

Tuesday 4 February 2014

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EU Justice Scoreboard

European Parliament resolution of 4 February 2014 on the EU Justice Scoreboard — civil and administrative justice in the Member States (2013/2117(INI))

(2017/C 093/06)

The European Parliament,

- having regard to 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 of 27 March 2013 entitled 'The EU Justice Scoreboard — A tool to promote effective justice and growth' (COM(2013)0160),
 - having regard to the biannual evaluation reports on European judicial systems drawn up by the Council of Europe's Commission for the Efficiency of Justice (CEPEJ);
 - having regard to Rules 48 and 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0442/2013),
- A. whereas the Commission has issued the EU Justice Scoreboard, which is a comparative, non-binding tool aiming to assess the effectiveness of national justice systems, with the goal of better defining justice policies and with its scope focusing on the parameters of justice systems which contribute to improving the business and investment climate in the Union;
- B. whereas the EU Justice Scoreboard compares national justice systems using particular indicators, but does not present an overall ranking of national justice systems;
- C. whereas the 2013 Justice Scoreboard focuses exclusively on civil, commercial and administrative justice;
- D. whereas a non-binding comparative exercise has the merits of identifying improvements and backward steps, and of striving towards the exchange of best practices across the Union while leaving the autonomy of national legal and judicial systems untouched;
1. Takes note of the EU Justice Scoreboard with great interest; calls on the Commission to take this exercise forward in accordance with the Treaties and in consultation with the Member States, while bearing in mind the need to avoid unnecessary duplication of work with other bodies;
 2. Supports the aim of the exchange of best practices with a view to ensuring an efficient and independent justice system that can contribute to economic growth in Europe and boost competitiveness; stresses that an effective and trustworthy justice system gives businesses incentives to develop and invest at national and cross-border level;
 3. Notes the importance of judicial benchmarking for cross-border mutual trust, for effective cooperation between justice institutions and for the creation of a common judicial area and a European judicial culture;
 4. Believes that any comparison of national justice systems, especially in relation to their previous situation, must be based on objective criteria and on evidence which is objectively compiled, compared and analysed; points out the importance of assessing the functioning of justice systems as a whole, without separating them from the social, historical and economic situation of the Member States or from the constitutional traditions that they stem from; stresses the importance of treating Member States impartially, thus ensuring equality of treatment between all Member States when assessing their justice systems;
 5. Calls on the Commission to discuss the proposed method at an early date, in a transparent procedure involving the Member States;
 6. Points out that benchmarks must be set before information on national justice systems is gathered in order to develop a common understanding of methodology and indicators;

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7. Lauds the efforts of the Commission to provide measurable data; points out, however, that certain goals, such as the quality and the impartiality of justice, are very difficult to measure objectively;
 8. Notes that the effectiveness of the justice system cannot be measured using statistically quantifiable parameters alone, but should also take into account structural peculiarities and differing social traditions in the Member States; calls, in this respect, on the Commission to take into greater consideration in future the differences between national judicial systems when gathering data and setting benchmarks;
 9. Calls on the Commission, in the field of company law, to give equal consideration to both the monistic and dualistic systems;
 10. Calls on the Member States to examine the results of the 2013 Justice Scoreboard closely and to determine whether any consequences need to be drawn therefrom for the organisation and progress of their respective civil, commercial and administrative justice systems;
 11. Encourages the Member States to collect relevant data on issues such as the cost of proceedings, mediation cases and enforcement procedures; regrets that no data have been provided by some Member States for certain categories indicated in the Justice Scoreboard; believes, however, that the Commission should have drawn a distinction between those instances where data was not available and those where indicators were not relevant or applicable to individual Member States;
 12. Calls on the Commission and the Member States to encourage mutual understanding and cooperation between national judicial systems, including by means of networks of contact judges;
 13. Calls for greater importance to be given to training programmes for judges, court staff and other legal practitioners, especially in the fields of European and comparative law; stresses the need for language training to be an essential component of law studies;
 14. States its interest in receiving data on cross-border cases, which often involve a greater degree of complexity than purely domestic cases and demonstrate the obstacles that EU citizens face when exercising their rights deriving from the EU single market, particularly in the application of EU law;
 15. Points to the importance of alternative dispute resolution in reducing the burden on court systems and saving money for all stakeholders;
 16. Asks the Commission to consider cross-border mediation procedures in its next exercise of this kind; encourages Member States to actively promote mediation procedures with special regard to commercial matters and to family matters regulated at EU level (as in the cases of Rome III and Brussels II);
 17. Stresses that there are major disparities between Member States in the development of ICT systems; points out that the use of new technologies can effectively contribute to reducing costs and speeding up judicial procedures, in particular through the use of computerised applications and case management and communication tools;
 18. Points out that small claims procedures and undisputed claims can be dealt with more quickly using ICT tools;
 19. Underlines the role of the CEPEJ in gathering and presenting the relevant data at both national and regional level; considers that the EU institutions should seek to cooperate with the CEPEJ, as it provides an excellent basis for the exchange of best practices, and duplication needs to be avoided;
 20. Recalls the leading role of the European Judicial Network in civil and commercial matters, as well as of the e-Justice Portal, in facilitating access to knowledge on European and national civil and commercial law for EU citizens;
 21. Instructs its President to forward this resolution to the Council, the Commission and the Member States.
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