

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

## A) Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

## B) Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

## C) Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

## D) Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## About you

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\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

**\* Organisation name**

*250 character(s) maximum*

Osservatorio Balcani Caucaso Transeuropa (OBCT)/ Centro per la Cooperazione Internazionale (CCI)

**Main Areas of Work**

- ☐ Justice System
- ☐ Anti-corruption
- ☒ Media Pluralism
- ☐ Other

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

*500 character(s) maximum*

<https://www.balcanicaucaso.org/>

**Transparency register number**

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

943382841714-79

**\* Country of origin**

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados

- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon

- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☒ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius

- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia

- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

\* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both



legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☒ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

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

*5000 character(s) maximum*

## A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*5000 character(s) maximum*

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Allocation of cases in courts

*5000 character(s) maximum*

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

*5000 character(s) maximum*

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

*5000 character(s) maximum*

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

*5000 character(s) maximum*

Independence/autonomy of the prosecution service

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## B. Quality of justice

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)*

Accessibility of courts (e.g. court/legal fees, legal aid, language)

*5000 character(s) maximum*

Resources of the judiciary (human/financial/material)

*(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)*

*5000 character(s) maximum*

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

*5000 character(s) maximum*

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

*5000 character(s) maximum*

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

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

5000 character(s) maximum

## C. Efficiency of the justice system

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)*

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

## II. Anti-Corruption Framework

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

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

5000 character(s) maximum

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

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these

authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*5000 character(s) maximum*

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

*5000 character(s) maximum*

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

*5000 character(s) maximum*

## B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

*5000 character(s) maximum*

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

*5000 character(s) maximum*

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

*5000 character(s) maximum*

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

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

*5000 character(s) maximum*

Sectors with high-risks of corruption in your Member State:

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## C. Repressive measures

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

### III. Media pluralism and media freedom

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

*5000 character(s) maximum*

As far as the previous year recommendation to reform and introduce safeguards for the regime on defamation, throughout 2023, the Italian Parliament advanced five bills (No. 81, No. 95, No. 466, No. 573, No. 616), aimed at reforming the current civil and criminal defamation provisions, and responding to the call of the Italian Constitutional Court (ruling No. 132/2020 and ruling No. 150/2021).

The proposed amendments referenced Article 11 of the Charter of Fundamental Rights of the European Union (bill No. 81) and Article 10 of the European Convention on Human Rights (bill No. 573). Similarly, they spelled out their objective, namely promoting a reform directed at striking a balance between freedom of expression and the protection of reputation (bills No. 81, No. 466, and No. 573). However, contrary to the above-mentioned objectives, some of these amendments have shifted their focus from the need to formulate provisions aimed at protecting journalists from abuses of the law and vexatious lawsuits to the need to safeguard plaintiffs, prioritising the right to reputation over freedom of expression. A formulation which gives away the perception that most of the journalistic community is made by professionals acting in bad faith.

Furthermore, none of the bills considered the EU current debate on the proposal for a directive aimed at countering SLAPPs (2022/0117). Specifically, two key concepts were missing in the dialectic of the Italian bills: public participation and public interest. The lack of any elaboration of these notions resulted in legislative attempts which are unable to address the challenges that SLAPPs pose to journalists and press freedom. Eventually, the contribution of the bills emerged as marginal compared to the task assigned by the Constitutional Court, which had called on the Italian Parliament to initiate a 'comprehensive' reform of defamation provisions, and to the 2023 Rule of Law recommendation of the European commission.

To be sure, in October 2023, the Italian Senate eventually chose to bring forward only the bill advanced by the ruling coalition, No. 466. Bill No. 466 aims at reforming the criminal code addressing criminal defamation through the press.

While Italian civil society has welcomed the provision codifying the abolition of prison sentences, in line with the rulings of the Strasbourg Court, this practice was already consolidated in Italian jurisprudence, and prescribed by the Constitutional Court (No. 150 of 2021). However, the bill introduces a number of pejorative aspects. In particular, provisions directed at increasing fines for criminal defamation are a source for serious concern. Bill No. 466 proposes to significantly raise the minimum fine, setting two brackets: penalties from 5,000 to 10,000 euros and from 10,000 to 50,000 euros. Any increase in fines of any amount goes against

the interpretation of Article 10 ECHR provided by the jurisprudence of the European Court of Human Rights, which has repeatedly stressed that penalties for defamation must take into account the impact they will have on the economic situation of the defendant, in order to prevent the imposition of a disproportionate fine which would trigger a chilling effect on freedom of the press and expression. Moreover, monetary penalties emerge as particularly damaging for those with limited means, such as small publishers and freelance journalists, while they prove ineffective for those with generous financial resources, a dynamic that encourages the use of lawsuits for the mere purpose of intimidation.

Similarly, the introduction of the publication of an automatic rectification without the chance for the editor to add a title, a comment or reply compresses the space for press freedom.

Finally, provisions concerning the imposition of disciplinary penalties intended to disqualify journalists from practising the profession for a period of up to six months, is worrying, due to the potential deterrent effect of criticism, a direction opposed to the practice of the Strasbourg Court.

For the above-mentioned reasons, bill No. 466 is problematic, and risks triggering a chilling effect on freedom of the press and expression, even more so in a context characterised by an alarming number of politicians and public figures who respond to investigative journalism and criticism with SLAPPs.

#### References:

<https://www.rcmediafreedom.eu/Resources/Reports-and-papers/Italian-civil-society-organisations-take-part-in-parliamentary-consultations-on-defamation-reform>  
<https://www.fnsi.it/ddl-diffamazione-fnsi-e-cnog-senza-modifiche-pronti-a-scendere-in-piazza>  
[https://commission.europa.eu/publications/2023-rule-law-report-communication-and-country-chapters\\_en](https://commission.europa.eu/publications/2023-rule-law-report-communication-and-country-chapters_en)  
<https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2021&numero=150>  
<https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2020&numero=132>

## A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*



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

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

*5000 character(s) maximum*

In order to fully address the need for information on state advertising in media, broad transparency obligations both within national and EU regulations are needed. Public authorities are usually obliged to keep records of their advertising expenditure, and such a collection of data can be used to achieve a greater transparency at EU level through the creation of national and EU-wide databases that provide transparent data around the funds that states allocate to media companies through public advertising. The proposed EMFA regulation partially addresses this issue by providing a general framework to all the Member States.

It should be acknowledged the concern that wide-reaching transparency of state advertising in media may deter smaller governments from funding small and local media, which would have their existence put in jeopardy, there is nevertheless little empirical evidence that supports such claim.

Emergency times, when governments and other public institutions communicate with the wider public through paid emergency messages, which benefit from certain exemptions from general rules, also constitute a case of particular concern. The Opinion of the Committee on Civil Liberties, Justice and Home Affairs, provides for a comprehensive proposal on how to address this specific issue by bringing emergency messages under the general regulatory framework, which has proven its efficacy.

References: [https://www.europarl.europa.eu/doceo/document/LIBE-AD-746757\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/LIBE-AD-746757_EN.pdf)

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

*5000 character(s) maximum*

The relation between media and the Meloni government has been affected by the interference of the executive in the governance of the Italian public broadcasting service.

The independence of RAI, Radiotelevisione italiana, the Italian national public broadcasting company, is a traditionally sensitive topic which periodically surfaces on the Italian political agenda, its funding and governance being subjected to political interference. The 2023 Media Pluralism Monitor, placed Italy among the countries in which the independence of public service media is most threatened. Last Spring, the current cabinet operated significant internal management changes which led to the resignation of the public broadcaster CEO. On that occasion, international media freedom groups raised alarm about the Italian public service broadcaster's independence. Such political appointments set a worrisome precedent for two reasons. Firstly, RAI CEO resigned one year prior to his term conclusion citing political pressure, just few weeks before the yearly expiration of a number of RAI's tv show contracts. Secondly, the newly appointed

CEO, Roberto Sergio, swiftly invoked “a new storytelling”, arguably in line with the ruling coalition’s agenda, which had immediate consequences on RAI’s programming. The timing resulted in a flood of well-established shows migrating to private broadcasting companies, such as the celebrated show *Che Tempo Che Fa* led by Italian journalist Fabio Fazio. Similarly, the case of Roberto Saviano’s anti-mafia show, *Insider*, which had been already recorded and cancelled abruptly caused international resentment. What both Fazio and Saviano have in common, alongside with other professionals who left RAI over the past few months, is their criticism, subtle or vocal, toward members of the current cabinet.

Another unjustified political interference in the independence of the Italian public service broadcaster was registered last November when Report’s presenter, Sigfrido Ranucci, was summoned by RAI Director’s Supervisory Committee. A manifestation of political pressure targeting an independent investigative TV programme, whose reporting has been critical of a number of members of the current government. The summon was not only unusual, given that individual journalists have never been audited by the Committee before; members of the ruling coalition took the chance to publicly mock Ranucci during the meeting.

Finally, Giorgia Meloni’s coalition partner, Lega’s leader Matteo Salvini decided to shrink the funding allocation to the broadcasting service, a provision which was introduced into the recently approved Budget Law. A condition which further threatens RAI’s financial autonomy.

#### References

<https://fom.coe.int/en/alerte/detail/107639298;globalSearch=true>  
<https://www.rcmediafreedom.eu/News/Italy-International-Media-freedom-groups-raise-alarm-about-RAI-s-independence>  
[https://www.adnkronos.com/Archivio/politica/rai-lettera-dellad-sergio-ai-dipendenti-ora-al-lavoro-per-far-ripartire-lazienda\\_3lly4NtstrjwfxFKThaZfo](https://www.adnkronos.com/Archivio/politica/rai-lettera-dellad-sergio-ai-dipendenti-ora-al-lavoro-per-far-ripartire-lazienda_3lly4NtstrjwfxFKThaZfo)  
[https://www.repubblica.it/spettacoli/tv-radio/2023/05/14/news/fabio\\_fazio\\_lascia\\_rai\\_nomine\\_meloni-399825394/](https://www.repubblica.it/spettacoli/tv-radio/2023/05/14/news/fabio_fazio_lascia_rai_nomine_meloni-399825394/)  
<https://www.mapmf.org/alert/30556>  
<https://www.rcmediafreedom.eu/News/Italy-MFRR-partners-condemn-summons-of-RAI-presenter-Sigfrido-Ranucci>  
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<https://www.usigrai.it/con-il-taglio-delle-risorse-la-rai-rischia-di-essere-smantellata-nel-silenzio-generale-le-dispute-nel-governo-danneggiano-il-servizio-pubblico/>

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

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Transparency of media ownership strengthens the accountability of media service providers, it enforces media freedom and pluralism, and it improves the health of the entire EU media market, especially if the wider public is made aware of the structural connection between media ownership, private interests and how the public opinion is shaped by that.

Based on the work of a consortium of European organisations that analysed the text of the proposed EMFA regulation, we can appreciate that the coming European Media Freedom Act (EMFA) will partially address this issue by enforcing increased transparency about who and how owns media companies, which is key to ensure that political interferences on our democratic life are curbed.

Still, the proposed regulation falls short in providing an efficient response to the issue, which could be better addressed by making transparency of media ownership for all and every media service provider mandatory through an EU-wide database of media ownership. This would be a primary tool to ensure that Member

States adhere to the same standards and develop national regulatory authorities or bodies and maintain national databases of media ownership. Mandatory yearly reports on media ownership data by national regulatory authorities or bodies should be produced, which include the obligation for data on media ownership to be made publicly available free of charge and in an electronic and user-friendly manner.

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

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

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Article 4 of the EMFA regulation is a slippery and dangerous precedent, as it creates the legal basis for the use of spyware against journalists through the abuse of the press freedom alleged values.

The form of substandard protection introduced by article 4 represents bad news for those EU countries which enjoy current forms of better protection, while the argument that EMFA introduces just a minimum standard seems weak, as the regulation constitutes a political signal that to produce lower protections is possible in the coming EU framework.

Italy can be counted among the countries that would see a de facto decrease in the quality of the norms that protect journalistic sources in case any future government will adapt the national standards to the new minimum provided in the EMFA. This worrying trend overlaps with the fact that Italy was one of the fiercest supporters of watering down the protections nested in article 4 during the legislative process in 2022-2023 as well as during the trilogue between the EU institutions in November 2023.

References:

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

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According to the latest report of the Italian Coordination Centre for the monitoring, analysis, and permanent exchange of information on the phenomenon of intimidation of journalists, which covered the first 9 months of 2023, the police registered 71 cases of intimidation or attacks involving 68 journalists - 17 women and 51 men. Insults and verbal attacks were among the most frequent cases of intimidation, mostly happening via the web, especially social networks. Lazio, Lombardia, and Campania remained the regions with the highest number of cases.

This data show a decrease in cases compared to the first 9 months of 2022 when the Police registered 84 acts of intimidation. At a glance, this might appear as a positive development, but it must be considered that not all journalists or media workers decide to report violations to the police, which may explain the relatively low number of women targeted by attacks. As highlighted in the research Interviewing Journalism II - Needs

and Gaps in support for women and local journalists published by OBC Transeuropa, women are often more vulnerable to threats than their male colleagues; yet, the fear of professional retaliation prevents them from reporting their cases to the police, leading to a worrying trend of underrepresentation and underreporting of the attacks.

In 2021 the European Commission identified the Italian Coordination Centre as a best practice to ensure journalists' safety; representatives of the Italian media sector, the FNSI, and OdG have also recognised that the establishment of this special body has improved the relationship between journalists and public authorities. Nevertheless, some crucial shortcomings remain: firstly, the fact that the Centre is part of the Ministry of the Interior exposes it to political interferences that undermine its independence. Secondly, there continues to be a serious risk of underreporting: besides the fact that journalists may decide not to report attacks, the fact that data is based on police reports also means that cases of intimidation or attacks from the police are not taken into account. Finally, the Centre does not monitor cases of legal threats or so-called SLAPPs that are prevalent and worrisome issues in the current Italian media context.

To allow the Coordination Centre to work as an effective body for the prevention, protection, and persecution of press freedom violations, it should, first of all, be decoupled from politics and made fully independent from governmental institutions; second, its scope should be enhanced to cover all types of violations, threats, and attacks against journalists and media workers; and third, police officers should receive adequate training to be able to respond to acts of intimidation against journalists promptly and competently.

#### References:

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<https://www.interno.gov.it/it/ministero/osservatori-commissioni-e-centri-coordinamento/centro-coordinamento-sul-fenomeno-atti-intimidatori-nei-confronti-dei-giornalisti>

[https://www.interno.gov.it/sites/default/files/2023-12/report\\_9\\_mesi\\_2023\\_web.pdf](https://www.interno.gov.it/sites/default/files/2023-12/report_9_mesi_2023_web.pdf)

<https://www.balkanicaucaso.org/eng/Occasional-papers/Interviewing-Journalism-II.-Needs-and-gaps-in-support-for-women-and-local-journalists>

<https://www.rcmediafreedom.eu/Multimedia/Video/Interview-with-Paolo-Borrometi>

<https://www.rcmediafreedom.eu/Multimedia/Video/Ensuring-the-safety-of-journalists-the-role-of-law-enforcement-authorities2>

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

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In implementing the European directive 2016/343/EU on strengthening the presumption of innocence, Italy has created a rule that makes it difficult if not impossible to verify news. It imposes a stop on the full or partial publication of the content of wiretaps, reasons for arrest, judicial proceedings and the contents of precautionary custody orders at least until the end of the preliminary hearing. A ban which was welcomed by the Italian journalism, professional representatives and advocates as a Gag Law which has nothing to do with the principle of presumption of innocence and represents a serious blow to the right to freedom of the press.

A cause of concern among the media professionals was the new law promoted by the Italian Minister of justice Nordio, related to the use of wiretapping. The legislator has the task of finding the right balance between two principles of constitutional rank, the right to privacy and protection of the dignity of people, and the right to inform and be informed, a cornerstone of the democratic system. The minister announced that he wanted to proceed with a profound review of the discipline as, he claimed, wiretaps have become an

instrument of personal and political delegitimization, that puts a huge burden on the public coffers. Unions and journalistic organizations have defined this further tightening on the publishability of judicial documents and the contents of wiretaps, already the subject of three legislative interventions between 2017 and 2020 (law 103/2017, decree 216/2017, law 7/2020), one harmful restriction on freedom of the press and expression.

Another source of serious concern has been expressed by national stakeholders in relation to the bill advanced by Italia Viva deputy Enrico Costa. The amendment was voted and approved by the lower chamber of the Parliament with 160 votes in favour and 70 against on the 18th of December 2023. Drafted by Azione party, it was supported by Italia Viva as well as the ruling coalition. The amendment aims at forbidding the publication of all or part of the text of a pre-trial detention order until the end of the preliminary investigations, severely restricting the freedom of journalists and newspapers to publish news. The bill has been criticised by distinguished prosecutors as Raffaele Cantone, as well as the Italian journalist trade union, Federazione Nazionale Stampa Italiana, whose representatives deserted the yearly press conference of the Italian PM.

The Costa bill fits into the broader Cartabia reform, which has failed to accurately transpose the EU directive on the presumption of innocence (2016/343), containing a number of provisions which affect court reporting and threatens citizens' right to be informed.

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<https://www.articolo21.org/2022/12/tutela-delle-fonti-e-del-diritto-di-cronaca-consiglio-nazionale-fnsi-in-piazza-il-14-dicembre/>  
<https://www.balcanicaucaso.org/aree/Italia/Rete-NoBavaglio-appello-professionisti-giornalisti-e-societa-civile-Non-ci-faremo-mettere-il-bavaglio>  
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Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

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Over the past year, Mapping Media Freedom has registered 24 legal incidents located in Italy. The number of legal intimidations and formalised lawsuits initiated by political figures targeting critics of the government has been increasing steeply. Intolerance to criticism pertaining to political conduct signals a disquieting trend of Italian leadership which fails to take into consideration the public interest. Here a list of important examples:

In March 2023, Domani's newsroom learned that Claudio Durigon, Undersecretary at the Ministry of Labour and Social Affairs, had initiated a criminal defamation lawsuit against them when two police officers handed

them a seizure order directed at one of Domani's articles. The article examined the alleged links between Durigon and members of local criminal organisations in Latina, south of Rome. The seizure order was followed by an awkward order of release signed by Rome's prosecutor. The lawsuit was recently dismissed. The dismissal did not stop the undersecretary from going after Domani's newsroom again, as he presented them with a legal notice demanding 200,000 euros compensation plus 500 euros daily until a number of investigative articles he dislikes are removed.

In May, Adolfo Urso, Minister of Enterprises and Made in Italy and member of Fratelli d'Italia party, announced he will take legal action against RAI's investigative program Report following alleged "blatant falsehoods made with clear defamatory intent" contained in the broadcast.

In June, Lega leader and current minister of Infrastructures Matteo Salvini announced that he had instructed his lawyers to file a complaint against L'Espresso for their 2019 report about the so-called Metropoli case, which revealed alleged connections between Lega and the Kremlin.

In June, Minister of Tourism and member of Fratelli d'Italia party Daniela Santanché announced she had given her lawyers the mandate to file a defamation lawsuit against RAI's investigative program Report due to its recent critical reporting on the minister's business ventures.

In August, Arianna Meloni, wife of Minister of Agriculture Francesco Lollobrigida and sister of the prime minister Giorgia Meloni, currently secretary of the political section of leading coalition party Fratelli d'Italia, filed a lawsuit against satirical illustrator Mario Natangelo in relation to a caricature published on Il Fatto Quotidiano.

In September, Giancarlo Giorgetti, current minister of the Economy, announced that he instructed his lawyers to file a lawsuit against daily newspaper Domani for an article authored by investigative journalist Giovanni Tizian. In the quoted piece, Tizian had examined links between business ventures and government contracts granted to Francesca Verdini, partner of Matteo Salvini.

In October, Ignazio La Russa, president of the Senate and member of Fratelli d'Italia, announced a criminal defamation complaint against RAI show Report. The announcement was made one day prior to the show screening an episode dedicated to La Russa's family alleged business ventures.

In October, Italian writer and journalist Roberto Saviano was found guilty of criminal defamation by the Criminal Court of Rome. The case was initiated by Giorgia Meloni in November 2021, when she was leader of the opposition, prior to her assuming the current role of Prime Minister. The criminal lawsuit accused Saviano of aggravated criminal defamation due to his critical comments about Meloni's persistent anti-migrant stance, voiced during the television program. The Criminal Court of Rome convicted Saviano of criminal defamation. The judge acknowledged the mitigating circumstances, mentioning the moral motivation that led Saviano to formulate his criticism. The criminal court ordered the writer to pay a fine of 1,000 euros, and 2,600 euros of legal expenses; a further compensation for civil claims of the plaintiff will be determined by a civil court. The conviction represents a serious blow to freedom of expression.

In December, the third hearing in the criminal defamation trial initiated by current minister of Transportation Matteo Salvini against Roberto Saviano was postponed for the second time by the judge due to Salvini's non-appearance.

[https://www.mapmf.org/explorer?f.from=2023-01-01&f.to=2024-01-09&f.country=Italy&f.type\\_of\\_incident=Legal+incident](https://www.mapmf.org/explorer?f.from=2023-01-01&f.to=2024-01-09&f.country=Italy&f.type_of_incident=Legal+incident)

<https://www.mapmf.org/alert/25312>

<https://www.editorialedomani.it/politica/italia/una-repubblica-fondata-sulle-querele-contro-i-giornalisti-cz5igtzn>

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<https://www.mapmf.org/alert/30345>

<https://www.mapmf.org/alert/30351>

<https://www.mapmf.org/alert/30437>

Other - please specify

*5000 character(s) maximum*

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

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

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

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

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Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

*5000 character(s) maximum*

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

*5000 character(s) maximum*

Regime for constitutional review of laws

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### B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

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

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Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

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## C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

5000 character(s) maximum

## D. The enabling framework for civil society



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

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Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

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Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

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

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

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

