



## EUROPEAN COMMISSION

*Brussels, 1.9.2016  
C(2016) 5590 final*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion concerning the 2016 EU Justice Scoreboard {COM(2016) 199 final}.*

*The Commission welcomes the particular attention paid by the Bundesrat to the EU Justice Scoreboard and appreciates its specific comments. The Commission will take into consideration the comments expressed by the Bundesrat in its Opinion.*

*The Commission recalls that the EU Justice Scoreboard is an information tool assisting Member States to improve, where necessary, the effectiveness of their justice system. At a time when a number of Member States are taking measures to adapt or reform their justice systems, the EU Justice Scoreboard helps them to learn from each other. The Commission is fully aware that the national judicial systems are different between Member States. However, whatever the model of the national justice system or the legal tradition in which it is anchored, independence, timeliness, affordability and user-friendly access are some of the essential parameters of an effective justice system.*

*The Commission also recalls that the comparative overview provided by the Scoreboard is complemented by deeper country-specific assessments, carried out in bilateral dialogue with national authorities in the context of the European Semester. These country-specific assessments make it possible to take into account the particularities of a legal system and the context of the concerned Member State.*

*The Commission is pleased to note that the Bundesrat welcomes the increased number of comments on the graphs used in the Scoreboard.*

*In response to the more technical comments in the Opinion the Commission would like to refer to the attached annex.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Bundesrat and looks forward to continuing the dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans*

*First Vice President*

*Mr Stanislaw TILLICH  
President of the Bundesrat  
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## ANNEX

*The Commission welcomes the assessment that the Bundesrat has carried out into this important subject. Whilst the Commission does not necessarily share all conclusions drawn in the Opinion, the detailed work that the Bundesrat has undertaken constitutes an important contribution to the open dialogue that is envisaged with the EU Justice Scoreboard.*

*As regards the points to which the Bundesrat has drawn the Commission's particular attention, the Commission would like to make the following comments:*

*With regard to the comparability of administrative cases in Member States (figures 6, 7, 9, 12), the Bundesrat views that these should be regarded with a major reservation. The Commission would like to recall that the data used for these figures have been provided by Member States to the Commission for Evaluation of the Efficiency of Justice (CEPEJ). Before transmitting them to the Commission, CEPEJ verified them using a widely recognised methodology.*

*The same applies to the concerns expressed in relation to section 3.1.3 of the 2016 EU Justice Scoreboard, including figure 12. The fact that the number of pending cases influences the length of proceedings results from the method of calculation used by CEPEJ (the disposition time is the number of unresolved cases divided by the number of resolved cases at the end of the year multiplied by 365 days).*

*As regards legal aid, the Bundesrat criticises that the data are presented in a contracted form without showing the system of existing advisory services. The Commission is ready to explore how far additional data could be shown in the EU Justice Scoreboard covering existing pre-proceedings advisory services. It would, however, like to draw the Bundesrat's attention to the accompanying text for figure 20 which stresses the complexity of legal aid systems in Member States. Figure 20 is therefore based on a concrete case scenario in order to provide a comparative overview.*

*The Commission welcomes that the Bundesrat agrees on the fact that data shown in the EU Justice Scoreboard should primarily be seen as indicators. With a view to the "quality of judicial systems" it should be noted that the EU Justice Scoreboard focusses on certain factors which are generally accepted as relevant in this context, as reflected by the "CEPEJ checklist for promoting the quality of justice and courts" (see footnote 36 of the 2016 EU Justice Scoreboard).*

*As regards figure 1, the Commission confirms that it only shows legislative activity and that other figures do not provide a basis for a qualitative evaluation of the reforms referred to. The text below figure 1 makes clear that there has not been any qualitative evaluation. The qualitative assessment of the reforms is presented, where relevant, in the country reports published in the context of the European Semester<sup>1</sup>. These reports are based on a specific assessment which takes into account the particularities of the legal system and the context of the concerned Member State. Figure 1 facilitates the exchange*

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<sup>1</sup> [http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index\\_en.htm](http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index_en.htm)

*of information between Member States by presenting a factual overview of "who does what" in terms of justice reform.*

*In relation to the Bundesrat's demand to return to an alphabetical order in figures 14, 16 and 17, the Commission takes the view that the data are sufficiently robust for being presented according to the average length. This is based on the increased data pool over the years in the concerned specific areas of law.*

*The Bundesrat is critical with regard to figures 34, 35, 37 and 38, as they would only provide superficial information. The Commission considers that these figures are useful in order to have an overview on how far institutions and instruments which could improve the quality of justice systems are in place. It may be recalled that in its opinion last year the Bundesrat had criticised the figures on training data as not being sufficiently broad. This year, the Commission added figures to take account of that concern. With regard to the specific constitutional concerns on specialised court staff for quality and postponed cases in figure 38, the Commission is open to add a corresponding comment for Germany if raised in CEPEJ.*

*The Commission welcomes that the Bundesrat is satisfied with the type of presentation in figure 42 which is a new one in the 2016 edition developed in cooperation with the group of contact persons.*

*Finally, the Commission recalls that the EU Justice Scoreboard uses different sources of information which are subject to their own quality and validation processes. Most of the data are provided by the relevant national authorities, either by the ministries of justice or by the judiciaries themselves (e.g. supreme courts or the council for the judiciary). These validation processes should not be duplicated in order to avoid confusion, inconsistencies or suspicion about the objectivity of data.*