

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, 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^[1] 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

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

* 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

Meijers Committee / Commissie Meijers

Main Areas of Work

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

If "Other", please specify

Rule of law (general), EU agencies, and European criminal, migration, refugee, privacy, non-discrimination and constitutional law.

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

500 character(s) maximum

<https://www.commissie-meijers.nl/>
<https://euruleoflaw.eu/>

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

573618628778-12

* 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

Ashley

Surname

Terlouw

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

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

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

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

According to Dutch law, the minister of Justice and Security has the power to issue a specific order to the public prosecutor to initiate criminal prosecution in individual cases, which obviously is stretching much farther than the power- also laid down in Dutch law - to issue a general directive aiming at granting priority to the prosecution of certain (categories of) crimes or other matters of law enforcement. Among legal experts (See the debate between M.E. Verburg (Nederlands Juristenblad 2021 nr. 4) and J. Lindeman and E. Sikkema (Nederlands Juristenblad 2021 nr. 7)) the question has risen whether or not this regulation is compatible with the conception of Public Prosecution as a 'judicial authority' in the sense of the decision of the European Court of Justice on the European Arrest Warrant (C-508/18, C-82/19 PPU, ECLI:EU:C:2019:456, par. 4.1 nr. 74). Independence of such an authority presupposes, according to the argumentation of the Court, that there exists no risk whatsoever the executive power may issue orders in individual cases.

This decision of the EU Court inspired a liberal MP Groothuizen (D66) to launch a legislative initiative, in order to review the actual system of checks and balances between the government (the minister of Justice and Security) and the Prosecution Service individual criminal cases (Introduced 16 March 2021 (nr. 35768)). After a promise of the government to consider such a review, the bill was withdrawn on 17 May 2022. The goal aimed at, however, remains crucial: the lack of independence the EU Court indicated would amount to an obstacle for an effective practice of legal assistance between the member states of the EU. Although this obstacle has been eliminated in Dutch legislation by assigning a judge the competence in case of surrender or extradition that the prosecutor had previously, that change did not remove a fundamental flaw in the system of checks and balances between the minister of Justice and Security and the Prosecution Service, mentioned earlier. In the Dutch legal system and judiciary, the independence of the Prosecution Service in individual cases means a guarantee against political pressure and interventions that easily may amount to putting at risk, if not violating of the rule of law. Even the appearance of political pressure should be prevented. The existence of the possibility to issue specific orders in individual criminal cases creates such an appearance. Considering the recent developments in several EU member states regarding undermining rule of law standards, it is urgent to avoid any appearance of political pressure on the judiciary, of which the Prosecution Service in the Dutch legal system is an indispensable element. It has a monopoly for decisions on criminal prosecution, only subject to a restricted check by the Court of Appeal. A specific power of the government to prosecute or not to prosecute in concrete cases does not fit well in this balanced system.

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

In het coalitieakkoord 2021-2025 werd het voornemen aangekondigd om het hele justitiële stelsel te versterken en de toegang tot de rechter te verbeteren, onder meer door meer financiering vrij te maken voor het strafrecht (Zie rechtsstaatsrapport Nederland 2023). Daarnaast werd er geïnvesteerd in de loopbaanontwikkeling van gerechtelijk personeel en in communicatie en zichtbaarheid op de arbeidsmarkt (Ibid). De regering heeft het recent mogelijk gemaakt dat rechters van 70 tot 73 werkzaam blijven in de rechtspraak om op die manier de capaciteit uit te breiden (Wet van 8 november 2023 tot wijziging van de Wet rechtspositie rechterlijke ambtenaren, de Tweede Verzamelspoedwet COVID-19 en enkele andere wetten in verband met het treffen van een tijdelijke voorziening voor het benoemen van rechters-plaatsvervangers in hun eenenzeventigste levensjaar Stb. 2023, no. 410, inwerking getreden 9 november 2023). Ondanks deze inspanningen wordt de druk op de rechters nog steeds als te hoog ervaren (InternetSpiegel, Medewerkersonderzoek Rechtspraak 2022). De Nederlandse Vereniging voor Rechtspraak heeft bij de cao-onderhandelingen afgedwongen dat een verkenner hier onderzoek naar doet, welk onderzoek binnenkort wordt afgerond (Update #3 Verkenner Werkdruk - NVvR). De overbelasting leidt uiteindelijk tot oplopende achterstanden die onaanvaardbaar zijn waarbij rechtszoekenden jaren op een beslissing moeten wachten. Het gevolg hiervan zal zijn dat de overheid oplossingen gaat zoeken voor ontstane achterstanden in het gerechtelijk apparaat door zaken bij de rechter weg te halen of door de drempel tot toegang te verhogen. Dit kan bijvoorbeeld door meer zaken door het Openbaar Ministerie af te laten doen met een strafbeschikking. Hierdoor bestaat het gevaar dat de toegankelijkheid van de gang naar de rechter voor de Nederlandse burger afneemt en minder rechtszaken worden afgedaan door een onafhankelijk rechterlijke macht. In het strafrecht wordt de rol van het vervolgende Openbaar Ministerie groter en op het civiele vlak gaan niet onafhankelijke arbitragecommissies de zaken overnemen. Om deze tendens tegen te gaan moet de rechterlijke macht zodanig worden gefinancierd dat de rechters de rechtszaken kunnen afdoen binnen een redelijke termijn, terwijl de kwaliteit van de beslissingen behouden blijft.

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

Geweld en intimidatie richt zich steeds vaker op vertegenwoordigers en hoeders van de democratische rechtsstaat, zoals politici, rechters, advocaten en journalisten. Er lijkt sprake te zijn van een nieuwe categorie gedetineerden met de nodige macht en middelen, die er andere normen op nahoudt waarbij middelen die de rechtsstaat ondermijnen niet worden geschuwd. Dat is een reëel gevaar. Echter bestaat er ook een groot risico dat, in reactie hierop, fundamentele beginselen van de rechtstaat door strengere maatregelen worden uitgehold. Om ernstige vormen van voortgezet crimineel handelen tegen te gaan worden de regels in het bijzonder voor de extra beveiligde inrichting en de detentieplaatsen voor intensief toezicht strenger. Naast fysieke maatregelen (Zoals de bouw van een tweede EBI (Kamerstukken II 2021/22, 29911, nr. 339)), worden ook juridische maatregelen genomen (Ibid). Inmiddels zijn de gronden voor plaatsing in de extra beveiligde inrichting (EBI) uitgebreid met een vierde grond die tot doel heeft het voorkomen van voortgezet handelen in detentie vanwege een algemene gevaarzetting die van de gedetineerde uitgaat. Ook is de duur van de plaatsing in de EBI verlengd van zes naar twaalf maanden (Artt. 6 lid 1 sub d, lid 2 en 26 lid 3 Rspog. Deze wijzigingen zijn in werking getreden op 17 december 2022). De bewindspersonen hebben bovendien aangegeven te willen leren van de Italiaanse aanpak, waarbij de gedetineerde vrijwel volledig wordt geïsoleerd van de buitenwereld (Kamerstukken II 2021/22, 29911, nr. 339). Hierop vooruitlopend worden de mogelijkheden om vanuit de EBI contact met de buitenwereld te kunnen onderhouden, sterk verminderd (Kamerstukken II 2022/23, 29911, 29279 en 24587, nr. 374). In een recent conceptwetsvoorstel van de Penitentiaire beginselenwet (Pbw) is de mogelijkheid opgenomen dat de minister middels een bevelsbevoegdheid in specifieke gevallen tijdelijk alle contacten met de buitenwereld, behoudens het contact met de advocaat, kan beperken (Conceptwetsvoorstel Wijziging van de Penitentiaire beginselenwet in verband met aanvullende maatregelen tegen georganiseerde criminaliteit tijdens detentie 7 december 2022). Thans ligt er een concept (Wijziging van de Penitentiaire beginselenwet in verband met aanvullende maatregelen tegen georganiseerde criminaliteit tijdens detentie kamerstukken 2022 - 2023, nr. 36 372). Deze maatregelen betreffen de contacten van gedetineerden met de buitenwereld in de EBI en op een AIT. Het gaat onder andere over visueel toezicht op het contact van een gedetineerde met een rechtsbijstandverlener, de beperking van het aantal rechtsbijstandverleners waarmee vertrouwelijk contact mag plaatsvinden per gedetineerde tot in beginsel twee en het werken in koppels door medische hulpverleners. Het is belangrijk om voortgezet crimineel handelen in de gevangenis of ontsnapping tegen te gaan, echter hierbij moeten te allen tijde de fundamentele beginselen van de rechtstaat overeind blijven.

II. Anti-Corruption Framework

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

Please provide information on measures taken to follow-up on the recommendations received in the 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

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

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

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

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

5000 character(s) maximum

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

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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#>)

5000 character(s) maximum

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

5000 character(s) maximum

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

Overheidstransparantie

1. Termijnoverschrijdingen bij openbaarmakingsverzoeken. Een zeer zwakke plek in de mate waarin de Nederlandse overheden in staat zijn tot het tijdig en volledig bieden van transparantie over overheidsbeleid, is de gebrekkige informatiehuishouding. Dit leidt ertoe dat het lang duurt om documenten op te sporen en is daarmee een van de oorzaken dat meer dan 80 % van de Woo-verzoeken bij de Rijksoverheid de wettelijke termijn van maximaal 6 weken overschrijden, zo bleek dit jaar opnieuw uit onderzoek van de Open State Foundation (Open State Foundation en Instituut Maatschappelijke Innovatie, 'Matglas. Onderzoek naar de invoering van de Wet open overheid', maart 2023). Andere factoren hierbij zijn het gebrek aan regie op de tijdige afhandeling van Woo-verzoeken, de lange 'tekenlijnen' waarbij allerlei verschillende directies binnen een ministerie op een Woo-besluit moeten aftekenen, en het uitgebreid uitvragen van zienswijzen bij belanghebbenden. Uit een enquête onder ambtenaren uitgevoerd door onderzoeksbureau SEO blijkt dat 15 % van de ambtenaren zegt dat er soms zelfs sprake is van bewuste vertraging (SEO, 'Invoeringstoets Wet open overheid. Knelpunten, best practices en neveneffecten', december 2023, p.19-20). Ook het gebrek aan goede informatiespecialisten en de geleidelijke toename van de omvang van Woo-verzoeken vormen een probleem, waarbij overheden nog onvoldoende gebruik maken van de mogelijkheden om in overleg met de verzoekende burger of journalist tot een zinvolle inperking te komen. (Deze bijdrage is verzorgd door expertisecentrum voor Woo-verzoekers SPOON, in afstemming met de Commissie Meijers).

2. Cultuur van geslotenheid. Ondanks lessen die zouden zijn getrokken uit de Toeslagenaffaire over de rol die gebrekkige openheid speelde in het verergeren en verlengen van dat drama, heeft dit vooralsnog niet geleid tot een merkbare verandering in de mate van openheid die overheden betrachten (De meest tastbare

verandering is dat voortaan zogenaamde Beslisnota's van de minister worden meegestuurd met Kamerbrieven). Er is bij een deel van de ambtenarij nog altijd een diepgaande overtuiging dat openheid over interne beraadslaging ertoe zou leiden dat ambtenaren niets meer durven opschrijven. Het credo dat de ambtenaar eerst en vooral niet de bewindspersoon in de problemen dient te brengen, is springlevend. Sommige bestuursorganen, zoals de Belastingdienst, hebben zelfs aparte afdelingen voor het afhandelen van 'politiek gevoelige' verzoeken. Als gevolg van deze gesloten cultuur wordt een nieuwe weigergrond in de Woo (Artikel 5.1, tweede lid, sub i) massaal ingeroepen om voorbereidende documenten, en andere stukken die volgens de ministeriële top bij openbaarmaking het 'goed functioneren van de staat' zouden bedreigen, categorisch te weigeren. Interne documenten tonen aan dat de ministeries zich ervan bewust zijn dat ze aldus in strijd handelen met rechterlijke oordelen, maar hier toch mee doorgaan (Zie dit artikel van Follow the Money. Zie hier het document waar Follow the Money zich op baseert, de 'Nota Openbaar maken concepten kabinetsreactie op 'Ongekend onrecht'' van het ministerie van Financiën, 28 februari 2023). (Deze bijdrage is verzorgd door expertisecentrum voor Woo-verzoekers SPOON, in afstemming met de Commissie Meijers).

3. Uitvoerbaarheidsprobleem? In plaats van gebruik te maken van veel meer de mogelijkheden om in overleg met verzoekers de omvang van verzoeken terug te brengen, proberen ambtenaren in bepaalde posities beleidsbepalers ervan te overtuigen dat de Woo in haar huidige vorm 'onuitvoerbaar' zou zijn. Zonder dit degelijk te onderzoeken, is deze conclusie overgenomen door onderzoeksbureau SEO, dat afgelopen jaar in opdracht van de minister van Binnenlandse Zaken een zogeheten invoeringstoets naar de Woo heeft verricht (SEO Economisch Onderzoek, 'Invoeringstoets Wet open overheid. Knelpunten, best practices en neveneffecten', december 2023). Een aantal aanbevelingen in dit rapport zijn erop gericht om het recht op openbaarmaking aanzienlijk te beperken, zonder daar tastbare verbeteringen in de mate van openbaarheid tegenover te zetten (Expertisecentrum voor Woo-verzoekers SPOON, 'Aanbevelingen invoeringstoets Woo ernstige inperking openbaarheid', 8 december 2023). Hoewel het rapport van veel kanten op kritiek kan rekenen, en de politieke toekomst ervan onzeker is, is er een gereede kans dat het demissionaire of nieuwe kabinet in de loop van 2024 voorstellen zal indienen om de Woo ten nadele van overheidstransparantie te wijzigen. Komend jaar wordt dan ook een spannend jaar voor de toekomst van de overheidstransparantie in Nederland. (Deze bijdrage is verzorgd door expertisecentrum voor Woo-verzoekers SPOON, in afstemming met de Commissie Meijers).

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)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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.)

5000 character(s) maximum

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

Contact

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