

A large, blue-tinted image of the Lady Justice statue is the central focus. The statue is blindfolded, holding a pair of scales in her right hand and a sword in her left. The background is a solid blue color.

RULE of LAW REPORT 2024

**COUNTRY CHAPTER
ABSTRACTS AND
RECOMMENDATIONS**

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ABSTRACT – BELGIUM

Consultations continue on draft legislation to increase judicial independence by transferring budgetary management powers from the executive to the judiciary. Further steps have been taken towards improving the digitalisation of justice. Some further progress has been made on providing adequate resources for the justice system, while a workload measurement confirms structural resource deficiencies. Following renewed criticism by the High Council for Justice, the Government has decided not to table a proposal to introduce regular security checks by the National Security Agency on all judges. Directives prohibiting the recording of meetings between lawyers and clients have strengthened lawyer-client confidentiality. An overview of the efficiency of justice remains unavailable, due to a persistent lack of data on court proceedings, while efforts are ongoing to map judicial backlogs.

Elements relating to anti-corruption are included in various relevant strategies and action plans although there is no overall strategy nor a body responsible for coordination of anti-corruption policy. A legislative revision of the Criminal Procedure Code could have a positive impact on the fight against corruption. The Central Office for the Repression of Corruption and prosecution services continues to tackle high-level corruption cases, despite overall limited resources. Measures are being taken to address corruption linked to organised crime groups and drugs trafficking, which is recognised as an important phenomenon. The investigation and prosecution of foreign bribery cases remains difficult. The extension of the overall Code of Conduct for federal public office holders to all members of ministerial private offices was formally adopted. However, important gaps remain in the integrity policy in areas such as revolving doors, as well as rules on gifts and benefits, in particular for members of Parliament. Shortcomings exist regarding the transparency of asset declarations. Draft legislation on contacts with lobbyists for Government members was put forward. Political parties did not reach an agreement on a reform of political party finance legislation prior to the electoral period. The local government level and public procurement are considered as areas at high risk of corruption.

Audiovisual media regulators maintain their operational independence and effectiveness, and the press continues to be effectively governed through self-regulatory mechanisms. High media concentration is counterbalanced by the independence of media regulators and transparency of media ownership. Public service media maintain their independence through well-established safeguards. Some further steps have been taken in strengthening access to official documents, though new proposals fail to grant the Commission for Access to Administrative Documents decision-making powers. Journalist safety continues to face challenges, with recent studies and incidents highlighting a worrying trend of online harassment.

The Federal Human Rights Institute (FIRM/IFDH) established cooperation with the Flemish Human Rights Institute and acquired new tasks. Independent institutions received additional human and financial resources to help carry out their tasks effectively, although some challenges on their distribution remain. Government non-compliance with European Court of Human Rights and domestic court judgments, including a final judgment of a court of last instance, raises serious concerns. Some concerns have been raised regarding civic space.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Belgium has made:

- Some further progress on efforts 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.
- No progress on strengthening the integrity framework, including by adopting rules on gifts and benefits for members of Parliament and by strengthening rule of revolving doors for Government and their private offices.
- Some progress on completing the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Some further progress on efforts to strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Belgium to:

- Continue efforts to address the structural resource deficiencies in the justice system, taking into account European standards on resources for the justice system.
- Strengthen efforts to improve the efficiency of justice, particularly to reduce the length of proceedings based on comprehensive statistical data.
- Strengthen the integrity framework, including by adopting rules on gifts and benefits for members of Parliament and rules on revolving doors for government and their private offices.
- Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Further continue efforts to strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents.
- Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights.



ABSTRACT – BULGARIA

On 15 September 2023, in line with the 2006 decision setting up the Cooperation and Verification Mechanism (CVM), the European Commission formally closed the CVM, as Bulgaria had satisfactorily fulfilled all the benchmarks and all recommendations set under the mechanism. Monitoring continues under the Rule of Law report as for all EU Member States.

A comprehensive constitutional reform was adopted to improve judicial independence and to address long-standing concerns. The reform anchors the mechanism for the accountability and criminal liability of the Prosecutor General in the Constitution, which was also recently used in practice; it limits his/her powers; and divides the Supreme Judicial Council into two separate councils. The procedures for appointment and dismissal of the Prosecutor General and the two Presidents of Supreme Courts have been amended. A draft new Judicial System Act aims to ensure the politically independent appointment and dismissal of the Prosecutor General, but concerns have been raised as to its limitations. The draft law also addresses the concerns regarding the composition of the Inspectorate to the Supreme Judicial Council, the long-term secondments to higher positions, and envisages changes to the digitalisation of justice. The availability of electronic communications continues to improve. There have been calls to extend judicial review for cases of dismissal of investigations for victimless crimes.

Following the adoption of a reform, the Commission for Counteracting Corruption and Illegal Assets Forfeiture was divided into two separate bodies (the Anti-Corruption Commission and the Commission for Illegal Assets Forfeiture) and their performance remains to be assessed. A mid-term review of the National Strategy for Prevention and Countering Corruption is under preparation. A robust track-record in high-level cases of corruption remains to be established. Work has started on a Code of Conduct, as serious gaps remain in the integrity of top executive functions. Rules on asset and interest disclosure for public officials are systematically implemented, but the effectiveness of verifications and sanctions is lacking. Work proceeded on legislation to regulate lobbying and make it more transparent, although it is still at early stage and will need to be adopted by the Government. Investigations and legal proceedings linked to the abolished investor citizenship scheme continued.

Concerns remain about the lack of sufficient safeguards to secure the independence of the media regulator. Notwithstanding the existence of several registers for media ownership information, shortcomings regarding the enforcement of the media ownership disclosure obligations remain. There has been some further progress as regards transparency in the allocation of state advertising. While legal safeguards for editorial independence are in place, indications of political and economic influence over the media remain. The Government has resumed the work on a draft law to strengthen the independence of public service media, while the media regulator has not yet appointed a new Director General of the national television. The positive trend as regards access to public information continues although some obstacles remain. While the Government has taken steps to protect journalists from strategic lawsuits against public participation, journalists continue to encounter various difficulties and threats in their activities.

The Council for the monitoring of the judicial reform was merged with the Rule of Law Council, allowing for wider participation of civil society. Concerns have been raised at the fact that a significant number of independent and regulatory authorities continue to operate with an expired mandate. The constitutional reform improved the access to constitutional justice. Concerns regarding the quality of the legislative process continue. The Ombudsperson was attributed new competences though financial and human resources have not been sufficiently reinforced. The work of the Council for Civil Society Development is blocked due to the political situation.

Recommendations

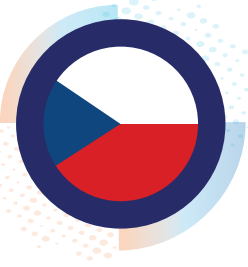


Overall, concerning the recommendations in the 2023 Rule of Law Report, Bulgaria has (made):

- Some further progress on taking steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- Some progress on advancing with the preparation of 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.
- Fully implemented the recommendation to step up efforts to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
- No progress yet on ensuring an improved effectiveness of investigations and a robust track record of prosecution and final judgments in high-level corruption cases and significant progress on the institutional reforms of the Anti-Corruption Commission.
- No progress on improving the integrity of top executive functions, taking into account European standards, in particular by ensuring that clear integrity standards for the Government as well as an appropriate sanctioning mechanism are in place.
- Some further progress on advancing with the work aimed at improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan and the relevant country-specific recommendations under the European Semester, it is recommended to Bulgaria to:

- Take steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- Advance with the draft 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 forward the plans to adopt a mechanism for introducing safeguards in the appointment procedure of the Parliament-elected members of the Supreme Prosecutorial Council, ensuring their independence and taking into account European standards, particularly in view of the Council's role in the appointment and dismissal of the Prosecutor General.
- Ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases and the effective performance of the Anti-Corruption Commission.
- Improve the integrity of top executive functions, taking into account European standards, in particular by ensuring that clear integrity standards for the Government as well as an appropriate sanctioning mechanism are in place.
- Further advance with the work aimed at improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.



ABSTRACT – CZECHIA

A reform of the prosecution service was adopted, introducing safeguards for the dismissal of the Prosecutor General and other chief prosecutors in line with the recommendations of 2023. The selection procedure for judges generally works well and efforts are undertaken to address practical shortcomings that have emerged. Reform of the disciplinary proceedings in the case of judges, prosecutors and bailiffs is discussed in Parliament, introducing a second instance. Digitalisation of the justice system is moving ahead, with the preparations for a progressive roll out of the delayed e-file system. Provisions on legal aid have been amended to broaden access and an amendment enhancing the protection of attorney confidentiality is in Parliament. An amendment limiting the use of the institute of lay judges is in Parliament. The method for determining judges' salaries was modified to reduce salary increases, however, was ruled as unconstitutional by the Constitutional Court. Low salaries of court and prosecution assistant staff remain an issue. The justice system performs efficiently and has seen steady improvements in areas such as the length of administrative cases.

The Anti-Corruption Strategy 2023-2026 is being implemented although civil society continues to criticise a lack of prioritisation by the Government of anti-corruption initiatives. Cooperation between institutions in the fight against corruption continues to lead to a steady flow of investigations, prosecutions, and convictions. High-level corruption cases remain a point of attention due to delays in some proceedings. Enforcement in foreign bribery cases remains limited despite a framework being in place. Revised conflict of interest legislation entered into force which clarified the definition of beneficial ownership and rules on media ownership. Preliminary steps were taken to consider the revision of rules on asset declarations and revolving doors. Revised ethics rules for civil servants were adopted and the ethics framework was improved for the Chamber of Deputies. The Office for the Supervision of the Finances of Political Parties and Movements was reformed, while amendments to the Constitution to strengthen the Supreme Audit Office are being discussed. A risk measurement methodology was prepared to inform future anti-corruption action, while the area of public procurement is seen as an area at high-risk of corruption.

Legislative reforms have brought about positive developments to the media landscape. Legal guarantees for the independence of the media regulator, the Council for Radio and Television Broadcasting, are in place. Significant progress has been made to enhance the independence of public service media governance by means of a law amending both the Czech Television Act and the Czech Radio Act while concerns relating to the financial sustainability of public service media persist. Amendments to legislation regulating conflicts of interest have an important bearing on media ownership by politicians by excluding elected officials from all forms of media ownership though online media remains outside the scope of this legislation. There have been no developments in relation to transparency of media ownership and state advertising. Concerns continue to be voiced regarding the economic challenges faced by independent media and online harassment of journalists.

The use of accelerated legislative procedures has decreased. A new public digital platform for accessing legislation was launched. Work continues to enhance the participation of civil society in policy-making processes with a new methodology being piloted. Some further steps have been made to establish a National Human Rights Institution, as an amendment to entrust the Ombudsperson with that function is discussed in Parliament. An ongoing systemic review of the financing framework is expected to conclude by 2024. Public authorities have taken initiatives to foster the rule of law culture.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Czechia has made:

- Significant progress on continuing to advance 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.
- Some progress on taking measures on reducing the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases.
- Some progress on strengthening the integrity framework for members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying.
- Significant progress on completing the revision of legislation on conflicts of interest, including by clarifying the definition of beneficial ownership and no further progress in relation to further reforms relating to transparency of information on media ownership.
- Significant progress on strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some further progress on advancing the legislative changes to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Czechia to:

- Take measures to address the remuneration of judges, and judicial and prosecutorial staff, taking into account European standards on resources and remuneration for the justice system.
- Take measures to reduce the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases.
- Take further measures to strengthen the integrity framework for all members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying.
- Progress with further reforms relating to transparency of information on media ownership.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence.
- Continue to advance the legislative changes 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. The Government submitted a proposal to Parliament to strengthen the public's perception of the Director of Public Prosecutions' independence by establishing a mandate period of ten years without the possibility of extension or reappointment. The courts continue the phased rollout of the multi-annual judicial digitalisation project. An agreement on a multi-annual financial framework has provided for notable increases in financial and human resources for the justice system. As an additional flanking measure for the judiciary's resources, the Government has proposed a number of amendments to procedural rules, aimed at improving the efficiency of court proceedings. The review of the legal aid system, commenced in 2020, is yet to be completed. However, the trend of increasing average case handling times has so far continued.

Denmark is perceived as one of the least corrupt countries in the world. A first sectoral anti-corruption programme was adopted specifically in the framework of the implementation of the Recovery and Resilience Plan. Significant steps were taken to collect data on investigations and prosecutions of corruption offences at national and local level. No steps have been neither taken in view of introducing rules on revolving doors for ministers, on lobbying and on asset declarations submitted by persons entrusted with top executive functions. Shortcomings were raised with regard to the integrity rules in the Parliament. The law on public financing of political parties has entered into force, while the reform on private financing of political parties has not yet been concluded. Foreign bribery is considered as a high risk area for corruption.

While discussions regarding the future role of the Press Council and of media liability are ongoing, the ethical rules for the press have been revised. Even though the independence of the national regulatory authority and public service media continue to be assured, an agreement has been reached on how to reduce the potential for political interference in public service media. A committee has been established tasked with proposing amendments to the law on access to documents. The Government has put a focus on financial support for local and regional media, but the situation regarding the safety of journalists lacks transparency.

The follow-up on a political agreement to strengthen scrutiny of the Government is ongoing. The data on use of fast-track legislative procedures confirms the decreasing trend after the pandemic. The Danish Institute for Human Rights has amended its internal rules to strengthen the independence of its Board of Directors. The civic space in Denmark remains open, even though certain segments of civil society experience difficulties in securing stable financing.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Denmark has (made):

- Fully implemented the recommendation 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.
- No progress on introducing rules on ‘revolving doors’ for ministers and on lobbying and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.
- Significant progress on ensuring the collection of data on investigations and prosecutions of corruption-related offences at national and local level.
- Some progress on the process to reform 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.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Denmark to:

- Complete the review of the legal aid system, taking into account European standards on legal aid.
- 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.
- Advance with the process to reform 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

Several initiatives aimed at strengthening the resilience of the German judiciary are under way. Discussions are on-going about a possible reform to enhance the resilience of the Constitutional Court by including certain safeguards in the Constitution. The Ministry of Justice has presented a proposal to introduce further safeguards for the use of the power of Ministers of Justice at Federal and *Länder* level to issue instructions to prosecutors in individual cases. Measures to further promote the respect of constitutional values by lay judges, and for ordinary judges before their initial appointment, are under consideration in Parliament. Some steps have been taken to supplement the overall resources for the judiciary through additional investments, while the level of remuneration of judges remains a challenge. Digitalisation efforts in the judiciary are underpinned by a multi-annual investment programme and a number of dedicated legislative initiatives. However, discussions on the proposal to introduce digital documentation of main proceedings in criminal cases have stalled. The justice system overall continues to perform efficiently and measures to deal with so-called ‘mass’ civil cases are being discussed in Parliament.

The update of Germany’s strategic anti-corruption framework for the federal administration remains pending. A number of legislative reforms increasing transparency and enhancing the prevention of corruption entered into force, including the lobby register, post-employment rules, whistleblower protection and political party and campaign finance. Work to establish a legislative footprint has advanced for Ministers but is still lacking for the Parliament. Shortcomings remain in the enforcement of conflicts of interest rules for parliamentarians and Government officials. A criminal law reform was put forward to criminalise the trading in influence, yet only when committed by members of the Parliament and under certain circumstances. Amendments of administrative offence provisions to strengthen liability and sanctions of legal persons to fight foreign bribery more effectively are still outstanding. High-level corruption is addressed without any systemic weaknesses identified.

The framework regulating the state media authorities and media ownership transparency has remained stable; in addition, reflections on revising the media concentration framework are ongoing. In 2023, stronger compliance safeguards for public service broadcasters were agreed, with a proposal for further reform of the system set to be presented in autumn 2024. While the Government maintains its plans to establish in law the right to information of the press as regards federal authorities and plans to present a draft reform in 2024, no concrete further steps have been taken so far. Authorities and journalists cooperate to address risks to the safety of journalists in the exercise of their work, in view of concerns related to an increasingly hostile perception in society of journalists and media.

As regards the legislative process, timeframes for stakeholder consultations at federal level vary in practice while the commitment to create a single portal for all legislative proposals remains outstanding. The German Institute of Human Rights was re-accredited with A-status in October 2023. There have been no concrete steps taken yet to address the uncertainty regarding the tax-exempt status of non-profit organisations, and practical concerns resulting from this persist. In addition, the overall situation of civic space has seen some deterioration, with certain restrictions related to the right to protest being subject to judicial review.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Germany has made:

- Some progress on stepping up efforts to ensure adequate resources for the justice system, including on the level of remuneration for judges, taking into account European standards on resources and remuneration for the justice system.
- Some progress on proceeding 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.
- Some further progress on strengthening 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.
- No further progress on advancing with 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 official document.
- No progress yet on taking 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.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Germany to:

- Take measures to ensure an adequate level of remuneration for judges and prosecutors, taking into account European standards on remuneration for the justice system.
- Further strengthen the ‘legislative footprint’ by disclosing all interest representatives’ inputs to legislation and by extending the scope to the parliamentary phase of the legislative procedure.
- Strengthen the existing rules on revolving doors by increasing the length of cooling-off periods for federal ministers and federal parliamentary state secretaries.
- Advance with 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 official 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 level of digitalisation of justice in Estonia remains among the highest in the EU. Following the amendments of the Courts Act from 2023, all district courts have created at least two specialised departments, civil and criminal. There have been no cases of *de facto* transfers of judges. The judiciary initiated a reform of the Council for the Administration of Courts that would transfer more powers from the executive to the judiciary. A new law lowered the indexation of salaries for nearly all civil servants, including judges. The measure seems to be of a general nature and is limited in time, while a constitutional review is about to be requested. The high workload and the diminishing attractiveness of the judicial profession were identified as challenges by stakeholders. At the same time courts continue to deal efficiently with incoming cases.

The implementation of the 2021-2025 Anti-Corruption Action Plan continues in a timely and efficient manner. Legislative efforts are ongoing to improve the investigation and prosecution of financial crimes, including corruption. Investigation and prosecution of corruption cases are carried out efficiently and investigations regarding high-level corruption are still ongoing. The guidelines on conflicts of interest are being implemented successfully, but there are currently no plans to introduce a related enforcement mechanism. Digital tools are being developed and deployed to ensure better implementation of the existing rules on integrity. The guidelines on lobbying continue being implemented with success, while discussions on introducing lobbying rules in Parliament have been initiated. Political party financing remains a high-risk area for corruption, and the adoption of the draft law aiming at strengthening the powers of the Political Parties' Financing Surveillance Committee is a priority for the government. Rules on revolving doors are being implemented and additional guidance in this regard is expected. New legislation on whistleblower protection was adopted. Healthcare, local government, political party financing, public procurement, as well as residence and work permits are considered to be at high risk of corruption.

The national media regulator in Estonia has remained independent. The Government is assessing the need to introduce amendments to the existing media legislation concerning, for example, licensing of radio channels. A legislative reform aimed to guarantee better financial stability and political independence of the public service media is being prepared. The Ministry of Justice is working on an analysis regarding the strengthening of the right of access to documents guaranteed in the Public Information Act and in the meantime, the Information System Authority has made public information with unrestricted access proactively available online. The protection of journalists remains stable, although possible legal actions by politicians and business owners have been referred to as a growing risk.

Frequent use of procedures allowing for substantial delays to the legislative process in Parliament have triggered a reaction, resulting in the Government using the accelerated legislative workflows more often. A draft reform envisages more financial autonomy for the Chancellor of Justice. The practice of allocation of funding to Civil Society Organisations through Parliament without concrete criteria has been discontinued.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Estonia has made:

- Some further progress on ensuring that the guidelines on the conflict of interests are subject to an enforcement mechanism.
- Some further progress on efforts to ensure consistent and effective implementation of the right of access to information, taking into account European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Estonia to:

- Continue the efforts to reform the Council for the Administration of Courts, taking into account European Standards on councils for the judiciary.
- Advance with the efforts to ensure consistent and effective implementation of the right of access to information taking into account European standards on access to official documents.
- Ensure effective public consultation in the context of the legislative process.



ABSTRACT – IRELAND

Reforms aimed at improving the independence and quality of the Irish justice system continued and its perceived independence among companies is now at a very high level. The new Judicial Appointments Commission Act introduced a number of improvements to reduce political influence in the appointment and promotion of judges. The composition of the Judicial Appointments Commission remained unchanged. The system for handling complaints relating to alleged judicial misconduct became fully functional. Steps have been taken to reduce litigation costs with a Civil Reform Bill in preparation and a report is being reviewed in view of further initiatives. A general review of the Civil Legal Aid scheme and a revision of the Criminal Justice Legal Aid Bill are being prepared. An additional number of judges have been appointed. Steps to improve digitalisation of justice are being taken. Consideration of recommendations on repealing the Offences Against the State Acts is still pending. Concerns persist as regards the length of proceedings and there is no system to regularly evaluate court performance based on defined indicators. A law providing for a compensation scheme for cases of excessive length of court proceedings has been adopted.

Ireland continues to have a comprehensive framework for both the prevention and repression of corruption, and a low level of perceived corruption. Work is on-going on a multi-annual anti-corruption strategy to tackle corruption, despite delays. When it comes to investigating and prosecuting corruption, challenges remain regarding resources and specialisation. Overall, cooperation within police services and between prosecution and police continues smoothly. The recently adopted police reform aims to ensure more independence to investigate integrity violations within the police, while the police continue to raise awareness on preventing corruption among staff. The reform of the existing framework for Ethics in Public Office is still pending, with drafting of relevant legislation outstanding. The amendments to the lobbying regulation entered into force, while no further steps were taken to strengthen the asset disclosure rules and the monitoring and enforcement capacity of the Standards in Public Office Commission. High-risk areas for corruption include public procurement, planning and development sectors.

Ireland has legal and institutional safeguards in place ensuring media freedom as well as independence for the media regulator and public service media. A system of self-regulatory bodies contributes to ensuring that the press sector operates in line with ethical and journalistic standards. The public service broadcaster has been facing financial challenges following cases of corporate governance failures, which also prompted the Government to launch an independent review on the matter. The media regulator supported new initiatives aimed at increasing media ownership transparency. There have been no developments regarding transparency of state advertising. A review of the 2014 Freedom of Information Act is ongoing. New initiatives on reporting and investigation of incidents contributed to increasing the safety of journalists. Work on the reform of the defamation regime continued, with a new revised bill awaiting publication in 2024.

The use of 'guillotine motions' to shorten the time allocated to debate legislative proposals decreased considerably. The Irish Human Rights and Equality Commission is facing resource issues. The Electoral Commission is reviewing the Electoral Act to address, among other aspects, legal obstacles to accessing funding for civil society organisations. A number of initiatives were taken to encourage the participation of civil society organisations and human rights defenders in the decision-making process.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Ireland has made:

- Significant progress on ensuring 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.
- Some progress on continuing 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.
- Fully implemented the recommendation on lobbying, made some progress on strengthening the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission, but not on the strengthening and digitalisation of the asset declarations system.
- Significant progress on the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Some further progress on taking measures to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Ireland to:

- Take forward the necessary legislative work 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.
- Further strengthen the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission, and strengthen and digitalise the asset declarations system.
- Complete the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence.
- Further continue efforts to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act.



ABSTRACT – GREECE

The evaluation of judges is taking place under a new legal framework. A legislative proposal was adopted involving the judiciary in appointments to the highest positions in the judiciary. Efforts to increase the level of digitalisation continue, and the implementation of several reforms financed by the Recovery and Resilience Facility aiming to improve the quality of justice are well on track. The new judicial map in civil and criminal justice is a major reform which aims at a balanced distribution of cases among first instance judges and a speedier administration of justice. Serious challenges remain regarding the length of proceedings before civil courts and the Council of State with some improvements in ordinary administrative courts. Efforts to reduce the length of proceedings include the transfer of categories of non-litigious cases from courts to lawyers and the planned reform of the preliminary procedure of the Council of State.

The 2022-2025 National Anti-Corruption Action Plan was updated and implementation is on track. Efforts to establish a track record of prosecutions and final judgments, in corruption cases, including in high-level corruption cases were made. The legal framework for combatting corruption and foreign bribery was strengthened. The National Transparency Authority maintained its level of activities. The implementation of rules on lobbying and gifts is ongoing with the number of entries in the lobby register increasing and information from the gifts' registry is now public. Implementation of the new law on asset declarations is on track with a significant percentage of verifications completed. Work on developing codes of conduct for ministers and parliamentarians and guidelines for the police continued. Audits of political parties indicated a better level of compliance with the new rules. Whistleblower protection was extended to corruption offences and the external reporting channel became operational. The government is developing an integrated risk management system to increase transparency and integrity in public procurement, still considered to be a high-risk sector.

A new system for the selection and appointment of administrators of public sector entities entered into force, covering also public service media. Selection procedures to address challenges regarding the resources of the media regulator are ongoing, while concerns have been raised regarding its independence. Some further progress has been made in adopting non-legislative safeguards to improve the protection of journalists and significant progress has been made in the legislative process, including with the decriminalisation of the offence of simple defamation.

Some progress was made to improve the consultation of stakeholders, while its effectiveness and timeliness in practice still need to be better addressed. Efforts are under way to improve access to legislation, while challenges regarding the quality of the law-making process persist. Independent authorities established by virtue of the Constitution face challenges that could undermine their status and ability to carry out their tasks effectively. The Ombudsperson is investigating incidents of alleged misconduct involving law enforcement officers. Judicial investigations into the use of spyware are ongoing. The ongoing implementation of the interoperability of the existing registries for Civil Society Organisations is a positive development. The registration framework still needs to be evaluated, in particular in relation to the Special Registries of the Ministry of Migration and Asylum. Concerns regarding the space for civil society remain.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Greece has (made):

- Fully implemented the recommendation 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.
- Some further progress on stepping up efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption.
- Some further progress on taking forward the process of adopting non-legislative safeguards and significant progress on starting the legislative process in relation to the protection of journalists, building on the activities initiated by the Task Force, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Some progress on ensuring the effective and timely consultation in practice of stakeholders on draft legislation, including by allowing sufficient time for public consultation.
- Some further progress on taking further steps to evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Greece to:

- Continue efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption.
- Further advance with the process of adopting legislative and non-legislative safeguards to improve the protection of journalists, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Step up the efforts to ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by observing the statutory timeframe for public consultation.
- Strengthen efforts to evaluate the current legal framework for the registration system for civil society organisations and assess whether there is a need to amend it, while moving forward with a structured dialogue with CSOs.



ABSTRACT – SPAIN

Following a structured dialogue with the European Commission as facilitator, an agreement has been reached to renew the Council for the Judiciary and to initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards. The lack of renewal of the Council for the Judiciary has had a negative impact on the work of the Supreme Court and on the justice system as a whole, and the agreement of 25 June 2024, if fully implemented, is expected to improve the situation. There has been some progress to strengthen the statute of the Prosecutor General. The Ethics Commission for prosecutors has become fully operational. New measures are envisaged as regards the incompatibilities regime for judges and prosecutors. Measures were taken to further improve the legal aid framework and the digitalisation of justice. Additional posts for judges have been established and measures are being taken to address challenges relating to resources faced by the justice system. A new law on the right of defence is under preparation. Further measures aimed at increasing the efficiency of the justice system have been adopted.

The Government is mandated by law to adopt, by September 2024, a comprehensive strategy to prevent and fight corruption, however work is yet to start on it. New rules regarding corruption offences are being enforced. The reform of the Criminal Procedure Code, expected to contribute to address the length of investigations and prosecutions, is still pending. The overall efficiency of the Council of Transparency and Good Governance was improved by a document management system, and the increase of its budgeting and personal resources, though the complexity of cases is increasing. No specific timeline is foreseen to improve rules on conflicts of interest for public employees within all different administrations despite ongoing work since 2021. No steps have been taken to strengthen the rules on conflicts of interest and asset declarations of persons with top executive functions and to reinforce the sanctioning power of the Office for Conflicts of Interest.

The audiovisual regulatory authority has sufficient resources to perform its tasks and its supervisory function was further strengthened. The inclusion of providers of video sharing platforms, providers of audiovisual media service aggregation services and users of special relevance in the new national registry will increase transparency of media ownership, which remains overall an area of concern. There have been no changes to the legal framework for institutional advertising, while calls for increased transparency in the distribution of institutional advertising to avoid its use for partisan or electoral purposes continue. A new acting chair of the public service media has been appointed in the absence of an agreement in the Congress to appoint a new board and chair. There has been no further progress to strengthen access to information, and stakeholders continue to voice concerns. Journalists continue facing increasing challenges in the performance of their professional activities.

An “Organic Law on Amnesty for the Institutional, Political and Social Normalisation of Catalonia”, which was the subject of major controversy and a Venice Commission Opinion, was adopted by Congress on 30 May 2024 and entered into force on 11 June 2024. Different initiatives aimed at strengthening public participation in policymaking and promoting a rule of law culture have been taken. Concerns on some procedural practices relating to the use of emergency procedures for the approval of legislation remain. A new equality body is being set up, while posts in a number of independent authorities continue to be vacant. Measures to accelerate proceedings before the Constitutional Court are being implemented. A reform of the Citizen Security Law is still pending, though considered a priority by the Government. On 17 July 2024, the Government announced a Democracy Action Plan, covering aspects such as transparency, conflicts of interests and media freedom.

Recommendations

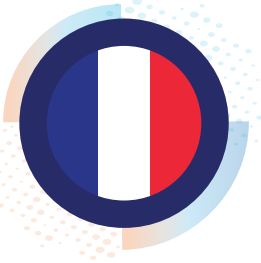


Overall, concerning the recommendations in the 2023 Rule of Law Report, Spain has (made):

- Some progress on strengthening the statute of the Prosecutor General, but not 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.
- Significant progress on renewing the Council for the Judiciary as a matter of priority and initiating, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards on Councils for the Judiciary.
- No further progress on proceeding to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Some progress on stepping up efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure.
- No progress on strengthening the rules on conflicts of interest and asset declarations of persons with top executive functions by reinforcing the sanctioning power of the Office for Conflicts of Interest.
- No further progress on strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Spain to:

- Continue 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.
- Building on the agreement of 25 June 2024, finalise the renewal of the Council for the Judiciary and take forward the process in view of adapting the appointment procedure of its judges-members, taking into account European standards on Councils for the Judiciary.
- Proceed to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Step up efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure.
- Strengthen the rules on conflicts of interest and asset declarations of persons with top executive functions, including by reinforcing the independence and sanctioning power of the Office for Conflicts of Interest.
- Advance with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official documents.



ABSTRACT – FRANCE

Two important laws related to the justice system were adopted in November 2023: one on the status of magistrates, reforming their recruitment and disciplinary regimes; and another one bringing a substantial increase in human resources in the justice system and making the profession of magistrate more attractive. The law also empowers the Government to recast the Code of Criminal Procedure, includes new provisions on criminal proceedings, and promotes the amicable settlement of disputes. Further efforts were made on the digitalisation of judicial procedures, and the online access to court decisions advanced further. In general, the length of court proceedings further decreased.

The 2024-2027 national anti-corruption plan is in preparation. Significant results continue to be achieved in the prosecution and adjudication of corruption cases, although concerns exist in relation to resources. The implementation of integrity measures in the private and public sectors, including the declarations of asset and interests of public officials, and the public funds used by political parties and politicians, continued to be monitored, although the increased workload or limited resources may represent challenges for relevant institutions. Guidelines on lobbyists' register have entered into force, the number of ethics requests from Members of Parliament increased, and integrity measures for police officers and judges continue to be applied, although some concerns exist. New instruments were developed to track whistleblowing reports and provide advice to potential whistleblowers. Public procurement is a priority for the prosecution authorities considering that it is an area with a high risk of corruption.

Rules are in place to ensure the effective and autonomous functioning and adequate funding of the independent media regulator (ARCOM). No further steps have been taken to enhance transparency of media ownership, in particular regarding complex shareholding structures. Public service media maintain their independence through well-established safeguards, while the Government plan to reform the public media is postponed for the time being. While safeguards are in place to ensure the safety of journalists, attacks and threats against them continue.

The Government continued to make considerable use of accelerated legislative procedures. Several tools have been put in place to increase the participation of citizens in the law-making process. The Defender of Rights and the National Consultative Commission on Human Rights (CNCDH) are facing a continuous increase in their workload, which is not always followed by an increase in resources. The financial environment of civil society organisations remains favourable, while concerns have been expressed by stakeholders about the granting and possible withdrawal of public subsidies. Courts and experts have recalled the need for demonstrations to take place in a safe environment.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, France has made:

- Some further progress on completing ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Significant further progress on ensuring adequate human resources for the justice system, particularly by completing the development of the workload measuring tools to better evaluate the needs.
- Some progress on ensuring that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- No progress in stepping up efforts to improve the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards.

On this basis, and considering other developments that took place in the period of reference, it is recommended to France to:

- Further continue efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Step up efforts to ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- Step up efforts to improve the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards.



ABSTRACT – CROATIA

The level of remuneration increased for judges, state attorneys and court staff, and legislation to set objective remuneration criteria is expected in 2024. Efforts to maintain and improve the integrity of judges and state attorneys continued. The Government plans to present in 2024 a broader set of amendments to the Law on the State Attorney's Office which would include removing the legal basis for periodic security checks on all state attorneys. Following discussions around the election of the new State Attorney General, there were questions as to the selection procedure and whether it offers sufficient safeguards to ensure the autonomy of that position. The level of perceived judicial independence increased, while remaining very low. Electronic communication increased between courts and users and further initiatives are being taken to close the digitalisation gap in the justice system. Despite having implemented several measures to reduce the length of court proceedings, backlogs and length of proceedings remain a serious concern.

Legislation on lobbying was adopted and laws on bribery of foreign public officials were strengthened. Steps were taken to make the investigation and prosecution of corruption offences more efficient, while a revision of the Criminal Procedure Code and the Law on the specialised anti-corruption prosecution service remain outstanding. Investigations, prosecutions and convictions of corruption, including at high-level, continued. Anti-corruption authorities continued to optimise their resources. The State Electoral Commission and State Audit Office encountered less irregularities in the implementation of political party financing rules. Croatia is raising awareness on the new whistleblower's legislation. Some measures have been taken to detect and prevent corruption in public procurement, which remains a high-risk area.

The legal framework provides safeguards for media freedom and pluralism as well as the right to information. Concerns about the political independence of the Council for Electronic Media and the public service broadcaster HRT persist. HRT also faces criticism regarding potential conflicts of interest. There are positive developments as regards the safety of journalists on which authorities and journalists' representatives have concluded a cooperation agreement. While media ownership information is available, some challenges remain as regards ownership transparency. The framework for a fair and transparent allocation of state advertising raises concerns both at national and local level and no steps were taken to strengthen it. Awareness raising efforts continue on the issue of strategic lawsuits against public participation (SLAPPs) targeting journalists, which remain a concern. Although journalists are exempt from the offence of disclosure of information from ongoing criminal investigations, there is still strong criticism from stakeholders, and efforts continue to be made to address it.

The new Law on Better Regulation Policy Instruments introduced a strengthened framework on impact assessment and evaluation, and additional standards for public consultations. New Law on Administrative Disputes includes measures to encourage the swift implementation of administrative courts' judgments. Some further steps were made on the follow-up to the People's Ombudsperson's recommendations, while some challenges on access to information remain. There has been a gradual shift towards the multiannual funding of civil society organisations, while the new National Plan for Creating an Enabling Environment remains outstanding.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Croatia has made:

- Significant progress on continuing structural efforts to address the remuneration of judges, state attorneys and judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Significant progress on adopting comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists.
- Some progress to increase the efficiency of investigations and prosecution of corruption offences, but not on revising the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, as set out in the Anti-Corruption Strategy.
- No progress on advancing with strengthening 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 public tender procedure for local and regional media.
- Some further progress on the recommendation to make further efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.
- Some further progress was made on further improving the follow-up to recommendations and ensuring a more systematic response to information requests of the Ombudsperson.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Croatia to:

- Revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, in line with the Anti-Corruption Strategy, so as to further increase the efficiency of investigations and prosecution of corruption offences.
- Step up efforts to strengthen the legal framework and oversight mechanisms to ensure a fair and transparent allocation of state advertising at national, regional and local level, including the public tender procedure.
- Continue efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.
- Further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudsperson.



ABSTRACT – ITALY

A comprehensive reform of the justice system is in now place and the Government adopted the implementing legislation necessary for it to take full effect. The Government has submitted to Parliament a draft constitutional reform concerning the separation of careers of judges and prosecutors and the establishment of a High Disciplinary Court in charge of disciplinary proceedings against ordinary magistrates. The Department of Tax Justice has been established with the objective of increasing the level of independence of tax courts from the Ministry of Economy and Finance. Civil justice is now fully digitalised and tax justice is following suit. Steps have also been taken to improve the digitalisation of criminal courts and prosecutors' offices, while challenges in implementation remain. The length of judicial proceedings is continuing its positive trend but remains a serious challenge. Significant improvements have been made in the recruitment of new magistrates and administrative staff and in reducing the backlog of pending cases.

The National Anti-Corruption Plan was updated to strengthen the section on public contracts, while guidelines on revolving doors are being developed. The Parliament approved a draft law abrogating the offence of abuse of public office and limiting the scope of the offence of trading in influence. The Government adopted a Law Decree that introduces a new offence of embezzlement covering cases of improper allocation of money or movable property by public officials. A draft law proposing changes to the statute of limitations is under discussion in Parliament. Comprehensive legislation on conflicts of interest, and on lobbying rules and the establishment of a legislative footprint is still pending, and so are changes to the rules on political party and campaign financing. Corruption risks in public procurement remain, although the digitalisation of public contracts should improve transparency and investments in IT tools to help law enforcement authorities have continued.

Italy has a robust legislative framework to regulate the media sector which ensures the effective functioning of an independent and well-resourced media regulator. There are rules in place aimed at ensuring that public service media provide independent and pluralistic information, even though stakeholders raise persisting challenges related to the effectiveness of its governance and funding system. The Government has taken further measures in view of streamlining financial support to the media sector, although stakeholders stressed the need for more effective actions. Legislative initiatives regulating the possibility for journalists and newspapers to have access to, and publish, certain judicial documents and content of wiretaps were met with criticism by media stakeholders. In spite of targeted rules on the protection of journalists against threats, the situation regarding their safety and working conditions as well as the increasing prevalence of strategic lawsuits against public participation (SLAPPs) cases remain an issue. There have been no major developments on the proposal to reform the press defamation regime, which also raises concerns.

The Government has submitted to Parliament a draft constitutional reform with the objective of ensuring greater stability of government. There has been no further progress made toward the establishment of a National Human Rights Institution. Excessive use of emergency decrees by the Government has been reported as a source of concern. Challenges remain as regards the civic space, also in light of reported verbal attacks on organisations involved in humanitarian activities and of reported violence against demonstrators.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Italy has made:

- Some further progress on continuing the efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices.
- Some further progress on adopting comprehensive conflicts of interest rules and no further progress on adopting lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- No further progress on effectively and swiftly addressing the practice of channeling donations through political foundations and associations and introducing a single electronic register for party and campaign finance information.
- No further progress on continuing the legislative process to reform and introduce safeguards for the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- No further progress on continuing efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Italy to:

- Continue efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices.
- Adopt the pending legislative proposal on conflicts of interest and adopt comprehensive rules on lobbying to establish an operational lobbying register, including a legislative footprint.
- Effectively and swiftly address the practice of channelling donations through political foundations and associations and introduce single electronic register for party and campaign finance information.
- Continue the legislative process on the draft reform on defamation, the protection of professional secrecy and journalistic sources while revising it in order to avoid any risk of negative impacts on press freedom and ensure it takes into account European standards on the protection of journalists.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit and to guarantee its independence.
- Step up efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.



ABSTRACT – CYPRUS

The major reform of the Cypriot courts system and the new rules on civil procedure are positive developments that have been welcomed by all stakeholders. The Government is in the process of drafting legislation aiming to separate the advisory and prosecutorial role of the Law Office, which is a positive step towards strengthening the independence of the Prosecution Service. There is still no possibility of review of the decisions of the Attorney General not to prosecute or to discontinue proceedings. Efforts to improve the low level of digitalisation continue, while challenges persist, including in the deployment of the new electronic case-management system. Difficulties to attract qualified candidates for judicial positions and the persistent shortage of support staff could negatively affect the work of the courts. The implementation of measures to reduce the excessive length of proceedings continues at a fast pace, while serious challenges remain regarding the efficiency of justice, in particular for cases before second instance courts.

Steps have been taken to increase the resources of the Independent Authority against Corruption and to accelerate the delayed monitoring of the implementation of the National Strategy Against Corruption. The limited access to relevant information affects the ability of the Audit Office to effectively perform audits. Few cases advanced, including high-level corruption cases, and the number of convictions remained limited. New legislation on the declaration of asset was adopted, while it remains to enter into force and be effectively implemented. Lobbying measures started to be implemented and rules on conflicts of interest for Members of Parliament continue to be monitored. Integrity rules for top-level executive functions are under discussion, and no changes are foreseen for Members of Parliament. Integrity measures exist for judges, while some concerns were raised about the oversight and accountability system for the police. Guidelines were developed to handle whistleblowing reports. Specific initiatives have been taken to counter the high risks of corruption in public procurement and local administrations.

There have been no further regulatory changes to the framework relating to transparency of media ownership nor to address the lack of legislation and transparency in the field of state advertising. Further steps were made with regard to the independent governance of public service media as the consultation process started in 2022 on a planned overhaul of the law regulating public service media is ongoing. A bill on press freedom which aims at introducing provisions relating to electronic media, enshrining a code of practice in law and safeguarding the safety of journalists and other media workers, has been put on hold following consultations. While an information campaign was launched with the aim to raise awareness on the public's right to access information, challenges in implementation persist.

The launching of the e-consultation platform is a step towards improving effective and timely consultation of stakeholders in the legislative process, but further measures are needed for meaningful public consultation. The Ombudsperson is undertaking an additional role in monitoring compliance with fundamental rights. A draft law aims to address persistent challenges regarding the failure by parts of the administration to comply with decisions of administrative courts. Plans for regular dialogue between the authorities and civil society are encouraging, while concerns remain as to the administrative requirements imposed to Civil Society Organisations.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Cyprus has made:

- Some progress on strengthening the independence and the accountability of the Prosecution Service, including by providing for a possibility of review of the decision of the Attorney General not to prosecute or to discontinue proceedings, taking into account European standards on independence and autonomy of the prosecution.
- Some progress on ensuring that the recently established Independent Authority against Corruption has the financial, human and technical resources to effectively perform its competences.
- Significant progress on introducing rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications.
- No progress on adopting legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Some further progress on advancing with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some further progress on proceeding with the adoption of the framework for the effective and timely consultation of stakeholders in the legislative process and ensure its implementation.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Cyprus to:

- Take forward plans to adopt legislation aiming to provide a clearer distinction between the advisory and the prosecutorial functions of the Attorney General and take measures to establish an effective review of its decisions not to prosecute or to discontinue proceedings, taking into account European standards on independence and autonomy of the prosecution.
- Continue the efforts to ensure that the Independent Authority against Corruption has the human and technical resources to effectively perform its competences.
- Ensure the effective implementation of rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Further advance with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Continue efforts to ensure the effective and timely consultation of stakeholders in the legislative process and address shortcomings.



ABSTRACT – LATVIA

The Latvian justice system continued to perform efficiently, with further initiatives on improving case management and the efficient use of court resources. The level of digitalisation of the judiciary remains high and the judiciary's ICT systems were positively evaluated. The vacancy at the Supreme Court was filled, however no steps were taken to introduce adequate safeguards applicable to future appointments. Amendments to the Law on the Judiciary were adopted regarding the eligibility and evaluation for becoming a judge or prosecutor. Discussions on extending the competences of the Economic Court are ongoing and additional targeted changes to the judicial map are also being implemented. While remuneration for judges and court employees has been substantially increased, comparatively low salaries for judicial assistants lead to a significant turnover. The prosecution service is setting up an integrity control system, thereby implementing the State Audit Office recommendation. A Judicial Council working group identified certain 'systemic weaknesses' in the handling of domestic violence cases.

The implementation of the Corruption Prevention and Combating Action Plan 2023–2025 continues. New reporting tools were introduced and accompanied by awareness-raising and training activities. The investigation and prosecution of corruption-related cases is carried out efficiently, including as regards high-level corruption cases. The implementation of the Law on Prevention of Conflict of Interest in Activities of Public Officials is ongoing and the electronic system for asset declarations continues to work efficiently, with several cases of violations sent for prosecution. The Government is planning a study on the implementation of the existing codes of ethics to be launched in 2024. Some further steps have been made regarding legislation on lobbying, while the regulation aiming at clarification of certain legal notions is delayed and the main steps are scheduled for 2025. New rules on political party pre-election campaigning raise the maximum penalties for violations of the current legislation. The number of whistleblowing submissions has remained relatively stable throughout the years. Efforts are being made to address challenges related to public procurement which remains an area at high risk of corruption.

Media authorities in Latvia continue to function in an independent manner. Public service media maintain their independence through well-established safeguards, and the merger of public service media Latvian Television and Latvian Radio has been approved. Information on media ownership is available on the website of the media regulator and the Register of Enterprises. The Freedom of Information Law guarantees the right to access information held by public institutions. Journalists continue to work in an overall safe environment.

Civil society operates in an open space but calls for better availability and adequacy of financial resources. Interpretative guidance by the Ministry of Justice on the interpretation of a European Court of Human Rights judgment has led to a debate over its distribution and content. Challenges remain as regards public participation at local level.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Latvia has made:

- No progress on taking measures to ensure adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Some further progress on ensuring the effective implementation of the legislation on lobbying, including the setting-up of a special lobby register.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Latvia to:

- Take measures to ensure adequate safeguards against undue political influence in the existing appointment procedure for Supreme Court judges, taking into account European standards on judicial appointments.
- Continue work on the effective implementation of the legislation on lobbying, including the setting up of a special lobby register.



ABSTRACT – LITHUANIA

The justice system continues to perform efficiently, and the use of digital tools continues to be fostered. A reform of judicial salaries adopted in July 2023 is positively assessed by judges, while concerns remain as to the remuneration of court staff and prosecutors. The new selection procedures for judicial appointments in force since January 2023 have allowed for multiple appointments to the Supreme Court without delays but there are calls to reinforce some more safeguards on the transparency of judicial appointments in the law. There are concerns that the discretion in announcing competitions and finalising judicial appointments may lead to delays in appointments and to vacant posts in lower courts. The Government has condemned acts of intimidation by Russian courts whereby they rendered sentences against judges, exerting pressure on judges and prosecutors. The reform of the legal aid system continues to advance but is not yet finalised, while legal aid providers underline that the stipulated increase of hourly fees remains below inflation rates.

The first implementation plan 2023-2025 for the National Anti-Corruption Agenda 2022-2033 is well on track. The implementation of the law on the adjustment of public and private interests remains efficient, while further adjustments are under way to improve the declaration process. The investigations and prosecutions in relation to corruption-related offences are carried out efficiently. There continue to be concerns over shortcomings regarding the handling of foreign bribery cases and the authorities are considering the appropriate follow-up. High-risk areas for corruption, including public procurement, continue to be addressed by the authorities. The number of submitted lobbying declarations increases annually. The current rules on political party financing are being implemented. The whistleblowing framework is functioning well, and the authorities aim at further strengthening the current rules.

The legal framework for media freedom and pluralism in Lithuania continues to guarantee the fundamental right of freedom of expression and the right to information. The broadened composition of the media self-regulatory body has been predominantly met with positive reactions. Transparency of media ownership is further promoted by linking it to access to the new Media Support Fund which announced the first recipients in April 2024. The public service broadcaster continues to operate independently. The situation regarding access to documents is better with the guidelines for public authorities, although their implementation by public authorities at all levels of government can still be improved. The Government has adopted an action plan for the safety of journalists and continues to strengthen their protection against abusive lawsuits.

Additional human and financial resources have been allocated to the Office of the Parliamentary Ombudspersons. New rules to improve the quality of legislation are under preparation. The civic space continues to be considered open, but concerns have been expressed among civil society organisations regarding their effective participation in decision-making processes and access to information. The Judicial Council is preparing a proposal to be granted the right of constitutional appeal regarding legislation affecting the judiciary.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Lithuania has made:

- Some further progress on continuing the reform of the legal aid system by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Some further progress on continuing efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments.
- Significant progress on continuing efforts to provide adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Significant progress on providing 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.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Lithuania to:

- Finalise the reform of the legal aid system, in particular by reducing the administrative burden and ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Continue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments.
- Continue efforts to provide adequate human and financial resources for the justice system, taking into account European standards on resources for the justice system.



ABSTRACT – LUXEMBOURG

The level of perceived judicial independence in Luxembourg continues to be very high among the general public, and courts are operating efficiently. The elections for the National Council for Justice took place, and the Council is becoming fully operational. Its work has been positively assessed. The reform that aims to make legal aid more accessible was adopted. Progress concerning the digitalisation of the justice remains slow, although there was some development in administrative justice area. A reform of the criminal justice for youth and children is ongoing, aiming to ensure better access to a lawyer.

The Corruption Prevention Committee focused on preparations for the evaluation of Luxembourg's obligations under the Anti-Bribery Convention. There are plans to increase the resources and recruitment for the police and prosecution services to enable them to investigate economic and financial crime. The code of conduct for parliamentarians was revised to increase the transparency of the interactions between parliamentarians and lobbyists, but the online publicly available information included in the transparency register remains limited. Draft laws to introduce codes of conduct for elected representatives and officials at municipal level are still pending adoption. The way information is transmitted to the register of meetings between members of the Government and their advisers with third parties is being simplified to improve transparency and efficiency. The Ethics Committee found no breaches of the Codes of Conduct for Members of Government or their Advisers and the Court of Auditors found no irregularities in relation to political party financing or the misuse of public funds or procurement procedures. A central Office for Whistleblowers was set up.

The general legal framework establishing the regulator for audio-visual media services and governing its functioning remains stable, while its tasks have been expanded. The Government ensured funding support for Public Service Media 100.7 for the 7-year period 2024-2030. Amendments to the law on open and transparent administration have been announced, to address, among others matters, the specific needs of journalists for fast access to information. The framework for the protection of journalists was reinforced with amendments to the criminal legislation.

Steps have been taken to make the legislative decision-making process more inclusive, as multiple actors are consulted at various stages by the Government though shortcomings remain at the level of Parliament. A reform of the independent fundamental rights institutions is being discussed with the aim to unify their legislation and improve their independence. A new law on non-profit associations and foundations was adopted with a focus on their governance.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Luxembourg has (made):

- Fully implemented the recommendation to continue with the process to adopt the reform on making legal aid more accessible.
- Significant progress on evaluating the implementation of the new legislation on lobbying the Parliament and the functioning of the transparency register but no progress on ensuring that it meets the transparency requirements set out in the Parliament's rules of procedures.
- Some further progress on ensuring the implementation of measures adopted in relation to the time for processing of requests for disclosure of official documents, taking into account European standards on access to official documents.
- Some progress on improving the legislative decision-making process by providing wider possibilities for stakeholders to participate in public consultations.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Luxembourg to:

- Strengthen efforts to achieve full digitalisation of civil, criminal and administrative proceedings.
- Step up efforts to increase the information contained in the transparency register, including by covering all the information set out in the Parliament's rules of procedures.
- Take forward the reform of the legal framework for the disclosure of official documents, taking into account European standards on access to official documents.
- Improve the legislative decision-making process notably at the level of Parliament by increasing the transparency and involvement of stakeholders in public consultations.



ABSTRACT – HUNGARY

The 2023 judicial reform is being implemented. The National Judicial Council is exercising its new competences to effectively counterbalance the powers of the President of the National Office for the Judiciary. Rules on preliminary references to the Court of Justice of the EU have been clarified, in line with the requirements of EU law. The transparency of case allocation in the Kúria has further improved, yet concerns remain regarding the lack of transparency of case allocation in lower courts. While the new legal framework aims at limiting the risk of arbitrary decisions about the career of judges, no further steps were taken to address concerns raised by the National Judicial Council. Political influence on the prosecution service remains, with the risk of undue interference with individual cases. The freedom of expression of judges remains under pressure and smear campaigns against judges continue in the media. The level of remuneration of judges and court staff has further deteriorated. The efficiency of the judiciary in civil, commercial and administrative cases, as well as the overall level of digitalisation of the justice system, remain high.

Hungary has adopted a new anti-corruption strategy for 2024-2025. Legislation on lobbying and revolving doors is planned, while enforcement and oversight remain an issue as regards asset declarations. The new Integrity Authority reports certain obstacles in fulfilling its oversight tasks effectively, and the impact in practice of the Anti-Corruption Task Force remains to be seen. Shortcomings regarding political party and campaign financing remain unaddressed. Some high-level corruption cases have reached the indictment stage, but the lack of a robust track record of investigations of corruption allegations concerning high-level officials and their immediate circle remains a serious concern. Court decisions reviewing prosecutorial decisions not to investigate or prosecute corruption are still not binding and have so far not brought significant results, although the possibility of judicial review incentivises prosecutors to assess allegations more thoroughly. The suspension of commitments from EU funds under several EU programmes and the lack of disbursements following a payment request under the Recovery and Resilience Plan persist, as no new measures have been adopted to remedy the outstanding rule of law and anti-corruption issues.

The threats to media pluralism highlighted in previous Rule of Law Reports have remained unaddressed. No measures have been adopted or are planned to regulate the channelling of state advertising to media outlets, to guarantee the functional independence of the media authority and to ensure the editorial and financial independence of public service media. Journalists and independent media outlets continue to face numerous challenges including seemingly coordinated smear and de-legitimisation campaigns, and selective access to government premises and events. Further legislative changes have introduced some restrictions to freedom of information.

Increasing state interventions and arbitrary decisions of the authorities remain a problem for the operation of businesses in the single market. The 'state of danger' has been further extended until November 2024. The quality of law-making and the frequent changes in legislation remain a significant cause for concern. The Constitutional Court still reviews the merits of final rulings of ordinary courts in politically sensitive cases. Obstacles affecting civil society organisations persist, while the new Protection of National Sovereignty Act further undermines civic space. Concerns related to the State's role in financing civil society continue.

Recommendations

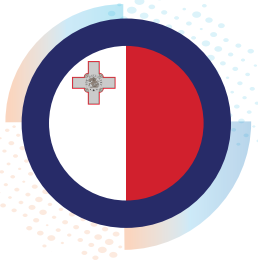


Overall, concerning the recommendations in the 2023 Rule of Law Report, Hungary has made:

- No progress on improving the transparency of case allocation systems in lower-instance courts, taking into account European standards on case allocation.
- No progress on adopting comprehensive reforms on lobbying and revolving doors, and further improve the system of asset declarations, providing for effective oversight and enforcement.
- No progress yet on establishing a robust track record of investigations, prosecutions and final judgments for high-level corruption cases.
- No progress on introducing mechanisms to enhance the functional independence of the media regulator taking into account European standards on the independence of media regulators.
- No progress on strengthening 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.
- No progress on adopting legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- No progress on fostering a safe and enabling civic space and remove obstacles affecting civil society organisations, including by repealing legislation that hampers their capacity of working, in particular the immigration tax.

On this basis, and considering other developments that took place in the period of reference, 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 Commission's assessment under the general regime of conditionality, the relevant concerns raised in the Article 7(1) TEU procedure initiated by the European Parliament, the relevant commitments made under the Recovery and Resilience Plan, and the relevant country-specific recommendations under the European Semester, it is recommended to Hungary to:

- Improve the transparency of case allocation systems in lower-instance courts, taking into account European standards on case allocation.
- Take structural measures to increase the remuneration of judges, prosecutors, and judicial and prosecutorial staff, taking into account European standards on remuneration for the justice system.
- Adopt comprehensive reforms on lobbying and revolving doors, and further improve 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.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- 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.
- Remove obstacles affecting civil society organisations and foster a safe and enabling civic space, including by repealing legislation that hampers their capacity of working, in particular the immigration tax.



ABSTRACT – MALTA

The level of perceived judicial independence among the general public continues to be high. Steps are being taken to involve the judiciary in the procedure for the appointment of the Chief Justice. Additional categories of prosecutions have been delegated to the Office of the Attorney General. Concerns persist regarding the independence of specialised tribunals and works have started to address them. New members of the judiciary have been appointed, while concerns persist regarding the overall level of human resources. The degree of digitalisation of the justice system needs substantial improvement. The regulation of the activities of lawyers is still under discussion. There has been some further progress in pursuing efforts to improve the efficiency of the justice system, yet the duration of proceedings remains a challenge.

The anti-corruption recommendations issued following the public inquiry into the assassination of journalist Daphne Caruana Galizia have not been implemented yet. The monitoring of the implementation of the National Anti-Fraud and Corruption Strategy encountered some delays. Organisational and legislative measures were adopted in 2023 to improve the capacity of investigative and prosecution authorities. While its resources increased, the Permanent Commission against Corruption did not achieve tangible results. Integrity measures continue to apply to the public service (including police officers, judges, members of Parliament and high-ranking officers) while those for high-ranking officials were reviewed, and some concerns remain regarding the extent of the integrity measures for persons of trust. Public authorities comply with audit recommendations. New tools for whistleblowing are under preparation, while some concerns were raised as regards the effectiveness of the existing mechanism. While preventive measures exist, public procurement procedures show high risks of corruption. The investor citizenship scheme continues to raise concerns.

In July 2023, the Committee of Experts on Media concluded its work and presented a set of recommendations in its final report. However, to date, no legislative or other concrete measures have been adopted to improve the working environment of journalists and to reform the media landscape. There has been no progress with regard to adopting safeguards to improve access to official documents while journalists continue to face obstacles when requesting public information. There have been no developments to enhance the independence of public service media, to establish transparent criteria for the allocation of public funding for media outlets and to ensure fair allocation of state advertising.

While there have been some public consultations in the legislative process, there is no framework in place. The establishment of a human rights institution is still pending. The Constitutional Convention announced in 2019 to address issues concerning the appointment of constitutional bodies and the role of Parliament remains stalled. Efforts by the Commissioner for Voluntary Organisations to establish a supportive regulatory framework for the civil society sector continue.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Malta has made:

- Some progress on addressing 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.
- Some further progress on strengthening efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Some progress on addressing challenges related to the length of investigations of high-level corruption cases, and no progress on establishing a robust track record of final judgments.
- Some progress on adopting legislative and other safeguards to improve the working environment of journalists, and no progress on access to official documents, taking into account European standards on the protection of journalists and on access to official documents.
- No progress on strengthening 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.
- No progress yet on establishing a National Human Rights Institution taking into account the UN Paris Principles.
- Some progress on public participation in the legislative process, but no formal framework has been established.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Malta to:

- Pursue the draft reform endorsed by the Government to involve the judiciary in the procedure for appointment of the Chief Justice.
- Further strengthen efforts to improve the efficiency of justice including by providing additional resources, particularly to reduce the length of proceedings.
- Continue efforts to address challenges related to the length of investigations of high-level corruption cases and step up efforts to establish a robust track record of final judgments.
- Adopt 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 and on access to official documents.
- 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.
- Step up measures to establish a National Human Rights Institution taking into account the UN Paris Principles.
- Introduce a formal framework for public participation in the legislative process.



ABSTRACT – NETHERLANDS

The justice system of the Netherlands continues to enjoy a high level of perceived judicial independence. The procedure for appointing members of the Council for the Judiciary and court management boards is currently being reviewed by the Government. The debate on the removal of the executive's power to give instructions to prosecutors in individual cases continues. Strengthened security measures to enhance the resilience of the justice system against organised crime are under consideration and proposals were announced to address the Council of State's concerns regarding compliance with lawyer-client confidentiality. Specific recommendations to address staff shortages and workload concerns among the judiciary are being discussed. Initiatives to enhance access to justice continue, while concerns expressed as regards the available funding for legal aid led to calls for a more stable budget. The level of digitalisation has further improved and a legal framework for the publication of judgments is under preparation. The efficiency of the justice system continues to be high.

The Government continues to reflect on a strengthened anti-corruption policy framework. Preventing the infiltration of organised crime in public institutions through corruption continues to be a strategic priority. The integrity framework for the police is being strengthened. The investigation and prosecution of corruption cases continue to be handled effectively. Work on improving the enforcement of foreign bribery cases is being carried out, including by introducing guidelines on self-monitoring and self-reporting. The Government adopted the reform of the rules on revolving doors and forwarded it to Parliament. Some steps have been taken as regards transparency of lobbying, with further evaluation of the existing measures. The draft Political Parties Act aims to streamline existing legislation, increase transparency and limit foreign and anti-democratic influence. A National Risk Assessment aims to identify the largest corruption threats and overall risks at national, provincial, and local levels.

While the Dutch media regulator maintains its operational independence, supported by adequate resources, some issues have been raised related to the adequacy of the self-governing body for the press sector. Challenges continue regarding transparency of media ownership and high-level media market concentration. There are ongoing efforts to reform the public broadcasting system, while concerns have been raised over accountability and the ability to uphold journalistic standards. The Government continues efforts to improve transparency and access to information in response to ongoing challenges in the implementation of the Open Government Act. Despite several ongoing efforts to improve the safety of journalists, threats and violence remain concerning.

Some further steps have been taken by all state powers to address the shortcomings resulting in the childcare allowances affair, and recommendations by a State Commission on the Rule of Law to strengthen the legal protection of citizens were presented. The Netherlands Institute for Human Rights continues to face governance issues. The landscape for civil society organisations remains open, while some reported shortcomings regarding restrictions to the right to demonstrate remain.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, the Netherlands has made:

- Some further progress on efforts to improve the level of digitalisation of the justice system, in particular as regards the publication of judgments.
- Some further progress on completing 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.
- Some progress on establishing stricter transparency rules on lobbying for members of the Government and Parliament.
- Some further progress on a comprehensive follow-up to the childcare allowances affair, involving all relevant state authorities, building also on the work of the State Commission on the Rule of Law.

On this basis, and considering other developments that took place in the period of reference, it is recommended to the Netherlands to:

- Continue efforts to address shortages in human resources and challenging working conditions in the justice system.
- 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.
- Establish stricter transparency rules on lobbying for members of the Government and Parliament.
- Enhance the governance of public service media and its ability to uphold journalistic standards, taking into account European standards on public service media.
- Ensure an adequate follow-up to the recommendations of the State Commission on the Rule of Law, strengthening the legal protection of citizens.



ABSTRACT – AUSTRIA

The level of perceived judicial independence in Austria continues to be very high and the justice system performs efficiently. While recent reforms of the appointment systems for the Supreme Court president and candidate judges are being implemented, no steps have been taken to ensure the involvement of the judiciary in the appointments of administrative court (vice-) presidents, with the long delay before appointing the president of the Federal Administrative Court highlighting continued concerns. The planned reform of the prosecution service has not advanced as no political agreement has been found to take forward the proposals made by an expert group. An independent committee set up to investigate allegations of attempted political influence on the judiciary presented its final report, finding that concrete attempts to influence investigations had occurred. Reporting obligations for prosecution offices facing the highest reporting burden remain unchanged and the power of the Minister of Justice to issue instructions to prosecutors in individual cases in practice continues to be used in practice. The high level of digitalisation of justice continues to advance, and further resources have been allocated to the justice system. Certain challenges exist in terms of access to justice linked to high court fees and as regards access to legal advice in administrative cases, with some steps being taken that aim to address the latter.

A new National Anti-Corruption Strategy and the 2023-2025 Action Plan were adopted. The Federal Act amending the Criminal Code in the area of anti-corruption entered into force, notably extending criminal liability in corruption cases. Investigations in high-level corruption cases are proceeding while prosecutors experience particular attention with regard to specific cases. Two parliamentary investigative committees have examined allegations of corruption concerning political parties. There are no plans to introduce rules on assets and interests' disclosure for members of Parliament, while the Federal Chancellery has started working on an asset declaration system and a Code of Conduct for Ministers. The lobbying framework remains limited in scope and no steps have been taken to strengthen it. The resources of the Court of Audit have been strengthened to perform its reinforced role as independent external auditor. Some steps have been taken to introduce rules on 'revolving doors' for members of Government.

The media regulator continues to function independently and the funding for the Press Council has been increased. A new law on funding of quality journalism in print and online media has been adopted with first funds having been disbursed, while the establishment of a journalist school owned by the state still draws criticism. The impact of the new law on the transparency of the allocation of state advertising will still need to be seen in practice, notably on the issue of fair distribution of resources. A judgment of the Constitutional Court found the rules on the management bodies of the public service broadcaster to be unconstitutional. Austria adopted a Freedom of Information Act for the access to official documents in February 2024. Challenges remain regarding the safety of journalists, online as well as offline, with the Government planning to enhance training and awareness-raising.

Efforts to enhance participatory policy-making processes continue. The Ombudsperson Board continues to operate independently and has expanded its dialogue with civil society. Considerable delays in the appointments to high-level positions in independent authorities have continued. There have been improvements in the operating space for civil society, particularly through a reform of the tax framework for non-profit organisations.

Recommendations

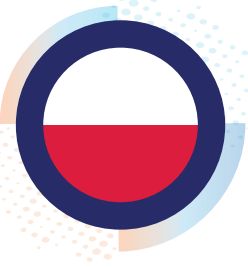


Overall, concerning the recommendations in the 2023 Rule of Law Report, Austria has (made):

- No progress on addressing the need for involvement of the judiciary in the procedures for appointment of court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- No further progress on taking forward 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.
- No progress on introducing effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- No progress on adopting legislation to strengthen the framework on lobbying, including on its scope, supervision and enforcement.
- Some further progress on taking steps to reform the framework for the allocation of state advertising by public authorities at all levels, in particular to improve the fairness of its distribution.
- Fully implemented the recommendation on advancing with the reform on access to official information taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Austria to:

- Address the need for involvement of the judiciary in the procedures for appointment of court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- Take forward 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.
- Introduce effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Adopt a legislative proposal to strengthen the framework on lobbying, including a transparency register.
- Take steps to ensure proper implementation and enforcement as regards the fair distribution of state advertising.



ABSTRACT – POLAND

Poland is implementing a new Action Plan on the Rule of Law to address long-standing concerns regarding judicial independence. The Sejm adopted a law to address the concerns relating to the National Council for the Judiciary and is examining draft legislation to address the serious concerns relating to the Constitutional Tribunal. The Government committed to strengthen the independence of the Supreme Court. The disciplinary regime for judges was reformed. Some of the effects of the contested justice reforms of 2017 regarding the functioning of the ordinary judiciary are being reversed. Additional steps have been taken to ensure the functional independence of the prosecution service from the Government and to separate the office of the Minister of Justice from that of the Prosecutor General. The level of digitalisation of the justice system is advanced. The Commission concluded that there is no longer a clear risk of a serious breach of the rule of law by Poland and withdrew its reasoned proposal of December 2017, thereby closing the Article 7(1) TEU procedure for Poland.

The government has engaged in preliminary discussions with stakeholders on a new anti-corruption strategy. While previously identified institutional and practical barriers in law remain, there are plans to strengthen the investigation and prosecution of corruption crimes, with several legislative reforms proposed to this end. Also, the investigation of fraud and corruption affecting the financial interests of the Union is expected to be facilitated, since Poland joined the European Public Prosecutor's Office. Although risks still remain concerning the effective enforcement against high-level corruption, including the threat of selective application of the law and impunity caused by the disparity in the treatment of corruption cases for political purposes, steps have been taken to enable a robust track record of high-level corruption cases, with several investigations ongoing. No further steps were taken to address the broad immunities of top executives or to strengthen lobbying rules, and concerns remain regarding political party donations and election campaigns. A whistleblower protection law was adopted and instructions given to prepare a law to standardise the asset declaration system.

The Constitution and the sector-specific legislation provide a framework for the protection of freedom of the press and freedom of expression. Despite existing safeguards, concerns persist regarding regulatory impartiality of the National Broadcasting Council. There has been some progress regarding safeguards for the granting of operating licences to media outlets as well as regarding the rules to enhance the independence of public service media. The management of public service media was changed following persisting concerns as to its independence and a new legal framework is expected, with a relevant public consultation ongoing. In 2021-2022 some media were confirmed to have had privileged access to state advertising and some challenges persist with access to information. SLAPPs continue to be used against journalists.

While the Government committed to ensure adequate consultations in the law-making process, room for further improvement remains. Findings of the Supreme Audit Office are being followed up and outstanding vacancies in its College have been filled. The framework in which the Ombudsperson operates has been considerably improved. The Sejm has established parliamentary investigative committees to address three specific cases of concern in respect for the law by public authorities in the period 2015-2023. The Polish Government plans to prepare a draft law regarding implementation of judgments of the European Court of Human Rights. Steps have been taken to improve the framework in which civil society operates.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Poland has (made):

- Some progress on separating the function of the Minister of Justice from that of the Prosecutor-General and significant progress on continuing efforts to ensure functional independence of the prosecution service from the Government.
- No progress on strengthening the existing integrity rules by introducing lobbying rules and some progress on standardising online system for asset declarations of public officials and Members of Parliament.
- Some progress on ensuring independent and effective investigations and prosecutions, no progress on addressing the broad scope of immunities for top executives, and no progress yet on abstaining from introducing impunity clauses in legislation in order to enable a robust track record of high-level corruption cases.
- Some progress on ensuring that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.
- Some progress on strengthening 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.
- Fully implemented the recommendation to ensure a more systematic follow-up to findings by the Supreme Audit Office and to ensure, as a matter of urgency, the appointment of the College Members of the Supreme Audit Office in order to ensure its effective functioning.
- Significant progress on improving the framework in which civil society operates and fully implemented the recommendation to continue such efforts regarding the Ombudsperson, taking into account European standards on civil society and Ombudsinstitutions.

On this basis, and considering other developments that took place in the period of reference including the closure of the Article 7(1) procedure by the European Commission and in view of the Action Plan on the Rule of Law aimed at strengthening judicial independence, and in addition to recalling the obligation to comply with the rule of law related rulings of the Court of Justice of the EU and the rule of law related infringement procedures referred to in the country chapter as well as recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Poland to:

- Continue efforts to separate the function of the Minister of Justice from that of the Prosecutor-General and to 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.
- Continue efforts to ensure independent and effective investigations and prosecutions, address the broad scope of immunities for top executives and remove previously introduced impunity clauses in legislation in order to enable a robust track record of high-level corruption cases.
- Pursue efforts to ensure that fair, transparent and non-discriminatory procedures, are adhered to for the granting of operating licences to media outlets.
- Pursue efforts to ensure an effective legislative framework for the independent governance and editorial independence of public service media, taking into account European standards on public service media.
- Continue the on-going process to improve the framework in which civil society operates, taking into account European standards on civil society organisation.



ABSTRACT – PORTUGAL

Efficiency in dealing with civil and commercial cases has continued to improve, and new measures aimed at strengthening the functioning of Administrative and Tax Courts have been implemented and more efforts are underway to address remaining challenges. Transparency in the allocation of cases has been significantly strengthened, with a new electronic system being effectively implemented. Some steps have been taken to ensure adequate human resources for the justice system, while serious concerns remain, in particular regarding the shortage of legal clerks. There are challenges regarding the adequacy of general criminal procedure legislation to efficiently deal with complex criminal procedures, and the Government is taking initiatives to address the matter. High-visibility criminal cases have led to public discussions. The use of digital technologies by courts is widespread and continues to be encouraged. A new multiannual plan for the renovation of court buildings is in place, while concerns regarding court and prosecution premises emerged.

The Government adopted the new Anti-Corruption Agenda. The Anti-Corruption Mechanism has taken up the majority of its tasks. Corruption cases are being investigated as a matter of priority and steps were taken to ensure sufficient resources for preventing, investigating, and prosecuting corruption. New legislation on revolving doors introduced stricter penalties. A new Code of Conduct applicable to the Government and high-level officials was adopted. There was some further progress in relation to ensuring effective monitoring and verification of asset declarations by the Transparency Entity. The legal framework for political party financing has come under public scrutiny. The Government announced plans to regulate lobbying through the creation of a transparency regime and a Code of Conduct. While the current legislative framework regarding whistleblower protection is being efficiently implemented, the strengthening of the protection of whistleblowers in cases of corruption was announced. Concerns regarding the transparency of decision-making in public procurement remain.

The Media Regulatory Authority further consolidated its central role, having been attributed new powers on state advertising. There have been no changes to the legislative framework in place concerning transparency of media ownership, but a specific high-profile case has triggered discussion. Public service media continues to face financial difficulties due to the lack of updating of the audiovisual tax. Tax incentives to encourage the subscription of written media had a positive effect, but there are calls for structural measures. Precarious working conditions for journalists continue to be a concern and instances of threats and abuse to journalists in the exercise of their profession have increased.

New steps have been taken to improve the transparency of law-making and the quality of legislation, while the regulation of impact assessment is still pending. Due to the dissolution of Parliament and early termination of the legislature, the revision of the Constitution was not finalised. The Office of the Ombudsperson continues to perform its functions effectively and its autonomy is ensured. The civil society space continues to be considered as open. There were further improvements regarding access to financing for civil society organisations, although challenges remain.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Portugal has made:

- Some progress on continuing efforts to ensure adequate human resources of the justice system, in particular regarding non-judicial staff, and some further progress in improving its efficiency, in particular of Administrative and Tax Courts.
- Significant further progress on continuing efforts to strengthen the transparency of allocation of cases, in particular by monitoring the implementation of the new rules on electronic allocation.
- Some further progress on continuing to ensure sufficient resources for preventing, investigating and prosecuting corruption, including for the new Anti-Corruption Mechanism.
- Some further progress on ensuring the effective monitoring and verification of asset declarations by the Transparency Entity.
- Some further progress in finalising the reforms to improve the transparency of law-making, particularly on the implementation of impact assessment tools.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Portugal to:

- Step up efforts to ensure adequate human resources of the justice system, in particular regarding judicial clerks, and continue efforts to improve its efficiency, in particular of Administrative and Tax Courts.
- Take measures to ensure the adequacy of the general criminal procedure legislation to efficiently deal with complex criminal proceedings.
- Continue efforts made to ensure sufficient resources for preventing, investigating and prosecuting corruption, including for the new Anti-Corruption Mechanism.
- Ensure the effective monitoring and verification of asset declarations by the Transparency Entity.
- Finalise the reforms to improve the transparency of law-making, particularly on the implementation of impact assessment tools.



ABSTRACT – ROMANIA

On 15 September 2023, in line with the 2006 decision setting up the Cooperation and Verification Mechanism (CVM), the Commission formally closed the CVM, as Romania had satisfactorily fulfilled all the benchmarks and all recommendations set under the mechanism. Monitoring continues under the Rule of Law report, as for all EU Member States.

Steps were taken to complete the process initiated in view of taking into account the recommendations of the Venice Commission on the Justice Laws, with the focus now on implementation. A number of the disciplinary sanctions imposed by the Superior Council of the Magistracy have been annulled by the High Court of Cassation and Justice, showing that redress continues to be efficient. Efforts are ongoing to ensure adequate human resources for the justice system, although for the time being there are still a number of vacancies which could, over time, affect the quality and efficiency of justice. Significant efforts have been made to improve digitalisation within the justice system. Several additional steps have been taken to ensure the effective implementation of the Justice Laws.

The implementation of the 2021-2025 Anti-Corruption Strategy remains on track. The authorities maintain a positive track record in combating corruption, including as regards high-level corruption cases. However, the delayed legislative response on the statute of limitations continued to result in the closing of many corruption cases and the annulment of convictions. There have been further steps taken as regards the system for investigating and prosecuting corruption offences in the judiciary. A proposal to update the integrity framework has been submitted to the Ministry of Justice, but it does not cover revolving doors. There have been no further steps taken on introducing rules on lobbying for Members of Parliament. The National Integrity Agency continued to work efficiently on conflicts of interest, asset declarations and whistleblowing. The adoption of legislation to improve the transparency of political party financing remains pending. Public procurement remains a sector with a high risk of corruption, and as it is a high priority sector, steps are being taken to identify which areas and procedures are most prone to corruption in public procurement.

The functioning and effectiveness of the National Audiovisual Council is expected to be improved with the update of its technology systems. While information on the shareholding structure of companies holding audiovisual licenses is now public, it still appears difficult for the general public to know who ultimately owns media companies beyond the audiovisual sector. There is still a need to enhance the independent governance and editorial independence of public service media and lack of funding makes it difficult for public TV to fulfil its public service mandate. Despite a strong legal framework and the application of penalties, some political parties are reported to have increased their financing of private media for political advertising. The legal framework on access to information has not yet improved. Threats and instances of harassment against journalists remain an issue, and commercial pressure on editorial independence affects journalists' work.

Efforts are still needed to ensure effective public consultations as shortcomings persist. Considerable efforts are being made to increase the quality and transparency of the decision-making process; the government is still making frequent use of emergency ordinances, but their number is decreasing. Positive steps have been taken to obtain accreditation for two National Human Rights Institutions. Draft legislation and an upcoming new strategy could contribute to improve the situation of civil society organisations, which continue to face legal and financial challenges.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Romania has made:

- Some further progress on completing the process initiated to take into account the recommendations in the opinion of the Venice Commission on the Justice Laws.
- Some further progress on ensuring adequate human resources for the justice system, including for the prosecution services, taking into account European standards on resources for the justice system.
- Some progress on taking measures, in particular at an operational level, to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences, taking into account European standards.
- No progress on introducing rules on lobbying for Members of Parliament.
- No progress on strengthening 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.
- No further progress on ensuring effective public consultations before the adoption of legislation.
- Some progress on obtaining the accreditation of a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Romania to:

- Complete the process initiated in view of taking into account the recommendations of the Venice Commission on the Justice Laws, including through consultations and evaluations in view of further improving the Justice Laws at a next opportunity.
- Continue efforts to ensure adequate human resources for the justice system, including for the prosecution services, taking into account European standards on resources for the justice system.
- Take measures, in particular at an operational level, to ensure efficient investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences, taking into account European standards.
- Introduce rules on lobbying for Members of Parliament.
- Step up efforts to 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.
- Step up efforts to ensure effective public consultations before the adoption of legislation.
- Take forward the process for obtaining accreditation for two National Human Rights Institutions, taking into account the UN Paris Principles.



ABSTRACT – SLOVENIA

Further significant steps have been made on introducing safeguards for judicial independence and the autonomy of prosecutors in parliamentary inquiries. Draft amendments to the Judicial Council Act envisage, on the judiciary's initiative, an overhaul of the disciplinary framework for judges. Some steps were made on ensuring that the reform of judicial appointments contains adequate safeguards for judicial independence, as the previously envisaged probationary period without prescribed guarantees was abandoned. The Supreme Court is prioritising further expansion of the electronic communication tools for court users. Some steps were made on increasing the level of remuneration of judges and state prosecutors, largely unchanged since 2012, as Government proposed a partial increase and Constitutional Court prescribed how its judgment should be implemented. The efficiency gains in past years have slowed down, as backlogs slightly increased and length of trials remained a challenge particularly in money laundering and corruption cases. The Supreme Court aims to address the decreasing number of resolved cases in courts.

Work on a new national anti-corruption strategy and action plan continued but has not yet been tabled to Parliament for adoption. There have been some improvements in establishing a track record of investigations, prosecutions, and final judgments in corruption offences. Investigations about possible high-level political influence in police decision-making are ongoing and plans to regulate the prevention of any such influence have been postponed. The Commission for the Prevention of Corruption started recruiting following a delay in the expected increase in financial resources. Legislation on supervision of conflicts of interest and incompatibility of office is being reviewed and Parliament has called for an analysis of the laws on the prevention of corruption. Changes to the legislation on political party and campaign finance should increase the Court of Audit's oversight over the largest political parties and over a larger proportion of state funding. The Commission for the Prevention of Corruption carried out a risk-analysis of corruption and conflicts of interest in the healthcare sector and made recommendations as risks in public procurement persist.

The media regulator is expected to expand its competences although challenges persist regarding its resources and the lack of safeguards against risks of political influence. There is a functioning self-regulation system for journalists. The new governance model improved the independence of the public service media, although changes to the financing model are needed to address its deteriorating financial situation. Stakeholders called for strengthening the media ownership transparency framework, while new measures are expected to foster state advertising transparency. A handbook was prepared to improve the handling of access to information requests, while the Government took steps to address journalists' concerns on legislative initiatives regulating the access to judicial information. Some steps were taken to introduce safeguards for the protection of journalists, although online harassment remains a source of concern. A new framework for public contributions to the media is under development.

The share of laws adopted by urgent parliamentary procedure decreased while the duration of public consultations on draft laws remains generally shorter than the recommended period. Parliament continued discussing the constitutional amendments to reduce the Constitutional Court's considerable caseload. The Ombudsperson raised concerns regarding the draft amendments to the act on its functioning. The situation of civil society has further improved.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Slovenia has made:

- Significant further progress on taking forward the process 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.
- Some progress on ensuring that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence.
- Some progress on taking measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system.
- Some further progress on the recommendation to adopt the new anti-corruption strategy and action plan with concrete measures and a timeframe for their implementation, and some progress to step up efforts to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases.
- Some progress on starting the legislative process and taking forward the process of adopting non-legislative safeguards in relation to the protection of journalists, particularly online, taking into account European standards on the protection of journalists.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Slovenia to:

- Finalise the legislative process to amend the rules on parliamentary inquiries with adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Take further measures to ensure that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence.
- Finalise the measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system.
- Complete the adoption of the new anti-corruption strategy and action plan and begin implementation and take measures to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases.
- Further advance with the process of adopting legislative and non-legislative safeguards to improve the protection of journalists, particularly online, taking into account European standards on the protection of journalists.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence.



ABSTRACT – SLOVAKIA

The Parliament passed a criminal law reform and dissolved the Special Prosecutor's Office, in a fast-track legislative procedure and without appropriate consultation, raising serious concerns on the process and content of the reform. In February 2024, the Constitutional Court temporarily suspended parts of the reform, which was further amended in another fast-track legislative procedure in July 2024. There was no progress on the introduction of safeguards for the dismissal of the members of the Judicial Council, and the Government dismissed three members before the end of their terms. The amendments to the Criminal Procedure Code raise additional concerns as regards the crime of 'abuse of law'. Statements of Government representatives targeting certain judges raise criticism for interference with the judicial independence. Under the reformed judicial map, courts are generally operating well, including the separate system of administrative courts. Amendments to increase access to free legal aid are under preparation. The level of digitalisation of the justice system is advanced but the development of a new digital court management system faces setbacks.

A new National Anti-Corruption Strategy for the years 2024-2029 is under preparation. However, the criminal law reform raises specific concerns as regards the fight against corruption and in particular high-level corruption, as well as the protection of the financial interests of the Union. The dissolution of the Department for Corruption Prevention of the Office of the Government and of the Special Prosecutor's Office, as well as the envisaged reorganisation of the National Crime Agency affect Slovakia's institutions specialised in the overall coordination, monitoring, detection, investigation and prosecution of high-level corruption. Instead of addressing concerns by limiting the use of the Prosecutor-General's discretion to annul investigations for high-level corruption cases, the control powers of the Prosecutor-General Office over high-level corruption investigations and prosecutions were increased. Taken together, these changes risk affecting Slovakia's ability to effectively pursue high-level corruption cases. The new Government committed to propose lobbying legislation and to strengthen conflict of interest and the asset declaration system.

A legal framework and autonomous budget permit the Council for Media Services to operate autonomously. The Media Services Act and Publications Act jointly ensure transparency of media ownership. There has been no progress to enhance the autonomy of public service media as the new Act regulating public service media dissolved the current broadcaster and established a new entity leading to concerns on the future independence of the broadcaster. Despite some progress with regard to mechanisms aimed at improving the safety of journalists, there are increasing concerns in relation to reported worsening of their working environment.

There is a lack of progress in ensuring effective public consultation in the lawmaking process. Amendments to the Competence Act widen the power of the Government to appoint and dismiss heads of certain independent bodies. The National Preventive Mechanism is now functioning under the Ombudsperson's office, the Commissioner for Children, and the Commissioner for Persons with Disabilities. The Slovak National Centre for Human Rights contributes with its projects to strengthening the rule of law culture. Initiatives to enhance the participation in the development of public policies continue, while the environment for civil society organisations deteriorated, particularly for those with the role of overseeing state activities, and in the area of human rights.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Slovakia has made:

- No progress on introducing measures to ensure that the members of the Judicial Council, notably those not elected by judges, are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- No progress on ensuring 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.
- No progress yet on introducing proposals to regulate lobbying and to strengthen the legislation on conflicts of interest and asset declarations.
- No progress on taking measures to improve the coordination among the different law enforcement entities and ensure the objectivity of prosecutorial decisions, and no legislative amendments were advanced 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.
- No progress on enhancing the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- Some progress on advancing 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.
- No progress on ensuring effective public consultation and stakeholder involvement in the law-making process.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, and the relevant country-specific recommendations under the European Semester, it is recommended to Slovakia to:

- Introduce measures to ensure that the members of the Judicial Council, notably those not elected by judges, 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.
- Ensure the effective and independent investigation and prosecution of high-level corruption cases with a view to establishing a robust track record, including by preventing any undue interference in such cases and by restricting the use of the Prosecutor-General’s powers to annul final investigatory and prosecutorial decisions.
- Strengthen the rules and mechanisms to restore and further safeguard the independent governance and editorial independence of public service media taking into account European standards on public service media.
- 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 the European standards on the protection of journalists.
- Ensure effective public consultation and stakeholder involvement in the law-making process, including by avoiding excessive use of the fast-track procedure.



ABSTRACT – FINLAND

The perceived independence of the Finnish justice system continues to be very high. A working group follows up on the report on the assessment and future development trends of the court system, envisaging conclusions in 2027. Some steps have been taken on a reform of the appointment process of lay judges. A Government Report on the Administration of Justice contributed further to discussions on the most pressing issues in the justice system. The system of legal fees sparked a debate amongst stakeholders. A National Legal Services Authority will be operational in 2025 with the aim to provide more consistent and high-quality legal aid. A case management system for general courts is expected to be fully implemented in 2024. Resources for the justice system have been increased, while structural shortages remain.

The perception among experts and business executives is that Finland is one of the least corrupt countries in the world. The Ministry of Justice has started the work on the new anti-corruption Action Plan for 2024-27. The legislative proposal on trading in influence has been put on hold, and a decision on whether to revise the bribery legislation remains outstanding. No decision has been taken to further strengthen the integrity and accountability framework for Ministers, with no dedicated Code of Conduct in place. The Transparency Register Act entered into force, establishing an electronic transparency register and upgrading the lobbying framework. Two pending proposals on limiting ‘revolving doors’ for Ministers and on developing transparency in electoral and party funding legislation are expected to be submitted to Parliament by autumn 2024. Public procurement, urban and land use planning have been identified as high risk sectors for corruption, while various initiatives seek to address corruption risks in public procurement.

Certain changes to the tasks and structures of the national regulatory authorities for the media are underway and their resources remain stable. The ethical rules for the press are being reviewed, and the self-regulatory Finnish Council for Mass Media continues to deal with a rising number of complaints related to journalistic ethics. The Government has published a research report with recommendations on media concentration and diversity of media content in Finland. The Government is examining potential legislative amendments regarding public service media. Some further progress has been made concerning the right of access to information, with the government continuing to examine a possible reform on the Act on the Openness of Government Activities. Online harassment incidents have been documented within the context of journalists’ political reporting. The framework for the protection of journalists has remained strong.

Stakeholders have reported a change in the practice of public consultations, resulting in shortened periods. The National Human Rights institutions proposed legislative amendments to further strengthen their position. The framework for civil society remains open, while stakeholders have reported on a hardening debate in relation to their role.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Finland has made:

- Significant progress on the recommendation to continue to follow-up on the report on the assessment and future development trends of the court system, and some progress on progressing with the reform of the appointment of lay judges, taking into account European standards on judicial independence.
- No further progress on adopting legislation on trading in influence and some progress on continuing to take steps to propose a revision on the criminal offence of foreign bribery.
- No progress on strengthening the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them.
- Some further progress on advancing with 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.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Finland to:

- Continue the work of the working group 'Rule of Law Guarantees and Development of the Judicial System' with a view to strengthen the independence of the justice system and increase the quality of legal protection.
- Reform the appointment of lay judges, taking into account European standards on judicial independence.
- Adopt legislation on trading in influence and propose a revision on the criminal offence of foreign bribery.
- Strengthen the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them.
- Further advance with 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

The level of perceived judicial independence in Sweden is very high among the general public and high among companies. The Government is reflecting on the follow-up to proposals of a committee of inquiry to strengthen judicial independence, including on establishing a more independent court administration agency and has tasked an inquiry with the follow-up on strengthening the independence of the Judges Proposal Board and setting up a Disciplinary Board. While initial steps have been taken in relation to the independence of lay judges, there have been no measures yet as regards their nomination system. The courts were granted increased financial resources for the period 2023-2026, in view of increased challenges in tackling organised crime. A survey on the working conditions of Swedish judges highlights issues in attracting and retaining staff. The justice system continues to perform efficiently.

The perception among experts and business executives is that Sweden is one of the least corrupt countries in the world. Work on the first National Anti-Corruption plan was concluded, and the Government adopted a new, more extensive plan in July 2024. The Government also adopted a strategy on organised crime with anti-corruption elements and set up a committee of inquiry to review criminal law legislation in relation to corruption. While, as part of this review, the legal definitions of foreign bribery are being analysed, there is no improvement in the prosecution of foreign bribery cases. Addressing corruption risks related to infiltration by organised crime groups into the public service is an increasing priority for the authorities. Some gaps in ethics guidance for top-level officials remain, while ethical guidelines for all civil servants have not been updated yet. Some shortcomings exist in the asset disclosure requirements for ministers, as they do not include significant liabilities. An all-party committee of inquiry is discussing rules on lobbying and gaps in the political party financing framework. The evaluation of the rules on revolving doors was completed, recommending some legislative changes. Areas at high risk of corruption include the local government level and public procurement, as confirmed by a recent national survey.

The restructured national regulatory authority, the Swedish Agency for the Media, has received new tasks. The Government is examining possible rules on satellite broadcasting. The political independence of public service media has been strengthened and further efforts in this field are still being envisaged by the Government. Legislation on access to documents guarantees wide availability of information. An inquiry is looking into the review of the current constitutional protection of private sector search services. Swedish journalists continue to work mainly in favourable conditions.

The Government is examining the follow up to an all-party committee report on a possible amendment of the Constitution to deal with serious peacetime crises. The Government's handling of the legislative process has undergone parliamentary review as stakeholders and constitutional review bodies express concerns about the acceleration of the legislative preparatory work. The National Human Rights Institution has a secured funding for its activities and continues working towards an A-status accreditation. The civil society space remains open, though a combination of funding cuts and faster pace of consultations impacts some segments of civil society. Further steps were taken as regards the ongoing reforms to the legal framework for the funding and operation of civil society organisations, notably with a new proposal on the so-called 'democracy condition'.

Recommendations



Overall, concerning the recommendations in the 2023 Rule of Law Report, Sweden has made:

- No progress on ensuring that the nomination system of lay judges safeguards their independence, taking into account European standards on judicial independence.
- Fully implemented the evaluation on the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the Government.
- Some progress on strengthening the fight against foreign bribery by amending the existing legal definitions to improve on the prosecution of, and final judgments in foreign bribery cases.
- Some further progress on continuing efforts to ensure that the on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Sweden to:

- Ensure that the nomination system of lay judges safeguards their independence, taking into account European standards on judicial independence.
- Ensure the appropriate follow-up to the evaluation of the rules on revolving doors.
- Strengthen the fight against foreign bribery, by amending the existing legal definitions to improve on the prosecution of, and final judgments in foreign bribery cases.
- Continue efforts to ensure that the reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.



ABSTRACT – MONTENEGRO

The justice system of Montenegro is undergoing an intensive phase of reforms, involving the adoption and revision of a comprehensive package of laws, aimed at addressing systemic issues of independence, accountability and impartiality in the judiciary and the prosecution, and at further alignment with European and international standards. In May, Montenegro adopted a new judicial reform strategy 2024-2027. Significant delays in high-level judicial appointments have had an impact on the judicial system, however, by now only a new President of the Supreme Court remains to be appointed. The promotion and enforcement of ethics and professional standards among judges and prosecutors remains a challenge. The effectiveness of the judiciary is hampered by the lack of strategic investment in human resources, ICT and infrastructure. Serious challenges exist regarding the efficiency of justice, where the length of proceedings for administrative cases has further increased.

A new 2024-2028 strategy for the fight against corruption was adopted in June 2024, along with its 2024-2025 Action Plan. Montenegro criminalises most forms of corruption. The track record of investigations and prosecutions in cases of high-level corruption is stable, but the lack of trials and final decisions contributes to a perception of impunity. The Special Prosecution Office (SPO) has significantly improved its performance over the past years, although its human resources are insufficient to cope with its workload. While numerous institutions have specific codes of conduct, the Government's Code of Conduct is ineffective, pending the adoption of the Law on Government with disciplinary penalties. The new legislation on lobbying was adopted on 6 June. The legal framework regulating political parties' funding is hampered by shortcomings in its scope, clarity and implementation.

Montenegro adopted in June a comprehensive legislative package on media pluralism and media freedom, consisting of amendments to the Law on the National Public Broadcaster (RTCG), a new Audiovisual Media Services Law, and a new Media Law. It introduces improvements on transparency of media ownership and other systemic areas, aiming to align it with the EU acquis. The new legislation grants new powers to the Agency for Audiovisual Media Services (AAVMS) addressing the long-standing challenge of its effectiveness to enforce the regulatory framework by granting it with comprehensive sanctioning instruments, including the power to impose fines in case of violations of the law. Information on all public sector payments made to media outlets, including institutional advertising, is limited. The appointment of the Director-General of the RTCG by the RTCG Council has been challenged in court. While access to information and public documents is legally guaranteed in Montenegro, it has limitations in practice. The authorities generally provide effective law enforcement and institutional responses to new cases of violence against journalists, but there was no effective judicial follow-up of emblematic past cases.

While the Ombudsperson's Office has enhanced its capacity to handle complaints and improve the quality of decisions, the absence of systematic follow-up to its recommendations undermines the efficiency of its work. Despite an established framework for inclusive legislative processes, challenges remain concerning inadequate public consultations. The implementation of the Strategy for Cooperation of State Administration Bodies and Non-Governmental Organisations 2022-2026 has not yet led to improvement in respect of civil society.



ABSTRACT – NORTH MACEDONIA

North Macedonia has undergone several waves of judicial reform and adopted a new justice strategy aiming to improve the independence, efficiency, and professionalism of the judiciary. However, the independence of the judiciary and the institutional capacity to protect it against undue influence remain a serious concern. The level of perceived judicial independence is very low. Concerns also remain regarding the functioning and independence of the Judicial Council, while steps have been taken in this respect. Appointment decisions for public prosecutors and judges have been criticised by civil society for not being comprehensively motivated or based on objective criteria. Measures to improve transparency have been undertaken, notably under the auspices of the President of the Supreme Court and the Judicial Council. Codes of ethics are in place for both prosecutors and judges. Limited financial resources allocated to the judiciary may affect its financial autonomy, and the deficit of human resources could impact the quality and efficiency of justice. Digital tools for case management are being developed. The efficiency of the judiciary has declined for first instance civil, commercial and criminal cases, while it remained stable for second instance cases.

A comprehensive national anti-corruption strategy is in place, however its implementation lags behind. High risk of corruption remains prevalent in many areas. Recent amendments to the Criminal Code weakened the legal framework, negatively affecting the prosecution of corruption, especially in high-level corruption cases. Resource constraints and a lack of cooperation between national authorities hamper the effective prosecution of corruption and hinder the establishment of a robust track-record of high-level corruption cases. The State Commission for Prevention of Corruption has continued efforts to fulfil its mandate despite limited resources. While a legal framework and lobbying registers are in place, there are no registered lobbyists yet. There are several gaps as regards financing of political parties. North Macedonia is updating the law on the protection of whistleblowers.

The Agency for Audio and Audiovisual Media Services fulfils its tasks, while its financial and institutional independence remain to be further strengthened. The Council of Media Ethics continues to be put under pressure. Challenges remain concerning transparency of media ownership and concerns have been raised regarding certain elements of the reintroduction of state-funded advertising. The Public Service Broadcaster faces challenges. The Agency for Protection of Free Access to Public Information ensures access to public information despite limited resources, while concerns regarding refusals and delays remain. Legislative measures have enhanced the legal safeguards for the protection of journalists, yet threats and acts of violence against journalists have been noted.

Political polarisation in the Parliament has caused delays in its work and led to an excessive and sometimes inappropriate use of accelerated legislative procedures. Shortcomings remain in the implementation of the processes for inclusive and evidence-based policymaking. The Office of the Ombudsperson is under-resourced, and challenges for the systematic follow-up to its findings and recommendations remain. Civil society organisations operate in an overall enabling environment, but challenges remain to ensure sustainable engagement in policymaking.



ABSTRACT – ALBANIA

Albania has been implementing a substantial judicial reform since 2016: the entire justice system has been restructured and the vetting of all judges and prosecutors has strengthened accountability. Shortcomings exist on the appointments of non-magistrate members of the High Judicial Council and the High Prosecutorial Council. The High Justice Inspector is operational, but the significant number of magistrate-inspector vacancies constitutes a challenge. Despite the strong independence safeguards in the process of appointments, promotions and transfers of magistrates, it is impacted by limited transparency and challenges in ensuring timely and qualitative evaluations. Concerns about attempted interference and pressure on the judicial system by public officials or politicians remain. The roll-out of the modern integrated electronic case management system has been long pending. Shortage of financial and human resources negatively affects the quality of justice. Challenges remain regarding the length of proceedings and large backlog, while further measures to increase efficiency have yet to be implemented.

A new Anti-Corruption Strategy for 2024-2030 is being prepared. The legal framework to fight corruption is broadly in place. There are encouraging initial results of the Special Anti-Corruption Structure (SPAK) and SPAK courts, however the authorities specialised in the repression and prevention of corruption flag shortages as regards specialised resources and tools available. The number of persons investigated, prosecuted, and convicted for corruption offences has been increasing over the past three years, whereas a recent amnesty law raises concerns. The systematic use of financial investigations and asset confiscations has improved, though limitations in scope limit their impact. Coordination between institutions in charge of corruption prevention and relevant law enforcement structures remains weak. While declarations of assets are verified by the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest, some shortcomings exist in terms of its mandate and human resources. Overall, corruption is prevalent in many areas, including during electoral campaigns. Preventive measures suffer from an overly complex legal framework and continue to have a limited impact, particularly in vulnerable sectors.

Concerns have been raised in relation to the independence of the audio-visual regulatory authority. Limited regulation on transparency of media ownership and high concentration negatively affect media independence. The fair allocation of state advertising and other state resources is not ensured. Concerns exist with regard to the independence of the public broadcaster. While the amendments to the Law on the right to information introduce positive changes, there are shortcomings in terms of implementation. The framework for the protection of journalists is in place, but verbal and physical attacks, smear campaigns and strategic lawsuits against public participation are a cause for concern.

Challenges regarding the quality of the legislative process include the limited effectiveness of public consultations. Amendments to the Law on Inquiry Committees have been criticised for limiting Parliament's oversight role and are under review by the Constitutional Court. Deep political polarisation had a negative impact on the effectiveness, transparency and objectivity of parliamentary work. The Constitutional Court is effective in upholding institutional checks and balances, though Parliament has failed to comply with some of its rulings. The legal framework for the Ombudsperson and the Commissioner against Discrimination is in place, but there are obstacles to their effective working. The environment for civil society organisations is challenging, including in relation to registration requirements and limited public funding..



ABSTRACT – SERBIA

The Serbian justice system has been undergoing substantial reform in recent years. The implementation of the constitutional reform to strengthen judicial independence is ongoing with further implementing laws to be amended. A new appeal procedure to the Constitutional Court for judicial appointments is in place, whereas a considerable number of vacancies for judges and prosecutors remains to be filled. Political pressure on the judiciary and the prosecution service remains high. A number of steps have been taken to reduce the space for political influence on the judiciary and the prosecution services, although their effects in practice still need to be observed and there is little or no follow-up on cases of undue influence. Serbia still lacks a comprehensive court management system that interlinks cases across courts and prosecutor offices. While efficiency shows a positive trend for civil, commercial, and criminal cases, there are serious challenges in the handling of administrative cases and constitutional complaints.

The adoption of the National Anti-Corruption Strategy for the period of 2023-2028 and the accompanying Action Plan are still pending. The legal framework for the fight against corruption is broadly in place, however shortcomings exist in practice. Whilst most forms of corruption are criminalised, further improvement is needed to establish a robust track record on investigations, indictments and final convictions in high-level corruption cases. The Prosecutor's Office for Organised Crime remains understaffed and there is the risk of politically motivated interference into high-level corruption investigations and prosecutions. Shortcomings exist in the verification and enforcement of asset declarations, and on political party financing. Regulation on lobbying is limited in scope and the legislation on whistleblower protection is not yet aligned with the EU acquis. Public procurement is a high-risk corruption area, in particular, as regards several exemptions from the Law on public procurement.

Media legislation was amended in 2023 to align it with the EU acquis and European standards. However, further amendments are needed for full compliance. The Regulatory Authority for Electronic Media fails to fully exercise its mandate to safeguard media pluralism and professional standards, and there are also serious concerns about its independence. The Press Council, a self-regulatory body, monitors print media's compliance with the Serbian Journalists' Code of Ethics. The measures for addressing transparency in ownership structures and in advertising from state resources, proposed in the media strategy, have yet to be fully implemented. Against the background of complaints about biased reporting, issues of editorial autonomy and pluralism of public service media need to be addressed. Journalists continue to face either frequent refusals by public bodies to disclose information of public importance or no response at all. The safety of journalists is a source of concern as is the growing pressure by abusive lawsuits.

Parliament's ability to ensure the exercise of necessary checks and balances is constrained by issues of effectiveness, autonomy, and transparency, including in terms of the oversight of the executive and the law-making process. The process of public consultation needs further strengthening. There are four vacant positions at the Constitutional Court still to be filled. There are three independent bodies protecting fundamental rights, namely the Ombudsman, the Commissioner for Information of Public Importance and Personal Data Protection and the Commissioner for the Protection of Equality, but follow-up given to the recommendations is not always clear. Although several elements of the legal framework are in place, civil society organisations lack an enabling environment for their establishment, operations and financing.

