

A blue-tinted image of the Lady Justice statue is the central visual element. The statue is blindfolded, symbolizing impartiality, and holds a pair of scales of justice in her left hand and a sword in her right hand. The background is a solid blue color.

# **RULE of LAW REPORT 2023**

**COUNTRY CHAPTER  
ABSTRACTS AND  
RECOMMENDATIONS**

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## ABSTRACT – BELGIUM

The independence of the judiciary is expected to increase further with the transfer of budgetary management powers from the executive to the judiciary planned for 2024. Following criticism by the High Council for Justice, the Government is now reflecting on revisions to the proposal to introduce regular security checks conducted by the National Security Agency on all judges, which would otherwise raise concerns. Concerning budgetary and staff shortages in the justice system despite important investments and initiatives, structural resource deficiencies persist. New binding directives prohibit the recording of meetings between lawyers and clients, safeguarding lawyer-client confidentiality. A number of steps have been taken to significantly increase the level of digitalisation of the justice system by 2026, notably by allowing for the electronic submission of documents. A persistent lack of data on court proceedings still hampers progress on the efficiency of justice, with efforts ongoing to map judicial backlogs.

Elements relating to anti-corruption are included in various relevant strategies and action plans. The Central Office for the Repression of Corruption and prosecution services continue to tackle high-level corruption cases, despite overall limited resources. Specific measures are being taken to address corruption linked to organised crime groups and drugs trafficking, which is seen as a growing phenomenon. The investigation and prosecution of foreign bribery cases remain difficult. On integrity policy, the overall Code of Conduct for federal public office holders is to be extended to all members of ministerial private offices, and a code of conduct for Ministers was put in place, which includes guidance on conflicts of interest, revolving doors and gifts and benefits. However, important gaps remain in the integrity policy for Ministers and their private offices as well as for members of Parliament, in areas such as revolving doors as well as rules on gifts and benefits, with overall awareness of the concept of conflicts of interest being low. Shortcomings also exist regarding asset declarations. There is still no cohesive integrity policy within the police forces, although several integrity initiatives are ongoing. No concrete steps were taken on the reform of lobbying legislation. New whistleblowing legislation was adopted covering the private and public sector to different degrees.

Media freedom and pluralism continue to be ensured by a robust legal framework providing for independent media regulators and public service broadcasters. However, the response time and appeal procedures regarding the public access to documents still have to be improved. The safety of journalists remains an issue, particularly online, and measures are being taken to improve it. In Flanders the initiative PersVeilig was launched, with safety training for journalists, ad-hoc legal and non-legal assistance, and a possibility to report attacks.

The judicial scrutiny of COVID-19 pandemic legislation has continued after the end of the state of epidemic emergency in March 2022. The Federal Human Rights Institute has continued to play an active role during its second year of activity, while the establishment of a separate Flemish Human Rights Institute requires close cooperation between the two governance levels. Non-compliance of the Federal Government with court judgments and orders imposing periodic penalty payments, raises concerns. Some concerns have been raised regarding the civil society landscape.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Belgium has made:

- Some further progress on measures to provide adequate human and financial resources for the justice system as a whole, taking into account European standards on resources for the justice system.
- Significant progress on strengthening the integrity framework as regards the extension of the existing Code of Conduct to cover all members of ministerial private offices; some progress on rules on gifts and benefits for members of Parliament and Government; and some progress on rules on revolving doors for Government and their private offices.
- No progress on completing the legislative reform on lobbying, including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Some progress on strengthening the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Belgium to:

- Further continue efforts made to provide adequate human and financial resources for the justice system as a whole, taking into account European standards on resources for the justice system.
- Strengthen the integrity framework, including by adopting rules on gifts and benefits for members of Parliament and by strengthening rules on revolving doors for Government and their private offices.
- Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Continue efforts to strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents.



## ABSTRACT – BULGARIA

Until 2019, reforms in Bulgaria in the area of justice and anti-corruption were followed by the Commission under the Cooperation and Verification Mechanism (CVM) and are, since then, being monitored under the Rule of Law Mechanism. By a letter of 26 June, the Prime Minister informed the Commission about the measures taken by Bulgaria which fulfilled the last outstanding commitment that was listed in the conclusions of the 2019 CVM report, as well as including further measures to continue upholding the rule of law.

The Parliament adopted a law, as part of the rule of law commitments under the RRP, establishing a mechanism for the effective accountability and criminal liability of the Prosecutor General and his/her deputies, as well as judicial review of prosecutorial decisions not to open an investigation. This law addresses the long-standing concerns from previous Rule of Law Reports and meets the last specific commitment made by Bulgaria under the CVM. Concerns remain related to the composition of the Supreme Judicial Council and the Inspectorate to it. Pending competitions for promotion were concluded but a significant number of judges remain seconded for an extended period. There is some improvement in the availability of electronic communications within the justice system, and some steps were taken to amend the legislation on the introduction of fully digitalised justice. Administrative justice continues to be efficient, but a lack of disaggregated data hampers the evaluation of the overall efficiency of justice. New laws regarding the expansion of legal aid and mandatory judicial mediation were adopted and have been welcomed by most stakeholders.

The National Anti-Corruption Strategy continues to be implemented. Corruption prevention measures aimed at improving the integrity of specific sectors of the public administration, including the police and the judiciary, continue to be deployed. Whistleblowers' legislation was adopted. The reform of the Anti-Corruption Commission will still need to be adopted as part of the commitments under the RRP, and draft legislation is being discussed in the Parliament. The effectiveness of investigations and a robust track-record of prosecution and final convictions in high-level cases of corruption continues to be an issue. Serious gaps remain on integrity measures for top-level functions. Rules on asset and interest declarations for public officials are systematically implemented but the control mechanisms need to be improved. A working group has been set up to examine the issue of lobbying as part of the commitments under the RRP, and a public debate will be organised based on ongoing work by this group.

The Government took measures to set up a working group to reflect on updates to the legislative framework on media freedom and pluralism, including the protection of journalists from SLAPP cases. The lack of a clear framework to ensure transparency in the allocation of state advertising remains a concern despite the creation of a working group which is meant to start working also on this topic. As regards media ownership transparency, reflections are ongoing about a more effective enforcement of media ownership obligations. Journalists have been faced with lawsuits and encounter various threats, such as online harassment which is on the rise. Some positive trends as regards access to public information can be noted.

An improved national Post-monitoring Mechanism was established and is functioning, with an expanded scope to cover the EU Rule of Law Report. The renewal of the mandates of independent and regulatory authorities has been delayed due to the political situation. There are new procedural rules in place, but concerns regarding the law-making process persist. The Council for Civil Society Development has begun functioning and is working on a national funding mechanism for the sector. Concerns were raised as regards a draft law on foreign agents, which was resubmitted to the legislature by one of the political parties in Parliament despite the negative opinion of the Minister of Justice on the first draft law.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Bulgaria has (made):

- Significant progress on ensuring timely ordinary competitions for promotion to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- No progress yet on advancing with the legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members.
- No progress yet on taking steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
- Some progress regarding corruption prevention measures aimed at improving the integrity of specific sectors of the public administration, including the police and the judiciary.
- No progress on improving the effectiveness of investigation and a robust track-record of prosecution and final convictions in high-level cases of corruption including through the institutional reform of the Anti-Corruption Commission and specialised judicial authorities
- Some progress on improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Bulgaria to:

- Take steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- Advance with the preparation of legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members.
- Step up efforts to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
- Ensure an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases including through the institutional reforms of the Anti-Corruption Commission.
- Improve the integrity of top executive functions, taking into account European standards, in particular by ensuring that clear integrity standards for the Government as well as an appropriate sanctioning mechanism are in place.
- Advance with the work aimed at improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.





## ABSTRACT – CZECHIA

Reforms aimed at enhancing the transparency and independence of the justice system continued. A new unified selection procedure for judges is now being applied and a reform of the system of disciplinary proceedings regarding judges is being prepared at ministerial level. The reform of the prosecution service was submitted to the Parliament. Progress on the digitalisation of justice continues to be slow, with the e-file project being delayed. While the salary freeze for judges and public prosecutors was lifted as of 2023, assistant staff in courts and public prosecution is underfunded compared to average salaries in the public sector. The justice system performs well in terms of overall efficiency.

A new Government Anti-Corruption Strategy 2023-2026 was adopted, with an Action Plan expected to be approved by the Government. The Anti-Corruption Council was reactivated and activities of various technical working groups have resumed. Resources of, and cooperation between, institutions in the fight against corruption remain adequate, and the track record of investigations, prosecutions and convictions remains stable. High-level corruption cases remain a point of attention due to delays in some proceedings, while allegations of political interference in a high-level corruption case are a cause of concern. Enforcement in foreign bribery cases remains limited, although an adequate framework is in place. The revised legislation on asset declarations was adopted and implemented and legislation on conflict of interest is progressing through Parliament. Ethics rules for civil servants are being reviewed but there is still no comprehensive ethics framework for both chambers of the Parliament. Post-employment rules remain applicable only in limited cases. Legislation on lobbying was sent to the Government for adoption. Reforms of the political party financing framework are ongoing, while amendments to the Constitution to strengthen the Supreme Audit Office have not been taken forward. The law on whistleblower protection was adopted by the parliament in June 2023.

A series of legislative reforms have amended various laws regulating the media. Amendments to the Act on Radio and Television Broadcasting are expected to strengthen the independence of the Czech media regulator. A bill amending the Czech Television Act and the Czech Radio Act, which together provide the framework for the supervision and independence of Czech public service media, is expected to strengthen the independence of the supervisory bodies of public service media, thereby enhancing the independent governance of public service media. Furthermore, amendments have been made to the Act on Free Access to Information which regulates access to information held by public authorities.

The number of acts adopted in accelerated legislative procedures remains high. An amendment to entrust the Ombudsperson with the function of a National Human Rights Institution is in preparation. Work continues to enhance the participation of civil society in policy-making processes but stakeholders report instances of worsening transparency. Organisations and rights defenders in the fields of gender equality and non-discrimination continue facing a difficult environment, while a review of the financing framework for CSOs is ongoing.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Czechia has (made):

- Some progress on taking forward the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- No progress yet on taking measures to reduce the length of proceedings to ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases.
- No progress on strengthening the integrity framework for members of Parliament, in particular by ensuring that Codes of Ethics are in place for both Houses of Parliament.
- Fully implemented the recommendation on the revision of legislation on asset declarations and some progress on the revision of legislation on conflict of interests, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some progress on taking steps to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Czechia to:

- Continue to advance the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- Take measures to reduce the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases.
- Strengthen the integrity framework for members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying.
- Complete the revision of legislation on conflicts of interest, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Advance with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Continue to advance the legislative changes to establish a National Human Rights Institution taking into account the UN Paris Principles.



## ABSTRACT – DENMARK

The level of perceived judicial independence in Denmark continues to be very high. On digitalisation, digital solutions to initiate and follow administrative and criminal proceedings remain very limited, but the Danish courts are rolling out a multi-year project for an IT system to process criminal and probate cases with the first two phases for the probate portal and the handling of uncontested fines having been released. Analyses are ongoing related to ensuring adequate human and financial resources for the justice system in the next multiannual framework. Nevertheless, the resource situation is a concern and increasingly affects the length of proceedings, notably in civil and criminal cases, where the average case handling times for district courts have continued to grow compared to 2022.

The perception among experts and business executives is that Denmark is one of the least corrupt countries in the world. The strategic and institutional framework in the fight against corruption in Denmark continues to be based on general rules on ethics and integrity, social norms and public scrutiny with a high degree of trust in the well-functioning of the public administration. The new law on public financing of political parties was adopted and discussions on a new law on private financing of political parties have started. Nevertheless, there were no steps taken on revolving doors for ministers, lobbying or asset declarations submitted by persons entrusted with top executive functions. The whistleblower protection system is in force and the guidelines addressed to whistleblowers, public authorities and companies are supporting the implementation of the legal framework. The new national investigative unit responsible for serious crimes, including complex corruption-related cases, works well, although general reporting on the handling of corruption-related offences is still lacking.

Ethical rules for the press are currently being reviewed by a working group in Denmark and the committee of media liability appointed by the Government is examining the need to support the Danish Press Council system through the possible creation of a new media ombudsperson. While no steps have been taken to revise the Access to Public Administrative Documents Act, which restricts the right to access information in some cases, the new Government has announced its intention to establish an expert committee to prepare a possible amendment to this Act. The mandate for this committee and the precise date of its establishment have yet to be announced. Budgetary cuts in local and regional papers pose some challenges to journalists who have called for greater support from the Government.

The working procedures of the Parliament continue to be underpinned by a strong consensual culture. The current Government has committed to follow-up on a political agreement to strengthen Parliament's scrutiny of the Government and focus on trust in the political system. The Parliamentary Ombudsman and the Danish Institute for Human Rights have continued to carry out their mission independently and effectively. The civic space in Denmark remains open, with a robust framework for the involvement of civil society organisations, even if the Danish Institute for Human Rights has expressed concern about the impact of advanced surveillance technologies on civic space.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Denmark has made:

- Some progress on ensuring adequate human and financial resources for the justice system in the next multiannual framework.
- Some progress on adopting a new legislation on political party financing that will address the issue of multiple and anonymous donations and introduce sanctions for breaching the rules on the political parties' framework.
- No progress on introducing rules on 'revolving doors' for ministers and on lobbying and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.
- No further progress on the process to reform the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Denmark to:

- Ensure adequate human and financial resources for the justice system in the next multiannual framework, building on the increases in 2023, taking into account European standards on resources for the justice system.
- Introduce rules on 'revolving doors' for ministers and on lobbying and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.
- Ensure the collection of data on investigations and prosecutions of corruption-related offences at national and local level.
- Advance with the process to reform the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.



## ABSTRACT – GERMANY

The German justice system continues to perform efficiently and benefits from a very high level of perceived judicial independence among the general public. The Pact for the Rule of Law was not prolonged and no further steps were taken on the federal level to continue to ensure adequate resources for the judiciary and in relation to the level of salary of judges. This remains a challenge, also with a substantial number of retirements of judges in the next few years. Targeted amendments to regulations of judges' status related to constitutional values are being discussed. There have been no steps taken so far to follow-up on the announcement to reform the right of Ministers of Justice to issue individual instructions to prosecutors. A new digital initiative provides federal funding for digitalisation projects. A revised proposal to introduce digital documentation of main proceedings in criminal cases through audio recordings has been submitted to Parliament, following mixed reactions to the first draft.

The update of Germany's strategic anti-corruption framework for the federal administration remains pending. A number of reforms set out in the Government's coalition agreement are still outstanding, including the revision of political party financing rules. A lobby register is in place, while work to establish a legislative footprint is ongoing. Shortcomings remain in the regulation of asset disclosures for parliamentarians and Government officials and with regard to fragmented and inconsistent post-employment rules and cooling-off periods but some initiative is taken to prepare new preventative guidelines. New whistleblower protection legislation has been adopted in May 2023. A revision of administrative offences was announced to strengthen the liability of and sanctions for companies for criminal offences to fight foreign bribery more effectively. A recent ruling highlighted the scope of the offence of trading in influence by members of Parliament. Overall, the financial damage caused by corruption decreased, while the number of investigations into corruption rose significantly compared to the previous year reported. High-level corruption is addressed, without any identifiable systemic weaknesses.

Media pluralism and freedom in Germany are ensured by strong legal and institutional safeguards, with a high degree of independence of the state media authorities and public service broadcasters. Amendments to the State Media Treaty concerning the remit of the public service broadcasters have been agreed. Following a scandal concerning one of the regional public service broadcasters, further changes to the State Media Treaty to improve compliance and control mechanisms are currently being prepared. The Federal Government maintains its plan to establish in law the right to information of the press as regards federal authorities and has started internal preparations. Authorities and journalist representatives continue to take steps to address concerns related to physical aggressions against journalists, notably when covering protests.

Civil society space continues to be considered 'open' and a draft 'democracy promotion' law aims to provide long-term federal funding to civil society projects on democracy, pluralism and political education. Some improvements regarding stakeholder involvement can be noted, while the commitment to introduce a digital law-making proposal remains pending. The National Institute of Human Rights is preparing a follow-up to the recommendations by the Global Alliance of National Human Rights Institutions ahead of its re-accreditation in October 2023. The Government intends to come with a proposal for legislation to clarify the tax-exempt status of non-profit organisations, but no concrete steps have been taken.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Germany has made:

- No further progress on continuing efforts to provide adequate resources for the justice system as part of the new Pact for the rule of law, including on the level of salaries for judges, taking into account European standards on resources and remuneration for the justice system.
- Some progress on proceeding with plans to introduce a 'legislative footprint' to allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative texts.
- Some progress on strengthening the existing rules on revolving doors by increasing consistency of the different applicable rules, the transparency of authorisations for future employment of high-ranking public officials, and the length of cooling-off periods for federal ministers and federal parliamentary state secretaries
- Some progress on taking forward the plan to create a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to documents
- No progress yet on taking forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice, taking into account European standards on funding for civil society organisations

On this basis, and considering other developments that took place in the period of reference, it is recommended to Germany to:

- Step up efforts to ensure adequate resources for the justice system, including on the level of remuneration for judges, taking into account European standards on resources and remuneration for the justice system.
- Continue efforts to introduce a 'legislative footprint' to allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative texts.
- Strengthen the existing rules on revolving doors by increasing consistency of the different applicable rules, the transparency of authorisations for future employment of high-ranking public officials, and the length of cooling-off periods for federal ministers and federal parliamentary state secretaries.
- Advance with the plan to create a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to official documents.
- Take forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice, taking into account European standards on funding for civil society organisations.



## ABSTRACT – ESTONIA

The well-advanced digitalisation of the justice system in Estonia continued to be developed. A portal was created linking the public e-File and the business register to enhance cross-system document access. Amendments to the Courts Act will create specialised departments within each court. This would lead to the creation of new middle management positions for judges. The legal framework for transfers of judges contains adequate safeguards, while some concerns have been voiced that the new, permanent system of specialised departments could result in a de facto transfer without consent. The number of judges has been increased and additional rules are expected to allow for a better distribution of the workload. New legal aid rules have been adopted. The high level of digitalisation allows the justice system to continue working efficiently.

As regards the guidelines on the conflict of interests, new procedures were introduced, including the anti-corruption contact points and assistance to the ministers and their advisors in getting acquainted with the rules in place. Concerning guidelines on lobbying, the current rules continue to be promoted and are actively monitored by the authorities. The 2021-2025 Anti-Corruption Action Plan is being implemented efficiently. In addition, amendments to the Anti-Corruption Act are under preparation. The authorities efficiently deal with investigation and prosecution of corruption-related cases. While new rules were introduced in relation to revolving doors for members of Government, draft laws on Political Parties' Financing and whistleblowing have not yet been adopted.

As a result of new legislation, the national media regulator in Estonia has been granted additional staff and better technical tools to ensure the implementation of new EU rules. The resources of the public service media, which according to polls attracts a high level of trust among citizens, have been increased. Some progress has been made to improve the practical application of the right of access to information, which is protected by the Constitution. Nonetheless, the Parliament has procured a study to provide input for possible solutions to address diverging disclosure practices. In two recent judgments, the Supreme Court has upheld the confidentiality of journalistic sources and clarified freedom of the press regarding disclosure of information about pre-trial proceedings.

The new digital platform for further improving the process of enactment laws is being launched, with additional features for including stakeholders to be developed by the end of 2023. The Chancellor of Justice continued playing an active role in upholding the rule of law through proposals for constitutionality checks of legislation and memoranda addressed to state and local authorities for initiating legislation. The civic space remains open, but concerns have been raised as regards the modalities of funding of Civil Society Organisations through Parliament.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Estonia has (made):

- Significant progress on ensuring that the guidelines on the conflict of interests are subject to an effective verification, monitoring and enforcement mechanism.
- Fully implemented the recommendation to continue the efforts in effective implementation of the guidelines on lobbying.
- Some progress on ensuring consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents.
- Significant progress on continuing to advance with the digital platform to make the legislative process even more visible and inclusive for public consultation.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Estonia to:

- Ensure that the guidelines on the conflict of interests are subject to an enforcement mechanism.
- Advance with the efforts to ensure consistent and effective implementation of the right of access to information taking into account European standards on access to official documents.





## ABSTRACT – IRELAND

Reforms aimed at enhancing the independence and quality of the Irish justice system continue. Parliament held discussions on the Judicial Appointment Commission Bill. However, the envisaged composition of the Judicial Appointment Commission continues to raise concerns. The legislative provisions enabling the making of complaints relating to alleged judicial misconduct were commenced. While an analysis of approaches to reducing litigation costs is pending publication, no further steps have been taken. Several reports were adopted relating to aspects of the quality of justice such as the review of the Civil Legal Aid Scheme and obstacles to legal careers. The Government announced a significant increase in the number of judges. Strategies aimed at enhancing the digitalisation of justice also began to be operationalised. The efficiency of justice remains a challenge, and a system to regularly evaluate court performance based on defined indicators is lacking.

Ireland continues to have a comprehensive framework for both the prevention and repression of corruption, and a low level of perceived corruption. Several planned improvements have been postponed a number of times. After some delays, the permanent Advisory Council on Economic Crime and Corruption started preparing a new multi-annual anti-corruption strategy. A draft law on police reform allocates more independence to the external organisation, which investigates integrity in the police. A comprehensive overview of the ethics framework was conducted, while drafting, discussion and adoption of relevant legislation remain outstanding. A draft law to strengthen the framework on lobbying is being discussed in Parliament. Some steps were taken to strengthen the asset disclosure rules and the monitoring, and enforcement capacity of the Standards in Public Office Commission remains the same, despite handling an increased number of complaints and requests for advice. A new law on whistleblower protection entered into force.

Ireland continues to offer a high degree of media freedom and pluralism. The Government concluded a major overhaul of the Irish media law and enacted the Online Safety and Media Regulation Act, which updates the rules for audiovisual media services and establishes a new regulatory framework for online safety. The law also partially transposes the revised Audiovisual Media Services Directive and establishes a new media regulator. Challenges remain in relation to the transparency of the allocation of state advertising as specific rules regulating the matter are still missing. The Government committed to examining options for reform the TV licence fee system with a view to provide public service media with adequate funding. The reform of the defamation law remains under preparation. The national police, together with media stakeholders, established a Media Engagement Group to discuss threats and violence against journalists and ensure a coordinated response.

Regarding institutional issues related to checks and balances, the legislative process continued to be marked by the use of motions to shorten the time allocated to debate legislation, which raises concerns. The recently established Electoral Commission will shortly initiate a review of the Electoral Act, which will aim to address, among other matters, existing concerns by civil society on legal obstacles related to access to funding. Initiatives were taken aimed at encouraging the participation of the public and civil society in policy making, such as Citizen's Assemblies and the first National Civic Forum.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Ireland has made:

- No progress on ensuring that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments, as no significant changes have been introduced to the envisaged composition of the Judicial Appointments Commission.
- No progress on actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.
- Some progress on strengthening the existing ethics framework, including on codes of conduct, revolving doors and on asset declarations in particular as regards the monitoring and enforcement capacity of the Standards in Public Office Commission, significant progress on lobbying.
- Some progress on continuing the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Some progress on taking measures to address legal obstacles related to access to funding for civil society organisations.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Ireland to:

- Ensure that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments.
- Continue actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.
- Strengthen and digitalise the existing ethics framework, on asset declarations and lobbying, including the monitoring and enforcement capacity of the Standards in Public Office Commission.
- Advance with the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Take measures to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act.



## ABSTRACT – GREECE

Clear standards of professional conduct and integrity in the judiciary were set with the adoption of Codes of Conduct for all jurisdictions. There have been no steps taken with regard to the involvement of the judiciary in the appointments of the highest positions of the Greek judiciary, in line with European standards. Efforts to improve the quality of the justice system, in particular as regards digitalisation, continue. The revision of the judicial map for administrative justice aims at balancing the uneven distribution of cases and reducing delays. The establishment of the Judicial Police and the recruitment of judicial clerks is expected to improve the administration of justice. The system of legal aid is comprehensive, though its effectiveness could be jeopardised by delays in settling overdue lawyer's fees. Serious challenges remain regarding the efficiency of justice, in particular the length of proceedings, which have further increased. Efforts to address the backlog before the highest administrative courts are made, including by adopting an accelerated procedure to deal with specific types of cases before the Court of Audit, which is already applied in practice.

The implementation of the National Anti-Corruption Action Plan for 2022-2025 is under way. The activities of the National Transparency Authority are progressing well and its cooperation with private and public entities continues. A new law aiming at increasing the verifications of asset declarations entered into force. Progress towards achieving a robust track record of prosecutions and final judgments in corruption cases has been relatively limited. Measures on the integrity of civil servants continue to be taken forward and efforts to improve integrity and conflicts of interest within the police force are ongoing. Rules to regulate lobbying are in force, while progress to implement an effective transparency register has been slow. The rules on political party financing were codified and subsequently amended with a reduction of political fines. A new law on the protection of whistleblowers who report breaches of EU law was adopted. Guidance was issued to ensure that direct awards of public contracts are only used in exceptional cases.

The Government has taken further steps to enhance transparency of media ownership through new legislation. Safeguards are in place to ensure the independence of public service media, but the fact that board members of the Radio and Television Corporation are appointed by the Minister responsible for media continues to raise concerns with regard to their effective independence and potential political influence. A new procedure to hire new staff members of the audiovisual media regulator has been launched, but challenges persist with regard to the adequacy of the regulator's resources. The creation of a Task Force for the protection and empowerment of journalists is an important step. Nevertheless, concerns persist and more concrete steps are needed to improve the working environment of journalists, including as regards abusive lawsuits against journalists and their safety.

Despite efforts improving the quality of the legislative process in practice, challenges remain. While draft bills are consistently subject to public consultation and follow-up reports address the comments submitted, concerns regarding the lack of effective and timely consultation of stakeholders persists. Civil society organisations (CSOs) have criticised the practice of adopting omnibus legislation and last-minute amendments. Independent authorities are playing an active role in the system of checks and balances. An initial step has been taken towards amending the regulatory framework governing the registration requirements for civil society organisations. The situation of civil society raises concerns, in particular in relation CSOs working in specific areas.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Greece has made:

- No progress on addressing the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Significant progress on ensuring the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials.
- Some progress on increasing efforts to establish a robust track record of prosecutions and final judgments in corruption cases.
- Some progress in establishing safeguards to improve the working conditions and physical safety of journalists, in line with the Memorandum of Understanding, but legislative safeguards are still to be established, taking into account European standards on the protection of journalists.
- Some progress on ensuring that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Greece to:

- Take steps to address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Step up efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption.
- Take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, building on the activities initiated by the Task Force, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by allowing sufficient time for public consultation.
- Take further steps to evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it.



## ABSTRACT – SPAIN

The Spanish justice system is still undergoing some important developments. The situation of the Council for the Judiciary raises serious concerns as, firstly, the Council has not been renewed in spite of the urgency and, secondly, no steps have been taken to adapt the appointment procedure for its judges-members. The lack of renewal is having an impact on the work of the Supreme Court and the justice system as a whole, raising concerns in relation to the number of cases adjudicated by the Supreme Court and its length of proceedings. No measures have been taken to further strengthen the statute of the Prosecutor General. An Ethics Commission for prosecutors was established. The Council for the Judiciary appointed two members of the Constitutional Court after some delay. The incompatibilities regime for judges with other professions such as political appointments continues to raise concerns. Measures were taken to further enhance the quality of justice, including legal aid, digitalisation and a draft law on the right of defence. The number of judges increased, and measures are being taken to address challenges regarding the resources of the justice system. The efficiency of justice generally improved and laws are under preparation aiming to further enhance it.

A reform on criminal procedure to address the length of investigations and prosecutions, and a draft law on lobbying are pending. The reform of corruption-related offences introduced the offence of illicit enrichment and revised the offence of misappropriation, including by lowering penalties in some instances, which was criticised by stakeholders. The Government received a mandate to adopt an anti-corruption strategy, which will have to be finalised by summer 2024. The efficiency of the Council of Transparency and Good Governance has improved. Rules on conflicts of interest of top executive officials are not sufficiently implemented. The Integrity System of the General Administration to improve the integrity of the public sector has been approved and the systems of incompatibilities of the National Police and Civil Guard are still under revision. Despite a formal request by the Court of Auditors, the Law governing financing of political parties remains unchanged. Parliament approved legislation aimed at transposing the Whistleblower Directive.

The National Commission for Markets and Competition, appointed as media regulator, has been allocated additional resources. Further to the adoption of the audiovisual law in 2022, the national registry of providers of audiovisual services has still to include providers of video sharing platforms and providers of services of special relevance. The Government has worked on a draft law on access to classified information that has not been submitted to the Parliament yet. There have been no new developments regarding the legal framework for institutional advertising and demands for increased transparency in the distribution of institutional advertising remain. Journalists continue to face challenges in the performance of their professional activities.

Concerns have been raised regarding certain procedural practices in Parliament. The Government continued to implement initiatives to increase public participation in policy making, and Parliament passed a Public Policy Evaluation Act. The Parliament adopted a new law establishing an Equality Body. The appointment of members of certain independent authorities continues to suffer delays. The Constitutional Court published an action plan to accelerate proceedings. Negotiations in the Parliament on a reform on the Citizen Security Law, aiming to address the concerns from civil society, did not succeed.

## Recommendations

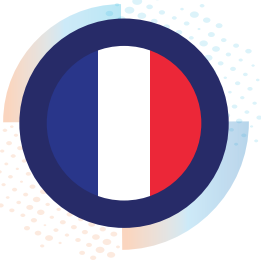


Overall, concerning the recommendations in the 2022 Rule of Law Report, Spain has (made):

- No further progress on strengthening the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- No progress on proceeding with the renewal of the Council for the Judiciary as a matter of priority and initiating, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards.
- Significant progress on continuing efforts to table legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- No progress on addressing the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases.
- Fully implemented the recommendation on ensuring adequate resources for the national audio-visual media regulatory authority to strengthen its operations, taking into account the European standards on the independence of media regulators in particular as regards resource adequacy.
- Some progress on pursuing work to strengthen access to information, in particular via revision of the Law on Official Secrets.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Spain to:

- Strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- Proceed with the renewal of the Council for the Judiciary as a matter of priority and initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards on Councils for the Judiciary.
- Proceed to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Step up efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure.
- Strengthen the rules on conflicts of interest and asset declarations of persons with top executive functions by reinforcing the sanctioning power of the Office for Conflicts of Interest.
- Advance with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official documents.



## ABSTRACT – FRANCE

The Government initiated a number of measures to improve the quality and efficiency of the justice system, in particular as a follow-up to the findings of the Committee of the Estates General of Justice. Significant steps were taken to ensure adequate human resources for the justice system, and the ongoing projects aimed at full digitalisation of civil and criminal court proceedings further advanced. The status of prosecutors, as regards both their disciplinary regime and appointment rules, is still subject to ongoing constitutional reforms, which have not advanced due to the current absence of a political majority. A reform of the civil procedure envisages to develop further amicable settlement of disputes, including through split proceedings. The overall length of court proceedings decreased and increasing resources can be expected to further improve judicial efficiency.

The 2020-2022 national anti-corruption plan was implemented successfully, with the next anti-corruption plan (2023-2025) in preparation. Results have been achieved in the prosecution and sanctioning of high-level corruption offences, while the investigations are impacted by structural and resource challenges. The Anti-Corruption Agency continues to deliver supporting tools, although its operational effectiveness is weakened by the instability of resources available. Measures on the integrity of public officials continue to be monitored and largely implemented, and this is also the case for members of the Parliament and the Senate, though suggestions for improvement have not been addressed. Regular audits on political party finances continue, while the existing concerns on the type of lobbying activities and lobbyists remain unaddressed. There is room for further progress regarding integrity-related security checks in the police and the disciplinary authority over judges. While new rules for the protection of whistleblowers are in place, the lack of resources risks adversely affecting their implementation.

The legal framework concerning media pluralism and media freedom, safeguards freedom of expression as well as pluralism and independence of the media. The media regulator “Autorité de régulation de la communication audiovisuelle et numérique” (ARCOM) continues to operate as an independent body in the entire field of audiovisual and digital content with adequate resources. No further action has been taken to enhance the transparency of media ownership, in particular regarding complex shareholding structures, building on the existing legal safeguards. Established safeguards continue to guarantee the independence of public service media, while a recently adopted law has removed the public broadcasting fee. Journalists continue to be exposed to threats and attacks, in spite of the measures that were designed to reinforce their security in the context of protests and demonstrations.

The Government made a wide use of mechanisms, which are allowed under the Constitution, for fast-track legislative procedures which shorten or curtail parliamentary debate on legislative proposals. Emergency regimes were repealed and a permanent committee for managing health risks was created. The transparency and adversarial aspect of the procedure for ex ante constitutional review were enhanced. Judicial decisions recalled the administration’s obligation to ensure the transparency and justify the necessity of orders prohibiting demonstrations. While the financial environment of civil society organisations remains favourable, stakeholders raised concerns on the implementation of legislation which conditions access to public funding to respect for the fundamental values of the French Republic.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, France has made:

- Some progress on continuing efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Significant progress on continuing efforts to ensure adequate human resources for the justice system, including to improve its efficiency, taking into account European standards on resources for the justice system.
- Significant progress on continuing the effective investigation, prosecution and sanctioning of high-level corruption offences.
- No progress on ensuring that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- No further progress on enhancing the transparency of media ownership, in particular regarding complex shareholding structures, building on the existing legal safeguards.

On this basis, and considering other developments that took place in the period of reference, it is recommended to France to:

- Further continue efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Further continue efforts made to ensure adequate human resources for the justice system, particularly by completing the development of the workload measuring tools to better evaluate the needs.
- Ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- Step up efforts to improve the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards.





## ABSTRACT – CROATIA

In 2022, positive steps were taken regarding the Croatian justice system as periodic security checks on judges were removed by way of a Constitutional Court decision and amendments are being drafted to remove them in relation to state attorneys. The electronic registers for verifying asset declarations from judges and state attorneys are now in use by the State Judicial Council and State Attorney's Council. Instances of integrity challenges among judges and state attorneys are being addressed in disciplinary proceedings, and criminal proceedings in cases of alleged corruption by judges are ongoing. The level of remuneration of judges, state attorneys and judicial staff is being addressed, although concerns remain. Public communication about the work of the judiciary could be improved, as also recommended by the People's Ombudsperson. The level of perceived judicial independence remains very low. The justice system further extended electronic communication tools and decreased backlogs, but significant efficiency and quality issues remain.

Croatia committed to taking legislative action on bribery of foreign public officials. The effective investigation of high-level corruption continued, and the overall number of indictments and judgments increased. The excessive length of investigation, prosecution and adjudication of corruption offences continued to undermine the effectiveness of the anti-corruption system. The resources of the Commission for the Resolution of Conflicts of Interest have been increased to match its tasks, although difficulties with the verification of assets remain. Codes of Conduct were adopted for members of Parliament and almost all local and regional administrations have introduced them too. Draft legislation on lobbying was submitted for public consultation.

The legal framework provides safeguards for media pluralism and freedom as well as the freedom of expression and the right to information. The legislation on the general access to information and public documents has been revised, while in some cases delays remain an issue in practice. Concerns about the political independence of the Council for Electronic Media and the public service broadcaster HRT from the parliamentary majority persist. Media ownership information is publicly available. No further steps have been taken to further strengthen the framework for the public tender procedure for state advertising in local and regional media. Only some steps have been made on the issue of strategic lawsuits against public participation (SLAPP) targeting journalists, which remain a significant concern impacting the professional environment for journalists.

The number of public consultations increased significantly. The preparation of the new National Plan for Creating an Enabling Environment for the Civil Society Development 2021-2027 has not progressed. The follow-up to the People's Ombudsperson's recommendations has slightly improved while challenges remain on guaranteeing access to information.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Croatia has made:

- Significant progress on the recommendation to reconsider the newly introduced periodic security checks conducted by the National Security Agency on all judges and state attorneys by ensuring their integrity based on other existing mechanisms, taking into account European standards on judicial independence and autonomy of prosecutors and the opinion of the Venice Commission.
- Some progress on introducing comprehensive legislation in the area of lobbying, including on persons with top executive positions, and to set up a public register of lobbyists.
- No further progress on further strengthening the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the new public tender procedure for local and regional media.
- Some progress on addressing the issue of strategic lawsuits against public participation targeted at journalists, including by addressing the abuse of legal provisions on defamation and encouraging awareness, taking into account European standards on the protection of journalists.
- Some progress on ensuring a more systematic follow-up to recommendations and information requests of the Ombudsperson.

In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Croatia to:

- Continue structural efforts to address the remuneration of judges, state attorneys and judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Adopt comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists.
- Revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, as set out in the Anti-Corruption Strategy, so as to increase the efficiency of investigations and prosecution of corruption offences.
- Advance with strengthening the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the public tender procedure for local and regional media.
- Make further efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.
- Further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudsperson.



## ABSTRACT – ITALY

The comprehensive civil and criminal justice reforms, aiming at improving their efficiency of procedures, were complemented with the adoption of the implementing legislation. The full effect of the reform of the High Council for the Judiciary is being evaluated. The directly applicable provisions of this reform have been put to full use while concerns remain on the parts depending on implementing legislation, which is still to be adopted. The newly established tax courts started functioning, with some challenges regarding their full independence from the executive. Concerns have been raised by some stakeholders on the draft laws regarding the separation of careers of judges and prosecutors and reforming the Prosecution Service. The digitalisation of the justice system has significantly improved while the amended procedural rules allowing the digitalisation in criminal justice remain to be fully implemented. The length of proceedings, while improving, still remains a serious challenge.

The Anti-Corruption Authority approved a new National Anti-Corruption Plan (2023-2025). A draft law was tabled aimed at abrogating the offence of abuse of public office and limiting the scope of the offence of trading in influence. The impact of the criminal justice reform on corruption cases closed after the lapse of two years at appeal level is being monitored. Steps were taken to enhance digitalisation and interconnection of registries as investments in IT tools have increased and financial information is available to law enforcement authorities. Comprehensive legislation on conflicts of interest has not been adopted yet. A parliamentary inquiry on the need to adopt comprehensive rules on lobbying is underway. Hearings in the Senate to address the practice of channelling donations through political foundations and associations have started. The new law on whistleblower protection entered into force covering breaches of both EU and national law. A new public procurement code aimed at simplification and efficiency of procedures has been adopted and will enter into force in July 2023.

The legal framework regulating the media sector is robust and effective while the media regulator is independent and well-resourced. Actions have been taken to alleviate the economic distress in the sector although some improvements are needed to better support small players operating at local or regional level. Access to information is ensured although stakeholders stressed the need to improve its implementation. A legal framework for the protection of journalists is in place, while journalists continue to face different forms of intimidation, such as attacks, threats and harassment, including online. In particular, the increase in the number of strategic lawsuits against public participation targeting journalists is viewed with concern by several stakeholders. A reform of the regime on defamation, the protection of professional secrecy and journalistic sources has been initiated.

Two new draft legislation were tabled, one of which assigns the role of a National Human Rights Institution to the Data Protection Authority, while the other proposes to create a separate entity through a constitutional change. Public consultations in the legislative process allow online participation with concerns having been raised by stakeholders regarding their effectiveness and systematic use. Several new decrees that could further narrow the civic space have been introduced. Amendments to the rules of tax and financial concessions for CSOs have been adopted, which introduced several measures simplifying the tax regime applied to CSOs.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Italy has made:

- Significant progress on continuing the efforts to further improve the level of digitalisation of the justice system, particularly for criminal courts and prosecutors' offices.
- Significant progress on enhancing digitalisation and interconnection of registries thereby improving the police and prosecution operations against high-level corruption.
- Some progress on adopting comprehensive conflict of interest rules and some progress on adopting lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- Some progress on effectively addressing the practice of channelling donations through political foundations and associations and introducing single electronic register for party and campaign finance information.
- Some progress on introducing legislative and other safeguards to reform the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- Some progress on establishing a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Italy to:

- Continue efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices.
- Adopt comprehensive conflicts of interest rules and lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- Effectively and swiftly address the practice of channelling donations through political foundations and associations and introduce a single electronic register for party and campaign finance information.
- Continue the legislative process to reform and introduce safeguards for the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- Continue efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.



## ABSTRACT – CYPRUS

The Cypriot justice system has undergone significant reforms, including new courts and levels of jurisdiction. The new system of appointments of judges to the Supreme Constitutional Court and the Supreme Court includes a positive step involving the judiciary, in line with European standards. The composition of the Supreme Council of the Judicature was extended to include non-judicial members, thus enhancing its democratic legitimacy, while it does not yet allow for a broader participation of judges chosen by their peers, in line with European standards. The draft law on reform of the Law Office of the Republic tabled in Parliament does not provide a clearer distinction between its advisory and prosecutorial role. The absence of review of decisions of the Attorney General not to prosecute or to discontinue criminal proceedings raise concerns. The justice system continues to face serious challenges as regards its efficiency. A number of ongoing reforms aim to improve the quality and efficiency of the justice system, including the level of digitalisation, but their implementation is slow. The appointment of new judges and the adoption of new procedural rules are positive developments, while the shortage of support staff remains a challenge. Plans to renovate outdated buildings aim to improve current working conditions.

The Independent Anti-Corruption Authority has started its operations, albeit with limited staff. The implementation of the national anti-corruption strategy is on track. Concerns exist on the limited access to information impacting the effectiveness of audits on the finance of public institutions. Shortcomings exist in terms of the effectiveness of investigations and prosecutions, and results on high-level corruption cases are still missing. The legislative framework on lobbying continues to improve, while the asset declaration system remains incomplete as the relevant legislative act is still pending in Parliament. The implementation of provisions on conflicts of interest for members of Parliament continues, and no further steps were taken concerning similar provisions for the public service. Awareness-raising actions were launched on the protection of whistleblowers. The implementation of ethics provisions for the police and the judiciary continued over the past year, with an overall decrease of open cases. The application of the investor citizenship scheme has stopped in practice.

The regulatory framework relating to transparency of media ownership in the audio-visual media sector was strengthened for broadcast media. There have been no developments regarding the regulation of state advertising. Discussions are underway between the Government and the Cyprus Broadcasting Corporation with a view to modernising the law regulating public service media. Some challenges have been encountered in the implementation of the law on public access to information. A bill on press freedom would, if adopted, introduce provisions relating to electronic media, enshrine a code of practice in law and contain provisions aimed at safeguarding the safety of journalists and other media workers.

The creation of the e-consultation platform aims to increase accessibility and transparency in the law-making process, while further action is required to address persistent shortcomings regarding the effective and timely consultation of stakeholders. Plans aiming at digitalising the law-making process are expected to improve the quality of and access to legislation. The reinforcement of the Ombudsperson regulatory framework resulted in its upgrading to an A-status National Human Rights Institution. Administrative and financial burdens raise concerns regarding the environment for civil society.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Cyprus has made:

- Significant progress on ensuring that the reform on the appointment of the Supreme Constitutional Court and Supreme Court judges takes into account European standards on judicial appointments and the opinion of the Venice Commission.
- Some progress on ensuring that the reform on the composition of the Supreme Council of the Judiciary takes into account European standards regarding Councils for the Judiciary and the opinion of the Venice Commission.
- Some progress on continuing to improve the effective investigation and adjudication of high-level corruption cases, including by strengthening the Office of the Attorney General and its budgetary independence.
- No progress on introducing rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some progress on establishing a framework for the effective and timely consultation of stakeholders in the legislative process.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Cyprus to:

- Strengthen the independence and the accountability of the Prosecution Service, including by providing for a possibility of review of the decision of the Attorney General not to prosecute or to discontinue proceedings, taking into account European standards on independence and autonomy of the prosecution.
- Introduce rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications
- Ensure that the recently established Independent Authority for Anti-Corruption has the financial, human and technical resources to effectively perform its competences.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Advance with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Proceed with the adoption of the framework for the effective and timely consultation of stakeholders in the legislative process and ensure its implementation.



## ABSTRACT – LATVIA

The Judicial Council further improved procedures for selecting and evaluating judges and is working towards increasing its role in the governance of the justice system. The digitalisation of the justice system is being further strengthened through improvements to the e-Case Management system and a project for an online dispute resolution system. No process has been initiated to ensure adequate safeguards against undue political influence in the appointment of Supreme Court judges. The criminal chamber of the Supreme Court may now sit in extended composition and its judges may issue dissenting opinions. A revised Code of Ethics for prosecutors clarifies their fundamental duties and sanctions applicable for breaches. Preparatory work is ongoing to create a new centralised Academy of Justice. The Judicial Council merged Riga city courts, to even out the workload of judges and improve judicial efficiency. Overall, the justice system is continuing to perform efficiently, and several initiatives aim at improving case management and the efficient use of court resources. The Ministry of Justice assessed positively the efficiency of the Economic Court, taking also into account the views of relevant stakeholders, and is proposing to expand its competences.

The new Action Plan 2023-2025 to prevent corruption was adopted. Several legislative amendments aim to improve the fight against corruption. The Corruption Prevention and Combating Bureau (KNAB) continues to efficiently deal with anti-corruption issues. While the investigation and prosecution of corruption-related cases are carried out efficiently, the State Audit Office has raised concerns regarding the division of competences among various anti-corruption authorities. The electronic system for asset declarations continues to work well. New initiatives on integrity matters, such as the code of ethics for the Government, have been announced. A new law on lobbying was adopted and is expected to be fully implemented by 2025 by setting up the lobby register. The new legislation on whistleblowing is operational, while the Ombudsperson underlines the need for clarity and ensuring effectiveness in the practice of the current whistleblowing framework.

The general legislative framework regarding media pluralism and media freedom remains solid in Latvia and guarantees media freedom and the right to information. The professional environment for journalists remains largely safe in Latvia, although online threats against journalist persist. Media regulatory authorities continue to operate independently. Well-established safeguards continue to ensure the independence of public service media. The Public Electronic Mass Media Council (PEMMC) continues to operate as independent supervisory body for the oversight of public service media.

Measures were taken to increase the participation of civil society in decision-making at local level, through a new law on local government, which introduces several mechanisms to foster the active involvement of civil society at municipal level. The state of emergency at the Latvian-Belarusian border was maintained, restricting access for media and civil society organisations. The legislator has not taken measures to fully implement a judgment of the Constitutional Court on legal, economic, and social protection for all families, as also required by the Supreme Court. Although state funding for civil society organisations increased, they perceive access to adequate funding through different sources as their main challenge.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Latvia has (made):

- No progress on initiating a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Fully implemented the recommendation on continuing efforts towards the swift adoption and made some progress on the effective implementation of the Action Plan 2021-2024 to prevent corruption.
- Some progress on continuing efforts towards adopting the draft legislation on lobbying, and following that, ensuring the setting-up of a special lobby register.
- Fully implemented the recommendation on taking measures to increase the participation of civil society in decision-making at local level.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Latvia to:

- Take measures to ensure adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Ensure the effective implementation of the legislation on lobbying, including the setting-up of a special lobby register.





## ABSTRACT – LITHUANIA

The justice system continues to perform efficiently, and the use of digital tools is widespread. The appointments to the Supreme Court have been finalised, leading to the appointment of a new President. New legislation was adopted, improving the transparency of judicial appointments. Stakeholders continue to raise the need for additional safeguards in this regard. The Constitutional Court clarified the principles regarding the dismissal of the judges of higher courts, reaffirming the role of the Judicial Council. There are serious concerns regarding the level of remuneration for prosecutors and court staff, which were only partially addressed by the legislative reform. The reform of the legal aid system advanced, while the workload and remuneration of legal aid providers remains to be addressed.

The implementation of the anti-corruption agenda 2022-2033 advanced well with the adoption of the first implementation action plan. Investigations and prosecutions of corruption related offences continue to be carried out efficiently while shortcomings in relation to investigation and prosecution of foreign bribery cases were raised. Public procurement remains a high-risk area for corruption. Laws such as the Law on Corruption Prevention, the Law on the Adjustment of Public and Private Interests and the whistleblower legislation are being efficiently implemented. Further efforts were taken in view of efficient implementation of the integrity rules. The current rules concerning lobbying give positive results in terms of submitted declarations. New rules have been adopted regarding political party financing, specifically for municipal elections and elections to the European Parliament.

The legal framework for media pluralism and freedom in Lithuania guarantees the fundamental right of freedom of expression and the right to information. Following public discussions, legislation to improve the effectiveness and impartiality of media self-regulatory bodies was adopted. As of 2023, public institutions and bodies have to make public on their websites information about the funds they have used for state advertising. Several measures were taken to improve journalists' access to information held by public authorities and bodies. The professional environment for journalists is largely safe in Lithuania, and both public authorities and media took several measures to improve the safety of journalists and their protection against abusive lawsuits.

Concerns regarding the adequacy of the resources allocated to the Parliamentary Ombudspersons persist. The project aiming at improving the quality of law-making continues to be implemented. The civic space continues to be considered open, and non-governmental organisations are increasingly recognised as partners in decision-making processes. A state of emergency in the border regions has been lifted, and amendments to the Law on State Border Protection were adopted in Parliament. The Constitutional Court continues to scrutinise measures adopted during the COVID-19 pandemic.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Lithuania has (made):

- Some progress on continuing the reform of the legal aid system, including by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Fully implemented the recommendation to proceed with the appointments to ensure the full composition of the Supreme Court and with the appointment of the President of the Supreme Court.
- Some progress on initiating a process in view of adapting the system of appointments to judicial positions, notably to the Supreme Court, including to improve transparency and taking into account European standards on judicial appointments.
- Fully implemented the recommendation to start implementing the anti-corruption agenda 2022-2033.
- Significant progress on continuing to improve the practice of granting access to official documents, in particular by making sure that the grounds for rejection of disclosure requests are not used to unduly limit access, including by journalists, taking into account European standards on access to official documents.
- No further progress on providing adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Lithuania to:

- Continue the reform of the legal aid system by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Continue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments.
- Continue efforts to provide adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Provide adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles.



## ABSTRACT – LUXEMBOURG

Luxembourg's justice system has maintained its very high level of perceived judicial independence among the general public and continues to operate efficiently. The Government passed all the planned constitutional reforms, which led to the creation of the National Council for Justice and strengthening the independence of the Prosecutor's Office. The legislative reforms regarding the composition of the National Council for Justice, which aligned it with the European standards, and the status of magistrates have also been adopted. The first pilot project regarding the digitalisation of administrative justice was launched, but further steps towards improvement are necessary. The reform aiming to make legal aid more accessible remains pending.

Resources for the prosecution services dealing with economic and financial crime as well as the overall budget for law enforcement has increased and recruitment is also expected to rise. A revision to the Constitution assigned powers to the Prosecutor's Office to investigate and prosecute members of Government who can now be held criminally liable for corruption offences. The transparency register for members of Parliament is operational and publicly available, but its structure and implementation remain minimal and legislation on lobbying remains to be evaluated. The Codes of Conduct for members of Government and their advisers have been put in place and the transparency register is operational. Draft codes of conduct for local level political officials have been proposed. The Court of Auditors found no irregularities in relation to political party financing, while the financial control of municipalities remains with the Ministry of Internal Affairs. The law on the protection of whistleblowers was adopted covering breaches of both EU and national law.

The general legal framework establishing the regulator for audio-visual media services and its functioning remains stable, while additional tasks have been added. A new law establishes Radio 100.7 as Public Service Media, reinforcing its independence, establishing its mission and providing a stable financial framework for 2024-2030. The convention for the public service activities of the RTL Group is updated and continued for 2024-2030. A new circulaire reduces the time of processing requests from journalists for disclosure of official documents, although a fast-track option enshrined in law for the journalistic profession is not yet available. Horizontal legislation on company mergers is expected to contribute to transparency of ownership in the media sector. The framework for the protection of journalists remains robust.

The Parliament passed all the planned constitutional reforms, which include the introduction of a legislative initiative for citizens and inscribing the Ombudsperson in the Constitution. The exercise of the right of legislative initiative will be regulated by law; a draft was already tabled in Parliament. The legislative process still needs to improve in terms of openness of the public consultations. A mechanism for follow-up on non-execution of judgments is available for administrative court cases. The civic space in Luxembourg remains open and a new Government initiative provides further support for civil society organisations online.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Luxembourg has (made):

- Fully implemented the recommendation to continue with the process to adopt the reform on the powers of the future Council for the Judiciary.
- No further progress on continuing with the process to adopt the reform on making legal aid more accessible.
- Significant progress on ensuring adequate resources for the prosecution services dealing with economic and financial crime.
- Some progress on continuing to implement and evaluate the new legislation on lobbying the Parliament, including the transparency register.
- Some progress on reducing the time of processing of requests for disclosure of official documents, taking into account European standards on access to official documents.
- No further progress on improving the legislative decision-making process by providing wider possibilities for stakeholders to participate in public consultations.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Luxembourg to:

- Continue with the process to adopt the reform on making legal aid more accessible.
- Evaluate the implementation of the new legislation on lobbying the Parliament and the functioning of the transparency register and ensure that it meets the necessary transparency requirements set out in the Parliament's rules of procedures.
- Ensure the implementation of measures adopted in relation to the time of processing of requests for disclosure of official documents, taking into account European standards on access to official documents.
- Improve the legislative decision-making process by providing wider possibilities for stakeholders to participate in public consultations.



## ABSTRACT – HUNGARY

Legislative reforms have been adopted, aimed at addressing the justice-related recommendations of the 2022 Rule of Law Report, the relevant country-specific recommendation issued by the Council under the European Semester and the related commitments in Hungary's Recovery and Resilience Plan, and some of the concerns expressed under the Article 7(1) TEU procedure initiated by the European Parliament. A strengthened role for the National Judicial Council will allow it to counter-balance the powers of the President of the National Office for the Judiciary, also as regards the career of judges. The new rules on the Supreme Court will contribute to the transparency of its functioning and will decrease the possibility of political interference. The Supreme Court will no longer be able to review the necessity of preliminary references in criminal proceedings, in line with EU law requirements. However, as regards lower courts, the lack of transparency of case allocations is a source of concern. The justice system performs very well as regards the length of proceedings and has an overall high level of digitalisation.

Hungary is introducing a number of relevant anti-corruption reforms in response to the EU conditionality procedure, including the preparation of a new National Anti-Corruption Strategy for 2023-2025 and the establishing of the new Integrity Authority to enhance oversight over the spending of EU funds. Prosecutorial decisions not to investigate or prosecute corruption can now be reviewed by court decisions, although such decisions are still not binding. Although some high-level cases reached the indictment and conviction stage, the lack of a robust track record of investigations of corruption allegations concerning high-level officials and their immediate circle remains a serious concern. Only some progress was made relating to asset declarations due to legislative amendments reducing public official's declaration obligations and the lack of systematic monitoring. No amendments have been introduced to reform lobbying and revolving doors, and shortcomings remain regarding political party and campaign finance. The Council has temporarily suspended budgetary commitments from EU funds under several programmes and has prohibited entering into new legal commitments with Hungarian public interest trusts and entities maintained by them, until further anti-corruption reforms are introduced and enforced.

There have been no developments to address the various challenges to media pluralism highlighted in past Rule of Law Reports. Concerns persist with regard to both the functional independence of the media authority, as well as the editorial and financial independence of public service media. No measures have been adopted or are planned to regulate the channelling of state advertising to media outlets. While there have not been any physical attacks on journalists, smear campaigns have been registered and the deployment of spyware targeting certain investigative journalists and media professionals remains an issue of serious concern. As part of the commitments undertaken in the Recovery and Resilience Plan, a new reform aims to facilitate access to public information and rendered the charging of fees for releasing public information and documents exceptional.

Legal certainty has been undermined by the unpredictable regulatory environment and the extensive and prolonged use of the Government's emergency powers, also interfering with the operation of businesses in the single market. The practical impact of new rules on formal public consultations remains to be assessed. The Constitutional Court, composed of members elected by Parliament without the involvement of the judiciary, can no longer be seized by public authorities, but can still review final decisions of the ordinary courts. The ineffective implementation by state authorities of the judgments of European courts remains a source of concern. No steps have been taken to remove obstacles affecting civil society organisations, which remain under pressure.

## Recommendations

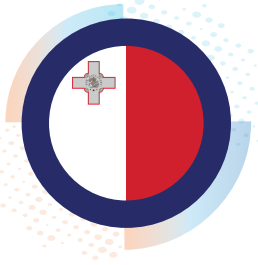


Overall, concerning the recommendations in the 2022 Rule of Law Report, Hungary has (made):

- Fully implemented the recommendation to strengthen the role of the National Judicial Council, while safeguarding its independence, to effectively counter-balance the powers of the President of the National Office for the Judiciary.
- Fully implemented the recommendation to adapt the rules related to the Kúria to remove judicial appointments outside the normal procedure, to strengthen eligibility criteria for the Kúria President, and to strengthen control by judicial bodies over the Kúria President, taking into account European standards, and to remove the possibility of reviewing the necessity of preliminary references, in line with EU law requirements.
- No progress on adopting comprehensive reforms on lobbying and revolving doors, and some progress on strengthening the system of asset declarations, providing for effective oversight and enforcement.
- No progress yet on establishing a robust track record of investigations, prosecutions and final judgments for high-level corruption cases.
- No progress on introducing mechanisms to enhance the functional independence of the media regulator taking into account European standards on the independence of media regulators.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- No progress on adopting legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- No progress on removing obstacles affecting civil society organisations.

On this basis, and considering other developments that took place in the period of reference, in addition to recalling the obligation to comply with the rule of law-related rulings of the ECJ and the rule of law-related infringement procedures referred to in the country chapter, the concerns raised under the conditionality regulation, the relevant concerns raised in the Article 7 TEU procedure initiated by the European Parliament, the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system, the anti-corruption framework and the checks and balances, and recalling the relevant country-specific recommendations under the European Semester, it is recommended to Hungary to:

- Improve the transparency of case allocation systems in lower-instance courts, taking into account European standards on case allocation.
- Adopt comprehensive reforms on lobbying and revolving doors, and further improve the system of asset declarations, providing for effective oversight and enforcement.
- Establish a robust track record of investigations, prosecutions and final judgments for high-level corruption cases.
- Introduce mechanisms to enhance the functional independence of the media regulator taking into account European standards on the independence of media regulators.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Foster a safe and enabling civic space and remove obstacles affecting civil society organisations, including by repealing legislation that hampers their capacity of working, in particular the immigration tax.



## ABSTRACT – MALTA

The level of perceived judicial independence in Malta remains high. However, no steps have been taken to involve the judiciary in the procedure for appointment of the Chief Justice. Certain types of prosecution continue to be transferred to the office of the Attorney General, a Strategic and Operational Plan for the prosecution service has been launched, and a new disciplinary regime for prosecutors has been established. Regarding the quality of the justice system, new judges have been appointed, but the overall level of resources, including the number of clerical staff, raises concerns. A steering committee was established and has initiated work to enhance the digitalisation of the justice system. Work on draft legislation regulating the lawyers' profession is ongoing. The efficiency of justice has further deteriorated, with initial steps being taken to improve the situation.

The National Anti-Fraud and Corruption Strategy was updated on time, and its implementation will be monitored on an ad hoc bilateral basis. Prosecution was launched by the Attorney General office in relation to some cases, but challenges related to high-level corruption cases, including the lack of a robust track record of final judgments remain. The capacity of the Permanent Commission against Corruption to reach tangible results remains low. New resources and initiatives were deployed to increase the integrity in the public service. The Office of the Commissioner for Standards in Public Life is continuing the series of reviews of ethics rules for high-ranking officials. Some concerns were raised regarding the modified procedure for the appointment of the Commissioner for Standards in Public Life, the transparency of the results of audits, and the funding of political parties. New info-tools on whistleblowers procedures are available. The investor citizenship scheme continues to raise concerns.

While the media reform process launched following the publication of the report of the Daphne Caruana Galizia public inquiry is still ongoing, no measures have been adopted to improve the working environment of journalists. The Committee of Experts set up for this purpose was granted additional time to carry out wider consultations. The review of the Freedom of Information Act remains pending and media houses and citizens continue to face obstacles when requesting access to information held by public authorities. No steps have been taken to enhance the independent governance and editorial independence of public service media. The absence of a legal framework to ensure transparency in state advertising remain an issue of concern. While there have been no developments with regard to the legislative framework establishing the Broadcasting Authority, a Constitutional Court judgement has clarified the authority's role.

A new Ombudsperson was appointed while the establishment of a human rights institution remains pending. The Constitutional Convention announced in 2019, which is to contribute to addressing concerns regarding the appointment of constitutional bodies and the role of Parliament, remains on hold without a clear calendar. The lack of a formalised process for public participation continues to raise concerns. The Commissioner for Voluntary Organisations continued his efforts to enhance the civil society space.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Malta has made:

- No progress on addressing the need for involvement of the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments and the opinion of the Venice Commission.
- Some progress on strengthening efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Some progress on addressing challenges related to the length of investigations of high-level corruption cases; and no progress on establishing a robust track record of final judgments.
- Some progress on advancing with the introduction of legislative and other safeguards to improve the working environment of journalists and no further progress on access to official documents, taking into account European standards on the protection of journalists.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- No progress on re-launching efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Malta to:

- Take steps to address the need for involvement of the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments and the opinion of the Venice Commission.
- Further strengthen efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Step up measures to address challenges related to the length of investigations of high-level corruption cases, including by establishing a robust track record of final judgments.
- Adopt legislative and other safeguards to improve the working environment of journalists, including on access to official documents, taking into account European standards on the protection of journalists and on access to official documents.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Take measures to establish a National Human Rights Institution taking into account the UN Paris Principles.
- Introduce a framework for public participation in the legislative process.





## ABSTRACT – NETHERLANDS

The justice system of the Netherlands continues to be characterised by a high level of perceived judicial independence, and several reforms to further strengthen judicial independence have advanced. Reforms are under preparation to enhance the safety of key witnesses in criminal proceedings as well as of their relatives and advisors. Judges and public prosecutors have expressed concerns regarding staff shortages and challenging working conditions due to a high workload. The level of digitalisation has improved, notably through the introduction of more digital solutions for court proceedings. The efficiency of the justice system remains high and backlogs in criminal cases have been further reduced.

The perception among experts and business executives is that the Netherlands is one of the least corrupt countries in the world. The Government has initiated consultations on a strengthened anti-corruption policy. Combating the infiltration of public institutions through corruption remains a strategic priority for the authorities as part of their programme on combatting subversive organised crime. The investigation and prosecution of corruption cases are handled effectively. Some obstacles remain in the handling of foreign bribery cases. Legislation on the screening of police officers and external consultants hired by the police during their career as well as new rules on integrity for local administrations entered into force, and the government adopted an overall integrity policy for public office. A new code of conduct for ministers and state secretaries was adopted. The revision of rules on revolving doors continued as the legislative work advanced, although the reliance of the mechanism on individual responsibility and non-binding advice might limit its effectiveness. A new policy in relation to the transparency related to lobbying ministers and state secretaries was announced, although it does not include the establishment of a transparency register. Political party financing legislation was revised, and additional revisions in relation to transparency are being prepared.

The Dutch Media Authority continues to work independently with adequate resources. The challenges previously identified with regard to transparency of media ownership persist. The independence of public service media governance and funding is guaranteed and a new advisory board is established to ensure plurality. The application of the new legislation aimed at improving access to information is still subject to criticism. Threats and physical violence against journalists remain an issue, despite the Government's continued measures to counter this phenomenon.

All three state powers continue to be engaged to address potential structural issues following the childcare allowances affair. The Netherlands Institute for Human Rights has continued to play an active role. The landscape for civil society organisations continues to be open, although some shortcomings have been reported by stakeholders regarding restrictions to the right to demonstrate.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, the Netherlands has made:

- Some progress on continuing to improve the level of digitalisation of the justice system, in particular as regards publication of judgments and digital solutions for court proceedings
- Some progress on completing the revision of rules on revolving doors involving former ministers and state secretaries, including a two-year cooling-off period and restrictions on paid activities
- Significant progress on adopting a Code of Conduct for ministers and state secretaries including rules on gifts, secondary activities and lobbying, as well as effective monitoring and sanctioning.
- Some progress on continuing efforts to ensure a comprehensive follow-up to the childcare allowances affair to address the potential structural issues, involving all relevant state authorities.

On this basis, and considering other developments that took place in the period of reference, it is recommended to the Netherlands to:

- Continue efforts to improve the level of digitalisation of the justice system, in particular as regards the publication of judgments.
- Complete the revision of rules on revolving doors involving former ministers and state secretaries, including a two-year cooling-off period and restrictions on paid activities.
- Establish stricter transparency rules on lobbying for members of the Government and Parliament.
- Further continue the comprehensive follow-up to the childcare allowances affair, involving all relevant state authorities, building also on the work of the State Commission on the Rule of Law.



## ABSTRACT – AUSTRIA

The Austrian justice system, which continues to have a very high level of perceived judicial independence, is undergoing important reforms. A law was adopted in December 2022 to provide for judicial involvement in the appointment of the Supreme Court president and vice-president. Legislation to ensure judicial involvement in appointments of candidate judges was also adopted. However, the need for judicial involvement in appointments of administrative court presidents has not been addressed, which continues to raise concerns. The reform of the prosecution service, with the aim of creating an independent Prosecutor General, has not advanced, with no political follow-up so far to the expert group's final report of September 2022. Amendments to reduce reporting obligations for prosecutors remain under preparation. The resources of the judiciary have been further increased and the roll-out of electronic files is advancing. The absence of a cap on court fees remains a challenge. Further improvements have been made regarding efficiency in administrative cases.

Work is ongoing to prepare a new Anti-Corruption Action Plan. The Ministry of Justice proposed strengthening the anti-corruption criminal law framework, which stakeholders welcomed while suggesting further amendments. The parliamentary investigative committee on alleged corruption concerning a governmental political party submitted its final report to the plenary in March 2023, which includes several anticorruption-related recommendations. High-level corruption investigations are proceeding, and prosecutors experience high scrutiny on individual cases. A working group was created to follow-up on asset and interest disclosure rules for members of Parliament, but no concrete results are reported so far. An important reform of the political party financing framework has been finalised, reinforcing the role of the Court of Audit. Political agreement remains outstanding on revising the current lobbying legislation, which remains limited in scope. The introduction of rules to address revolving doors, and post-employment provisions for members of Government or Parliament has not advanced.

The media regulatory authority continues to function independently. The self-regulatory Press Council experiences financial challenges, which should be relieved once a new federal law providing for more financial support will be in force. Parliament adopted a law improving the transparency of state advertising, while the fairness of its allocation remains unaddressed. A new draft law on funding of quality journalism increases the amount of funding and widens the scope of beneficiaries. A new law adopted by Parliament has drawn criticism for partly transforming one of the oldest newspapers into a medium focused on training and education. The institutional set-up of the public service media provider has been criticised for being vulnerable to politicisation, and a constitutional complaint regarding the composition of its governing foundation council is pending. While consultations continued, the freedom of information law has not advanced. Some challenges regarding the safety of journalists remain.

Several initiatives are ongoing to support public participation in policymaking processes, while there are calls for a more systematic approach. The Ombudsperson Board continues to operate effectively. The appointment and dismissal procedures for the Court of Audit President were strengthened, increasing the majorities required. Long delays in appointments for the heads of other independent bodies persist. Civil society continues to operate in a stable environment, with a reform to improve tax rules for non-profit organisations under preparation.

## Recommendations

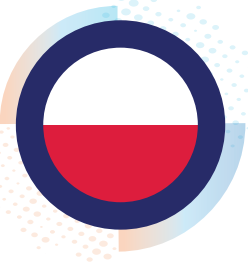


Overall, concerning the recommendations in the 2022 Rule of Law Report, Austria has (made):

- No further progress on continuing the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution
- Fully implemented the recommendation to address the need for involvement of the judiciary in the procedures for appointment of the president and vice-president of the Supreme Court and made no progress on addressing the need for involvement of the judiciary in the procedures for appointment for court presidents of administrative courts taking into account European standards on judicial appointments and the selection of court presidents.
- Fully implemented the recommendation to finalise the legislative revision of the political party financing rules including to empower the Austrian Court of Audit (ACA) to audit political party finances.
- No progress yet on introducing effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Some progress on reforming the framework for the allocation of state advertising by public authorities at all levels, in particular to improve transparency of its distribution, with no progress on the fairness of its distribution.
- No progress on advancing with the reform on access to official information taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Austria to:

- Take forward the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution.
- Address the need for involvement of the judiciary in the procedures for appointment of court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- Introduce effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Adopt legislation to strengthen the framework on lobbying, including on its scope, supervision and enforcement.
- Take further steps to reform of the framework for the allocation of state advertising by public authorities at all levels, in particular to improve the fairness of its distribution.
- Advance with the reform on access to official information taking into account the European standards on access to official documents.



## ABSTRACT – POLAND

Serious concerns persist related to the independence of the Polish judiciary. Poland adopted legislation to raise the standard of certain aspects of judicial independence and engaged in a further reform of the disciplinary regime for judges. The Court of Justice and the European Court of Human Rights delivered rulings further confirming existing concerns. Serious concerns related to the independence of the National Council for the Judiciary remain to be addressed. There are also serious doubts as to the compliance of a number of Supreme Court judges with the requirement of a tribunal established by law. A number of judges continue to be subject to disciplinary investigations and proceedings and forced transfers. The Commission referred Poland to the Court of Justice for violations of EU law by the Constitutional Tribunal and its case law. Some steps have been taken to ensure functional independence of the prosecution service from the Government, while the functions of the Minister of Justice and the Prosecutor General are still not separate. The digitalisation of justice is progressing well.

The 2018-2020 anti-corruption programme ended and there is currently no new programme in place. No further steps were taken to strengthen lobbying rules and to standardise the asset declaration control system. There have also been no initiatives with a view to enabling a robust track record to address high-level corruption, as previously identified institutional and practical barriers in law persist. Risks also remain concerning the effective enforcement against high-level corruption in practice, including the threat of selective application of the law and impunity caused by the disparity in the treatment of corruption cases for political purposes. New impunity provisions were adopted, creating exemptions from criminal responsibility for public officials, as in previous years, which increase the risk of corruption. New measures have entered into force increasing the transparency of political party finances, yet concerns remain regarding party donations and election campaigns.

A set of constitutional safeguards and legislative measures provide a legal framework for the exercise of freedom of expression, including the protection of editorial independence. While legislative safeguards for the media regulator - the National Broadcasting Council - exist, some concerns persist with regard to its independence. No steps have been taken to enhance the independent governance and editorial independence of public service media, amid concerns as regards independent reporting by public broadcasters. No measures were adopted so far to ensure fair procedures in the granting of operating licences to media outlets. The level of media ownership transparency increased. Journalists continued to face difficulties in their activities and may face challenges with regards to access to public information. The journalistic community is also affected by a lack of a robust self-regulatory mechanism.

A law empowering an administrative committee to deprive individuals of the right to hold public office related to the handling of public funds for up to 10 years, raises serious concerns and triggered amendments. The framework in which the Ombudsperson operates was improved. No steps have been taken to ensure a more systematic follow-up to the findings of the Supreme Audit Office and to ensure a swift appointment of the College Members of that Office, thus putting its effective functioning at risk. The practice of adopting laws through procedures not requiring adequate consultations persists. Stakeholders have raised concerns as regards the introduction of a range of disproportionate sanctions to the Criminal Code. No measures have been taken to improve the framework for the civic space, while civil society remains vibrant.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Poland has made:

- No progress on separating the function of the Minister of Justice from that of the Prosecutor-General and some progress on ensuring functional independence of the prosecution service from the Government.
- No progress on strengthening the existing integrity rules by introducing lobbying rules and a standardised online system for asset declarations of public officials and Members of Parliament.
- No progress on ensuring independent and effective investigations and prosecutions, address the broad scope of immunities for top executives and abstain from introducing impunity clauses in legislation in order to enable a robust track record of high-level corruption cases.
- No progress on ensuring that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- No progress on ensuring a more systematic follow-up to findings by the Supreme Audit Office and ensure a swift appointment of the College Members of the Supreme Audit Office.
- Some progress on improving the framework in which the Ombudsperson operates, taking into account European standards on Ombudsinstitutions, and no progress on improving the framework in which civil society operates, taking into account European standards on civil society.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the need to address the remaining serious concerns relating to judicial independence, in particular those set out in the Article 7 TEU procedure initiated by the Commission, as well as the obligation to comply with the rule of law related rulings of the ECJ and the rule of law related infringement procedures referred to in the country chapter, the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system and the checks and balances, and recalling the relevant country-specific recommendations under the European Semester, it is recommended to Poland to:

- Separate the function of the Minister of Justice from that of the Prosecutor-General and continue efforts to ensure functional independence of the prosecution service from the Government.
- Strengthen the existing integrity rules by introducing lobbying rules and a standardised online system for asset declarations of public officials and Members of Parliament.
- Ensure independent and effective investigations and prosecutions, address the broad scope of immunities for top executives and abstain from introducing impunity clauses in legislation in order to enable a robust track record of high-level corruption cases.
- Ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Ensure a more systematic follow-up to findings by the Supreme Audit Office and ensure, as a matter of urgency, the appointment of the College Members of the Supreme Audit Office in order to ensure its effective functioning.
- Improve the framework in which civil society operates and continue such efforts regarding the Ombudsperson, taking into account European standards on civil society and Ombudsinstitutions.



## ABSTRACT – PORTUGAL

Measures to address efficiency challenges in the Portuguese justice system, in particular in administrative and tax courts, have been enacted, with others in preparation. The legislative framework of the High Council for Administrative and Tax Courts has been finalised. Challenges remain regarding the allocation of adequate human resources of the justice system, although the Government has initiated new recruitment procedures. Significant steps have been taken to strengthen the transparency of the allocation of cases, as the regulatory framework has been adopted and its implementation will be monitored. The rules on judicial impediments have been adapted in line with stakeholders' requests, but concerns remain regarding the abuse of procedural acts in criminal procedures. The High Council for the Judiciary has launched a reflection on the need to regulate 'revolving doors' in the judiciary. Appointments to the Constitutional Court were finalised, following prolonged delays. The efforts to further improve the digitalisation of the justice system continue.

Despite announced measures, stakeholders reported serious resource-related issues for preventing, investigating and prosecuting corruption. The Transparency Entity is expected to be operational in the second quarter of 2023. The National Anti-Corruption Mechanism (MENAC) has been instated in June 2023. The National Anti-Corruption Strategy for 2020-2024 is being implemented although its success also depends on the effective functioning of MENAC. Concerns have been raised as regards the treatment of foreign bribery cases. Application and monitoring of rules on conflicts of interest for high-level officials of the Parliament and in the Government continues to raise concerns. Discussions on a new bill concerning regulation of lobbying were initiated in the Parliament. Implementation of the new legislation on the protection of whistleblowers is ongoing. Efforts are being made on improving the gaps in the public procurement sector.

The strong legal framework protecting media freedom remains in place and the risks of government interference in the media continue to be considered low. The Regulatory Authority for the Media maintains its central role as regards media freedom and pluralism, although concerns are voiced regarding its resources. A comprehensive legislative framework is in place concerning transparency of media ownership and the access of journalists to public information, and there are safeguards protecting access to information and documents. The precariousness of the journalistic profession remains a cause for concern. The public service media provider is independent, but challenges remain regarding its resources. Tax incentives have been introduced to encourage subscriptions to written media. A legislative amendment to the Portuguese Charter of Human Rights in the Digital Age removed provisions, initially intended to safeguard against disinformation, that had attracted criticism as restraining media freedom.

The transparency of law-making and the quality of legislation continues to be improved, with measures under way, in particular, regarding impact assessments. A revision of the Constitution is in progress, which will include a discussion of the legal basis for the adoption of emergency measures. The changes implemented to the structure of the Office of the Ombudsperson are producing positive results. The civil society space continues to be considered as open. There have been some improvements regarding access to financing for civil society organisations, although challenges remain.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Portugal has made:

- Some progress on continuing the efforts to ensure adequate human resources of the justice system and to improve its efficiency, in particular of Administrative and Tax Courts, and full implementation regarding the finalisation of the legislative framework for the functioning of the High Council for Administrative and Tax Courts.
- Significant progress on continuing the efforts to strengthen the transparency of allocation of cases.
- Some progress on ensuring sufficient resources for preventing, investigating and prosecuting corruption and significant progress on ensuring the swift operationalisation of the New Anti-Corruption Mechanism.
- Some progress on ensuring the start of operations of the Transparency Entity in view of effective monitoring and verification of asset declarations.
- Significant progress on continuing the reforms to improve the transparency of law-making, particularly on the implementation of impact assessment tools.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Portugal to:

- Continue efforts to ensure adequate human resources of the justice system, in particular regarding non-judicial staff, and to improve its efficiency, in particular of Administrative and Tax Courts.
- Continue efforts to strengthen the transparency of allocation of cases, in particular by monitoring the implementation of the new rules on electronic allocation.
- Continue efforts made to ensure sufficient resources for preventing, investigating and prosecuting corruption, including for the new Anti-Corruption Mechanism.
- Ensure the effective monitoring and verification of asset declarations by the Transparency Entity.
- Finalise the reforms to improve the transparency of law-making, particularly on the implementation of impact assessment tools.





## ABSTRACT – ROMANIA

Until November 2022, reforms in Romania in the area of justice and anti-corruption were followed by the Commission under the Cooperation and Verification Mechanism (CVM) and the Rule of Law cycle. They are, since then, being solely monitored under the Rule of Law cycle. By a letter of 28 June 2023, the President of Romania informed the Commission about the measures taken by Romania to fulfil the last residual commitments that were listed in the conclusions of the 2022 CVM report, as well as further measures to continue upholding the rule of law.

The justice system underwent a comprehensive overhaul through the revised Justice Laws. These amendments constitute significant progress to reinforce judicial independence. There were also important steps taken to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary. The new Justice Laws brought important changes regarding the career organisation and liability regimes for magistrates; the appointment, dismissal, and powers of high-ranking prosecutors; and the governance of the Judicial Inspectorate. A panel of high-level experts is analysing how to implement the recommendations from the Venice Commission. The efficiency of the justice system has improved overall, and the development of digital tools has progressed steadily. Despite continued efforts to improve the situation, the increasing shortage of magistrates is generating serious concerns, as it could impact the quality and efficiency of justice over time. Some cases have been reported of use of disciplinary sanctions in relation to certain magistrates, whilst the possibility to request judicial review continues to be ensured.

The implementation of the new Anti-Corruption Strategy is well on track. A positive track record continued to be maintained in combating corruption, including on high-level cases. Romania has made significant progress in addressing operational challenges of the DNA although recruitment remains to be further improved. The reform of the Codes of Criminal Law and Criminal Procedure has been adopted. A Government Emergency Ordinance was adopted to clarify the statute of limitation, whilst the delayed legislative response led to the closing of corruption cases and the annulment of convictions. Under the new system on investigating and prosecuting corruption offences within the judiciary, designated prosecutors are addressing the backlog of cases, with many unfounded cases being closed, without any procedural incidents being reported in the implementation process. There has been no new indictment so far. Continued attention to integrity of law enforcement led to positive results. Steps are being taken to update and codify the legal framework on integrity and progress has been made on digitalisation. However, the enforcement of the lobbying rules for Members of Government remains to be improved and rules on lobbying for Members of Parliament remain to be introduced. The National Integrity Agency was made the competent authority to receive whistleblower reports and its budget is expected to be increased accordingly.

No measures have been taken to enhance the independent governance and editorial independence of public service media. A new audiovisual law was adopted, and the National Audiovisual Council's budget needs to reflect its new tasks. The transparency of the financing of media, in particular of audiovisual media by political parties, has not improved significantly yet. The situation regarding threats, instances of harassment and violence against journalists remains an issue.

New instruments aim to improve the transparency and quality of decision-making and legislation. The Government has committed to improve the effectiveness of public consultations. No further steps were taken to obtain accreditation for the National Human Rights Institution. There have been improvements regarding the legal framework for civil society organisations (CSOs), although they continue to face challenges related to access to public funding and to the lack of predictability in the implementation of the legal framework. Initiatives are ongoing to simplify procedures for recognising and funding associations carrying out activities of general interest.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Romania has made:

- Significant progress on ensuring that the revision of the Justice Laws reinforces safeguards for judicial independence, including to reform the disciplinary regime for magistrates, and some progress on taking measures to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, taking into account European standards and relevant Venice Commission opinions.
- No progress on introducing rules on lobbying for Members of Parliament.
- Significant progress on addressing the operational challenges of the National Anti-Corruption Directorate, including as regards recruitment of prosecutors, and some progress in closely monitoring the impact of the new system on investigating and prosecuting corruption offences in the judiciary.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- No progress on ensuring effective public consultation before the adoption of draft legislation.
- No progress on continuing efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, the anti-corruption framework and the legislative process. It is recommended to Romania to:

- Complete the process initiated in view of taking into account the recommendations contained in the opinion of the Venice Commission on the Justice Laws, in particular by finalising the assessment being carried out by the panel of high-level experts.
- Take measures, in particular at an operational level, to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences, taking into account European standards.
- Continue efforts to ensure adequate human resources for the justice system, including for the prosecution services, taking into account European standards on resources for the justice system.
- Introduce, without further delay, rules on lobbying for Members of Parliament.
- Step up efforts to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- Step up efforts to ensure effective public consultations before the adoption of legislation.
- Step up efforts to obtain the accreditation of a National Human Rights Institution taking into account the UN Paris Principles.



## ABSTRACT – SLOVENIA

The quality of the Slovenian justice system has been further improved, and some issues raised in the 2022 Rule of Law Report have been resolved, such as the removal of the Minister of Interior's power to instruct the Police in individual cases. Legislative amendments, that would introduce safeguards for judicial independence and autonomy of prosecutors in the rules on parliamentary inquiries, are being drafted. New reforms envisage transferring the power to appoint judges from Parliament to the President and Judicial Council, while the lack of safeguards for judicial independence raises concerns. The level of remuneration of judges and state prosecutors, largely unchanged since 2012, raises concerns and was, as far as judges' salaries are concerned, declared unconstitutional by the Constitutional Court. The backlog of court cases was further reduced, and the Supreme Court working group presented recommendations on addressing the increasing length of court proceedings.

The work on the new anti-corruption strategy is ongoing. The resources of the State Prosecution were increased, the operational independence of the National Bureau of Investigation was restored, and the length of statute of limitations is overall long enough. However, criminal investigations, indictments, and judgments on corruption, including in high-level cases, remain at a low level, raising serious concerns. The length of judicial investigations and trials related to corruption present a serious challenge. The Whistleblowers Act broadens the scope of protection and is expected to improve the detection of corruption. The resources of the Commission for the Prevention of Corruption are being improved. The rules on conflict of interests and incompatibility of office indicate certain gaps in supervision. The Court of Audit is reflecting on improving the effectiveness of political party audits. Risks of corruption in public procurement persist, particularly in the health care sector.

The situation of media freedom and pluralism continues to face challenges, although positive developments are noted with respect to a more favourable climate for media. The Government announced an overhaul of the media legislation to address the structural challenges of the regulatory framework and foster transparency, plurality and resilience of the media landscape. Amendments to the legal framework regulating the media regulator were introduced, but concerns remain regarding the lack of safeguards for its independence. The lack of specific rules on the allocation of state advertising and the regulatory and enforcement gaps in the field of media ownership transparency continue to raise concerns. In 2022, the financial situation of the Slovenian Press Agency has improved. A new law was adopted to reform the governance structure of the public services media and introduced safeguards for their independence. The Government took initial steps with regard to the protection of journalists.

Civil society has seen improvements in the enabling environment, resolving a challenge identified in the 2022 Report. The Government submitted into parliamentary procedure constitutional amendments to reduce the Constitutional Court's considerable caseload and the Human Rights Ombudsman continued to receive an important number of complaints. Legislative amendments introduced safeguards for budgetary autonomy of the independent bodies.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Slovenia has (made):

- Some progress on ensuring that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Fully implemented the recommendation on removing obstacles to the investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitation.
- Some progress as regards adopting and start implementing without further delay the anti-corruption strategy.
- Fully implemented the recommendation on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Some progress on establishing non-legislative safeguards and no progress on establishing legislative safeguards to protect journalists, particularly online, taking into account European standards on the protection of journalists.
- Fully implemented the recommendation on ensuring requisite safeguards for budgetary autonomy of the independent bodies.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Slovenia to:

- Take forward the process to ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Ensure that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence.
- Take measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system.
- Adopt the new anti-corruption strategy and action plan with concrete measures and a timeframe for their implementation and step up efforts to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases.
- Take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, particularly online, taking into account European standards on the protection of journalists.



## ABSTRACT – SLOVAKIA

Reforms of the Slovak justice system continued. The reform of the judicial map has entered into force and a new separate system of administrative courts has become operational. The new regime for disciplinary proceedings regarding judges before the Supreme Administrative Court is reported to function well. No steps have been taken to ensure that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal. No additional safeguards have been introduced in relation to the crime of ‘abuse of law’. Concerns continue regarding the power of the Prosecutor General to annul decisions of lower ranking prosecutors. The justice system still faces challenges as regards efficiency in administrative cases.

The planned update of Slovakia’s 2019 National Anti-Corruption Programme remains pending, while work on the new strategy for 2024-2028 is at an initial stage of preparation. No steps have yet been taken to regulate lobbying and some initial steps have been taken to strengthen the legislation on conflicts of interests and asset declarations. Slovakia’s dedicated Whistleblower Protection Office is investing in public awareness campaigns to address the persistent low levels of reporting. Efforts to fight high-level corruption continued, with several former high-ranking officials charged with bribery offences. The use of the Prosecutor General’s discretion to annul investigations in several high-level corruption cases continues to raise concern, while some progress has been made in consulting the public on limiting the respective provision in law. The coordination among the different law enforcement entities still requires improvement, and allegations of politically motivated decisions in relation to corruption investigations continue to erode law enforcement cooperation.

The Council for Media Services operates autonomously and is sufficiently funded. Its remit was extended under the Media Services Act adopted in August 2022 to include research, media literacy and liaison with digital media platforms. Legislative frameworks are in place for ensuring transparency of media ownership. The independent governance of public service media has been enhanced while new concerns have arisen in terms of its sustainable financing. The Freedom of Information Act has undergone amendment to clarify the entities required to provide access. There has been legislative progress on a bill to improve the physical safety and working environment of journalists, including reform of the defamation regime.

The involvement of stakeholders in the law-making process remains a concern, especially in connection with the use of fast-track procedures. Efforts have been made to enhance participation in the creation of public policies, while stakeholders raise concerns over legislative riders. A new Ombudsperson took office after a prolonged vacancy, and a constitutional amendment was adopted to prevent such a situation in the future. The law establishing a National Preventive Mechanism has been adopted by Parliament. Measures are planned to improve the environment, funding framework and status of civil society, but organisations and defenders on gender equality and LGBTIQ rights continue to face a difficult environment.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Slovakia has made:

- No progress yet on ensuring that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- No progress on ensuring that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Some progress towards strengthening the legislation on conflicts of interest and asset declarations and no progress on introducing proposals to regulate lobbying.
- No progress on improving the coordination among the different law enforcement entities and some progress to ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Some progress on advancing with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.

On this basis, in addition to recalling the commitments made under the National Recovery and Resilience Plan, relating to certain aspects of the justice system, it is recommended to Slovakia to:

- Introduce measures to ensure that the members of the Judicial Council, notably those not elected by judges, are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- Ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Introduce proposals to regulate lobbying and to strengthen the legislation on conflicts of interest and asset declarations.
- Take measures to improve the coordination among the different law enforcement entities and ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Continue with the process of strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- Ensure effective public consultation and stakeholder involvement in the law-making process.



## ABSTRACT – FINLAND

The perceived independence of the Finnish justice system remains at a very high level. The National Courts Administration continues its work in developing initiatives and supporting the work on courts, namely through expanding its activities, organising meetings and engaging in a variety of projects. A working group set up by the Ministry of Justice proposed constitutional amendments to strengthen judicial independence and a new working group was set up to follow up on these proposals. In November 2022 and for the first time, the Government has submitted to Parliament a Report on the Administration of Justice. As identified in that report, resources for the justice system have been increased, while structural shortages remain. The National Courts Administration has received additional funding for the development of the case management systems.

The perception among experts and business executives is that Finland is one of the least corrupt countries in the world. The majority of actions foreseen in the National Anti-Corruption Strategy and Action Plan 2021-2023 have started. Work is ongoing on a draft proposal on trading in influence to continue to strengthen the criminal legal framework related to corruption, while a decision on revising the legislation on bribery is pending. The Ministry of Justice has conducted an analysis of the legal framework on ministerial responsibilities. The Transparency Register Act will enter into force on 1 January 2024. The Parliament did not conclude discussions on a proposal on limiting ‘revolving doors’ for Ministers before the end of the parliamentary term. While civil servants and persons entrusted with top executive functions are covered by the Code of Conduct, Ministers are still not covered. The Government presented a proposal to develop transparency in electoral and party funding legislation.

Finland generally offers a free and protected environment for journalists and media professionals. There are no regulatory changes concerning the media regulators or the Finnish public service broadcaster. Ethical rules for the press are currently being reviewed, and the resources of the self-regulatory Finnish Council for Mass Media have been strengthened while it continues to deal with a rising number of complaints about journalistic ethics. The specifically appointed working group dedicated to reform of the Act on the Openness of Government Activities presented a proposal for urgent reform of the Act aimed at clarifying exceptions relating to documents in criminal proceedings. However, the proposal was not yet adopted due to the end of the Parliament’s mandate. The working group is expected to report on the overall reform in late autumn 2023. The government has prepared legal reforms to address the harassment of journalists online.

A new guide on fundamental and human rights impact assessments in drafting legislation has been published in November 2022. Generally, involvement of stakeholders in the legislative process remains meaningful, with some discrepancies reported. A targeted amendment to the Emergency Powers Act was adopted, with a more comprehensive reform pending. The law clarifying the division of powers between the Chancellor of Justice and the Parliamentary Ombudsman has entered into force. Amendments to improve the model of funding of civil society organisations were approved by the Parliament.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Finland has (made):

- Fully implemented the recommendation to continue developing initiatives by the National Courts Administration to support the work of courts.
- Some progress on continuing to strengthen the criminal legal framework on corruption, in particular, by the adoption of legislation on trading in influence.
- Significant progress on continuing efforts to implement the new National Anti-corruption Strategy and Action Plan 2021–2023, including by starting the implementation of all planned measures.
- Some progress on continuing the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Finland to:

- Continue to follow-up on the report on the assessment and future development trends of the court system, including the reform of the appointment of lay judges, taking into account European standards on judicial independence.
- Adopt legislation on trading in influence and continue to take steps to propose a revision on the criminal offence of foreign bribery.
- Strengthen the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them.
- Advance with the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.





## ABSTRACT – SWEDEN

The level of perceived judicial independence in Sweden continues to be high among the general public and among companies. The all-party Committee of Inquiry on strengthening the protection of democracy and the independence of the judiciary has completed its work. A wider societal discussion took place on the nomination system of lay judges which is done via political parties and therefore raised concerns on ensuring their independence. Some of the gaps regarding digitalisation of justice are being addressed and fully digital judgments in criminal cases in district courts were introduced. The courts were granted increased financial resources for the period 2023-2025. The Swedish justice system performs efficiently.

The perception among experts and business executives is that Sweden is one of the least corrupt countries in the world. As part of the National Anti-Corruption Plan, work is ongoing towards a final report in December 2023. There have been no developments following a proposal by a committee of inquiry to extend the statute of limitations for corruption and other serious offences. Corruption related to infiltration of organised crime groups into the public service remains a concern. Efforts have been made to prosecute foreign bribery cases, but so far, the limited legal definitions of foreign bribery remain unchanged. The Government has still not updated the Ethical Guidelines for civil servants, and independent advice and oversight for ministers are not in place. Sweden's culture of openness and disclosure of information enables transparency of lobbying, while the Government launched a parliamentary inquiry on political party financing legislation and lobbying. The Government launched an inquiry to evaluate the rules on 'revolving doors' for a wide range of public functions, which is ongoing and should be completed by August 2023.

Sweden has a strong legal framework guaranteeing media freedom and pluralism with safeguards stemming both from the Constitution and from legislation. A restructuring of the independent Press and Broadcasting Authority is being prepared. The Government has introduced new legislation to improve transparency of media ownership; it has also taken steps to update rules on broadcasting licenses and extended from six to eight years the licensing period for the terrestrial network for commercial television. The Government has additionally taken steps to review the legislative framework of the public service media and to increase criminal law protection for journalists, who increasingly report instances of hate speech, threats and insults. In parallel, the Police has strengthened cooperation with publishers through joint seminars aimed at preventing crimes committed against journalists.

The opinions of the Council on Legislation are followed by the Government in a large majority of cases. As regards the Parliamentary Ombudsmen, amended constitutional and legislative rules are expected to take effect in January 2027 and September 2023 respectively, reflecting the parliamentary review on their functioning and mandate. The National Human Rights Institution is working towards an A-accreditation. As regards reforms of the legal framework for the funding and operation of civil society organisations, one legislative proposal was withdrawn for revision, while the impact on civil society engagement of the legislative initiatives remains to be ascertained. Even though Sweden continues to have an open civil society space, recent developments have given rise to some concerns in that regard.

## Recommendations



Overall, concerning the recommendations in the 2022 Rule of Law Report, Sweden has (made):

- Fully implemented the recommendation to continue the work of the Committee of Inquiry on strengthening the protection of democracy and the independence of the judiciary, taking into account European standards on judicial independence.
- Some progress on the evaluation of the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the Government.
- Some progress on strengthening the fight against foreign bribery, including through amending existing legal definitions and improving on prosecution and final judgments of cases.
- Some progress on ensuring that on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Sweden to:

- Ensure that the nomination system of lay judges safeguards their independence, taking into account European standards on judicial independence.
- Evaluate the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the Government.
- Strengthen the fight against foreign bribery, by amending the existing legal definitions to improve on the prosecution of, and final judgments in foreign bribery cases.
- Continue efforts to ensure that the on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.



