

2026 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, six editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2026 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2026 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) developments and measures taken in relation to the recommendations in the 2025 report,**
- (2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

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

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

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

B) Policy developments

- Implementation and enforcement of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

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

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. To simplify your answers to the questionnaire, if there are no developments, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

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

* I am giving my contribution as

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

* Organisation name

250 character(s) maximum

Danish Bar and Law Society

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism and Freedom
- ☐ Checks and Balances
- ☐ Other

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

500 character(s) maximum

<https://www.advokatsamfundet.dk/>

Transparency register number

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

446133945285-06

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria

- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☒ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Ditte Nissen

Surname

Lund

Email Address of the organisation

postkasse@advokatsamfundet.dk

* Publication of your contribution and privacy settings

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

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

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2026 rule of law report.pdf](#)

Questions on horizontal developments

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

Overview topics for contribution

[List of topics for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Anti-money laundering:

The Danish Bar and Law Society has emphasised the importance of strengthening AML awareness in the legal profession, noting that lawyers can be misused—often unintentionally—in laundering schemes and therefore require strong risk-based approaches and continuous knowledge-building.

At the same time, AML obligations continue to raise questions regarding the interaction between regulatory requirements and lawyers' professional secrecy. While lawyers in the EU are only subject to AML obligations in specific types of activities, the boundary between professional secrecy and reporting obligations is not always sufficiently clear in practice. This legal ambiguity may create uncertainty as to when lawyers are bound by professional confidentiality and when they are required to comply with AML reporting duties.

Recent developments, including new rules on pooled client bank accounts and obligations under section 38 b of the Danish Anti-Money Laundering Act requiring lawyers to provide identification information to banks, illustrate the need for ongoing clarification and guidance. These developments highlight the importance of ensuring that AML frameworks are built in a manner that effectively supports the prevention of financial crime while maintaining appropriate safeguards for professional secrecy and the confidential lawyer–client relationship.

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

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

^[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

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

☐ Albania

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☒ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

We welcome the recommendation to advance the review of the Danish legal aid system. As noted by the Danish Bar and Law Society, the current system remains under pressure and needs renewed attention to ensure equal access to justice. We are hopeful that the work—now placed with the Retsplejerådet—will move forward and contribute to a stronger and more coherent legal aid framework.

A. Independence

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

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

5000 character(s) maximum

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

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

As the Bar and Law Society in Denmark, we continue to experience a high degree of independence. With regards to the organisation of lawyer training or the appointment and admission system, there have been no structural changes since last year. The underlying concerns about alignment with the principles of an independent Bar therefore remain unchanged.

The Council of Europe Convention on the Profession of the Profession of Lawyer:

The Convention, adopted on 12 March 2025, establishes minimum standards to ensure that lawyers can practice freely and independently, without harassment, intimidation or improper interference, and covers core aspects such as professional rights, disciplinary safeguards, freedom of expression and effective protection against threats or attacks. It further requires states to guarantee the independence and self-governance of professional associations and their involvement in legislative processes affecting the legal profession. From a rule of law perspective, it constitutes an important instrument for strengthening lawyers' independence and access to justice across Europe.

Denmark has not yet signed or ratified the Convention. The absence of a clear commitment to this framework raises concerns, as signature and ratification would provide an opportunity to reinforce existing safeguards and send a strong signal of support for the independence of the legal profession and the rule of law.

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

5000 character(s) maximum

Criminal system reform – bill L83 (Danish title: Strafreform):

The criminal system reform (bill L83), which forms part of a broader political agreement on sentencing policy and the Prison and Probation Service for 2026–2030, includes an extension of statutory protections for lawyers performing publicly assigned duties. Section 119 of the Danish Criminal Code will be amended so that state-appointed defence and family law lawyers are covered by the same protection as other courtroom actors. This strengthens safeguards against threats and intimidation and supports effective legal representation and access to justice.

At the same time, the Danish Bar and Law Society has underlined the importance of continued efforts to ensure adequate protection for all lawyers in the exercise of their professional duties, irrespective of appointment status, in order to safeguard the independence of the legal profession as a whole.

B. Quality of justice

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

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Equality of arms and access to justice:

We continue to see the same challenges regarding equality of arms in cases between the Danish state and citizens or companies. The significant disparity in remuneration between lawyers representing the state and those representing individuals—particularly in legal aid cases where fees for the citizen's lawyer are strictly limited—remains unchanged. This structural imbalance still risks undermining equal access to justice, and we therefore continue to recommend that judges set fees for both parties' lawyers to ensure fairer conditions.

Access to justice also depends on the availability and effectiveness of legal aid. Financial thresholds and limitations within the legal aid system may restrict practical access to legal assistance for certain groups, especially in complex disputes or cases involving public authorities. From a rule of law perspective, this raises questions as to whether the current framework sufficiently guarantees equality of arms and effective access to justice.

Recent empirical findings also indicate a growing gap between formal legal safeguards and citizens' and businesses' perceived legal certainty. The Danish Bar and Law Society's Rule of Law Analysis 2025, based on responses from lawyers, citizens and companies, shows that many respondents experience increasing complexity, unpredictability and procedural barriers in their interactions with public authorities.

From a rule of law perspective, such perceptions are significant, as public trust in legal institutions is closely linked to transparency, predictability and effective access to remedies. Persistent discrepancies between formal guarantees and practical experiences may therefore weaken confidence in the justice system and its ability to deliver fair outcomes.

Interpretation and legal certainty in judicial proceedings:

Interpretation plays a critical role in safeguarding procedural fairness and the rights of the parties in judicial proceedings where one or more parties do not sufficiently understand the language of the court and therefore rely on interpretation. Accurate interpretation is essential to ensure that defendants, witnesses and other parties are able to understand the proceedings, communicate effectively and exercise their procedural rights.

Documented challenges related to court interpretation in Denmark indicate that variations in the quality of interpretation may affect both the fairness and the efficiency of proceedings. Where interpreters lack adequate legal training or where quality assurance mechanisms are insufficient, misunderstandings or ambiguities may arise. This may require additional procedural steps, such as clarification during hearings, adjournments or subsequent appeals and, in the most serious cases, may risk affecting the substantive assessment of the case and the correctness of judicial outcomes.

These challenges highlight the importance of ensuring appropriate qualifications, training and quality control for court interpreters. Strengthening professional standards for interpretation in judicial proceedings is therefore relevant not only for the protection of the rights of the parties, but also for supporting timely, effective and well-reasoned case handling within the justice system.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Pre-trial detention:

From a rule of law perspective, adequate resources and effective planning in the courts and related institutions are essential to ensure timely proceedings for detained suspects. The Danish Bar and Law Society has therefore highlighted the need for sustained operational capacity and procedural organisation that prevents unnecessary delays and reduces reliance on prolonged detention as a de facto default.

Criminal system reform – bill L83 (Danish title: Strafreform):

Bill L83 explicitly acknowledges chronic shortages of prison officers and constraints on bringing new prison places into operation. While the reform foresees expanded capacity and recruitment efforts, sustained and credible resourcing of prisons and probation services remains essential to ensure balanced implementation and to avoid undue strain on the criminal justice system.

[single market relevance] Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Initial training:

The Danish Bar and Law Society offers the initial training of new lawyers. The programme is defined by the Ministry of Justice and The Danish Bar and Law Society together, through a joint Education Committee. The programme is increasingly popular. In 2025 our classes continued to be fully booked. Currently, 12 new course tracks start each year with a total of approximately 600 participants. The interest in the programme is, we find, a positive development, and we consider the current offering to be appropriate for the time being.

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

5000 character(s) maximum

C. Efficiency of the justice system

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

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

Pre-trial detention:

Denmark continues to face rule of law challenges linked to the length of criminal proceedings and the resulting duration of pre-trial detention. A joint report by the Danish Bar and Law Society and Justitia documents that while the number of new pre-trial detentions has decreased over time, the length of detention has increased significantly, with a growing number of individuals detained for very long periods before judgement.

The Danish Bar and Law Society has stressed that pre-trial detention should remain an exceptional measure and that the current development risks undermining legal certainty and public trust in the justice system. It has called for measures that accelerate case progression and reduce repeated extensions, ensuring that criminal cases—particularly those involving detained suspects—are prioritised and brought to trial within a shorter timeframe.

Criminal system reform – bill L83 (Danish title: Strafreform):

Bill L83 plans harsher penalties for a range of offences and seeks to align sentencing more closely with offence gravity, while also expanding prison infrastructure and rehabilitation measures. Independent analyses indicate that increases in the prison population may outpace realistic capacity and staffing improvements, with potential consequences for court efficiency and backlogs. A mismatch between sentencing ambitions and operational capacity may delay justice outcomes.

Any other developments related to the justice system - please specify

5000 character(s) maximum

Pre-trial detention:

Pre-trial detention remains a central rule of law concern due to its human and societal consequences and the risk of normalising deprivation of liberty before conviction. The Danish Bar and Law Society has repeatedly stressed that pre-trial detention must be the exception rather than the rule and that the current practice—particularly the increasing duration—calls for stronger safeguards and a clearer proportionality culture in detention decisions.

In its dialogue with policymakers, including before the Danish Parliament's Legal Affairs Committee, the Danish Bar and Law Society has advocated for reforms that strengthen legal safeguards for detainees, promote alternatives to detention where appropriate, and reduce excessive durations through better procedural management and stricter review standards.

II. Anti-Corruption Framework

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

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

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

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector in particular as regards high-level officials (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement if available to you**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

[single market relevance] Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

- *Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

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

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

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

5000 character(s) maximum

[single market relevance] Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

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

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'*/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

* This includes also the consultation of social partners

5000 character(s) maximum

The Construction and Infrastructure Act (national defence and civil emergency projects) (Danish title: Lov om bygge- og anlægsprojekter samt driftsaktiviteter med væsentlige nationale forsvarsformål eller væsentlige civile beredskabsformål):

The Act on construction and infrastructure projects and operational activities serving significant national defence or civil emergency purposes was adopted as a temporary legislative framework in September 2025. While the stated objective of ensuring the timely implementation of defence- and preparedness-related projects is legitimate, the legislative process raises serious rule of law concerns.

The Act confers exceptionally broad discretionary powers on the executive, including the ability to derogate from otherwise applicable legislation, assume powers vested in other authorities and, in certain cases, restrict access to administrative appeal mechanisms. These powers were introduced without comprehensive impact assessments examining their implications for legal certainty, access to effective remedies and the separation of powers. In particular, the legislative process did not sufficiently assess the cumulative consequences for citizens' and businesses' rights, nor did it adequately address how far-reaching derogations from existing legal safeguards may affect predictability and trust in the legal framework. The absence of clear material limits, proportionality requirements and documentation obligations further weakens transparency and democratic scrutiny.

Taken together, these elements raise concerns regarding the quality of the legislative process and the balance between executive efficiency and constitutional safeguards. The framework risks setting a precedent for bypassing ordinary legislative protections in situations defined broadly by the executive, with potential implications for legal predictability, public confidence and the protection of fundamental rule of law principles.

Surveillance:

Surveillance-related legislation, which expands public authorities' access to personal data for law enforcement and security purposes, has in several instances been adopted without thorough impact assessments and broad public consultation. Restrictions on fundamental rights require comprehensive assessments of necessity, proportionality and long-term implications to safeguard legal certainty and public trust.

ECHR:

From a rule of law perspective, political initiatives and public debates concerning the role of international human rights courts should be accompanied by careful legal assessment and transparency. The Danish Bar and Law Society has underlined that changes affecting the interpretation or application of the European Convention on Human Rights require thorough consideration of their implications for access to justice, legal certainty and Denmark's international obligations.

Broad political signalling aimed at redefining the Court's role, without corresponding legal safeguards, risks creating uncertainty regarding the future application of fundamental rights protections.

Criminal system reform – bill L83 (Danish title: Strafreform):

The June 25, 2025, agreement on the criminal system reform and the Prison and Probation Service budget for 2026-2030 sets out a comprehensive strategy for sentencing, prison capacity and rehabilitation, including harsher penalties for serious crimes and expanded alternatives to incarceration. The Danish Bar and Law Society has raised concerns that the underlying assumptions regarding the feasibility of expanding capacity and staffing levels are not sufficiently evidenced, and that the legislative process did not provide a clear, evidence-based justification for the forecasted operational outcomes.

From a rule of law perspective, proposals entailing substantial increases in incarceration and systemic restructuring should be supported by transparent impact assessments and consultations, to ensure legal certainty and implementability. The criminal system reform is expected to be finally adopted by the Danish Parliament on the 29th of January 2026.

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

5000 character(s) maximum

The Construction and Infrastructure Act (national defence and civil emergency projects) (Danish title: Lov om bygge- og anlægsprojekter samt driftsaktiviteter med væsentlige nationale forsvarsformål eller væsentlige civile beredskabsformål):

The act confers broad discretionary powers on the executive without clear material or geographical limits or explicit proportionality and documentation requirements. The absence of clear safeguards makes it difficult to foresee when and how rights may be restricted, potentially undermining predictability and trust, including for cross-border economic activity.

Surveillance:

A key concern identified by the Danish Bar and Law Society is the gradual expansion of surveillance powers in line with technological capabilities rather than clearly defined legal needs. This development risks undermining legal certainty if safeguards are not continuously reassessed.

ECHR:

The Danish Bar and Law Society has expressed concern that political initiatives seeking to reinterpret or politically influence the application of the European Convention on Human Rights may weaken fundamental safeguards of legal certainty.

The Convention system relies on a clear separation between political decision-making and judicial interpretation. Attempts to challenge this balance risk blurring the division of powers and may affect the predictability and stability of the legal framework, including the consistent application of fundamental rights across Europe.

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers (including effective access to relevant data) of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

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

5000 character(s) maximum

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

The Construction and Infrastructure Act (national defence and civil emergency projects) (Danish title: Lov om bygge- og anlægsprojekter samt driftsaktiviteter med væsentlige nationale forsvarsformål eller væsentlige civile beredskabsformål):

The act confers broad discretionary powers on the executive without clear material or geographical limits or explicit proportionality and documentation requirements. The absence of clear safeguards makes it difficult to foresee when and how rights may be restricted, potentially undermining predictability and trust, including for cross-border economic activity.

Surveillance:

A key concern identified by the Danish Bar and Law Society is the gradual expansion of surveillance powers in line with technological capabilities rather than clearly defined legal needs. This development risks undermining legal certainty if safeguards are not continuously reassessed.

ECHR:

The Danish Bar and Law Society has expressed concern that political initiatives seeking to reinterpret or politically influence the application of the European Convention on Human Rights may weaken fundamental safeguards of legal certainty.

The Convention system relies on a clear separation between political decision-making and judicial interpretation. Attempts to challenge this balance risk blurring the division of powers and may affect the predictability and stability of the legal framework, including the consistent application of fundamental rights across Europe.

Point addressed (page 19): C. Accessibility and judicial review of administrative decisions – [In brief]
Transparency of administrative decisions and respect for the principle of good administration

Surveillance:

Expanding surveillance powers heighten the importance of transparency and reasoned decision-making by public authorities. The Danish Bar and Law Society has underlined that surveillance measures should be accompanied by clear legal bases, explicit purposes and documented assessments of necessity and proportionality.

Without sufficient transparency and justification, individuals may face difficulties in understanding or challenging surveillance-related decisions, thereby weakening effective protection of their rights. Lack of transparency may also affect individuals' and companies' ability to assess compliance risks, particularly in sectors operating across borders.

Taxation, legal certainty and access to effective remedies:

The Danish Bar and Law Society has raised concerns regarding legal certainty and transparency in tax administration. Developments in recent years, including frequent legislative amendments and complex administrative practices, have made it increasingly difficult for taxpayers to understand and predict the legal consequences of tax decisions. Particular attention has been drawn to situations where tax assessments are enforced during ongoing appeals, which may undermine the principle of good administration and effective protection of rights.

Furthermore, predictable and transparent tax administration supports cross-border economic activity and confidence for businesses operating within the internal market.

[single market relevance] Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

The Construction and Infrastructure Act (national defence and civil emergency projects) (Danish title: Lov om bygge- og anlægsprojekter samt driftsaktiviteter med væsentlige nationale forsvarsformål eller væsentlige civile beredskabsformål):

While judicial review formally remains available, the Act may in practice significantly weaken access to effective remedies. Ministerial decisions taken under the Act are not subject to clear documentation requirements, which may limit the ability of courts to conduct meaningful review.

This may affect not only individual rights but also legal certainty for companies and contractors relying on effective judicial protection in administrative matters.

Surveillance:

Effective judicial review is a key safeguard against disproportionate surveillance. The Danish Bar and Law Society has expressed concern that increasing reliance on data-driven and automated surveillance tools may limit meaningful judicial scrutiny if access to underlying data, criteria and documentation is insufficient.

Ensuring effective remedies requires that surveillance-related decisions are properly documented and subject to review by independent courts.

Taxation, legal certainty and access to effective remedies:

Effective access to remedies is essential in tax matters, given the significant financial impact of administrative decisions. The Danish Bar and Law Society has emphasised that the practical ability to challenge tax decisions may be weakened where collection is not suspended during appeal proceedings, potentially limiting the effectiveness of judicial review in practice.

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

[single market relevance] Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

ECHR:

Recent political developments have raised concerns regarding respect for the European Convention on Human Rights and the role of the European Court of Human Rights (ECHR). Public statements and joint political initiatives by Denmark and several other European states have questioned the Court's interpretation of the Convention, particularly in the context of expulsion and migration cases.

The Danish Bar and Law Society has emphasised that while political debate on the scope of human rights is legitimate, systematic criticism aimed at limiting the authority of the ECHR risks undermining the effectiveness of supranational judicial protection. Respect for final judgments and the Court's interpretative role is a cornerstone of the Convention system and essential to maintaining trust in international human rights safeguards.

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

5000 character(s) maximum

Denmark has experienced a gradual expansion of surveillance measures and access to personal data by public authorities, often justified by crime prevention and public security objectives. While technological developments offer new tools for law enforcement, they also pose increasing challenges to fundamental rights and the rule of law.

The Danish Bar and Law Society has warned against a normalisation of surveillance without sufficient safeguards. It has stressed the need for robust and effective oversight mechanisms, including judicial control, to ensure that surveillance measures remain necessary, proportionate and subject to accountability.

D. The enabling framework for civil society

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Pre-trial detention:

The Danish Bar and Law Society considers the increasing duration of pre-trial detention a broader rule of law issue affecting trust in institutions and the perception of proportionality in the criminal justice system. Public and political debate in 2025, supported by empirical findings in the joint report with Justitia, has reinforced the need for sustained focus on legal safeguards, proportionality and timely adjudication.

ECHR:

The Danish Bar and Law Society has consistently stressed that the European Convention on Human Rights concerns a broad range of fundamental rights beyond migration and expulsion cases. An increasingly polarised political debate risks narrowing the understanding of the Convention's role in safeguarding rule of law principles, including access to justice, proportionality and protection against arbitrary state action.

Respect for the authority of the European Court of Human Rights also contributes to mutual trust between Member States, which underpins effective judicial protection relevant to the functioning of the single market.

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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

