

## **List of topics – 2024 Rule of Law Report**

### **I. Justice System**

1. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)*

#### **A. Independence**

2. *Appointment and selection of judges<sup>1</sup>, prosecutors and court presidents (incl. judicial review)*
3. *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)*
4. *Promotion of judges and prosecutors (incl. judicial review)*
5. *Allocation of cases in courts*
6. *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)*
7. *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)*
8. *Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information*
9. *Independence/autonomy of the prosecution service*
10. *Independence of the Bar (chamber/association of lawyers) and of lawyers*
11. *Significant developments capable of affecting the perception that the general public has of the independence of the judiciary*

#### **B. Quality of justice<sup>2</sup>**

12. *Accessibility of courts (e.g. court/legal fees, legal aid, language)*
13. *Resources of the judiciary (human/financial/material<sup>3</sup>)*
14. *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*
15. *Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online )<sup>4</sup>*

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<sup>1</sup> The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

<sup>2</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

<sup>3</sup> Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

<sup>4</sup> Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures

16. *Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)*
17. *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.*

**C. Efficiency of the justice system<sup>5</sup>**

18. *Length of proceedings*

**Other – please specify**

**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.

19. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)*

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

20. *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 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.*
21. *Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.*
22. *Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.*

**B. Prevention**

23. *Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).*
24. *General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)*
25. *Rules and measures to prevent and address 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)*

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40 to 48 of the 2023 EU Justice Scoreboard, does not need to be repeated.

<sup>5</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

*For questions 23-25, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).*

26. *Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given*

27. *Sectors with high risks of corruption in your Member State:*

*- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement*

*- list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)*

28. *Any other relevant measures to prevent corruption in public and private sector*

### **C. Repressive measures**

29. *Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.*

30. *Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible)<sup>6</sup>, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds<sup>7</sup>.*

31. *Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)*

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

**Other – please specify**

### **III. Media pluralism and media freedom**

33. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)*

#### **A. Media authorities and bodies<sup>8</sup>**

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

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<sup>6</sup> Please include, if available the number of (data since 2022 or latest available data): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

<sup>7</sup> For MS participating in the EPPO, data on cases related to EU funds does not encompass investigations and prosecutions carried out by the EPPO.

<sup>8</sup> Cf. Article 30 of Directive 2018/1808.

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

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

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

37. *Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)*

38. *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 operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions*

- *information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance*

39. *Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter*

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

40. *Rules and practices guaranteeing journalist's 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.*

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

42. *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)*

43. *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*

**Other – please specify**

**IV. Other institutional issues related to checks and balances**

44. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)*

**A. The process for preparing and enacting laws**

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders<sup>9</sup>/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.
46. 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).
47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.
48. Regime for constitutional review of laws

**B. Independent authorities**

49. Independence, resources, capacity and powers 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<sup>10</sup>
50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

**C. Accessibility and judicial review of administrative decisions**

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)
52. 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).
53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)
54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non- implementation

**D. The enabling framework for civil society**

55. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)
56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection 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

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<sup>9</sup> This includes also the consultation of social partners.

<sup>10</sup> Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

*dedicated support services.*

*57. 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)*

*58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)*

**E. Initiatives to foster a rule of law culture**

*59. Measures to foster a rule of law culture (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.)*

**Other – please specify**