



## EUROPEAN COMMISSION

Brussels, 29.9.2022  
C(2022) 7014 final

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on 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 2022 EU Justice Scoreboard {COM(2022) 234 final}.*

*The Commission welcomes the continued attention paid by the Bundesrat to the EU Justice Scoreboard and appreciates the concrete comments expressed in its Opinion. In particular, the Commission values the Bundesrat's continued support for the Commission's view that independent, high-quality and efficient justice systems are indispensable for the rule of law. Upholding the rule of law is essential to guarantee our fundamental rights and values. It is also necessary to ensure the uniform application of European Union law, and to support an investment-friendly business environment.*

*Furthermore, the Commission welcomes the support expressed by the Bundesrat for the Commission's work in the context of the annual Rule of Law Report and the Regulation on a general regime of conditionality for the protection of the Union budget. The Commission fully agrees that it is of utmost importance to have a thorough evidence base for both instruments and that the EU Justice Scoreboard plays a pivotal role in this context.*

*The Commission recognises the concrete proposals from the Bundesrat aimed at further improving the clarity, completeness, and legibility of the EU Justice Scoreboard. The EU Justice Scoreboard is an evolving tool, and the Commission is continuously working towards improving it. As the Bundesrat recognises in its Opinion, progress in this regard has already been made, with the replacement of a number of graphs on structural independence with new graphs in this year's edition. The Commission is grateful for the very close collaboration with Member States, including as regards the data collection, which is at the foundation of the EU Justice Scoreboard, and is committed to continue this cooperation.*

*Bodo Ramelow  
Präsident des Deutschen Bundesrates  
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*In response to the more technical comments, 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 political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

*Didier Reynders  
Member of the Commission*

## Annex

*The Commission welcomes the detailed comments provided by the Bundesrat on the 2022 EU Justice Scoreboard. The continued work by the Bundesrat provides an important contribution to the ongoing dialogue with Member States on the avenues to improve the national justice systems. Stimulating such dialogue is one of the key objectives of the EU Justice Scoreboard. Concerning the concrete elements pointed out by the Bundesrat, the Commission would like to make the following remarks.*

*The Bundesrat recalls that it considers the EU Justice Scoreboard to be too complex, highlighting especially the slightly increased number of charts, lengthy footnotes, and overly complex charts. The Commission welcomes the proposals of the Bundesrat to help further improve the EU Justice Scoreboard's readability. However, the Commission would like to stress that the footnotes precisely serve to complement the charts and provide additional explanations, thereby allowing to better reflect the specificities of national justice systems. These footnotes are closely coordinated with the Member States' authorities, either with members of the group of contact persons on national justice systems or the representatives of the judicial authorities, depending on the data source, to best present the different national situations, while at the same time ensuring that the charts themselves remain readable and clear. The Commission is committed to continue this close cooperation with Member States as part of the continuous efforts to improve the EU Justice Scoreboard.*

*The Bundesrat considers that further streamlining of the EU Justice Scoreboard is possible (citing figure 1 as an example). The Commission would firstly like to recall that the EU Justice Scoreboard aims to provide comparable data on the three key parameters of effective justice systems: efficiency, quality and independence. As regards figure 1 specifically, it does not aim at evaluating the quality of the measures adopted or announced. Rather, it only intends to give a factual overview of the reform activity. The qualitative assessment of justice-related reforms proposed or undertaken by a Member State are contained in the country chapters of the Rule of Law Report, which should be seen as complementary to the EU Justice Scoreboard.*

*The Commission agrees with the Bundesrat that the availability of valid, comparable data is an important aspect to consider when developing the questionnaires for the EU Justice Scoreboard, especially, as pointed out by the Opinion, because this data feeds into the country-specific assessment in the context of the European Semester. As regards the figures on efficiency referred to in the opinion, figures 17, 21 to 24, and their reliance on estimates and samples, the Commission notes that the number of Member States for which there is an estimate or sampling is at most 5 out of 27 Member States. Furthermore, as regards figures 4, 6, 7, 9, 12 and 14 to 16, they are based on data collected through the Council of Europe's Commission for the Efficiency of Justice, based on a methodology developed together with the Member States. This type of data and its presentation were one of the very first charts included in the first EU Justice Scoreboard, ten years ago. Since then, the charts have been continuously improved to show comparable data for all Member States.*

*The Bundesrat recalls its criticism concerning the further extension of the EU Justice Scoreboard in sensitive areas like criminal justice, in particular referencing the charts concerning money-laundering proceedings, independence of public prosecutor's offices and the charts on digitalisation of justice related to criminal justice (in figures 42 to 45, 47 to 49). The Commission is fully aware of the sensitivity of this topic. However, it would like to recall that the effectiveness of national justice systems is key for the implementation of European Union law. This applies equally for civil law as it does for criminal law or any other area of law following from European Union law. Data on the functioning of the criminal justice system are also very relevant for assessing the investment and business environment. For example, the effective fight against money laundering is crucial in protecting the financial system and ensuring fair competition. 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.*

*The Bundesrat is further in favour of organising the data collection for the EU Justice Scoreboard in a cycle of two years or more. The Commission is fully aware of the workload caused by responding to the questionnaires and would like to take this opportunity to thank the Länder for their valuable contribution to this important exercise. The Commission would at the same time like to recall that the EU Justice Scoreboard is an important source for the Rule of Law Report, published on an annual basis. Moreover, as mentioned in the Opinion, the comparative data also feed the analysis in the context of the European Semester, the European Union's annual cycle of economic policy coordination, and the analysis in the framework of funds dispersed under the Recovery and Resilience Facility. For these reasons, annual data collection is indispensable. By distributing questionnaires to various sources, the Commission furthermore is making efforts to reduce the workload for each individual source. This aims to ensure that the EU Justice Scoreboard does not constitute an undue burden for the judiciary. The Commission is looking forward to continuing its close cooperation with the group of contact persons on national justice systems to further develop the EU Justice Scoreboard, including with the goal of further decreasing the workload in replying to the questionnaires.*