



# **RULE of LAW REPORT 2022**

**COUNTRY CHAPTER  
ABSTRACTS AND  
RECOMMENDATIONS**

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## ABSTRACT – BELGIUM

Concrete and comprehensive initiatives are ongoing to increase significantly the level of digitalisation of the Belgian justice system by 2026. Further steps are being taken towards the transfer of judicial management powers from the executive to the judiciary. The High Council for Justice continues its efforts to improve the independence, quality, and efficiency of the justice system, in particular by conducting audits and issuing opinions on draft legislation. The lack of human and financial resources remains a challenge for the justice system, but significant investments and initiatives aim to address this. A persistent lack of court data still hampers progress on the efficiency of justice, but initiatives are ongoing to remedy this issue. While additional human resources are being granted to help address backlogs, particularly lengthy delays reported in certain courts remain a source of concern.

Although aspects related to corruption are included in the national security strategy and different action plans, as well as multiple coordination platforms, Belgium has no specific overarching anti-corruption strategy. The situation at the Central Office for the Repression of Corruption has improved, including in terms of results in high-level corruption cases, however, its resources continue to be overall limited. Generally, there is good compliance with the requirement to declare assets and mandates, however, the verification and transparency of such declarations remains an issue of concern. The system to report potential foreign bribery cases is in place but obstacles to the successful prosecution of such cases include the statute of limitations, a lack of prioritisation of cases, and difficulties to obtain evidence. Mainstreaming integrity rules in the police is a challenge, with each police zone having its own rules. A broad integrity policy for Ministers, their Cabinets and as well as members of Parliament remains lacking and existing codes of conduct continue to have gaps. There are no clear and consistent rules in place on how to deal with gifts and benefits for Parliament and Government. Initial steps were taken towards a reform of the legislative framework regarding lobbying, and a reform of the legislation on whistleblowing is ongoing. Gaps continue to exist in the rules on revolving doors, in particular relating to their scope and to a lack of transitory measures.

A robust legal framework and independent media regulators continue to ensure media pluralism. Specific safeguards for the governance and the operational and editorial independence of the public service broadcasters guarantee their autonomy and impartiality. The media markets of the three linguistic Communities remain highly concentrated. Recent legislation introducing new refusal grounds, and delays in treating public document requests might affect the right to access public documents. Cases of physical or verbal abuse as well as online and offline threats are an increasing source of concern for journalists. While there are sporadic reports about police officers seizing and erasing journalistic material, recent jurisprudence has brought clarity about the possibility for journalists to film police interventions and courts enforce robust legal safeguards.

The Council of State and the Constitutional Court, as well as other independent institutions with an important role in the system of checks and balances, face some challenges regarding resources, but certain steps are being taken to address this. The pandemic law that provided a new legal basis for pandemic emergency measures was deactivated in March 2022, and the Constitutional Court will rule on its constitutionality. Civil society is being regularly involved in Government initiatives, but a certain narrowing of the civil society landscape has been reported. A citizen consultation process was held on the preparation of a future State reform.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Belgium to:

- Continue measures to provide adequate human and financial resources for the justice system as a whole, taking into account European standards on resources for the justice system.
- Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Strengthen the integrity framework, including by adopting a Code of Conduct covering all members of ministerial private offices, rules on gifts and benefits for members of Parliament and Government and rules on revolving doors for government and their private offices.
- Strengthen the framework for access to official documents, in particular by improving request and appeal processes and by limiting the grounds for rejection of disclosure requests, taking into account European standards on access to official documents.



## ABSTRACT – BULGARIA

Reforms in Bulgaria in the area of justice and anti-corruption were first followed by the Commission under the Cooperation and Verification Mechanism (CVM) and are currently monitored under the Rule of Law Mechanism.

The Government has committed, in the context of the Bulgarian Recovery and Resilience Plan, to establish an effective mechanism for the accountability and criminal liability of the Prosecutor General and his/her deputies, as well as a judicial review of prosecutorial decisions not to open an investigation. This would address longstanding concerns referred in the previous editions of the Rule of Law Report and in the CVM. There are increasing concerns related to the functioning of the Supreme Judicial Council and the need to address its composition is all the more important. Concerns related to the Inspectorate to the Supreme Judicial Council remain. The absence of regular competition for the promotion of magistrates, combined with an extensive use of secondments, risks to affect the independence of magistrates. A legislative reform has abolished the specialised judicial authorities, while providing for the reappointment of the relevant magistrates to ordinary courts and prosecution offices, with safeguards to protect judicial independence and procedural rights. Challenges remain in the area of digitalisation of justice. Administrative justice continues to perform well in terms of efficiency.

The Anti-Corruption Commission has continued to perform its activities, with envisaged reforms aiming at restructuring it to improve its capacity towards investigation of corruption cases. A solid track-record of final convictions in high-level cases of corruption is still lacking. The National Strategy for Prevention and Countering Corruption, as well as the general provisions for the integrity of the public administration continue to be implemented, including provisions for specific sectors and a mechanism for the declaration and verification of assets. Lobbying and protection of whistleblowers are still not properly regulated, although there are plans to address that. Sector-specific corruption risks such as management of budget funds and control activities, including procurement were identified during the COVID-19 pandemic.

As regards media freedom and pluralism, the legal framework, based on a set of constitutional safeguards and legislative measures, guarantees freedom of expression and editorial independence. The lack of a clear regulatory framework to ensure transparency in the allocation of state advertising remains a concern, despite some measures having been taken to improve transparency. As regards media ownership transparency, reflections are ongoing about a more effective enforcement of media ownership obligations. Legal safeguards exist regarding the independence of public service media, but appear to be insufficient; a revision of the law is being considered in order to strengthen the independence of public service media and define in more detail the public service remit and the related financing. The professional environment of journalists has slightly improved since the last year but issues such as access to public information, working conditions and strategic lawsuits, remain.

The establishment of a Post-monitoring Mechanism to accompany future CVM related reform is progressing well after a decision of the Supreme Administrative Court. New rules have been adopted by the Parliament to improve the law-making process. The emergency regime related to the COVID-19 pandemic has ended. A Council for Civil Society Development has been set up with the objective of assisting civil society, which will include drafting and implementation of policies covering Civil Society Organisations themselves.

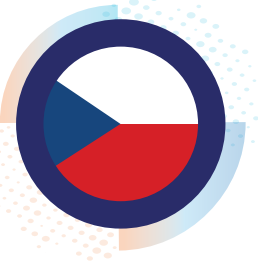
## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework and the remaining commitments under the Cooperation and Verification Mechanism, it is recommended to Bulgaria to:

- Ensure timely ordinary competitions for promotion to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- Advance with the legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members.
- Take steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
- Continue the implementation of measures to improve the integrity of the specific sectors of the public administration, including measures tailored to the police and the judiciary.
- Ensure that the institutional reforms of the Anti-Corruption Commission and the specialised judicial authorities lead to an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases.
- Improve transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.





## ABSTRACT – CZECHIA

The new Government has announced several reforms related to the Czech justice system, some of which follow up on efforts of the previous Government. A planned reform of disciplinary proceedings against judges aims to introduce the possibility to appeal and a new reform of the prosecution service is under preparation, introducing, among others, changes relating to the term of office and dismissal of the Prosecutor General. Both initiatives aim to further strengthen the independence of the justice system. An amendment of the selection procedure for judges has entered into force. Efforts to improve the digitalisation of justice, including publication of judgments and preparation of a digital file management system, progress slowly. Efficiency of proceedings has improved in the administrative justice system.

The legal and institutional framework to address corruption is broadly in place, and the new Government has prioritised some anti-corruption measures. The Government is drafting a new Anti-Corruption Strategy to be implemented as of 2023 but concerns exist over the effective and consistent implementation of all measures in the current strategy and action plan. Several planned reforms were not adopted before the end of the parliamentary term in 2021, including on lobbying, whistleblowing, the Supreme Audit Office mandate, and a code of conduct for members of Parliament. The new Government has announced its intention to continue to fight corruption, including through pending legislative reforms on conflicts of interest and whistleblower protection. Cases of high-level corruption remain a concern, in particular in a context of delayed proceedings. In addition, the use of presidential pardoning power in a high-level corruption case led to public debate. Ethics rules for both chambers of the Parliament remain lacking. Rules on revolving doors for members of Government, Parliament and civil service remain limited. An evaluation of the legislation on political party financing is planned.

Constitutional rules guarantee freedom of expression and the right to information. Rules to enhance transparency of beneficial ownership of media outlets enacted in 2021 still require full implementation and concerns persist with regard to the lack of full ownership transparency as well as conflict of interests. The independence of the Czech media regulator is expected to be further enhanced, while political controversies affecting Czech public service television have led to calls to overhaul the Czech Television Act given that the current system does not prevent the political majority in the Chamber of Deputies, via political influence over the Councils, from securing the dismissal of a Director-General. Unlike the case with most sectors of the economy, the media sector did not benefit from any specific support scheme to counter the effects of the COVID-19 pandemic. There have been no developments with regard to state advertising and access to information. Support for the needs of journalists and their working conditions is missing while harassment of journalists remains part of the political landscape.

The use of the accelerated legislative procedure decreased. The validity of the Pandemic Act has been extended until November 2022. The Ministry of Health conducted an internal audit of the adoption process of pandemic measures, after several had been annulled by courts. Work to enhance the participation of civil society organisations in the decision-making process is ongoing. While the Ombudsperson performs some of the tasks of the National Human Rights Institution (NHRI), other typical tasks remain unassigned and there are no specific plans to establish an NHRI. Statements of the Ombudsperson regarding Roma or LGBTIQ people continued to raise concerns. Access to public funding of civil society organisation raises some concerns. The space for civil society has been downgraded from open to narrowed by observers.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Czechia to:

- Take forward the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- Take measures to reduce the length of proceedings to ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases.
- Strengthen the integrity framework for members of Parliament, in particular by ensuring that Codes of Ethics are in place for both Houses of Parliament.
- Complete the revision of legislation on asset declarations and on conflict of interests, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Take steps to establish a National Human Rights Institution taking into account the UN Paris Principles.



## ABSTRACT – DENMARK

The level of perceived judicial independence in Denmark continues to be very high. Gaps in the digitalisation of the judiciary remain, notably related to digital solutions to initiate and follow administrative and criminal proceedings. The limited expenditure on the justice system as a percentage of the GDP and low number of judges remains a long-term challenge, in particular in view of ensuring efficient case-handling. Discussions on a multiannual budgetary framework for the period 2023-2026 are ongoing. A new law on court fees came into force, which aims to make the fees more understandable and to incentivise settlements. The justice system overall remains efficient and legislation to speed-up the handling of criminal cases was adopted. However, the average case-handling times for district courts have increased in both civil and criminal cases in 2021.

Denmark is perceived as the least corrupt country in the EU and the world. The anti-corruption system continues to be based to a large extent on general rules on ethics and integrity, social norms and public scrutiny with a high degree of trust in well-functioning of the public administration. A new national investigative unit was established for a more efficient approach to serious crime including complex corruption cases. New legislation was introduced to strengthen the protection of whistleblowers along with new reporting channels. Additional measures on political party financing to address multiple donations were announced by the Government though no concrete roadmap for their adoption is planned. Challenges regarding the implementation of international recommendations in relation to the anti-corruption framework remain unaddressed, as there are no plans to address the absence of rules on ‘revolving doors’ for ministers and on lobbying, and to ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.

Initiatives to strengthen the media self-regulatory system in Denmark through the creation of a media ombudsperson and to update the current framework for media responsibility to fit the digital media reality are currently ongoing. The independence of the two Danish public service broadcasters is safeguarded by secondary legislation. Political negotiations have been conducted regarding the possible amendment of the Access to Public Administrative Documents Act, which restricts the right to access information in some cases, but there are no concrete plans for reforms yet. Organisations representing Danish journalists, media and cultural stakeholders, together with the Ministry of Justice and the Ministry of Culture, have published a national action plan to further strengthen the already robust framework for the safety of journalists. The Criminal Code has been amended to allow stricter sentences for threats to freedom of expression.

A number of developments related to checks and balances could be observed in Denmark. The first commission of scrutiny, following this newly established system of control, examined the decision on culling of mink and submitted its report to a Parliament committee on 30 June 2022. The Court of Impeachment, responsible for deciding on cases involving breaches of ministerial responsibility, issued a ruling in 2021. In addition, the Government has reviewed the use of the Epidemic Act and invited public comments. The guidelines of Parliament’s Standing Orders Committee on fast-track procedures have been overall respected notwithstanding an increase in legislative activity in 2021. The civil society space remains open and the framework for public participation remains robust.

## Recommendations



It is recommended to Denmark to:

- Ensure adequate human and financial resources for the justice system in the next multiannual framework, taking into account European standards on resources for the justice system.
- Adopt new legislation on political party financing that will address the issue of multiple and anonymous donations and introduce sanctions for breaching the rules on the political parties framework.
- Introduce rules on 'revolving doors' for ministers and on lobbying, and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.
- Continue the process geared at reforming the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.



## ABSTRACT – GERMANY

The German justice system continues to experience a very high level of perceived judicial independence and performs overall efficiently. The reinstatement of experience requirements among the selection criteria for presiding judges at the Federal courts has been welcomed by the judiciary. The Government intends to present a new reform to the powers of Ministers of Justice to issue instructions to prosecutors in individual cases after a draft bill by the Federal Ministry of Justice failed to advance in the last legislative period. An extension of the Pact for the Rule of Law to provide further resources for the judiciary has been announced, and the Länder have requested the Federal Government to start negotiations on this. However, long-term challenges remain regarding recruitments and the level of salaries of judges. Efforts to improve the digitalisation of the justice system continue and would also be addressed in the new Pact for the Rule of Law.

Germany is still in the process of updating its strategic framework for the prevention of corruption in the federal administration as well as its whistleblower protection rules. However, a number of reforms are planned for the prevention of corruption, including to further enhance transparency in decision making. Among the planned initiatives of the new coalition agreement are the introduction of a legislative footprint on lobbying during the legislative process, and the revision of political party financing rules. Shortcomings remain in the regulation of asset disclosures for parliamentarians and government officials, especially with regard to fragmented and inconsistent post-employment rules and cooling-off periods. Following a significant rise in the detected financial damage caused by corruption in Germany in 2020, with a stark rise of bribery targeting the public sector, Germany has increased criminal sanctions for bribery of members of Parliament. Germany has a very solid record of the prosecution of individuals who commit foreign bribery, but no legal provisions for criminal liability of companies are in place.

Germany continues to enjoy a high level of media freedom and pluralism. There is a high degree of independence of the media and relevant supervisory authorities. This includes a strongly pluralistic framework of national and regional public service broadcasters as well as a well-established Press Council. Transparency of media ownership is ensured. Journalist representatives point to room for improvement regarding the framework for the access to information by journalists, an issue which is also included in the coalition agreement. Länder authorities, the Press Council and other media stakeholders are currently discussing an update of the existing principles of conduct for the media and the police to address the safety of journalists during protests.

As regards checks and balances, plans to improve the transparency and inclusiveness of law-making have been announced, which could address challenges identified by stakeholders in this respect. Restrictive measures related to the COVID-19 pandemic have continued to be subject to constitutional and judicial review as well as parliamentary scrutiny. The appointment procedure for the head of the Anti-Discrimination Agency, who has remained in functions ad interim for the past four years, has been reformed. Civil society continues to experience challenges due to the uncertainty of rules related to their tax-exempt status. While the Government has announced an intention to reform the legal framework related to the tax exempt status, no concrete proposal has been tabled so far.

## Recommendations



It is recommended to Germany to:

- Continue efforts to provide adequate resources for the justice system as part of the new pact of the rule of law, including on the level of salaries for judges, taking into account European standards on resources and remuneration for the justice system.
- Proceed with plans to introduce a 'legislative footprint' to allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative texts.
- Strengthen the existing rules on revolving doors by increasing consistency of the different applicable rules, the transparency of authorisations for future employment of high ranking public officials, and the length of cooling-off periods for federal ministers and federal parliamentary state secretaries.
- Take forward the plan to create a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to documents.
- Take forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice, taking into account European standards on funding for civil society organisations.



## ABSTRACT – ESTONIA

The digitalisation of the justice system in Estonia, which is already well advanced, continued to improve, including in the field of criminal proceedings. This high level of digitalisation has allowed the justice system to continue working efficiently, with some further improvements in criminal cases. Challenges have been identified as regards the workload of judges, as illustrated by a survey conducted among judges. To address these challenges and to even-out the workload between courts, a new regime was created for transfer of cases. Concerns have been raised about the effect of the application of this new regime because it may require judges to travel to hold hearings in cases they were assigned. Court fees have been significantly increased but citizens can rely on a number of safeguards, including exemption from court fees for cases with the highest social significance, such as child support disputes, labour and pension related disputes.

The anti-corruption network effectively supports the implementation of the 2021-2025 Anti-Corruption Action Plan. The criminal justice system for investigating and prosecuting corruption continues to function well. The Guidelines on Lobbying are being implemented and the first evaluation of their effectiveness is still ongoing. There are shortcomings in the implementation of the Guidelines on Conflicts of interest, including the lack of evaluation of their implementation, which does not allow to verify and monitor whether they have met their objectives. The first feedback on the implementation of the Anti-Corruption Act extending the obligation to declare interests to ministers' political advisers and the deputy secretaries-general of ministries is positive. The draft law that would strengthen the powers of the Political Parties' Financing Surveillance Committee is under preparation. The Government has proposed a comprehensive law to protect whistleblowers, which is currently being discussed in Parliament.

Estonia has amended the media law to strengthen the independence of the media regulator and enhance the transparency of media ownership, including beneficial owners. The right of access to information is protected by the Constitution, yet actual disclosure practices vary between public bodies. There is legislation in place that foresees detailed procedures for operating TV and radio licenses without media-specific quantitative rules for market entry or operation. Legislative safeguards for the independence of public service media are in place. Since the 2021 Rule of Law Report, the comprehensive framework for the protection of journalists has remained stable.

A project creating a new digital platform to further improve the process of enactment of laws entered its first implementation phases. As a consequence of the COVID-19 pandemic, new legislation provides a broader basis for measures to address health emergencies and exercise supervision. The Cohesive Estonia Development Plan 2021-2030 replaces or integrates all previous strategies and plans related to Civil Society Organisations, and extends the duration of the previous programme.

## Recommendations



It is recommended to Estonia to:

- Ensure that the guidelines on the conflict of interests are subject to an effective verification, monitoring and enforcement mechanism.
- Continue the efforts in effective implementation of the guidelines on lobbying.
- Ensure consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents.
- Continue advancing with the digital platform to make the legislative process even more visible and inclusive for public consultation.





## ABSTRACT – IRELAND

Reforms of the Irish justice system have continued. A new draft law on judicial appointments and promotions, which proposes to establish a Judicial Appointments Commission, was tabled in Parliament. The draft law limits the level of discretion of the Government in the appointment procedure, however the fact that the proposed Commission does not consist of a clear majority of judges chosen by their peers raises concerns. The Judicial Council adopted guidelines for the judiciary on conduct and ethics, where the role and discretion retained by Parliament on the removal of judges could raise concerns about the potential politicisation of the process. The Attorney General introduced a scheme to provide legal representation to judges in case of misconduct, which is a positive development to strengthen judicial independence. Additional judicial posts have been filled in the High Court, while the number of judges per inhabitant remains low. High litigation costs and shortcomings within the legal aid system continue to raise concerns, however, work is ongoing to address those challenges. The digitalisation of justice has progressed with the adoption of ICT and Data Strategies. Work on the review of the Offences Against the State Act relating to the Special Criminal Court has continued. A draft law establishing a compensation scheme for cases of excessive length of court proceedings has been proposed.

Ireland continues to review its national anti-corruption structure and strategy. The development of the multi-annual National Strategy and Action Plan to Combat Economic Crime and Corruption has been affected by delays in establishing a permanent Advisory Council. A new criminal procedural act entered in force in 2021 and should make dealing with complex offences – including corruption – more efficient, but further reforms are needed to strengthen the fight against corruption. A review of the ethics legislative framework has started and includes addressing weaknesses in the asset disclosure legislation. The review also aims at reinforcing the capacity of the Standards in Public Office Commission, which currently lacks any enforcement powers in most areas related to its mandate. Legislation on whistleblowing is being discussed in Parliament and is expected to be approved during the first half of 2022. As regards prosecution and investigation of corruption, cooperation between relevant authorities is good. In addition, resources in the prosecution of corruption begun to be reinforced, while the number of cases detected and investigated continues to increase.

Ireland is finalising a legislative overhaul of its media law undertaken in the context of transposing the revised Audiovisual Media Services Directive. Authorities have taken steps to mitigate the financial burden on media outlets caused by the pandemic and public information campaigns on the COVID-19 pandemic have played a role in supporting the viability of media outlets. Although recent figures show an even split of state advertising spending across national and regional media outlets, the lack of specific rules regarding the allocation of state advertising funds hinders the transparency of the process. The professional environment for journalists is largely safe and the ongoing reform of the defamation rules is expected to have a positive impact on the work of journalists.

Following discussions related to the consideration of new bills, new working methods have been adopted to improve the management of business in Parliament. The Irish Human Rights and Equality Commission has been re-accredited A status and received further funding. Ireland has a vibrant and diverse civil society, but a reform on the Electoral Act has not addressed concerns regarding legal obstacles for the funding of Civil Society Organisations.

## Recommendations



It is recommended to Ireland to:

- Ensure that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments.
- Continue actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.
- Strengthen the existing ethics framework, including on codes of conduct, asset declarations, revolving doors and lobbying, and in particular as regards the monitoring and enforcement capacity of the Standards in Public Office Commission.
- Continue the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Take measures to address legal obstacles related to access to funding for civil society organisations.



## ABSTRACT – GREECE

A number of measures aiming at improving the efficiency and the quality of the Greek justice system are being implemented. The 2021 reform of the School of Judges aims at increasing the quality of judges' training, and the planned creation of a National School for Judicial Clerks would help to improve the quality of the assistance to judges and of the management of the courts. The revised Code of Civil Procedure in 2021 seeks to have a positive impact on the efficiency of justice, in particular as regards delays in civil justice and the coherence of the case law. A code of conduct for the judges of the Council of State was adopted in March 2022. Draft legislation on the promotion of judges and prosecutors and the organisation of the courts was adopted by the Parliament in June 2022. Measures are being implemented to improve the quality of justice, in particular as regards digitalisation. The draft legal text is being finalised to create a formal legal framework for the office for the collection and processing of judicial statistics established in the Ministry of Justice at the end of 2020. Concerns remain regarding the appointment procedure for the most senior positions of judges and prosecutors, including the lack of judicial involvement in the selection process.

The new National Anti-Corruption Action Plan for 2022-2025 was approved. The cooperation between anticorruption bodies and entities from the private and public sector is being developed. Provisions for the regulation of lobbying were recently adopted. A limited number of prosecutions related to corruption was taken forward, although progress on final decisions remains to be established. While the number of asset declarations being filed has increased and all are verified for their completeness, their accuracy is only verified in a limited percentage. Rules on the ethics of civil servants continued to be implemented, but concerns persist as regards the integrity within the police force. Regular auditing activities aim at detecting and preventing corruption. Specific actions to counter the risk of corruption during the COVID-19 pandemic continued to be applied.

Freedom of expression and the right of access to information are legally and formally protected in the Constitution and sectorial legislation. The Greek government has taken steps to strengthen the transparency of media ownership, through recently adopted legislation. However, the situation of journalists raises significant concerns due to the fact that they continue to face threats and attacks while their professional environment has further deteriorated. The allocation of state advertising as regards, in particular the non-transparent distribution of state funding, is also an issue. While public service media is regulated by a strong legal framework, there are concerns with regard to potential political influence in the appointment of board members. . Challenges persist with regard to the adequacy of the media regulator's financial and human resources.

As regards checks and balances, work on improving the quality of legislation is progressing in particular as regards the compatibility of draft laws with the Constitution and EU law. Codification of legislation is also progressing with the adoption of a number of legal codes in different areas of legislation. The number of last-minute amendments for draft legislation is decreasing. However, stakeholders are often left with insufficient time to comment on draft laws. The Ombudsperson is working on strengthening the capacities of the institution including by securing the independence of his budgetary resources and also developing international cooperation. New legislation seeks to improve the framework of an enabling environment for civil society organisations, although some modalities of the registration requirements, continue to be considered cumbersome by some civil society organisations while a review of the existing legislation is pending before the Council of State.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Greece to:

- Address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Ensure the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials.
- Increase efforts to establish a robust track record of prosecutions and final judgments in corruption cases.
- Establish legislative and other safeguards to improve the physical safety and working environment of journalists, in line with the recently adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Ensure that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate.



## ABSTRACT – SPAIN

The Spanish justice system has continued undergoing important developments. The fact that the renewal of the Council for the Judiciary is pending since December 2018 remains a concern. In this context, there have been further calls to modify the Council's appointment system in line with European standards so that no less than half of judges-members are elected by their peers. Legal amendments were adopted aiming at an increased transparency of relations between the Government and the Prosecutor General, while concerns on the coincidence in the term of office of the Prosecutor General and the Government remain. The Judicial Ethics Committee issued an opinion on the ethical duties of judges who return to their judicial functions after having held political office. Progress is ongoing as regards the quality of the justice system, such as the implementation of measures facilitating access to justice of persons with disabilities. The reform of the Criminal Procedure Code and the law on the right of defence are progressing. The digitalisation of justice is well advanced and shortcomings are being addressed. Efforts continue to address challenges related to the resources of the judiciary. The length of proceedings remains a challenge, though work is ongoing on draft laws aimed to enhance the efficiency of the justice system.

Spain continues to implement a set of measures to fight and prevent corruption. The adoption of a national Anti-Corruption Plan is being considered, which is expected to contribute to creating a comprehensive policy to prevent and reduce corruption. While resources have been increased within the Prosecution Services, the investigation and prosecution of high-level corruption remains a concern as proceedings continue to be lengthy and complex. As regards the prevention of corruption, Spain continues to develop a strong integrity framework for the public administration, including to prevent conflicts of interest and incompatibility rules. A draft Law on Transparency and Integrity of Interest Groups and a draft law on conflict of interests prevention in the public sector are being finalised by the Government. Draft legislation on the protection of whistleblowers is expected to soon be adopted by the Government. The Office for Conflicts of Interest has stepped up its role by providing ethics guidance and training activities to public officials.

The general legislative framework regarding media freedom and pluralism remains solid and stable. A law aimed to transpose the 2018 revision of the Audiovisual Media Services Directive, which would include new legal provisions on the transparency of audiovisual media ownership, has been adopted. However, challenges remain in relation to transparency of written media ownership and the operational autonomy and resources of the Audiovisual Regulator. Work is ongoing to strengthen access to information. The Government has continued the implementation of an agreement aimed at facilitating the work of information professionals, while journalists have continued facing some challenges.

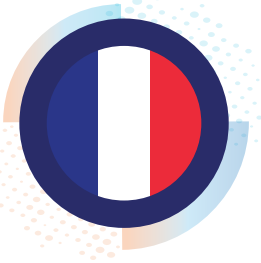
A number of constitutional bodies relevant in the system of checks and balances, including the Ombudsman, saw their members appointed by Parliament, which put an end to substantial delays. The Constitutional Court issued two decisions reviewing the emergency measures taken to fight the COVID-19 pandemic. A number of initiatives aimed at increasing public participation in policy-making and reinforcing cooperation between the public administration and civil society are ongoing. The reform of the Citizen Security Law, which continues to raise concerns including by civil society, is pending in Parliament. Activities to promote a rule of law culture took place, in particular the launch of a training programme for journalists on the Spanish justice system.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Spain to:

- Strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- Proceed with the renewal of the Council for the Judiciary as a matter of priority and initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards.
- Continue efforts to table legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases.
- Ensure adequate resources for the national audiovisual media regulatory authority to strengthen its operations, taking into account the European standards on the independence of media regulators in particular as regards resource adequacy.
- Pursue work to strengthen access to information, in particular via revision of the Law on Official Secrets.



## ABSTRACT – FRANCE

A comprehensive consultation process took place to identify further reforms needed to address potential issues affecting the French justice system. In this context, the judiciary, in particular the High Council for the Judiciary, made several calls for reforms, including on the accountability and protection of magistrates, and for an increase in human resources beyond the additional resources already allocated. The length of proceedings in the justice system increased, and the Ministry of Justice is evaluating further needs. The decision of the Minister of Justice to open administrative investigations against several magistrates for alleged violations of ethical obligations is being examined in Court. While some digital tools at the disposal of litigants and justice professionals continue being deployed successfully, the key ongoing projects to increase the digitalisation of civil and criminal justice have encountered difficulties in their implementation. As regards lawyers, the Law for trust in the justice system created new safeguards for professional secrecy, ethics and disciplinary procedures.

The conviction of high-level corruption cases continues to bring tangible results despite challenges linked to the limited resources as well as structural weaknesses. The national anticorruption plan for 2020-2022 continues to be implemented. Rules on conflict of interest are in place and a new law was adopted for the protection of whistleblowers. A regulation of lobbying is in place, but significant concerns remain in relation to the application of these rules to all types of lobbying actors. Asset declarations are disclosed and regularly verified. The human resources of the National Commission on Campaign Accounts and Political Financing continues to be insufficient compared to its workload. The measures introduced in public procurement during the COVID-19 pandemic remain in place.

France has a strong legal framework guaranteeing media freedom and pluralism, mainly due to safeguards stemming both from the Constitution and from legislation. A new independent authority - *Autorité de régulation de la communication audiovisuelle et numérique* (ARCOM) has been created from the merger of the *Conseil supérieur de l'audiovisuel* (CSA) and the online copyright authority, the *Haute autorité pour la diffusion des oeuvres et la protection des droits sur internet* (HADOPI), with increased powers over the entire field of audiovisual and digital content. Legal and structural safeguards ensure the independence of the French public service media. The Government has taken measures to address the increasing attacks and threats against journalists during protests or demonstrations. The persisting issue of horizontal and cross-media concentration has been examined by a Senate Commission of enquiry, which suggested a substantive revision of the existing legislation to preserve freedom of information. Challenges persist regarding the transparency of complex media ownership structures.

The practice of nationwide public consultations was further reinforced and extended to other fields, including the justice system. Accelerated procedures for the adoption of laws continued to be used regularly, including for laws with a significant impact on individual freedoms. The COVID-19 pandemic emergency regime has been extended until July 2022, while the Constitutional Council defined the limits of the executive and legislative powers in this context. Independent authorities issued opinions regarding the impact of laws adopted to manage crisis situations on individual freedoms. New laws have been adopted to improve the financial environment for civil society organisations. The Law on republican principles entered into force and a number of stakeholders raised concerns as regards its potential impact on the civic space.

## Recommendations



It is recommended to France to:

- Continue efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Continue efforts to ensure adequate human resources for the justice system, including to improve its efficiency, taking into account European standards on resources for the justice system.
- Continue the effective investigation, prosecution and sanctioning of high-level corruption offences.
- Ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- Enhance the transparency of media ownership, in particular regarding complex shareholding structures, building on the existing legal safeguards.





## ABSTRACT – CROATIA

The process for appointing the President of the Croatian Supreme Court, a challenge raised in the 2021 Rule of Law Report, was concluded. Responding to findings of the past Rule of Law Reports, amendments strengthened the State Judicial Council's and State Attorney's Council's role in the selection of judges and state attorneys, and, as committed in the context of the Croatian Recovery and Resilience Plan, both Councils' resources are being increased. New laws introducing regular security checks on judges and state attorneys conducted by the National Security Agency raised concerns. Criminal proceedings concerning cases of alleged corruption among judges and disciplinary proceedings are ongoing. The level of perceived judicial independence remains very low. The Supreme Court President disseminated a questionnaire for judges to appeal court presidents, which has raised concerns among judges. The justice system extended electronic communication tools and decreased backlogs at higher court instances, but significant efficiency and quality issues remain.

A new Strategy on the Prevention of Corruption for 2021-2030 was adopted in October 2021 to strengthen the prevention of corruption and raise awareness about its harmfulness. While the effective investigation of corruption continued, including on high-level corruption, the number of indictments and final judgments for corruption decreased. The excessive length of criminal proceedings continues to undermine the effectiveness of the anti-corruption framework. The new Law on the Prevention of Conflicts of Interest has strengthened asset declarations and improved the framework on revolving doors. A Code of Ethics was adopted for members of Government, however, a similar one for members of Parliament and detailed rules on lobbying activities remain to be introduced. The new framework on protection of whistleblowers entered into force. On the Government's proposal, Parliament adopted amendments to remove immunity of members of Government for corruption crimes.

The legal framework for media pluralism and freedom guarantees the basic right of freedom of expression and the right to information. There are concerns about the political independence of the Council for Electronic Media and the management of the public service broadcaster HRT. The revised Electronic Media Act updated rules on the transparency of state advertising and media ownership, and on media concentration. However, a need remains to further strengthen the framework on state advertising, including the new public tender procedure, as concerns related to the economic dependence of certain media outlets on state advertising persist. The establishment of an independent, self-regulatory body for the media is being discussed. The professional environment for journalists is impacted by verbal aggressions against journalists, including by politicians. A high number of cases of abusive litigation targeting journalists remains a significant concern. Delays in the processing of requests for information from journalists remain an issue.

The number and duration of public consultations increased, which resulted in more participants providing their comments. Parliament further decreased the use of emergency procedures, but the lack of recording of voting in some remote sessions is still problematic. The Constitutional Court reviewed some emergency measures and has accumulated backlog due to lack of resources. A challenge exists regarding the follow-up to and monitoring of the Ombudsperson's recommendations, and on access to information. While some preparatory steps were taken, the Government has not progressed in adoption of the new National Plan for Creating an Enabling Environment for the Civil Society Development 2021-2027.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Croatia to:

- Reconsider the newly introduced periodic security checks conducted by the National Security Agency on all judges and state attorneys by ensuring their integrity based on other existing mechanisms, taking into account European standards on judicial independence and autonomy of prosecutors and the opinion of the Venice Commission.
- Introduce comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists.
- Further strengthen the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the new public tender procedure for local and regional media.
- Address the issue of strategic lawsuits against public participation targeted at journalists, including by addressing the abuse of legal provisions on defamation and encouraging awareness, taking into account European standards on the protection of journalists.
- Ensure a more systematic follow-up to recommendations and information requests of the Ombudsperson.



## ABSTRACT – ITALY

Comprehensive long-awaited civil and criminal justice reforms have been adopted as part of the commitments of the Italian Recovery and Resilience Plan, aiming at improving the quality and efficiency of the justice system. Digitalisation of the justice system is further progressing at civil courts, while challenges remain at criminal courts and prosecution offices. Specific measures aimed at supporting judges are being implemented. These measures, coupled with forthcoming implementing legislation, intend to address the serious challenges related to the efficiency of the justice system, including backlogs and length of proceedings. On 16 June 2022, the Italian Parliament approved a new law to reform the justice system, which also includes provisions regarding the establishment and functioning of the High Council for the Judiciary. Implementing legislation, to be adopted within one year, will provide the opportunity to adopt more detailed provisions that take into account European standards on judicial independence, including on the organisational powers of the presidents of courts and the involvement of lawyers in the professional evaluation of magistrates.

Italy's new National Anti-Corruption Plan (2022-2024) is planned to be in place in the summer 2022. While the criminal justice reform addresses the excessive delays in corruption prosecutions, close monitoring will be required to ensure that corruption cases will not be automatically closed at appeals level. Challenges still exist for corruption investigators regarding the level of interconnection of the registries that include relevant financial data, which calls for increased digitalisation and artificial intelligence tools. Several legislative proposals aimed at strengthening corruption prevention are still pending, including on whistleblower protection, conflicts of interest and lobbying. Political party and campaign financing rules show some significant loopholes, while several investigations into cases were launched and first instance conviction reached. The practice of channelling donations to political parties through political foundations and associations present a serious obstacle to public accountability, as transactions are difficult to trace and no common, single register exists. Corruption is increasingly used to infiltrate the legal economy.

Italy has a robust legislative framework regulating the media sector, including its public service media, as well as an independent and effective media regulator. Concerns persist with regard to the precarious working conditions of many journalists in the country, the protection of journalistic sources and the issue of professional secrecy. While prison sentences for defamation have largely been abolished following a landmark Constitutional Court ruling in 2021, the increasing prevalence of SLAPP cases and the combination of criminal and civil defamation raises concerns. In spite of a well-functioning and resourced coordination centre dedicated to monitoring the issue, cases of physical attacks and intimidation against journalists and media outlets continue to rise year-on-year.

The Parliament and the Constitutional Court have continued to exercise scrutiny over restrictive measures taken in the context of the COVID-19 pandemic, while the emergency regime has recently ended. Due to delays in the legislative process, a National Human Rights Institution remains to be established. Democratic participation of civil society organisations would be promoted through a permanent advisory board. However, the civic space remains narrow, in particular for the organisations dealing with migrants, and the registration process for non-governmental organisations remains complex.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Italy to:

- Continue the efforts to further improve the level of digitalisation of the justice system, particularly for criminal courts and prosecutors' offices.
- Continue effective operations of police and prosecution service against high-level corruption, including by enhancing digitalisation and interconnection of registries.
- Adopt comprehensive conflict of interests rules and lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- Effectively address the practice of channelling donations through political foundations and associations and introduce single electronic register for party and campaign finance information.
- Introduce legislative and other safeguards to reform the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- Increase efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.



## ABSTRACT – CYPRUS

The structural reforms of the Cypriot justice system which are being elaborated by the Government are progressing, albeit with delays. The draft legislation on the splitting of the current Supreme Court, voted by Parliament on 7 July 2022, raises certain concerns regarding the procedure of the appointment of judges in the future Supreme Constitutional Court and the High Court and the composition of the Supreme Council of the Judicature. The Venice Commission has issued recommendations on this issue. The planned strengthening of the budgetary independence of the Law Office by the Government is delayed. The justice system continues to face serious challenges as regards its efficiency but digital solutions are being applied and planned. The new rules of civil procedure are being implemented and expected to have a positive impact on the general efficiency of the justice system. Further reforms aim at overcoming important challenges for the efficiency and quality of the justice system, in particular through digitalisation. The Bill establishing the Commercial and the Admiralty Court was adopted by the Parliament on 12 May 2022.

Cyprus enacted the law on the protection of whistleblowers and the law on the transparency of lobbying. The legislation on asset disclosure for elected officials remains pending before the Parliament. The institutional framework was also advanced with the establishment by law of a National Anti-Corruption Authority. The implementation of the anti-corruption plan has continued. Despite the increased resources allocated to the Attorney General's Office, results on the investigation and adjudication of high-level corruption cases are lacking. The implementation of integrity rules for specific sectors of the administration shows results, although no progress was made for the general public administration. The scheme for citizenship through investments was phased-out to address the recommendations of an inquiry commission.

Freedom of expression and the right of access to information find legal and formal protection in the Constitution. Secondary legislation expressly ensures protection of journalistic sources, fosters media pluralism in the radio and television sectors and establishes the framework and conditions for public access to information. Laws adopted in 2021 expressly declare the independence of the Cyprus Radio and Television Authority and media ownership transparency. While the Law on the Cyprus Broadcasting Corporation (CyBC) lays down rules on the governance and financing of public service media, certain weaknesses have been identified relating to the appointment and dismissal of CyBC's board members. A modernisation of the Law on the Cyprus Broadcasting Corporation as well as of the rules regulating the employment conditions of the organisation are being considered by the authorities.

The consultation process on legislative proposals remains limited and concerns exist on the access to drafts by the public and the involvement of civil society organisations at a sufficiently early stage. The Government adopted an Action Plan in September 2021 aiming at the simplification of legislation in general and the reduction of bureaucracy. The Government has taken action to better assist civil society and to improve communication with public authorities by creating a dedicated online platform, while judicial proceedings are still ongoing regarding the registration and operation of a civil society organisation. Human resources of the Ombudsperson are being reinforced but concerns remain in particular as regards the selection and appointment procedures and the pluralism in the composition of the Commissioner's office.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Cyprus to:

- Ensure that the reform on the appointment of the Supreme Constitutional Court and High Court judges takes into account European standards on judicial appointments and the opinion of the Venice Commission.
- Ensure that the reform on the composition of the Supreme Council of the Judicature takes into account European standards regarding Councils for the Judiciary and the opinion of the Venice Commission.
- Continue to improve the effective investigation and adjudication of high-level corruption cases, including by strengthening the Office of the Attorney General and its budgetary independence.
- Introduce rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications.
- Strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Establish a framework for the effective and timely consultation of stakeholders in the legislative process.



## ABSTRACT – LATVIA

A number of reforms to improve the functioning of the Latvian justice system have entered into force. The Judicial Council further improved the procedure for selecting candidate judges and started implementing its strategy, with a focus on taking over the administrative tasks relating to courts from the executive branch. The appointment process for the Supreme Court was marked by controversies regarding possible undue political influence. The digitalisation of justice has been further improved, particularly by making the new electronic communication e-Case portal operational. The Economic Court has made an effective start in the first year of its operation. The plan to establish a new centralised training centre for the justice system is advancing. The overall efficiency of the justice system remains high, and initiatives aim at improving it further.

The new Action Plan to prevent corruption is pending adoption. Overall, the Corruption Prevention and Combating Bureau (KNAB) deals with corruption cases efficiently and progress has been acknowledged by the OECD regarding detection and prioritisation of cases of foreign bribery. The investigation and prosecution of corruption-related cases is carried out efficiently. The implementation of the two-year Action Plan addressing the State Audit Office recommendations on improving the quality of investigation and prosecution of economic and financial crimes is expected to be completed within the deadline set for June 2023. Draft legislation on lobbying is being discussed and should be adopted in the second half of 2022 along with a creation of a special lobby register. New legislation on whistleblowing was adopted on 20 January 2022. Specific anti-corruption measures were introduced in the area of issuance of COVID-19 vaccination, convalescence or testing certificates to combat the risk of fraud and corruption.

The legal framework for media pluralism and media freedom in Latvia safeguards the fundamental right to freedom of expression and information. Media authorities continue to function in an independent manner. The independence of the Latvian public service media is ensured by legal and structural safeguards. However, concerns remain on the high level of media concentration. Journalists in Latvia continue to work in a safe environment, although online threats remain an issue. At the end of 2021, Latvia started a mapping exercise based on the Commission's Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, to define the institutions responsible for the various recommended actions and analyse the actions to pursue.

The state of emergency, reinstated for several months to address the COVID-19 pandemic, was lifted in March 2022. The appointment rules for the Ombudsperson were amended, and this independent authority continued playing an active part in the system of checks and balances. Latvia continues to provide a favourable environment for the participation of civil society in decision-making and a new online single portal for participation of the public in the development of draft legal acts became operational. An action plan was adopted for the implementation of the guidelines for the development of a cohesive and active civil society. Financial support to civil society organisations from the state budget increased in 2021, and the Ombudsperson's office is looking into the reasons for weaker involvement of civil society in local government.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Latvia to:

- Initiate a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Continue efforts towards the swift adoption and effective implementation of the Action Plan 2021-2024 to prevent corruption.
- Continue efforts towards adopting the draft legislation on lobbying, and following that, ensure the setting-up of a special lobby register.
- Take measures to increase the participation of civil society in decision-making at local level.





## ABSTRACT – LITHUANIA

The Lithuanian justice system continues to have good results in terms of efficiency, although new challenges regarding the increasing disposition time and cases backlogs are emerging. A new development programme of the justice system aims to further improve the efficiency of the system, and discussions are ongoing regarding the criteria for allocating the budget to courts. Procedural legislation is being adapted to ensure the use of digital tools, which continues to be widespread. Delays in appointments to high judicial positions persist, and the President of the Supreme Court remains in function *ad interim* since September 2019. There are concerns regarding the transparency of the selection procedure for judicial functions, and there are calls to bring it in line with European standards. Initiatives to strengthen the anti-corruption culture in the judiciary continue to be implemented. Changes to the legal aid system remain under preparation, while the low remuneration currently provided to lawyers may act as a deterrent to their participation.

The new Anti-Corruption Agenda of 2022-2033 has been adopted. The new amendment to the Law on the prevention of corruption entered into force on 1 January 2022, broadening its scope to include state-owned enterprises and their subsidiaries. The Special Investigation Service continues to regularly monitor and assess the public procurement sector, which remains at high-risk of corruption. The register for private interests became operational in January 2021 and contributes to increased transparency in the public sector. In parallel, the rules on lobbying adopted in January 2021 as well as the 'revolving doors' and cooling off period provisions adopted in July 2020 are achieving their objectives. Efforts to improve the capacities of the Asset Recovery Division are ongoing. A new legal framework on whistleblower protection adopted in December 2021 actively supports the investigation and prosecution of corruption-related offences.

The legal framework for media pluralism and freedom in Lithuania guarantees the fundamental right of freedom of expression and the right to information. Following a public debate, legislation is in preparation to improve the effectiveness and impartiality of media self-regulatory bodies. To strengthen media ownership transparency, the Ministry of Culture has launched a publicly available Information System of Producers and Disseminators of Public Information. The authorities have taken steps to alleviate the financial burden on audiovisual media and radio service providers. The professional environment for journalists is largely safe in Lithuania, although online threats against journalists remain an issue. Legislative changes to tackle abusive litigation have been prepared. There are concerns that the authorities' interpretation of data protection rules has led to restrictions on access to information, in particular by journalists, and efforts are being undertaken to resolve the issue.

Legislative amendments to the Law on the Parliamentary Ombudspersons are under discussion, where concerns have been voiced over a possible impact on the effective functioning of that institution. There are also concerns regarding the adequacy of the resources allocated to the institution. The Constitutional Court has been called to review emergency measures adopted in the context of the COVID-19 pandemic. A state of emergency was declared in November 2021 in response to the instrumentalisation of migrants by Belarus, under which certain restrictions to rights apply. Civil society space remains open, and the new NGO fund has launched its first funding programmes.

## Recommendations



It is recommended to Lithuania to:

- Continue the reform of the legal aid system, including by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Proceed with the appointments to ensure the full composition of the Supreme Court and with the appointment of the President of the Supreme Court.
- Initiate a process in view of adapting the system of appointments to judicial positions, notably to the Supreme Court, including to improve transparency and taking into account European standards on judicial appointments.
- Start implementing the anti-corruption agenda 2022-2033.
- Continue improving the practice of granting access to official documents, in particular by making sure that the grounds for rejection of disclosure requests are not used to unduly limit access, including by journalists, taking into account European standards on access to official documents.
- Provide adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles.



## ABSTRACT – LUXEMBOURG

Luxembourg's justice system has maintained its very high level of perceived judicial independence and continues to operate efficiently. The Constitutional reform, which aims to establish a Council for the judiciary and strengthen the independence of the Prosecutor's Office is being finalised. New legislative amendments seek to align the composition of the future Council for the Judiciary with European standards. Those amendments also specify the powers of the Council for the Judiciary regarding appointments, promotions, retirement and secondment of magistrates, and introduce a new disciplinary regime. Despite certain progress with the digitalisation project covering administrative courts, shortcomings remain regarding the digitalisation of justice overall. A new draft law that would make legal aid more accessible was tabled in Parliament.

All authorities involved in the fight against corruption are cooperating well although there remain challenges as regards human resources in the prosecution services dealing with economic and financial crime. Some progress was made in the area of asset declarations and lobbying as regards Members of Parliament and a transparency register will be set up. The Codes of Conduct for members of the Government and its advisers were strengthened, but not all public sectors have a code of conduct. Room for improvement also remains as regards the regulation of conflicts of interest and revolving doors. The impact of the new rules on political party financing could not yet be determined since elections are only expected to be next year. Legislation to protect whistleblowers is still limited to specific sectors, but the Government adopted a draft law in January 2022 to strengthen the protection of whistleblowers and transpose EU legislation. There were no corruption cases reported related to the COVID-19 pandemic in the past year.

Luxembourg continued strengthening the regulatory safeguards for the independence and effectiveness of the media regulator as the Audiovisual Media Services Directive (AVMSD) was transposed. Moreover, the competences and resources of the regulator have been further increased. A revised press aid scheme, covering online news media, has been adopted making it technologically neutral. The framework for the protection of journalists remains robust. Concerns remain about the lengthy procedures for access to official documents for journalists, who request that a fast-track option is introduced for their profession. A draft law to reinforce the independence of Radio 100.7 public service media has been presented to the Parliament.

A draft constitutional revision has been presented with the aim to introduce a direct right for citizens to put forward legislative initiatives. Since the publication of the 2021 Rule of Law Report, no action has been taken to address the concerns regarding the regularity and the extent of consultation of stakeholders, other than the ones required by law, in the decision-making process. A series of COVID-19 pandemic related measures were challenged before the Constitutional Court. The draft law on NGOs, which intends to simplify the procedures for their creation and governance, is being discussed in Parliament.

## Recommendations



It is recommended to Luxembourg to:

- Continue with the process to adopt the reform on the powers of the future Council for the Judiciary.
- Continue with the process to adopt the reform on making legal aid more accessible.
- Continue to implement and evaluate the new legislation on lobbying the Parliament, including the transparency register.
- Ensure that there are adequate resources for the prosecution services dealing with economic and financial crime.
- Reduce the time of processing of requests for disclosure of official documents, taking into account European standards on access to official documents.
- Improve the legislative decision-making process by providing wider possibilities for stakeholders to participate in public consultations.



## ABSTRACT – HUNGARY

As regards judicial independence, concerns expressed in the context of the Article 7(1) TEU procedure initiated by the European Parliament, as well as in previous Rule of Law Reports, remain unaddressed. This is also the case for the relevant recommendation made under the European Semester. These concerns relate in particular to the challenges faced by the independent National Judicial Council in counter-balancing the powers of the President of the National Office for the Judiciary, the rules on electing the President of the Supreme Court, and the possibility of discretionary decisions as regards judicial appointments and promotions, case allocation as well as bonuses to judges and court executives. Following the Supreme Court decision declaring unlawful a request for preliminary ruling, the European Court of Justice ruled that such decision is contrary to EU law. As regards efficiency and quality, the justice system performs well in terms of the length of proceedings and has an overall high level of digitalisation. The gradual increase of salaries of judges and prosecutors continues.

The implementation of most measures under the 2020-2022 anti-corruption strategy was postponed and no new strategy has been announced. Shortcomings persist as regards lobbying, revolving doors as well as political party and campaign financing. Independent control mechanisms remain insufficient to detect corruption. Concerns remain regarding the lack of systematic checks and insufficient oversight of asset declarations as well as the lack of conflict of interest rules for the public interest trusts. The lack of a robust track record of investigations of corruption allegations concerning high-level officials and their immediate circle remains a serious concern, although some new high-level corruption cases have been opened. The lack of judicial review of decisions not to investigate and prosecute corruption remains a cause of concern, in particular in an environment where risks of clientelism, favouritism and nepotism in high-level public administration remain unaddressed. The Commission sent Hungary a written notification under the Regulation on a general regime of conditionality to protect the EU budget in case of breaches of the principles of the rule of law.

The functional independence of the Media Authority needs to be strengthened. The continued channelling of significant amounts of state advertising to pro-government media creates an unlevel playing field in the media landscape. Public service media operates in a complex institutional system, amid concerns over its editorial and financial independence. Media professionals continue to face challenges in exercising their activities, including with the surveillance of investigative journalists. Access to public information continued to be hindered under the state of danger.

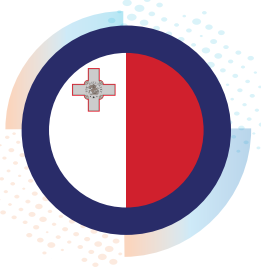
As regards the system of checks and balances, the transparency and quality of the legislative process remain a source of concern. The Government has been using its emergency powers extensively, also in areas not related to the COVID-19 pandemic as initially invoked. The Commissioner for Fundamental Rights has gained more competences, but his accreditation was downgraded following concerns regarding his independence. The ineffective implementation by state organs of judgments of European and national courts is a source of concern. Pressure continues on civil society organisations, whilst the public-interest trusts receiving significant public funding and managed by board members close to the Government have become operational.

## Recommendations



In addition to recalling the obligation to comply with the rule of law-related rulings of the ECJ and the rule of law related infringement procedures referred to in the country chapter, the concerns raised under the conditionality regulation, the relevant concerns raised in the Article 7 TEU procedure initiated by the European Parliament, and recalling the relevant country-specific recommendations under the European Semester, it is recommended to Hungary to:

- Strengthen the role of the National Judicial Council, while safeguarding its independence, to effectively counter-balance the powers of the President of the National Office for the Judiciary.
- Adapt the rules related to the Kúria to remove judicial appointments outside the normal procedure, to strengthen eligibility criteria for the Kúria President, and to strengthen control by judicial bodies over the Kúria President, taking into account European standards, and to remove the possibility of reviewing the necessity of preliminary references, in line with EU law requirements.
- Adopt comprehensive reforms on lobbying and revolving doors, and strengthen the system of asset declarations, providing for effective oversight and enforcement.
- Establish a robust track record of investigations, prosecutions and final judgments for high-level corruption cases.
- Introduce mechanisms to enhance the functional independence of the media regulatory authority taking into account European standards on the independence of media regulators.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Remove obstacles affecting civil society organisations.



## ABSTRACT – MALTA

The reforms of the Maltese justice system that started in 2020 have continued to be implemented. The transfer of prosecutions from the police to the Attorney General, included in the Maltese Recovery and Resilience Plan, continues, and a review on the independence of specialised tribunals has been announced by the Government. No further steps have been taken regarding the system of appointment of the Chief Justice, and the lack of involvement of the judiciary in that system requires further attention. The level of resources for the judiciary remains a concern. Regarding the quality of justice, several initiatives have been carried out, including the publication of the first national Digital Justice Strategy (2022-2027) and improvements in the legal aid framework. The efficiency of justice, in particular the length of proceedings, has deteriorated further and the Government is preparing several initiatives to continue addressing this issue.

The Government adopted the National Anti-Fraud and Corruption Strategy, whose implementation is overseen by an inter-ministerial Committee. Despite increased resources allocated to investigative and prosecution bodies, the investigation of high-level corruption cases remains lengthy. Results in terms of final judgments are still lacking. The Permanent Commission against Corruption, which was subject to a reform in 2020, is to be further strengthened. Currently, it has limited resources and has not shown tangible results in its work. Integrity and ethics rules in the public service, including within the Police and for high-ranking officials, are being implemented, although legislative and operational gaps exist. The existing regulation on the protection of whistleblowers was amended in 2021, and a database for collecting data on whistleblowing is planned to be implemented by the end of 2024. The Citizenship-by-Investment legislative framework continues to raise concern. Rules remain in place to mitigate risks of corruption in public procurement during the COVID-19 pandemic.

The report of the public inquiry into the assassination of investigative journalist Daphne Caruana Galizia published a set of conclusions and recommendations relating to the media landscape in Malta. The Government has proposed a number of reforms to address some of those recommendations. An alleged mastermind of the assassination has been indicted on charges of complicity in murder and criminal association and the criminal proceedings are ongoing. While an independent review of the applicable legislation is underway, journalists and citizens at large continue to face obstacles when requesting access to information held by public authorities. The independence and governance of public service media are a cause for concern. The ownership of, or editorial control over, several media outlets by the two main political parties continues to characterise the news media market. Guidelines on Government advertising and promotional material have recently entered into force. However the absence of a legal framework to ensure transparency in state advertising remains an issue of concern.

With regards to checks and balances, while impact assessments are mandatory, the lack of a formalised process for public consultations and their limited use in the preparation of legislation remain a concern. A new Commissioner for Voluntary Organisations was appointed. The Ombudsperson remains carrying out his mandate since March 2021 until an agreement is reached in Parliament to appoint a new person. The law establishing a national human rights institution continues to be pending in Parliament. The future Constitutional Convention has the potential to address concerns on the appointment process for certain constitutional bodies, although it remains on hold. Previous concerns related to access to funding by civil society organisations were addressed.

## Recommendations



In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Malta to:

- Address the need for involvement of the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments and the opinion of the Venice Commission.
- Strengthen efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Address challenges related to the length of investigations of high-level corruption cases, including by establishing a robust track record of final judgments.
- Advance with the introduction of legislative and other safeguards to improve the working environment of journalists, including on access to official documents, taking into account European standards on the protection of journalists.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Re-launch efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.





## ABSTRACT – NETHERLANDS

The justice system of the Netherlands continues to be characterised by a high level of perceived judicial independence, and reforms to further strengthen judicial independence are expected to move forward, including as regards the appointment procedures of members of the Supreme Court and of the Council for the Judiciary. As regards quality of justice, efforts to improve the level of digitalisation of the justice system continue and more jurisprudence is to be published online. Additional funds are being allocated to the system for legal aid, and the Government has announced the reduction of court fees for citizens and SMEs. The efficiency of the justice system remains high overall but has somewhat declined for first-instance administrative cases. Backlogs in criminal cases due to the COVID-19 pandemic have been reduced significantly, while some concerns remain regarding elements of the approach.

The Netherlands continues to be perceived as one of the least corrupt countries in the EU and the world. Multiple networks ensure coordination of the anti-corruption policy across the Government. Combating the infiltration of public institutions through corruption remains a strategic priority for the authorities as part of their programme on combatting subversive organised crime. Investigation and prosecution of corruption cases are effective, although some obstacles are reported when handling foreign bribery cases. Legislation on the screening of police officers and external consultants hired by the police during their career has not yet entered into force, as implementing legislation remains pending. Developments are ongoing in relation to the integrity framework of the police, with new structures being set up. Changes to the integrity framework for local administrations are pending. The development of an overall code of conduct for ministers and state secretaries is planned, as well as a legal revision aimed to introduce stricter rules on revolving doors for these positions. The scope of the lobbying ban for former Government members was extended to include additional areas of responsibility, while the revision of political party financing legislation remains pending.

Constitutional and legislative safeguards continue to underpin a high level of media freedom in the Netherlands, including through a functionally independent media regulator and a high level of independence of public service media governance and funding. The Open Government Act extends the scope of the right of access to information to constitutional bodies and broadens the type of public documents which should be proactively disclosed, while providing for shorter deadlines for responding to requests. The challenges previously identified with regard to transparency of media ownership and market concentration persist. The safety of individual journalists is an issue of concern, which the Government has continued to address in a determined manner. The Government continued to provide subsidies to mitigate the impact of the COVID-19 pandemic on the media until December 2021 and the pandemic has not had a significant adverse impact on the media market.

All three state powers are engaged in the follow-up to the childcare allowances affair, and measures are envisaged to provide compensation and prevent similar situations from emerging in the future. A State Commission on the functioning of the rule of law is being established, and amendments to strengthen the rule of law in the Constitution were recently adopted. Legislation is being prepared to introduce a permanent legal basis for adopting crisis measures. The landscape for civil society organisations continues to be open, although some concerns remain regarding new legislation applicable to them.

## Recommendations



It is recommended to the Netherlands to:

- Continue efforts to improve the level of digitalisation of the justice system, in particular as regards publication of judgments and digital solutions for court proceedings.
- Complete the revision of rules on revolving doors involving former ministers and state secretaries, including a two-year cooling-off period and restrictions on paid activities.
- Adopt a Code of Conduct for ministers and state secretaries including rules on gifts, secondary activities and lobbying, as well as effective monitoring and sanctioning.
- Continue efforts to ensure a comprehensive follow-up to the childcare allowances affair to address the potential structural issues, involving all relevant state authorities.



## ABSTRACT – AUSTRIA

The efficiency of the Austrian justice system has continued to improve, particularly for administrative cases, and the level of perceived judicial independence continues to be very high. A number of important reform efforts related to judicial independence are ongoing. Preparations for the creation of an independent prosecution service continue through an expert working group. In a positive step, reporting obligations for the prosecution have been reduced, though amendments to further limit reporting related to certain procedural steps in an investigation are still pending. While a reform of the appointment procedure for the Supreme Court vice-president and president has been announced after the lack of judicial involvement in their appointment has come under scrutiny, concerns remain regarding the appointment of presidents and vice-presidents at administrative courts. Another reform under preparation envisages further judicial involvement in the appointment of candidate judges. Resources for the judiciary have been further increased and digitalisation is advancing well. However, despite certain improvements, the level of court fees remains high.

The evaluation of the implementation of the action plan linked to the National Anti-Corruption Strategy was finalised in 2022. Investigations into high-level political corruption continue and remain subject to close scrutiny, including through a parliamentary investigative committee set up to look into allegations of corruption alongside ongoing criminal investigations. Negative public narratives targeting investigators in these cases still continued in the second half of 2021, but abated by early 2022. Efforts to effectively address risks of conflict of interest for members of Parliament, who are not obliged to disclose assets, interests, debts and liabilities, remain limited; but guidelines for them on existing legal obligations regarding gifts were published in 2022. The introduction of rules on ‘revolving doors’ and post-employment provisions for members of Government or Parliament has not advanced. Discussions on reforming the limited framework on lobbying continued but no concrete proposals have been presented so far due to a lack of agreement on the most essential issues. An extensive overhaul of political party financing rules, including clear auditing powers for the Court of Audit, is in the process of being adopted by Parliament.

The legal framework and enabling environment for media continue to be strong and media authorities continue to function in an independent manner. While the independence of the public service media is ensured by legal and structural safeguards, there are challenges regarding possible political interference related to appointments to management and board positions. Work continues to address persisting challenges relating to the lack of a comprehensive and enforceable legal framework for access to documents as the proposed draft legislation has not progressed. The Government has announced a reflection process given concerns regarding high spending on state advertising, the fairness and transparency of its allocation and political influence in the process. While standards of the journalistic profession remain good, journalists have faced threats and harassment, in particular during protests.

A system allowing for systematic consultation on draft laws under discussion in Parliament is now in place, though challenges remain with the involvement of stakeholders at earlier stages. Parliament and the courts have continued to exercise scrutiny over restrictions in the context of the COVID-19 pandemic. The National Human Rights Institution has been re-accredited and now obtained A-Status. While civil society has benefitted from further financial support related to the COVID-19 pandemic and dialogue with the Government is being strengthened, civil society has raised some concerns over possible impacts of new anti-terrorism legislation on freedom of association, which could restrict its operating space.

## Recommendations



It is recommended to Austria to:

- Continue the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution.
- Address the need for involvement of the judiciary in the procedures for appointment of the president and vice-president of the Supreme Court and for court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- Finalise the legislative revision of the political party financing rules including to empower the Court of Audit to audit political party finances.
- Introduce effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Reform the framework for the allocation of state advertising by public authorities at all levels, in particular to improve the fairness and transparency of its distribution.
- Advance with the reform on access to official information taking into account the European standards on access to official documents.



## ABSTRACT – POLAND

Serious concerns persist related to the independence of the Polish judiciary. Since July 2021, the Court of Justice and the European Court of Human Rights have delivered rulings, confirming a series of concerns identified by the Commission in the context of the procedure under Article 7(1) TEU and previous Rule of Law reports. Under the European Semester the Council, on a proposal of the Commission, recommended to Poland to enhance the investment climate, in particular by safeguarding judicial independence. In its Recovery and Resilience Plan (RRP), Poland committed to undertake reforms of the disciplinary regime regarding judges, to dismantle the Disciplinary Chamber of the Supreme Court, and to create review proceedings for judges affected by decisions of that Chamber aimed at strengthening certain aspects of the independence of the judiciary. Serious concerns related to the independence of the National Council for the Judiciary remain to be addressed. The Constitutional Tribunal issued further rulings directly challenging the primacy of EU law, the provisions of the EU Treaties and the European Convention on Human Rights. In December 2021, the Commission opened an infringement procedure regarding the Constitutional Tribunal and its case law. Concerns regarding the functioning of the prosecution service persist.

The government finished implementing the anti-corruption programme 2018-2020 even though not all of the actions envisaged therein had been completed and no subsequent programme was announced. Key legislative tasks of the programme, such as on asset declarations and lobbying, have not been completed. Concerns exist over the broad scope of immunities for top executives who are also members of Parliament, and impunity clauses for public officials who commit the crime of abuse of office. Risks remain as regards the effectiveness of the fight against high-level corruption, including the threat of selective application of the law and impunity caused by a disparity in the treatment of corruption cases for political purposes. The independence of main anti-corruption institutions remains an issue, considering in particular the subordination of the Central Anti-Corruption Bureau to the executive and the Minister of Justice also being the Prosecutor-General.

The independence of the media regulator is statutorily guaranteed and the legislation transposing the Audiovisual Media Services Directive provided further independency safeguards. Operating licensing practices show risks to media pluralism. Further measures concerning media ownership transparency were introduced, including an obligation to provide additional information on beneficial owners. Concerns over the independence of public service media remain, including over safeguards for appointments to executive positions. The general environment for journalists continues to deteriorate. Several reported lawsuits against journalists have an intimidating effect and journalists continue to be a target of abuse. Restrictions to the right of access to public information have been introduced under the state of emergency.

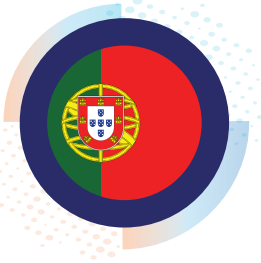
Legislation carrying out significant reforms continues to be frequently adopted while bypassing procedures that provide for adequate consultations, something which Poland has committed to address through the Recovery and Resilience Plan. Recently proposed initiatives could adversely affect the civic space and there are concerns about measures limiting activities of civil society. The Supreme Audit Office operates under adverse conditions. The newly appointed Ombudsman continues to play a key role as a rule of law safeguard, despite limited resources. Civil society organisations play a crucial role in providing help to refugees arriving in very high numbers from Ukraine to Poland.

## Recommendations



In addition to recalling the need to address the serious concerns relating to judicial independence, in particular those set out in the Article 7 TEU procedure initiated by the Commission, as well as the obligation to comply with the rule of law related rulings of the ECJ and the rule of law related infringement procedures referred to in the country chapter, the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system and the checks and balances, and recalling the relevant country-specific recommendations under the European Semester, it is recommended to Poland to:

- Separate the function of the Minister of Justice from that of the Prosecutor-General and ensure functional independence of the prosecution service from the Government.
- Strengthen the existing integrity rules by introducing lobbying rules and a standardised online system for asset declarations of public officials and Members of Parliament.
- Ensure independent and effective investigations and prosecutions, address the broad scope of immunities for top executives and abstain from introducing impunity clauses in legislation in order to enable a robust track record of high-level corruption cases.
- Ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Ensure a more systematic follow-up to findings by the Supreme Audit Office and ensure a swift appointment of the College Members of the Supreme Audit Office.
- Improve the framework in which civil society and the Ombudsperson operate, taking into account European standards on civil society and Ombudsinstitutions.



## ABSTRACT – PORTUGAL

The Government is undertaking a series of long-awaited measures to address efficiency challenges in the Portuguese justice system, in particular in administrative and tax courts, and the creation of rapid reaction teams in these courts is bringing positive results. The finalisation of the legislative framework of the High Council for Administrative and Tax Courts remains pending. The use of digital tools continues to be fostered, including in the context of the Recovery and Resilience Plan. Measures to address the human resource deficit are under way, although some concerns remain in particular regarding non-judicial staff and public prosecutors. The Government and the High Council for the Judiciary continue to adopt new measures to address issues regarding the allocation of cases in courts, and new initiatives to support integrity in the justice system have been initiated. The envisaged reforms to the criminal procedure have been undertaken, although there are debates on whether the new rules on judicial impediments may have an adverse impact on the efficient treatment of criminal cases.

The National Anti-Corruption Strategy for 2020-2024 is being implemented. The operationalisation of the National Anti-Corruption Mechanism established in 2021 is underway. Concerns regarding the lack of resources for the prevention, investigation and prosecution of corruption-related cases remain, including in high-level cases. The legislative framework to fight corruption has been reinforced with particular focus on increasing effectiveness of criminal proceedings at the level of prosecution. Concerns on the effective implementation of rules on conflicts of interests for high-level officials persist, though work is underway to tackle this issue. New amendments to the system of asset declaration extend and strengthen the obligations on political and senior public office holders. Efforts are ongoing to address the fact that the Transparency Entity established in 2019 to monitor and verify these declaratory obligations is still not operational. Legislation on the protection of whistleblowers was adopted. Legislation on lobbying is still to be adopted by Parliament.

The media regulator plays a central role to monitor and support media freedom and pluralism, despite challenges in financial resources. Legislation on transparency of media ownership and institutional advertising remains solid. The public service media provider is independent, although there are challenges regarding its resources. Support measures granted in the context of the COVID-19 pandemic are reported to have had a positive effect on media, in particular on local and regional media, but concerns remain regarding the precariousness of the journalistic profession. The legislative framework for the protection of journalists remains strong but new alerts have been raised following cyber-attacks to media groups. A legislative provision on the protection against disinformation is under constitutional review.

New measures to improve the transparency of law-making and the quality of legislation are being implemented. The Constitutional Court scrutinised decisions of the General Electoral Board following the general elections. The emergency measures adopted in the context of the COVID-19 pandemic continue to be scrutinised, and there are reflections on the need for a new legal basis for adoption of emergency measures. The structure of the Office of the Ombudsperson has been reformed, in order to better adapt to its mandate. Civil society space continues to be considered as open, and civil society organisations continue to be involved in Government initiatives. Nevertheless, they still face challenges related to access to financing and isolated instances of hostility and pressure occur. Government and Parliament are leading initiatives to promote a rule of law culture.

## Recommendations



In addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Portugal to:

- Continue the efforts to ensure adequate human resources of the justice system and to improve its efficiency, in particular of Administrative and Tax Courts, including by finalising the legislative framework for the functioning of the High Council for Administrative and Tax Courts.
- Continue the efforts to strengthen the transparency of allocation of cases.
- Ensure sufficient resources for preventing, investigating and prosecuting corruption including by ensuring the swift operationalisation of the New Anti-Corruption Mechanism.
- Ensure the start of operations of the Transparency Entity in view of effective monitoring and verification of asset declarations.
- Continue the reforms to improve the transparency of law-making, particularly on the implementation of impact assessment tools.





## ABSTRACT – ROMANIA

Since accession to the EU in 2007, Romanian reforms in the areas of justice and anti-corruption have been followed by the Commission through the Cooperation and Verification Mechanism (CVM), as an important framework for progress in these areas. The CVM continues in parallel to the rule of law mechanism, of which Romania is an integral part – as any other Member State – until all benchmarks are satisfactorily met.

The justice system is undergoing structural reforms aimed at addressing a number of long-standing issues. The Government adopted a new judicial strategy and related action plan for 2022-2025 and is implementing projects to improve the digitalisation of the justice system, as planned in Romania's Recovery and Resilience Plan. While the Section for the Investigation of Offences in the Judiciary (SIJ) was dismantled, some concerns related to the new system for the investigation and prosecution of criminal offences in the judiciary remain. The rules on disciplinary sanctions as well as the extensive powers and lack of accountability of the Chief Judicial Inspector continue generating concerns for judicial independence, which are expected to be addressed by the new draft justice laws under preparation. There has been no significant improvement as regards the shortage of magistrates. The efficiency in civil and commercial cases remains stable, while decreasing considerably for administrative courts.

The Anti-Corruption Strategy for 2021-2025 was adopted and its effective implementation relies on political support to implement important legislative reforms. The effectiveness of the investigation and sanctioning of corruption further improved, including by advancing on cases that had been pending for years. The National Anti-Corruption Directorate continued to improve its track record of results, but operational challenges, including the difficulty to recruit prosecutors, remain to be solved. As concerns the new system replacing the SIJ, its impact on investigating and prosecuting corruption offences remains to be seen. Steps have been taken to finalise the revised Criminal Codes. The legal framework on integrity remains fragmented, and there are no uniform provisions on revolving doors for public servants or lobbying rules for Members of Parliament. The transparency of political party financing is limited. The appointment of the President of the National Integrity Agency and the new mandatory electronic asset declaration platform allowed the Agency to work more efficiently.

Romania has not yet transposed the Audiovisual Media Services Directive, thus delaying necessary changes to improve the functioning and effectiveness of the media regulator. Reforms to the law on the public broadcasting and radio companies are under way aiming at a less politicised appointment process and more professionalised management. Transparency of media ownership could be strengthened. There is not enough transparency on the broadcasting of content paid for by political parties outside electoral campaigns, and access to information by journalists remains deficient. Instances of threats, harassment and physical violence against journalists are more concerning compared to last year.

Frequent changes of legislation, regular use of emergency ordinances and the limited practice of public consultations continue to raise concerns. There are efforts to improve the use of impact assessments. The Government made a clear commitment to the principle of primacy of EU law, but concerns remain regarding the challenge to this principle by the Constitutional Court. The state of alert related to the COVID-19 pandemic was lifted and the emergency measures were scrutinised. The Institute for Human Rights is seeking accreditation as National Human Rights Institution. While the civil society is facing challenges stemming from the impact of COVID-19-related restrictions and limited access to funding, there are plans to simplify registration procedures for non-governmental organisations.

## Recommendations



In addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, the anti-corruption framework and the legislative process and the recommendations under the Cooperation and Verification Mechanism, it is recommended to Romania to:

- Ensure that the revision of the Justice Laws reinforces safeguards for judicial independence, including to reform the disciplinary regime for magistrates, and take measures to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, taking into account European standards and relevant Venice Commission opinions.
- Introduce rules on lobbying for Members of Parliament.
- Address the operational challenges of the National Anti-Corruption Directorate, including as regards recruitment of prosecutors, and closely monitor the impact of the new system on investigating and prosecuting corruption offences in the judiciary.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- Ensure effective public consultation before the adoption of draft legislation.
- Continue efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.



## ABSTRACT – SLOVENIA

The Slovenian justice system has seen some improvements in quality and efficiency, and regarding issues raised in the 2021 Rule of Law Report, such as the nomination of European Delegated Prosecutors. Improvements to the Judicial Council Act, including on disciplinary framework, are in preparation. However, concerns have been raised over the Minister of Interior's powers to instruct the Police in individual cases, potentially affecting independent work of state prosecutors and the European Public Prosecutor's Office. Rules governing parliamentary inquiries lack safeguards on independence of judges and state prosecutors – as required by Constitutional Court judgments. The Government decreased, without consultation with judicial authorities, the previously agreed budget for courts, the Judicial Council and the State Prosecution. The Judicial Council launched procedures for constitutional review of salaries of judges.

Work started on a new national anti-corruption strategy, but the timeline for adoption is not yet known. The resources of the Commission for the Prevention of Corruption are being increased. The Government aims to strengthen the rules on whistleblower protection. However, the number of prosecutions has decreased to their lowest level in recent years. The State Prosecution Service faced challenges, including on human resources and due to the short statute of limitation. Furthermore, institutions in the fight against corruption are concerned about continuing challenges to the independence of their work. Serious concerns exist regarding the independent work of the anti-corruption police, including the National Bureau of Investigation. The number of Police investigations of corruption has dropped. Several actions have been implemented during the COVID-19 pandemic with the aim to address the risk of corruption, especially in public procurement.

Since the 2021 Rule of Law Report, the situation of media freedom and pluralism has not improved. The independence of the audio-visual media services regulator is ensured by law, however challenges remain regarding the commitment to strengthen its independence, particularly through the proposed amending legislation. The legislation aimed to transpose the Audiovisual Media Services Directive has been adopted. A regulatory gap for addressing high concentration of media raises concerns. After delays in payments which were considered by stakeholders as politically motivated and led to a number of staff leaving, the financial viability for 2021 and 2022 was ensured for the Slovenian Press Agency. Despite legal safeguards providing for the independence of public service media, there are challenges regarding their effectiveness in practice in limiting political influence. A hostile environment, online harassment of and threats against journalists are growing sources of concern, and several lawsuits against journalists with intimidating effect have been reported.

The Constitutional Court reported an increase in cases related to COVID-19 pandemic measures. The law on public finances lacks safeguards on budgetary autonomy of certain independent bodies – as required by a Constitutional Court judgment. The share of laws adopted by urgent procedure in Parliament has decreased. The Human Rights Ombudsperson received an increased number of complaints, including those related to COVID-19 pandemic measures. The civil society faced challenges regarding negative narrative, but funding issues and limitations on freedom of assembly were resolved.

## Recommendations



In addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Slovenia to:

- Ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Remove obstacles to the investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitation.
- Adopt and start implementing without further delay the anti-corruption strategy.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Establish legislative and other safeguards to protect journalists, particularly online, taking into account European standards on the protection of journalists.
- Ensure requisite safeguards for budgetary autonomy of the independent bodies.



## ABSTRACT – SLOVAKIA

Slovakia has continued efforts to reform its justice system, building on the constitutional reform noted in the 2021 Rule of Law Report. The Parliament approved the reform of the judicial map. The Supreme Administrative Court has become operational and a draft act on the establishment of lower administrative courts was adopted. These reforms were covered in the RRP. The Ministry of Justice is preparing an amendment to restrict the power of the Prosecutor General to annul prosecutorial decisions in individual cases. Concerns remain as regards the regime of dismissal of members of the Judicial Council and the regime of criminal liability of judges for ‘abuse of law’, although the latter contains some safeguards. The Bar Association reported that lawyers encounter threats and harassment in the course of their practice. Public perception of judicial independence remains very low. Efficiency of proceedings continued to deteriorate, notably in administrative cases.

Progress in key areas for preventing corruption continues to be slow, although a number of topics are covered in the RRP. While work on a new anti-corruption strategy post-2023 has been launched, an update of the 2019 National Anti-Corruption Programme remains pending. Lobbying remains unregulated but the government plans to present a new bill on lobbying by the end of 2022 and to establish an Office for the Protection of the Public Interest in charge of lobbying, conflicts of interest and asset declarations. Slovakia’s dedicated Whistleblower Protection Office has taken up its functions and has already protected whistleblowers against dismissals from work. Efforts to fight high-level corruption continued, with several former high-ranking officials charged with bribery offences. However, the use of the Prosecutor General’s discretion to close cases has raised concerns particularly with a view to several high-level corruption cases where the legality of the criminal charges in some instances had also been upheld by higher level courts. Allegations of politically motivated decisions to open corruption investigations risk eroding law enforcement cooperation, the effectiveness of the fight against corruption as well as the public’s trust in the integrity of the institutions.

The Media Services Act and the Publications Act both adopted in June, 2022 respectively promote media pluralism and enhance transparency of media ownership. The Act on Slovakian Radio and Television provides a solid legal framework for the establishment, governance and operation of public service media but politicisation of appointments and dismissals of managers and board members thereof is an issue of concern. Legislation geared at securing media ownership transparency is pending. The retrial of the alleged masterminds of the assassination of journalist Ján Kuciak and his fiancée Martina Kušnírová is ongoing following the annulment of their previous acquittals by the first instance court. Proposed legislation aimed at strengthening the protection of journalists and amendments to the criminal code to reduce the punishment contemplated for defamation, one of the strictest in the European Union, have once more been postponed.

The inclusiveness of civil society in the law-making process remains limited and proper consultation for major legislative changes appears to be lacking. Plans announced in 2020 for improving the law-making process and strengthening public administration have seen limited progress. The Constitutional Court confirmed that it does not have a general competence to review constitutional laws, but noted that it has competence to do so when necessary to protect the material core of the constitution. Constitutional review of COVID-19 measures continued. Concerns continue over financing of certain civil society organisations, in particular those working on issues related to gender equality and LGBTIQ rights.

## Recommendations



In addition to recalling the commitments made under the National Recovery and Resilience Plan, relating to certain aspects of the justice system, it is recommended to Slovakia to:

- Ensure that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- Ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Introduce proposals to regulate lobbying and to strengthen the legislation on conflicts of interest and asset declarations.
- Improve the coordination among the different law enforcement entities and ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.



## ABSTRACT – FINLAND

The perceived independence of the Finnish justice system continues to be at a very high level. The National Courts Administration continues to organise platforms for information exchanges between courts and plans to expand its activities in order to further support courts in their work. Implementation and development of a case management system for courts continues, as does the development of a reporting tool. Courts received additional funding to clear the backlog from the COVID-19 pandemic, but the overall level of resources and length of proceedings in complex cases are viewed as insufficient by stakeholders.

Finland continues to be perceived as one of the least corrupt countries in the EU and the world. A comprehensive National Anti-Corruption Strategy and its Action Plan 2021-2023 are currently being implemented. As part of the implementation of the strategy, the legal framework to criminalise corruption and bribery offences is being reviewed, and a draft proposal on the criminalisation of trading in influence is expected to be finalised in the first half of 2022. There is good cooperation between authorities in charge of the investigation and prosecution of corruption and the number of prosecutions of corruption-related offences has gone up. The State Civil Servants' Act was amended to strengthen post-employment restrictions and asset declarations for senior management posts in the central government. A revision to limit 'revolving doors' and prevent conflicts of interests for Ministers is still ongoing, while the Government sent a proposal for a transparency register to the Parliament in June 2022. The draft legislation on whistleblower protection aimed at transposing the EU Directive is under preparation and should be sent to Parliament in September 2022.

Finland generally offers a free and protected environment for journalists and media professionals. Media regulatory authorities are operating independently. The self-regulatory council has been dealing with a rising number of complaints about journalistic ethics. The independence of public service media is guaranteed by legislative safeguards. In addition, there is an unwritten practice requiring parliamentary consensus for any legislative changes concerning the public service media law. The Government has introduced changes in the Criminal Code to facilitate the prosecution of unlawful threats and targeting of vulnerable victims, such as freelance journalists. Steps are also being taken to reform the Act on the Openness of Government Activities to extend the constitutionally guaranteed right of access to public documents by enforcing compliance and covering more information.

Stakeholders are involved in the legislative process in a meaningful, but not systematic manner. The Government continues to implement the Action Plan on Better Regulation and commenced works on a reform of the emergency powers act. The reform to clarify the tasks of the Chancellor of Justice and the Ombudsman was adopted by the Parliament. The Government works on a proposal to establish a Special Authority Agency of the Judicial Administration, which would provide administrative support to several independent bodies providing rights protection. It has also initiated preparations of a new funding model of civil society organizations with a view to provide them with stable and predictable financing and protect their autonomy. A new Advisory Board for Civil Society Policy, which is a platform for the promotion of interaction between public authorities and civil society, was appointed by the Government.

## Recommendations



It is recommended to Finland to:

- Continue developing initiatives by the National Courts Administration to support the work of courts.
- Continue to strengthen the criminal legal framework on corruption, in particular by the adoption of legislation on trading in influence.
- Continue efforts to implement the new National Anti-corruption Strategy and Action Plan 2021-2023, including by starting the implementation of all planned measures.
- Continue the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.





## ABSTRACT – SWEDEN

An all-party Committee of Inquiry has been, since 2020, examining how to strengthen the independence of the judiciary in Sweden and is expected to deliver its report by February 2023. The Government has proposed a higher, multi-year budgetary allocation to the Swedish courts in response to an increased caseload, which has addressed some of stakeholders' concerns. To further improve the level of digitalisation, a new system of case management of criminal cases will be introduced in 2022 and the Council on Digitalisation of the Judicial System has adopted a Strategic Plan for 2023-2027. Even though the number of administrative cases continues to rise, the efficiency of the Swedish justice system has been maintained.

As in previous years, Sweden's perceived corruption levels remain among the lowest in the EU and the world. Transparency is the cornerstone of Sweden's anti-corruption approach. Some anti-corruption related legal provisions are under review. An interim report in the framework of the National Anti-Corruption Plan for 2021-2023 from the Agency for Public Management showed that most institutions have corruption prevention tools in place, although additional work remains. Institutions fighting corruption are generally well resourced. Corruption related to infiltration of organised crime groups into the public service and/or licit economy is a concern. Rules on 'revolving doors' cover top executive functions in the Government, but are overall limited in scope. The Government launched an inquiry to evaluate these rules in June 2022 which should be completed by August 2023. The Government is updating the overall Ethical Guidelines for the Government Offices. Lobbying continues to be unregulated. Foreign bribery remains an area of concern with only moderate levels of prosecution and final judgments, and shortcomings in its legislative definition.

Sweden has a strong legal framework guaranteeing media freedom and pluralism with safeguards stemming both from the Constitution and from legislation. No media-specific legislation concerning transparency of media ownership exists in Sweden; however, the Government has proposed amendments to the Radio and Television Act aiming at enhancing the transparency of media ownership. It is reported that Swedish journalists continue to benefit from among the most favourable working conditions in the world, though online harassment is on the rise. The Government has taken further steps to improve journalists' protection, not least as part of an ongoing review of the protection afforded by criminal law to certain vital functions in the society.

Following several extensions of the legislation empowering the Government to take more restrictive measures in the context of the COVID-19 pandemic, the legislation in question has ceased to apply as of April 2022. The Parliament no longer relies on informal agreements between the Speaker and the party leaders to ensure its functioning, and returned to its ordinary working procedures in February 2022. The experience of the COVID-19 pandemic underlined the need for a comprehensive legal framework to deal with similar severe peacetime crises and led to the task for a committee of inquiry to examine a possible need to amend the Constitution. A National Human Rights Institution has been established and commenced its operations in January 2022. The civil society space in Sweden remains open and the framework rules under which civil society organisations operate, notably related to funding, are being reviewed. While the review has been generally welcomed, stakeholders have expressed some concerns on potential limitations that could have an impact on civil society engagement.

## Recommendations



It is recommended to Sweden to:

- Continue the work of the Committee of Inquiry on strengthening the protection of democracy and the independence of the judiciary, taking into account European standards on judicial independence.
- Evaluate the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the government.
- Strengthen the fight against foreign bribery, including through amending existing legal definitions and improving on prosecution and final judgments of cases.
- Ensure that on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.



