

Figure 66: Members of the highest instance exercising constitutional jurisdiction: proposing and appointing authorities (*) *(source: European Commission)*



(*)The jurisdictions considered for the purposes of this chart are: ***BE:*** *Cour Constitutionnelle, Grondwettelijk Hof (Constitutional Court of Belgium).* ***BG****: Конституционен съд на Република България (Constitutional Court of*

[154] CJEU, judgments of 16 February 2022, *Hungary* v *Parliament and Council*, C-156/21, EU:C:2022:97, para. 237, and of 16 February 2022, *Poland* v *Parliament and Council*, C-157/21, EU:C:2022:98, para. 291.
[155] CJEU, judgment of 20 April 2021, *Repubblika*, C-896/19, EU:C:2021:31.
[156] CJEU, judgment of 22 February 2022, *RS (Effect of the decisions of a constitutional court)*, C-430/21, EU:C:2022:99, para. 38.
[157] Venice Commission, CDL-AD(2004)043, para 18.
[158] 2023 EU Justice Scoreboard, Figures 63 and 64.

Republic of Bulgaria). ***CZ****: Ústavní soud (Constitutional Court of Czechia).* ***DK****: Højesteret (Supreme Court of Denmark).* ***DE****: Bundesverfassungsgericht (Federal Constitutional Court). All courts are competent to review the constitutionality of legislation. The review consists of whether an act is adopted in accordance with the procedure laid down in the Constitution and the Standing Orders of Parliament and if the content of the act complies with the Constitution.* ***EE****: Riigihokus (The Constitutional Review Chamber of the Supreme Court and the Supreme Court en banc).* ***IE****: Cúirt Uachtarach na hÉireann (Supreme Court of Ireland).* ***EL****: Areios Pagos (Supreme Court) and Symvoulio Tis Epikrateias (Council of State). There is no constitutional court. Each judge has the power to assess the constitutionality of the law (Article 87, paragraph 2 of the Constitution: 'judges shall be subject only to the Constitution and the laws; in no case whatsoever shall they be obliged to comply with provisions enacted in violation of the Constitution').* ***ES****: Tribunal Constitucional de Españа (Constitutional Court of Spain).* ***FR****: Conseil Constitutionnel (Constitutional Council).* ***HR:*** *Ustavni sud Republike Hrvatske (Contitutional Court of the Republic of Croatia).* ***IT****: Corte Costituzionale (Constitutional Court).* ***CY:*** *Ανώτατο Συνταγματικό Δικαστήριο(Supreme Constitutional Court.* ***LV****: Latvijas Republikas Satversmes tiesa (Constitutional Court of the Republic of Latvia).* ***LT****: Lietuvos Respublikos Konstitucinis Teismas (Constitutional Court of the Republic of Lithuania).* ***LU****: Cour constitutionnelle de Luxembourg (Constitutional Court of Luxembourg).* ***HU****: Alkotmánybíróság (Constitutional Court of Hungary). All courts can carry out a decentralised form of 'constitutional' review against directly effective treaties.* ***MT****: Constitutional Court.* ***NL****: Hoge Raad der Nederlanden (Supreme Court of the Netherlands) -The Dutch Supreme Court functions as a court of cassation in civil, criminal and tax cases.* ***AT****: Verfassungsgerichtshof (Constitutional Court of Austria).* ***PL****: Trybunał Konstytucyjny (Constitutional Tribunal of Poland).*[159]*.* ***PT****: Tribunal Constitucional (Constitutional Court)* ***RO****: Curtea Constituțională (Constitutional Court of Romania).* ***SI****: Ustavno sodišče Republike Slovenije (Constitutional Court of the Republic of Slovenia).* ***SK****: Ústavný súd Slovenskej republiky (Constitutional Court of Slovakia).* ***FI****: Korkein oikeus ja Korkein hallinto-oikeus (Supreme Court and Supreme Court Administrative Court of Finland). There is no constitutional court in FI. All courts can carry out ex post constitutionality reviews in concrete cases, with the Supreme Court and Supreme Administrative Court being the highest instance in each branch of the judiciary.* ***SE****: Högsta Domstolen Högsta och Förvaltningsdomstolen (Supreme Court and Supreme Administrative Court of Sweden). All courts can review the compatibility of laws with the Constitution or with superior statutes when adjudicating concrete cases and must disapply any incompatible provisions.*

BE: *The Court is composed of twelve judges, appointed for life by the King from a list of two candidates for each vacancy proposed alternately by the House of Representatives, and the Senate by a majority of at least two-thirds of the members present.* ***BG:*** *The Constitutional Court consists of 12 judges, one-third of whom are elected by the National Assembly, one-third are appointed by the President, and one-third are elected by a general assembly of judges from the Supreme Court of Cassation and the Supreme Administrative Court.* ***CZ:*** *The Constitutional Court consists of 15 judges appointed for 10 years. Judges are appointed by the President of Czechia after obtaining consent from the Senate (Upper Chamber of Parliament).* ***DE:*** *the Constitutional Court consists of 16 judges, half of which are proposed and appointed by the Bundestag (lower chamber of Parliament; by an election committee composed of 12 members proportionally representing the parties represented in the Bundestag) and half by the Bundesrat (upper chamber of Parliament, representing the Federal States). If a position remains vacant for over 2 months, the election committee has to request that the Constitutional Court itself propose candidates for election as judge.* ***DK:*** *Judges are formally appointed by the King on the basis of recommendation from the Judicial Appointments Council (Dommerudnævnelsesrådet). The only exception is the President of the Supreme Court, who is appointed by the Supreme Court's own judges.* ***EE:*** *Every year, on the proposal of the Chief Justice, the Supreme Court en banc appoints two new members to the Constitutional Review Chamber and relieves the two most senior members of the duties of the members of the Constitutional Review Chamber, taking into account the opinion of and bearing in mind, as much as possible, the equal representation of the Administrative Law, Criminal and Civil Chambers within the Constitutional Review Chamber.* ***IE:*** *Proposal by the Government and appointment by the President of the Republic. Nevertheless, the process that leads to the proposal by the Government is informal and could take any form.* ***EL:*** *The*

[159] The European Commission has referred Poland to the Court of Justice of the European Union for violations of EU law by its Constitutional Tribunal, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_842,(case C-448/23, Commission v Poland, pending); this infringement procedure includes the consideration that the Constitutional Tribunal no longer meets the requirements of an independent and impartial tribunal previously established by law.

presidents of the three highest courts (Council of State, Supreme Court, Court of Audit) are appointed according to the same procedure; proposal by the government and appointment by the President of the Republic. ***ES:*** *The Constitutional Court consists of 12 members appointed by the King; of which four are appointed based on a proposal from Congress by a three-fifths majority of its members; four are proposed by the Senate (Senado), requiring the same majority; two are appointed based on a proposal by the Government, and two based on a proposal from the General Council of the Judiciary.* ***FR:*** *Three members shall be appointed by decision of the President of the Republic, who also appoints the President of the Council. Three members are appointed by the President of the National Assembly and three by the President of the Senate. The former Presidents of the Republic are also members for life of the Constitutional Council.* ***IT:*** *The Constitutional Court consists of 15 judges, one-third of whom are appointed by Parliament (meeting in joint session), one-third are appointed by the President of the Republic (who does not have direct executive powers), one-third by supreme courts.* ***LV:*** *The Constitutional Court is comprised of seven Judges, who are confirmed into office by the majority vote of the Saeima – with at least 51 votes. Three Judges are confirmed upon the proposal by at least ten members of the Saeima, two upon the proposal by the Cabinet of Ministers, and two upon the proposal of the Plenary Session of the Supreme Court. The Plenary Session of the Supreme Court selects from among the judges of the Republic of Latvia.* ***LT:*** *The Constitutional Court consists of nine justices appointed for a nine-year unrenewable term of office. Parliament appoints the judges from the candidates nominated by the President of the Republic of Lithuania, the Speaker of the Parliament, and the President of the Supreme Court.* ***LU:*** *The Constitutional Court is composed of the President of the Superior Court of Justice, of the President of the Administrative Court, two advisors to the Court of Cassation, and of five magistrates appointed by the Grand Duke, on the joint opinion of the Superior Court of Justice and the Administrative Court.* ***HU:*** *All 15 members of the Constitutional Court are elected by Parliament voting with a two-thirds majority, upon proposal of a parliamentary committee.* ***MT:*** *The Constitutional Court is comprised of three judges, appointed by the President, acting in accordance with the recommendation made by the Judicial Appointments Committee.* ***NL:*** *A Committee of Supreme Court judges draws up a list of six candidates and submits this to the House of Representatives, which selects and ranks three candidates and invites only the person ranked first for an interview. The selected candidate is then nominated by the Minister of Justice for appointment.* ***AT:*** *The Constitutional Court consists of 12 judges, the President and Vice-President. 6 judges, the President and Vice-President are appointed by the President of the Republic upon a proposal from the Government. Three judges each are appointed by the President upon a proposal from the Nationalrat (lower chamber of Parliament) and the Bundesrat (upper chamber of Parliament representing the regions) respectively.* ***PL:*** *The Constitutional Court consists of 15 judges who are proposed and appointed by the Sejm (lower chamber of the Parliament); according to statutory legislation, the President of the Republic receives an oath from office from the appointed judges but, as ruled by the Constitutional Court, the President of the Republic has no discretion in that respect and must receive the oath without undue delay.* ***PT:*** *The Constitutional Court is composed of 13 judges, 10 of which are selected and appointed by Parliament, and the remaining 3 judges are co-opted by the judges appointed by Parliament. The judges appointed by Parliament prepare a list of candidates and select the remaining three judges, through suffrage by secret ballot.* ***RO:*** *The Constitutional Court consists of nine members serving nine-year terms which cannot be extended, with three members each appointed by the President, the Senate and the Chamber of Deputies. Three members are renewed every 3 years.* ***SK:*** *The Constitutional Court consists of 13 judges appointed for 12 years. The judges are appointed by the President of the Slovak Republic, on the proposal of the SK Parliament.* ***FI:*** *For both the Supreme Court and the Supreme Administrative Court the appointing authority is the President of the Republic, with no nomination phase.* ***SE:*** *All permanent judges are appointed by the Government for an indefinite period of time upon recommendation by the Judges Proposals Board. The procedure is the same for the courts of first instance, the courts of appeal and the Supreme Courts.*

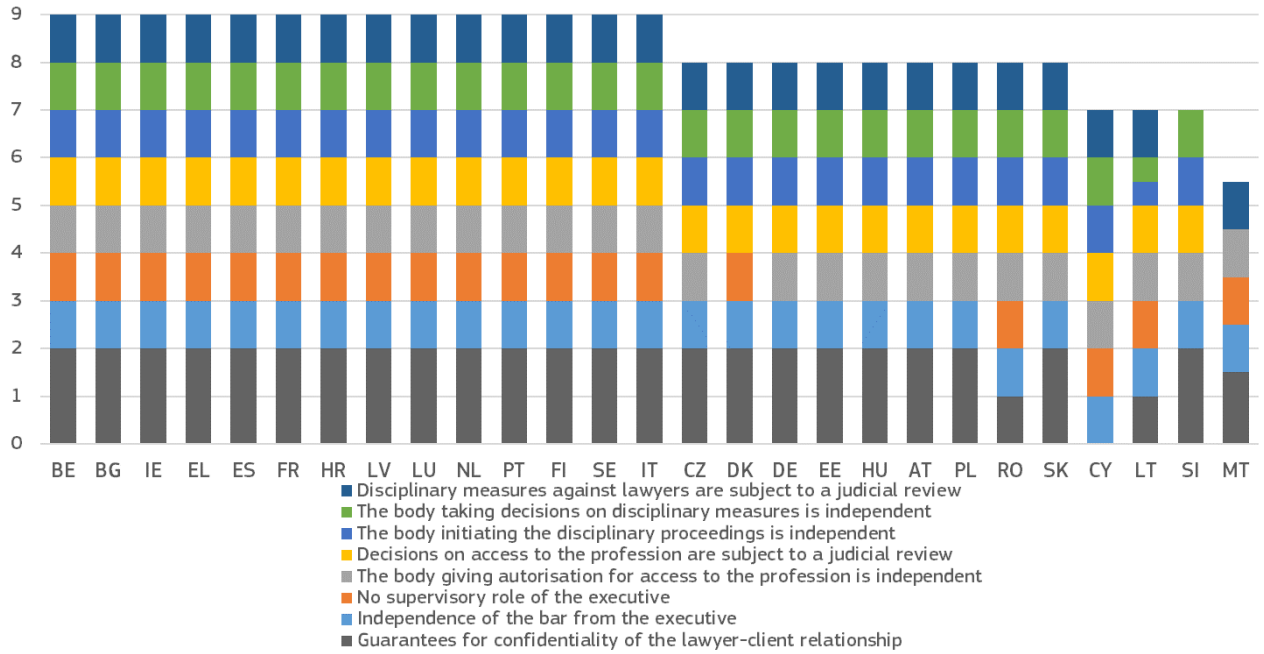
– Independence of bars and lawyers in the EU –

Lawyers and their professional associations play a fundamental role in ensuring the protection of fundamental rights and the rule of law ([160]). A fair system of administering justice requires that

[160] 'Lawyers play an important role in protecting the rule of law and judicial independence, while respecting the separation of powers and fundamental rights.', '*Access to a lawyer and rule of law*', Presidency discussion paper

lawyers be free to pursue their activities of advising and representing their clients. Lawyers' membership of a liberal profession and the authority deriving from that membership helps maintain their independence, and bar associations play an important role in helping to ensure lawyers' independence. European standards set out the freedom of exercise of the profession of a lawyer and the independence of bar associations. These standards also set out the basic principles for disciplinary proceedings against lawyers ([161]).

Figure 67: Independence of Bars and lawyers, 2023 (*) *(source: European Commission with the CCBE ([162]))*



(*) Based on the survey results, Member States could score a maximum of 9 points. The survey was conducted at the beginning of 2023. For the question on guarantees of the confidentiality of the lawyer/client relationship, 0.5 points were awarded for each scenario fully covered (search and seizure of e-data held by the lawyer, search of the lawyer's premises, interception of lawyer/client communication, surveillance of the lawyer or their premises, tax audit of the law firm and other administrative checks). For all other criteria fully met, 1 point was awarded. No points were awarded if the criterion was not met. ***MT:*** *2020 replies, adapted to the new methodology.* ***EE:*** *The Ministry of Justice has broad supervisory powers over the organisation of the legal aid system.* ***LT:*** *According to the Law on the Bar, disciplinary action against lawyers can be taken by the Bar Council. However, it also lays down that the Minister of Justice also has such a right. If the Minister of Justice decides to initiate disciplinary action against a lawyer, the Bar has no say in such proceedings, and the case goes directly to the Disciplinary Court. The Disciplinary Court consists of five lawyers, who are members of the Bar. Three of the five are elected by the General Assembly of the Bar, and another two are appointed by the Minister of Justice.* ***PL:*** *The Ministry of Justice has a supervisory role over the Bar, organising bar examinations and setting the amount of minimal legal fees (following non-mandatory opinion of the Supreme Bar Council).* ***SI****: Disciplinary proceedings are conducted exclusively within the Bar Association itself. An appeal is possible against the decision of the Disciplinary Committee of the first instance, which is considered by the Disciplinary Committee of the second instance. There is no possibility of appeal against the decisions of the Disciplinary Committee of the second instance. This is determined in Article 65 of the Attorneys Act: 'The decisions of the disciplinary bodies of the Bar Association shall be enforceable.';* ***SK****: Primarily, it is the independent Supervision Committee of the Slovak Bar Association that files a petition based on the complaint. However, the Minister of Justice may also initiate a disciplinary proceeding if 'a lawyer performed an action which might be viewed as a professional misconduct under the legal rules which were in force so far, the Chair of the Supervision Committee or the Minister of Justice (acting in their capacity of a petitioner) may submit an application for the commencement of the disciplinary proceeding under this Act to the appropriate Bar´s governing body within the time limit which applied to commencement of the disciplinary proceeding under the legal rule which was in force so far.'* ***FI:*** *The Bar Association is under the supervision of the Chancellor of Justice as public authority. The Chancellor has supervisory authority over attorneys as regulated in the Advocates Act.*

for the meeting of the Justice and Home Affairs Council on 3 and 4 March 2022: https://data.consilium.europa.eu/doc/document/ST-6319-2022-INIT/en/pdf.

[161] Recommendation No. R(2000)21 of the Committee of Ministers of the Council of Europe.

[162] The 2023 data is collected through replies by CCBE members to a questionnaire.

3.3.3. Summary on judicial independence

Judicial independence is an essential element of the right to an effective remedy before a court or tribunal, as enshrined in Article 47 of the Charter of Fundamental Rights of the EU, and indispensable for ensuring effective judicial protection, as required under Article 19 of the Treaty on European Union. It is a fundamental element of an effective justice system and essential for upholding the rule of law. It is vital for ensuring the fairness of judicial proceedings and the trust of the public and businesses in the legal system. The national judicial systems must therefore fully respect the requirements as regards judicial independence following from EU law as interpreted by the Court of Justice of the EU and take due account of European standards on judicial independence. The 2024 Scoreboard shows trends in the general public's and companies' perceptions of judicial independence. This edition also presents some new indicators on appointment of court presidents and authorities involved in the appointment of national prosecutors, on dismissal of Prosecutors General, on bodies involved in the verification of asset declarations, and on the appointment of members of highest instances that exercise constitutional jurisdictions. The structural indicators do not in themselves allow for conclusions to be drawn about the independence of the judiciaries of the Member States, but represent possible elements which may be taken as a starting point for such an analysis.

a) The 2024 Scoreboard presents the developments in **perceived independence** from surveys of the general public (Eurobarometer FL540) and companies (Eurobarometer FL541):
    - The eighth Eurobarometer survey among the general public (Figure 51) shows that the perception of independence has *improved* or remained stable in 19 Member States when compared to 2016, including 4 of the Members States facing specific challenges. Compared to last year, the general public's perception of independence *improved* or remained stable in 17 Member States as well as 6 of the Members States facing specific challenges, although in two of those Member States facing challenges[163], the level of perceived independence remains particularly low.
    - The eighth Eurobarometer survey among the companies (Figure 53) shows that the perception of independence has *improved* or remained stable in 19 Member States when compared to 2016, including 5 of the Members States facing specific challenges. Compared to last year, the companies' perception of independence improved or remained stable in 18 Member States and in 7 Members States facing specific challenges. In two Member States, the level of perceived independence remains particularly low.
    - Among the reasons for the perceived lack of independence of courts and judges, *interference or pressure from government and politicians* was the most often stated reason, followed by *pressure from economic or other specific interests*. Compared to previous years, both reasons remain notable for the three Member States where perceived independence is very low (Figures 52 and 54).
    - Among the reasons for good perception of independence of courts and judges,

[163] See footnote 22.

40% and 39% of all respondents among the general public and companies, respectively, named the *guarantees provided by the status and position of judges* as the main reason for their answer.

b) Since 2022, the EU Justice Scoreboard has presented the results of a Eurobarometer survey on how companies perceive the **effectiveness of investment protection by the law and courts** as regards, in their view, unjustified decisions or inaction by the State (Figure 55). Administrative conduct, stability and quality of the law-making process, as well as effectiveness of courts and property protection still remain key factors of comparable significance for confidence in investment protection (Figure 56). Compared to last year, confidence in investment protection improved in 13 Member States.

c) Figure 57 presents an updated overview of the composition of Councils for the Judiciary in countries where such bodies exist.

d) Figures 58 and 59 present the situation regarding the appointment of court presidents in all Member States. Figure 58 shows the authorities proposing candidates for their appointment as court presidents and the authorities that appoint them. Figure 59 presents the competences of the executive power and parliament in appointing court presidents upon submission from the proposing authorities.

e) For the second time, the EU Justice Scoreboard presents a series of indicators dedicated to anti-corruption. The publication shows a comparative view of the material (Figure 60) and personal (Figure 61) scope of asset declarations in Member States, and the availability of verification, transparency and sanctions mechanisms (Figure 62).

f) Figures 63 and 64 present the situation regarding the appointment of prosecutors in Member States. Figure 63 shows the authorities proposing candidates for their appointment as national prosecutors and the authorities that appoint them. Figure 64 presents the competences of the executive power or the Prosecutor General in appointing national prosecutors upon submission from the proposing authorities.

g) Figure 65 presents, for the first time, the authorities involved in the dismissal of Prosecutors General.

h) Introduced for the first time in this edition of the Scoreboard, Figure 66 presents an initial overview of the authorities involved in proposing and appointing members of the highest instance court exercising constitutional jurisdiction.

i) Figure 67 shows that, although in nine Member States the executive plays some supervisory role as regards the Bar, the independence of lawyers is generally ensured, allowing lawyers to freely pursue their activities of advising and representing their clients.

4. CONCLUSIONS

The 2024 EU Justice Scoreboard presents a wide-ranging picture of the effectiveness of justice systems in the Member States. It shows that efforts to improve the efficiency, quality and independence of the justice systems are underway in many jurisdictions. However, challenges remain to ensure the public's full trust in the legal systems of all Member States. The information in the EU Justice Scoreboard contributes to the monitoring carried out in the framework of the European Rule of Law Cycle and feeds into the Commission's annual Rule of Law report.