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ANNEX

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**2023 Rule of Law Report**

**The rule of law situation in the European Union**

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## **RECOMMENDATIONS FOR BELGIUM**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Belgium has made:

- Some further progress on measures to provide adequate human and financial resources for the justice system as a whole, taking into account European standards on resources for the justice system.
- Significant progress on strengthening the integrity framework as regards the extension of the existing Code of Conduct to cover all members of ministerial private offices; some progress on rules on gifts and benefits for members of Parliament and Government; and some progress on rules on revolving doors for Government and their private offices.
- No progress on completing the legislative reform on lobbying, including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Some progress on strengthening the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Belgium to:

- Further continue efforts made to provide adequate human and financial resources for the justice system as a whole, taking into account European standards on resources for the justice system.
- Strengthen the integrity framework, including by adopting rules on gifts and benefits for members of Parliament and by strengthening rules on revolving doors for Government and their private offices.
- Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Continue efforts to strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents.

## **RECOMMENDATIONS FOR BULGARIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Bulgaria has (made):

- Significant progress on ensuring timely ordinary competitions for promotion to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- No progress yet on advancing with the legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members.
- No progress yet on taking steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
- Some progress regarding corruption prevention measures aimed at improving the integrity of specific sectors of the public administration, including the police and the judiciary.
- No progress on improving the effectiveness of investigation and a robust track-record of prosecution and final convictions in high-level cases of corruption including through the institutional reform of the Anti-Corruption Commission and specialised judicial authorities
- Some progress on improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Bulgaria to:

- Take steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- Advance with the preparation of legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members.
- Step up efforts to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
- Ensure an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases including through the institutional reforms of the Anti-Corruption Commission.
- Improve the integrity of top executive functions, taking into account European standards, in particular by ensuring that clear integrity standards for the Government as well as an appropriate sanctioning mechanism are in place.
- Advance with the work aimed at improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.

## **RECOMMENDATIONS FOR CZECHIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Czechia has (made):

- Some progress on taking forward the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- No progress yet on taking measures to reduce the length of proceedings to ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases.
- No progress on strengthening the integrity framework for members of Parliament, in particular by ensuring that Codes of Ethics are in place for both Houses of Parliament.
- Fully implemented the recommendation on the revision of legislation on asset declarations and some progress on the revision of legislation on conflict of interests, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some progress on taking steps to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Czechia to:

- Continue to advance the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- Take measures to reduce the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases.
- Strengthen the integrity framework for members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying.
- Complete the revision of legislation on conflicts of interest, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Advance with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Continue to advance the legislative changes to establish a National Human Rights Institution taking into account the UN Paris Principles.

## **RECOMMENDATIONS FOR DENMARK**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Denmark has made:

- Some progress on ensuring adequate human and financial resources for the justice system in the next multiannual framework.
- Some progress on adopting a new legislation on political party financing that will address the issue of multiple and anonymous donations and introduce sanctions for breaching the rules on the political parties' framework.
- No progress on introducing rules on 'revolving doors' for ministers and on lobbying and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.
- No further progress on the process to reform the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Denmark to:

- Ensure adequate human and financial resources for the justice system in the next multiannual framework, building on the increases in 2023, taking into account European standards on resources for the justice system.
- Introduce rules on 'revolving doors' for ministers and on lobbying and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.
- Ensure the collection of data on investigations and prosecutions of corruption-related offences at national and local level.
- Advance with the process to reform the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.

## **RECOMMENDATIONS FOR GERMANY**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Germany has made:

- No further progress on continuing efforts to provide adequate resources for the justice system as part of the new Pact for the rule of law, including on the level of salaries for judges, taking into account European standards on resources and remuneration for the justice system.
- Some progress on proceeding with plans to introduce a ‘legislative footprint’ to allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative texts.
- Some progress on strengthening the existing rules on revolving doors by increasing consistency of the different applicable rules, the transparency of authorisations for future employment of high-ranking public officials, and the length of cooling-off periods for federal ministers and federal parliamentary state secretaries
- Some progress on taking forward the plan to create a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to documents
- No progress yet on taking forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice, taking into account European standards on funding for civil society organisations

On this basis, and considering other developments that took place in the period of reference, it is recommended to Germany to:

- Step up efforts to ensure adequate resources for the justice system, including on the level of remuneration for judges, taking into account European standards on resources and remuneration for the justice system.
- Continue efforts to introduce a ‘legislative footprint’ to allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative texts.
- Strengthen the existing rules on revolving doors by increasing consistency of the different applicable rules, the transparency of authorisations for future employment of high-ranking public officials, and the length of cooling-off periods for federal ministers and federal parliamentary state secretaries.
- Advance with the plan to create a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to official documents.
- Take forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice, taking into account European standards on funding for civil society organisations.

## **RECOMMENDATIONS FOR ESTONIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Estonia has (made):

- Significant progress on ensuring that the guidelines on the conflict of interests are subject to an effective verification, monitoring and enforcement mechanism.
- Fully implemented the recommendation to continue the efforts in effective implementation of the guidelines on lobbying.
- Some progress on ensuring consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents.
- Significant progress on continuing to advance with the digital platform to make the legislative process even more visible and inclusive for public consultation.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Estonia to:

- Ensure that the guidelines on the conflict of interests are subject to an enforcement mechanism.
- Advance with the efforts to ensure consistent and effective implementation of the right of access to information taking into account European standards on access to official documents.

## **RECOMMENDATIONS FOR IRELAND**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Ireland has made:

- No progress on ensuring that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments, as no significant changes have been introduced to the envisaged composition of the Judicial Appointments Commission.
- No progress on actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.
- Some progress on strengthening the existing ethics framework, including on codes of conduct, revolving doors and on asset declarations in particular as regards the monitoring and enforcement capacity of the Standards in Public Office Commission, significant progress on lobbying.
- Some progress on continuing the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Some progress on taking measures to address legal obstacles related to access to funding for civil society organisations.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Ireland to:

- Ensure that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments.
- Continue actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.
- Strengthen and digitalise the existing ethics framework, on asset declarations and lobbying, including the monitoring and enforcement capacity of the Standards in Public Office Commission.
- Advance with the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Take measures to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act.



## **RECOMMENDATIONS FOR GREECE**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Greece has made:

- No progress on addressing the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Significant progress on ensuring the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials.
- Some progress on increasing efforts to establish a robust track record of prosecutions and final judgments in corruption cases.
- Some progress in establishing safeguards to improve the working conditions and physical safety of journalists, in line with the Memorandum of Understanding, but legislative safeguards are still to be established, taking into account European standards on the protection of journalists.
- Some progress on ensuring that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Greece to:

- Take steps to address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Step up efforts to establish a robust track record of prosecutions and final judgments in corruption cases, including high-level corruption.
- Take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, building on the activities initiated by the Task Force, in particular as regards abusive lawsuits against journalists and their safety, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists
- Ensure the effective and timely consultation in practice of stakeholders on draft legislation, including by allowing sufficient time for public consultation.
- Take further steps to evaluate the current registration system for civil society organisations, including by initiating a structured dialogue with CSOs, and assess whether there is a need to amend it.

## **RECOMMENDATIONS FOR SPAIN**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Spain has (made):

- No further progress on strengthening the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- No progress on proceeding with the renewal of the Council for the Judiciary as a matter of priority and initiating, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards.
- Significant progress on continuing efforts to table legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- No progress on addressing the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases.
- Fully implemented the recommendation on ensuring adequate resources for the national audiovisual media regulatory authority to strengthen its operations, taking into account the European standards on the independence of media regulators in particular as regards resource adequacy.
- Some progress on pursuing work to strengthen access to information, in particular via revision of the Law on Official Secrets.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Spain to:

- Strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- Proceed with the renewal of the Council for the Judiciary as a matter of priority and initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards on Councils for the Judiciary.
- Proceed to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Step up efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure.
- Strengthen the rules on conflicts of interest and asset declarations of persons with top executive functions by reinforcing the sanctioning power of the Office for Conflicts of Interest.
- Advance with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official documents.

## **RECOMMENDATIONS FOR FRANCE**

Overall, concerning the recommendations in the 2022 Rule of Law Report, France has made:

- Some progress on continuing efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Significant progress on continuing efforts to ensure adequate human resources for the justice system, including to improve its efficiency, taking into account European standards on resources for the justice system.
- Significant progress on continuing the effective investigation, prosecution and sanctioning of high-level corruption offences.
- No progress on ensuring that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- No further progress on enhancing the transparency of media ownership, in particular regarding complex shareholding structures, building on the existing legal safeguards.

On this basis, and considering other developments that took place in the period of reference, it is recommended to France to:

- Further continue efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Further continue efforts made to ensure adequate human resources for the justice system, particularly by completing the development of the workload measuring tools to better evaluate the needs.
- Ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- Step up efforts to improve the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards.

## **RECOMMENDATIONS FOR CROATIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Croatia has made:

- Significant progress on the recommendation to reconsider the newly introduced periodic security checks conducted by the National Security Agency on all judges and state attorneys by ensuring their integrity based on other existing mechanisms, taking into account European standards on judicial independence and autonomy of prosecutors and the opinion of the Venice Commission.
- Some progress on introducing comprehensive legislation in the area of lobbying, including on persons with top executive positions, and to set up a public register of lobbyists.
- No further progress on further strengthening the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the new public tender procedure for local and regional media.
- Some progress on addressing the issue of strategic lawsuits against public participation targeted at journalists, including by addressing the abuse of legal provisions on defamation and encouraging awareness, taking into account European standards on the protection of journalists.
- Some progress on ensuring a more systematic follow-up to recommendations and information requests of the Ombudsperson.

In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Croatia to:

- Continue structural efforts to address the remuneration of judges, state attorneys and judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Adopt comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists.
- Revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, as set out in the Anti-Corruption Strategy, so as to increase the efficiency of investigations and prosecution of corruption offences.
- Advance with strengthening the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the public tender procedure for local and regional media.
- Make further efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.
- Further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudsperson.

## **RECOMMENDATIONS FOR ITALY**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Italy has made:

- Significant progress on continuing the efforts to further improve the level of digitalisation of the justice system, particularly for criminal courts and prosecutors' offices.
- Significant progress on enhancing digitalisation and interconnection of registries thereby improving the police and prosecution operations against high-level corruption.
- Some progress on adopting comprehensive conflict of interest rules and some progress on adopting lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- Some progress on effectively addressing the practice of channelling donations through political foundations and associations and introducing single electronic register for party and campaign finance information.
- Some progress on introducing legislative and other safeguards to reform the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- Some progress on establishing a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Italy to:

- Continue efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices.
- Adopt comprehensive conflicts of interest rules and lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- Effectively and swiftly address the practice of channelling donations through political foundations and associations and introduce a single electronic register for party and campaign finance information.
- Continue the legislative process to reform and introduce safeguards for the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- Continue efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

## **RECOMMENDATIONS FOR CYPRUS**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Cyprus has made:

- Significant progress on ensuring that the reform on the appointment of the Supreme Constitutional Court and Supreme Court judges takes into account European standards on judicial appointments and the opinion of the Venice Commission.
- Some progress on ensuring that the reform on the composition of the Supreme Council of the Judiciary takes into account European standards regarding Councils for the Judiciary and the opinion of the Venice Commission.
- Some progress on continuing to improve the effective investigation and adjudication of high-level corruption cases, including by strengthening the Office of the Attorney General and its budgetary independence.
- No progress on introducing rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some progress on establishing a framework for the effective and timely consultation of stakeholders in the legislative process.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Cyprus to:

- Strengthen the independence and the accountability of the Prosecution Service, including by providing for a possibility of review of the decision of the Attorney General not to prosecute or to discontinue proceedings, taking into account European standards on independence and autonomy of the prosecution.
- Introduce rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications
- Ensure that the recently established Independent Authority for Anti-Corruption has the financial, human and technical resources to effectively perform its competences.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Advance with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Proceed with the adoption of the framework for the effective and timely consultation of stakeholders in the legislative process and ensure its implementation.

## **RECOMMENDATIONS FOR LATVIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Latvia has (made):

- No progress on initiating a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Fully implemented the recommendation on continuing efforts towards the swift adoption and made some progress on the effective implementation of the Action Plan 2021-2024 to prevent corruption.
- Some progress on continuing efforts towards adopting the draft legislation on lobbying, and following that, ensuring the setting-up of a special lobby register.
- Fully implemented the recommendation on taking measures to increase the participation of civil society in decision-making at local level.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Latvia to:

- Take measures to ensure adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Ensure the effective implementation of the legislation on lobbying, including the setting-up of a special lobby register.

## **RECOMMENDATIONS FOR LITHUANIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Lithuania has (made):

- Some progress on continuing the reform of the legal aid system, including by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Fully implemented the recommendation to proceed with the appointments to ensure the full composition of the Supreme Court and with the appointment of the President of the Supreme Court.
- Some progress on initiating a process in view of adapting the system of appointments to judicial positions, notably to the Supreme Court, including to improve transparency and taking into account European standards on judicial appointments.
- Fully implemented the recommendation to start implementing the anti-corruption agenda 2022-2033.
- Significant progress on continuing to improve the practice of granting access to official documents, in particular by making sure that the grounds for rejection of disclosure requests are not used to unduly limit access, including by journalists, taking into account European standards on access to official documents.
- No further progress on providing adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Lithuania to:

- Continue the reform of the legal aid system by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Continue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments.
- Continue efforts to provide adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Provide adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles.



## **RECOMMENDATIONS FOR LUXEMBOURG**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Luxembourg has (made):

- Fully implemented the recommendation to continue with the process to adopt the reform on the powers of the future Council for the Judiciary.
- No further progress on continuing with the process to adopt the reform on making legal aid more accessible.
- Significant progress on ensuring adequate resources for the prosecution services dealing with economic and financial crime.
- Some progress on continuing to implement and evaluate the new legislation on lobbying the Parliament, including the transparency register.
- Some progress on reducing the time of processing of requests for disclosure of official documents, taking into account European standards on access to official documents.
- No further progress on improving the legislative decision-making process by providing wider possibilities for stakeholders to participate in public consultations.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Luxembourg to:

- Continue with the process to adopt the reform on making legal aid more accessible.
- Evaluate the implementation of the new legislation on lobbying the Parliament and the functioning of the transparency register and ensure that it meets the necessary transparency requirements set out in the Parliament's rules of procedures.
- Ensure the implementation of measures adopted in relation to the time of processing of requests for disclosure of official documents, taking into account European standards on access to official documents.
- Improve the legislative decision-making process by providing wider possibilities for stakeholders to participate in public consultations.

## **RECOMMENDATIONS FOR HUNGARY**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Hungary has (made):

- Fully implemented the recommendation to strengthen the role of the National Judicial Council, while safeguarding its independence, to effectively counter-balance the powers of the President of the National Office for the Judiciary.
- Fully implemented the recommendation to adapt the rules related to the Kúria to remove judicial appointments outside the normal procedure, to strengthen eligibility criteria for the Kúria President, and to strengthen control by judicial bodies over the Kúria President, taking into account European standards, and to remove the possibility of reviewing the necessity of preliminary references, in line with EU law requirements.
- No progress on adopting comprehensive reforms on lobbying and revolving doors, and some progress on strengthening the system of asset declarations, providing for effective oversight and enforcement.
- No progress yet on establishing a robust track record of investigations, prosecutions and final judgments for high-level corruption cases.
- No progress on introducing mechanisms to enhance the functional independence of the media regulator taking into account European standards on the independence of media regulators.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- No progress on adopting legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- No progress on removing obstacles affecting civil society organisations.

On this basis, and considering other developments that took place in the period of reference, in addition to recalling the obligation to comply with the rule of law-related rulings of the ECJ and the rule of law-related infringement procedures referred to in the country chapter, the concerns raised under the conditionality regulation, the relevant concerns raised in the Article 7 TEU procedure initiated by the European Parliament, the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system, the anti-corruption framework and the checks and balances, and recalling the relevant country-specific recommendations under the European Semester, it is recommended to Hungary to:

- Improve the transparency of case allocation systems in lower-instance courts, taking into account European standards on case allocation.
- Adopt comprehensive reforms on lobbying and revolving doors, and further improve the system of asset declarations, providing for effective oversight and enforcement.
- Establish a robust track record of investigations, prosecutions and final judgments for high-level corruption cases.
- Introduce mechanisms to enhance the functional independence of the media regulator taking into account European standards on the independence of media regulators.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Foster a safe and enabling civic space and remove obstacles affecting civil society organisations, including by repealing legislation that hampers their capacity of working, in particular the immigration tax.

## **RECOMMENDATIONS FOR MALTA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Malta has made:

- No progress on addressing the need for involvement of the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments and the opinion of the Venice Commission.
- Some progress on strengthening efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Some progress on addressing challenges related to the length of investigations of high-level corruption cases; and no progress on establishing a robust track record of final judgments.
- Some progress on advancing with the introduction of legislative and other safeguards to improve the working environment of journalists and no further progress on access to official documents, taking into account European standards on the protection of journalists.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- No progress on re-launching efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Malta to:

- Take steps to address the need for involvement of the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments and the opinion of the Venice Commission.
- Further strengthen efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Step up measures to address challenges related to the length of investigations of high-level corruption cases, including by establishing a robust track record of final judgments.
- Adopt legislative and other safeguards to improve the working environment of journalists, including on access to official documents, taking into account European standards on the protection of journalists and on access to official documents.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Take measures to establish a National Human Rights Institution taking into account the UN Paris Principles.
- Introduce a framework for public participation in the legislative process.

## **RECOMMENDATIONS FOR THE NETHERLANDS**

Overall, concerning the recommendations in the 2022 Rule of Law Report, the Netherlands has made:

- Some progress on continuing to improve the level of digitalisation of the justice system, in particular as regards publication of judgments and digital solutions for court proceedings
- Some progress on completing the revision of rules on revolving doors involving former ministers and state secretaries, including a two-year cooling-off period and restrictions on paid activities
- Significant progress on adopting a Code of Conduct for ministers and state secretaries including rules on gifts, secondary activities and lobbying, as well as effective monitoring and sanctioning.
- Some progress on continuing efforts to ensure a comprehensive follow-up to the childcare allowances affair to address the potential structural issues, involving all relevant state authorities.

On this basis, and considering other developments that took place in the period of reference, it is recommended to the Netherlands to:

- Continue efforts to improve the level of digitalisation of the justice system, in particular as regards the publication of judgments.
- Complete the revision of rules on revolving doors involving former ministers and state secretaries, including a two-year cooling-off period and restrictions on paid activities.
- Establish stricter transparency rules on lobbying for members of the Government and Parliament.
- Further continue the comprehensive follow-up to the childcare allowances affair, involving all relevant state authorities, building also on the work of the State Commission on the Rule of Law.

## **RECOMMENDATIONS FOR AUSTRIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Austria has (made):

- No further progress on continuing the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution
- Fully implemented the recommendation to address the need for involvement of the judiciary in the procedures for appointment of the president and vice-president of the Supreme Court and made no progress on addressing the need for involvement of the judiciary in the procedures for appointment for court presidents of administrative courts taking into account European standards on judicial appointments and the selection of court presidents.
- Fully implemented the recommendation to finalise the legislative revision of the political party financing rules including to empower the Austrian Court of Audit (ACA) to audit political party finances.
- No progress yet on introducing effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Some progress on reforming the framework for the allocation of state advertising by public authorities at all levels, in particular to improve transparency of its distribution, with no progress on the fairness of its distribution.
- No progress on advancing with the reform on access to official information taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Austria to:

- Take forward the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution.
- Address the need for involvement of the judiciary in the procedures for appointment of court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- Introduce effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Adopt legislation to strengthen the framework on lobbying, including on its scope, supervision and enforcement.
- Take further steps to reform of the framework for the allocation of state advertising by public authorities at all levels, in particular to improve the fairness of its distribution.
- Advance with the reform on access to official information taking into account the European standards on access to official documents.

## **RECOMMENDATIONS FOR POLAND**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Poland has made:

- No progress on separating the function of the Minister of Justice from that of the Prosecutor-General and some progress on ensuring functional independence of the prosecution service from the Government.
- No progress on strengthening the existing integrity rules by introducing lobbying rules and a standardised online system for asset declarations of public officials and Members of Parliament.
- No progress on ensuring independent and effective investigations and prosecutions, address the broad scope of immunities for top executives and abstain from introducing impunity clauses in legislation in order to enable a robust track record of high-level corruption cases.
- No progress on ensuring that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- No progress on ensuring a more systematic follow-up to findings by the Supreme Audit Office and ensure a swift appointment of the College Members of the Supreme Audit Office.
- Some progress on improving the framework in which the Ombudsperson operates, taking into account European standards on Ombudsinstitutions, and no progress on improving the framework in which civil society operates, taking into account European standards on civil society.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the need to address the remaining serious concerns relating to judicial independence, in particular those set out in the Article 7 TEU procedure initiated by the Commission, as well as the obligation to comply with the rule of law related rulings of the ECJ and the rule of law related infringement procedures referred to in the country chapter, the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system and the checks and balances, and recalling the relevant country-specific recommendations under the European Semester, it is recommended to Poland to:

- Separate the function of the Minister of Justice from that of the Prosecutor-General and continue efforts to ensure functional independence of the prosecution service from the Government.
- Strengthen the existing integrity rules by introducing lobbying rules and a standardised online system for asset declarations of public officials and Members of Parliament.
- Ensure independent and effective investigations and prosecutions, address the broad scope of immunities for top executives and abstain from introducing impunity clauses in legislation in order to enable a robust track record of high-level corruption cases.
- Ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Ensure a more systematic follow-up to findings by the Supreme Audit Office and ensure, as a matter of urgency, the appointment of the College Members of the Supreme Audit Office in order to ensure its effective functioning.
- Improve the framework in which civil society operates and continue such efforts regarding the Ombudsperson, taking into account European standards on civil society and Ombudsinstitutions.

## **RECOMMENDATIONS FOR PORTUGAL**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Portugal has made:

- Some progress on continuing the efforts to ensure adequate human resources of the justice system and to improve its efficiency, in particular of Administrative and Tax Courts, and full implementation regarding the finalisation of the legislative framework for the functioning of the High Council for Administrative and Tax Courts.
- Significant progress on continuing the efforts to strengthen the transparency of allocation of cases.
- Some progress on ensuring sufficient resources for preventing, investigating and prosecuting corruption and significant progress on ensuring the swift operationalisation of the New Anti-Corruption Mechanism.
- Some progress on ensuring the start of operations of the Transparency Entity in view of effective monitoring and verification of asset declarations.
- Significant progress on continuing the reforms to improve the transparency of law-making, particularly on the implementation of impact assessment tools.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Portugal to:

- Continue efforts to ensure adequate human resources of the justice system, in particular regarding non-judicial staff, and to improve its efficiency, in particular of Administrative and Tax Courts.
- Continue efforts to strengthen the transparency of allocation of cases, in particular by monitoring the implementation of the new rules on electronic allocation.
- Continue efforts made to ensure sufficient resources for preventing, investigating and prosecuting corruption, including for the new Anti-Corruption Mechanism.
- Ensure the effective monitoring and verification of asset declarations by the Transparency Entity.
- Finalise the reforms to improve the transparency of law-making, particularly on the implementation of impact assessment tools.

## **RECOMMENDATIONS FOR ROMANIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Romania has made:

- Significant progress on ensuring that the revision of the Justice Laws reinforces safeguards for judicial independence, including to reform the disciplinary regime for magistrates, and some progress on taking measures to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, taking into account European standards and relevant Venice Commission opinions.
- No progress on introducing rules on lobbying for Members of Parliament.
- Significant progress on addressing the operational challenges of the National Anti-Corruption Directorate, including as regards recruitment of prosecutors, and some progress in closely monitoring the impact of the new system on investigating and prosecuting corruption offences in the judiciary.
- No progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- No progress on ensuring effective public consultation before the adoption of draft legislation.
- No progress on continuing efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, the anti-corruption framework and the legislative process, it is recommended to Romania to:

- Complete the process initiated in view of taking into account the recommendations contained in the opinion of the Venice Commission on the Justice Laws, in particular by finalising the assessment being carried out by the panel of high-level experts.
- Take measures, in particular at an operational level, to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences, taking into account European standards.
- Continue efforts to ensure adequate human resources for the justice system, including for the prosecution services, taking into account European standards on resources for the justice system.
- Introduce, without further delay, rules on lobbying for Members of Parliament.
- Step up efforts to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- Step up efforts to ensure effective public consultations before the adoption of legislation.
- Step up efforts to obtain the accreditation of a National Human Rights Institution taking into account the UN Paris Principles.



## **RECOMMENDATIONS FOR SLOVENIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Slovenia has (made):

- Some progress on ensuring that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Fully implemented the recommendation on removing obstacles to the investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitation.
- Some progress as regards adopting and start implementing without further delay the anti-corruption strategy.
- Fully implemented the recommendation on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Some progress on establishing non-legislative safeguards and no progress on establishing legislative safeguards to protect journalists, particularly online, taking into account European standards on the protection of journalists.
- Fully implemented the recommendation on ensuring requisite safeguards for budgetary autonomy of the independent bodies.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Slovenia to:

- Take forward the process to ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Ensure that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence.
- Take measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system.
- Adopt the new anti-corruption strategy and action plan with concrete measures and a timeframe for their implementation and step up efforts to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases.
- Take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, particularly online, taking into account European standards on the protection of journalists.

## **RECOMMENDATIONS FOR SLOVAKIA**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Slovakia has made:

- No progress yet on ensuring that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- No progress on ensuring that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Some progress towards strengthening the legislation on conflicts of interest and asset declarations and no progress on introducing proposals to regulate lobbying.
- No progress on improving the coordination among the different law enforcement entities and some progress to ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Some progress on advancing with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.

On this basis, in addition to recalling the commitments made under the National Recovery and Resilience Plan, relating to certain aspects of the justice system, it is recommended to Slovakia to:

- Introduce measures to ensure that the members of the Judicial Council, notably those not elected by judges, are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- Ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Introduce proposals to regulate lobbying and to strengthen the legislation on conflicts of interest and asset declarations.
- Take measures to improve the coordination among the different law enforcement entities and ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Continue with the process of strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- Ensure effective public consultation and stakeholder involvement in the law-making process.

## **RECOMMENDATIONS FOR FINLAND**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Finland has (made):

- Fully implemented the recommendation to continue developing initiatives by the National Courts Administration to support the work of courts.
- Some progress on continuing to strengthen the criminal legal framework on corruption, in particular, by the adoption of legislation on trading in influence.
- Significant progress on continuing efforts to implement the new National Anti-corruption Strategy and Action Plan 2021-2023, including by starting the implementation of all planned measures.
- Some progress on continuing the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Finland to

- Continue to follow-up on the report on the assessment and future development trends of the court system, including the reform of the appointment of lay judges, taking into account European standards on judicial independence.
- Adopt legislation on trading in influence and continue to take steps to propose a revision on the criminal offence of foreign bribery.
- Strengthen the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them.
- Advance with the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

## **RECOMMENDATIONS FOR SWEDEN**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Sweden has (made):

- Fully implemented the recommendation to continue the work of the Committee of Inquiry on strengthening the protection of democracy and the independence of the judiciary, taking into account European standards on judicial independence.
- Some progress on the evaluation of the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the Government.
- Some progress on strengthening the fight against foreign bribery, including through amending existing legal definitions and improving on prosecution and final judgments of cases.
- Some progress on ensuring that on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Sweden to:

- Ensure that the nomination system of lay judges safeguards their independence, taking into account European standards on judicial independence.
- Evaluate the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the Government.
- Strengthen the fight against foreign bribery, by amending the existing legal definitions to improve on the prosecution of, and final judgments in foreign bribery cases.
- Continue efforts to ensure that the on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.