

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

Asociación Impulso Ciudadano

Main Areas of Work

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

If "Other", please specify

Fundamental Rights, Democratic Principles

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

500 character(s) maximum

<https://impulsociudadano.org/>

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

714406338494-96

* 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

Rafael

Surname

Arenas García

Email Address of the organisation

estudios@impulsociudadano.org

* 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

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

With regard to the field of activity of our organisation, the recommendations concerning the independence of the Prosecution Service and the appointment of the members of the General Council of the Judiciary are particularly relevant. In both cases, no progress has been made.

As regards the Prosecution Service, its dependence on the Government remains unchanged, and the duration of the Prosecutor General's mandate has not been decoupled from the parliamentary term. By contrast, progress has been made on a proposal to reform criminal investigations, which would transfer investigative powers from Investigating Judges to Prosecutors. The bill was published in the Official Gazette of the Congress of Deputies on 14 November 2025 ([https://www.congreso.es/es/busqueda-de-publicaciones?p_p_id=publicaciones&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_publicaciones_mode=mostrar](https://www.congreso.es/es/busqueda-de-publicaciones?p_p_id=publicaciones&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_publicaciones_mode=mostrarTextoIntegro&_publicaciones_legislatura=XV&_publicaciones_id_texto=(BOCG-15-A-74-1.CODI.))

[TextoIntegro&_publicaciones_legislatura=XV&_publicaciones_id_texto=\(BOCG-15-A-74-1.CODI.\)](https://www.congreso.es/es/busqueda-de-publicaciones?p_p_id=publicaciones&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_publicaciones_mode=mostrarTextoIntegro&_publicaciones_legislatura=XV&_publicaciones_id_texto=(BOCG-15-A-74-1.CODI.)).

Given the established dependence of the Prosecution Service on the Government, and the existence of numerous corruption cases affecting members of the Government, individuals holding responsibilities within the governing party (PSOE), or persons close to them, the lack of progress in strengthening the independence of the Prosecution Service has caused serious concern (<https://www.elindependiente.com/espana/2025/10/28/asociaciones-reforma-estatuto-instruccion-independiente/>

?

<https://confilegal.com/20251128-la-apm-reivindica-el-juez-de-instruccion-frente-al-fiscal-instructor-contemplado-en-el-anteproyecto-de-la-nueva-loecrim/>

?).

As regards the appointment of the members of the General Council of the Judiciary, as is well known, the current system in Spain does not comply with European standards, since all members are appointed by the legislative chambers. As a result of EU intervention, the two major political parties in Spain, the People's Party and the Spanish Socialist Workers' Party, reached an agreement to renew the General Council of the Judiciary (a renewal that had been blocked for several years), together with a commitment to modify the method for appointing its members.

In our contribution to last year's Report, we already stated that it was unlikely that progress would be made in reforming the appointment system. The commitment was that the newly appointed members would put forward a proposal for an appointment mechanism in line with European standards. However, as we anticipated at the time, members appointed through a political agreement between two parties, outside the legally established procedures, have resulted in a politicised Council, divided into factions and incapable of presenting a consensual proposal to reform the appointment model. Instead, two separate proposals have been submitted, meaning that alignment of the appointment system with European standards remains stalled

(<https://www.poderjudicial.es/cgpj/en/Judiciary/Panorama/El-CGPJ-cumple-en-plazo-el-mandato-del-legislador-y-acuerda-por-unanimidad-remitir-al-Gobierno-y-a-las-Cortes-una-propuesta-sobre-la-reforma-del-sistema-de-eleccion-de-los-vocales-de-procedencia-judicial>

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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

Over the past year, there has been intense debate regarding the proposal to modify the routes of access to the judicial career. At present, the majority of judges are appointed through a competitive examination system based on demonstrating sufficient knowledge of the legal system. The entry examination includes the development of topics from the official syllabus as well as practical exercises. Candidates who pass this competitive phase subsequently complete their training at the Judicial School and undertake a period of practical training.

In addition to this entry route, access is also possible for professionals of recognised standing, both at the level of Magistrate and Supreme Court Magistrate. At present, these positions represent a small minority compared to those filled through the open competitive examination system (4,800 judges and magistrates have entered the judicial career through the open competition route, compared to 518 through other routes; that is, approximately 90% of judges and magistrates have entered through the competitive examination system).

In addition to career judges, there are also substitute judges and magistrates, who temporarily occupy judicial positions. In Spain, there are approximately 5,300 career judges and magistrates and around 940 substitute judges and magistrates.

The current system of access to the judicial career guarantees equality and ensures that merit and ability are the determining criteria for appointment as a judge or magistrate. A reform of the access routes to the judicial career is currently under parliamentary consideration (Draft Organic Law amending Organic Law 8/1985 and Law 50/1981, aimed at expanding and strengthening the judicial and prosecutorial careers). This reform would increase the number of judges and magistrates appointed through routes other than the traditional competitive examination. This has prompted criticism from the General Council of the Judiciary, which considers that the competitive examination system is the mechanism that best guarantees equal opportunities in access to the judicial career, and that the competitive selection procedure should only play a complementary role.

In addition, the proposed reform provides for the participation of the Ministry of Justice and the Prosecution Service in the commission responsible for deciding on the competitive selection procedures for access to the judicial career at the level of magistrate. This development could affect the independence of the judiciary in the selection of judges and magistrates.

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

As indicated in the section concerning the measures taken to follow up on the recommendations of previous reports, the system for appointing the members of the General Council of the Judiciary has still not been brought into line with European standards.

The clear lack of political will to resolve this issue — even after the renewal of the General Council of the Judiciary was achieved through an agreement between the two major political parties in Spain — would require the adoption of other types of measures by the European institutions. This is because the independence and the appearance of independence of judges and courts, as well as of their governing bodies, are essential for the respect of the values on which the Union is founded. After years without any progress on this matter, it is evident that good intentions alone are not sufficient.

At the time, this association already warned, in its contribution to the Rule of Law Report, that the agreement promoted by the European Commission which led to the renewal of the members of the General Council of the Judiciary would not resolve the underlying problem, namely the partisan control of that body and its inability to ensure the level of independence required by European standards. We regret that our assessment has proven to be correct.

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

The absence of measures aimed at strengthening the independence of the Prosecution Service from the executive branch has already been noted. In previous reports, the European Commission stressed the need to decouple the term of office of the Prosecutor General from the parliamentary term; however, to date, no measures have been adopted to achieve this objective.

As a result, the Prosecution Service, as a hierarchical structure, is headed by a Prosecutor General appointed by the Government, and there is a widespread perception that the former is dependent on the latter. Several years ago, the current Prime Minister explicitly acknowledged this situation in an interview, stating that the Prosecution Service depended on the Government

(<https://www.rtve.es/noticias/20191106/sanchez-dice-como-traera-a-puigdemont-a-espana-fiscalia-depende-del-gobierno-pues-ya-esta/1988600.shtml>).

Since then, the alignment between the Prosecution Service and the Government has been consistent, both as regards the former's actions in cases affecting members of the Government — as already noted in previous contributions by this association — and as regards the Government's response to the Prosecutor General when he was accused of disclosing personal data of an individual under investigation by the Prosecution Service. Criticism by members of the Government of judicial actions related to this case will be addressed in the section dealing with the public perception of judicial independence.

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

5000 character(s) maximum

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

5000 character(s) maximum

In previous reports, we had already denounced the persistent delegitimation of judicial action by members of the Government. Over the past year, this delegitimation has continued, particularly in connection with the proceedings brought against the Prosecutor General of the State, Álvaro García Ortiz, which concluded with his conviction by the Supreme Court for having disclosed data relating to a citizen who was under investigation by the Prosecution Service (Supreme Court judgment of 9 December 2025, ECLI:ES:TS:2025:5365). During the course of the proceedings and after the judgment was delivered, several members of the Government, including the Prime Minister, repeatedly insisted on the innocence of the accused and questioned the actions of the courts.

A) 9 September 2025. Following the decision to open oral proceedings against the Prosecutor General of the State, the Government Spokesperson stated, at the press conference after the Council of Ministers, that the Government maintained full confidence in the Prosecutor General and in his innocence.

B) 9 November 2025. While the oral hearing of the trial was ongoing, the Prime Minister stated: “And in the case that is currently making headlines and dominating the debate this week, namely the trial of the Prosecutor General of the State, the Government continues to believe in his innocence, all the more so after everything that has been seen.”

It should be noted how anomalous it is for an opinion “of the Government” to be expressed in relation to a case that was being adjudicated at that very moment.

C) 20 November 2025. The Government stated that it did not share the conviction of the Prosecutor General of the State. In addition, the Prime Minister, in commenting on the judgment, added that democracy is a privilege that must be defended every day against unfounded nostalgia, economic interests and attacks that change their form, and that we must defend democracy from those who believe they can supervise it, a statement that has been interpreted as an allusion to the judges of the Supreme Court (<https://elpais.com/espana/2025-11-20/pedro-sanchez-hay-que-defender-la-democracia-de-los-que-creen-que-tienen-la-prerrogativa-de-tutelarla-y-de-abusos-de-poder.html>).

D) 23 November 2025. After the conviction of the Prosecutor General of the State became known, the Prime Minister declared: “We respect Supreme Court judgments and, as cannot be otherwise, we comply with them, but in a democratic society such as Spain’s we can express our disagreement with the direction of that judgment. And I do so because I believe in the innocence of the Prosecutor General.”

The Prime Minister appears to disregard the fact that, in accordance with European standards, members of the executive may not make assessments of judicial decisions that could undermine public perception of the judiciary (paragraph 18 of the Recommendation of the Committee of Ministers of the Council of Europe to member States on judges, 17 November 2010).

In Catalonia, the regional government also continues to question judicial decisions. This practice by members of the regional government and by the political parties supporting it has been denounced in previous contributions

by our association to the Rule of Law Report and was reflected in the report of the European Parliament's Committee on Petitions of 19 March 2024, which identifies interference by the regional administration in judicial matters — particularly when courts rule on linguistic issues — as a problem (p. 8). This interference persists at present.

Thus, in September 2025, following a judicial decision annulling several provisions of a decree of the Government of Catalonia on the linguistic regime in the education system, the President of the Generalitat, in addition to questioning the judgment, stated that “we will not allow anyone to make political use of language.” This statement, published on the official website of the Government of Catalonia, constitutes, in light of the above-mentioned 2010 Recommendation of the Committee of Ministers of the Council of Europe, a limitation on the independence of the judiciary.

It is not acceptable for judges to have to face hostile statements from the executive branch when they deliver judgments that are not to the latter's liking. In Catalonia, this is not an isolated practice, but a systematic one whenever judicial decisions concern linguistic matters.

Pressure exerted by both the Spanish Government and the Catalan regional government against judges is not anecdotal. It effectively undermines public trust in the judiciary and entails a partisan use of an institution — the judiciary — that is essential for the rule of law and for the protection of citizens' rights. It forms part of a systematic strategy to weaken the architecture of democracy and contributes to polarisation and confrontation within society.

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

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

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

5000 character(s) maximum

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

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

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

Please provide information on measures taken to follow-up on the recommendations received in the 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

In Spain, at national level, there is a multisectoral regulator, the National Commission on Markets and Competition (CNMC), which has been designated by the Government as the National Digital Services Coordinator, responsible for supervising and ensuring the effective enforcement of the European Digital Services Act. However, the necessary legislative reforms to confer the corresponding powers on the CNMC have not yet been adopted and, given the current political deadlock, do not appear likely to be adopted in the near future. As a result — with almost two years of delay — a sanction by the Court of Justice of the European Union appears foreseeable.

The situation is explained in detail in an article by digital law expert Borja Adsua:

<https://letraslibres.com/politica/la-inaplicacion-en-espana-del-reglamento-europeo-de-servicios-digitales/08/08/2025/>

Although the CNMC has welcomed its designation as Digital Services Coordinator and media supervisory authority, it has called for additional organisational and human resources in order to be able to exercise its new competences effectively:

<https://www.cnmc.es/prensa/gobernanza-democratica-20250912?back=news>

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

The members of the CNMC are appointed by the Government, with a single qualification: a committee of the Congress of Deputies may (by absolute majority) reject the proposed candidates and require the Government to submit alternative nominations (Article 15 of Law 3/2013). In all cases, however, the initiative lies with the executive branch.

There are audiovisual regulators (audiovisual councils) at regional level, but only in three autonomous communities: Catalonia, Andalusia and the Valencian Community. In all cases, the appointment of council members is based on agreements among a sufficient number of parliamentary groups to secure the required majorities under the relevant regional legislation. These groups nominate a number of members in proportion to their parliamentary weight. The profile of these members, beyond their technical knowledge of the subject matter, clearly reflects their political affiliation.

A particularly striking example is that of the current President of the Catalan Audiovisual Council (CAC), Xevi Xirgu, a close associate of former President Carles Puigdemont, who had previously been sanctioned by the CAC itself because a network of local television stations he managed failed to comply with proximity-content regulations.

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

5000 character(s) maximum

In Spain, there are numerous journalists' associations as well as several professional journalists' bodies. Their capacity to exert influence is very limited. This document sets out a number of statements issued by some of these associations which have been considered significant.

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

In September 2024, the Spanish Government promoted the so-called Action Plan for Democracy, inspired by the European Media Freedom Act (EMFA). Among its stated objectives was the reform of the law regulating institutional advertising (Law 29/2005) “in order to introduce criteria of transparency, proportionality and non-discrimination in its allocation”. However, despite the time that has elapsed, not only has this reform not been pursued, but neither have the amounts transferred under this heading (institutional advertising) from the General State Administration to the various media companies been made public — even though no legislative reform would be required to do so. Nor have the criteria used to plan advertising campaigns been disclosed. Journalists and academics have encountered significant obstacles when attempting to obtain this information. In addition, several media outlets have reported discrimination in the allocation of institutional advertising as a result of their critical editorial stance towards the executive. Thus, in 2025, the digital newspaper El Español filed a complaint before the United Nations Human Rights Committee against the Spanish Government, alleging that institutional advertising was being used “to punish it for its editorial line”:

https://www.elespanol.com/espana/politica/20250624/espanol-denuncia-onu-gobierno-retirar-publicidad-institucional-castigarle-linea-editorial/1003743818048_0.html

At the same time, Nacho Cardero, editor-in-chief of another highly influential digital outlet, El Confidencial, stated the following in a chapter of the book *Journalists in Times of Darkness*, by Fernando Belzunce:

*“As a result of our investigations, institutional advertising and advertising from public companies in El Confidencial has been practically non-existent. I do not wish to speak in terms of absolute amounts — allow me to be discreet — but I can speak in terms of percentages. From 2022 to 2023, advertising from the central administration and the public companies dependent on it fell by 50% compared to the previous year, and in 2024, compared to 2022, it has fallen by 95%. In other words, advertising from the central administration is now non-existent. Naturally, we consider this situation to be completely unjust, because El Confidencial has not changed anything during this period. We have maintained our audiences. We are assessed — or so they say — according to different criteria which we do not know. Arguments relating to European media and transparency are used to conceal what is, in reality, an arbitrary abuse of power.

I am aware that this is also happening to other media outlets. We are not the only ones. Many colleagues have told me that they are going through a very similar situation. We also know that companies have been pressured. But many have supported us. And then there are the readers.”*

The chapter was published in El Confidencial itself:

https://www.elconfidencial.com/cultura/2025-09-17/periodistas-tiempos-oscuridad-nacho-cardero-crisis-gubernamental-begona-gomez_4205927/

Another relevant aspect of institutional advertising is that it may be used for propagandistic purposes in the absence of effective mechanisms to prevent such misuse. A particularly striking case in 2025 was the campaign “El Govern de tothom” launched by the Government of Catalonia. The circumstances surrounding this campaign are explained here:

https://cronicaglobal.elespanol.com/pensamiento/20251111/govern-tothom-campana-partidista/1003742706078_12.html

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

In Spain, rather than safeguards to ensure media independence, what can be observed are mechanisms through which the media are captured by political power. This is particularly acute in the case of public media. In 2024, the system of governance of the Spanish public broadcaster Radiotelevisión Española (RTVE) was reformed through the extraordinary legislative instrument of a Royal Decree-Law (constitutionally reserved for situations of extraordinary and urgent necessity). This reform modified the composition of RTVE's Board of Directors by incorporating individuals proposed by the parties forming the governing coalition and by its parliamentary support partners.

The process — which involved lowering the parliamentary majorities required for appointments and increasing the number of board members so that all parties supporting the Government could appoint trusted individuals — is explained here:

https://cronicaglobal.elespanol.com/pensamiento/20241031/pluralismo-de-trinchera-independencia-profesional-gobierno-rtve/897540240_13.html

The profiles of the appointed board members can be found here:

https://www.eldiario.es/vertele/noticias/rtve-consejeros-consejo-administracion-2024-15-nuevos-psoe-pp-sumar-junts-erc-podemos-pnv-jose-pablo-lopez_1_11829934.html

By way of example, Esther de la Mata, nominated by the Spanish Socialist Workers' Party (PSOE), was, at the time of her appointment, Director of Communications at the Ministry of the Presidency, Relations with Parliament and Democratic Memory, and a person of the highest confidence of the Minister, Félix Bolaños.

Angélica Rubio, also nominated by the PSOE, had previously served as Director-General for Information Coordination at the State Secretariat for Communication during the socialist government of José Luis Rodríguez Zapatero. Sergi Sol, nominated by Esquerra Republicana de Catalunya (ERC), had previously been the party's head of communications.

In this context, the News Council of TVE has repeatedly expressed its concern throughout 2025 about the lack of pluralism in the content of several news programmes, which are moreover produced by external production companies rather than by the public broadcaster itself — a practice that contravenes Article 7.5 of Law 17/2006 on RTVE:

As regards the EFE News Agency, its organisation and functioning are not regulated by law. Its current president is Miguel Ángel Oliver, who previously served as Secretary of State for Communication under the same Government that proposed him for the position:

With regard to private broadcasters transmitting via terrestrial waves, licences — except for those of regional and local scope in Catalonia and the Valencian Community — are awarded either by the Spanish Government (for nationwide digital terrestrial television) or by regional governments (for regional and local digital terrestrial

television and FM radio). These governments, both at state and regional level, also retain control over the renewal of such licences and over legal transactions linked to them, such as leasing or transfer.

In this context, a particularly significant conflict arose in 2025 between the Government and the President of the PRISA Group, Joseph Oughourlian, in relation to a tender for the allocation of a new nationwide digital terrestrial television licence. The PRISA Group, which is editorially aligned with the current Government and occupies a central position in the Spanish media system, declined to participate in the launch of a new terrestrial television channel due to the foreseeable financial losses involved.

For this reason, as revealed by El Confidencial in March 2025, the Minister for Digital Transformation, Óscar López, accompanied by the President of Telefónica (appointed by the Government), allegedly met in Paris with the Chief Executive Officer of Vivendi — a key shareholder of PRISA, holding a 13% stake — in an attempt to sideline Oughourlian and thus advance the Government's digital terrestrial television project:

A few days later, Oughourlian himself published an opinion piece in El País (PRISA's flagship newspaper), stating that "it would be unacceptable, at a time when we are recalling that it has been 50 years since the death of the dictator Francisco Franco, for anyone to be tempted to take control of an independent media outlet from positions of power, either directly or by using a state-owned company as an instrument". He further added: "El País has spent nearly half a century defending democracy, freedoms and human rights, and I commit myself to ensuring that it continues to do so. Today, more than ever, it is necessary to stand firm in our values and in our resolute defence of quality journalism, despite the pressures of all kinds that contaminate the exercise of honest and professional work based on editorial freedom and independence"

[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

The measures aimed at establishing, within the CNMC, a register containing data on media ownership, in line with the requirements of the European Media Freedom Act (EMFA), are still pending the necessary regulatory implementation, which appears highly uncertain given the current situation of political deadlock in Spain.

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

After several unsuccessful attempts to regulate this fundamental right throughout the democratic period, the Government, in line with the provisions of the aforementioned Action Plan for Democracy, approved in July 2025 a draft Organic Law regulating the right to professional secrecy of information professionals and media service providers. However, the General Council of the Judiciary issued a mandatory — though non-binding — opinion, adopted by 20 votes in favour and only one against, which was highly critical of the initiative. In that opinion, the General Council of the Judiciary stated: “The draft addresses the regulation of the right to professional secrecy without specifying the normative space it seeks to occupy in accordance with Regulation (EU) 2024/1083. A reading of the draft (APLO) does not reveal a clear position on the interaction between the proposed law and the European regulation. On the contrary, both in the explanatory memorandum and in the operative provisions, shortcomings and deficiencies can be identified which should necessarily be reconsidered.”

<https://www.poderjudicial.es/cgpj/es/Poder-Judicial/En-Portada/El-CGPJ-aprueba-el-informe-al-anteproyecto-de-Ley-Organica-reguladora-del-derecho-al-secreto-de-los-profesionales-de-la-informacion>

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

5000 character(s) maximum

In 2025, the Council of Europe's Platform for the Safety of Journalists issued an alert regarding the assault on El Español journalist José Ismael Martínez in Pamplona. The alert stated: “Spanish authorities must ensure a prompt and thorough investigation into the attack on journalist José Ismael Martínez, identify and prosecute those responsible, and guarantee the safety of all journalists covering demonstrations. Public authorities must unequivocally condemn the attack and the use of violence against journalists, reaffirming that journalists must be able to carry out their work safely and without fear of reprisals.”

<https://fom.coe.int/en/alerte/detail/107643161;globalSearch=false>

Surprisingly, while the Government of the Autonomous Community of Navarre did condemn the attack, the Spanish Government did not, reportedly due to the proximity of the perpetrators to one of the parliamentary parties supporting the Government's investiture:

https://www.elespanol.com/espana/politica/20251101/gobierno-sigue-sin-condenar-brutal-agresion-periodista-pamplona-psoe-bildu-firman-septimo-presupuesto/1003743995328_0.html

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

According to the Civio Foundation, since 2016 more than one thousand decisions of the Council for Transparency and Good Governance (CTBG) have not been complied with. The CTBG is an independent administrative authority tasked with safeguarding the right of access to public information. Recourse to the CTBG exhausts the administrative avenue. However, the CTBG lacks powers to impose sanctions or to enforce its decisions compulsorily.

<https://civio.es/transparencia/2025/05/22/mas-de-un-millar-de-resoluciones-del-consejo-de-transparencia-han-sido-ignoradas-desde-2016/>

In 2025, the Government initiated the parliamentary procedure for a bill on classified information, intended to repeal the Official Secrets Act. This initiative, also framed within the Action Plan for Democracy, has been strongly criticised by the Association of Investigative Journalists, which has expressed concern about the level of the administrative sanctions envisaged and about the discretion that would be granted to the executive branch to determine which information is to be considered “classified”. The Association stated:

“This concentration of power in the hands of the Government to classify information, without an independent body or prior judicial control mechanisms, poses serious risks to institutional transparency. The possibility that classification could be used as a tool to prevent the publication of uncomfortable or publicly relevant information represents a direct threat to the right of access to information and to the exercise of free and independent journalism.”

<https://investigacionapi.com/portada/2025/07/24/proyecto-ley-informacion-clasificada-secretos-oficiales/>

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

Although it is one of the measures envisaged in the aforementioned Action Plan for Democracy, by the end of 2025 no legislative process had been initiated to transpose the Anti-SLAPP Directive into the Spanish legal system, despite the fact that transposition should be completed by 7 May 2026.

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

5000 character(s) maximum

Since 2024, the Spanish Government has promoted a discourse — which remains in use — repeatedly invoking the concepts of “pseudo-media” and “mud” as a way of attempting to discredit the extensive criticism it has received in connection with the various corruption cases that have come to light. Members of the executive branch also frequently refer to the “media and judicial right wing” as a single, homogeneous bloc. Within this context, the attacks by Óscar Puente, Minister for Transport and Sustainable Mobility, against journalists and media outlets are particularly striking. Thus, the Madrid Press Association (APM) has granted protection to journalists Ketty Garat and Elisa Beni in response to the repeated targeting and disqualifications directed at them by Puente on social media:

<https://www.apmadrid.es/comunicado/la-apm-concede-amparo-a-la-periodista-ketty-garat-de-the-objective-tras-el-senalamiento-por-parte-de-oscar-puente/>

<https://www.apmadrid.es/comunicado/la-apm-concede-amparo-a-elisa-beni-ante-el-hostigamiento-continuado-por-parte-del-ministro-oscar-puente/>

The APM has also reproached the same minister for his comments regarding David Alandete, the United States correspondent of the newspaper ABC, whom Puente accused of lacking patriotism for asking former President Trump about Spain’s contribution to NATO funding:

<https://www.apmadrid.es/comunicado/la-apm-rechaza-que-puente-critique-las-preguntas-a-trump-sobre-espana/>

By way of illustration of Óscar Puente’s conduct on social media, two of his posts may be cited. In one, he referred to the editor of the newspaper La Razón as “the most backward fascist in Spain”, and in another he used highly derogatory language to refer to the newspapers El Debate and The Objective, calling them “El Debacle” and “The Ojete”:

https://x.com/oscar_puente_/status/2004879979264573762

https://x.com/oscar_puente_/status/2001332876269527415

At the same time, complaints persist regarding Government press conferences, which allow for extremely limited opportunities for questions, as well as the Prime Minister’s failure to appear in connection with events of major political significance, such as the 13th High-Level Meeting between Spain and Morocco:

https://www.eldebate.com/espana/20251215/sanchez-solo-admite-cuatro-turnos-preguntas-balance-fin-ano-pullas-prensa_365606.html

<https://www.apmadrid.es/comunicado/la-apm-insta-al-gobierno-a-que-facilite-la-presencia-de-medios-en-una-cumbre-internacional/>

Finally, it should be recalled that, in October 2025, El Confidencial revealed the contents of a document prepared by Leire Díez Castro, a close associate of the then Secretary of Organisation of the PSOE, Santos Cerdán (currently charged with bribery, criminal organisation and influence peddling), and alleged to be the leader of covert party operations. According to that outlet, the document set out a strategy aimed at “seizing control of media outlets in order to control information on corruption scandals affecting the Government of Pedro Sánchez and to disseminate propaganda against judges, prosecutors, police officers, civil guards, businesspeople and journalists considered hostile by Moncloa”. The targets reportedly included, in addition to El Confidencial itself, the Planeta, Joly and Vocento media groups:

https://www.elconfidencial.com/espana/2025-10-23/psoe-gobierno-cloacas-medios-confidencial-planeta-joly-vocento_4233173

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

[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

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

[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

[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

In previous contributions to the European Union Rule of Law Report, we drew attention to the refusal of the Catalan regional administration to comply with judicial decisions recognising the right to receive part of education in the mother tongue of the majority of the population and an official language throughout Spain, including Catalonia — namely, Spanish (Castilian).

Despite repeated judicial decisions consistently recognising the right to receive part of education in Spanish, the administration of the Generalitat not only refuses to implement measures to guarantee this right, but also systematically denies it when families request its recognition, thereby forcing them to resort to the courts if they wish to obtain an education that includes Spanish alongside Catalan.

This refusal persists even in cases involving children with special educational needs, whose learning would be particularly facilitated by the inclusion of their mother tongue in the educational process.

Moreover, the pressure faced by families who request their right to receive part of education in Spanish has escalated to the point of harassment and threats.

This situation was confirmed by a mission sent to Catalonia by the European Parliament's Committee on Petitions, which in its March 2024 report urged the European Commission to examine compliance with fundamental rights and the principles of the rule of law in Catalonia.

For our part, we fulfil our duty to alert the Commission to this situation and to recall that any breach of rights or of the principles of the rule of law in any part of the Union — whether committed by a Member State, a sub-state entity or even by the EU institutions themselves — affects the Union as a whole. A process of integration such as the one underway in Europe cannot regard violations of the rights of any of its citizens as matters of indifference.

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

5000 character(s) maximum

D. The enabling framework for civil society

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

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

