

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☒ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Generalitat de Catalunya - Government of Catalonia

Main Areas of Work

- ☒ Justice System
- ☒ Anti-corruption
- ☒ Media Pluralism
- ☒ Other

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://web.gencat.cat/en/inici/index.html>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania

- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica

- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia

- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda

- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☒ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam

- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022^[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania

- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☒ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

3000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

3000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

3000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

3000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Independence/autonomy of the prosecution service

3000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

3000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

3000 character(s) maximum

The use of Catalan in the Administration of Justice is a linguistic right of all Catalan citizens recognized in article 33.2 of the Statute of Autonomy of Catalonia and protected by the European Charter of Regional or Minority Languages.

The continuous decline in the total number of judgments written in Catalan is currently worrying (they gradually declined from 20.1% in 2005, to 6.9% in 2021). Also worrying is the almost generalized non-compliance (81.3% of non-compliance in 2021) of the language option expressed by the citizen when receiving notifications in Catalan in civil, labor and commercial jurisdictions.

Article 102 of the Statute of Autonomy of Catalonia establishes that "Magistrates, judges and prosecutors who occupy a position in Catalonia must prove an adequate and sufficient knowledge of Catalan to make citizens' language rights effective". However, for officials of the different bodies working in Catalonia, knowledge of Catalan is a bonus but not a requirement. This results in a lack of knowledge of Catalan among an important part of the staff of the Administration of Justice.

Therefore, the fulfilment of linguistic obligations in the judicial sphere is a formality given that, in practice, the application of the regulations (especially the Organic Law of the Judiciary) prevents both the use of Catalonia's own language in a large degree, as well as the satisfaction of the associated linguistic rights.

To reverse this situation and be able to guarantee linguistic rights and the right to effective judicial protection, it would be necessary to modify article 231 of the Organic Spanish Law of the Judiciary, including the review of defenselessness in situations related to Catalonia's own language ("In all judicial proceedings the judges [...] must use Spanish", "Judges [...] can also use the official language of the autonomous community, if none of the parties opposes it", which considers a cause of defenselessness the fact that one of the parties does not know Catalan. This article, in practice, prevents the actual use of Catalan in the Administration of Justice, despite its formal status as the official language.

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

In Catalonia, there has been a lack of judges and prosecutors for decades, attributable to causes that can range from the higher cost of living, the lack of tradition for studying to access the judicial career or the fact that Catalonia has a language and a civil law of their own. This was recognized in the agreement unanimously approved on November 26, 2021 by the plenary of the Government Chamber of the Superior Court of Justice of Catalonia. In this Agreement, besides recognizing the problem, the Superior Court of Justice of Catalonia urges the adoption of effective measures to encourage the stability of the judicial workforce, specifying them in the following terms: "about encouraging greater stability of the judicial workforce in the territory of this Superior Court of Justice of Catalonia, the plenary of the Government Chamber of the Superior Court of Justice of Catalonia requests the General Council of the Judiciary to urge the Ministry of Justice to establish a specific destination supplement — similar in concept and amount to what exists in other territories, with which it would be equated— for judges and magistrates destined for Catalonia". This agreement has the full support of the General Council of the Judiciary, which adopted it on December 1, 2021, with the equally unanimous support of the presidents of the National Court and the higher courts of justice. These measures have not been implemented.

On the other hand, the Government of Catalonia has launched a program for the granting of scholarships with annual calls that have the objective of encouraging law students in Catalonia to study the judicial and fiscal career and thus contribute to stabilize its staff with professionals who know the reality of the country and its own civil law and who allow promoting the effective use of the Catalan language in the Administration of Justice.

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

3000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

In April 2022, the resolution of the recruitment process for the Criminal Investigation Division of the Generalitat Police Force – Mossos d'Esquadra (GP-ME)- became effective, and seventy-four agents were selected as new additions to the different areas and specialized units in the investigation of more complex crimes.

It is worth noting the internal and external collaborations of the PG-ME with other bodies that fight against corruption, such as the Tax Agency of Catalonia, the collaboration with the Special Prosecutor against Corruption and Organized Crime and the Superior Prosecutor of Catalonia, Antifraud Office of Catalonia, EPAC (European Partners Against Corruption).

On the other hand, the Central Anticorruption Unit (hereinafter CACU) of the GP-ME is entrusted with investigating those conducts against the Public Administration of the current Criminal Code. Although the body has worked throughout the last decade on several cases related to the field of corruption, it was not until the last three years that the team that investigates this type of crime was strengthened.

The latest measures include:

- Reinforcement of the CACU with an increase in staff of up to thirty (30) people.
- External training for CACU commands.

In addition, because of institutional collaboration, a series of joint teams (called ECI) have been established within the framework of various operations or operational cooperation in the last two years with the following actors:

- The Antifraud Office of Catalonia.
- The Central Operative Unit (a group attached to the Civil Guard's Anticorruption and Organized Crime Prosecutor's Office).
- The Central Information Unit EXE 3 of the Civil Guard.

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

3000 character(s) maximum

On July 27, 2021, the Parliament of Catalonia approved its Resolution 50/XIV, creating the Study Commission on the Police Model (SCPM).

The Report and conclusions of the SCPM of the Parliament of Catalonia, published on December 20, 2022, highlights:

69. The Mossos d'Esquadra forces is subject to internal and external controls that ensure the correct

performance of the force and its members, and where appropriate, the correction and sanction of bad police practices. In order to carry out internal controls, both regarding the actions and regarding the evaluation of the efficiency of the police services, the MEC has two specialized units with division rank: the Internal Affairs Division, in charge to ensure the correction of police actions, and the Service Evaluation Division, in charge of evaluating efficiency and proposing improvements in police procedures. For reasons of democratic neatness, both divisions do not depend on the Prefecture, but on the Directorate General of the Police. The detection of bad practices and dysfunctions or areas for improvement in the procedures is not an exclusive task of the two divisions mentioned, but also takes place in the review processes of the actions by the various units.

70. Beyond these internal controls, the police are subject to judicial control.

71. In the external non-judicial sphere, the Mossos d'Esquadra Forces and the group of local police in Catalonia are subject to:

- a) The control of the Ombudsman.
- b) The control of the Catalan Torture Prevention Mechanism.
- c) Parliament's control.
- d) The control of the media and the organizations, entities and associations of a national and international character for the defense of human rights.
- e) The specific control by bodies specialized in various matters: data protection (Catalan Data Protection Authority); the use of video surveillance cameras (Commission for the Control of Video Surveillance Devices of Catalonia); transparency (Commission to Guarantee the Right of Access to Public Information and Transparency Portal); fraud (Antifraud Office of Catalonia), or economic aspects (Accounts Court).

As for the CACU, within the assigned functions, it maintains autonomy with respect to the body's hierarchy, which is why it only issues operational reports to the immediately superior leaders.

In addition, it uses the computer software available to the Mossos d'Esquadra body, but with profiles designated as particularly confidential. The computer system allows investigations to remain confidential with restricted access.

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

3000 character(s) maximum

The basic starting indicators with which the activity of the CACU can be monitored are, among others:

Num. Complaints

Num. Open investigations

Num. Investigation (Prosecution)

Num. Preliminary Diligences

Num. Investigations completed

Num. Investigated

Num. Arrested

Other operational indicators of lesser interest at an external level

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

Law 19/2014 sets the principles of action to which all high-ranking officials and managerial personnel are subject. Those principles have been specified in the Code of Conduct for high-ranking officials and managerial personnel of the Administration of the Catalan Government and the entities of its public sector (<https://dogc.gencat.cat/ca/document-del-dogc/?documentId=743923>).

The Public Ethics Advisory Committee (CAEP) is the body for the promotion, application and monitoring of the Code of Conduct of senior officials and managerial staff of the Catalan Government and of its public sector entities. The Code of Conduct and the CAEP were approved through the AGREEMENT GOV/82 /2016, of 21 June.

Local administrations have the Guide for the application of the code of conduct model for senior officials of local bodies.

The AGREEMENT GOV/206/2021, of 21 December updated the functions of the CAEP and allowed the incorporation of two experts of recognized prestige in the field of ethics, integrity and transparency.

As the CAEP, there are several professional areas (Health, Social Services, Police, etc.) in which many specialized ethics committees ensure consistency between the declared values and the actions of public servants. Awareness and training actions are also based on the values declared in these codes and their practical application. These committees, and others from the municipal level, are part of the Network of Ethics Committees of the Administration of the Catalan Government and its public sector entities.

The Catalan Government adopted the Code of Ethics through AGREEMENT GOV/164/2021, of 26 October.

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Catalonia has legislation and administrative capacities in this respect, as illustrated by Law 19/2014, of 29 December, on transparency, access to public information and good governance, Decree-Law 1/2017, of 14 February, for which creates and regulates the Register of interest groups of Catalonia, Decree 171/2015, of 28 July, on the Register of interest groups of the Administration of the Catalan Government and its public sector and the GOV Agreement /82/2016, of 21 June, mentioned above.

Moreover, the Code of Conduct for senior officials and managerial staff of the Catalan Administration and its public sector entities established a gift policy. (<https://dogc.gencat.cat/ca/document-del-dogc/?documentId=743923>)

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

The State and the Catalan Government already have an institutionalized regime of incompatibilities and prevention of conflicts of interest. As stated below, the Plan of anti-fraud measures in the execution of actions financed by the funds of the Mechanism of Recovery and Resilience in the Catalan Government has strengthened the mechanisms already installed relating to conflicts of interest, through the declarations of absence of incompatibility specific to each procedure.

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

Due to the lack of transposition by the Spanish State of the Directive (EU) 2019/1937, of 23 October, 2019, the Catalan Government approved the AGREEMENT GOV/96/2020, of 21 July, by which the ethical mailboxes of the Code of conduct of high-ranking officials and managerial staff of the Catalan Government and of its public sector entities and of the Code of principles and recommended conduct in public

procurement are anonymized, as well as the mailbox of the General Inspectorate of Personnel Services of the Administration of Catalonia and its public sector, and the Regulatory Norms are approved. This agreement, and another complementary one (AGREEMENT GOV/19/2022, of 1 February), have instituted an anonymous complaint channel in all areas of the Catalan Government. In addition, a regulation on the protection of plaintiffs is nowadays in the focus phase.

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

The Catalan Government adopted the AGREEMENT GOV/19/2022, of 1 February, which approves the Plan of anti-fraud measures in the execution of actions financed by the Recovery and Resilience Mechanism funds to the Catalan Government. This document guides the actions of the Catalan Government and its public sector in the execution of the funds of the Recovery and Resilience Mechanism (RMM).

This Plan has been drawn up in accordance with article 22 of Regulation (EU) 2021/241 of the European Parliament and of the Council, of 12 February 2021.

The objective of the Plan is twofold: to guarantee a good use of the resources coming from the European Union, and to ensure that the use of these funds is in line with the purposes for which they have been allocated. To do this, the text proposes a series of measures, structured around the four areas of the anti-fraud cycle: prevention, detection, correction and prosecution.

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

3000 character(s) maximum

On September 21, 2021, the European Commission published EU Recommendation 2021/153. On its 4th point it is established that: "Member States must investigate and prosecute all crimes committed against journalists, whether online or offline, in an impartial, independent, effective, transparent and timely manner, making full use of current national and European legislation, to guarantee the protection of fundamental rights and the rapid application of justice in particular cases and to prevent the emergence of a "culture" of impunity regarding attacks against journalists".

The implementation of this recommendation is essential to guarantee the protection of journalists. At the same time, it is very difficult to execute because the Spanish justice system is slow in terms of replying to the commission of crimes and the protection of victims.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

3000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

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The implementation of this recommendation is essential to guarantee the protection of journalists. At the same time, it is very difficult to execute because the Spanish justice system is slow in terms of replying to the commission of crimes and the protection of victims

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

In the working procedures of the GP-ME in critical incidents it is established that:

- The head of the operation must cordon off the area to a place out of sight of the person/s who generate the risk, by means of two security circles, with sufficient separation of one from the other to place the components of the device. It must enable a place outside the second security circle, where to place the press.

- In situations of high risk, reporters will be located at fixed points, so that they can direct the cameras towards those spaces that are of informative interest without running into danger.

In the case of police action in demonstrations and rallies, the internal procedures of the GP-ME establish that:

The members of the communication area of the GP-ME will be present at the demonstrations/concentrations (on the streets), in order to:

- Detect the presence of media present in the scene, be the contact point and source of official information.

- In the event of a conflict or complaint by a journalist, act as mediators or receive rapid information on the ground.

- Ensure that, whenever possible, journalists are fully identified according to the agreement established with the Catalan Association of Journalists.

The fundamental right to freedom of expression and the constitutional right of citizens to receive free and truthful information are taken into account, as both rights closely relate to the free exercise of journalistic activity. The actions taken to guarantee the safety of journalists as well as the investigation of attacks against them are based on the regulations resulting from the application of the Criminal Procedure Law and the current Criminal Code.

With regard to contexts with a high degree of complexity, such as protests within the framework of mobilizations that end in situations of public disorder, both in concentrations and in demonstrations, a whole series of factors are assessed.

In this sense, it should be mentioned that throughout 2022 the Department of the Interior and the DGP have held several meetings and contacts in order to finalize a collaboration agreement with the Association of Journalists of Catalonia, the Union of the Image-UIFC, the Union of Journalists of Catalonia and the Group of journalists Ramon Barnils, in relation to the use of identifying visual elements.

Finally, the Police Model Study Commission (PMSO), in the conclusions approved by the Parliament of Catalonia and published on December 20, 2022, makes a special point in conclusion number 41 by specifying that "It is necessary to introduce [...] mechanisms intended to guarantee the right to information, with special attention to offering all the guarantees so that information professionals can carry out their work. In the same sense, train the officers of the police forces to guarantee this right and promote the interlocation of the mediation units of the Mossos d'Esquadra Force with the aforementioned professionals."

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

3000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

3000 character(s) maximum

A complete definition of the concept of "public participation in matters of general interest" needs to be carried out. The definition should encompass any behavior by a natural or legal person aimed at participating in a matter of general interest through the disclosure, dissemination or promotion to the public, in any form, of information, findings, ideas, opinions or testimonials, and any preparatory action thereof. This definition includes freedom of expression and information, assembly, association and other rights relevant to participation, such as access to justice.

One of the key elements is the need to be able to establish an "early dismissal of SLAPP claims" mechanism as a procedural guarantee: this is a fundamental element to prevent the harmful effects of SLAPPs and correct the imbalances between the parties in a case object of this kind of demand. It could materialize by establishing a "motion to dismiss" that could be used by victims of SLAPPs when they consider that there are sufficient reasons to consider that the lawsuit brought against them is abusive. The exercise of the "dismissal motion", although it would be subject to certain limits and conditions, should be in any case impossible or excessively difficult.

Flexible time limits should be established, taking into account that the identification of a lawsuit as a SLAPP is not always possible from the beginning of the procedure. In addition, this regulation would ensure that the success of the motion is not frustrated by the existence of parallel procedures with the same subjects and the same object. It would be the usual case in which a subject was a party to both a criminal and a civil procedure about the same conduct. In this case, given current regulations, the civil process would remain on hold until the criminal case was resolved.

The "dismissal motion", in addition to being exercised ex parte, may be ex officio, given the obligation of the courts to safeguard public participation and the full exercise of fundamental rights. It will be the plaintiff party, suspected of having filed a SLAPP lawsuit, who will have the burden of proof, having to demonstrate that this lawsuit does not seek to attack citizen participation. In addition, once the "motion to dismiss" has been resolved positively, the decision should serve as a presumption of abusiveness for other proceedings against the same subject and for the same reason in any jurisdiction.

Other - please specify

3000 character(s) maximum

The Spanish penal code continues to include articles that severely and unjustifiably limit freedom of expression, as has been denounced by organizations in defense of human rights and collected in several judgments of the European Court of Human Rights. This refers to article 525 (Offense of religious feelings), 485, 490.3 and 491 (Injuries to the crown) and 543 (offenses or outrages against Spain, its autonomous communities, symbols and emblems).

At the same time, the Spanish Organic Law 2/2015, of March 30, has toughened the penalties for the crimes of glorifying terrorism and humiliating the victims of terrorist crimes (Art. 578 C.P.) leading to abusive

limitations of the right to protest and the principle of political pluralism.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

3000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

3000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

3000 character(s) maximum

Since November 2022, GP-ME has been participating in the European project VIGILANT, which aims to create an integrated platform of tools and advanced technology for the identification and analysis of disinformation. This project uses state-of-the-art artificial intelligence methods adapted to the needs of police authorities, following an ethical approach by design and centered on the user.

You can find more information about the project on the website: https://mossos.gencat.cat/ca/els_mossos_desquadra/projectes_europeus/actius/vigilant-2022-2025/

On the other hand, the TAPCS (Technical Area of Proximity and Citizen Security) with its functions of prevention and awareness in the area of care for the victim, hold talks on security throughout the territory aimed at advising and informing about different threats. The ones that are most in demand are those related to the internet such as fraud, digital reputation or fake news: safe internet, prevention of grooming, harassment, male violence, hate and discrimination workshops, social media, safety tips for older and vulnerable people and risks for young people: alcohol and drugs.

Finally, it is worth highlighting two conclusions of the Report and the conclusions approved by the Police Model Study Commission, of December 20, 2022.

Conclusion number 8 relating to the Impulse of changes and improvements in the police model of the GP-ME, section g) of block I (General perspective of police models) explains "The incorporation of organized civil society in the design of the security policies". This objective is amplified in conclusion number 14, which reads verbatim: "Security policies in Catalonia must adopt a multi-sectoral approach in which the police are a fundamental actor but not the only one. Security policies must be co-produced and it is necessary for the Department of the Interior to work together with the other departments in the design of these policies and at the same time it is necessary to involve local governments, organized civil society and the general public".

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Contact

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