

## **European Rule of Law Mechanism: input from Member States**

### **2025 Rule of Law Report**

#### **1. Introduction**

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

As every year, the Commission would like to invite the national contact points to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts, as well as the consultation on the draft country chapters prior to the Report's adoption.

The 2025 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2024 Rule of Law Report. In line with the Political Guidelines for the 2024-2029 Commission, the 2025 Report will also include a single market dimension. A parallel reflection has been launched with Member States and business stakeholders with a view to collecting views about the scope of the issues to be covered. A further request for contribution will follow specifically on this dimension.

#### **Nature of the contribution**

The Commission invites contact points to provide contributions which includes:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024 and up to the date of submission falling under the 'type of information' outlined in section 2.**

The input should preferably be in English and not exceed 30 pages. Relevant legislation or other documents may be referenced with a link (no need to provide the full text). The contributions will be published on the Commission's website upon explicit agreement of the Member States. In order to avoid duplication and excessive administrative burden, please include where applicable explicit references to any relevant contribution already provided by your Member State in a different context (including under Council of Europe, OECD, OSCE and UN bodies or procedures as well the input provided for previous editions of the Report) or to the previous Rule of Law Reports. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

Please send us your replies by **24 January 2025** to the following email address: rule-of-law-network@ec.europa.eu. In case you would have any questions or requests for clarifications, please do not hesitate to contact the Commission at the same email address.

## 2. Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

### A) Legislative developments

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

### B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

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

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input<sup>1</sup>)

### D) Any other relevant developments

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

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, you can now simply tick the relevant box**

## 3. Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 **and up to the date of submission**<sup>2</sup>. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

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

<sup>1</sup> Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

<sup>2</sup> Unless already covered in the input for the previous Rule of Law Reports.

## I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023<sup>4</sup> Report regarding the justice system (if applicable):

### A. Independence

No developments

If there have been developments related to the independence of justice, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- Appointment and selection of judges<sup>3</sup>, prosecutors and court presidents (incl. judicial review)
- Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)
- Promotion of judges and prosecutors (incl. judicial review)
- Allocation of cases in courts
- Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)
- Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)
- ~~Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information~~
- Independence/autonomy of the prosecution service
- Independence of the Bar (chamber/association of lawyers) and of lawyers
- Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

### B. Quality of justice<sup>4</sup>

No developments

If there have been developments related to the quality of justice, please specify which, regarding in particular topics listed below: ...

Relevant topics to be covered in your contribution include:

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

<sup>3</sup> The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

<sup>4</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

- Resources of the judiciary (human/financial/material<sup>5</sup>), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information
- Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)
- Digitalisation (e.g. use of digital technology, including electronic communication and AI particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)<sup>6</sup>
- Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)
- Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

### C. Efficiency of the justice system<sup>7</sup>:

No developments

If there have been developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings), please specify: ... Length of proceedings

**Other – please specify**

## II. Anti-corruption framework<sup>8</sup>

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

*Please provide information on measures taken to follow-up on the recommendations received in the 2023~~4~~ Report regarding the anti-corruption framework (if applicable):*

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

No developments

If there have been developments related to the institutional framework capacity to fight corruption.

<sup>5</sup> Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

<sup>6</sup> Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures 40 to 48 of the 2023~~4~~ EU Justice Scoreboard, does not need to be repeated.

<sup>7</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

<sup>8</sup> Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.
- Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.
- Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

## **B. Prevention**

No developments

If there have been developments related to the prevention of corruption, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- Measures to enhance integrity in the public sector ~~and their application~~ (including as regards incompatibility rules, revolving doors, codes of conduct, ethics ~~training~~).
  - Measures to enhance general transparency of public decision-making (including rules on lobbying, ~~and their enforcement~~, asset and interest disclosure rules ~~and enforcement~~, gifts policy, transparency of political party financing).
  - ~~Rules and m~~ Measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned).  
→ For questions the three previous points, 23-25, please also provide information and figures on their application/enforcement such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).
  - Measures in place to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given).
  - Specific m Measures to enhance transparency, integrity and accountability in S sectors with high-risks of corruption in your Member State, with a view to monitoring and preventing corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.
    - Indicative areas Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning, risks or cases of corruption linked to the disbursement of EU funds, other), and,
- ~~1. Any other relevant measures to prevent corruption in public and private sector~~

## **C. Repressive measures**

No developments regarding the repression of corruption

If there have been developments related to the repression of corruption, please specify which, in particular regarding topics listed below: ...

*Relevant topics to be covered in your contribution include:*

- *The legal framework on the criminalisation and sanctions, including the level of sanctions available by law, of for corruption and related offences, including foreign bribery.*
- *Official data on the number of investigations, prosecutions, final judgments, and the application of sanctions for corruption offences (differentiated by corruption offence if possible)<sup>9</sup>. If available, please include information to indicate whether the cases: involve legal persons, are involved and high level and complex corruption cases and their transparency, including as regards are related to the implementation of EU or national funds<sup>10</sup>; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data.*
- *Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning).*
- *Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.*

**Other – please specify**

### III. Media pluralism and media freedom

*Please provide information on measures taken to follow-up on the recommendations received in the 2023<sup>4</sup> Report regarding media pluralism and media freedom (if applicable):*

#### **A. Media authorities and bodies<sup>11</sup>**

No developments

If there have been developments related to media authorities and bodies, please specify which, in particular regarding topics listed below: ...

*Relevant topics to be covered in your contribution:*

- *Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies.*
- *Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies.*
- *Existence and functions of media councils or other self-regulatory bodies.*

<sup>9</sup> Please include, if available the number of (data since 2022 or latest available data): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

<sup>10</sup> For MS participating in the EPP0, data on cases related to EU funds does not encompass investigations and prosecutions carried out by the EPP0.

<sup>11</sup> Cf. Article 30 of Directive 2018/1808.

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

No developments

If there have been developments related government or political interference or transparency and concentration of media ownership, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- Measures taken to ensure the fair and transparent allocation of state advertising (*including any rules regulating the matter*)
- Safeguards against state / political interference, in particular:
  - safeguards to ensure editorial independence of media (private and public)
  - specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
  - information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance
- Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners *as well as any rules regulating the matter*

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

No developments

If there have been developments related to the framework for journalists' protection or transparency/access to documents, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.
- Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists.
- Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information).
- Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits.

**Other – please specify**

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

Please provide information on measures taken to follow-up on the recommendations received in the 2023<sup>4</sup> Report regarding the system of checks and balances (if applicable): ...

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

No developments

If there have been developments related to the process for preparing and enacting laws, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- Framework, policy and use of impact assessments and evidence based policy-making, stakeholders<sup>12</sup>/public consultations (including ~~consultation of judiciary and other relevant stakeholders on judicial reforms~~ rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.
- Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)
- Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.
- Regime for constitutional review of laws

##### **B. Independent authorities**

No developments regarding independent authorities

If there have been developments related to independent authorities, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions<sup>13</sup>
- Statistics/reports concerning the follow-up ~~of to~~ recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies, and supreme audit institutions in the past two years.

##### **C. Accessibility and judicial review of administrative decisions**

No developments

If there have been developments related to the accessibility and judicial review of judicial decisions please specify which, in particular regarding topics listed below: ...

<sup>12</sup> This includes also the consultation of social partners.

<sup>13</sup> Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>



Relevant topics to be covered in your contribution include:

- *Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)*
- *Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).*
- *Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)*
- *Implementation ~~Follow-up of final judgments~~ by the public administration and State institutions and ~~follow-up given to of (national/supranational judgments, including decisions from the European Court of Human Rights)-court decisions~~, as well as available remedies in case of non-implementation*

#### **D. The enabling framework for civil society**

No developments

If there have been developments related to the enabling framework for civil society, please specify which, regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)*
- *Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures ~~for protection~~ to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.*
- *Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)*

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

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

No developments

If there have been developments related to initiatives to foster a rule of law culture, please specify which. ~~Measures to foster a rule of law culture~~ (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.): ...

**Other – please specify**