

STUDY

Requested by the LIBE committee  
(DRFMG)



**DRAFT**

**THE IMPACT OF  
CORONAVIRUS MEASURES  
ON DEMOCRACY, RULE OF  
LAW AND FUNDAMENTAL  
RIGHTS IN THE EU**

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An overview of the measures taken by EU  
Member States

Update **nr 27 of 20 May 2021**

(Part 2)

NB: the latest updates  
are highlighted in **yellow**.





# THE IMPACT OF CORONAVIRUS MEASURES ON DEMOCRACY, RULE OF LAW AND FUNDAMENTAL RIGHTS IN THE EU

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An overview of the measures taken  
by EU Member States

## **Abstract**

This overview, drafted by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Monitoring Group on Democracy, Rule of Law and Fundamental Rights of the LIBE Committee, aims at monitoring and providing a snapshot of the measures adopted by EU Member States in the fight against the spreading of the Covid-19 virus and their impact on DRF. It is based on open sources such as press articles, reports of national, European and international bodies, etc, in a rapidly changing situation.

This document was requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs for the Monitoring Group on Democracy, Rule of Law and Fundamental Rights.

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## **ABOUT THE EDITOR**

Policy departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU internal policies.

***Disclaimer: the document has been prepared on the basis of open source documents, press articles, press releases, institutional websites, etc. It is a work in progress document, providing an overview of a dynamically changing situation and it may contain errors, in which case you are welcome to inform us so that we can check and correct.***

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## LIST OF ABBREVIATIONS

<b>App</b>	Application
<b>CoE</b>	Council of Europe
<b>DRF</b>	Democracy, the Rule of Law and Fundamental Rights
<b>ECRE</b>	Europeaan Council of Refugees and Exiles
<b>EP</b>	European Parliament
<b>EU</b>	European Union
<b>EU CJ</b>	Court of Justice of the European Union
<b>FRA</b>	Fundamental Rights Agency
<b>IPI</b>	International Press Institute
<b>IPU</b>	International Parliamentary Union
<b>LIBE</b>	Committee on Civil Liberties, Justice and Home Affairs
<b>MG</b>	Monitoring Group
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>PACE</b>	Parliamentary Assembly of the Council of Europe
<b>UN</b>	United Nations

## LIST OF TABLES

Table 1: Monitoring the exit from state of emergency or emergency powers

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## 1. INTRODUCTION

*Disclaimer: the document has been prepared on the basis of open source documents, press articles, press releases, institutional websites, etc. It is a work in progress document, providing an overview of a dynamically changing situation and it may contain errors, in which case you are welcome to inform us so that we can check and correct.*



**TABLE 1: MONITORING THE EXIT FROM STATE OF EMERGENCY OR EMERGENCY POWERS**

State	State of Emergency or similar used for Covid?	Entry	Exit
AU	NO	/	/
BE	NO	/	/
BG	(now) OTHER: epidemic situation (but YES initially)	- 13 March- 13 May: State of Exception - 14 May - June 14: epidemic situation; <u>prolonged</u> to end of June; further extended to mid-July, then to end of August, then to 30 September, then to end of November, end of January and currently to the end of May	30 May 2021
HR	OTHER: declaration of outbreak of the epidemic disease	11 March	n.a.
CY	NO	/	/
CZ	YES	- 12 March (to 17 May) - from 5 October, for 30 days - until 20 November, then extended to 12 December - extended until 14 February, then until 28 February, then until March 28, then 11 April	Exited on 11 April 2021
DK	NO	/	/
EE	OTHER: Emergency situation	12 March	17 May 2020
FI	YES	16 March	16 June 2020
FR	OTHER: State of sanitary emergency	- 23 March until 10 July; - a law on exit of the state of sanitary emergency was approved, allowing for various restrictive measures to be adopted and remain in place - then again State of sanitary emergency declared from 17 October on - state of sanitary emergency extended until 1 June 2021	1 June 2021
DE	NO (only at Länder level)	/	/
EL	NO	/	/

HU	<b>OTHER: State of danger, now State of medical crisis, then State of emergency</b>	<b>- 11 March - 18 June 2020: State of danger</b> <b>- 18 June - 18 December 2020: State of medical crisis</b> <b>- State of emergency: from 3 November on, then from 10 November 2020 for 90 days; then until 1st of March 2021; on 24 February 2021 extended for further 90 days.</b>	<b>1 June 2021</b>
IR	NO	/	/
IT	<b>OTHER: State of (sanitary) emergency</b>	<b>31 January to 31 July, extended to 31 October, then to January 2021 and subsequently to 30 April 2021; extended until 31 July 2021</b>	<b>31 July 2021</b>
LV	YES	12 March-9 June Then again from 9 November 2020 to December 6, then to January 11, to 7 February, and subsequently extended to 6 April	Exited on 6 April 2021
LT	OTHER : State of extreme situation on the basis of the Law on Civil Protection	<b>- 25 February-16 June</b> <b>- Then again (national state of emergency and the territory (absolute preparedness) level of the civil protection system) from Sept/Oct until further notice</b>	Exited
LU	YES	18 March	24 June 2020; loi Covid 19 approved
MT	NO	/	/
NL	NO	/	/
PL	<b>OTHER: State of epidemic</b>	<b>20 March</b>	<b>?</b>
PT	<b>YES (with OTHER)</b>	<b>- from 18 March to 8 May: State of emergency</b> <b>- from 8 May - mid-June, and prolonged to end June: State of calamity</b> <b>- from 1 July: State of Alert (continental Portugal), State of Contingency (Lisbon), State of Calamity (in 19 parishes)</b> <b>- from 15 September: state of contingency (mainland Portugal), State of calamity (Madeira until end of Sept, Azores until 15 Sept), State of alert (for some Azores islands)</b> <b>- from 15 October: State of calamity</b> <b>- State of Emergency on Monday, November 9 until 23 November; then extended until 8 December; then to 23 December, to 31 January and then to 14</b>	<b>Lifted on 30 April 2021</b>

		<b>February; state of emergency extended again until 1 March, then 31 March, 30 April</b>	
<b>RO</b>	<b>Now OTHER: State of alert (but YES initially)</b>	<ul style="list-style-type: none"> <li>- 16 March - 15 May: State of emergency</li> <li>- 15 May - 14 June: State of alert; <u>renewed</u> on 17 June, in mid-July, in mid-August, on 15 Sept, 15 Oct, 15 Nov, 14 December; 13 January, each time for 30 days; on 12 February, extended for another 30 days and again from March 14 to April 14, to 12 May, to 12 July</li> </ul>	<b>12 July 2021</b>
<b>SK</b>	<b>YES</b>	<ul style="list-style-type: none"> <li>- 16 March - 13 June: State of emergency</li> <li>- 11 March - 16 March, and 13 June on: Extraordinary situation</li> <li>- From 1 October to mid-November: state of emergency</li> <li>- from mid-Nov to the end of the year</li> <li>- in December extended until 8 February</li> <li>- extended until 19 March 2021</li> <li>- extended until 29 April 2021</li> <li>- extended until 28 May 2021</li> </ul>	<b>28 May 2021</b>
<b>SL</b>	<b>NO</b>	/	/
<b>ES</b>	<b>OTHER: State of alarm</b>	<ul style="list-style-type: none"> <li>14 March-21 June</li> <li>9 October state of alarm for Madrid for 2 weeks</li> <li>Extended on 29 October for 6 months</li> </ul>	<b>Lifted on 9 May 2021</b>
<b>SE</b>	<b>NO</b>	/	/

**TABLE 2 on Annual Reports by Institutions and NGOs on Article 2 TEU values / DRFEM in chronological order of publication during the year**

<b>What</b>	<b>Who</b>	<b>Geographical area</b>	<b>Thematic areas</b>	<b>When</b>
<a href="#">World report</a>	<b>Human Rights Watch</b>	World		Mid-January
<a href="#">Corruption perceptions index</a>	<b>Transparency International</b>	World	Corruption, integrity, etc	January
<a href="#">Annual review</a>	<b>ILGA-Europe</b>	54 States, 4 Eur. institutions	LGBTIQ	16 February
Country reports European Semester	<b>EU Commission</b>	EU MS		February March
<a href="#">Annual report</a>	<b>ECRI</b>	CoE	racism, xenophobia, antisemitism and intolerance	March
<a href="#">Annual activity report</a>	<b>GRECO</b>			March
<a href="#">Contribution to COM RoL report</a>	<b>European Civic Forum</b>			March
<a href="#">Rule of Law index</a>	<b>World Justice Project</b>			March
<a href="#">Report</a>	<b>Liberties</b>	14 EU MS (Bulgaria, Croatia, the Czech Republic, Germany, France, Hungary, Ireland, Italy, Poland, Romania, Spain, Slovenia, Slovakia and Sweden).	DRF	9 March
<a href="#">Annual report</a>	<b>Varieties of Democracy Institute (V-Dem)</b>			Mid-March
<a href="#">Submission on RoL to the COM</a>	<b>ENNHRI</b>	EU MS		25 March 2021
<a href="#">Annual Country Reports on Human Rights Practices</a> (Human Rights Reports)	<b>US State Department</b>	world	individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights + other int.l agreements	End of March
<a href="#">Annual report on the Supervision of the execution of ECHR judgments</a>	<b>CoE Council of Ministers</b>	CoE MS		April
<a href="#">Report</a>	<b>Amnesty International</b>	world	Human rights and fundamental freedoms...	7 April
<a href="#">Annual report</a>	<b>ODHIR</b>	world		Mid-April
<a href="#">World Press Freedom Index</a>	<b>Reporters Without Borders (RSF)</b>	world	Media freedom, freedom of expression, protection of journalists	20 April
<a href="#">Annual Activity report</a>	<b>CoE Commissioner for HRs</b>	CoE MS	CoE areas of activities	21 April

<a href="#">Nations in Transit</a>	<b>Freedom House</b>	29 countries of Central Europe and Asia	state of democracy	28 April
<a href="#">Annual report</a>	<b>CoE Platform for the Protection of Journalism and Safety of Journalists</b>	CoE MS	Protection of Journalism and Safety of Journalists	28 April
<a href="#">Democracy Perception Index survey</a>	<b>Latana and the Alliance of Democracies Foundation</b>		Democracy perception	5 May
Annual report	<b>ENNHRI</b>			May
Country Specific recommendations	<b>EU Commission / Council</b>	EU MS		May-June-July
<a href="#">Fundamental Rights Report</a>	<b>FRA</b>	EU MS	Fundamental Rights at large	4 June
<a href="#">Media Pluralism Monitor</a>	<b>EUI - Centre for media pluralism and media freedom</b>	EU MS and Turkey	Basic Protection, Market Plurality, Political Independence, Social Inclusiveness, digital transformation	July
<a href="#">Annual Report</a>	<b>CoE Secretary</b>	CoE MS	area of activities	9 July
<a href="#">Rule of Law Annual report</a>	<b>EU Commission</b>	EU MS	Judiciary, corruption, media, checks and balances, civil society	Mid-July 2021
<a href="#">Justice Scoreboard</a>	<b>EU Commission</b>	EU MS	independence, quality, efficiency of national justice systems.	September
<a href="#">Annual report</a>	<b>CoE ECtHRs</b>	CoE MS	Court's organisation and activities, developments in the case-law, full statistical data	December
<a href="#">Civicus Monitor</a>	<b>Civicus</b>	world	citizen action, civil society; indicators of civic space: freedom of association, freedom of peaceful assembly, freedom of expression and the state duty to protect	December
<a href="#">Activizanship reports</a>	<b>European Civic Forum</b>			December
Annual report on FRs	<b>European Parliament</b>	EU MS	DRFEM at large	varies

## 2. UN, COUNCIL OF EUROPE, OSCE

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 20.05.2021: in the **1st ECHR case on Covid restrictive measures**, case of *Terheş v. Romania* (application no. 49933/20), the European Court of Human Rights unanimously declared the application inadmissible, stating that the **lockdown** ordered by the Romanian government from 24 March to 14 May 2020 to tackle the COVID-19 pandemic and which entailed restrictions on leaving one's home **could not be equated with house arrest**. The level of restrictions on the applicant's freedom of movement had not been such that the general lockdown ordered by the authorities could be deemed to constitute a deprivation of liberty."

### 2. Freedom of movement (internal and cross-border; sanctions)

- 08.04.2021: The [COVID-19 and the State of Global Mobility in 2020](#) report offering the first comprehensive analysis of the travel restrictions and border closures taken globally to battle COVID-19 pandemic has been published by the International Organization for Migration (IOM) and the Migration Policy Institute (MPI).

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 21.04.2021: Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights (ECHR) published a new [thematic factsheet](#) focusing on cases related to **freedom of expression**. The factsheet summarises measures reported by 27 member states to safeguard and protect free speech in response to 45 different judgments from the Strasbourg court.

- 28.4.2021: The CoE [Secretary General called European governments to show stronger political will to protect press freedom](#)

- 28.4.2021: The [annual report](#) of the [Platform for the Protection of Journalism and the Safety of Journalists](#), by 14 international media freedom organisations, lists 201 serious cases of threats to media freedom in the 47 Council of Europe member states in 2020, a 40% increase compared to 2019. A record number of alerts concerned physical attacks (52 cases) and harassment or intimidation (70 cases).

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

### 7. Prisons

8 April 2021: The Council of Europe published its report on the state of prisons population, SPACE, see [News! – Council of Europe Annual Penal Statistics \(unil.ch\)](#)

### 8. Equality and discrimination

- 18.03.2021: In its annual report, **ECRI** underlined deepened inequalities related to COVID-19, Black Lives Matter movement, growing religious intolerance, backlash against LGBTI people, see the report [here](#).

- 19.03.2021: The Council of Europe **Commissioner for Human Rights** released a [report](#) on **Afrophobia** ahead of the International day for the Elimination of Racial Discrimination. The report highlights grave forms of racism and racial discrimination and practices which perpetuate social and economic inequalities.

- 20.03.2021: In a [statement](#) marking the International Day for the Elimination of Racial Discrimination, the **UN Network on Migration** called on States to scale up efforts to condemn and eliminate racial discrimination. The statement recognized that some reactions to COVID-19 have amplified anti-foreigner narratives.
- 21.03.2021: **UN High Commissioner for Refugees** issued a [statement](#) warning that failure to eliminate racial discrimination will continue to force innocent people to flee and fear for their lives.
- 22.04.2021: In a [statement](#) on Covid-19 and social rights, the **European Committee of Social Rights** highlights the rights of the European Social Charter that are particularly affected by the Covid-19 crisis. The statement also addresses the rights of children and families, women, older persons and persons with disabilities.
- 12.05.2021: **ILGA Europe** published its [Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People 2021](#), revealing that over the past 12 months advances in LGBTI rights have come to almost a complete standstill.
- 05.05.2021: The Council of Europe Committee of Ministers has adopted [Guidelines](#) for the 47 member states to help them in upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future. The Committee stresses the importance of establishing effective structures and procedures to manage crises and their specific impact on disadvantaged groups and equality in a swift and inclusive way.
- 18.05.2021: The **European Commission against Racism and Intolerance (ECRI)** [has published its conclusions](#) on the implementation of its priority recommendations made to Croatia, Liechtenstein, Malta, the Republic of Moldova and Portugal in 2018.

## 9. Any other issue relevant for Art. 2 TEU

- 31.03.2021 – States across Europe are continuing to make progress on implementing judgments from the European Court of Human Rights, despite the Covid-19 pandemic, according to the latest [annual report](#) from the Council of Europe’s Committee of Ministers. However, further efforts are needed to tackle systemic issues highlighted by the ECHR.
- 21.4.2021: Council of Europe Commissioner for Human Rights, Dunja Mijatović, published her annual activity report covering 2020, addressing the impact of Covid on DRF and calling for a new impetus to “narrow the gap between human rights standards and reality”, see [A renewed impetus is needed to narrow the gap between human rights standards and reality - View \(coe.int\)](#) and [Annual Activity report 2020 \(coe.int\)](#)
- The **Secretary General of the Council of Europe** released the [2021 report on “State of Democracy, Human Rights and the Rule of Law”](#). The report highlights that democracy is in distress due to a “clear and worrying degree of democratic backsliding” exacerbated by Covid 19 measures. It calls National authorities to “return to fundamental democratic principles and recommit to Council of Europe legal standards, including the implementation of judgments from the European Court of Human Rights”; to “fully embrace the multilateralism”; “Covid-related restrictions and measures must not only be necessary and proportionate, but also limited in duration” and “National authorities should embrace democratic culture, recognising where their words, activities or legislation have diminished that culture by reducing civic space, by intimidating or preventing individuals, organisations and NGOs from exercising their freedom of speech or assembly, or by excluding people from participating fully in society.”

- 4.4.2021: Democracy Reporting International new report [\*Extraordinary or extralegal responses? The rule of law and the COVID-19 crisis\*](#) identifies five critical areas of concern across all EU Member States: 1) Many COVID-19 measures do not have a clear **legal basis**. 2) Rules are **too vague or change too quickly** to allow people and authorities to adjust. 3) There is insufficient **oversight** of government action. 4) The public was not **consulted** enough on the measures. 5) There is no clear **exit** strategy.

**Public procurement and corruption risks in the EU MSs**

- GRECO urges states to prevent corruption risks when tackling the COVID-19 pandemic's economic impact: Governments should rigorously **manage the corruption risks** that have emerged due to the need to take extraordinary measures to **combat the COVID-19 pandemic**, including the infusion of large amounts of money into the economy to alleviate its economic and social impact, said the Council of Europe's **anti-corruption body GRECO** in its **annual report**.



### 3. EUROPEAN UNION<sup>1</sup>

#### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

#### 2. Freedom of movement (internal and cross-border; sanctions)

- 17.03.2021: the European Commission put forward a proposal for a Regulation to create a 'Digital Green Certificate' or 'EU-Covid Card' – see [here](#).

- 28.03.2021: Commissioner Thierry Breton has unveiled the prototype of the announced EU vaccine passports and said the passport would be launched mid-June: <https://www.schengenvisainfo.com/news/eu-vaccine-chief-says-vaccine-passports-to-be-launched-in-june-unveils-document-prototype/>

- 3.5.2021: the Commission proposed a [Recommendation](#) for the Council by which Member States should ease the current restrictions on non-essential travel into the EU to take into account the progress of vaccination campaigns and developments in the epidemiological situation worldwide. Council [adopted](#) it on 20.05.2021.

#### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 20.04.2021: Reporters Without Borders (RSF) published its [World Press Freedom Index](#) for 2021. Across the EU, media freedom rankings for Germany, Estonia, Luxembourg, Slovakia, Slovenia, Poland, Greece, Hungary and Bulgaria all fell from 2020. The EU's worst performers are Greece, ranked at 70, Malta at 81, Hungary at 92 and Bulgaria at 112. The report denounces the government's control of the Polish and Slovenian media and says the EU seems powerless.

#### 4. Freedom of assembly (and sanctions)

#### 5. Privacy and data protection

- LIBE examined the COM proposal on the Digital Green Certificate and heard EDPB and EDPS concerns in relation to privacy and data protection.

#### 6. Asylum and migration

- 17.03.2021: For the new Platform for International Cooperation on Undocumented Migrants (PICUM) report on the impact of growing up undocumented in Europe, see [https://picum.org/wp-content/uploads/2021/03/Navigating-Irregularity\\_EN.pdf](https://picum.org/wp-content/uploads/2021/03/Navigating-Irregularity_EN.pdf).

#### 7. Prisons

#### 8. Equality and discrimination

- 19.03.2021: the European Commission published its third report on the application of the **Racial** Equality Directive (2000/43): 20 years after its adoption, 59% of Europeans still believe discrimination based on ethnic origin is widespread in their country and the effectiveness of this legislation still leaves something to be desired.

- 19.03.2021: EU **anti-racism** summit provided a platform on the subject for various ministers, politicians and civil society representatives. [Some organizations](#), however, felt that they "didn't have the chance to meaningfully contribute to the design of the agenda and ensure it is inclusive".

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<sup>1</sup>

- 22.03.2021: **TGEU** published [the report](#) "Stuck on the swing: experiences of trans parents with freedom of movement in the EU". Recommendations for the Commission are included.
- 14.04.2021: The [report](#) on **Antisemitism in Europe**, published by the US Commission on International Religious Freedom, examined antisemitism in 11 European countries – Belgium, France, Germany, Hungary, the Netherlands, Norway, Poland, Russia, Sweden, Ukraine and the United Kingdom. According to the report, all countries but Norway make "insufficient" efforts to tackle antisemitism. Moreover, Polish authorities fail to systematically and publicly condemn anti-Semitic acts.
- 07.05.2021: The phrase "**gender equality**" [has been removed](#) from the declaration on social issues to be adopted by EU leaders at their social summit in Porto later on 7 May after Poland and Hungary opposed the expression. The phrase was replaced by a reference to a previous document, the European Pillar of Social Rights, which includes "gender equality".
- 11.05.2021: The European Parliament's Committee on Women's Rights and Gender Equality (FEMM) [adopted the own-initiative report](#) on **sexual and reproductive health and rights** in the EU. The text, which reiterates the urgent need to remove the remaining barriers impeding access to these rights in the Member States, received broad support (27 votes in favour).
- 18/05/2021: At an informal meeting on 17 May - the *International Day against Homophobia* - European Affairs Ministers from **14 Member States** [made several commitments to protect LGBTIQ persons in the EU](#). The Belgian, Cypriot, Danish, Dutch, Estonian, Finnish, French, German, Irish, Italian, Luxembourg, Maltese, Spanish and Swedish governments assured, in particular, that they will strengthen their dialogue on this issue. They will develop a strategy to support the European institutions in legal cases where the protection of LGBTIQ persons is at stake. They also commit to take action at national level.
- 18.05.2021: The European Commission on Monday appointed former basketball player Michaela Moua as [its first-ever anti-racism coordinator](#). Moua, who has worked recently at the ministry of justice in Finland, will be in charge of liaising with people with a minority racial and ethnic background, reporting back to the EU executive. She will also cooperate with MEPs, member states, NGOs and academia.

## 9. Any other issue relevant for Art. 2 TEU

- 12.04.2021: Europol published its new [report](#) on serious crime threats in the EU. The report mentions a "continued expansion and evolution of threats" with "potential long-term effects from the Covid-19 pandemic". Human trafficking and exploitation, migrant smuggling, online and offline fraud and property crime are the main threats today, the report notes. Europol is also concerned with trafficking in Covid-19 vaccines or fake tests.
- 28.04.2021: "Elected leaders in Europe and Eurasia are undermining the very institutions that brought them to office, rejecting democratic norms and promoting alternative systems of authoritarian governance," according to this year's [Nations in Transit](#) report from **Freedom House**. The report focuses on how several countries, most notably Hungary and Poland, "are showing signs of deepening **autocratization**."
- 05.05.2021: The 2021 edition of [Democracy Perception Index \(DPI\)](#), the world's largest annual study on democracy, has been released – the poll shows people want more democracy, despite satisfaction with governments' handling of the COVID-19 pandemic falling dramatically in the democratic world. From among EU MS, 15 have been surveyed: Austria, Belgium, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Netherlands, Poland, Portugal, Romania, Spain, Sweden. According to the poll, [only 30% of Hungarian and 31% of Polish citizens consider their respective countries to be democratic](#).

**Public procurement and corruption risks in the EU MSs:**

## 4. AUSTRIA<sup>2</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

### 2. Freedom of movement (internal and cross-border; sanctions)

- 22.03.2021: Austria [decided to extend its coronavirus lockdown until after Easter](#), scrapping a plan to loosen certain measures (like reopening gastronomy) from 27 March.

- 06.04.2021: Austria decided to [extend the lockdown](#) in the eastern provinces of Vienna, Burgenland and Lower Austria. The lockdown will be extended from 11 until 18 of April.

- 19.05.2021: Austrian authorities have decided to relax some the lockdown measures. From 19 May, hotels and restaurants will be permitted to open. Travellers from countries with a low incidence rate (see list below) [can enter](#) the country without needing to self-isolate (this currently includes most European countries and some non-European countries). [According to the authorities, the second round of openings will take place on 1 July.](#)

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 11.05.2021: Austrian Chancellor Sebastian Kurz [has been awarded](#) a media freedom prize by a German publisher at the Ludwig-Erhard-Summit, a move which leading Austrian politician Christian Deutsch has called "absurd" and accused Kurz of pushing towards an "Orbanisation of Austria". Rubina Möhring, head of Reporters Without Borders' Austria, wrote in an op-ed that "the only bridges Kurz has built in recent years are to the likes of Viktor Orban or Donald Trump." Austria's World Press Freedom Score has declined continuously in recent years with the country now ranking 17th, down from seventh place in 2015.

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

### 7. Prisons

### 8. Equality and discrimination

### 9. Any other issue relevant for Art. 2 TEU

- 30.03.2021: Austria [is in talks with Russia to buy 1 million doses of Sputnik V vaccine](#), according to a statement on Tuesday from Chancellor Sebastian Kurz's office.

- 12.05.2021: Prosecutors [opened a probe](#) into whether Chancellor Sebastian Kurz had lied to a parliamentary committee investigating allegations of corruption by members of his previous government. Kurz denied any wrongdoing and expressed confidence that he would be exonerated. If indicted and convicted, the chancellor could face up to three years in prison.

- 18.05.2021: Access Info Europe [issued a legal analysis](#) of the draft of the Austrian Freedom of Information Act, expressing concerns over shortcomings such as the narrow definition of information, the absence of an independent oversight body, and the lack of a sanctions regime for non-compliance. Austria currently has the weakest transparency regime in the world, with just 33 out of 150 points on the Global Right to Information Rating, run by Access Info Europe and the Centre for Law and Democracy. The new law would only take Austria to 57 out of 150.

**Public procurement and corruption risks in the EU MSs:**

## 5. BELGIUM<sup>3</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 24.03.2021: Belgium announced the "[Easter pause](#)" measures: schools will close a week early for Easter; in non-essential stores, shopping can be done by appointment only; close-contact services like hairdressers must close on 27 March; outside gatherings are reduced to four people. The measures are being introduced for a month.

- 31.03.2021: [A Belgian court has ordered the federal government to end all its coronavirus measures within 30 days](#) because it failed to establish a proper legal basis for them. In practice, the ruling gives the government a month to find a proper legal basis for its measures, which include curfews, restaurant closures and limits on gatherings.

- 25.04.2021: Belgium's latest [deconfinement measures](#) come into force as of 26 April, marking an end to the "Easter Pause". All measures taking effect on 8 May, including the reopening of terraces, will be subject of a new ministerial decree. The remaining measures, which did not change during the last two consultation committees, are extended until 31 May.

- 28.04.2021: [Belgium's new "pandemic bill"](#) has been approved by the Council of Ministers and is ready to be submitted to parliament. By submitting the draft, the government escapes the penalties imposed by the court of first instance as long as there is legal ground for the COVID-19 measures, Interior Minister Annelies Verlinden said. **The law is still being discussed in Parliament, while Belgian Courts are examining the legality of the Covid measures taken by Belgium.**

- 08.05.2021: The Belgian government [eased certain COVID-19-related restrictions](#). Effective May 8, authorities will lift the nation's nightly curfew; however, gatherings of more than three people will be prohibited between the hours of 00:01-05:00. In addition, catering establishments are allowed to reopen their outdoor spaces until 22:00 daily. **Authorities will also allow organized events to take place outdoors with up to 50 participants.**

### 2. Freedom of movement (internal and cross-border; sanctions)

- 19.04.2021: Travel will continue to be discouraged, even though the country's ban on non-essential travel will expire on 19 April, Belgium's government has announced. <https://www.schengenvisa.info.com/news/belgium-continues-to-strongly-discourage-travel-even-after-entry-ban-expiration/>

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

<sup>3</sup> For an analysis, see 10 March 2021 article on Belgium's response to COVID-19: <https://verfassungsblog.de/belgiums-accordion-response-to-covid-19/>

## **7. Prisons**

## **8. Equality and discrimination**

## **9. Any other issue relevant for Art. 2 TEU**

-07.04.2021: In its 2020/2021 [global report on human rights](#), Amnesty International says that in Belgium the impact of the pandemic has been disproportionate. Belgium is criticized for “violations of residents’ right to health, life and non-discrimination which have occurred as a result of government failures: structural deficiencies, lack of priority attention at the beginning of the pandemic, lack of access to hospitals, insufficient personal protection equipment for staff and too little screening.”

## **Public procurement and corruption risks in the EU MSs:**

## 6. BULGARIA<sup>4</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 31.01.2021: Bulgarian government [has announced relaxation of coronavirus measures](#) as the country is currently undergoing the third pandemic wave. Restaurants will be able to open their outdoor gardens and spaces from 1 April. Gyms, cinemas, theatres, galleries and museums will also open and will be able to operate at 30% capacity. Kindergartens and nurseries will reopen after 5 April, and from 12 April students will be allowed to return to class.

- the State of emergency is extended until the end of **May**, [Covid-19: Bulgaria to extend epidemic declaration to end of May, acting PM says | The Sofia Globe](#)

### 2. Freedom of movement (internal and cross-border; sanctions)

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 07.04.2021: According to [Amnesty International's 2020/2021 Report on the State of the World's Human Rights](#), media freedom in Bulgaria has further deteriorated, as authorities targeted journalists and critics, and cracked down on anti-government protests. The report recalls that, as part of the COVID-19 measures, the government proposed amendments to the Criminal Code that would have imposed heavy fines and prison sentences for dissemination of false information. However, the President vetoed the proposal (see Overview - part 1).

- 20.04.2021: **RSF** slammed Bulgaria as the EU's "black sheep" in terms of press freedom, and reports that the few outspoken journalists are constantly subjected not only to smear campaigns and harassment by the state, but also to intimidation and violence...The situation of the media [in Bulgaria] [is very worrying](#) because no one is interested in investigating or condemning violence against journalists", the new World Press Freedom Index states. Bulgaria ranks nr 112, slipping of 1 place compared to last year, the worst EU MS in the index.

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

### 7. Prisons

### 8. Equality and discrimination

- 07.04.2021: [Amnesty International's 2020/2021 Report on the State of the World's Human Rights](#) says the authorities placed some **Roma** communities under mandatory COVID-19 quarantines and severely restricted their movement, while officials engaged in openly racist rhetoric towards Roma. Domestic violence remained widespread and resources to support victims were insufficient. Lesbian, gay, bisexual, transgender and intersex people faced discrimination and social exclusion.

<sup>4</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)  
See also 5 March 2021: article on "COVID-19 in Autocratic Bulgaria": <https://verfassungsblog.de/covid-19-in-autocratic-bulgaria/>.



## 9. Any other issue relevant for Art. 2 TEU

- 30.03.2021: The NGO **Anti-Corruption Fund** says [Bulgaria is facing a serious risk of electoral fraud at the April 4 elections](#), with irregularities found at one in five polling stations. The NGO analysed a total of 2,554 polling stations of a total of about 11,000 and estimated that around 5% of all votes cast could be subject to fraud.

- 05.04.2021: **OSCE** International Election Observation Mission [has reported](#) that in the election, fundamental freedoms were respected, however, massive use of state resources gave the ruling party “a significant advantage”.

- 09.05.2021: Bulgaria’s prosecution [has launched a probe](#) into claims by local businessman Stanislav Ilchovski that incumbent Prime Minister Boyko Borissov was involved in a gangster-style **extortion** of money from businessmen.

- 11.05.2021: Bulgaria’s Constitutional Court [ruled](#) that amendments to the country’s Penal Procedure Code, which envision the appointment of a **special prosecutor with the authority to investigate the top ranks of the prosecutor’s office**, are **unconstitutional**. The bill was passed by Parliament in January and was meant to address the issue that, in Bulgaria’s legal system, the country’s prosecutor-general can shut down any investigation against themselves by using their oversight powers granted by law.

- 12.05.2021: Bulgaria moved to quell a political crisis by [appointing a retired general as interim prime minister](#) until an election is held in July. Stefan Yanev will lead a caretaker government whose main task will be to restore stability in a nation shaken by month-long anti-government protests and political bickering in a short-lived, deeply fractured parliament. Due to the impossibility to form a parliamentary majority and a government, elections were called and will take place on 11 July. A series of changes to the electoral law were adopted by the BG Parliament.

- 29.04.2021 – In a new [report](#) on Bulgaria, the Council of Europe’s anti-trafficking group GRETA calls on the authorities to improve trafficking victims’ access to justice and compensation, and to ensure the sustainability of anti-trafficking measures through the allocation of appropriate funding.

### **Public procurement and corruption risks in the EU MSs:**

## **7. CROATIA<sup>5</sup>**

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 31.03.2021: The national coronavirus crisis management team on Wednesday announced new epidemiological restrictions to be in force until 15 April, including a ban on indoor training, restrictions on the work of children playrooms and a temporary ban and restriction of cross-border travel: <https://www.total-croatia-news.com/news/51810-new-coronavirus-restrictions-to-be-in-force-until-15-april>

### **2. Freedom of movement (internal and cross-border; sanctions)**

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

- 20.04.2021: The deputy chairman of the council of ethnic Roma residents in the City of Zagreb, Jasmin Bajrić, [urged Zagreb mayoral candidates](#) not to exploit the Roma cause in their campaigns and to refrain from spreading stereotypes about this ethnic community.

### **9. Any other issue relevant for Art. 2 TEU**

### **Public procurement and corruption risks in the EU MSs:**

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<sup>5</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

## 8. CYPRUS<sup>6</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 07.04.2021: the Cypriot government has no plans of changing the COVID measures for Easter: <https://cyprus-mail.com/2021/04/07/coronavirus-measures-unlikely-to-change-significantly-for-easter-period/>

### 2. Freedom of movement (internal and cross-border; sanctions)

- 27.04.2021: Tourists from 65 countries worldwide [will be permitted to visit Cyprus](#) from 10 May without being required to undergo quarantine upon their arrival if they hold a Digital Green Passport or present a negative result of the COVID-19 PCR test not older than three days.

- 17.05.2021: a [relaxation](#) of Covid measures was implemented by the government

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

- 18.03.2021: Commissioner for Human Rights of the CoE stated that [Cypriot authorities should investigate allegations of pushbacks and ill-treatment of migrants, improve reception conditions, and ensure an enabling environment for NGOs.](#)

### 7. Prisons

### 8. Equality and discrimination

### 9. Any other issue relevant for Art. 2 TEU

- 14.05.2021: finally, the first [prosecution](#) in passports-for-investment scheme against five individuals and four legal entities was taken, based on the findings of an ad hoc committee and on the basis of a report by Al Jazeera.

### **Public procurement and corruption risks in the EU MSs:**

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<sup>6</sup> See also 2 March 2021: Report on the response to COVID-19 in Cyprus: <https://verfassungsblog.de/constitutional-improvisation-and-executive-omnipotence-the-cypriot-handling-of-the-pandemic/>

## 9. CZECH REPUBLIC<sup>7</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 06.04.2021: [Czech government has approved its first loosening of coronavirus curbs in 2021](#), including the re-opening of lower grades of elementary schools and selected shops, and ending the 9 p.m. curfew. State of emergency expires on 11 April.

- 08.04.2021: Czech Health Minister said that while further anti-epidemic measures will follow the pandemic law, the state of emergency will not have to be extended anymore: <https://www.expats.cz/czech-news/article/coronavirus-update-april-8-2021>

- **11 April 2021:** the CZ Republic **exited the State of Emergency**

### 2. Freedom of movement (internal and cross-border; sanctions)

- 04.05.2021: Czechia [imposed testing and quarantine restrictions](#) for arrivals from Estonia, Hungary, Poland, Slovenia and San Marino.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

13.04.2021: Opposition politicians and press freedom groups argue that new appointments to the governing body of Czech Television (CT), due to be voted on in a parliamentary session starting today, could lead to the independent public broadcaster's autonomy being undermined, the [FT](#) reports. As of 27 April, no new candidates have been nominated to the CT Council. [The Parliament has been debating the selection process.](#)

- DRFMG has written to CZ authority asking for more information on the matter.

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

### 7. Prisons

### 8. Equality and discrimination

29.04.2021: a [same-sex marriage](#) bill was approved by the lower house of parliament, and will be now examined by the upper house. As the bill also needs the signature of the President, and general election are less than six months away, its final approval is uncertain.

### 9. Any other issue relevant for Art. 2 TEU

- 12.04.2021: Foreign Minister Tomáš Petříček [was replaced](#), making him the second minister in a week to be fired in part because of opposition to using the Sputnik V coronavirus vaccine. On 7 April, Health Minister Jan Blatný was fired amid his refusal to support buying doses of Sputnik V. Tensions between Slovakia and Russia raised due to the purchase of Sputnik.

<sup>7</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

- 06.04.2021: Czech police [are investigating](#) "the circumstances" surrounding a trip the country's interior minister, Jan Hamáček, had scheduled to Russia, during which he was allegedly planning to propose a deal burying intelligence about Moscow's role in a 2014 Czech bombing in exchange for 1 million Russian coronavirus vaccine doses.

***Public procurement and corruption risks in the EU MSs:***

- 19.05.2021: MEPs [called](#) in plenary for the EU Commission and member states to take action over the conflict-of-interest case involving Czech Prime Minister Andrej Babiš. Last month, an audit was published examining the subsidies granted to the Agrofert business empire, founded by Babiš and still controlled by him - despite Babiš having put his assets into trust funds when he became PM. The EP will vote a resolution during June plenary.

## 10. DENMARK<sup>8</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 22.03.2021: Denmark announced a reopening plan setting out the gradual lifting of most restrictions at two-week intervals: <https://www.thelocal.dk/20210323/denmark-announces-timeline-for-end-of-most-covid-19-restrictions/>
- 21.04.2021: Football fans [will be allowed into stadiums](#) from 21 April, and bars, restaurants and museums are opening. All customers/visitors must prove they are infection-free by showing a coronapass or corona passport.

### 2. Freedom of movement (internal and cross-border; sanctions)

- 06.04.2021: Denmark [launched a COVID-19 "passport" scheme](#) that will help to allow non-essential businesses to reopen to customers. The "coronapas" is available via a secure application or in paper format to people who have either been fully vaccinated, have tested positive for COVID-19 two to 12 weeks previously or negative over the previous 72 hours.
- 14.04.2021: Denmark will open borders for arrivals from EU/Schengen area countries from May 1: <https://www.schengenvisainfo.com/news/denmark-to-open-borders-for-arrivals-from-eu-schengen-area-countries-from-may-1/>
- 14.05.2021: Danish authorities announced that phase three of the gradual reopening of travel activities to and from Denmark begins on 14 May. Restrictions for countries and regions placed on the yellow list are now relaxed. Persons residing in an EU or Schengen Area country placed on the orange list are allowed to enter the country without an essential purpose (subject to testing and self-isolation, unless they have a proof of recovery or full vaccination). The isolation requirement for entries from orange EU and Schengen Area countries expires on June 26, during phase four.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

- 24.03.2021: Human rights groups have sounded the alarm over the plans to swap the controversial laws on "ghettos" for tighter measures targeting "non-Western" residents. [The Interior Ministry revealed proposed reforms](#) which, while removing the word "ghetto" from the legislation, aim to reduce the share of people of "non-Western" origin in social housing to 30% within 10 years. The removed families would be relocated to other parts of the country.
- 18.04.2021: Denmark is the first European nation to [insist that Syrian refugees should return to their home country](#) because Bashar al-Assad's regime is now in control and there is little conflict. It has revoked the residency permits of dozens of Syrian refugees and started detaining those it wants to deport. See here for comment by Amnesty International: <https://www.amnesty.org/en/latest/news/2021/04/denmark-hundreds-of-refugees-must-not-be-illegally-forced-back-to-syrian-warzone/>

### 7. Prisons

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**8. Equality and discrimination**

**9. Any other issue relevant for Art. 2 TEU**

**Public procurement and corruption risks in the EU MSs:**

## 11. ESTONIA<sup>9</sup>

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 30.03.2021: Estonia [extended all COVID-19 restrictions by two weeks](#) until 25 April, and said that, on top of earlier measures, travelers arriving from Latvia, Lithuania and Finland would now need to isolate for 10 days. On 25 April, the requirements have been extended [until 2 May](#).
- 14.05.2021: The government [approved an order](#) that will allow all students to return to school on 17 May. Restrictions on outdoor activities will also be eased on that day. As the next step, the restrictions other activities, both indoors and outdoors, will be eased on 24 and 31 May.

### **2. Freedom of movement (internal and cross-border; sanctions)**

- 05.04.2021: All persons entering Estonia from an EU country placed on the high-risk COVID-19 list on 12-18 April [are required to undergo testing and remain self-isolated for ten days](#).
- 10.05.2021: Estonia [updated entry restrictions](#) for all persons arriving in the country during the period May 10-16. The Ministry of Foreign Affairs of Estonia has informed that all persons wishing to enter the country from an EU country placed on the red list will be required to undergo testing and a ten-day quarantine.

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

### **Public procurement and corruption risks in the EU MSs:**

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<sup>9</sup> 12 March 2021: report reflecting on a year of COVID in Estonia: <https://verfassungsblog.de/covid-19-in-estonia-a-year-in-review/>.



## 12. FINLAND<sup>10</sup>

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 31.03.2021: Finland's government [has withdrawn a lockdown proposal](#) for several cities after a constitutional law committee deemed it too vague and not in compliance with the constitution.

### **2. Freedom of movement (internal and cross-border; sanctions)**

- 01.04.2021: Finnish government extended entry restrictions against all Schengen countries until 30 April: <https://www.schengenvisainfo.com/news/finnish-government-extends-entry-restrictions-until-april-30/>

- 18.05.2021: Finland [will not open in June](#) for travellers from other EU and Schengen Area countries, as previously planned, since the country estimates that the epidemiological situation in the block hasn't improved as expected. The Ministry of Interior's secretary, Kirsi Pimiä, confirmed that exit strategy targets set for travelling are still under discussion, but she refused to comment on when the borders will open. Earlier, Finland decided to extend the country's entry restriction until May 25 due to several COVID-19 mutations and prevent the transmission of the virus within borders.

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

- 05.05.2021 – In a new [report](#), the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment ([CPT](#)) commended Finland on the tangible progress achieved in several areas, but regretted that a number of its long-standing recommendations remain unaddressed.

### **Public procurement and corruption risks in the EU MSs:**

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## 13. FRANCE<sup>11</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 31.01.2021: President Emmanuel Macron [has announced](#) that lockdown measures for the Covid-19 pandemic will be extended to the whole country from 3 April for four weeks.
- 21.04.2021: France is on track to easing itself out of lockdown over the coming weeks. Mid-May there will be a first step with the reopening of venues that have been closed, such as shops and some café terraces and cultural venues, [the government confirmed](#).
- 19.05.2021: France [reopened](#) café and bistro terraces after six-month Covid shutdown.

### 2. Freedom of movement (internal and cross-border; sanctions)

- 19.04.2021: France will open borders for vaccinated tourists in May, including Americans and Britons: <https://www.schengenvisainfo.com/news/france-to-open-borders-for-vaccinated-tourists-in-may-including-americans-britons/>
- 20.04.2021: [France launches coronavirus travel pass](#): The TousAntiCovid app has been downloaded by close to 15 million people and has been updated to include negative tests and vaccination certificates.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 23.03.2021: Facebook [is being sued in France](#) over 'deceptive practices' over disinformation on platform.
- threats to media and journalists: several journalists have been [beaten](#) or injured by flashball rounds and teargas grenades fired by police, and others have been assaulted by angry protesters.

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

21.04.2021: The Conseil d'Etat issued a controversial ruling on data retention, which annuls a series of measures on data retention, while differing from the EUCJ jurisprudence on the matter, see [Le Conseil d'Etat autorise la poursuite de la conservation généralisée des données \(lemonde.fr\)](#).

### 6. Asylum and migration

### 7. Prisons

### 8. Equality and discrimination

### 9. Any other issue relevant for Art. 2 TEU

- 20.03.2021: Demonstrations against police violence, organized by a group bringing together families of the victims, [took place in Paris, Rennes, Bordeaux and Lyon](#).
- 19.03.2021: In its annual report, the French Court of Auditors [criticized the unpreparedness of the French state](#) to tackle the COVID-19 crisis.

<sup>11</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

**Public procurement and corruption risks in the EU MSs:**

## 14. GERMANY<sup>12</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 23.03.2021: Germany [extended its lockdown measures until 18 April](#). Authorities agreed on a blanket requirement for air travelers to be tested for COVID-19 before boarding a flight to Germany. New restrictions, including public life largely shut down 1-3 April and public gatherings banned 1-5 April, were supposed to be introduced. However, on 24 March, [Angela Merkel dropped plans for the Easter shutdown](#). She called the idea her mistake and apologized.

- 06.04.2021: In a move criticised by Chancellor Angela Merkel, [the region of Saarland became the first of Germany's 16 states to loosen its partial lockdown](#), allowing those with an up-to-date negative test to return to day-to-day activities.

- 21.04.2021: A lockdown law enabling Angela Merkel's government to enforce an "emergency brake" [has been backed by German MPs](#) as police used pepper spray to disperse protesters outside. Under the amended law, the government in Berlin will be able to impose an overnight curfew and shut schools wherever infection rates rise too high.

- 03.05.2021: [Germany is to lift restrictions](#) on people who have been vaccinated against Covid-19, in a move that some critics say discriminates against younger people who are still months away from getting the jab. The bill approved by Germany's "corona cabinet", which is chaired by Angela Merkel, says people who have been inoculated against Covid-19 or have recovered from the disease will no longer be subject to curfews or restrictions on social gatherings.

### 2. Freedom of movement (internal and cross-border; sanctions)

- 23.03.2021: Authorities agreed on a blanket requirement for air travelers to be tested for COVID-19 before boarding a flight to Germany:

<https://www.france24.com/en/europe/20210323-germany-extends-covid-19-restrictions-into-april-including-strict-easter-lockdown>

- 17.05.2021: German Government has decided to allow vaccinated travellers, as well as those who have fully recovered from the COVID-19, to [skip testing and quarantine requirements](#) when entering the country.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

### 4. Freedom of assembly (and sanctions)

- 20.03.2021: Several thousand people [gathered in the city of Cassel](#) to protest against the new COVID measures. Reportedly, protesters were not wearing masks. Clashes with the police occurred – pepper spray, water cannons and batons were used. Many other German cities saw smaller rallies over the weekend.

### 5. Privacy and data protection

<sup>12</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJv/Report_Liberties_EU2020.pdf)

## **6. Asylum and migration**

- 18.03.2021: In the Berlin district of Neukiln, which was particularly affected by the Covid-19, the town hall has commissioned "COVID guides" to reach the immigrant and refugee populations. The risk of contamination among these populations is twice as high as elsewhere.  
<https://www.infomigrants.net/fr/post/30942/Allemagne-des-guides-covid-pour-aider-les-populations-immigrees-plus-vulnerables-face-au-virus>

## **7. Prisons**

## **8. Equality and discrimination**

## **9. Any other issue relevant for Art. 2 TEU**

**Public procurement and corruption risks in the EU MSs:**

## 15. GREECE<sup>13</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 31.03.2021: Greece is [relaxing some coronavirus restrictions](#) despite a surge in infections that's straining hospitals to their limits, with retail stores to reopen and people allowed to drive to places outside their home municipalities for exercise.

### 2. Freedom of movement (internal and cross-border; sanctions)

- 07.04.2021: [Greece will reopen to tourists on May 14](#). For official plan for reopening tourism, see: <https://www.schengenvisainfo.com/news/greek-reveals-its-official-plans-for-resumption-of-global-travel/> (11.04.2021).

- 20.04.2021: Travelers from the EU are now [eligible to enter Greece](#) without being subject to quarantine rules, as authorities have lifted quarantine restrictions in order to open up to tourism.

- 15.05.2021: Greece [reopens borders](#) to international tourists.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 09.04.2021: A veteran Greek journalist and crime reporter George Karaivaz [was shot and killed near his home in Athens on Friday by a gunman who opened fire from a motorcycle](#). Karaivaz was shot by two men on a motorcycle, [who investigators believe were "professional assassins"](#) (13.04.2021). See also [Grèce : après l'assassinat d'un journaliste, la liberté de la presse en danger \(marianne.net\)](#)

- 14.04.2021: After the murder of George Karaivaz, Reporters Without [Borders spoke of growing pressures on press freedom in Europe](#), listing a decline in the rule of law, an increase in violent assaults and a rise in online threats as among the main concerns. The organization noted that "sophisticated and methodological assault on press freedoms" is taking place in Hungary and inspires similar tactics in Poland and Slovenia.

- 24.04.2021: Greek investigative journalist and publisher of Documento newspaper Kostas Vaxevanis has received important information claiming a murder contract [may have been concluded](#) against him within the Greek mafia.

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

- 18.03.2021: In the Kara Tepe migrant camp on the Greek island of Lesbos, thousands of people have been waiting in squalid conditions for months for a possible transfer to another country. <https://www.infomigrants.net/fr/post/30921/dans-le-quartier-des-femmes-du-camp-de-kara-tepe-en-grece-c-est-de-la-torture-mentale-d-etre-la>

### 7. Prisons

### 8. Equality and discrimination

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**9. Any other issue relevant for Art. 2 TEU**

- 06.05.2021: A bill to amend child custody provisions in Greece's civil code disregards risks for domestic violence victims that would put **women and children in jeopardy**, [Human Rights Watch](#) said. The bill, expected to be introduced in parliament in May 2021, would redefine the "best interests of the child" and presume equal shared custody of children in cases of separation or divorce. Any exceptions, including in cases of domestic violence, would require a potentially lengthy court process. On 18.05.2021, also Amnesty expressed criticism: [safety of women and children at risk as MPs vote on law which would breach Istanbul Convention](#). On 19.05.2021, the bill [was being debated](#) by the Parliament.

**Public procurement and corruption risks in the EU MSs:**

## 16. HUNGARY<sup>14</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 06.04.2021: Prime Minister Viktor Orbán announced that [Hungary has reached its goal for the first stage of the gradual reopening \(25% vaccination milestone\)](#), which begins on 7 April. Shops can remain open until 9:30 p.m. and a nighttime curfew will start at 10 p.m. Services can reopen partially. Teachers and school staff will be inoculated to allow schools to reopen on 19 April.

### 2. Freedom of movement (internal and cross-border; sanctions)

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 30.03.2021: "The combined effects of a politically controlled media regulatory authority and distortionary state intervention in the media market have eroded media pluralism and freedom of expression in Hungary", said Council of Europe Commissioner for Human Rights in a [Memorandum on freedom of expression in Hungary](#).

- 12.04.2021: Klubradio frequencies are handed to a station owned by a government-friendly group, see [Orban-friendly owner gets Hungary independent radio frequency – EURACTIV.com](#)

- RSF World Freedom Index ranks HU as nr 92 in the 2021 (-3) compared to last year.

- 06.05.2021: The administrative court in Budapest [rejected the lawsuit of Klubradio](#), which appealed against the Media Council decision to disqualify the station from a tender in the competition for the 92.9 MHz radio frequency. Klubradio will appeal to the Supreme Court.

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

### 7. Prisons

### 8. Equality and discrimination

- 01.04.2021: Roma community pleads for COVID help: <https://www.euractiv.com/section/non-discrimination/news/falling-like-flies-hungarys-roma-community-pleads-for-covid-help/>

- 8.4.2021: the HU Foreign Minister and an HU official attacked the German government making comparisons with Nazism for the sacking by a football team of an homophobic and racist trainer, see [Hungarian official denounces German 'Nazi-style' sacking of football coach – EURACTIV.com](#)

### 9. Any other issue relevant for Art. 2 TEU

<sup>14</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf). For NGO submissions to Hungary's third Universal Periodic Review, see <https://helsinki.hu/en/universal-periodic-review-upr/>



- 07.04.2021: In its 2020/2021 [global report on human rights](#), Amnesty International condemns laws in Hungary designed to contain COVID-19, which restricted freedom of expression and peaceful assembly, stating that the government “misused existing and new legislation.” Legislation passed last year gives the government the ability to “arbitrarily restrict the rights to freedom of movement and peaceful assembly,” it says.
- 19.04.2021: Hungary and Poland **voted against EU Citizens, Equality, Rights and Values Programme**. Hungary issued a statement listing “deficiencies as regards the legal basis”, “the blurred scope not limited to the field of application of Union law” and “the focus on the support of one specific type of eligible entities (civil society organisations)” among the reasons for the decision. Observers pointed instead at the rule of law references as the main obstacle for the government to vote for the file. See <https://data.consilium.europa.eu/doc/document/ST-7969-2021-INIT/en/pdf>
- 22.04.2021: [Hungary's government plans to tweak laws](#) that underpinned its attacks on foreign-funded universities and civil society organisations, which the CJEU struck down for breaking EU rules. One draft amendment would scrap provisions that the CJEU said placed “discriminatory and unjustified restrictions” on foreign donations to NGOs. Another would amend rules that effectively forced the George Soros-funded Central European University to move to Vienna.
- 27.04.2021: Hungarian parliament approved a law transferring “**state assets** to new quasi-private foundations in a move opposition parties said would cement Prime Minister Viktor Orbán’s grip on power regardless of elections,” [Bloomberg reports](#). The assets are worth billions; one-fifth of the EU recovery grants would go, under the national plan, to the “modernization of **universities**,” overseen by these foundations.
- 28.04.2021: Poland and Hungary stand out for their unparalleled **democratic deterioration** over the past decade says Freedom House report on “[Nations in Transit 2021](#)”. Hungary has undergone the biggest decline ever measured in Nations in Transit, plummeting through two categorical boundaries to become a Transitional/Hybrid Regime last year.
- 19.05.2021: The ruling majority in the Hungarian parliament [has passed a new NGO law](#) repealing the bill previously declared incompatible with EU law by the bloc’s top court. Rights groups warn the replacement bill’s legal grounding is also dubious.

***Public procurement and corruption risks in the EU MSs:***

- 20.05.2021: The number of Hungary’s government-tied **private equity funds is increasing**, and there are at least 43 private equity funds in Hungary that are clearly managed by members of the top government elite, according to data collected by Válasz Online. Private equity funds have been proliferating since 2016, where registered fund managers are “pushed as figureheads by the background owners who actually run the businesses,” institutionalising opacity and anonymity. Virtually no public information is available today about private equity investors, which are often managed by another company.

## 17. IRELAND<sup>15</sup>

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 30.03.2021: A deconfinement plan for Ireland has been released, starting 12 April: <https://www.irishtimes.com/news/politics/timeline-how-covid-19-measures-will-be-eased-according-to-latest-plan-1.4523968>

- 29.04.2021: Ireland will gradually unwind its lockdown measures over the coming two months, Prime Minister Micheál Martin said. Many features of life off limits since Christmas would reopen on May 10. People will be permitted to travel across county lines, hairdressers will reopen. Amateur and youth sports teams can resume training outdoors. Up to 50 people will be permitted to attend funerals and weddings as well as church services. Shops will reopen on May 17.

### **2. Freedom of movement (internal and cross-border; sanctions)**

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

### **Public procurement and corruption risks in the EU MSs:**

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<sup>15</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

## 18. ITALY<sup>16</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 03.04.2021: Italy [entered a strict three-day lockdown](#) to try to prevent a surge in Covid-19 cases over Easter. All regions are now in the "red zone" - the highest tier of restrictions. Non-essential movement is banned, but people are allowed to share an Easter meal at home with two other adults.
- 06.04.2021: [Italy returned to the colour-coded system of COVID-19 restrictions](#) on 6 April, after the nationwide Easter red zone lockdown, with the country split again between high-risk red and medium-risk orange zones.
- 08.04.2021: Italy's government is looking at easing coronavirus restrictions in a "major way" in May and could reopen tourism businesses in June, [Italy's Tourism Minister said](#).
- 20.04.2021: State of emergency has been extended until **31 July**: [https://www.ilsole24ore.com/art/stato-emergenza-fino-31-luglio-italia-colori-anche-estate-AEGrS7B?refresh\\_ce=1](https://www.ilsole24ore.com/art/stato-emergenza-fino-31-luglio-italia-colori-anche-estate-AEGrS7B?refresh_ce=1)

### 2. Freedom of movement (internal and cross-border; sanctions)

- 08.04.2021: Italy's government has decided to [extend its mandatory quarantine requirement](#) for persons seeking to enter the country from all EU countries until 30 April. The measure was imposed for the first time on March 31 and initially was set to last until 6 April.
- 04.05.2021: Italian Prime Minister Mario Draghi, [has revealed](#) that the country is prepared to welcome back tourists from other EU countries as he confirmed the launch of a "green pass" that is expected to be fully functional by mid-May. Quarantine requirement for EU travelers [has been prolonged](#) until 15 May.
- 14.05.2021: Travelers from the EU and Schengen Area countries, as well as those from the UK and Israel, will be permitted to visit Italy quarantine-free from May 16 if they have been fully vaccinated against the Coronavirus, Italian Health Ministry [has announced](#).
- 19.05.2021: Italy [plans to allow to obtain a health pass for all its citizens travelling](#), including those who have only have received their first dose of the COVID-19 vaccine, making them eligible for quarantine-free travelling. Travellers that have received the first shot of any COVID-19 vaccines and are expecting to receive the second dose will be eligible for a "green pass", which will be effective from 15 days after the traveller receives the first dose and until they get inoculated with the second. After the traveller is fully vaccinated, his/her green pass will be updated.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- the Minister of Justice opened an inquiry into claims of wiretapping dozens of journalists in connection to inquiries Sicilian Prosecutors were making on alleged - and, notwithstanding repeated efforts by the anti-NGOs prosecutors, unproven - connections between NGOs saving lives in the Mediterranean and traffickers. See [Italy investigates claims of wiretapping linked to migration reporting | Italy | The Guardian](#).

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<sup>16</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

8 March 2021: See a report on Italy's response to COVID-19: <https://verfassungsblog.de/coping-with-disloyal-cooperation-in-the-midst-of-a-pandemic-the-italian-response/>

#### **4. Freedom of assembly (and sanctions)**

#### **5. Privacy and data protection**

#### **6. Asylum and migration**

- 24.03.2021: A growing flow of migrants from Libya makes Italian government call for EU intervention: <https://www.agi.it/cronaca/news/2021-03-24/migranti-lamorgese-flussi-libia-intervento-ue-11904100/>

- 14.05.2021: Former Interior Minister Matteo Salvini **will not face trial** in Catania. He was earlier charged with abuse of power for preventing the landing of migrants in the summer of 2019, but the court in Catania announced that the charges had been dropped.

#### **7. Prisons**

#### **8. Equality and discrimination**

- 18.03.2021: A health authority in Italy's Lombardy region has come under fire after [distributing a questionnaire to recovering Covid-19 patients](#) that included questions about cooking and housekeeping aimed solely at women.

- 22.03.2021: Italian politicians and activists have called for the urgent approval of a law that would criminalise violence against LGBT people following [a homophobic attack on a gay couple at a metro station in Rome](#).

- 15-16 May: Demonstrations took place all over Italy to call for the approval of the "Zan law" against hate speech and hate crime, while the law is blocked in the Italian Parliament.

#### **9. Any other issue relevant for Art. 2 TEU**

- 06.04.2021: Protesters [scuffled with police outside the Italian Parliament](#) in Rome on Tuesday as restaurant workers and other businesses affected by lockdown lashed out at COVID-19 restrictions.

#### **Public procurement and corruption risks in the EU MSs:**

## 19. LATVIA<sup>17</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 02.04.2021: Latvia's state of emergency lapsed on 6 April, with a few "cautious" changes to the current epidemiological rules regarding education and retail trade coming into force on 7 April: <https://eng.lsm.lv/article/society/health/covid-rules-in-latvia-what-changes-and-what-doesnt-on-april-7.a399140/>

### 2. Freedom of movement (internal and cross-border; sanctions)

- 19.05.2021: The authorities of Latvia will now allow persons who have completed the vaccination against the COVID-19 to skip self-isolation when they enter the country. In a press release issued by the Latvian Ministry of Transport, it was pointed out that all persons returning from a European Union or European Economic Area country, Switzerland, or the United Kingdom will be exempt from the self-isolation requirement.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

### 7. Prisons

### 8. Equality and discrimination

- 30.04.2021: A gay Latvian man died after his clothes were soaked with fuel and lit on fire. Campaigners called it a homophobic attack and have accused police of inaction – the man had reportedly received threats, which the police reportedly failed to investigate. Initially, the police refused to open a formal investigation into the fire incident, saying "there is no full evidence that a crime took place". However, following the man's death, they are now required by law to do so.

### 9. Any other issue relevant for Art. 2 TEU

***Public procurement and corruption risks in the EU MSs:***

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## **20. LITHUANIA<sup>18</sup>**

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

#### **2. Freedom of movement (internal and cross-border; sanctions)**

- 15.03.2021: From 16 March 2021, 00.00, until 31 March 2021, 24.00, movement is restricted in 16 [municipalities](#) including Klaipėda, Trakai and Vilnius city. Travelling to and from these municipalities will not be allowed apart from the exceptions listed.

- 06.04.2021: Lithuania imposed stricter entry rules for arrivals from Belgium and the Netherlands: <https://www.schengenvisainfo.com/news/lithuania-imposes-stricter-entry-rules-for-arrivals-from-belgium-the-netherlands/>; earlier, several countries, including France, were added to the high-risk list.

- 18.05.2021: Lithuania [eased entry restrictions](#) for travelers from France (standard quarantine now applies).

#### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

#### **4. Freedom of assembly (and sanctions)**

#### **5. Privacy and data protection**

#### **6. Asylum and migration**

#### **7. Prisons**

#### **8. Equality and discrimination**

#### **9. Any other issue relevant for Art. 2 TEU**

#### **Public procurement and corruption risks in the EU MSs:**

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## 21. LUXEMBOURG<sup>19</sup>

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 03.04.2021: COVID measures have been extended until 25 April. Restaurants and bars will remain closed to the public, with the exception of the reception of customers on the terrace between 6 a.m. and 6 p.m. and subject to a number of conditions. See [here](#) for a summary of the measures.

### **2. Freedom of movement (internal and cross-border; sanctions)**

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

### **Public procurement and corruption risks in the EU MSs:**

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<sup>19</sup> See also 3 March 2021: Report on Luxembourg's response to COVID-19: <https://verfassungsblog.de/the-remains-of-the-days-of-crisis-the-second-wave-of-legislative-covid-19-measures-in-luxembourg/>

## 22. MALTA<sup>20</sup>

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 07.04.2021: The government [begins easing the soft-lockdown imposed](#) in March. Schools will reopen their doors for students on April 12. [Tourism is expected to resume on June 1.](#)

### **2. Freedom of movement (internal and cross-border; sanctions)**

- 28.03.2021: Malta [limited the number of people](#) who can meet in public spaces to two as it seeks to prevent a surge of COVID-19 cases over Easter.

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

- 20.03.2021: Keith Schembri, former chief-of-staff of former Prime Minister Joseph Muscat, was [hailed into police detention on 11 charges of corruption](#). His arrest is ongoing fall-out from investigations into the 2017 murder of journalist Daphne Caruana Galizia, who wrote about Schembri and Muscat's corruption schemes.

- 23.03.2021: Two brothers accused of direct involvement in the murder of Daphne Caruana Galizia [have asked for a presidential pardon](#) in exchange for supplying state prosecutors with information on other men involved in the killing, including a former minister and a "middleman".

- 25.03.2021: A debate took place in the EP plenary on the situation in Malta and a resolution will be adopted during the April plenary

- 29.03.2021: Special Report: Money trail from Daphne murder probe stretches to China Chinese connection [Special Report: Money trail from Daphne murder probe stretches to China | Reuters](#)

- 11.04.2021: Maltese news outlets [are concerned](#) by a magistrate's decision to charge journalists with contempt of court over the publication of stories that are of major public interest. Last year, news organisations were ordered not to publish any stories originating from data extracted from the phone of Yorgen Fenech, who is facing charges for the murder of journalist Daphne Caruana Galizia. The order was intended so that the murder proceedings would not be unduly influenced.

- 20.04.2021: "Repubblika" Ruling of the CJ of the EU affirming that the powers entrusted by the MT Constitution to the Prime Minister to appoint judges and magistrates upon suggestion of the Advisory Committee is not in violation of EU law, and affirming a principle of "non-regression" in relation to rule of law in the EU.

- 29.04.2021: European Parliament adopted a [resolution on the assassination of Daphne Caruana Galizia and the rule of law in Malta](#)

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

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**Public procurement and corruption risks in the EU MSs:**

## **23. THE NETHERLANDS<sup>21</sup>**

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 08.04.2021: Dutch government [has discussed](#) potentially lifting a handful of coronavirus restrictions if the number of infections doesn't sharply rise over the coming days. Shops and terraces could reopen from 21 April. It is likely that the national curfew will be lifted before the end of the month.

- 28.04.2021: Restaurant terraces [partly reopened](#).

### **2. Freedom of movement (internal and cross-border; sanctions)**

- 25.03.2021: The government has decided to extend the advice against travelling abroad for its citizens until May 15: <https://www.schengenvisainfo.com/news/netherlands-extends-travel-ban-until-may-15/>.

- 15.05.2021: From May 15, nationals of five European countries – Finland, Iceland, Ireland, Malta and Portugal – [will be eligible to enter the Netherlands](#) for tourism purposes, alongside residents of the North Aegean region of Greece and the Spanish Balearic Islands.

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

### **Public procurement and corruption risks in the EU MSs:**

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## 24. POLAND<sup>22</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 17.03.2021: On 20 March, [Poland closed most public venues for three weeks](#), as the rapidly growing number of coronavirus cases threatens the country's already overwhelmed health services. Shopping malls closed, except for essential stores. Hotels and cultural and sports venues shut down. All teaching is to be done remotely.
- 25.03.2021: Poland [tightened the lockdown](#) but kept churches open for Easter. On top of the earlier restrictions, the government is closing non-essential stores, nurseries and kindergartens, barber shops, beauty salons and sports facilities.
- 07.04.2021: The stricter lockdown [has been extended until 18 April](#).
- 14.04.2021: Nurseries and preschools [will reopen on 19 April](#). Groups of up to 25 will be allowed to practise sport together outdoors. All other restrictions have been extended until 25 April, while it has been announced that hotels will have to remain closed until at least 3 May.
- 21.04.2021: Poland will loosen coronavirus restrictions in 11 of 16 provinces [starting 26 April](#). The youngest three years in primary school will return to some in-person classes while beauty and hair salons will be allowed to reopen. In the remaining five provinces, all current rules remain in place.
- 28.04.2021: All children from grades 1-3 will return to schools on 4 May: <https://tvn24.pl/polska/powrot-do-szkol-wszystkich-uczniow-w-maju-adam-niedzielski-o-planach-5079729>
- 12.05.2021: Polish government announced [acceleration](#) of its timetable for removing coronavirus restrictions. The new timetable sees cinemas and theatres reopening a week earlier than originally scheduled, while some activities have been moved by a day. All students will return to schools on 29 May.
- 15.05.2021: Poland [removed the order to wear masks outside](#). Outdoor dining is allowed at 50% capacity. Cultural activities can be held outdoors at limited capacity, outdoor sports also resumed. Schools reopened in "hybrid" (mix of online and offline) format for years 4 to 8 of primary school and years 1 to 4 of secondary school.

### 2. Freedom of movement (internal and cross-border; sanctions)

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 23.03.2021: Writer and journalist Jakub Zulczyk [could face up to three years in prison](#) for calling President Duda a "moron" in a Facebook post. He accused the President of failing to understand the US electoral process after Duda stopped short of recognising Biden's victory, instead hailing his "successful campaign".
- 12.04.2021: A court in Poland [has suspended](#) the purchase of hundreds of local newspapers and websites by state oil giant Orlen. The decision was put in place while the court waits to consider a challenge against Polish antitrust regulator's authorisation of the takeover.
- 20.04.2021: Poland [fell to record low in World Press Freedom Index, being now 64 and slipping of 2 positions if compared to last year](#).

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<sup>22</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

See [Poland | RSF](#): "Repolonising" means censoring: "After consolidating its control of the state broadcast media, the government is pursuing its "repolonisation" of the privately-owned media with the declared goal of influencing their editorial policies or, in other words, censoring them. In the run-up to the presidential election in mid-2020, the state-owned media backed President Andrzej Duda's successful campaign for reelection and did their best to discredit his main rival. More veteran journalists left the state-owned radio broadcaster, this time after the management tried to censor a song critical of the government. The state-owned TV broadcaster, TVP, participated in a government hate campaign against critics that targeted privately-owned TVN in particular. As part of the "repolonisation" campaign, the state-controlled oil company Orlen announced its acquisition of 20 of the 24 regional newspapers published by the German-owned Polska Press company – newspapers whose websites have 17 million readers. A proposed new tax on advertising revenue, seen as another step in the government's censorship strategy, prompted a "black screen" protest in which many privately-owned media outlets participated. With their finances already weakened by the pandemic's economic effects, they fear that the new tax will finish them off. The police repeatedly failed to protect journalists covering protests and used violence and arbitrary arrests to restrict the right to inform. This was the case in the spring of 2020, when two journalists covering anti-government protests were threatened with fines for violating coronavirus regulations and one was briefly arrested. Now that more and more journalists are finding political or economic refuge online – including the former public radio journalists who created the online Radio 357 and those with the weekly Wprost, which has stopped producing a print edition – a politicised regulation of the Internet is now feared."

- 30.04.2021: Three editors-in-chief responsible for four Polish newspapers recently bought by state-owned oil giant Orlen [have been replaced](#). The developments come despite Orlen promising not to make major personnel changes, following concerns that its takeover of Polska Press was designed to increase the government's influence over the media.

#### 4. Freedom of assembly (and sanctions)

#### 5. Privacy and data protection

- 23.03.2021: Voivodship Administrative Court [decided](#) that the government's decision to provide the postal service with personal details of Polish voters for the (failed) purpose of organizing the May 2020 presidential election had been unlawful.

#### 6. Asylum and migration

#### 7. Prisons

#### 8. Equality and discrimination

- 14.04.2021: The [report](#) on *Antisemitism in Europe*, published by the US Commission on International Religious Freedom, emphasizes that Polish authorities fail to systematically and publicly condemn anti-Semitic acts.

- 20.04.2021: Poland's obligatory 2021 census [discriminates against disabled, LGBT and ethnic minorities, warns Polish Ombudsman](#).

- 28.04.2021: Polish government [will not include the possibility of a third gender](#) – separate from male and female – when it implements new harmonised European Union identity cards. It says it does not want to be part of an "ideological revolution". Some lawyers believe this could breach EU law and an opposition MP has promised legal action.

- 29.04.2021: Kraśnik's city council [repealed the resolution](#) on "stopping the LGBT ideology"

(the so-called "LGBT free zone"). Mayor Wojciech Wilk pointed out that the resolution caused a PR crisis and had financial consequences. He recalled that critical voices against the resolution came from, inter alia, the bodies of the European Union and the European Parliament: "They may, in the future, translate into specific financial decisions or other actions that will result in a boycott of local governments perceived as anti-LGBT". This was the fourth attempt to repeal the resolution.

- 02.05.2021: A priest [has apologised](#) after teaching during a school lesson that homosexuality is an "illness" that can be "treated" with electroshock therapy and surgical removal of reproductive organs. Deputy government minister Edward Siarka defended the priest and said he had been merely presenting "the teachings of the church".

- 10.05.2021: The Left (Lewica), Poland's left-wing opposition grouping alliance in parliament, [has asked the police chief](#) to explain why a new textbook for police officers titled "Social pathologies, selected problems" lists the transgender and LGBT community among social pathologies.

- 17.05.2021: An [open letter](#) emphasizing that human rights are universal and everyone, including LGBTI persons, are entitled to their full enjoyment, has been signed by 48 ambassadors to Poland, as well as by representatives of international organisations based in Warsaw, on the occasion of the International Day against Homophobia, Biphobia and Transphobia (IDAHOT).

## 9. Any other issue relevant for Art. 2 TEU

- 17.03.2021: See the [statement](#) of 65 active and former Supreme Court justices opposing the lifting of immunity of selected judges and the practices of the Court's Disciplinary Chamber. On the lifting of immunity, see also: <https://ruleoflaw.pl/the-public-prosecutors-office-is-taking-on-the-supreme-court-it-wants-the-immunity-of-three-judges-to-be-lifted/>

- 20.03.2021: The National Prosecutor's Office [has demanded that the Supreme Court's Criminal Chamber hand over the files of 25 cases](#) because of the investigation being conducted against the Court's judges. The chairman of the Criminal Chamber, Michał Laskowski, a dozen or so judges from that Chamber and even former Supreme Court President Gersdorf could face criminal charges.

- 31.03.2021: European Commission referred Poland to the European Court of Justice to protect independence of Polish judges and ask for interim measures: [https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT\\_21\\_1549](https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_1549)

- 01.04.2021: Polish Parliament moved a step closer to withdrawing the country from the Istanbul Convention: <https://www.euronews.com/2021/04/01/istanbul-convention-poland-moves-a-step-closer-to-quitting-domestic-violence-treaty>

- 07.04.2021 : Amnesty International chides Poland in its 2020/2021 [global report on human rights](#), emphasising further erosion of the independence of the judiciary, attack on LGBTI rights, and restricted access to abortion.

- 07.04.2021: [Women's rights activists and opposition MPs accused the Polish government of abandoning victims of domestic violence](#) as a bill that would in effect take the country out Istanbul Convention moved through parliament. A vote on its first reading prompted demonstrations in Warsaw.

- 09.04.2021: Poland's leading opposition party, the Civic Platform, is [asking prosecutors to investigate a constitutional court judge who identified a trans child publicly](#). The Civic Platform alleges justice Krystyna Pawłowicz endangered the 10-year-old by publishing her name and school address in a tweet.

- 12.04.2021: Constitutional Court [is looking into](#) the constitutionality of the provision that the

Ombudsman should be in office after the expiry of his term until his successor takes over. The Court heard the parties, including acting Ombudsman Adam Bodnar, whose term of office expired on 9.09.2020, and whose successor has not yet been chosen due to the two chambers of the Parliament being controlled by two different political options. The case was initiated by the ruling party, PiS. The decision is expected on 15 April.

- 06.04.2021: For an overview on rule of law, including in relation to Poland, see: [Protecting the checks and balances to save the Rule of Law](#).

- 14.04.2021: The Committee of the Parliamentary Assembly of the Council of Europe (PACE) has [recommended rejection of all the Polish candidates for judges at the European Court of Human Rights](#). PACE statement explained that the procedure for selecting candidates in Poland does not meet the required standards. PACE also recommended restarting the entire election procedure.

- 15.04.2021: Two newly-created chambers of the Polish Supreme Court are liable to fail the requirements established by EU law, **CJEU Advocate General** Evgeni Tanchev said in his [opinion](#). According to AG Tanchev, such failure is constituted in a situation where judges are appointed in flagrant breach of the national laws applicable to judicial appointments.

- 19.04.2021: [The International Federation for Human Rights and other prominent NGOs expressed its concern about the deteriorating situation in Poland](#). It wrote a letter to the Portuguese Presidency of the EU Council on 19 April, urging it to react and organise an Article 7 hearing. The Presidency indicated that such an exercise would take place in May, if conditions allowed for an in-person meeting.

- 19.04.2021: Hungary and Poland voted **against EU Citizens, Equality, Rights and Values Programme**. Hungary issued a statement listing "deficiencies as regards the legal basis", "the blurred scope not limited to the field of application of Union law" and "the focus on the support of one specific type of eligible entities (civil society organisations)" among the reasons for the decision. Poland did not make any comment. Critics say they voted against because of the references to Rule of Law. See

<https://data.consilium.europa.eu/doc/document/ST-7969-2021-INIT/en/pdf>

- 21.04.2021: Przemysław Czarnek, Poland's minister of education, [announced a change in the regulations on teaching religion and ethics lessons in schools](#). The Ministry wants to make following one of the two courses obligatory for all pupils.

- 23.04.2021: The disciplinary chamber of the Supreme Court – a body created by the government whose legitimacy has been rejected by the court itself – [has denied a request by prosecutors to forcibly detain Igor Tuleya](#), a judge and critic of the government's judicial policies.

- 26.04.2021: Four members of the **Advisory Council to the Auschwitz-Birkenau Museum** – over one third of its composition – [resigned](#) after the Culture Minister appointed MEP and former Prime Minister Beata Szydło (PiS) as one of the members. Two of the departing members expressed concern over the "politicisation" of the Council.

- 28.04.2021: Poland and Hungary stand out for their unparalleled **democratic deterioration** over the past decade, says [Freedom House report on "Nations in Transit 2021"](#). Poland is still categorized as a Semi-consolidated Democracy, but its decline over the past five years has been steeper than that of Hungary.

- 28.04.2021: Poland's **Constitutional Tribunal** [was due to consider](#) if enforcement of interim measures ordered by the CJEU in the context of the reforms of the judiciary is in line with Polish Constitution. The question on interim measures was sent to the Tribunal in April 2020 by the Supreme Court Disciplinary Chamber, not recognized by the Supreme Court itself. The session

was finally adjourned to the 13 of May. The case [has been further rescheduled](#) to 15 June due to the Ombudsman's request to exclude one of the judges.

- 29.04.2021: The city council of Wałbrzych has approved [a resolution making COVID-19 vaccinations obligatory for its residents and people working in the city](#). The mayor of the city, who is the driving force behind the regulation, said that he would appeal to the health ministry to make vaccination against COVID-19 compulsory at national level.

- 29.04.2021: Poland's Supreme Audit Office (NIK) [points out in its final report \(published 13 May\)](#) that the organisation of the **postal** presidential elections of May 2020 (which did not take place) was **unlawful**, as the government "lacked a legal basis" for its decision to prepare for a mail-in ballot, and "the only entity authorised to organise elections was the National Electoral Commission". The evidence and documents gathered by the auditors **incriminate the Prime Minister and the head of his chancellery**.

- 30.04.2021: National Freedom Institute, an institution reporting to the Minister of Culture Piotr Gliński, [distributed 11 million PLN to NGOs](#). Similarly to previous editions, large part of the money went to **NGOs linked to the government** (nationalist and church organizations, as well as NGOs led by PiS politicians and their family members).

- 01.05.2021: A 99-year-old former prisoner of the Auschwitz camp, as well as the families of other prisoners, have written to the prime minister to [protest](#) against the recent appointment of Beata Szydło, MEP and deputy leader of the ruling party, as a member of the advisory council to the Auschwitz-Birkenau Museum.

- 04.05.2021: President Duda [accused Ombudsman Adam Bodnar](#) of being "anti-Polish" because he gave an interview to foreign media warning that Polish democracy is under threat. Speaking to AFP, Bodnar said that Poland is heading "in the direction of an **undemocratic** state", with the country's rulers "trying to incapacitate or take over additional power mechanisms one by one". He also criticised the EU for failing to deal more firmly with the Polish government.

- 04.05.2021: Polish embassy in Prague [requested that the Czech government intervene](#) to prevent legislation that would make it easier for women from Poland to obtain **abortions** in the neighbouring country. In response, Czech health minister reportedly said that the legislation was being proposed in the Senate, and he therefore had little influence on it. He also emphasised that performing abortions on foreign women complies with national and European law.

- 06.05.2021: In a series of decisions published on 5 May, [Polish Supreme Administrative Court \(NSA\) ruled on validity of election of judges of the Supreme Court](#), deciding that the process is **flawed**, and that the Council of the Judiciary (KRS), which nominates judges, is not independent from political influence.

- 6.05.2021: The **disciplinary regime for judges** recently adopted in Poland is "contrary to EU law" because it allows for disciplinary proceedings to be taken against judges based on the content of their decisions, the EU Court's Advocate General Evgeni Tanchev said in an [opinion](#).

- 07.05.2021: The **European Court of Human Rights** decided the case of *Xero Flor w Polsce sp. z o.o. v. Poland* (application no. 4907/18). It held, unanimously, that there had been a **violation of Article 6(1) (right to a fair trial)** of the European Convention on Human Rights as regards the right to a fair hearing, and a **violation Article 6(1) as regards the right to a tribunal established by law. This is the first decision of the ECtHR on the matter.**

- 10.05.2021: **European Court of Human Rights** [gave notification to Poland of five applications](#) concerning alleged lack of **judicial independence**: *Brodowiak and Dżus v. Poland*, *Biliński v. Poland*, *Pionka v. Poland*, and *Juszczyszyn v. Poland*. The Court has decided that all current and future applications concerning complaints about various aspects of the



reform of the judicial system in Poland should be given priority (Category I). In accordance with the Court's prioritisation policy, this level of priority is assigned to urgent cases.

- 11.05.2021: A **new university, Collegium Intermarium, is being launched in Poland** with ties to an ultraconservative organisation **Ordo Iuris** (which has in recent years played a leading role in anti-LGBT campaigns, as well as campaigns to restrict access to abortion and withdraw Poland from the Istanbul Convention) and participation of **Polish and Hungarian government ministers**. Collegium Intermarium will offer graduate and postgraduate studies with courses in Law, International Human Rights Law, Family Policy in Local Government, and Management in NGOs. The inauguration of the university later this month will be attended by the education and culture ministers.

- 11.05.2021: Poland's prime minister **criticised Amnesty International**, accusing it of only defending people with a certain ideological perspective. He also likened the NGO's controversial treatment of Russian opposition leader Alexei Navalny to how his own late father, an anti-communist activist, was treated by Amnesty in the 1980s. His comments came in response to Amnesty last week making a U-turn on its earlier move to strip Navalny of "prisoner of conscience" status because of remarks he had made that the NGO regarded as "hate speech".

- 13.05.2021: Poland's Senate **rejected** the candidature of Bartłomiej Wróblewski (Law and Justice - PiS) for national **ombudsman**, deepening an impasse that has pitted the ruling party against opponents who say it is eroding democratic rights. The vote marked the fourth time the parliament has failed to fill the position, leaving a question mark over what will happen if no replacement is found by the outgoing ombudsman's deadline to leave.

- 13.05.2021: Marian Banaś, the head of Poland's Supreme Audit Office (NIK) which released a report on the organization of postal election that accuses the government of illegal action, **is being investigated** by the government-controlled anti-corruption police (CBA). Banaś calls the allegations a "smear campaign" aimed at ousting him from his role as a watchdog of state bodies.

- 19.05.2021: The European Court of Human Rights **held a hearing** in the case of *Grzęda v. Poland* (appl. no. 43572/18). The case concerns a reform of the judiciary in Poland as a result of which the applicant's position as a judicial member of the National Council of the Judiciary was terminated before the end of his four year term.

- 19.05.2021: Students in Polish schools **will be taught that the EU is an "unlawful entity"**, says the education minister, Przemysław Czarnek. He also wants history classes to focus more on teaching "pride" in Poland's past rather than, as before, "shame" about it.

- 20.05.2021: CJEU Advocate General Bobek **opinion** in Joined Cases C-748/19 to C-754/19 *Prokuratura Rejonowa w Mińsku Mazowieckim/WB and others*: "EU law precludes the Polish practice of secondment of judges to higher courts that may be terminated at any moment at the discretion of the Minister of Justice, who is simultaneously the General Prosecutor"; Justice Minister / Public General Prosecutor Ziobro position is defined as **"contre nature / unholy alliance"**.

### **Public procurement and corruption risks in the EU MSs:**



## 25. PORTUGAL<sup>23</sup>

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 05.04.2021: [Portugal entered the second phase of easing its COVID-19 lockdown](#). Cafe and restaurant terraces, museums, non-food markets and fairs, small shops, middle schools and gyms were allowed to reopen. If the situation continues to improve, cinemas, shopping malls, restaurants' indoor spaces and other non-essential businesses will reopen in two weeks' time. Rules have been gradually relaxed since 15 March, when hair salons, bookshops and schools for younger pupils reopened.

- The state of emergency was extended with approval of the Parliament **until 30 April 2021**.

- 28.04.2021: Portugal [will come out of its state of emergency on 30 April](#), President Marcelo Rebelo de Sousa has announced.

- 30.04.2021: [Portugal lifted the state of emergency](#).

### **2. Freedom of movement (internal and cross-border; sanctions)**

- 30.03.2021: Portugal's government has tightened its border controls with Bulgaria, Czechia, Cyprus, Slovenia, Estonia, France, Hungary, Italy, Malta, Poland and Sweden

<https://www.schengenvisainfo.com/news/portugal-tightens-border-restrictions-with-other-eu-countries/>

- 17.05.2021: Portugal [opened its borders for tourists](#) from the rest of the European Union Member States, as well as the non-EU Schengen area countries -Iceland, Lichtenstein, Norway, and Switzerland – as well as for the tourists from the former EU member, the United Kingdom.

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

- 17.05.2021: Portugal's Minister of Foreign Affairs [reaffirmed the intention](#) of the Portuguese presidency of the Council of the EU to advance with the proceedings against Poland and Hungary for suspected violations of European values. Stressing that "the rule of law is one of the fundamental themes of the programme of the Portuguese presidency of the Council of the European Union", he said that processes that are underway under Article 7 will be moved forward at **GAC of 22 June**.

### **Public procurement and corruption risks in the EU MSs:**

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## 26. ROMANIA<sup>24</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

#### 2. Freedom of movement (internal and cross-border; sanctions)

- 26.03.2021: Romania's government extended a nighttime curfew to stem a rise in new coronavirus infections but will relax movement restrictions for pending religious holidays, [authorities said](#).

- the state of emergency is extended until **12 May**, see [Romania: Authorities extend COVID-19-related state of alert and constituent restrictions until at least May 12 /update 17 \(garda.com\)](#)

- 10.05.2021: The government has decided to **extend the state of alert** in Romania by another 30 days, starting on May 13, Raed Arafat, the head of the Department for Emergency Situations (DSU), announced.

- 20.05.2021: in the **1st ECHR case on Covid restrictive measures**, case of Terheş v. Romania (application no. 49933/20), the European Court of Human Rights unanimously declared the application inadmissible, stating that the **lockdown** ordered by the Romanian government from 24 March to 14 May 2020 to tackle the COVID-19 pandemic and which entailed restrictions on leaving one's home **could not be equated with house arrest**. The level of restrictions on the applicant's freedom of movement had not been such that the general lockdown ordered by the authorities could be deemed to constitute a deprivation of liberty."

#### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

#### 4. Freedom of assembly (and sanctions)

#### 5. Privacy and data protection

#### 6. Asylum and migration

#### 7. Prisons

#### 8. Equality and discrimination

#### 9. Any other issue relevant for Art. 2 TEU

- 30.03.2021: Romanian police say they are investigating 188 people over nationwide anti-lockdown demonstrations: <https://www.euronews.com/2021/03/30/romanian-police-investigating-nearly-200-people-over-anti-lockdown-protests>

- 18.05.2021: The European Court of Justice's Grand Chamber **ruled** on six different legal questions related to a judicial overhaul introduced by the previous Social Democratic government, which caused large protests back in 2017. The Court said that Romania must abide by its pledges to tackle corruption as stipulated under the agreement it signed when joining the EU and criticised the laws in question. See also: [EU Court Tells Romania to Uphold Rule of Law – Courthouse News Service](#).

### ***Public procurement and corruption risks in the EU MSs:***

<sup>24</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

- 05.05.2021 – In a new [report](#), the Council of Europe's anti-corruption body ([GRECO](#)) concludes that Romania's level of compliance with its recommendations to prevent corruption in respect of MPs, judges and prosecutors remains globally unsatisfactory despite some progress and planned reforms that still are at an early stage. (see [Romanian](#) and [French](#) versions of the report)

## 27. SLOVAKIA<sup>25</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 17.03.2021: the cabinet [approved the prolongation of national emergency by another 40 days](#) (until late April). New measures include a ban on foreign travel. It is unclear how reasons for international travel will be verified.
- 12.04.2021: [The reopening of schools in Slovakia continues](#). Kindergartens and grades 1-4 of primary schools as well as special schools, secondary health schools, the final years of secondary schools and other school facilities, including those for children with limited access to remote education, were reopened for all children. Eighth-graders and ninth-graders of primary schools not in black tier districts will return to school on 19 April.
- the State of emergency was extended to 28 April, see [Slovakia: Authorities extend COVID-19 state of emergency and related restrictions until April 28 /update 27 \(garda.com\)](#)
- 14.04.2021: Starting on 19 April, [all shops, services, hotels, and swimming pools will reopen](#). It will be possible to travel between districts and home office work will no longer be mandatory. A negative antigen test will be required for most of the newly allowed activities.
- 27.04.2021: State of emergency has been extended until **28 May** 2021. Curfew has been moved to 9 pm. <https://turystyka.wp.pl/slowacja-przedluza-stan-wyjatkowy-polacy-czekaja-na-otwarcie-granic-6633501092686528a>

### 2. Freedom of movement (internal and cross-border; sanctions)

- 20.03.2021: Slovakia will restrict unnecessary travel abroad, starting from 20 March, due to the recent rise in the number of Coronavirus cases, the country's Interior Ministry has announced. <https://www.schengenvisainfo.com/news/slovakia-to-restrict-unnecessary-travel-abroad-until-april-28/>
- 17.04.2021: Starting 19 April, [all persons must prove that they have taken the vaccine against the COVID-19 or prove that they have fully recovered from the virus to enter Slovakia](#). Those who seek to get married, attend a funeral, or for any similar reasons, will be allowed to enter without following these requirements.

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

### 4. Freedom of assembly (and sanctions)

### 5. Privacy and data protection

### 6. Asylum and migration

### 7. Prisons

### 8. Equality and discrimination

- 18.03.2021: Far-right group Our Slovakia [brought a legislative proposal to the national parliament](#) banning gender reassignment surgery and forbidding same-sex couples from

<sup>25</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

9 March 2021: See report on "Slovakia's Democracy and the COVID-19 Pandemic: When Executive Communication Fails" <https://verfassungsblog.de/slovakias-democracy-and-the-covid-19-pandemic-when-executive-communication-fails/>

being acknowledged as parents. The legislation was supported by 44 members of parliament, a number not meeting the approval threshold.

- 10.05.2021: the ombudsman report was once again [rejected](#) by Parliament for its criticism on the government management of the pandemic measures and their impact on DRF.

#### **9. Any other issue relevant for Art. 2 TEU**

- 30.03.2021: Slovakian President Zuzana Čaputová tasked Eduard Heger, Slovakia's finance minister, with forming a new government following the resignation of incumbent Igor Matovič. On 28 March, Matovič [announced that he would step down](#) amid a political scandal triggered by a secret deal he had made to buy Russia's Sputnik V coronavirus vaccine. The crisis erupted when a secret deal struck by Slovakia to acquire 2 million doses of Russia's Sputnik V vaccine was revealed.

- tensions emerged as the SK authorities charged with testing Sputnik vaccine doses sent to SK raised questions on the fact that the RU authorities did not provide 80% of the requested documents related to the vaccine. The SK President defended scientists, while Matovič sided with the Russian authorities. See [Slovak president backs scientists Russia said 'damaged' Sputnik V's reputation – EURACTIV.com](#)

#### **Public procurement and corruption risks in the EU MSs:**

## 28. SLOVENIA<sup>26</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 28.03.2021: Slovenia went into a lockdown on 1-11 April, closing schools and non-essential stores: <https://www.total-slovenia-news.com/lifestyle/8018-slovenia-covid-coronavirus-latest-news>
- 8.4.2021: Constitutional Court struck down a government decree that entered into effect on 29 March and that restricted freedom of movement abroad radically and allowed to avoid travel bans by paying 400 Euros: [Constitutional Court Opposes Govt Decree Limiting Travel Outside Slovenia \(total-slovenia-news.com\)](https://www.total-slovenia-news.com)

### 2. Freedom of movement (internal and cross-border; sanctions)

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

- 16.03.2021: The International Press Institute was joined by five leading media freedom organizations in [writing to the President of the European Commission](#) to express growing concerns about press freedom in Slovenia.
- 18.03.2021: The government [urged the STA supervisory board](#) to dismiss its director, Bojan Veselinovič due to alleged breaches in fulfilling the agency's legal obligations, which Veselinovič denies.
- 19.03.2021: Members of the European Parliament [have warned of a "chilling" environment for Slovenia's media](#). No formal action plan to address the challenges for media was issued, but the debate renewed focus on claims of a more hostile working environment. See the EP press release [here](#).
- 19.03.2021: The government has overstepped its powers and abused the police as it tasked the Interior Ministry to examine if STA director Bojan Veselinovič's alleged violations of the law contained elements of suspended crime prosecutable ex officio, [the trade union and the association of journalists said](#).
- 18.03.2021: Slovenian PEN club [urged the government](#) to fundamentally change its attitude to the STA, as well as media and journalists in general, arguing that its actions constituted an attempt at dismantling the agency and silencing the media.
- 31.03.2021: STA is close to insolvency due to lack of budget funding: <https://www.total-slovenia-news.com/politics/8039-slovenian-press-agency-close-to-insolvency-as-govt-continues-to-withhold-funding>
- 29.04.2021: The European Commission [has approved](#), under EU State aid rules, a €2.5 million compensation granted by Slovenia to the Slovenian Press Agency STA to fulfil its public service mission. The public funding will contribute to the independent news provision to the Slovenian public without unduly distorting competition in the Single Market.
- 7.5.2021: The weekly Mladina was asked by police to provide information on classified documents revealing the content of the draft National Recovery and Resilience Plan, in what Mladina sees as an act of intimidation.
- 12.05.2021: Dnevnik reports that the Ljubljana District Court has resorted to hiring a

<sup>26</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxmrc9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxmrc9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

detective to try to deliver court mail to Prime Minister Janez Janša, who is not picking up mail related to the Trenta case.

- 14.05.2021: **CIVICUS**, an international organisation of NGOs, [warns in its latest report](#) of the attitude of Prime Minister Janez Janša and the SDS towards the civil society and media. It expresses concern over government attacks on the Slovenian Press Agency (STA) and a ban on protests.

#### **4. Freedom of assembly (and sanctions)**

- 10.03.2021: The Legal Network for the Protection of Democracy, a group providing legal support to those facing prosecution for non-violent public actions, [said the claim that protests in were not banned in Slovenia, made by Interior Minister Aleš Hojs, was inaccurate](#). It noted that a government decree banning gatherings since 20 October was still in force, quoting an example when an application to hold a protest featuring ten people was turned down.

- 17.03.2021: The government amended several of Covid-19 decrees as part of its weekly review of measures, including [allowing rallies of up to ten people across the country](#).

- 01.04.2021: The Government Communication Office (UKOM) [said the director of the STA was "concealing documentation"](#) as it responded to an appeal by the STA supervisory board that the government resume public service payments to the agency as demanded by law.

- 12.04.2021: STA director Bojan Veselinovič [has told the government](#) he is granting it access to all books of account and documents, even though the STA has never received a formal request to that effect.

- 12.04.2021: Journalists of the newspaper Delo, the paper's editorial board and the Journalists' Association [have condemned threats](#) levelled against Delo's Brussels correspondent Peter Žerjavič by Žan Mahnič, the state secretary for national security.

- the Council of Europe Platform for the Protection of Journalism and Safety of Journalists expressed concerns in its 2021 [report](#) about the situation of media and journalists in Slovenia, notably on STA and the pressures on public TV.

- 18.05.2021: NGO files criminal complaint against UKOM head over blocking of STA funding

#### **5. Privacy and data protection**

#### **6. Asylum and migration**

#### **7. Prisons**

#### **8. Equality and discrimination**

#### **9. Any other issue relevant for Art. 2 TEU**

- 15.03.2021: The ruling Slovenian Democratic Party will start working on the commitments from the coalition agreement, [Prime Minister Janez Janša announced](#). "Once the decision is made, it is not acceptable to demolish it or break it with the help of opposition votes in the National Assembly. The SDS will no longer allow this," Janša wrote.

- 17.03.2021: Marjan Šarec, head of the opposition LMŠ party, [announced an attempt to impeach Prime Minister Janša](#) because Slovenia did not order the BioNTech and Pfizer vaccine in the second round of orders (December). Šarec argues Janša caused direct damage to citizens and acted against the Constitution.

- 19.03.2021: Parliament discussed an opposition-sponsored [motion of no confidence against Culture Minister Vasko Simoniti](#), which was rejected.

- 26.03.2021: Prime Minister Janša's appearance in front of the European Parliament's DRFMG was overshadowed by a row over Janša's request of playing a series of 4 videos at the session,

which was webstreamed, some of which had been sent during the meeting, followed by Janša disconnecting from the videoconference, hereby avoiding to reply the question posed by MEPs. The Minister of Culture was also apparently with Jansa and he also did not reply to questions (see the DRFMG statement [here](#)). MEPs recalled that the EP is not a cinema where an external invitee can impose the screening of unchecked videos, furthermore during a broadcasted EP meeting. All participants supported the decisions made by the Chair, see the video on the DRFMG website. DRFMG Members subsequently addressed almost fifty written follow-up [questions](#) to the Slovenian government, Prime Minister Janša and Culture Minister Simoniti. The Prime Minister refused to reply once more to questions, calling in tweets DRFMG Chair In't Veld a "censor" and wanting her to oblige DRFMG members to see the propaganda films.

- 30.03.2021: US Department of State released [a report on the state of human rights in Slovenia](#). It highlights several "significant human rights issues" including threats of violence against journalists by nongovernment actors, and criminalization of libel and slander.

- 13.04.2021: Rumors concerning a paper by the SL government proposing to dismantle Bosnia-Herzegovina led to a diplomatic row, [Slovenia suspected of seeking 'peaceful dissolution' of Bosnia-Herzegovina – EURACTIV.com](#). The SL government is rumoured to have also given it to Charles Michel. [Slovenia's Prime Minister Janša denies the rumours](#).

- Parliament rejected a controversial proposal to merge into 2 super-agencies all other agencies

- 17.05.2021: The European Commission [is concerned](#) about the situation in Slovenia although it has never treated Slovenia as a problematic member state since the country joined the EU in 2004, European Crisis Management Commissioner Janez Lenarčič told daily Dnevnik in an interview on Saturday.

- a government State Secretary said at a Conference by the PT Presidency on RoL that Slovenia plans to work on the importance of democratically elected institutions (vs independent ones), national identities and constitutional traditions, as PL and HU proposed, and to support an institute on democracy.

### **Public procurement and corruption risks in the EU MSs:**

- 18.03.2021: In its [report](#) on implementation and enforcement of the OECD Anti-Bribery Convention, the OECD said that insufficient prosecution of foreign bribery in Slovenia is still a reason for concern and so are claims about political interference in law enforcement. It has been underlined that since 1999, not a single case of foreign bribery has made it to court in Slovenia.

- 18.03.2021: In a report on the efficiency of procurement of protective and medical equipment for containing the spread of the new coronavirus, the Court of Audit [has found](#) that, although the circumstances were extraordinary, the government, ministries and the Commodity Reserves Agency had been inefficient in the PPE procurement.

- 15.04.2021: A new report by the **OECD Working Group on Bribery** talks about concerning [allegations of political interference in Slovenian law enforcement agencies](#) tasked with investigating and prosecuting foreign bribery, in particular the National Bureau of Investigation.



## 29. SPAIN<sup>27</sup>

### 1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary

- 31.03.2021: Spain [is implementing a series of tougher measures](#) to prevent COVID-19 infections under the so-called New Normality Law. The new law makes mask wearing mandatory in all public spaces across the country, regardless of the distance with others, including at the beach, swimming pools or parks.

- 09.05.2021: Spain [has lifted](#) a state of alarm, allowing travel between regions for the first time in months. Regions can still restrict opening hours and impose capacity limits in bars/restaurants. They can also seek court approval for stricter measures. Several regions have lobbied to extend the emergency, which the government has refused.

### 2. Freedom of movement (internal and cross-border; sanctions)

- 23.03.2021: Spain will lift the ban on UK arrivals starting 30 March: <https://www.reuters.com/article/us-health-coronavirus-spain-britain/spain-lifts-ban-on-uk-arrivals-from-march-30-idUSKBN2BF25N?il=0>

- 29.03.2021: Spain's government will require negative PCR test results, not older than 72 hours, for all persons crossing the land border from France in a bid to halt the further spread of the Coronavirus during Easter holidays.

<https://www.schengenvisainfo.com/news/spain-requires-negative-covid-19-test-results-at-french-border/>

- 30.03.2021: Authorities in Spain have extended restrictions on unnecessary travel from countries outside the EU and the Schengen Zone until April 30.

<https://www.schengenvisainfo.com/news/spain-prolongs-travel-restrictions-imposed-on-countries-outside-eu-until-end-of-april/>

- 06.04.2021: Spain prolonged border controls with Portugal until April 17.

<https://www.schengenvisainfo.com/news/spain-prolongs-border-controls-with-portugal-until-april-17/>

- 07.04.2021: Several Spanish regions have been tightening COVID restrictions on freedom of movement: <https://www.reuters.com/article/us-health-coronavirus-spain/regions-in-spain-tighten-covid-19-measures-as-cases-creep-up-idUSKBN2BU26S>

- 16.04.2021: Starting in June, the Spanish Government will permit EU citizens to enter the country without being subject to COVID-19 test and self-isolation requirements, provided that they hold a Digital Green Certificate: <https://www.schengenvisainfo.com/news/spain-preparing-to-permit-restriction-free-travel-for-vaccine-certificate-holders-from-june/>

### 3. Freedom of expression, media freedom, freedom of information (and sanctions)

### 4. Freedom of assembly (and sanctions)

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<sup>27</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

- 28 February 2021: Report on Spain's response to COVID-19: <https://verfassungsblog.de/spain-one-pandemic-and-two-versions-of-the-state-of-alarm/>

## **5. Privacy and data protection**

## **6. Asylum and migration**

- 19.05.2021: About 8,000 people [have streamed into](#) the Spanish city of Ceuta from Morocco in the past two days in an unprecedented influx, most of them swimming around breakwaters and across the border to reach the Spanish enclave in North Africa. The crisis led the Spanish government to deploy the army and to demand that Morocco prevent departures to Spain.

## **7. Prisons**

## **8. Equality and discrimination**

## **9. Any other issue relevant for Art. 2 TEU**

- discussions are underway on the renewal of the Council of the Judiciary, whose renewal is blocked since 2 years and a half, including with EU authorities. The government decided to withdraw a contested law changing the electoral system for the election of its members.

- DRFMG wrote a letter to the Spanish authorities to ask for information on the situation.

## **Public procurement and corruption risks in the EU MSs:**

## 30. SWEDEN<sup>28</sup>

### **1. Rules governing the State of emergency and exceptional powers for the government; description and duration of the measures; role of parliaments; the judiciary**

- 31.03.2021: Sweden [has extended several of its coronavirus measures](#), including restricted restaurant opening times and customer limits in shops, as a result of the current high spread of infection.

### **2. Freedom of movement (internal and cross-border; sanctions)**

- 01.04.2021: Swedish Government announced that on 31 March the extension of the general entry ban for all countries in the European Economic Area (EEA) and the lifting of separate measures for Denmark and Norway [has entered into force](#). The entry ban has been extended until 31 May.

- 07.05.2021: Sweden's government [decided to extend](#) its internal border controls until November 11, 2021, citing a goal to enhance national security and protect its citizens from terrorist attacks.

### **3. Freedom of expression, media freedom, freedom of information (and sanctions)**

### **4. Freedom of assembly (and sanctions)**

### **5. Privacy and data protection**

### **6. Asylum and migration**

### **7. Prisons**

### **8. Equality and discrimination**

### **9. Any other issue relevant for Art. 2 TEU**

### **Public procurement and corruption risks in the EU MSs:**

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<sup>28</sup> On the impact of COVID-19 on DRF, see the report by the [Civil Liberties Union for Europe](#) submitted as a contribution to the Commission's rule of law consultation: [https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report\\_Liberties\\_EU2020.pdf](https://dq4n3btxm8c9.cloudfront.net/files/AuYJXv/Report_Liberties_EU2020.pdf)

- 24 February 2021: Report on Sweden's response to COVID-19: <https://verfassungsblog.de/covid-19-in-sweden-a-soft-power-approach/>





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This study, drafted by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Monitoring Group on Democracy, Rule of Law and Fundamental Rights of the LIBE Committee, aims at monitoring and giving an overview the measures adopted by EU Member States in the fight against the spreading of the Covid-19 virus and their impact on DRF. The research is based at this stage on open sources such as press articles, reports of national, European and international bodies, etc, in a rapidly changing situation.

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