

Strengthening Justice Effectiveness in the EU Member States:

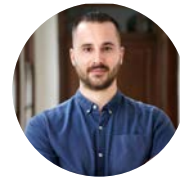
Measuring quality and perceptions leading to better administration

Abstract

This policy paper highlights the critical importance of effective judicial systems in EU member states in fostering economic growth and public trust. The EU Justice Scoreboard reveals significant disparities and weaknesses, including perceived judicial independence issues, governmental interference and pressure from economic interests. Inefficiencies in case resolution are exacerbated by inadequate digital infrastructure and frequent legal framework changes which hinder access to justice. Additionally, the uneven distribution of judges and lawyers contributes to processing bottlenecks. Public and business perceptions reflect growing concerns regarding judicial effectiveness, further eroding confidence in the legal system. Legislative quality issues, marked by frequent amendments, diminish stability and investor confidence. To address these challenges, targeted reforms are essential to strengthen the justice systems, enhance efficiency, and ensure a reliable legal environment that can attract investment and promote social trust in the judiciary.



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Introduction

The European Union’s commitment to the rule of law and its foundational values is a cornerstone of its identity and essential for the effective implementation of EU law. Effective justice systems are vital in this regard, as they ensure that individuals and businesses can fully exercise their rights, strengthen mutual trust, and contribute to a citizen, business, and investment-friendly environment.¹ When policymakers discuss the importance of the rule of law and effective judicial systems specifically, they often emphasize how these elements safeguard and promote economic freedom, growth, and prosperity—a relationship well supported by empirical evidence.² Confidence in the legal system and the successful resolution of business disputes form a strong foundation for increasing investment, innovation, and the reinforcement of the rule of law.³

The EU Justice Scoreboard is a key source of information, offering hard data and survey results on the efficiency, quality, and independence of justice systems

The European Union’s definition of good governance emphasizes several key elements crucial to justice systems: openness, participation, accountability, effectiveness, and coherence.⁴ These principles are essential for nurturing trust in justice and the legitimacy of legal authorities, both of which are becoming increasingly important in debates about criminal justice across Europe. Additionally, the justice sector must evolve

to meet the changing needs of citizens and businesses, requiring a more innovative approach that focuses on developing better and more effective justice solutions and ensuring that they are embraced and valued by all stakeholders.

The EU Justice Scoreboard⁵ is a key source of information, offering hard data

- 1 Hough, M., Jackson, J., & Bradford, B. (n.d.). Legitimacy, trust and compliance: An empirical test of procedural justice theory using the European Social Survey. In J. Tankebe & A. Liebling (Eds.), *Legitimacy and criminal justice: An international exploration* (pp. [insert page range]). Oxford University Press.
- 2 Esposito, G., Lanau, S., & Pompe, S. (2014). *Judicial system reform in Italy: A key to growth* (IMF Working Paper No. 14/32). International Monetary Fund; Dam, K. W. (2006). *The judiciary and economic development* (John M. Olin Law & Economics Working Paper No. 287, Second Series). University of Chicago Law School; World Bank. (2004). *World development report 2005: A better investment climate for everyone*. Oxford University Press; Pistor, K., Raiser, M., & Gelfer, S. (2000). Law and finance in transition economies. *Economics of Transition*, 8(2), 325–368.
- 3 Kalliris, K., & Alysandratos, T. (2017). *Accelerating the delivery of justice vs. bureaucratic resistance to reform*. The European Liberal Forum (ELF) & The Center for Liberal Studies - Markos Dragoumis (KEFIM).
- 4 Kardos, M. (2012). The reflection of good governance in sustainable development strategies. *Procedia - Social and Behavioral Sciences*, 58, 1166-1173. <https://doi.org/10.1016/j.sbspro.2012.09.1098>
- 5 European Commission. (2024). [The EU Justice Scoreboard](#). Luxembourg: Publications Office of the European Union. European Union.

and survey results on the efficiency, quality, and independence of justice systems in EU Member States, as well as country-specific assessments. On the one hand, a poorly functioning justice system can significantly hinder growth and investment.⁶ On the other, the confidence of citizens and businesses in one of the state's most fundamental institutions is crucial for ensuring stability and efficiency in the application of the rule of law.⁷ The perceptions of citizens and businesses are crucial because they are the ones who transact, operate, invest, and interact with the system. They need to feel that the institutional framework they rely on is secure, stable, and effective.⁸ Thus, strengthening citizens' confidence in the justice system is necessary to boost the economy and achieve sustainable growth.⁹

Basic shortcomings on EU – member states judicial systems

Justice should undoubtedly be administered with the full guarantees of the rule of law. The most important of these are impartiality, independence, well-reasoned and convincing judgments, and efficiency in delivering decisions. Unfortunately, the administration of justice faces challenges in several Member States, with specific dysfunctions undermining citizens' confidence judiciary, court system, and individual judges.

First and foremost, delays in the administration of justice do not meet the standards of a modern conception of the rule of law and may even amount to a denial of justice, regardless of the number of judges appointed, which in some cases is proportionally higher than the EU average.

In the World Bank's Doing Business 2020 survey,¹⁰ EU member states lag in three out of four areas within the "Enforcing Contracts" category compared to the OECD high-income average. EU member states rank lower and score worse in enforcing contracts, while the average time to enforce a contract is significantly higher. The only area where EU member states perform better is in the average cost of a claim as a percentage of its value (Figure 1).

6 Djankov, S., La Porta, R., Lopez-de-Silanes, F., & Shleifer, A. (2003). "Courts." *The Quarterly Journal of Economics*, 118(2), 453-517.

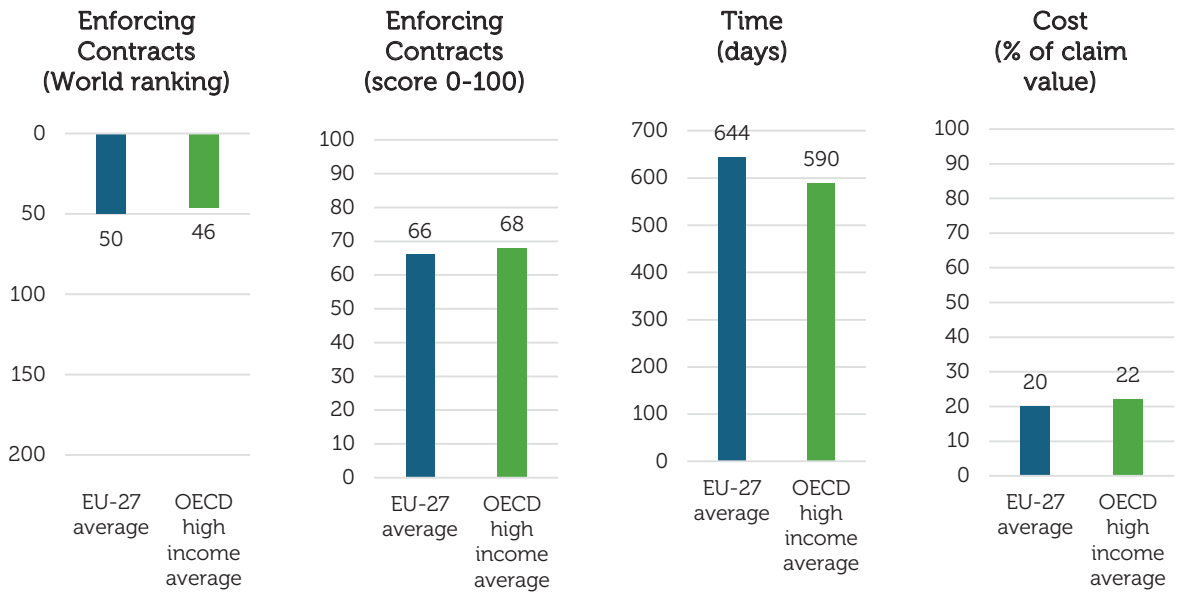
7 La Porta, R., Lopez-de-Silanes, F., Shleifer, A., & Vishny, R. W. (1998). "Law and Finance." *Journal of Political Economy*, 106(6), 1113-1155.

8 North, D. C. (1990). "Institutions, Institutional Change and Economic Performance." Cambridge University Press.

9 Rodrik, D., Subramanian, A., & Trebbi, F. (2004). "Institutions Rule: The Primacy of Institutions over Geography and Integration in Economic Development." *Journal of Economic Growth*, 9(2), 131-165.

10 See related. and Liberopoulos, op. cit., pp. 306-307.

Figure 1. Indicators measuring Enforcing contracts



Source: World Bank, [Doing Business 2020](#).

Another shortcoming in the judicial systems of EU Member States, as highlighted consistently in the Commission’s annual Justice Reports, is the pervasive suspicion of interference or pressure, primarily from the government and politicians and, to a lesser extent, from economic or other interests. In these cases, citizens question the independence of the judiciary, a mistrust that is compounded by a broader distrust of institutions, including the Parliament and political parties.

The EU Justice Scoreboard toolbox

The European Commission’s Justice Scoreboard provides valuable data and clear indicators to highlight shortcomings and assess the efficiency, quality, and independence of national judicial systems in EU Member States. The report presents findings based on both objective indicators (e.g., time taken to resolve court cases) and the perceptions of citizens and businesses regarding the quality of the judicial system (e.g., how independent they consider the judiciary to be from political pressures). The combination of objective and subjective indicators provides a comprehensive picture, reflecting both the actual quality of institutions and how they are perceived by those interacting with them.

In the analysis, we will examine how the state of justice systems in EU Member States is reflected in the latest European Commission report,¹¹ measured by EU averages and with a focus on country-specific details for best and worst per-

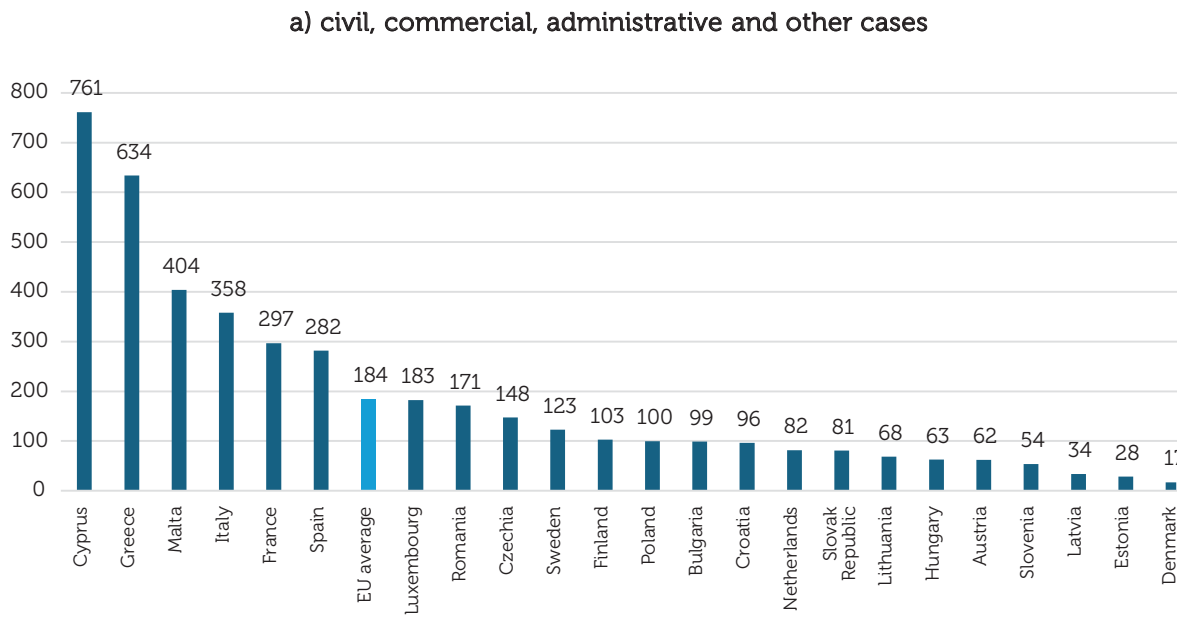
¹¹ European Union (2024), [The 2024 EU Justice Scoreboard](#).

performances. The data for efficiency indicators pertain to 2022, while the public perception polls to 2024.

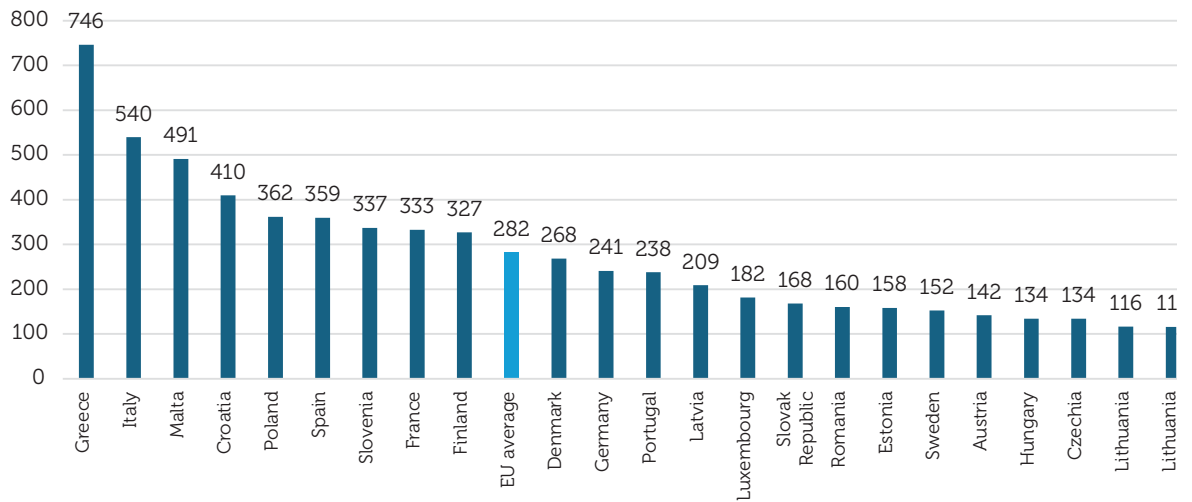
Indicators measuring the efficiency of EU’s judicial systems

The average estimated time to resolve civil, commercial, administrative, and other cases in EU Member States is 184 days or approximately 6 months. While this seems moderate, in Cyprus the estimated time is 761 days (just over 2 years), whereas Denmark has the quickest process, requiring only 17 days (Figure 2a). More specifically, the average estimated time to resolve litigious civil and commercial cases at first instance in the EU is 282 days, but in Greece, this figure rises to 746 days (Figure 2b). For administrative cases at first instance, the EU average is 358 days, while Malta requires 1,081 days. In general, Mediterranean and Balkan countries tend to take years to resolve cases, whereas Nordic and Eastern European countries resolve them in significantly less time. Overall, EU averages are trending towards longer case resolution times.

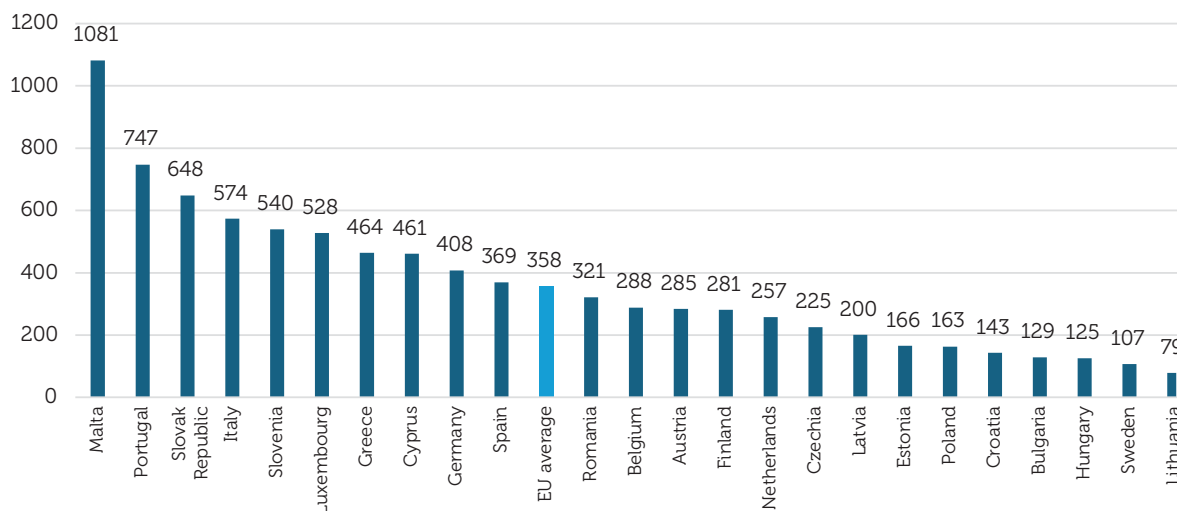
Figure 2. Estimated time needed to resolve:



b) litigious civil and commercial cases at first instance



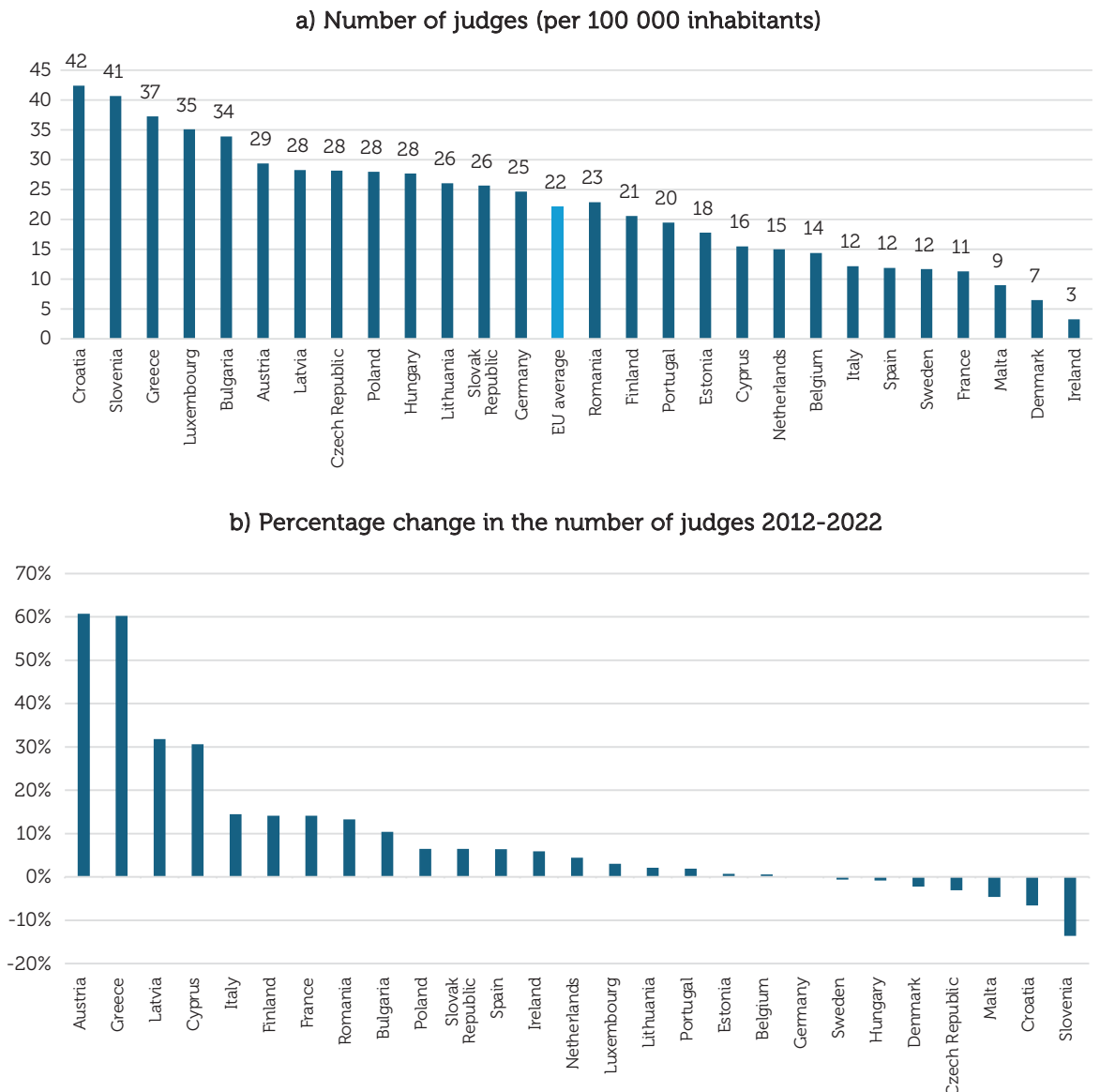
c) administrative cases at first instance



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

Figure 3 illustrates the number of judges across EU member states. On average, EU member states have 22 judges, while Croatia has nearly double that number with 42 judges, and Ireland has significantly fewer with only 3 judges (Figure 3a). Since 2012, Austria and Greece have seen the largest increases in the number of judges, 60%, while Slovenia has experienced a reduction of 13.6% (Figure 3b). The data suggest that the issue with the speed of justice in some countries may not be due to the (high) number of judges, but rather to factors such as the inefficient distribution of judges across different levels of jurisdiction and within the major courts of the country.

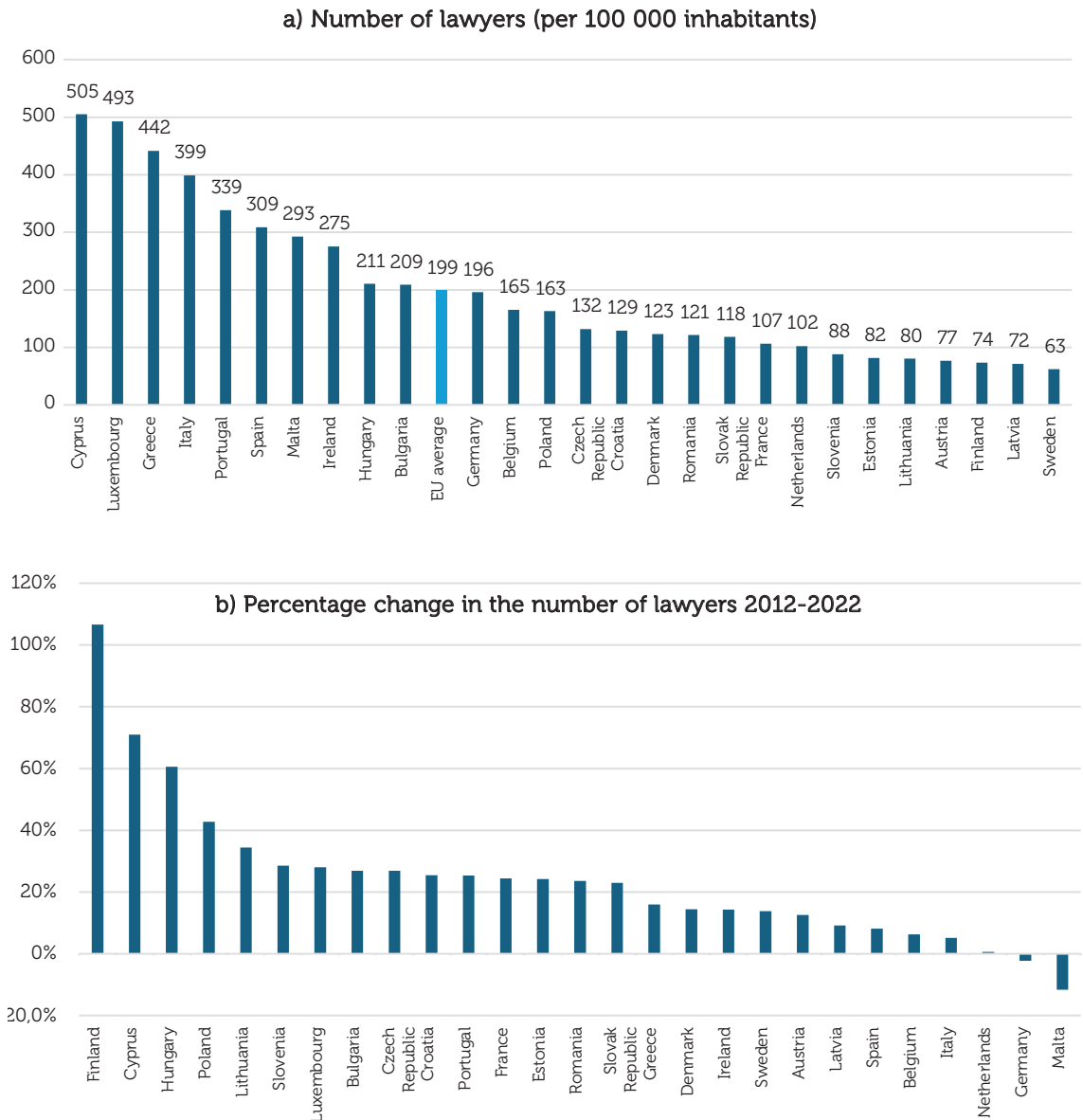
Figure 3. Judges across EU Member States



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

Figure 4 shows the number of lawyers across EU member states. On average, an EU Member State has 198 lawyers, while Cyprus has nearly three times that number with 505 lawyers, and Sweden has significantly fewer with only 62 lawyers (Figure 4a). In Figure 4b, the percentage change in the number of lawyers since 2012 reveals that Finland has experienced a significant increase of 106.6%, while Malta has seen a reduction of 11.6%. These results indicate a high variance between Member States, with the average number of lawyers in the EU falling within the second quartile, reflecting the unique cultural and legal environments of specific countries.

Figure 4. Lawyers across EU Member States



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

Figure 5 illustrates the rate at which civil, commercial, administrative, and other cases are resolved across EU member states. The EU average resolution rate is 99%. Italy demonstrates high efficiency, resolving 106% of cases (indicating that more cases are resolved than received), while Ireland is the lowest performer with a resolution rate of 84%. The data reveals significant variation, highlighting potential challenges related to case processing and judicial backlogs in certain countries.

Figure 5. Rate of resolving civil, commercial, administrative, and other cases

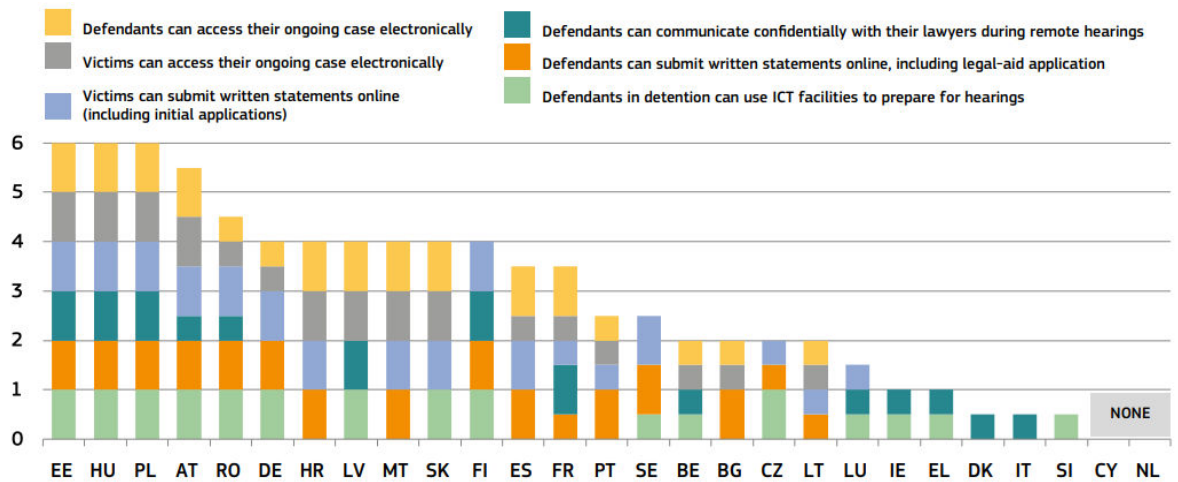
Values higher than 100 % indicate that more cases are resolved than come in



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

Figure 6 presents digital solutions to conduct and follow court proceedings in criminal cases, 2023, as a proxy for the degree of digitalization in justice systems. Estonia, Hungary, and Poland have the highest degree of digital solutions, while Greece, Denmark, Italy, and Slovenia have the lowest ones. The rights of defendants and victims can be further safeguarded through the use of digital tools to conduct and monitor judicial processes in criminal cases. For instance, digital solutions can help prevent re-victimization for victims of crime, ensure that defendants in custody are prepared for their hearings, and facilitate secure remote communication between defendants and their attorneys.

Figure 6. Digital solutions to conduct and follow court proceedings in criminal cases, 2023.



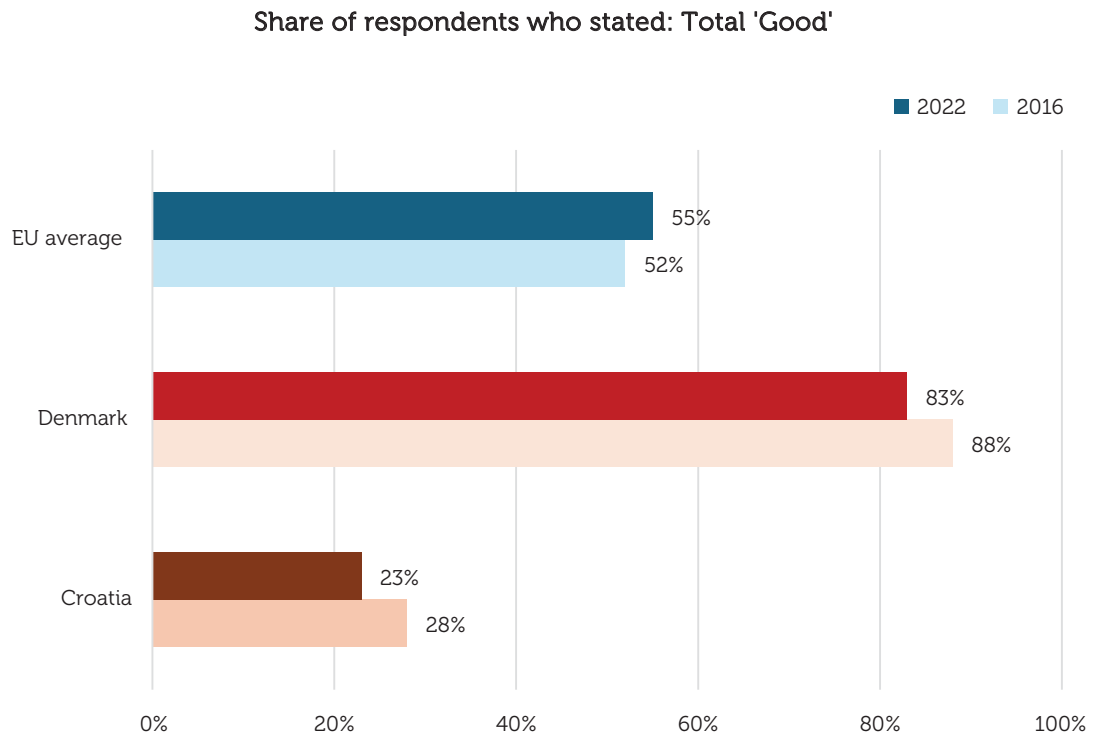
Source: European Union (2024), [The 2024 EU Justice Scoreboard](#), p. 38. Note: Maximum possible: 6 points. For each criterion, one point was given if the possibility exists in all criminal cases. 0.5 point was awarded when the possibility does not exist in all cases. Dataset is not available for further analysis.

General's public perceptions on the independence of courts and judges

Most EU citizens perceive the independence of courts and judges as good, with 55% of respondents sharing this view, an increase as compared to 2016. This contrasts with the views of citizens in Croatia, in which only 23% of respondents perceive the independence of courts and judges as good, 5 percentage points lower as compared to 2016 (Figure 7). Denmark has the highest public perception of judicial independence among EU countries, with 83%, although this represents a slight decrease from 88% in 2016. Public perceptions can reflect an underlying reality, highlighting institutional issues when they exist. These perceptions become particularly significant when a country's results systematically deviate from the EU average, as seen in the case of Croatia.¹²

¹² Charron, N., Dijkstra, L., & Lapuente, V. (2015). "Mapping the Regional Divide in Europe: A Measure for Assessing Quality of Government in 206 European Regions." *Social Indicators Research*, 122(2), 315-346.

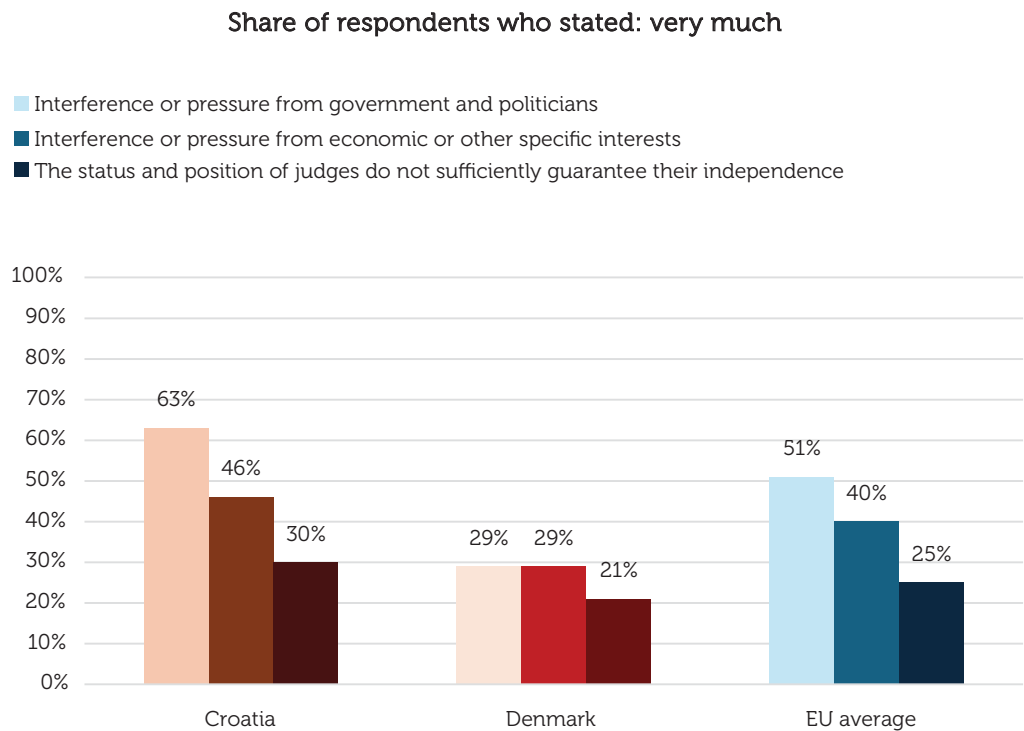
Figure 7. How the general public perceives the independence of courts and judges



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

Most EU citizens cite pressure from the government and politicians as the main reason for the perceived lack of independence in courts and judges, a view that is even more prevalent in Croatian citizens (Figure 8). In Denmark, government and political pressure is also considered as the primary reason for the lack of judicial independence, on par with pressure from economic or other specific interests. In all cases, the least cited reason for low independence is the claim that the status and position of judges do not sufficiently guarantee their independence.

Figure 8. The main reasons among the general public for the perceived lack of independence

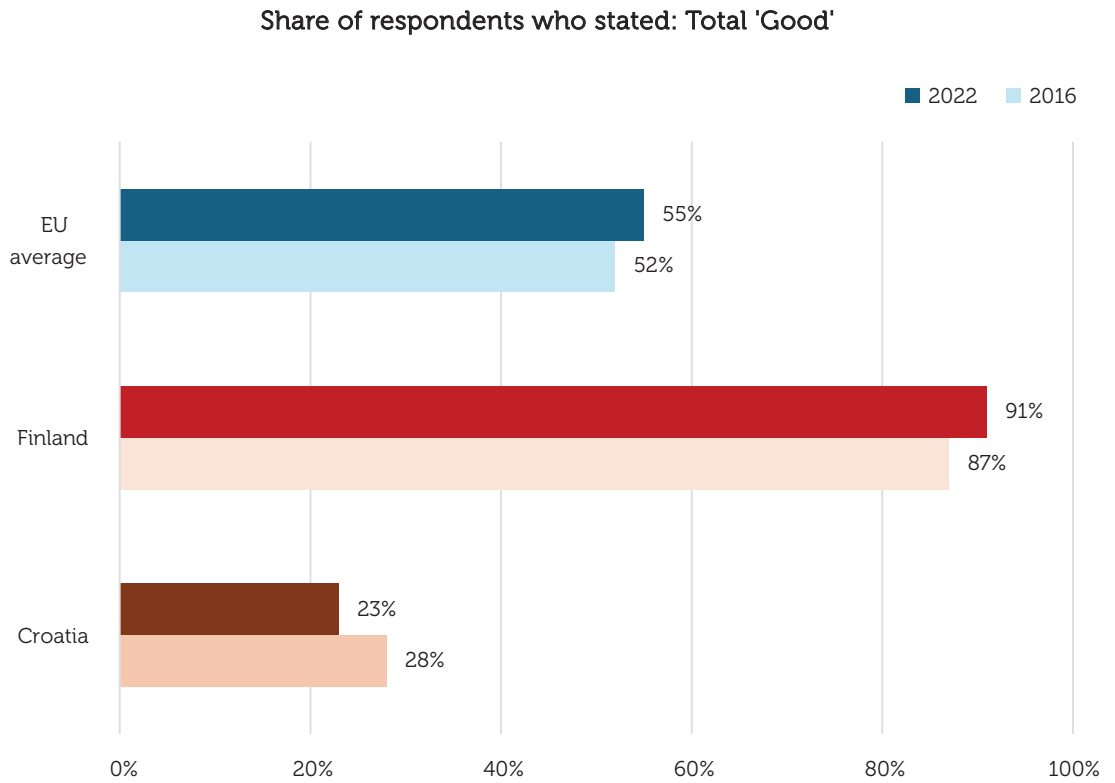


Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

The business view on the legal framework and protection of investments by the law and the courts

Figure 9 illustrates business perceptions of the independence of courts and judges, focusing on the effectiveness of investment protection by the law and courts amid unstable legal frameworks and frequent regulatory changes. The EU average shows a slight increase in 2022 compared to 2016 (from 52% to 55%), indicating a modest improvement in companies’ perceptions. Finland shows a more significant positive shift, rising from 87% in 2016 to 91% in 2022, suggesting high and increasing confidence in judicial independence. In contrast, Croatia reflects a decrease from 28% in 2016 to 23% in 2022, indicating growing concerns among businesses about judicial independence and the stability of the legal environment.

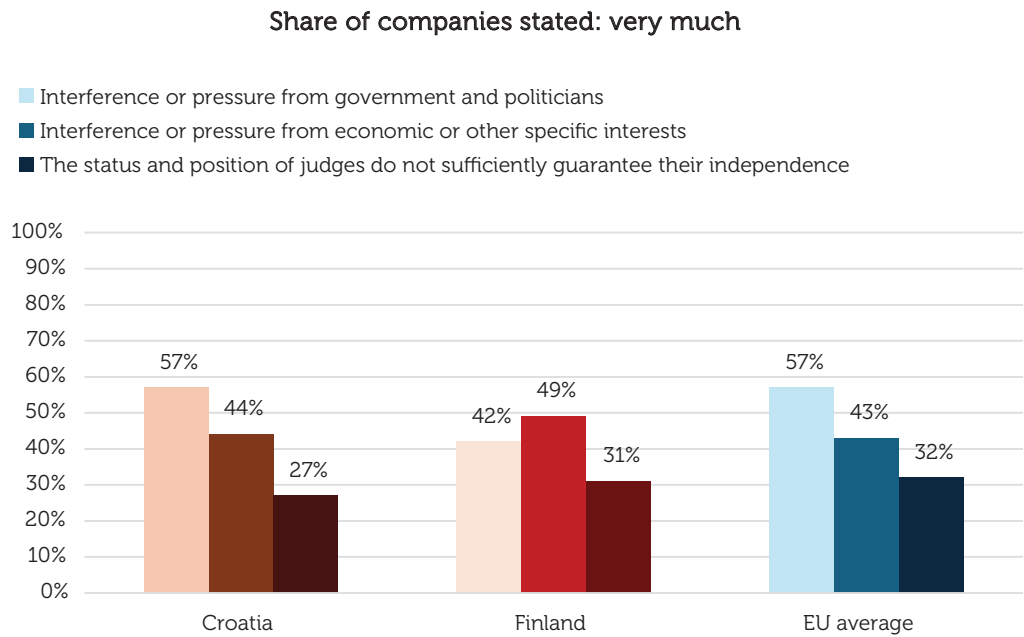
Figure 9. How businesses perceive the independence of courts and judges



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

In Figure 10 companies describe the main reasons for the perceived lack of independence in courts and judges. In Croatia, a significant 57% of companies state that interference or pressure from the government and politicians very much affects judicial independence. Additionally, 44% cite interference from economic or other specific interests, and 27% express concerns that the status and position of judges do not sufficiently guarantee their independence. Meanwhile, Finland shows lower perceived interference, with 42% of respondents citing government and political interference, 31% pointing to economic or other interests, and 49% indicating the status of judges as a barrier to independence. The EU average shows that 57% of companies perceive government and political interference, 43% cite economic interests, and 32% are concerned about the judicial status and position hindering independence. This data highlights significant regional variations in the business community’s trust in judicial independence.

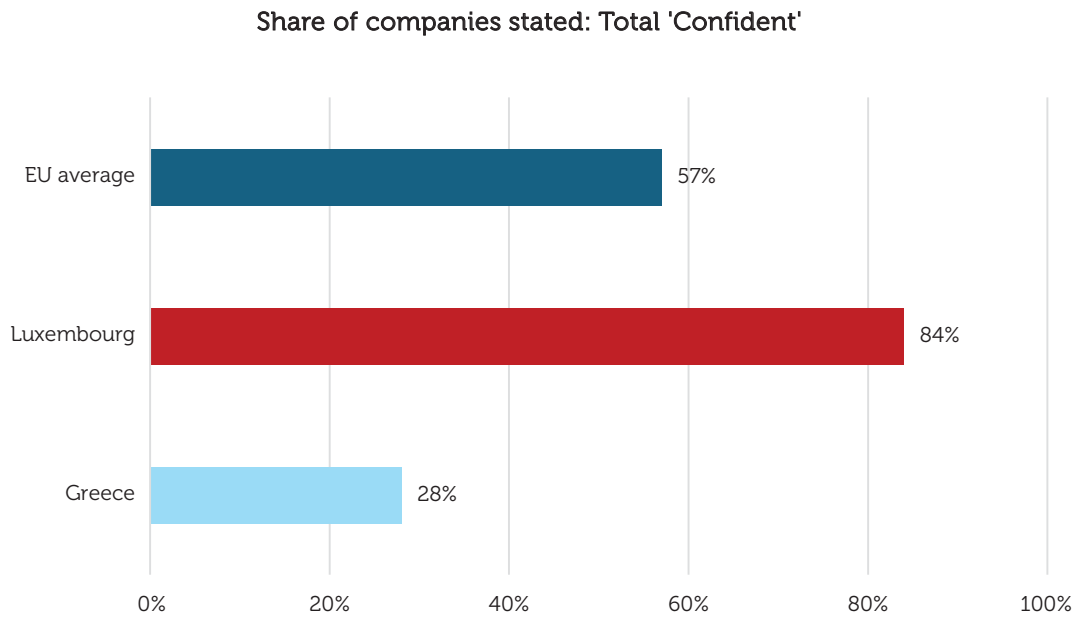
Figure 10. Main reasons cited by businesses for the lack of independence of courts and judges.



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

Figure 11 illustrates companies' confidence levels in the effectiveness of investment protection by the law and courts across different EU regions. Luxembourg stands out with the highest confidence level among businesses, at 84%, significantly above the EU average of 57%. In stark contrast, Greece shows much lower confidence levels at 28%, indicating substantial concerns about the effectiveness of legal protections for investments in the country. These results highlight the significant disparity in business confidence regarding legal frameworks for investment protection across EU countries.

Figure 11. How companies perceive the effectiveness of investment protection by the law and courts

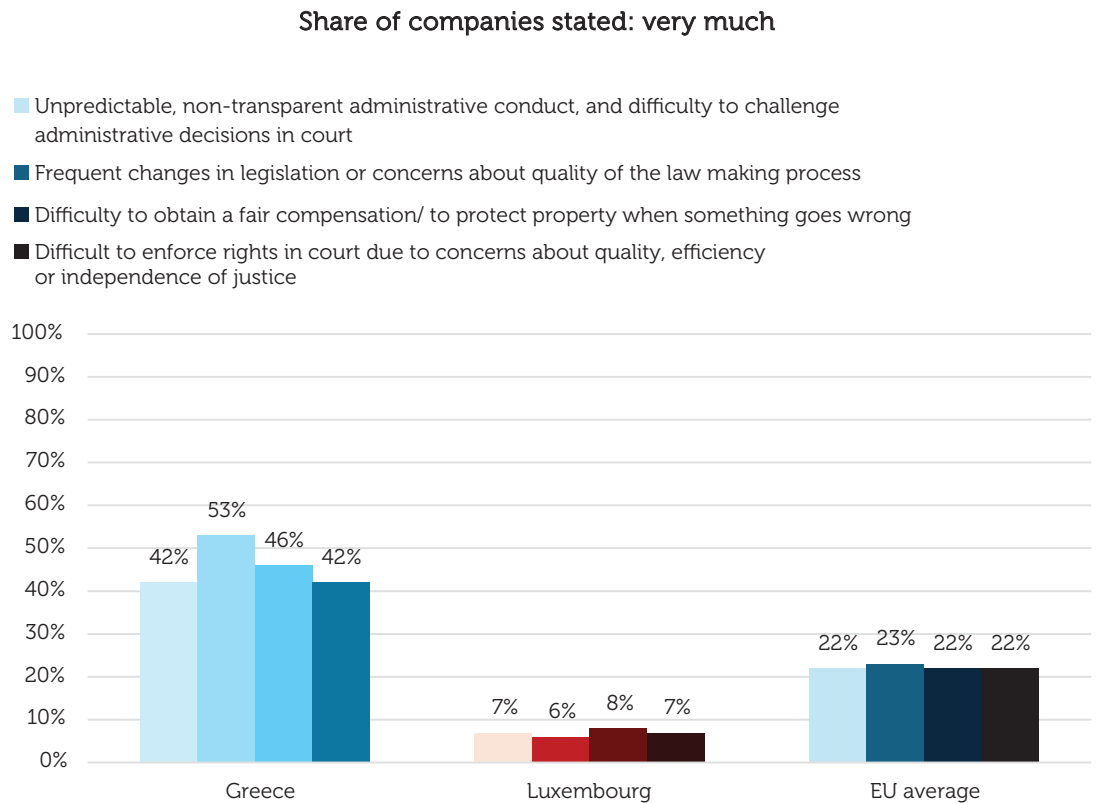


Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

The majority of Greek businesses cite frequent changes in legislation and the poor quality of the legislative process as the main reasons for the ineffectiveness of investment protection by the law and courts, which remains a serious problem in the country. According to data from the Legislative Quality Index, the new law amends, on average, 3.5 laws passed in the previous 12 months.¹³ This perception appears to be shared by the average EU citizen. In contrast, citizens in Luxembourg primarily cite difficulties in obtaining fair compensation or protecting property when something goes wrong, though the percentage is relatively low (Figure 12).

¹³ Karkatsoulis, Stefopoulou, Saravakos & Hena (2023). Legislative Quality Index 2023. Centre for Liberal Studies.

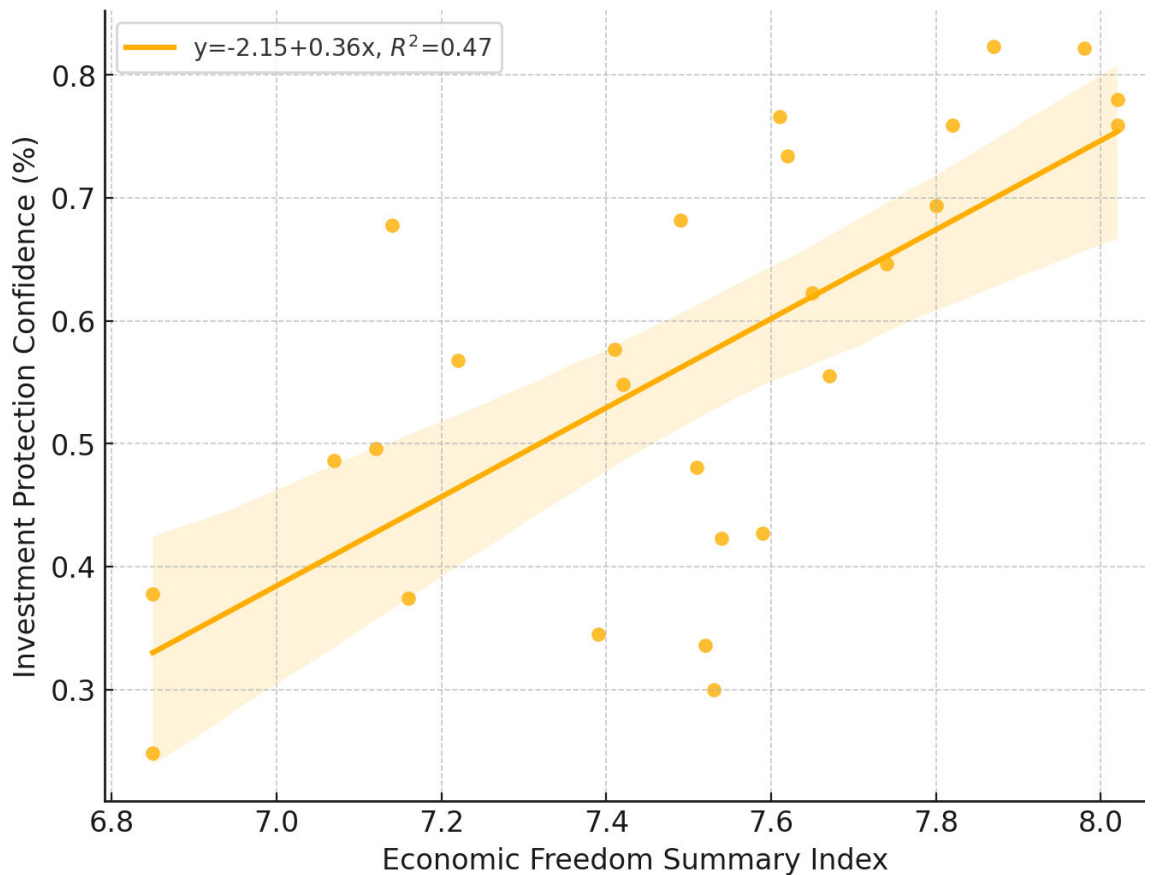
Figure 12. The main reasons cited by enterprises for the lack of effectiveness in protecting investments



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#).

The importance of companies’ perceptions of the justice system is also reflected in the positive correlation between the Investment Protection Confidence and the Economic Freedom Summary Index ($r = 0.68, p < 0.001$, Figure 13). This relationship, which requires further empirical testing to account for confounding factors, suggests that countries where companies express greater confidence in the effectiveness of investment protection by the courts tend to have higher levels of economic freedom. A more robust legal mechanism for protecting investments appears to foster a more business-friendly environment, as previously analyzed.

Figure 13. Correlation between how confident companies feel on the effectiveness of investment protection by the law and courts and Economic Freedom score, EU-27 (2022).



Source: European Union (2024), [The 2024 EU Justice Scoreboard](#) and Fraser (2024), [Economic Freedom of the World](#). Own elaboration.

Conclusion and policy recommendations

In conclusion, it is crucial to emphasize that the effective functioning of institutions, the rule of law, and particularly the justice system, is a key condition for sustainable economic growth and the overall well-being of a country. Unfortunately, some EU countries, such as Greece and Croatia, often overlook this crucial factor when discussing the need to attract significant investors. While these countries focus on various incentives—many of which are beneficial, such as tax breaks—they frequently neglect the most important element: the necessity for stable institutions and a well-functioning rule of law.¹⁴

As the recent Justice Report by the European Commission,¹⁵ emphasizes the importance of having an effective and fully independent justice system. Such a

¹⁴ See. and Kaufmann, D., Kraay, A., & Mastruzzi, M. (2009). "Governance Matters VIII: Aggregate and Individual Governance Indicators, 1996-2008." World Bank Policy Research Working Paper No. 4978.

¹⁵ European Commission. (2022). EU Justice Scoreboard 2022: Ten years of monitoring the effectiveness of justice systems. European Commission. Retrieved from European Commission.

system is crucial for fostering mutual trust in society, improving the investment environment, and promoting sustainable economic growth. When the judicial system effectively guarantees the protection of rights, lenders are more likely to provide financing, businesses are more confident and less likely to engage in opportunistic behavior, and the costs associated with honoring agreements—specifically, recourse to justice—are reduced. It is also well known that the longer the delay in issuing judgments, the higher the costs of compliance with agreements, which can discourage investors. Therefore, it is no coincidence that one of the key indicators measuring economic freedom—linked to improvements in other socio-economic indicators—includes the rule of law and property rights as one of its five main pillars.

The EU Justice Scoreboard highlights disparities and weaknesses in the justice systems of EU countries. Concerns include perceived lack of judicial independence due to governmental and political interference, as well as pressure from economic interests. Case resolution efficiency varies significantly, with delays worsened by insufficient digital infrastructure and systemic inefficiencies. Frequent changes in legal frameworks undermine legal stability, impacting investment protection and creating unpredictability. Uneven distribution of judges and lawyers across jurisdictions contributes to processing bottlenecks. Public and business concerns about judicial effectiveness and independence reflect broader mistrust in the judiciary and governmental institutions. Issues with legislative quality, such as frequent amendments to recent laws, erode legal stability and diminish investment confidence. These challenges underscore the need for targeted reforms to strengthen justice systems across EU Member States.

To tackle the challenges encountered by the judicial system in delivering justice and to rebuild or strengthen the confidence of citizens and businesses in the legal system, the following justice reform initiatives could provide a blueprint for a strong legal framework:

- **Introduction of Single-Member Courts:** Based on empirical evidence, the establishment of single-member courts can accelerate the delivery of criminal justice. These courts can issue decisions quickly and efficiently. The effectiveness of the criminal justice system can be increased by assigning less complicated cases to single-member courts rather than hiring more judges, while additional resources, like more trial rooms, would be required.¹⁶
- **Judicial Appointments:** Judicial appointments should be either the responsibility of an independent Judicial Appointments Commission or determined by parliament. A fair and open competition administered by a Judicial Appointments Commission could enhance the selection process for High Court judicial appointments.
- **Promotion Justifications:** Promotions within the leadership of the judiciary should be justified and subject to judicial review.

¹⁶ Kalliris, K., & Alysandratos, T. (2023). One judge to rule them all: Single-member courts as an answer to delays in criminal trials. *Journal of Empirical Legal Studies*, 20(1), 233-268.

- **Consultation Bodies:** Lengthy and comprehensive consultations before implementing reforms in the justice system can significantly promote cooperation among judges, provided that their institutional roles and independence are adequately respected.
- **Reduction of Regulatory Volume:** Excessive and poorly drafted legislation, along with certain attorney tactics, contribute to inefficiencies. A new culture and understanding of the judicial process are necessary.
- **Rational Distribution of Judicial Work:** A more rational distribution of judicial tasks would lead to quicker case resolution and support digitization projects. Increasing the number of judicial staff, strengthening out-of-court dispute resolution mechanisms (such as mediation), and imposing actual court costs on parties with unfounded claims that occupy the court system would also help reduce the waste of public resources.

Author bio

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The European Liberal Forum (ELF) is the official political foundation of the European Liberal Party, the ALDE Party. Together with 47 member organisations, we work all over Europe to bring new ideas into the political debate, to provide a platform for discussion, and to empower citizens to make their voices heard. Our work is guided by liberal ideals and a belief in the principle of freedom. We stand for a future-oriented Europe that offers opportunities for every citizen. ELF is engaged on all political levels, from the local to the European. We bring together a diverse network of national foundations, think tanks and other experts. In this role, our forum serves as a space for an open and informed exchange of views between a wide range of different EU stakeholders.

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The Center for Liberal Studies - Markos Dragoumis (KEFIM) is Greece's foremost liberal, non-partisan, and independent think tank. It envisions Greece as a role model of economic and civil liberty that enables its citizens to pursue their dreams and aspirations. KEFIM's mission is to increase individual and economic freedoms of Greeks through the promotion of liberal ideas and policy proposals. To that end, KEFIM generates research, media content, organizes events, that aim to influence the climate of ideas in Greece. Finally, KEFIM partakes in the international policy and ideological dialogue through its participation into the Atlas Network (USA), the EPICENTER Network (Belgium) and the European Liberal Forum (Belgium). It also partners on various projects with mission-aligned organizations such as the Friedrich Naumann Foundation (Germany), Timbro (Sweden), the Cato Institute (USA), the Foundation for Economic Education (USA), and the Institute of Economic Affairs (UK).

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