

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

CAT Global

Main Areas of Work

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

If "Other", please specify

Support the development and social reality of the Catalan community

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

500 character(s) maximum

The association's purpose, on a non-profit basis, is to promote, disseminate, and implement initiatives aimed at fostering, enhancing, and thereby supporting the development and social reality of the Catalan community. Among its objectives is also the representation of its members before public authorities and all relevant bodies at national, European, and international levels, as well as in relation to third parties.

Transparency register number

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

***Country of origin**

Please 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

Surname

Email Address of the organisation

* 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

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

The Spanish prosecution service is formally defined as functionally autonomous but remains hierarchically structured and headed by a Prosecutor General appointed by the executive. While such a model is not per se incompatible with European standards, it creates heightened sensitivity regarding perceived independence in practice, particularly in high-profile or politically salient cases.

A particularly relevant development has been the criminal conviction of the Prosecutor General for disclosure of confidential information (breach of secrecy). Beyond the individual case, this event has had a significant systemic impact on public trust in the prosecution service and has highlighted vulnerabilities in internal safeguards relating to confidentiality, neutrality and institutional accountability.

More broadly, Spain faces a persistent problem of interested leaks of information from ongoing criminal proceedings to the media. These are not merely communications or “dissemination” of information, but unauthorised disclosures that, by definition, undermine the integrity and fairness of proceedings. Such leaks may affect the presumption of innocence, equality of arms and the right to a fair trial, while also distorting public debate and increasing reputational harm before judicial determination. Stakeholders report that this pattern appears systemic rather than exceptional and is observable across both politically sensitive and non-sensitive cases.

The absence of effective preventive and corrective mechanisms to guarantee the secrecy of proceedings reinforces the perception of institutional tolerance and weak accountability. In high-profile or politically relevant cases, a high degree of internal alignment in prosecutorial strategies can be observed, even in the presence of judicial or European rulings questioning certain legal approaches. From a rule of law perspective, the combination of hierarchical dependency, career incentives, limited transparency around strategic decision-making and weak external oversight continues to pose challenges to the effective autonomy and perceived impartiality of the prosecution service.

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

Recent developments affecting the perception of judicial independence in Spain present a mixed picture. On the positive side, the renewal of the General Council of the Judiciary (CGPJ) has put an end to a prolonged period of institutional deadlock that had been repeatedly highlighted at European level. This development has contributed to restoring formal institutional normality.

However, the renewed CGPJ continues to operate according to a clearly identifiable bloc-based structure, commonly described as “progressive” and “conservative”. This internal configuration, reflected in voting patterns and in discretionary senior judicial appointments, sustains a perception of politicisation of the judicial governing body. As a result, concerns remain regarding the objective appearance of independence of the judiciary, particularly in cases with political or institutional sensitivity.

In addition, questions persist regarding the allocation and concentration of politically sensitive cases within specific judicial bodies or sections. These patterns raise issues related to the right to the judge predetermined by law and to the requirement of objective impartiality under Article 6 ECHR and Article 47 of the Charter.

Finally, limited transparency and the rare activation of effective disciplinary accountability mechanisms contribute to a perception that judicial independence is primarily understood in corporative terms, rather than as a functional guarantee serving the protection of fundamental rights and public confidence.

A growing concern regarding the separation of powers in Spain involves episodes of judicial overreach in which certain courts have encroached upon legislative and executive competences, particularly in the field of education policy in Catalonia.

The organisation of the school curriculum, including the regulation of language use in public education, is a devolved competence of the Parliament of Catalonia, exercised in accordance with Article 149.1.30 of the Spanish Constitution and the Statute of Autonomy of Catalonia. The Catalan Parliament has legislated on this matter, establishing a model of linguistic immersion in which Catalan is the primary language of instruction, ensuring students attain full proficiency in both Catalan and Spanish, as required by law.

Despite this clear legal and institutional framework, several rulings by Spanish courts—particularly by the Audiencia Nacional and the Supreme Court—have intervened directly in pedagogical decisions, dictating the specific number of teaching hours in which subjects must be delivered in Spanish, and mandating changes to school timetables and language allocation. These judicial decisions go beyond interpreting existing law; they effectively substitute the courts’ policy preferences for those democratically adopted by the regional legislature. Such actions represent a significant deviation from the principle of separation of powers. While judicial review is a necessary component of constitutional democracy, it must respect the boundaries between institutions. Courts are empowered to assess the legality of legislation, not to redesign public policies or impose detailed administrative or educational measures that fall within the remit of elected bodies.

By determining how and to what extent languages should be used in classrooms, judges have assumed a quasi-legislative function. This trend of judicial activism undermines both the autonomy of the legislative branch and the principle of democratic accountability. It also risks politicising the judiciary when courts are perceived as intervening in culturally and politically sensitive matters without a clear constitutional mandate.

Moreover, these interventions have created legal uncertainty and institutional tension, weakening the coherence of public administration and eroding trust in the impartiality of judicial action. When courts override democratically enacted policies on issues of cultural and linguistic identity—especially in a context already marked by political friction—the perception arises that the judiciary may be serving broader political objectives rather than strictly legal ones.

Respect for the separation of powers is a cornerstone of the rule of law. The European Commission should consider whether such judicial overreach constitutes a systemic challenge to institutional balance in Spain, particularly where courts assume responsibilities constitutionally assigned to parliaments and governments.

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

From the perspective of effective judicial protection (Article 47 Charter) and equality of arms, accessibility of courts in Spain continues to raise concerns linked to (i) affordability and (ii) language guarantees, with a particularly relevant impact in Catalonia due to the co-official status of Catalan.

First, the combined effect of court/legal costs and the practical functioning of legal aid may create uneven access in complex proceedings. Even where legal aid exists, administrative burdens, delayed appointments and payment, and limited availability of specialised counsel in high-intensity litigation can reduce its effectiveness in practice, including where interim measures are required.

Second, language remains a structural accessibility issue. In territories with co-official languages, the right of parties to use Catalan (and to receive judicial communications in Catalan) is not consistently ensured in practice. Constraints in staffing, interpretation/translation capacity, and routine procedural practices can lead to de facto discouragement of the use of Catalan in judicial proceedings. This may generate additional costs and delays for parties choosing to exercise their language rights and can affect the perceived neutrality and inclusiveness of the justice system.

In rule-of-law terms, accessibility should be assessed beyond formal entitlements. It requires that fee regimes, legal aid and language arrangements operate effectively and predictably, without producing chilling effects on the exercise of procedural rights.

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

Effective media freedom requires independent regulatory authorities with adequate resources and enforcement capacity, coupled with appointment/dismissal safeguards that credibly prevent political capture. Stakeholders underline that formal independence is insufficient where appointment procedures allow for sustained perceptions of partisan influence or where mandates can be indirectly constrained through budgetary or staffing decisions. Where governance arrangements are perceived as politically driven, regulatory action may

be viewed as selective, particularly in contexts of intense political contestation.

Adequate resourcing (financial, human and technical) is essential not only for licensing or supervisory functions, but also for ensuring consistent enforcement of pluralism safeguards, transparency obligations, and protections for editorial independence. Resource limitations can weaken deterrence, delay proceedings and reduce the authority's capacity to address complex ownership or influence structures.

In addition, stakeholders report that institutional subsidies and state advertising are used in practice as leverage to influence editorial lines and the framing of news coverage. They point to significant disparities in the allocation of public advertising and subsidies between "compliant" and more critical outlets and note that litigation has been initiated in relation to such allocation practices (including cases reportedly involving El Punt Avui). From a rule-of-law perspective, this raises concerns about indirect interference through economic instruments, and the need for verifiable, objective, and reviewable criteria, as well as effective remedies. Stakeholders further report persistent impartiality concerns regarding public service media, including perceptions that they tend to reflect and promote the positions of the governments in office (both at state and regional level, e.g. TVE and TV3). They also refer to monitoring and interventions by the Catalan Audiovisual Council (CAC), including repeated requests to withdraw institutional advertising considered to be promotional government communication financed with public funds, and to recurrent non-compliance. Such patterns, if sustained, weaken public trust in both public media neutrality and in the effectiveness of regulatory oversight. Finally, stakeholders express concern that current legislative initiatives on media regulation, rather than strengthening pluralism and faithfully implementing European standards, risk creating additional avenues for governmental influence, including content-adjacent control, thereby further constraining freedom of information.

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

Spain has established formal safeguards aimed at protecting media pluralism and freedom of expression. However, structural challenges continue to affect their practical effectiveness.

The allocation of state advertising remains a sensitive issue, as applicable criteria do not always allow for clear external verification of neutrality and proportionality. In politically polarised contexts, this creates a risk of indirect economic influence on editorial independence.

Journalists continue to face obstacles related to judicial and administrative pressures, as well as difficulties in accessing public information. Delays, refusals and the broad interpretation of exceptions under access-to-information rules limit investigative journalism and public scrutiny.

The protection of journalistic sources and the prevention of undue interference are unevenly applied. From a rule of law standpoint, media freedom must be assessed not only through formal guarantees but also through the material conditions enabling a pluralistic, critical and informed public debate.

[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

[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

The constitutional review system is a cornerstone of checks and balances. Key rule-of-law considerations include (i) access to constitutional review, (ii) the independence and appearance of independence of the constitutional jurisdiction, and (iii) the intensity and consistency of rights review in politically sensitive contexts.

Stakeholders highlight that constitutional litigation can become a substitute arena for resolving deeply political disputes, which increases the need for heightened guarantees of objective impartiality, transparent reasoning and procedural fairness. Where constitutional adjudication is perceived as aligned with partisan or “state-interest” positions, public confidence in constitutional review as a neutral rights-protection mechanism may be weakened.

In addition, the effectiveness of constitutional review depends on timeliness and remedial capacity. Delayed review in cases affecting fundamental rights may render constitutional protection largely declaratory, particularly where interim effects of contested measures are significant. Where constitutional decisions have practical downstream effects on ordinary courts and administrative authorities, predictable doctrine and clear standards are essential to legal certainty.

Finally, given Spain's territorial structure and the recurrent constitutional dimension of disputes involving Catalan institutions and Catalan political representation, the constitutional review regime should be assessed also through the lens of democratic pluralism and the protection of political participation rights, ensuring that constitutional scrutiny operates as a safeguard for rights and legal certainty rather than as an instrument of political containment as it is until now.

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

Independent oversight bodies are a key component of a functioning system of checks and balances, particularly in contexts of high institutional polarisation. The relevant rule-of-law benchmark is not only formal independence, but also operational autonomy, adequate resources, effective access to information and the practical ability to produce impact through recommendations and follow-up.

Stakeholders report recurring challenges linked to (i) resource constraints (financial, human and technical), (ii) limited or delayed access to relevant data—especially where information is classified or held by security-related bodies—and (iii) uneven follow-up by public authorities to recommendations and findings. Where follow-up is weak or inconsistent, oversight risks becoming formalistic and does not provide effective remedies for structural rights concerns.

In politically salient matters, the credibility of independent authorities depends on the perception that they can scrutinise all public powers without fear of retaliation or reputational delegitimization. For an entity representing Catalan civil society, this includes the expectation that oversight bodies can address alleged rights interferences affecting political participation, freedom of expression/assembly and non-discrimination without institutional reluctance.

Strengthening safeguards should focus on statutory guarantees for access to data, stable multi-annual resourcing, transparent appointment procedures, and clear obligations on administrations to provide reasoned responses and timely follow-up to recommendations.

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

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

5000 character(s) maximum

In Spain, the use of intrusive surveillance tools is subject to prior judicial authorisation in certain contexts. However, several structural limitations affect the effectiveness of oversight, transparency and safeguards for fundamental rights.

A key area of concern relates to reports about the use of spyware (including Pegasus) against Catalan pro-independence actors, including elected representatives and members of civil society. Particularly sensitive are indications that surveillance may also have affected lawyers involved in the defence of individuals in politically relevant proceedings. If confirmed, such practices raise serious issues regarding legal professional privilege, the confidentiality of lawyer-client communications and the right to an effective defence, with direct implications under Article 47 of the Charter and Article 6 ECHR.

The oversight model relies predominantly on judicial authorisation based on information provided unilaterally by the requesting authorities. Where measures are framed under national security and classified-information regimes, transparency is significantly restricted, and meaningful ex post review becomes difficult. In practice, affected individuals may lack access to sufficient information to challenge the legality, necessity and proportionality of the measures, undermining effective judicial protection.

In addition, the limited public clarification of the Pegasus-related allegations, and the absence of a comprehensive and credible fact-finding and accountability process capable of establishing responsibility and providing effective remedies, have contributed to persistent concerns and to a deterioration of trust in existing safeguards. From a checks-and-balances perspective, the combination of secrecy, limited adversarial review and the lack of an independent technical and supervisory layer constitutes a structural vulnerability when assessed against the standards developed by the CJEU and the ECtHR.

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

The legal framework governing civil society organisations in Spain does not, in general, impose formal restrictions incompatible with European standards. Nevertheless, certain practices affect the effective operation and security of civil society actors, particularly those engaged in critical or rights-based activities. These practices include public stigmatisation, reputational attacks, and the initiation of judicial or administrative

proceedings with limited prospects of success. While such actions do not always result in sanctions, their cumulative effect can be dissuasive and generate a chilling effect on participation in public debate.

The strategic use of legal procedures as a means of pressure or deterrence, including patterns resembling SLAPPs, has been observed.

Recent developments in Spain raise concerns about the enabling environment for civil society, particularly regarding the potential strategic use of legal and police measures to exert pressure on civic actors exercising their rights to peaceful assembly and freedom of expression. Patterns observed in two demonstrations in the summer of 2025—both protesting the public appearances of the former King of Spain—suggest a disproportionate response by state authorities that may contribute to a climate of deterrence.

On 23 June 2025, a peaceful demonstration took place at the Monastery of Montserrat, organised in part by civil society groups including *Assemblea Nacional Catalana* (ANC), to protest the presence of King Juan Carlos I. The event was marked by a significant and visible police deployment, far exceeding what might be reasonably expected for crowd control at a non-violent gathering. Following the demonstration, a 67-year-old retiree was charged with alleged assault on a police officer—an accusation he denies, claiming it was fabricated in retaliation for his vocal criticism. If convicted, he faces up to three years in prison, a penalty that many legal observers consider disproportionate given the context and lack of corroborating evidence.

In addition, *Assemblea Nacional Catalana*, a legally registered NGO engaged in civic and political advocacy, has been charged with **desobediencia** (disobedience) for its role in organising the event—despite no reported violence or unlawful conduct. This raises concerns about the instrumentalisation of legal proceedings against organisations that criticise powerful public figures, especially when such charges risk chilling future lawful protest activity.

A further escalation occurred on 23 July 2025, during a demonstration in central Barcelona. There, police forces deployed in large numbers again, including the placement of an armed officer on the rooftop of the *Gran Teatre del Liceu*, visibly aiming a long-range firearm directly at the crowd. While authorities defended the measure as part of standard security protocol, the image of a sniper trained on peaceful demonstrators sparked widespread public outcry.

Civil society groups and human rights observers have interpreted this as an act of intimidation with a deterrent effect—potentially discouraging public criticism of institutional figures under state protection.

These incidents, taken together, reflect a troubling pattern: the use of legal charges against individuals and organisations exercising fundamental rights, coupled with militarised policing of non-violent dissent. While the State has a legitimate duty to maintain public order, the scale and symbolism of these interventions appear disproportionate and potentially discriminatory, especially when targeted at gatherings critical of high-level figures who benefit from *de facto* legal immunity.

Such actions risk creating a **chilling effect** on civil society, particularly for organisations and individuals advocating for accountability and transparency. When protest is met with severe legal consequences or overt displays of force, the line between public security and political deterrence becomes blurred. This aligns with broader international concerns about the use of SLAPPs and analogous coercive measures not to pursue justice, but to silence critical voices.

A robust pluralist democracy depends on a civil society able to operate free from undue pressure or fear of retribution. The cases of Montserrat and Barcelona, therefore, should be examined not in isolation, but as part of a larger trend that may undermine the rule of law by weakening checks and balances provided by civic engagement. Existing safeguards against such practices remain fragmented and insufficiently developed. From a rule of law perspective, an enabling environment requires not only formal legal freedoms but also effective protection against indirect forms of intimidation or legal harassment. Current deficiencies in this area represent a structural risk to the role of civil society as a democratic counterbalance.

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

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