



EUROPEAN COMMISSION

*Brussels, 5.3.2019  
C(2019) 1557 final*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion concerning the Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions The 2018 EU Justice Scoreboard {COM(2018) 364 final}.*

*The Commission welcomes that the Bundesrat continues to pay attention to the Justice Scoreboard and appreciates its specific comments. The Commission is pleased to note that the Bundesrat continues to share the Commission's view that an effective justice system is an important prerequisite for the rule of law and legal certainty in the European Union.*

*Improving the effectiveness of justice systems is crucial for the respect of the rule of law. In times where the rule of law has come under threat in some Member States, support from the Bundesrat in this context is particularly important.*

*The Commission appreciates the concrete proposals by the Bundesrat, which aim at improving the user-friendliness and readability of the Scoreboard. The Scoreboard is an evolving tool and the Commission is constantly striving to enhance its quality.*

*As regards the proposal to collect data on a two-yearly basis only and to align the exercise with the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ), the Commission would like to recall that the Justice Scoreboard feeds into the Union's cycle of economic policy coordination, the "European Semester". This cycle is annual and therefore every year the Commission and the Council decide on the need to address up-to-date and tailor-made country specific recommendations to the Member States. That is why an annual data collection is indispensable.*

*Herrn Daniel GÜNTHER  
Präsident des Deutschen Bundesrates  
Leipziger Straße 3 – 4  
10117 Berlin  
Deutschland*

*In response to the more technical comments in the Opinion, the Commission would like to refer the Bundesrat 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*

*Věra Jourová  
Member of the Commission*

## Annex

*The Commission welcomes the assessment of the 2018 EU Justice Scoreboard carried out by the Bundesrat. The detailed work that the Bundesrat has undertaken constitutes an important contribution to the open dialogue with Member States on the improvement of national justice systems, which is one of the objectives of the 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:*

*The Bundesrat is of the opinion that the EU Justice Scoreboard should concentrate more on certain key issues. The issues selected should depend on whether they are of key importance for maintaining the rule of law and the efficiency of Member States' justice systems and whether all Member States are able to contribute valid data on these issues. The Bundesrat takes the view that given the differences between national justice systems, ranking seems to be neither possible nor practical. The Commission would like to recall that in its view the effectiveness of justice systems is composed of three main elements: the efficiency and the quality of the justice systems as well as the independence of the judiciary. Consequently, the Scoreboard aims at providing comparable valid data on indicators related to all three elements, and ranking is used only in specific graphs with comparable data such as disposition times. A ranking may seem to be less important for those countries that usually perform well. However, for those Member States that meet challenges in their justice systems, these rankings within specific graphs may help to identify concrete needs.*

*As regards the Bundesrat's critical approach in view of further extending the Justice Scoreboard in the area of criminal justice, the Commission is aware of the sensitivity of this issue. It would like to recall, however, that the effectiveness of national justice systems is key for the implementation of Union law. This is equally valid for civil law resulting from Union law as it is for criminal law or any other area of law following from Union law. It is therefore equally important for Member States and the Commission to know whether Member States meet challenges as regards their justice system, be it in relation to civil law or criminal law. In addition, data on the functioning of the criminal justice are very relevant for a good investment and business environment. The effective fight against money laundering, for example, is crucial in protecting the financial system and fair competition.*

*The Bundesrat is in favour of coordinating data queries for the EU Justice Scoreboard with the Council of Europe's Commission for the Efficiency of Justice (CEPEJ), so that in future it will be sufficient to answer a questionnaire every two years. It also considers it appropriate to send the data collection questionnaire in all official Union languages in order to ensure that replies are consistent. The Commission would like to recall the link of the EU Justice Scoreboard with the annual cycle of economic policy coordination as referred to above. In addition, the Commission would like to reiterate that the EU Justice Scoreboard uses various sources of information. While large parts of quantitative data are provided by the Council of Europe's Commission for the Efficiency of Justice, many*

*data come from other sources. Therefore various and specific questionnaires are needed depending on the relevant data source. The Commission is aware of the workload caused by filling in the questionnaires and it takes this opportunity to thank the Länder for their valuable contribution to this important exercise. By distributing this task to various sources, the Commission aims to reduce the workload for each individual source. The methodology for the Scoreboard has been further developed in close cooperation with the group of contact persons on national justice systems. The Commission is looking forward to continuing this cooperation, including with the objective to reduce the work based on the questionnaires. The Commission is of the opinion that the current language regime contributes to the consistency of the replies.*