

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

Libera. Associazioni, nomi e numeri contro le mafie

Main Areas of Work

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

If "Other", please specify

Prevention against organised crime, rule of law advocacy, citizens' engagement

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

500 character(s) maximum

www.libera.it

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

431647050754-69

* 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

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

The funds available through the NextGenerationEU plan and its Recovery and Resilience Facility (RRF) will be released, following pre-agreed national Recovery and Resilience Plans (nRRP), as a performance-based facility. However, the RRF entails the question of how the general interests of the European Union will be preserved in light of fraud and corrupt behaviours, and how the society as final beneficiary of the funds can express their interests. It is clear that a mechanism such as the NextGenerationEU plan requires the ability, internal to the public administration and external, that manages the funds, to monitor the activities and assess whether they are proceeding correctly. For this reason, both monitoring and evaluation must become fundamental activities in the management of the nRRPs and concern not only the public administrations but also the CSOs, which represent the society as the ultimate recipient of all the reforms and investments. The European network CHANCE – Civil Hub Against organised Crime in Europe, that Libera contro le mafie promotes, in 2023 called for the need to develop a monitoring and evaluation activity on RRF funds at EU level that involves civil society organisations.

A key watchdog instrument for the monitoring community is corporate transparency. The investigative journalists, activists and academics struggle to detect loopholes and criminal schemes under a legitimate interest regime, such as in the 4th Anti-Money Laundering Directive, that poses serious limits to the recognition of a legitimate interest status for. In this regard, it becomes pivotal to explicitly include strong provisions for meaningful stakeholder access to beneficial ownership registers and to fight against opaque entities, as it was proposed by the European Parliament's discussions about the 6th Anti-Money Laundering Directive.

Furthermore, institutional anti-corruption and anti-fraud reforms and investments must work hand in hand to tackle the complexity of these phenomena. After reviewing the current nRRPs, only EUR 381 million have been devoted to anti-corruption measures (in a EUR 723.8 billion total NextGenerationEU plan budget) and the 90% of the budget is concentrated on investments, hence it is assumed that the legislative reforms do not entail high financial needs. On the nRRPs little is devoted to reforms and investments in relation to the effectiveness and transparency of the national Plan itself. It is vital to strengthen the involvement of CSO, not only as watchdog as stressed above, but also on the approval of the nRRPs through the engagement with the RECOVER, that steers the implementation of the RRF and coordinates the European Semester.

On the institutional and legislative anti-corruption reforms foreseen by the RRF, CSOs are a key actor to increase the efficiency of the fight against corruption, especially by strengthening the legal and institutional anti-corruption framework through active and efficient monitoring of corporate governance and public procurement. Also, on the investment side, the anti-corruption, anti-fraud and anti-money laundering investments are directed mainly towards modernization, capacity building and technical equipment to establish a whistleblower office or to increase the staff of anti-money laundering administrations. The RRF Regulation is structured on six pillars. For those, the Member States have dedicated, on average, 28% of their nRRP budget to support social objectives with the following share among the four social subcategories: (33%) health and long-term care, (33%) education and childcare, (20%) employment and skills and (14%) social policies. The CHANCE network has observed that, although CSOs are in direct contact with the needs of the society and the demands of the territories, in almost none of the nRRPs the CSOs have been considered in the planning process of the initiatives.

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

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

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

Corte dei conti – Court of Auditors

Over the past year, there have been no specific institutional or normative reforms or advancements in defining the role, mandate, and independence of the Italian Court of Auditors (Corte dei conti) in the fight against corruption. The Decree-Law No. 44/2023, converted into Law No. 74/2023, however, provided for the exclusion of the concurrent audit of the Court of Auditors, from the perimeter of the PNRR (National Resilience and Recovery Plan) programmes. The supervision of the Court of Audits, in other words, has been eliminated in the in-process controls for PNRR projects. As observed by researchers and institutional actors, this reform may increase the risk of corruption and mafia infiltration in public procurement.

In a broad sense, the Italian Court of Auditors assumes a pivotal role in deterring and combating corruption by assessing the financial losses resulting from corruption offenses and mandating restitution from those responsible. Additionally, through formal agreements signed in 2015 and 2017, the Court of Auditors collaborates with ANAC on the exchange of information, complaints, and claims related to confidential or security-sensitive contracts. This cooperation also involves the identification of cases of general relevance derived from audit activities.

ANAC

Despite its pivotal role in the overall formulation and implementation of anti-corruption policy, ANAC encounters severe constraints in its the capability to effectively coordinate and address autonomous anti-corruption strategies of several thousands of public bodies within the public administration. ANAC on December 31, 2020 (last year with available data) had a staff of 313 employees, a number that Libera does not consider adequate for the amount, the scope and complexity of its tasks. Moreover, the composition of the staff – almost entirely inherited from a pre-existing Authority for the monitoring of public contracts, which was absorbed by ANAC due to law no.114/2014 – has an exclusive expertise on such sector, missing the required multidisciplinary and technical competencies. Finally, while its board is politically appointed, ANAC does not exercise prevention or monitoring activities on corruption in the political sphere, but only on administrative decision-making processes. Several legislative measures in the last years – law no. 96/2017, law no. 3/2019, legislative decree no. 36/2013 (new public procurement regulation) – univocally reduced ANAC's scope and functions. More specifically, it has been abolished ANAC's power to provide guidelines in the public procurement sector. ANAC's relevance and the salience of anti-corruption in the public debate has correspondingly decreased in the last years.

Coordination between prosecution services

While overall coordination between prosecution services, the Financial Police, the Financial Intelligence Unit, the Prosecutor's Office at the Court of Auditors, the National Anti-Mafia Directorate, and the Anti-Corruption Authority is quite effective, with information exchange between them, practical challenges persist for investigators. Notably, concerns revolve around the level of interconnection of registries holding financial information relevant to the fight against corruption. Enhancements in digitalization and the application of artificial intelligence are necessary to improve and expedite evidence gathering, along with an increase in technical, financial, human, and material resources of prosecutors and police involved in anticorruption

activities. The duration of judicial procedures is another significant factor contributing to the inefficiency of prosecutions, leading to a higher percentage of corruption cases being terminated due to the statute of limitations.

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

5000 character(s) maximum

ANAC

ANAC's ability to effectively mitigate corruption risks faces challenges due to various structural factors. Regarding its governance, despite their formal independence board members undergo a political appointment process, which according to some scholars and external observers in 2021 has been negatively affected by an undue party patronage logic.[1] This potential influence raises apprehensions about the reputation, autonomy, and competence of ANAC's board. Moreover, it has generated political confrontation on its institutional functions. For instance, in March 2023 the president of ANAC Busia expressed some criticisms on the new regulation on public procurement and, therefore, he was attacked by the referee for local administration of the ruling party League, who asked for him to resign.

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

The 2022 National Anti-corruption Plan was approved by ANAC with decree n. 7 on January 17, 2023, and will be in force during the three-year period 2023-2025. The Plan is designed to strengthen the programming of effective corruption prevention measures in public administrations, and to simplify and speed up administrative procedures. An update of the National Anti-Corruption Plan has been submitted for public consultation until 30 November 2023 and is in the process of approval. Its exclusive focus is on corruption risks that may emerge in the public contracts sector following the approval of the new procurement code.

The 2022 National Anti-corruption Plan specifically addresses conflict of interest regulation in public contracts, a sector susceptible to undue influence. The plan provides clarifications on the scope of application and proposes concrete measures for anti-corruption planning in public procurement. European legislation, especially for implementing National Recovery Plans (NRPs), emphasizes the prevention of conflicts of interest, aligning with the obligation to provide the Commission with data on the 'beneficial owner' under EU Regulation 241/2021. The 2023 update of the National Anti-corruption Plan, currently under approval, confirms that "the conflict of interest remains valid with regard to the persons in the contracting stations responsible for making declarations of absence of conflicts of interest and the contents of the relevant declarations".

The 2022 National Anti-corruption Plan, moreover, outlines guidelines and clarifications related to "pantouflage." This includes details about the application's subjective scope, the exercise of authoritative and negotiating powers by civil servants, and the entities to which these powers are directed. ANAC retains its assessment, supervisory, and sanctioning powers, as established by the Council of State in its October 29, 2019, judgment (sec. V, no. 7411). The plan proposes potential measures to ensure compliance, along with an operational model for verifying possible violations.

B. Prevention

Revolving doors

There have been no developments in this area since the previous update, after the stricter rules on “revolving doors” for the judiciary which were included in the law 71/2022. The latter focused on the direct involvement of magistrates in political activities, introducing more stringent provisions. These include the disqualification of magistrates from elected positions if they have served in judicial offices within the constituency in the three years preceding the election. Additionally, there is a “cooling-off” period of three years if they are not elected. The new regulations also prohibit magistrates who have held elected positions from returning to the bench after the conclusion of their term.

The 2022 National Anti-corruption Plan, approved by ANAC in January 2023, outlines guidelines and clarifications related to “pantouflage.” This includes details about the application’s subjective scope, the exercise of authoritative and negotiating powers by civil servants, and the entities to which these powers are directed. ANAC retains its assessment, supervisory, and sanctioning powers, as established by the Council of State in its October 29, 2019, judgment (sec. V, no. 7411). The plan proposes potential measures to ensure compliance, along with an operational model for verifying possible violations.

A law proposal on conflict of interest currently under consideration by the Constitutional Affairs Committee in the Chamber of Deputies contains also norms on the pantouflage. As observed by the President of ANAC during an hearing on May 2023: “the text under consideration by the committee provides for a three-year cooling-off period in the transition between public and private offices. The period of three is also provided for in the general rules that apply to public managers. However, we have already pointed out that this period could be reduced in part to bring it into line with that of other European countries, while strengthening the ban as regards, for example, corporate groups.”

Codes of conduct

The current Code of Conduct for civil servants in Italy, introduced with Dpr. 62/2013, provides guidelines for acceptable behaviour, emphasizing impartiality and avoiding external pressures such as gifts and conflicts of interest. While public bodies have the authority to enhance these provisions based on their specific functions, almost all adopt the general version without amendments. Violations can result in disciplinary sanctions, from verbal censorship until the dismissal of the public employee.

In the broader context, there is no obligation for Italian political representatives at local level to adhere to any code of conduct. The association “Avviso Pubblico” proposed an Ethical code called “Carta di Avviso Pubblico” in 2012, updated in 2014 and 2023, which has been voluntarily adopted by numerous representative organs of Municipalities and Provinces, along with hundreds of local politicians which took such a personal commitment.

In April 2016 a Code of Conduct has been introduced within the Rules of Procedures of the Chamber of Deputies, along with guidance on its provisions and the establishment of its enforcement and accountability.

In April 2022, the Senate adopted of a very synthetic and generic code of conduct: it lacks any regulation on thresholds for gifts, conflicts of interest, disclosure of assets and financial interests, registry of lobbying interactions.

Up to now there is no evidence of “enforcement” for the MP’s violation of the code of conducts, which would

be eventually sanctioned only with a public communication of the violation in a session of the Parliamentary Assembly.

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

Political party financing

No legislative measure nor significant advancement has been made on the recommendation expressed in the 2023 RoL Report on Italy, addressing the practice of channelling donations through political foundations and associations, introducing a single electronic register for party and campaign finance information. The Commission in charge for supervision of political financing complains in its 2023 report to the Parliament for the persistence of insufficient human and instrumental resources allocated to the numerous and complex control activities.

Law 96/2012 established the "Commission for the Guarantee of Statutes and for Transparency and Control of Accounts of Political Parties," whose responsibilities were expanded by subsequent laws, notably Law 3 /2019 focusing on the transparency of parties and political movements.

In their its last report to the Parliament (20 April 2023) the Commission summarised its activity of supervision of political party finance during 2021, which accounts for entries and expenditures. The report highlights that: "the control of the Commission on parties' budgets, extended to actual expenditures, has been characterised by complexities and difficulties depending by the high number of documents under scrutiny".[1] The Commission received 71 party budgets; 44 were formally regular; 27 were still under scrutiny. It also received also the budgets of 167 political association/foundations, currently under scrutiny. As a conclusion of the report, the Commission complained that: "the Commission's area of control is significantly expanded because of law 3 of 2019. In this context, the persistence of insufficient human and instrumental resources allocated to the numerous and complex control activities cannot be silenced."

Lobbying

Italy lacks a law regulating lobbying activities. Despite the presentation, discussion, and voting on nearly 100 law drafts since 1976, none have received definitive approval from both Chambers of Parliament. This contrasts with the evident prevalence of pressure group activities across various institutional arenas.

In its Second Compliance Report of the Fourth Evaluation Round on Italy, GRECO criticized the absence of lobbying regulation and recommended the development of applicable rules governing the engagement of Members of Parliament with lobbyists and other third parties seeking to influence the parliamentary process. The recommendation includes the development of detailed guidance and effective monitoring and enforcement.

In April 2016, a Code for the regulation of lobbying activities and interactions with private interests has been approved by the Chamber of Deputies. In December 2023, the Register of Lobbyists of the Chamber of Deputies contains names contained names and information on 365 legal persons (among them 116 entrepreneurial lobbies) and 74 natural persons. In March 2023 the Research Centre of the Chamber of Deputies issued a report on the regulation of lobbying activities, aimed at providing guidelines for eventual future legislative intervention. The 2022 GRECO addendum maintains a critical stance on the persisting lack of coherent, transparent regulation for private interests interacting with public decision-making, emphasizing the absence of progress in addressing the deficiencies outlined in the previous compliance report. The

introduction of a "legislative footprint" is suggested to enhance transparency in identifying those influencing specific legislation.

Ultimate Beneficial Ownership register

ANAC has repeatedly requested the Parliament to mandate the declaration of the beneficial owner for companies participating in public procurement tenders. The National Database of Public Contracts (BDNCP) could potentially collect and maintain data on beneficial owners. According to the 2022 National Anti-corruption Plan guidelines, officials in charge of the prevention of corruption in public bodies (RTPCT) will have the duty to report to ANAC any suspicious operation they might notice in their activity. Public bodies must identify the beneficial owner of companies competing for public contracts, using the official UBO Register, which has been instituted with the inter-ministry decree n. 55 on March 11, 2022, and implemented on September 29, 2023, with the decree of the Ministry for enterprises. Existing companies had until December 11, 2023, to insert data.

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

Italy still lacks a comprehensive law on conflicts of interest, relying instead on fragmented provisions from various sources, among them the largely ineffective Law No. 215/2004. In April 5, 2022, ANAC, through Resolution No. 158/2022, provided guidelines on conflict-of-interest regulation for public officials, with a special focus on the health sector. ANAC encourages public bodies to implement measures, including enhancing the content of declarations to be issued. Regarding conflict-of-interest declarations, ANAC emphasizes the obligation to publish data on consultants to public administrations, listing them on their online sites along with details such as subject, duration, remuneration, and certification of the absence of potential conflict of interest situations. In the health sector, ANAC urges the establishment of precise directives to make it mandatory for staff to submit conflict of interest declarations upfront, highlighting the need for homogeneous criteria to ensure consistent treatment of similar situations.

The 2022 National Anti-corruption Plan specifically addresses conflict of interest regulation in public contracts, a sector susceptible to undue influence. The plan provides clarifications on the scope of application and proposes concrete measures for anti-corruption planning in public procurement. European legislation, especially for implementing National Recovery Plans (NRPs), emphasizes the prevention of conflicts of interest, aligning with the obligation to provide the Commission with data on the 'beneficial owner' under EU Regulation 241/2021. The 2023 update of the National Anti-corruption Plan, currently under approval, confirms that "the conflict of interest remains valid with regard to the persons in the contracting stations responsible for making declarations of absence of conflicts of interest and the contents of the relevant declarations".

It is currently under examination in the Committee for Constitutional affairs of the Chamber of Deputies a law proposal for the regulation of the conflicts of interest. During a Parliamentary hearing, on May 2023, the President of ANAC expressed his opinion on the text: "the law proposal on conflict of interest can be an opportunity to regulate, update and harmonise a delicate and important matter. There is a need to regulate the matter, to reorganise fragmented and outdated rules. It is a need that also exists at international level. (...) There are two elements to be taken into consideration. Firstly, the balance that is necessary. There are values to be balanced: on the one hand, guaranteeing impartiality and, on the other, not making access to public office excessively difficult or penalising those who perform it. The other element is the need for lexical clarity (...) to avoid excessive discretion and give certainty to the recipients of the rules". He also proposed "assessing the appropriateness of assigning to ANAC the entirety of the functions and tasks of supervision

and sanctioning in the sector, in view of the fact that this is the subject of the main institutional action of this authority”.

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

Legislative Decree No. 24/2023, which has introduced the new whistleblowing discipline in Italy, entered into force on 30 March 2023, implementing the EU directive 2019/1937. The new provisions have become effective since 15 July 2023, with an exemption for private sector entities that have employed an average of no more than 249 employees in the last year. For the latter, the obligation to establish the internal reporting channel has entered in force on December 17, 2023. The measure sums up in a single regulatory text the entire discipline of reporting channels and the protections guaranteed to whistleblowers, both in the public and the private sector. The new law extends the subjective scope of application and the procedures to protect whistleblowers from possible retaliation. Besides a general/centralized platform for whistleblowing, managed by ANAC, the public and private entities falling within the scope of the new rules must set up internal channels for conveying information, assuring adequate security standards to protect the identity of whistleblowers, through IT platforms. The enforcement is delegated to ANAC, which can enforce imposing pecuniary sanctions of up to EUR 50.000.

According to some observers, the distinction between the different categories of persons involved in the scope of application of the legislation, together with the fragmentation of the offences that can be reported by each category of subjects, end up frustrating the Law's aim of harmonisation. There is, in fact, a strong imbalance between the protections provided for the public sector and those relevant to the private sector. Moreover, no autonomous and independent body is indicated as responsible for the management of the internal reporting channel within the entities. Finally, there is still uncertainty concerning the methods of management and use of the internal whistleblowing channel, besides a reference to cryptographic tools which does not clarify the actual use of information technology to ensure the confidentiality and protection of personal data.

In 2022, ANAC received 347 reports qualified as whistleblowing, of which 272 related to alleged wrongdoing. It is noticeable that this amount represents a steady decline compared to 2019 (873 reports), 2020 (622 reports), 2021 (513 reports - 408 for misconduct and 105 for suspected retaliatory measures). Despite its “institutionalization”, the ANAC's platform for reporting appears progressively less attractive for potential whistleblowers, as a potential indicator of mistrust in its effectiveness. As in previous years, in 2022 reported irregularities mainly concerned public procurement, competition procedures, the management of public resources, the non-implementation of anti-corruption discipline, as well as numerous cases of maladministration, sometimes even with criminal consequences. In a sample of 100 reports received in 2022, 49 were dismissed due to lack of essential data, generic content, lack of competence of ANAC with regard to the matters reported; 30 were transmitted to other internal offices, deemed competent to carry out the relevant evaluation of the case; 15 were archived in ANAC and sent to the Civil Service Inspectorate for possible follow-up up action; 6 were forwarded to the competent judicial authority for their assessment (ANAC 2023: 75).

In 2022 ANAC received 7.355 requests of intervention in anti-corruption and transparency supervision from citizens, public and private organizations (a slight increase compared to 2022, when the requests were 7.230). Among the incoming requests, 3.922 were filed, about 85% of which for lack of competence, and the

remainder due to their generic content. For the most part, the reports come from private citizens who turn to ANAC to obtain protection in the face of inertia of public bodies on generalised civic access and documental access pursuant. The examination of requests for action that passed the admissibility check led to the opening of 721 proceedings on possible breaches of corruption prevention and transparency protection rules, compared to 551 in 2021. There has been a 30% increase in ANAC's anticorruption supervisory activity in 2022 compared to the previous year. (ANAC 2023: 121).

ANAC's supervision on transparency led to 216 proceedings. The greatest shortcomings reported concerned: consultants and collaborators (32), calls for tenders (26), contracts (23), staff data (20), rulings (23), personnel data (20), measures (16), data on governing (15), budgets (14). More than 80% of the reports were not preceded by a request for civic access to the public body (ANAC 2023: 124).

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

According to the analysis of the joint working group of Libera and Gruppo Abele on civic monitoring "Common", the sectors funded through NRRP funds are extremely vulnerable to corruption.

For the second report of "PNRR ai raggi X" (July 2023), Common activated a monitoring project on PNRR public contracting, showing a persisting lack of transparency in the management of funds. The last publication of data on PNRR projects released on the portal Italia Domani (June 2023) and the list of available projects is significantly deficient: 900 projects (identified by their CUPs, unique project codes) out of the 1731 mapped in the report – that is 56% of the total – are not present (or at least are not identical) in the institutional database. Considering two databases, the already mentioned Italia Domani and the public contracts database of the anti-corruption authority ANAC, there are still 166 (10%) projects that do not appear in either one of the two public websites.

The Common group together with local stakeholders identified vulnerabilities in the public spending related to the winter Olympic Games Milano Cortina 2025, also considering the risks of mafia infiltration and opacity raised by the judiciary and by the Italian Anti-corruption authority ANAC on the Olympic Games. In this regard, Libera contro le mafie and Gruppo Abele are promoting the involvement of local communities and movements in the civic monitoring strategies related to the works and projects planned for the Winter Olympic Games, with the aim of creating an international advocacy campaign for transparency in public procurement.

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

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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