ETUDE TRANSVERSALE - 2019 - TRANSVERSAL ANALYSIS

* 

LA QUALITÉ DES ARRÊTS

THE QUALITY OF JUDGMENTS

Geert Debersaques
Secrétaire-Général
Secretary General

http://www.aca-europe.eu
GENERAL CONTEXT

3-Year Framework Partnership Agreement Action Plan 2018-2021

1. Annual operational activity: transversal analysis

2. Concept known since 2015

3. Synthesis report + meta data on the website

4. Very high participation
   => 29 members ACA
   27 Membres EU + Serbia + Turkey
1. Methodology

- Working group (ACA + EC DG Justice)
- Electronical questionnaire “made in house” ACA
  => Same questionnaire for « Réseau des Présidents des Cours Suprêmes » (NPSJC)
- Questionnaire approved by the Board of ACA
2. 2 parts:

I. The quality of judgments

• => the quality of the “product”
• => ≠ the equality of Justice
• => ≠ definition of a “qualitative judgment”
2. 2 parts:

I. The quality of judgment

• Listing of possible indicators:
  • E.g.
    ➢ form and style of the decision
    ➢ clarity of judgments
    ➢ Concise judgment, ...
II. Implementation in the lower courts

• => useful instruments to extend the quality of case law to lower courts
• => ≠ the quality of the decisions rendered
• Listing of possible indicators:
  • e.g.: the nomophylactic principle
3. Results

• Unique document in the EU => TREASURE of (useful) information  
  (222 p. of statistics)

• Narrative final report:  [www.aca-europe.eu](http://www.aca-europe.eu)
4. The relevance of the proposed indicators

- Open questions values 1->5
- 4-5 : very relevant
- 3-2 : relevant
- 1- : not relevant
4. The relevance of the proposed indicators
4. The relevance of the proposed indicators

Do you consider bibliometric aspects of a judgment (e.g. the average length of a judgment) to be an indicator of quality of judgment?

- 51.72% - Relevant
- 34.48% - Non-relevant
- 13.79% - Very relevant
3. Votre Opinion: La rélevance des indicateurs proposés

Geert Debersaques - ACA - Europe

Étude transversale - 2018 - Transversal Analysis

Exposé au CJ ACA - 15 - 05 - 2018

Diagramme de barres montrant la répartition des réponses aux questions sur la rélevance des indicatifs proposés.
### 4. The relevance of the proposed indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Non-relevant</th>
<th>Relevant</th>
<th>Very relevant</th>
</tr>
</thead>
<tbody>
<tr>
<td>written form</td>
<td>3.45%</td>
<td>20.69%</td>
<td>75.86%</td>
</tr>
<tr>
<td>formal style</td>
<td>3.45%</td>
<td>13.79%</td>
<td>79.31%</td>
</tr>
<tr>
<td>citation of international/european jurisprudence</td>
<td>7.14%</td>
<td>17.86%</td>
<td>71.43%</td>
</tr>
<tr>
<td>citation of national (of other member state) jurisprudence</td>
<td>10.71%</td>
<td>39.29%</td>
<td>46.43%</td>
</tr>
<tr>
<td>clarity of the judgement</td>
<td>3.45%</td>
<td>0.00%</td>
<td>93.10%</td>
</tr>
<tr>
<td>judgment provides the administration with all the necessary elements</td>
<td>0.00%</td>
<td>20.69%</td>
<td>75.86%</td>
</tr>
<tr>
<td>for correct/timely execution</td>
<td>3.45%</td>
<td>34.48%</td>
<td>62.07%</td>
</tr>
<tr>
<td>conciseness of a judgment</td>
<td>13.79%</td>
<td>44.83%</td>
<td>41.38%</td>
</tr>
<tr>
<td>synthetic (of discursive) style?</td>
<td>10.34%</td>
<td>48.28%</td>
<td>41.38%</td>
</tr>
<tr>
<td>analytic style ?</td>
<td>34.48%</td>
<td>51.72%</td>
<td>13.79%</td>
</tr>
<tr>
<td>Bibliometric aspects of a judgment</td>
<td>24.14%</td>
<td>48.28%</td>
<td>27.59%</td>
</tr>
<tr>
<td>assessment of the individual quality of judgments</td>
<td>41.38%</td>
<td>34.48%</td>
<td>24.14%</td>
</tr>
<tr>
<td>assessment of the global quality of judgments</td>
<td>10.71%</td>
<td>53.57%</td>
<td>35.71%</td>
</tr>
<tr>
<td>publishing decisions in a database</td>
<td>17.86%</td>
<td>64.29%</td>
<td>17.86%</td>
</tr>
<tr>
<td>provision of meta-data</td>
<td>17.86%</td>
<td>39.29%</td>
<td>42.86%</td>
</tr>
<tr>
<td>formally binding precedent</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
THE 2019 EU JUSTICE SCOREBOARD
Standards applied to improve the quality of judgments in highest courts (*)

Source: European Commission with ACA-Europe and NPSJC
5. Follow-up to this study?

- Public document (accessible to all)
  - Internal use ACA + spin off (seminar?)
  - Academic and scientific use
  - Use EU Justice Scoreboard - DG Just:

European Commissioner
V. Jourovà
Foreword 2018 EU Scorebord Justice

The Scoreboard continues to be teamwork. Much deserved gratitude for their work goes to the judiciary in Member States, the European Network of Councils of the Judiciary (ENCJ), the Network of Presidents of the Supreme Judicial Courts of the EU (NPSJC) and the Association of the Councils of State and Supreme Administrative Jurisdictions of the EU (ACA-Europe).