

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

MEDEL - Magistrats Europeens pour la Democratie et les Libertes

Main Areas of Work

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

If "Other", please specify

democracy rule of law

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

500 character(s) maximum

www.medelnet.eu

<https://www.facebook.com/medel.europe.3>

<https://twitter.com/MedelEurope>

MEDEL is an association that was founded in 1985 in Strasbourg, France, and gathers 24 associations of judges and prosecutors, coming from 16 European countries, all members of the Council of Europe, representing a total of around 18.000 magistrates. It's main goal is the defense of the independence of the judiciary and rule of law.

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

Mariarosaria

Surname

Guglielmi

Email Address of the organisation (this information will not be published)

[REDACTED]

* 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

1. The attacks on the independence of judicial systems are persisting and multi-faceted, ranging from reforms that undermined the separation of powers to the systematic weakening of institutions in charge of ensuring the accountability and transparency of government action, from the attack on individual judges to public delegitimation campaigns against the whole judiciary. Even in contexts where judicial independence is rooted in a stable constitutional framework, there are attempts to introduce reforms that would represent a step back. For instance in Italy there are currently envisaged reforms of the public prosecution that would move it away from the model of independent public prosecutor as it results from the elaboration of common European principles and the advance represented by the establishment of the EPPO.

A critical situation persists as well for the institutions that ensure the self-government of the judiciary, that represent a key bulwark in the maintenance of the independence of the courts (Poland). In addition to the situations where the Councils of Justice have lost their role in safeguarding independence (Poland), there are also situations in which their authority is dangerously undermined for political reasons. MEDEL has, e.g., recently raised the alarm about the situation of the General Council of the Spanish Judiciary, which has been working under an expired mandate for more than four years, highlighting the urgency of restoring the full functionality of this institution.

When it comes to positive trends, one can note the reaction to the strengthening of the EU framework for the protection of the Rule of Law. The cases initiated by Hungary and Poland about the conditionality mechanism allowed the further clarification by the CJEU of the nature of article 2 of the EU Treaty, to be considered not merely as a statement of policy guidelines but rather as a definition of values that are an integral part of the “very identity” of the EU, providing for legally binding obligations for Member States. In line with this vision of Rule of Law as a set of non-negotiable values, which encompasses not only formal legality but also democracy and respect for fundamental rights, an active role has been assumed by the section of civil society more focused on the protection of fundamental rights, that acts and perceives itself as a fully European community of associations of judges and prosecutors, and representatives of the legal profession and the academia, and specialised NGOs.

In this regard it has to be stressed that MEDEL, together with other European judicial associations, recently lodged with the Court of Justice of the European Union an application for the annulment of the EU Council decision to unblock Recovery and Resilience funds for Poland, specifically as regards Rule of Law milestones, that the associations consider inconsistent with the case-law of the Court and insufficient to ensure effective protection of the independence of judiciary.

2. In various contexts one can easily spot (this is the case of Italy and France) risks implied in reforms solely centred on the achievement of measurable objectives, typically of a quantitative rather than qualitative nature. These reforms are usually inspired by a management vision prioritising a strict control over magistrates, with increasingly demanding performance standards the violation of which can bring to preliminary sanctions and increased discretion of the heads of the office. Such policies unavoidably harbour incentives to bureaucratisation and conformism in judicial and prosecutorial decision making. Such transformation processes are often taking place in the context of planning of the use of resources recently made available, as the post-Covid recovery funds in Italy and France. There is here a substantial risk to disregard the fact that the increased funding of the justice system should be in any case used to pursue its core mission, i.e., the protection of fundamental rights, with particular attention to the most vulnerable.

3. The debate animated since its foundation by MEDEL in this field has increasingly proved the necessity to have strong and effective Rule of Law monitoring tools, covering the whole spectrum of the values of democracy and fundamental rights. A request that MEDEL recently advocated in this respect concerns European migration policies, recalling that these shall stick to a substantive reading of Rule of Law principles, including the protection of human rights. Their violation in the case of migrants, asylum seekers and refugees, shall accordingly be treated as a serious breach of the founding values of the EU, enshrined in article 2 TEU. Therefore, migration policy should be included in the European Commission’s Annual Rule of Law Report (<https://medelnet.eu/statement-on-migration/>)

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

In order to achieve the objectives of the PNRR -that foresee the reduction by 40% of the duration of civil proceedings and by 25% of that of criminal ones, within the coming five years- a comprehensive judicial reform has been implemented in 2021 and 2022.

The legislative decree n. 150 of 10 October 2022, notably foresees a set of provisions concerning the digital transition in criminal proceedings.

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

The reform of the High Council for the Judiciary (CSM) -implemented by Law n.71 of 17 June 2022- did not touch the main constitutional features of the self-government system, but intervened most notably on the rules for the election of the members -judges and prosecutors – chosen by their peers. The new electoral system has clear majoritarian features, notwithstanding the fact that the constitutional role of the CSM is not such to require a strong governance system and the presence of stable majorities, as its legitimacy has always been rather linked to the internal pluralism and the representative features vis-à-vis the judiciary, deriving from the constitutional provision stating that the members expressed from the ranks of the judiciary shall be elected by their peers. We here recall the ENCJ Compendium on Councils for the Judiciary, adopted on 29 October 2021: <...the mechanisms for choosing judicial members must guarantee that there is no interference by other powers and the appointment must be left, directly or indirectly, to the magistrates, using democratic methods that ensure a “pluralist” nature of the council representation and ample legitimisation in relation to the body of magistrates>.

The reform was carried out while the public and political debate was permeated by hostility against judicial associations, allegedly having an undue influence over the Council.

The judicial associations and the National Association of Magistrates tried to bring some objectivity in the discussion, along the lines of the previous years when they advocated a reform of the electoral system introduced in 2002. The system adopted in 2002 was indeed one where magistrates were no longer elected on the basis of competing lists and according to a proportional system, but through single preferences given to individual candidates at a national level, thus producing the negative effect of reducing the role of the associations in selecting the candidates on the basis of shared values while increasing the relevance of the individual network of relations of the specific candidate. Something that, by the way, established within the judiciary a trend similar to the one observed at parliamentary level.

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

The law reforming the judicial system and the High Council for the Judiciary, Law n. 71 of 7 June 2022, was approved a few days after the referendum “for a Just Justice” held on 12 June 2022. This referendum included a set of questions related to several legislative provisions concerning the recruitment, training, and evaluation of prosecutors. The questions aimed at reaching - de facto – a radical change of the status of prosecutors, that would have implied broader effects on the constitutional framework of the justice system, that in Italy is based on the existence of one single body of civil servants encompassing both judges and prosecutors, with the latter removed from the area of influence of the executive power.

Notwithstanding the failure of the referendum, which did not obtain the quorum required to be considered as valid, the law approved by the Parliament eventually obtained the same result, primarily since it reduces from four to one the number of times one can switch between judicial and prosecutorial functions. This is a circumvention of the Constitution, that considers judges and prosecutors as components of the same order, sharing the same recruitment and career systems and relying on the same self-government body. A low number of judges and prosecutors actually transited from one function to the another, as a first reform in 2007 introduced specific conditions for this (besides the simple restriction in the number of transfers from one functions to another). This shows that this reform does not aim at improving the institutional machinery, but rather at creating the preconditions for a constitutional reform of the status of prosecution. A change of the core features of a system based on a judiciary with a single professional group and self-government system is indeed currently presented as the natural next step in this process in the statements of the representatives of several political parties and in the agenda of the current government. Such a reform would affect the bulwarks of the independence of prosecution as introduced by the Constitution, leading to a new asset where the prosecution could be placed under the control of the executive, that would be at odds with a model of independent prosecution that is broadly recognized in Europe - even more after the establishment of the EPPO - as being the one most in line with rule of law values.

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

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

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

As noted in the 2022 contribution to the ROL report, in the context of the reforms of the criminal justice system aimed at solving the serious structural problem represented by the excessive length of proceedings, Law n. 134 of September 27 of 2021 introduced a procedural bar: with the exception of crimes punished with life imprisonment and the possibility to allow extensions for specially complex cases, when a case is not closed at the appeal stage within two years, or in the Supreme Court of Cassation within one year, no further procedural acts can be undertaken, thus bringing to the practical extinction of the proceeding.

As already stressed in the previous contribution to the ROL report, this reform represents an unjustified and irrational withdrawal of the State from its power to ascertain criminal liability with regard to conducts that would otherwise be reviewed in a criminal proceeding, taking into account that the same reform provides that the statute of limitation does not apply any longer after the judgment in first instance. Such solution appears to be in conflict with the proper interpretation of the principle of the reasonable duration of proceedings that - according to the case law of European Courts - must be assessed in the perspective of serving the natural purpose of criminal proceedings, i.e. to ascertain responsibilities. A bar toward the ascertainment of facts, with the effect of sweeping away decisions issued in the first and second degree, risks instead to increase the tendency to file appeals only for the sake of procedural tactics (thus increasing the workload of the courts of appeal and the Supreme Court of Cassation).

Other - please specify

3000 character(s) maximum

The law reforming the judicial system and the High Council for the Judiciary (Law n. 7117 June 2022) is strongly inspired by an entrepreneurial model consistent with the reform of civil and criminal justice. In this perspective, the powers of the heads of the offices are accordingly strengthened, unduly increasing their hierarchical position and thus shaping a model of the judiciary very far from the one designed by the Constitution, where magistrates are distinguished only on the basis of their functions.

According to the new entrepreneurial model, the disciplinary sanctions -partly introducing new violations and partly broadening already existing ones- are aimed at fostering the productivity of judges. The more significant disciplinary provisions concern indeed: a) the lack of cooperation by a judge with regard to the measures adopted by the head of the office to ensure the proper functioning of the court and the reduction of its workload; b) the omitted reporting by the head of the office - when assessing the professional performance of a judge – of the above lack of cooperation; c) the omitted adoption by the head of the office of the measures needed to reduce the workload; d) the omitted report to the head of office, or by a judge holding a semi-managerial position, of the delays incurred by a colleague under his/her supervision in delivering justice.

These aspects of the reform have been harshly criticized by members of the judiciary and the National Association of Magistrates since, against the backdrop represented by the lack of resources and legislative reforms that aggrieved for years the inefficiency of the judicial machinery, the structural and systemic problems affecting civil and criminal justice are addressed by the reform as problems of individual performance. All this notwithstanding the existence of abundant evidence that the average commitment of judges is quite high.

The CSM as well, in an opinion of 23 March 2022, stressed that this aspect of the reform can bring to the use of disciplinary sanctions and proceedings as instruments for the governance of the judiciary.

The reform introduces as well a “performance file” for each judge and prosecutor and a random control of his /her decisions regarding the outcome of their review in the following phases of the proceeding, with the risk to induce a conformist behaviour in adjudication. Such a solution disregards the complexity of the evaluations to be made by the judge or prosecutor, and the fact that the possibility of a different appreciation of the same case in the different instances is to some extent unavoidable, being also possibly linked to changes intervening over time in interpretation patterns.

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

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

3000 character(s) maximum

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

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

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

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

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

3000 character(s) maximum

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

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

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

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

3000 character(s) maximum

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

Other - please specify

3000 character(s) maximum

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

Ten days after the government received the confidence vote from the Parliament, a decree-law introduced a body of heterogeneous provisions focused on security and law-and-order issues that inter alia provided harsh punishments for organisers and participants in the case of public events taking place in a form “that can endanger public order and security”.

The decree has been labelled anti-rave law as the event that triggered its adoption was a rave-party (an event that took place in an abandoned warehouse, and that ended before the law-decree was promulgated, following peaceful negotiations with the authority).

The first version of the decree was widely criticized due to the use of a procedure that requires “extraordinary cases of necessity and urgency”, to the sanctions introduced for the newly established crime, and to its broad wording, that made of it a potentially dangerous instrument to curtail the fundamental rights of assembly and protest, through its application to any kind of gatherings and protests.

The final version entered into force, although limiting the application of the sanctions to gatherings in the form of musical events, remains deeply problematic due to the still ill-defined nature of the conducts and the heavy sentences linked to violations. The Parliament voted on the conversion of the decree shortly before its expiry, after a strongly compressed debate, a procedure this which brought to a harsh criticism by the members of the opposition as the facto it did not allow a real debate.

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

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

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

