

# The European Commission's annual rule of law report

## From a monitoring tool to a comprehensive recommendations mechanism?

### SUMMARY

In July 2022, the European Commission published its third annual rule of law report, which contains an individual chapter for each of the 27 EU Member States. In contrast to the rule of law reports from 2020 and 2021, this latest one makes country-specific recommendations to all Member States, something the European Parliament had been repeatedly calling for. This brings the rule of law report into closer alignment with the European Semester – as acknowledged by the third report itself. From originally serving a purely monitoring role, the report has now shifted to a hybrid role, of monitoring the Member States' observance of the rule of law, and providing recommendations to them in this regard. Yet it remains to be seen how the Commission will follow up on its country-specific recommendations in this and future reports, and to what extent the Commission's findings, especially as regards shortcomings, will inform its policy on bringing targeted infringement actions to safeguard the rule of law. It is also unclear how the reports will link up with the ongoing preventive procedures to safeguard EU values (Article 7 of the Treaty on European Union) and the application of the (budgetary) General Conditionality Regulation.

The third rule of law report was drafted using the same methodology the Commission applied in drafting the two previous ones, the one key exception being the addition of country-specific recommendations. The separate chapters (reports) dedicated to each of the 27 Member States cover four areas: i) the justice system; ii) the anti-corruption framework; iii) media pluralism; and iv) other institutional issues related to checks and balances. This methodology highlights the Member States' close involvement in the preparation of the annual reports and their follow-up.

*This briefing updates an [earlier one](#) published in January 2022.*



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## Introduction

The rule of law is enshrined in [Article 2](#) of the Treaty on European Union (TEU) as one of the founding values of the EU, binding for the EU institutions and the Member States alike in a Union based on law. [Various instruments](#), notable examples of which are the [Justice Scoreboard](#) and the [European Semester](#), allow the EU institutions to **monitor** the observance of certain aspects of the rule of law by the Member States. If violations are found, these can be addressed through **preventive** mechanisms such as the [rule of law framework](#) and the preventive arm of Article 7 TEU. Other available tools are **sanctions** mechanisms, including [infringement proceedings](#) that can lead to the imposition of penalties on recalcitrant Member States ([Article 260 TFEU](#)); interim measures pending a final judgment ([Article 279](#) of the Treaty on the Functioning of the European Union (TFEU)); and the sanctions arm of Article 7 TEU, the activation of which can lead to the imposition of various sanctions, including suspension of voting rights in the Council. In addition, there is the [2020 General Conditionality Regulation](#); whenever a Member State's rule of law breaches affect the EU's financial interests, this regulation allows the suspension or withdrawal of EU funds – especially structural and cohesion ones – allocated to that Member State.

The European Parliament had for many years been calling for supplementing the existing mechanisms for the protection of the rule of law with a [rule of law review cycle](#). While the European Commission never took up the idea of a review cycle in its entirety, in September 2020 it [launched the annual rule of law reports](#), in tune with the Parliament's idea.<sup>1</sup> Indeed, in her [political guidelines](#), the European Commission President, Ursula von der Leyen, had committed to setting up a comprehensive European rule of law mechanism covering all Member States, with objective annual reporting to be done by the Commission. As a follow-up to this commitment, in July 2019 the Commission issued a [communication on strengthening the rule of law within the Union](#), in which it introduced some of the features of this mechanism. The [first](#) annual rule of law report, published in September 2020, was followed by a [second](#) in July 2021 and a [third](#) in July 2022. In this third report, the Commission included country-specific recommendations to all Member States for the first time, thus finally responding to the Parliament's repeated calls. That transformed the report from a purely descriptive tool into one that combines monitoring with recommendations. Given its nature, the report does not contain sanctions mechanisms with a direct effect – as it is not a policing tool – yet it can inspire the use of such mechanisms, in particular infringement proceedings, as well as contribute to the political debate on the rule of law and EU values more generally.

## Methodology

The initial methodology for preparing the annual rule of law reports was laid down in 2020 in a document entitled European Rule of Law mechanism: Methodology for the preparation of the Annual Rule of Law Report, published on the European Commission's website (no longer available). This methodology was applied in drafting the first two reports. In 2022, it was replaced by a [new methodology](#), which, most importantly, includes details on i) making **country-specific recommendations**; and ii) taking into account the Member States' national recovery and resilience plans (RRPs) with regard to the topics covered by the report.

The Commission's methodology provides for reporting on the state of play in **four subject areas** in each of the 27 Member States: 1) the justice system; 2) the anti-corruption framework; 3) media pluralism; and 4) other institutional issues related to checks and balances. The annual rule of law reports are, by definition, chiefly based on secondary (existing) data, and the Commission services do not undertake investigations on their leading source of information – that is, the Member States – when compiling the reports. According to the methodology, the main sources are:

- written input received from the Member States;
- written contributions received during the targeted stakeholder consultation;
- information produced by international organisations;
- information received from national authorities and stakeholders during country visits.

The Commission declares that the Member States and international organisations are the 'key source[s] of information'. The Commission provides a list of the 13 key stakeholders in the methodology.<sup>2</sup>

## Assessment methodology

The annual rule of law reports offer a critical review of the rule of law situation in each Member State. This requires setting a clear benchmark against which the existing situation will be evaluated. The Commission's methodology explicitly provides that the reports will assess the situation taking into account **three principal standards**: 1) relevant obligations under EU law, including European Court of Justice (ECJ) case law; 2) European Court of Human Rights (ECtHR) case law; and 3) Council of Europe recommendations and resolutions. In its statement on the methodology, the Commission indicates that it is making a **qualitative assessment**, by focusing on a synthesis of **significant developments** introduced by a brief factual description of the legal and institutional framework relevant to each pillar, and by depicting both the challenges and the positive aspects, including good practices. As mentioned above, from the third edition onwards, the annual rule of law reports also include **country-specific recommendations**.

The Commission makes the following commitments with regard to its assessment methodology:

- focus on a synthesis of significant developments introduced by a brief factual description of the legal and institutional framework relevant for each pillar;
- present both challenges and positive aspects, including good practices;
- qualitatively assess all Member States, whilst remaining proportionate to the situation and developments in full respect of the principle of equality of Member States.

## Involvement of the Member States

The methodology underlines the **Member States' close involvement** in the preparation of the annual reports and their follow-up. The Member States are involved throughout the process through: 1) their network of **contact persons** on the rule of law that meets regularly with the Commission; 2) their contact persons providing **written contributions** to the report; 3) their **dialogue** with the Commission through the network of contact persons, the group of contact persons on national justice systems, the national contact points on corruption, and bilaterally at political and technical level; 4) meetings between their national authorities and stakeholders during **country visits** by Commission officials, which are usually held between February and March; and 5) the opportunity to **comment** on the specific chapter of the report dealing with each one of them.

## Drawing up of country-specific recommendations

Guidelines on how to prepare country-specific recommendations were first introduced for the **third annual rule of law report**. They provide that recommendations:

- should be issued to **all Member States** without exception;
- should be based on an in-depth assessment reflected in the country chapters;
- must be **proportionate to the challenges** identified with regard to each Member State;
- should also **include encouraging to pursue positive reform efforts**;
- must be **sufficiently specific** to allow Member States to take concrete follow-up steps;
- should be based on **synergies with the European Semester and the recovery and resilience plans (RRPs)**;
- should be followed up on in the next edition of the rule of law report.

## Previous annual rule of law reports

### First annual rule of law report (2020)

The [first annual rule of law report](#) was published in the end of September 2020. Summarising its findings, the Commission noted that 'many Member States have high rule of law standards and are recognised, including globally, as providing best practices' in this area. At the same time the Commission highlighted the existence of 'important challenges, when judicial independence is under pressure, when systems have not proven sufficiently resilient to corruption, when threats to media freedom and pluralism endanger democratic accountability, or when there have been challenges to the checks and balances essential to an effective system'. The Commission also noted the existence of challenges to the resilience of the rule of law posed by the COVID-19 pandemic and the ensuing measures adopted by the Member States.

On 24 June 2021, the **European Parliament** adopted its [resolution](#) on the first annual report, in which it praised the Commission for drawing up the report. Parliament however insisted that the report needed further developing, highlighting in particular that it should: i) cover the Council of Europe's entire 2016 [rule of law checklist](#); ii) put more focus on systemic rule of law breaches; iii) be more analytical than purely descriptive; and iv) offer a broader EU-wide perspective focusing on cross-cutting trends. Parliament also called for country-specific recommendations to be included in future editions of the report.

The publication of the first rule of law report triggered an overhaul of the [annual rule of law dialogues](#) within the Council, which now mirror the structure of the Commission's report (four pillars including: the justice system, the anti-corruption framework, media pluralism, and other institutional issues linked to checks and balances). The rule of law dialogues, held regularly, cover the situation in successive groups of Member States.

### Second annual rule of law report (2021)

As already mentioned, the Commission's [second annual rule of law report](#), unveiled in July 2021, followed the same methodology and structure as the first one.<sup>3</sup> The report featured a specific section on the challenges posed by the COVID-19 pandemic to the rule of law. According to the Commission, the pandemic had 'further underlined the importance of the rule of law for our democracies', but at the same time it had been 'a stress test for the rule of law'. Comparing the 2020 and 2021 editions of the report, the Commission noted that there had been 'many positive rule of law developments in the Member States, where challenges previously identified are being followed up'.

The Commission admitted that the pandemic had posed challenges to the rule of law, yet noted that overall the Member States' national systems had 'showed considerable resilience', as shown by the outcomes of the monitoring the Commission had carried out in connection with the report. Nonetheless, the urgency of the pandemic posed pressure on constitutional systems, including as regards the role of parliaments and, more generally, as regards the checks and balances in place. Likewise, the media found themselves under pressure, not least due to economic factors and concerns relating to transparency and public access to information.

### Parliament's reaction to the second annual rule of law report

On 19 May 2022, the **European Parliament** adopted its [resolution](#) on the second rule of law report, in which it criticised the Commission for not fully following up on its resolution on the first report, in particular for not including the Council of Europe's full 2016 rule of law checklist, more specifically the points on prevention of abuse of powers; equality before the law; and non-discrimination and access to justice, including aspects of the right to a fair trial. Parliament reiterated its call for the Commission to differentiate between isolated breaches of the rule of law, on one hand, and systemic

and deliberate breaches, on the other. As for the methodology used, Parliament invited the Commission i) to conclude each of the 27 country chapters with an assessment of the individual Member States' performance; ii) to include an assessment of all rule of law measures implemented in the previous year, together with an analysis of their effectiveness and possible avenues for improvement; and iii) to accompany the country-specific recommendations included in the 2022 report with deadlines for implementation, targets and concrete actions to be taken.

## Third annual rule of law report

### Country-specific recommendations

As mentioned earlier, the third annual rule of law report was published in July 2022 and included, for the first time, **country-specific recommendations** to each of the 27 Member States. The recommendations feature at the end of each country report but are also grouped in a separate document (for an overview, see Annex 1 to this briefing). However, in contrast to Parliament's request in its resolution on the second rule of law report, the Commission did not set a timeframe for the implementation of the recommendations. It also remains to be seen how the Commission will follow up on its recommendations in the fourth rule of law report in 2023.

### Synergies with other exercises

An important new element of the rule of law report, introduced in its third edition, is the synergy between the report, on one hand, and three other tools that enable the Commission to gauge how well the Member States observe the EU standards. These tools are the Member States' national recovery and resilience plans (RRPs) and the commitments made therein, the recommendations made within the framework of the European Semester and, with regard to Bulgaria and (until recently) Romania, the [Cooperation and Verification Mechanism](#) (CVM). Under the RRP, 16 Member States made commitments regarding their justice systems, eight regarding their anti-corruption framework, and two regarding their checks and balances. Under the European Semester, recommendations were made with regard to the justice systems of Hungary and Poland. Under the CVM, the Commission can make recommendations to Romania and Bulgaria in various areas, including those covered by the rule of law reports.<sup>4</sup> The legal basis for CVM is found in Articles 37-38 of the [Act of Accession of Bulgaria and Romania](#). In a series of judgments, the ECJ confirmed that the CVM, including the recommendations made in the Commission reports under the mechanism, are legally binding.<sup>5</sup> In November 2022, the Commission [concluded](#) that Romania had fulfilled its CVM commitments made prior to its EU accession, and therefore closed the mechanism. The CVM will remain active only with regard to Bulgaria.

## Key findings

### Pillar 1: Judicial independence

- **Judiciary councils** – reforms of the judiciary councils, aimed at aligning them with EU standards, are ongoing in a number of Member States and are being mulled in others. There are, however, reasons for concern in Spain (delays in the renewal of the judiciary council), Bulgaria (concerns relating to the functioning and composition), Ireland (concerns about proposed composition) and Slovakia (concerns over dismissal of members). Furthermore, serious concerns regarding the judiciary council's composition have not been addressed in Poland despite the ECJ and ECtHR rulings in this regard. Likewise, Hungary's National Judicial Council continues to face challenges in counterbalancing the powers of the president of the National Office for the Judiciary as regards the management of the courts and the strengthening of judicial independence.
- **Appointment procedures** – several Member States have embarked on reforms to improve their procedures, including Ireland (new draft law to limit government's

discretion), Croatia (new procedure to appoint Supreme Court president), Czechia (increased transparency of procedures), Cyprus (new procedures), and the Netherlands (discussion on strengthening judicial independence). Challenges remain in Malta (judiciary still not involved in appointing chief justice), Greece (lack of judicial involvement in appointing senior judges and prosecutors), Austria (limited involvement of the judiciary in the appointments of court presidents and vice-presidents at administrative courts), Lithuania (position of Supreme Court president vacant since 2019), Latvia (Parliament rejected candidate for Supreme Court judge), Poland (appointments to Supreme Court addressed in ECJ and ECtHR case law), Hungary (discretionary decisions as regards judicial appointments and promotions, including the election of the president of the Supreme Court), Bulgaria (absence of regular competitions for higher judicial positions).

- **Autonomy and independence of the prosecution** – a number of Member States have embarked on reforms to strengthen the independence of their Prosecution Service (e.g. Austria, Czechia). Bulgaria has committed under its NRRP to establish an effective mechanism for the accountability and criminal liability of the prosecutor general and his/her deputies. Spain has adopted amendments to increase transparency of relations between the government and the prosecutor general. Concerns remain with regard to Slovenia (powers of minister of the interior vis-à-vis the police), Poland (office of the prosecutor general is legally linked to the office of the minister of justice), Hungary (the recommendation of the [Group of States Against Corruption](#) (GRECO) on abolishing the rules enabling the prosecutor general to remain in office after the expiry of his/her mandate remains unaddressed; the lack of accountability for not opening or closing investigations is a matter of concern).
- **Disciplinary responsibility of judges and prosecutors** – reforms aimed at strengthening judicial independence have been adopted in Spain and are being prepared in Slovenia. In some other Member States, notably Poland and Romania, concerns remain about the impact of disciplinary procedures on judicial independence. There are also concerns regarding Croatia (security checks on judges and public prosecutors by the intelligence services), Slovakia (criminal liability of judges for 'abusing the law'), and Slovenia (parliamentary inquiries could impinge on judicial and prosecutorial independence).
- **Quality and efficiency of justice** – a number of Member States have embarked on initiatives to tackle backlogs and lack of efficiency and increase quality (Croatia, Cyprus, Malta, Portugal, Italy and Greece). Compensations for delays in court proceedings have been introduced in Hungary and proposed in Ireland. There are also efforts to increase the resources available to the courts, notably in Belgium, Germany, Portugal and France. Challenges remain in Slovenia (government unilaterally decreased budget for courts), Denmark (low number of judges and limited expenditure on the justice system). A number of Member States are working on projects to increase the digitalisation of their justice systems (Sweden, Netherlands, Latvia, Portugal, Estonia, Denmark, Austria, Romania, Slovenia, Spain and Finland).

## Anti-corruption framework

- **National anti-corruption strategies** – almost all Member States have such strategies in place; these strategies have recently been revised in Croatia, Romania, Greece, Lithuania and Malta, whilst a revision is under way in Germany, Czechia, Italy and Latvia.
- **Strengthening institutional capacity and the legal framework** – Poland has increased the criminal sanctions for corruption in public life and Greece has strengthened the definition of active and passive bribery; discussions on criminal law reforms are underway in other Member States. Denmark has established a new

national investigative unit to reinforce efforts in tackling serious crime, and Bulgaria is considering reforming its Anti-Corruption Commission.

- **Fostering integrity in public life and preventing conflicts of interest** – reforms are being implemented or considered in Spain (stepping up the role of the Office for Conflicts of Interest), Slovakia (discussion on setting up an Office for the Protection of the Public Interest), Malta (update of integrity rules), Netherlands (work on integrity framework for police), Romania (increased focus on integrity of law enforcement), Bulgaria (deployment of measures for improving integrity), Ireland (forthcoming reform of Standards in Public Office Commission). Gaps in the integrity in public life have been identified inter alia in Belgium (lack of a broad integrity policy for ministers and their private offices as well as for members of Parliament – MPs), Czechia (lack of an ethics code for MPs), Italy (proposal on conflict of interest for political office holders, including MPs, has been pending in Parliament for several years).
- **Lobbying and revolving doors** – some Member States have revised their frameworks to ensure greater transparency: for instance, Cyprus has adopted new rules on lobbying and lobbyist registers, while Germany has introduced a new federal lobby register. Discussions on these issues are ongoing in Belgium, Croatia, Italy, Spain and Latvia).
- **Asset and interest disclosure** – all Member States have some rules in place to ensure that categories of public-sector officials are subject to asset and interest disclosure obligations. These rules vary in terms of the scope, transparency and accessibility of information disclosed, as well as in the level and effectiveness of verification and enforcement.
- **Financing of political parties** – Poland has revised its rules on political-party financing to increase transparency; the Netherlands is having ongoing discussions on protecting political parties against foreign interference; Estonia is about to implement a reform. Challenges exist in other Member State (e.g. Italy), where channelling donations to political parties through political foundations poses an obstacle to public accountability because of the absence of a single electronic register.
- **Citizenship and residency by investment** – the Commission is against such schemes and has called upon the countries concerned to terminate them; Bulgaria repealed its scheme in March 2022, Cyprus discontinued the submission of new applications, and Malta closed its system for Russians and Belarusians.

## Media freedom

- **Media regulators** – all Member States have legislation in place setting out the competences and guaranteeing the independence of media regulators; since the publication of the second rule of law report, a number of Member States have increased the independence of their media regulators (Cyprus, Estonia, France, Netherlands, Slovakia and Slovenia). However, concerns remain as regards the situation in certain Member States, more specifically in Hungary (it needs to strengthen the functional independence of the national media regulator), Slovenia (there are challenges to the media regulator's insulation from political interference; insufficient resources), Spain (limited resources) and Romania (insufficient resources).
- **Media ownership transparency** – since the release of the report, new legislation on media ownership and media ownership transparency has been adopted in a number of Member States (Croatia, Cyprus, Estonia, Greece, Poland, Portugal and Spain); other Member States are considering such reforms (Bulgaria and Slovakia). Practical measures to enhance transparency have been taken in Lithuania. Challenges to media ownership transparency still exist in Czechia, the Netherlands, France and Slovenia.

- **State advertising** – Croatia has updated its rules on the transparency of state advertising, whilst Malta and Cyprus have adopted guidelines in this regard. In Austria, discussions are ongoing on possible reform.
- **Public service media** – all Member States have legislative and institutional systems regulating public service media. Reforms have been considered in Bulgaria, Romania and Luxembourg. The Commission has identified issues of concern in Czechia, Slovakia, Cyprus, Malta, Slovenia, Poland, Greece and Hungary.
- **Licensing policy** – in Poland, a law prohibiting concessions to non-EEA operators has been vetoed by the president of the republic, but two foreign-owned TV stations have been facing particularly long administrative proceedings for the extension of their licences.
- **Access to information** – since the publication of the second rule of law report, new legislation has come into force in the Netherlands, and reforms are ongoing in Finland and Spain. Discussions on possible reform are under way in Denmark. Concerns have been identified in Belgium (recent legislation introducing new refusal grounds and delays in treating requests for access to public documents might affect the right of access to information and public documents), Lithuania (data protection rules are applied to limit journalists' right of access to information), Austria (lack of a comprehensive and enforceable legal framework for access to documents and public information), Malta (journalists face obstacles when requesting access to information held by public authorities) and Hungary (access to public information continues to be hindered due to the imposition of emergency measures).
- **Safety of journalists** – some Member States have taken or stepped up existing measures to improve the safety of journalists (e.g. France and the Netherlands). The Commission found that a hostile environment for journalists exists in Greece (threats and physical attacks), Croatia (verbal aggression, including by politicians), Slovenia (online harassment and threats).
- **Strategic lawsuits against public participation (SLAPPs)** – in order to address the threat of SLAPPs, some Member States have started debating or considering introducing procedural safeguards, or are in the process of revising their defamation laws. Countries with reforms under way include Lithuania, Malta, and Slovakia. Concerns remain regarding Croatia (high number of SLAPPs) and Poland (SLAPPs against journalists scrutinising the government).

## Checks and balances

- **Quality and inclusiveness of the legislative process** – a number of Member States have improved the quality of their legislative process, including by stepping up stakeholder participation (e.g. Bulgaria, Spain, Estonia and France). However, a number of Member States still have no formalised public consultations (Cyprus and Greece), and for others concerns remain regarding the overall inclusiveness of the legislative process (Luxembourg, Slovakia). The situation has deteriorated in Hungary, where the lack of public consultations is coupled with an accelerated legislative process. In Romania the government continues to use emergency ordinances.
- **Emergency measures** – some Member States continued to apply emergency measures in the autumn/winter of 2021, but most were progressively phasing these out. A number of Member States have taken stock of the COVID-19 pandemic to make their legal frameworks better prepared for such situations. Poland and Lithuania applied states of emergency outside the pandemic (migration crisis on Belarussian border), as did Hungary (following Russia's invasion of Ukraine).
- **Constitutional courts** – in some Member States, the constitutional courts played a positive role by imposing limits on the powers of the executive and legislature during the COVID-19 pandemic (France, Germany, Spain and Italy). The creation of a



constitutional court is discussed in Cyprus. By contrast, decisions taken by the constitutional courts of Poland and Romania have raised concerns regarding the primacy of EU law. In Germany and Romania, the governments have made clear commitments supporting the primacy of the rule of law (thanks to which infringement proceedings against Germany could be closed); in Poland however this has not been the case and the Commission has opened infringement proceedings.

- **National human rights institutions (NHRIs)** – Sweden launched a newly created national human rights institution into operation in January 2022; Portugal reformed its NHRI, and Latvia overhauled its rules on appointing the ombudsperson. However, a number of Member States have yet to establish an NHRI in line with the UN Paris principles; Italy, Malta and Romania have started the process, but no plans are under way in Czechia.
- **Civil society** – reforms are under way in Bulgaria (new Council for Civil Society Development), Romania (plans to simplify registration procedures), Sweden (review of legal framework), Malta (easier access to funding) and Cyprus (improvement of communication with public authorities). In some Member States, civil society organisations continue to face challenges; these Member States include Ireland (obstacles to funding), Germany (issues with tax exemptions), Slovenia (negative narratives about NGOs), Czechia (issues with funding), Slovakia (no access to public subsidies for gender equality and LGBTIQ organisations), Italy (cumbersome registration procedures) and Greece (disproportionate registration requirements). The situation of civil society has worsened in Poland and Hungary.

## European Parliament's reaction to the third rule of law report

Since the publication of the third annual rule of law report, the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) has been working on a draft resolution on the rule of law report (procedure reference: 2022/2898(RSP)). LIBE tabled a [motion for a resolution](#) for the March II plenary session, to wind up a debate on a Commission statement on the 2022 rule of law report – the rule of law situation in the EU. Below are the main points raised in the motion:

- the third annual rule of law report is a step forward in establishing **a coherent mechanism for upholding EU values**; the key challenge now is to make effective and consistent use of the existing rule of law toolbox;
- there are **notable improvements** compared to the previous annual reports. For instance, the third report includes country-specific recommendations; pays special attention to public service media and to measures to ensure the transparency of media ownership; assesses how the Member States have implemented the ECtHR's rulings; examines the financing of political parties; focuses on equality bodies and ombudspersons; monitors high-level appointments in the judiciary; and pays greater attention to other legal professions, such as notaries and attorneys;
- there are **worrying trends** with respect to the freedom of the press, media pluralism and the safety of journalists in several Member States; the Commission should monitor these developments and follow up on its recommendations;
- **judiciary councils** play a special role in upholding judicial independence; they must be protected from being politicised;
- the **European Public Prosecutor's Office** (EPPO) plays an important role in safeguarding the rule of law and in combating corruption in the EU; the Commission should closely monitor the Member States' level of cooperation with the EPPO in subsequent reports;
- the report has **some shortcomings**; more specifically, there is a lack of consistency between the horizontal report and the country-specific recommendations. Moreover, the recommendations are too vague and are not accompanied by clear deadlines;

- the Commission should secure a more inclusive, transparent and user-friendly approach to the reports' drafting cycle, in order to ensure **meaningful stakeholder participation** and accountability throughout the process;
- there should be a separate chapter on **civil society organisations**;
- the scope of the country-specific recommendations should extend to cover **additional topics** such as the national responses to the COVID-19 pandemic and their impact on democracy, the rule of law and fundamental rights; and the Member States' **unlawful use of surveillance spyware technologies**, such as Pegasus and Predator;
- various issues raised in **previous Parliament resolutions remain unaddressed**. More specifically, these include: the need to broaden the scope of reporting to cover all values enshrined in Article 2 TEU, especially democracy and fundamental rights; the need to include important missing elements of the Venice Commission's 2016 rule of law checklist (e.g. prevention of the abuse of powers, equality before the law and non-discrimination) in the report; the need for closer cooperation with the Council of Europe and other international organisations; the need for the report to include a new separate chapter on the EU institutions focusing on the separation of powers, the anti-corruption framework, accountability and checks and balances; the need for a clearer indication of which countries deliberately harm the values of Article 2 TEU in a systematic, grave and permanent way; the need for the Commission to set up a panel of independent experts in close cooperation with the FRA; and the need for the report to become more closely integrated with and serve as input for the activation of other instruments to respond to threats or breaches of the rule of law at national level (e.g. Article 7 TEU, conditionality, infringement procedures);
- given the Commission's inaction, the Parliament's Bureau should organise a public procurement procedure in order to create a panel of experts under the auspices of Parliament.

## Expert and stakeholder views

Academic experts reacted critically to the first two rule of law reports, pointing in particular to the lack of concrete recommendations ([Laurent Pech](#)), the lack of remedies to the identified shortcomings ([Petra Bárd](#)), as well as an allegedly simplistic approach to methodology, whereby more regulation and a more harmonised legal framework are seen as solutions to the problems ([Alina Mungiu-Pippidi](#)). Yet other experts considered that the reports were too restrictive in their scope, in particular by omitting human rights from the picture ([Linda Ravo](#)). Finally, although the reports were described as an 'early warning system', their effectiveness as a 'game changer' was questioned ([Sonja Priebus](#)). In March 2021, the Council of Bars and Law Societies of Europe published its [contribution to the second rule of law report](#), focussing in particular on judicial independence in the 27 EU Member States, and repeated its call for making the country-specific recommendations more elaborate. In February 2022, the CCBE published its [contribution to the third rule of law report](#), where it reiterated its call for a more detailed analysis of the situation regarding the independence of lawyers and bars (associations of attorneys) as an indispensable component of the independence of the justice system and of the rule of law. CCBE also expressed its support for including country-specific recommendations in the third report. These recommendations should include specific guidelines on ensuring the independence and safety of all justice players, among them lawyers and bar associations. They should also include the introduction of an obligation for the Member States to ensure access to justice, legal aid, and relevant funding to safeguard such access. The CCBE contribution contained, as an annex, the contributions of the 27 Member States as regards their justice systems and lawyers' independence.

## Study by Professors Pech and Bárd for the European Parliament

In February 2022, the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs published a [study](#) carried out by Professor Laurent Pech (University College

Dublin & Central European University) and Professor Petra Bárd (Central European University) at the request of the LIBE and AFCO Committees. The authors made a number of very concrete recommendations on how to improve the rule of law reports. These include:

- **systematic planning** of the preparation and publication cycle, to make it predictable each year;
- prompt **publication of input documents from Member States'** governments to enable experts and civil society to check them before they are taken on board the report;
- more cautiousness with regard to government-organised NGOs (**GONGOs**) which, according to Professors Pech and Bárd, may try to deceive the Commission by providing misleading input;
- need for a clearer description of the **methodology** used by the Commission officials preparing the report, especially as regards country visits and interviews, selection of stakeholders and selection of information;
- better elaboration of the **indicators** taken into account for assessing the rule of law situation in each of the Member States, including to ensure that same indicators are taken into account in all country chapters;
- taking greater account of the data and findings from **already existing rule of law monitoring tools** at the global level, especially the Worldwide Governance Indicators (WGI) project, the World Justice Project Rule of Law Index, or the Varieties of Democracy (V-DEM) project;
- creation of an **expert panel and/or network of experts**, possibly including the EU Fundamental Rights Agency; experts could help the Commission not only by providing feedback on its preliminary findings, but also in elaborating a more robust methodology;
- stronger linkage to other Article 2 TEU values, especially **democracy** and **fundamental rights**, given the interconnection between all EU fundamental values (e.g. the fundamental right to a fair trial as a 'fundamental right' value is closely linked to judicial independence as part of the 'rule of law' value);
- addition of a **new fifth pillar** of civic space, which would be devoted to civil society in the Member States, with a view to maintaining and protecting a democratic and pluralist society;
- addition of a new section devoted to the state of play in the ongoing **Article 7 TEU** proceedings;
- addition of a new chapter devoted to the **EU as such** (currently, only the Member States are subject to the report, but not the EU institutions);
- in evaluating the rule of law situation in the Member States, the Commission should look at a **longer period of time**; to this end, the relevant international monitoring tools (Worldwide Governance Indicators, World Justice Project Rule of Law Index, Varieties of Democracy project) could be helpful;
- inclusion of information on non-**compliance of Member States with ECJ and ECtHR case law**, including orders containing interim measures;
- **alignment** of the rule of law reports with other tools and procedures, including infringement procedures and the conditionality mechanism;
- apart from the standard annual reports, creation of **urgent reports** that the Commission would publish where a Member State seriously threatens the rule of law or fundamental rights; additionally or alternatively, introduction of mid-year assessments between the annual reports.

## Conclusions

The rule of law report, now in its third edition, includes for the first time not only a synthetic description of the situation on the ground, but also country-specific recommendations addressed to each of the 27 Member States. The recommendations differ in their scope and content, just as the situation on the ground does. What is important is that the report develops synergies with the European Semester (where rule of law recommendations have been addressed to Hungary and Poland), the Cooperation and Verification Mechanism (for Bulgaria and, until recently, Romania), as well as with commitments made by the Member States as part of their RRPs. However, as noted in the study prepared for the European Parliament by Professors Pech and Bárd, there is still a lot of room for progress regarding, in particular, the methodology of preparing reports, the content of the country-specific recommendations and especially the follow-up on those recommendations.

An important issue that has not yet been addressed by the Commission is the involvement of a panel of independent experts that would ensure a robust methodological approach and boost credibility of the report's findings that feed into the country-specific recommendations. Finally, the question of better integrating the report with other mechanisms in the rule of law toolbox remains unaddressed, in particular its role in the initiation of infringement proceedings, and its coordination with ongoing Article 7 TEU procedures and with the General Conditionality Regulation. The Commission's third rule of law report mentions these elements but does not clarify the exact relationship between the report's findings and the triggering of those procedures to a sufficient extent, apart from stating that the report 'complements' those mechanisms.

## MAIN REFERENCES

Bárd P., [Diagnostic Autopsy: The Commission's 2020 Annual Rule of Law Report](#), RECONNECT expert briefing, 2020.

Pech L., [Doing more harm than good? A critical assessment of the European Commission's first Rule of Law Report](#), RECONNECT expert briefing, 2020.

Pech L. [The Rule of Law as a Well-Established and Well-Defined Principle of EU Law](#), *Hague Journal on the Rule of Law* (2022), Vol. 14, 2022, pp. 107–138.

Pech L. and Bárd P. [The Commission's Rule of Law Report and the EU Monitoring and Enforcement of Article 2 TEU Values](#), study for the LIBE and AFCO committees, PE 727.551, February 2022.

## ENDNOTES

<sup>1</sup> Díaz Crego, M., Mañiko R. and van Ballegooij W., [Protecting EU common values within the Member States: An overview of monitoring, prevention and enforcement mechanisms at EU level](#), EPRS study, p. 73, September 2020.

<sup>2</sup> The stakeholders consulted by the Commission include 13 organisations, notably the Network of the Presidents of the Supreme Courts of the EU, the European Network of Councils for the Judiciary, the Association of the Councils of State and the Supreme Administrative Jurisdictions, the European Association of Judges, the Magistrats Européens pour la Démocratie et les Libertés, the Association of European Administrative Judges (AEAJ), the Council of Bars and Law Society of Europe (CCBE), the Conference of European Constitutional Courts, the European Network of National Human Rights Institutions (ENNHRI), as well as European Partners against corruption/European contact-point network against corruption, the Network of Corruption Prevention Agencies, the European Federation of Journalists (EFJ) and the European Regulators Group for Audiovisual Media Regulation (ERGA).

<sup>3</sup> For an overview of the views of academic experts on the first and second rule of law reports, see the [previous edition](#) of this briefing, pp. 6-7.

<sup>4</sup> Radosveta Vassileva, [Threats to the Rule of Law: The Pitfalls of the Cooperation and Verification Mechanism](#), (2020), 26, *European Public Law* 2020, Vol. 26, Issue 3.

<sup>5</sup> EU Law Live, [Court of Justice rules on several rule of law cases concerning Romania and the Cooperation and Verification Mechanism](#), 18 May 2021.

## Annex 1. Recommendations made to the Member States in the third annual rule of law report (July 2022)

Member State	Country-specific recommendations made by the Commission (by area)			
	Justice	Anti-corruption	Media freedom	Checks and balances
Belgium	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on digitalisation of justice</li> <li>– continue measures to provide adequate human and financial resources for the justice system</li> </ul>	<ul style="list-style-type: none"> <li>– complete the legislative reform on lobbying, and on establishing a framework, including a transparency register and a legislative footprint</li> <li>– strengthen the integrity framework, including by adopting a Code of Conduct covering all members of ministerial private offices, rules on gifts and benefits for members of Parliament and government and rules on revolving doors for the government and the government's private offices</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the framework for access to official documents</li> </ul>	<i>none</i>
Bulgaria	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on justice</li> <li>– fulfil remaining CVM commitments</li> <li>– ensure timely ordinary competitions for promotion to avoid long-term secondment of judges to fill in vacant positions</li> <li>– advance with the legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members</li> <li>– take steps to adapt the composition of the Supreme Judicial Council, taking into account European standards</li> <li>– continue the implementation of measures to improve the integrity of the specific sectors of the public administration (e.g. police, customs, revenue administration), including measures tailored to the police and the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on anti-corruption framework</li> <li>– ensure that the institutional reforms of the Anti-Corruption Commission and the specialised judicial authorities lead to an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases</li> </ul>	<ul style="list-style-type: none"> <li>– improve transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies</li> </ul>	<i>none</i>
Czechia	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on justice</li> <li>– introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on anti-corruption</li> <li>– reduce the length of proceedings to ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media</li> </ul>	<ul style="list-style-type: none"> <li>– take steps to establish a national human rights institution (ombudsman) taking into account the UN Paris Principles</li> </ul>

		<ul style="list-style-type: none"> <li>– strengthen the integrity framework for members of parliament, in particular by ensuring that codes of ethics are in place for both chambers</li> <li>– complete the revision of legislation on asset declarations and on conflict of interests</li> </ul>		
Denmark	<ul style="list-style-type: none"> <li>– ensure adequate human and financial resources for the justice system</li> </ul>	<ul style="list-style-type: none"> <li>– adopt new legislation on political party financing that will address the issue of multiple and anonymous donations and introduce sanctions for breaching the rules on the political parties framework</li> <li>– introduce rules on revolving doors for ministers and on lobbying, and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests</li> </ul>	<i>none</i>
Germany	<ul style="list-style-type: none"> <li>– provide adequate resources for the justice system, including on the level of salaries for judges</li> </ul>	<ul style="list-style-type: none"> <li>– introduce a 'legislative footprint' to allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative acts</li> <li>– strengthen the existing rules on revolving doors by increasing consistency of the different applicable rules, the transparency of authorisations for future employment of high ranking public officials, and the length of cooling-off periods for federal ministers and federal parliamentary state secretaries</li> </ul>	<ul style="list-style-type: none"> <li>– create a legal basis for a right to information of the press as regards federal authorities</li> </ul>	<ul style="list-style-type: none"> <li>– adapt tax-exempt status for non-profit organisations with a view to addressing the challenges that the currently applicable rules present for their operation in practice</li> </ul>
Estonia	<i>none</i>	<ul style="list-style-type: none"> <li>– ensure that the guidelines on the conflict of interests are subject to effective verification, monitoring and enforcement</li> <li>– implement effectively guidelines on lobbying.</li> </ul>	<ul style="list-style-type: none"> <li>– implement effectively of the right of access to information</li> </ul>	<ul style="list-style-type: none"> <li>– continue advancing with the digital platform to make the legislative process even more visible and inclusive for public consultation</li> </ul>
Ireland	<ul style="list-style-type: none"> <li>– ensure that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments.</li> <li>– reduce litigation costs to ensure effective access to justice</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the existing ethics framework, including on codes of conduct, asset declarations, revolving doors and lobbying, and in particular as regards the monitoring and enforcement capacity of the Standards in Public Office Commission</li> </ul>	<ul style="list-style-type: none"> <li>– continue the reform of the Defamation Act to improve the professional environment for journalists</li> </ul>	<ul style="list-style-type: none"> <li>– address legal obstacles related to access to funding for civil society organisations</li> </ul>
Greece	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on justice</li> <li>– involve judiciary in appointment of President and Vice-President of the Council of</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on anti-corruption</li> <li>– ensure effective and systematic verification of asset disclosures</li> </ul>	<ul style="list-style-type: none"> <li>– establish legislative and other safeguards to improve the physical safety and working environment of journalists</li> </ul>	<ul style="list-style-type: none"> <li>– ensure that registration requirements for civil society organisations are proportionate in</li> </ul>

	State, the Supreme Court and the Court of Audit	<p>filed by all types of public officials</p> <ul style="list-style-type: none"> <li>– establish a robust track record of prosecutions and final judgments in corruption cases</li> </ul>		view of maintaining an open framework for them to operate
Spain	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on justice</li> <li>– strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government</li> <li>– proceed with the renewal of the Council for the Judiciary as a matter of priority and initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards</li> </ul>	<ul style="list-style-type: none"> <li>– table legislation on lobbying, including the establishment of a mandatory public register of lobbyists</li> <li>– address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases</li> </ul>	<ul style="list-style-type: none"> <li>– ensure adequate resources for the national audio-visual media regulatory authority to strengthen its operations</li> <li>– strengthen right of access to information</li> </ul>	<i>none</i>
France	<ul style="list-style-type: none"> <li>– complete projects aimed at full digitalisation of civil and criminal court proceedings</li> <li>– ensure adequate human resources for the justice system</li> </ul>	<ul style="list-style-type: none"> <li>– continue effective investigation, prosecution and sanctioning of high-level corruption offences</li> <li>– ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level</li> </ul>	<ul style="list-style-type: none"> <li>– enhance media ownership transparency in particular regarding complex shareholding structures</li> </ul>	<i>none</i>
Croatia	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on justice</li> <li>– reconsider the newly introduced periodic security checks conducted by the National Security Agency on all judges and state attorneys</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on anti-corruption</li> <li>– introduce comprehensive legislation on lobbying, including on persons with top executive positions, and set up a public register of lobbyists</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen framework for fair and transparent allocation of state advertising, –address issue of SLAPPs targeted at journalists</li> </ul>	<ul style="list-style-type: none"> <li>– ensure a more systematic follow-up to recommendations and information requests of the Ombudsperson</li> </ul>
Italy	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on justice</li> <li>– increase digitalisation of justice system, especially as regards criminal law</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on anti-corruption</li> <li>– continue effective operations of police and prosecution service against high-level corruption, including by enhancing digitalisation and interconnection of registries</li> <li>– adopt comprehensive conflict of interests rules and lobbying regulation to establish an operational lobbying register, including a legislative footprint</li> <li>– address the practice of channelling donations through political foundations and associations and introduce single electronic register for party and campaign finance information.</li> </ul>	<ul style="list-style-type: none"> <li>– reform the regime on defamation, protection of professional secrecy and journalistic sources</li> </ul>	<ul style="list-style-type: none"> <li>– increase efforts to establish a national human rights institution taking into account the UN Paris Principles</li> </ul>
Cyprus	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on justice</li> <li>– ensure that the reform on the appointment of the Supreme</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil RRP commitments on anti-corruption</li> <li>– improve effective investigation and adjudication of high-level</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the rules and mechanisms to enhance the independent governance of public</li> </ul>	<ul style="list-style-type: none"> <li>– establish framework for effective and timely consultation of</li> </ul>

	<p>Constitutional Court and High Court judges takes into account European standards and <a href="#">Venice Commission opinion</a></p> <ul style="list-style-type: none"> <li>– ensure that reform of composition of Supreme Judiciary Council takes into account European standards and <a href="#">Venice Commission opinion</a></li> </ul>	<p>corruption cases, including by strengthening the Office of the Attorney General and its budgetary independence</p> <ul style="list-style-type: none"> <li>– introduce rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications</li> </ul>	<p>service media taking into account European standards on public service media</p>	<p>stakeholders in the legislative process</p>
Latvia	<ul style="list-style-type: none"> <li>– initiate a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments</li> </ul>	<ul style="list-style-type: none"> <li>– continue efforts towards the swift adoption and effective implementation of the Action Plan 2021-2024 to prevent corruption</li> <li>– continue efforts towards adopting the draft legislation on lobbying, and following that, ensure the setting-up of a special lobby register</li> </ul>	None	<ul style="list-style-type: none"> <li>– take measures to increase the participation of civil society in decision-making at local level</li> </ul>
Lithuania	<ul style="list-style-type: none"> <li>– continue the reform of the legal aid system, including by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards</li> <li>– proceed with the appointments to ensure the full composition of the Supreme Court and with the appointment of the President of the Supreme Court</li> <li>– initiate a process in view of adapting the system of appointments to judicial positions, notably to the Supreme Court, including to improve transparency and taking into account European standards</li> </ul>	<ul style="list-style-type: none"> <li>– start implementing the anti-corruption agenda 2022-2033</li> </ul>	<ul style="list-style-type: none"> <li>– continue improving the practice of granting access to official documents</li> </ul>	<ul style="list-style-type: none"> <li>– provide adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons</li> </ul>
Luxembourg	<ul style="list-style-type: none"> <li>– continue with the process to adopt the reform on the powers of the future Council for the Judiciary</li> <li>– continue with the process leading to the adoption of the reform on making legal aid more accessible.</li> </ul>	<ul style="list-style-type: none"> <li>– continue to implement and evaluate the new legislation on lobbying the Parliament, including the transparency register</li> <li>– ensure that there are adequate resources for the prosecution services dealing with economic and financial crime</li> </ul>	<ul style="list-style-type: none"> <li>– reduce the time for processing requests for disclosure of official documents</li> </ul>	<ul style="list-style-type: none"> <li>– provide wider possibilities for stakeholders to participate in public consultations</li> </ul>
Hungary	<ul style="list-style-type: none"> <li>– comply with the rule of law-related rulings of the ECJ and the rule of law-related infringement procedures</li> <li>– address concerns raised in the context of the Conditionality Regulation</li> <li>– address concerns raised in the Article 7 TEU procedure initiated by the European Parliament</li> <li>– comply with the relevant country-specific</li> </ul>	<ul style="list-style-type: none"> <li>– adopt comprehensive reforms on lobbying and revolving doors, and strengthen the system of asset declarations, providing for effective oversight and enforcement</li> <li>– establish a robust track record of investigations, prosecutions and final judgments for high-level corruption cases</li> </ul>	<ul style="list-style-type: none"> <li>– introduce mechanisms to enhance the functional independence of the media regulatory authority</li> <li>– strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media</li> <li>– adopt legislation to ensure fair and</li> </ul>	<ul style="list-style-type: none"> <li>– remove obstacles affecting civil society organisations</li> </ul>



	<p>recommendations under the European Semester</p> <ul style="list-style-type: none"> <li>– strengthen the role of the National Judicial Council, while safeguarding its independence, to effectively counterbalance the powers of the president of the National Office for the Judiciary</li> <li>– adapt the rules related to the Supreme Court to remove judicial appointments outside the normal procedure, to strengthen the eligibility criteria for the Supreme Court president, and to strengthen judicial bodies' control over the Supreme Court president</li> <li>– remove the possibility of reviewing the need for preliminary references to the ECJ</li> </ul>		<p>transparent distribution of advertising expenditure by the state and the state-owned companies</p>	
Malta	<ul style="list-style-type: none"> <li>– fulfil commitments made under the <a href="#">national RRP</a> relating to certain aspects of the justice system</li> <li>– involve the judiciary in the procedure for appointment of the Chief Justice</li> <li>– improve the efficiency of the justice system, with the particular goal of reducing the length of proceedings</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil commitments made under the <a href="#">national RRP</a> relating to the anti-corruption framework</li> <li>– speed up investigations of high-level corruption cases, including by establishing a robust track record of final judgments</li> </ul>	<ul style="list-style-type: none"> <li>– advance with the introduction of legislative and other safeguards to improve the working environment of journalists</li> <li>– strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media</li> </ul>	<ul style="list-style-type: none"> <li>– re-launch efforts to establish a National Human Rights Institution</li> </ul>
Netherlands	<ul style="list-style-type: none"> <li>– continue the digitalisation of the justice system</li> </ul>	<ul style="list-style-type: none"> <li>– complete the revision of the rules on revolving doors involving former ministers and state secretaries, including a two-year cooling-off period and restrictions on paid activities</li> <li>– adopt a Code of Conduct for ministers and state secretaries including rules on gifts, secondary activities and lobbying, as well as effective monitoring and sanctioning</li> </ul>	<p><i>none</i></p>	<ul style="list-style-type: none"> <li>– ensure a comprehensive follow-up to the <a href="#">childcare allowances affair</a> to address the potential structural issues, involving all relevant state authorities</li> </ul>
Austria	<ul style="list-style-type: none"> <li>– continue the reform to establish an independent Federal Prosecution Office</li> <li>– involve the judiciary in the procedures for appointment of the president and vice-president of the Supreme Court and for court presidents of administrative courts</li> </ul>	<ul style="list-style-type: none"> <li>– ensure the independent operation of the specialised anti-corruption prosecution</li> <li>– finalise the legislative revision of the political party financing rules, including with the aim to empower the Court of Audit to audit political party finances</li> <li>– introduce effective rules on assets and interests' declaration for members of Parliament</li> </ul>	<ul style="list-style-type: none"> <li>– reform the framework for the allocation of state advertising by public authorities at all levels, in particular to improve the fairness and transparency of its allocation</li> <li>– advance with the reform on access to official information</li> </ul>	<p><i>none</i></p>
Poland	<ul style="list-style-type: none"> <li>– address the serious concerns relating to judicial independence that have been highlighted in the Article 7 TEU procedure</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the existing integrity rules by introducing lobbying rules and a standardised online system for asset declarations by public</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media</li> </ul>	<ul style="list-style-type: none"> <li>– fulfil commitments made under the RRP relating to checks and balances</li> <li>– improve framework in which civil society</li> </ul>

	<ul style="list-style-type: none"> <li>– comply with the rule of law-related rulings of the ECJ</li> <li>– comply with the rule of law-related infringement procedures</li> <li>– fulfil commitments made under the RRP relating to certain aspects of the justice system</li> <li>– comply with country-specific recommendations under the European Semester</li> <li>– separate the function of the minister of justice from that of the prosecutor-general</li> <li>– ensure functional independence of the Prosecution Service from the Government</li> </ul>	<p>officials and members of Parliament</p> <ul style="list-style-type: none"> <li>– ensure independent and effective investigations and prosecutions, address the broad scope of immunities for top executives, and abstain from introducing impunity clauses in legislation in order to enable a robust track record of high-level corruption cases</li> <li>– ensure a more systematic follow-up to findings by the Supreme Audit Office and ensure a swift appointment of the college members of the Supreme Audit Office</li> </ul>		<p>and the Ombudsperson operate</p>
Portugal	<ul style="list-style-type: none"> <li>– comply with RRP commitments concerning justice system</li> <li>– continue efforts to ensure adequate human resources of the justice system and to improve its efficiency, in particular of administrative and tax courts, including by finalising the legislative framework for the functioning of the High Council for Administrative and Tax Courts</li> <li>– continue efforts to strengthen transparency of case allocation</li> </ul>	<ul style="list-style-type: none"> <li>– ensure sufficient resources for preventing, investigating and prosecuting corruption, including by swift operationalisation of new anti-corruption mechanism</li> <li>– ensure launch of new Transparency Entity to monitor and verify asset declarations</li> </ul>	None	<ul style="list-style-type: none"> <li>– improve transparency of law-making, particularly on the implementation of impact assessment tools</li> </ul>
Romania	<ul style="list-style-type: none"> <li>– comply with RRP commitments concerning justice system</li> <li>– ensure that revision of legislation on judiciary reinforces judicial independence, including with regard to disciplinary regime, and addresses concerns regarding investigation and prosecution of criminal offences in the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>– comply with RRP commitments concerning anti-corruption</li> <li>– introduce rules on lobbying for members of Parliament</li> <li>– address the operational challenges of the National Anti-Corruption Directorate, including as regards recruitment of prosecutors, and closely monitor the impact of the new system on investigating and prosecuting corruption offences in the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen rules and mechanisms to enhance the independent governance and editorial independence of public service media</li> </ul>	<ul style="list-style-type: none"> <li>– comply with RRP commitments concerning legislative process</li> <li>– ensure effective public consultation before the adoption of draft legislation.</li> <li>– continue efforts to establish a national human rights institution</li> </ul>
Slovenia	<ul style="list-style-type: none"> <li>– comply with RRP commitments concerning the justice system</li> <li>– ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and prosecutors</li> </ul>	<ul style="list-style-type: none"> <li>– remove obstacles to investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitations</li> <li>– adopt and implement an anti-corruption strategy</li> </ul>	<ul style="list-style-type: none"> <li>– strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media</li> <li>– establish legislative and other safeguards to protect journalists, particularly online</li> </ul>	<ul style="list-style-type: none"> <li>– ensure budgetary autonomy of the independent bodies</li> </ul>
Slovakia	<ul style="list-style-type: none"> <li>– comply with RRP commitments concerning the justice system</li> </ul>	<ul style="list-style-type: none"> <li>– introduce proposals to regulate lobbying and to strengthen the</li> </ul>	<ul style="list-style-type: none"> <li>– advance with the process of establishing legislative and other</li> </ul>	None

	<ul style="list-style-type: none"> <li>– ensure that the members of the Judiciary Council are subject to sufficient guarantees of independence as regards their dismissal</li> <li>– ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the <a href="#">crime of 'abuse of law'</a> as regards their judicial decisions</li> </ul>	<p>legislation on conflicts of interest and asset declarations.</p> <ul style="list-style-type: none"> <li>– improve coordination among different law enforcement agencies and ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions, with a view to promoting a robust track record of high-level corruption cases</li> </ul>	<p>safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law</p> <ul style="list-style-type: none"> <li>– strengthen rules and mechanisms to enhance the independent governance and editorial independence of public service media</li> </ul>	
Finland	<ul style="list-style-type: none"> <li>– continue the National Courts Administration's efforts on developing initiatives to support the courts in their work</li> </ul>	<ul style="list-style-type: none"> <li>– continue to strengthen the criminal legal framework on corruption, in particular by the adoption of legislation on trading in influence</li> <li>– continue efforts to implement the new national anti-corruption strategy and action plan for 2021-2023</li> </ul>	<ul style="list-style-type: none"> <li>– continue the reform of the law on openness of government activities to ensure effective and wider access to documents</li> </ul>	<i>None</i>
Sweden	<ul style="list-style-type: none"> <li>– continue the work of the Committee of inquiry on strengthening the protection of democracy and the independence of the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>– evaluate the scope, impact and implementation of rules relating to revolving doors to cover top executive functions in government</li> <li>– strengthen the fight against foreign bribery</li> </ul>	<i>None</i>	<ul style="list-style-type: none"> <li>– ensure that ongoing reforms of legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement</li> </ul>

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