

Summary of the targeted stakeholder consultation for the 2021 Rule of Law Report.

The second annual Rule of Law Report continues the annual monitoring cycle initiated in 2020 with the first annual Rule of Law Report. Like the report's first edition, the 2021 Rule of Law Report presents both positive and negative developments related to the rule of law in the Member States. In its 27 country chapters, the report sets out detailed Member State-specific assessments on the four pillars covered: the justice system, the anti-corruption framework, media pluralism and media freedom, and other institutional checks and balances. With the annual Rule of Law Report, the Commission seeks to promote the rule of law and to prevent problems from emerging or deepening as identifying challenges early on will help Member States find solutions that protect the rule of law.

The report is based on a close dialogue with national authorities and other stakeholders. This dialogue is not only necessary to achieve an objective and impartial assessment, it also increases the mutual understanding for the issues raised in the report and ensures the transparency of the entire process. Thus, in the preparation of the Report, the Commission has relied on a diversity of relevant sources, including input received from the Member States, virtual country visits, and stakeholder contributions.

The Commission has invited stakeholders such as international organisations, national institutions and civil society organisations to provide written contributions on the state of the rule of law in the different Member States and across the European Union. For this, the Commission asked stakeholders through a targeted consultation to contribute information on the following topics:

- a) horizontal developments relating to rule of law, meaning trends common to several or all Member States; and
- b) developments in individual Member States relating to justice systems, anti-corruption framework, media pluralism, and other institutional issues related to checks and balances (i.e. the four pillars of the Report).

The Commission received contributions from over 235 stakeholders¹. Many contributions covered the specific Member State that the relevant stakeholder is based in. Other contributions provided information on several Member States or horizontal developments within the European Union. The contributions have proven to be of great value to feed the Commission's assessment of the situation in the different Member States with factual information, in particular as regards the details and recent developments related to the national legal and institutional framework. In this context, the Report reflects the information provided by stakeholders where relevant and contributions are cited in the country chapters as appropriate.

Apart from the targeted stakeholder consultation, the Commission consulted with stakeholders during the virtual country visits to each of the 27 Member States. Some of the stakeholders that

¹ For the purposes of determining the number of stakeholders that contributed, stakeholders that did not include any information in the targeted consultation were not taken into account. Each stakeholder was counted only once regardless of the number of contributions they sent.

contributed to the targeted stakeholder contribution were also consulted as part of the virtual country visits, which made further discussions on their written contributions possible².

The written contributions by stakeholders are listed in the Annex³. Concrete references to individual contributions below are made based on the consent of the stakeholders⁴. The personal data protection provisions for the 2021 Rule of Law Report can be found [here](#).

Horizontal developments

Among the contributions received, several stakeholders elaborated on horizontal developments and general trends in the European Union related to the rule of law. These contributions were received from European networks and other international organisations and civil society organisations, including from the Fundamental Rights Agency, the Council of Europe, the European Association of Judges, the European Network of Councils for the Judiciary, the Council of Bars and Law Societies of Europe, the European Broadcasting Union, the European Federation of Journalists and the European Network of National Human Rights Institutions. These contributions elaborate on positive and negative general horizontal developments or trends, relating to the rule of law across the EU Member States. In particular, these contributions cover the four pillars of the 2021 Rule of Law Report mentioned above: the justice system, the anti-corruption framework, media pluralism and media freedom and other institutional issues related to checks and balances.

As regards the justice systems, stakeholders underscore increasing challenges to judicial independence in several Member States. Further issues mentioned are backlog of cases in courts, excessive length of proceedings, and scarce resources of the judiciary. Stakeholders also address the independence of the legal profession and the impact of litigation costs in citizen's access to justice. Positive developments in a number of Member States are also highlighted, e.g. the capacity of the justice system to deal with the impact of the COVID-19 pandemic and innovative solutions regarding the digitalisation of justice systems.

As regards the anti-corruption framework, stakeholders mention challenges to tackling and investigating corruption, including high-level corruption, and a need for stronger whistle-blower protection. Positive practices by certain Member States are also highlighted, e.g. regarding national anti-corruption strategies. Stakeholders also report on increased corruption risks in the context of the COVID-19 pandemic.

As regards media pluralism, stakeholders highlight increasing challenges to media pluralism and freedom. In particular, stakeholders mention challenges related to the independence of the media, the transparency of media ownership, the use of Strategic Lawsuits Against Public Participation (SLAPPs) – while acknowledging increasing social awareness on the matter –, and report on

² Information on organisations consulted during the virtual country visits can be found in Annex II of the Country Chapters.

³ The contributions received, as well as the summary of the contributions, represent opinions of the stakeholders and cannot be regarded as the official position of the European Commission and its services and are therefore not binding.

⁴ Participants to the consultation could choose to have their contribution published either with their personal details included, or published in an anonymized version, or not to have their contribution published at all.

specific threats to the safety of journalists. Stakeholders also report on impacts of the COVID-19 pandemic, for example on the economic situation of media actors and in terms of attacks against journalists, including at protests. Positive developments in certain Member States are also highlighted by stakeholders, e.g. regarding the fight against disinformation.

As regards other institutional issues related to checks and balances, the contributions underscore the link between enabling civic spaces and the rule of law and they report on the challenges and harassment faced by civil organisations, also in the context of the COVID-19 pandemic. Regarding the emergency measures introduced during the COVID-19 pandemic, stakeholders underline legal certainty challenges and an excessive use of fast-track legislative procedures in some Member States. Positive developments in certain Member States are also reported by stakeholders, e.g. regarding initiatives to foster and promote a rule of law culture.

Annex: list of contributors *

* When filing out the targeted stakeholder consultation, stakeholders could choose between public or anonymous contributions as well as having the option to not have their contribution published. Those that chose the option to remain anonymous or not have their contributions published are not included in this list.

- Alianza Contra la Corrupción - Mr. Jaime Gonzalez Díaz, Mr. Roberto Macías Chávez
- Amnesty International Hungary
- Amnesty International Poland
- Amnesty International Slovenia
- Anti-Fraud Office of Catalonia
- Asociación de víctimas de corrupción judicial
- Asociación Impulso Ciudadano
- Asociación Mediterránea de Peritos de las Tecnologías de la Información y la Comunicación (ASPERTIC)
- Association of European Administrative Judges (AEAJ)
- Association of Prosecutors in Bulgaria
- Association of Slovak Judges
- Austrian Federal Economic Chamber
- Bar of Ireland
- Barreaux français
- Blueprint for free speech
- Bulgarian Institute for Legal Initiatives Foundation (BILI)
- Catalan Audivisual Council
- Center for Fundamental Rights of Hungary
- Centro per la Cooperazione Internazionale (CCI)
- Chamber of Investigating Magistrates in Bulgaria
- Chancellor of Justice of Finland
- Civic Platform for Judicial Independence (PCIJ)
- CIVICUS
- Civil Liberties Union for Europe
- Civil Society Europe
- ClientEarth Prawnicy dla Ziemi
- Commission for the conflict of interest resolution of Croatia
- Council for Administration of Courts of Estonia
- Council of Bars and Law Societies
- Council of State of Greece
- Cour de cassation de Belgique / Hof van cassatie van België
- Croatian Journalists' Association (CJA)
- Curia of Hungary
- Democracy Reporting International

- Deutscher Richterbund
- Dr. Brian Doolan (citizen)
- Eötvös Károly Institute
- Europäische Bewegung Deutschland (EBD) e.V. (European Movement Germany)
- European Broadcasting Union
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists (EFJ)
- European Movement Germany
- European Network of Councils for the Judiciary (ENCJ)
- European Network of National Human Rights Institutions (ENNHRI)
- Fair Trials
- Foro Judicial Independiente
- Forum Informationsfreiheit
- Front Line Defenders
- Fundación Hay Derecho
- Fundacja Ośrodek Kontroli Obywatelskiej (OKO)
- Funky Citizens
- General Council for the Judiciary (CGPJ) of Spain
- German Bar Association
- German Federal Bar (BRAK)
- Glopolis
- Háttér Society
- Hoge Raad der Nederlanden / Supreme Court of the Netherlands
- Human Rights & Democracy Network (HRDN)
- Human Rights House Zagreb Office
- Human Rights Watch
- Hungarian Civil Liberties Union
- Hungarian Helsinki Committee
- ILGA-Europe
- International Bar Association's Human Rights Institute (IBAHRI)
- International Legal Advice Center
- International Press Institute
- Italian Council of State
- Joint contribution by Action Droits des Musulmans, Alliance Citoyenne, Vox Public, ENAR and Open Society European Policy Institute
- Judicial High Council of Portugal
- K-Monitor
- Latvian Human Rights Committee (FIDH)
- Law Society of Ireland
- Legal-Informational Centre for NGOs (PIC Slovenia)

- Lukáš Mozoľa (citizen)
- Magistrats Européens pour la Démocratie et les Libertés (MEDEL)
- Médianező Központ
- Mérték Media Monitor
- National Military Academy Sofia
- Netherlands Bar
- Netherlands Helsinki Committee
- Občianska odborná komisia
- Office for Civil and Political Rights Catalonia
- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- Ökotárs – Hungarian Environmental Partnership Foundation
- Oliver Chmelik (citizen)
- Òmnium Cultural
- Organisation for Economic Co-operation and Development (OECD)
- Osservatorio Balcani e Caucaso (OBC) Transeuropa
- Österreichischer Rechtsanwaltskammertag (ÖRAK)
- Philanthropy Advocacy – a joint Dafne & EFC project
- Political Capital
- Portuguese Supreme Administrative Court
- Prof. Gaetana Morgante
- Prof. Stéphanie Laulhé Shaelou
- Radovan Slabon (citizen)
- Refugee Support Aegean
- Reporters sans frontières (RSF)
- Spanish Ministry of Science, Innovation and Universities – Research Group
- Scholars at Risk Europe
- Slovenian NGO Platform for Development, Global Education and Humanitarian Aid (SLOGA)
- Society of Journalists
- Somos sindicalistas
- Stefan Batory Foundation
- Superior Council of Magistracy of Romania
- Supreme Court of Austria
- Supreme Court of Cassation of Republic of Bulgaria
- Supreme Court of Cyprus
- Supreme Court of Estonia
- Supreme Court of Kingdom of Spain
- Supreme Court of Lithuania
- Supreme Court of Spain
- Supreme Court of Sweden - President Mr. Anders Eka

- The Association for the Defence of Human Rights in Romania – the Helsinki Committee (APADOR-CH)
- The Good Lobby Italia
- The New Europeans
- Tomáš Vaško (citizen)
- Trade Union of Croatian Journalists (TUCJ)
- Transgender Europe (TGEU)
- Transparency International Czechia
- Transparency International Hungary
- Umbrella Association of Administrative Judges
- UN Human Rights Regional Office for Europe
- UN Human Rights, Regional Office for Europe
- Universidad de Salamanca - Centro de Investigación para la Gobernanza Global (CIGG)
- Watchdog Poland