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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**

**2024 Rule of Law Report**

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

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## 1. INTRODUCTION

The rule of law is an essential safeguard for the well-functioning of our democracies, the protection of individual rights, and hence for the vitality and prosperity of our societies and economies. The rule of law, democracy and fundamental rights are the foundation for the European Union's work to foster peace, prosperity, competitiveness, social cohesion and stability across the continent and around the world. These values, which are common to the Member States<sup>1</sup>, often come under pressure, with the resilience of democratic societies and institutions constantly put to the test. In the face of great change – whether the crises of COVID-19 or the Russian war of aggression against Ukraine, or the twin green and digital transitions – the EU's values are as central as ever to the confidence of citizens.

The EU has increasingly recognised that a proactive approach to promote and defend the rule of law is at the heart of its success<sup>2</sup>. This is overall in line with EU citizens' views and expectations. In a recent Eurobarometer survey, 74% of respondents think that the EU plays an important role in upholding the rule of law and 89% believe that it is important for all EU Member States to respect the EU's core values<sup>3</sup>.

Every year since 2020, the Rule of Law Report, by systematically and objectively examining rule of law developments in all Member States, has shown that the rule of law matters to citizens and businesses across the EU. Five years on, the preparedness of Member States, and of the EU as a whole, to detect, prevent and address emerging challenges has greatly improved. This benefits the resilience of our European democracies and mutual trust in the EU, as well as the proper functioning of the EU's single market, promoting a business environment that fosters competitiveness and sustainable growth.

The EU is committed to promoting the rule of law as a cornerstone of human rights and democracy globally and in its neighbourhood<sup>4</sup>. Beyond the clear economic and security benefits of a larger Union a key goal of EU enlargement is to firmly anchor democracy, the rule of law, respect of fundamental rights across our continent<sup>5</sup>. The inclusion of certain enlargement countries<sup>6</sup> in the 2024 Rule of Law Report, alongside Member States, will support these countries' reform efforts to achieve irreversible progress on democracy and the rule of law ahead of accession, and to guarantee that high standards will continue after accession.

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<sup>1</sup> Article 2 of the Treaty on European Union.

<sup>2</sup> Rule of law toolbox at EU level. [https://ec.europa.eu/info/sites/info/files/rule\\_of\\_law\\_factsheet\\_1.pdf](https://ec.europa.eu/info/sites/info/files/rule_of_law_factsheet_1.pdf).

<sup>3</sup> Special Eurobarometer 553 on Rule of Law (2024).

<sup>4</sup> See EU Action Plan for Human Rights and Democracy 2020-2024 JOIN(2020) 5 final.

<sup>5</sup> Commission Communication on pre-enlargement reforms and policy reviews, COM(2024) 146 final.

<sup>6</sup> Albania, Montenegro, North-Macedonia and Serbia. The selection reflects the progress made in their respective accession process or advancement as regards their level of preparedness on rule of law.

## 2. UPHOLDING THE RULE OF LAW FOR THE BENEFIT OF CITIZENS AND BUSINESSES

Over the past five years, the Commission has worked to build a rule of law architecture to help counter the risk that falling short on the rule of law poses to individual Member States, and to the EU as a whole<sup>7</sup>.

The goal of this work has been to **promote** a rule of law culture, to **prevent** rule of law problems from emerging or deepening, and to **respond** effectively at EU level to serious and persistent challenges. This called for a **diversification of the rule of law instruments** that could be used at EU level, so that action can be calibrated to best effect<sup>8</sup>.

The rule of law architecture and improved knowledge that has emerged around the Rule of Law Report, along with the reform momentum in Member States, has bolstered mutual trust and shaped a better shared understanding of how to cultivate an environment in which the rule of law can thrive.

In addition, since 2020, several new EU initiatives have raised common standards in areas with direct relevance for the rule of law, drawing on the results of the monitoring in the context of this report. These initiatives will boost **integrity**<sup>9</sup> and step up the **fight against corruption**<sup>10</sup>, strengthen **transparency and accountability in decision-making processes**<sup>11</sup>, boost **capacity and the quality of public administrations** at all levels<sup>12</sup>, protect **media freedom and media pluralism**<sup>13</sup> both online and offline, strengthen **independent authorities such as national equality bodies**<sup>14</sup>, and **promote and protect an enabling civic space**<sup>15</sup> where citizens as well as an active and independent civil society benefit from the right conditions and tools for meaningful participation and engagement.

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<sup>7</sup> The 2019 Communication from the Commission on Further strengthening the Rule of Law within the Union set out how “if the rule of law is not properly protected in all Member States, the Union’s foundation stone of solidarity, cohesion, and the trust necessary for mutual recognition of national decisions and the functioning of the internal market as a whole, is damaged” (COM (2019) 164).

<sup>8</sup> The European Court of Auditors called for a stronger overview of the different rule of law instruments ([ECA review on the rule of law reporting](#)).

<sup>9</sup> [Agreement establishing an interinstitutional body for ethical standards for members of institutions and advisory bodies](#).

<sup>10</sup> A package on the fight against corruption (JOIN (2023) 12 final) included a proposal for a new Directive on combating corruption by criminal law COM (2023) 234 and a proposal from the High Representative to expand the CFSP sanctions toolbox to cover serious acts of corruption (HR(2023)108).

<sup>11</sup> Proposal on Transparency of Interest Representation on behalf of Third Countries (COM(2023) 637).

<sup>12</sup> The Communication on Enhancing the European Administrative Space (ComPAct) (COM(2023) 667) sets out a framework for Member States to upskill public experts and leverage technology to tackle good governance, justice efficiency and corruption challenges.

<sup>13</sup> Regulation (EU) 2024/1083 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) and Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (‘Strategic lawsuits against public participation’). Work continues on the 2021 Recommendation on the safety of journalists (C(2021)6650, 16 September 2021) and the proposals protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (‘Strategic lawsuits against public participation’, C(2022)2428, 27 April 2022).

<sup>14</sup> Directive (EU) 2024/1500 on standards for equality bodies and Council Directive (EU) 2024/1499 on standards for equality bodies.

<sup>15</sup> Commission Recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes (C(2023) 8627).

### *The Rule of Law Report at the centre of the EU rule of law architecture*

In 2019, when setting up the new College of Commissioners, President von der Leyen placed the rule of law at the top of the political agenda and set the **Rule of Law Report** as one of the core political guidelines for the current mandate, a commitment she has vowed to strengthen further in the next five years.

Designed as a yearly cycle, the report focuses on prevention by improving awareness of key rule of law developments. In identifying the challenges, it seeks to help Member States to find solutions that protect the rule of law, working with the Commission, other Member States, and key stakeholders such as the Venice Commission<sup>16</sup>. The report has become a central instrument in the EU rule of law toolbox, and a key reference point at EU and national level. Its dedicated monitoring has brought about a stronger common understanding of developments in each Member State, helping to identify risks, develop possible solutions, and target support early on.

Every year, the report **takes stock of the rule of law situation in every Member State and the EU as a whole**, assessing in a structured and rigorous way significant national developments, both positive and negative, in four key areas: **justice, anti-corruption, media pluralism and freedom; and institutional checks and balances**. With its transparent and objective methodology, based on recognised rule of law standards, the report ensures fair and equal treatment of all Member States while also taking specific national contexts and legal traditions into account.

Since 2022, the report includes **specific recommendations** to Member States to better support their efforts in taking forward reforms and to identify where improvements or follow-up action may be needed. In 2023, almost 65% of the first set of specific recommendations, issued in 2022, had been followed up, reflecting a positive reform dynamic across the EU. In 2024, this trend continued with 68% of the 2023 recommendations followed up<sup>17</sup>.

This shows that important efforts are being made by Member States to address the recommendations made in the report. At the same time, depending on their nature and subject matter, some recommendations can take longer to be addressed than the annual cycle of these reports. For example, this could be due to the need for extensive political and stakeholder consultations, or the fact that electoral cycles can interrupt the progress of legislation. The report and its recommendations also provide a focus for monitoring the situation on the ground, as well as the results of reforms.

### *Dialogue and follow-up to the Rule of Law Report at national and EU level*

The report and its recommendations are the keystone for continuous **dialogue** with and among Member States. This has included intensified contacts between the Commission and Member States, including national parliaments whose role as lawmakers and in holding the executive accountable is central to upholding the rule of law. Regular meetings of the **EU**

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<sup>16</sup> COM (2020) 580 final.

<sup>17</sup> There was found to be significant progress or full implementation on almost 20% of recommendations, and some progress on 50% of the recommendations. No progress was noted on the remainder.

**Network of Rule of Law contact points** serve as a forum for sharing experience on issues of common interest highlighted by the rule of law reports<sup>18</sup>.

The report has evolved into a centrepiece for EU institutions' work on the rule of law. The **Annual Rule of Law dialogue** in the Council<sup>19</sup> draws on the Commission's rule of law report as its basis, recognised as creating a space for constructive political exchanges among Member States and for sharing best practice and lessons learned. In 2023, the Council positively evaluated its dialogue and looked to increasing its frequency<sup>20</sup>. In addition, the Justice Council continued to discuss topical rule of law questions during each six-month Council Presidency<sup>21</sup>. Rule of law issues are also relevant to the work of other Council formations, as shown in the May 2024 discussion on the promotion of a rule of law culture through education in the Education Council.

The **European Parliament's** depth of interest has been shown not only in annual debates on the Rule of Law Reports, but also in country-specific debates and dedicated public hearings on democracy, the rule of law and fundamental rights<sup>22</sup>. A new Democracy, Rule of Law and Fundamental Rights Monitoring Group offered an additional focus.

The report also helped to stimulate the wider debate on the rule of law. Examples include the second High-level conference of the Presidents of the highest constitutional jurisdictions of the EU in November 2023<sup>23</sup>. In January 2024, the 13th Direct Dialogue between EU Capital Cities and the Commission was dedicated to the rule of law, with participating mayors discussing the local dimension of the four pillars of the report<sup>24</sup>. The European Court of Auditors has contributed to the further reflection on the report, publishing a review of the Commission's rule of law reporting in February 2024<sup>25</sup>.

The report has also acted as a catalyst for a stronger involvement of **civil society and stakeholders** in rule of law matters. Civil society organisations and human rights' defenders play an important role in both stimulating and protecting the values and rights enshrined in the EU treaties and the Charter of Fundamental Rights, helping to foster the rule of law on the ground. Civil society organisations and professional associations representing groups such as judges, prosecutors or journalists submit significant contributions to the report each year. Civil society organisations have also made valuable recommendations on how to improve the

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<sup>18</sup> [Network of national contact points on the rule of law \(europa.eu\)](#). Over the last year, exchanges on good practices included on Ombudspersons and National Human Rights Institutions, case allocation systems and technical support instruments for reforms in both the Member States and enlargement countries.

<sup>19</sup> In this context, the General Affairs Council held a horizontal discussion on general rule of law developments in September 2023, and country-specific discussions in October 2023 and January and May 2024.

<sup>20</sup> Evaluation of the Council's rule of law dialogue – [Presidency conclusions](#). The evaluation formalised the Rule of Law Report as the basis for the annual dialogue.

<sup>21</sup> In March 2024, the Justice Council discussed the resilience of the justice system when dealing with criminal organisations in a state governed by the rule of law. In October 2023, the discussion in the Justice Council focused reinforcing the efficiency and quality of national justice system.

<sup>22</sup> European Parliament resolution of 28 February 2024 report on the Commission's 2023 Rule of Law report (2023/2113(INI)), P9\_TA(2024)0108, as well as dedicated plenary debates on Malta (19 October 2023), Slovakia (17 January 2024), Greece (7 February 2024), and Hungary (24 April 2024).

<sup>23</sup> Participants included the Court of Justice of the European Union and the European Court of Human Rights.

<sup>24</sup> Following the Dialogue, the EU Capital Cities shared a position paper as a contribution to the 2024 Rule of Law Report, including a call for more attention to be paid to the local dimension of the rule of law and for additional EU funding to be made available for local educational initiatives in this area.

<sup>25</sup> [ECA 2024 review on the rule of law reporting](#).



preparation process for the reports, leading to an extension of the stakeholder consultation period and increased transparency<sup>26</sup>.

The Commission has continued to organise **national rule of law dialogues** together with the Fundamental Rights Agency, bringing together different national stakeholders at national level and seeking to include them more closely in the follow-up to the Rule of Law Reports. They offer valuable opportunities for the Commission and national authorities to gather civil society perspectives, convene diverse stakeholders, and explore collaborative approaches for implementing the recommendations<sup>27</sup>.

### *Support for rule of law reforms*

Effective justice systems, the fight against corruption, and good lawmaking all have direct economic relevance, with a bearing on investment, growth and jobs, and therefore on the well-functioning of the single market. The rule of law and good governance are cornerstones for the proper functioning of the internal market, as well as for a healthy business environment, for the sustainability of public finances, and for effective structural reforms. As such, they are part of the **European Semester** and its country-specific recommendations.

Several Member States included specific rule of law measures and related milestones and targets in their national **recovery and resilience plans (RRPs)**, which aim to address relevant country-specific recommendations. This has helped to galvanise important reforms in justice systems, the fight against corruption and the overall transparency and inclusiveness of the law-making process<sup>28</sup>. In particular, Member States have adopted measures to strengthen judicial independence, such as by reforming the disciplinary regime for magistrates, as well as improving the efficiency of judicial systems, for instance through reforming the structure of courts. In line with commitments in their plans, some Member States have also stepped up the fight against corruption, for example by strengthening the institutions dedicated to combatting corruption. Member States have also been implementing measures to improve the quality of the legislative process, for instance introducing a mandatory use of public consultations and impact assessments. In certain cases, these RRP commitments were deemed indispensable in protecting the EU's financial interests, with their satisfactory fulfilment conditioning access to any disbursement under the Recovery and Resilience Facility.

Other **EU funding** has also helped to build the capacity of the judiciary, media and civil society in upholding the rule of law, alongside technical support and expertise for targeted reforms, notably through the Technical Support Instrument, focusing on improving the efficiency and quality of public administration and justice and addressing anti-corruption and media pluralism challenges<sup>29</sup>. This has also been supported in Member States through their cooperation with **international expertise** through the Council of Europe and its different bodies<sup>30</sup>, as well as through exchanges with practitioners from other Member States.

### *An increased capacity to respond to rule of law problems*

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<sup>26</sup> Notably in advance of country visits [2024 Rule of Law Report - European Commission \(europa.eu\)](https://european-council.europa.eu/media/en/press-articles/detail/14444).

<sup>27</sup> For further information see: [National rule of law dialogues - European Commission \(europa.eu\)](https://european-council.europa.eu/media/en/press-articles/detail/14444).

<sup>28</sup> See the [Commission Report on the Implementation of the Recovery and Resilience Facility: Moving forward \(COM\(2023\) 545\)](https://european-council.europa.eu/media/en/press-articles/detail/14444).

<sup>29</sup> Other programmes offering important support include the Citizens, Equality, Rights and Values programme, and Creative Europe.

<sup>30</sup> Notably the Venice Commission and the Group of States Against Corruption (GRECO).

As a complement to developing the rule of law toolbox on prevention and on creating rule of law reform incentives, the EU has also increased its capacity to respond to rule of law problems.

The Commission has continued to exercise its role as guardian of the EU treaties<sup>31</sup>. Where necessary, it has launched **infringement procedures** to address specific breaches of the rule of law. Judicial independence has been at the heart of an important body of case-law that the Court of Justice of the European Union (CJEU) has developed in cases initiated by the Commission's infringement procedures and by requests for preliminary rulings from national courts.

The **general regime of conditionality** for the protection of the Union budget came into force in 2021 to protect the sound financial management of the EU budget and the EU financial interest from breaches of the principle of the rule of law<sup>32</sup>. The Commission closely monitors the situation in all Member States and takes action where needed. In 2022, the Commission initiated a procedure to protect the EU budget from breaches of the principles of the rule of law in Hungary<sup>33</sup>. On a proposal by the Commission, the Council decided on budgetary protective measures in December 2022<sup>34</sup>. While the implementation of some remedial measures put forward in response to the conditionality procedure is ongoing, important shortcomings remain and no new measures were adopted by Hungary to remedy the outstanding concerns. Therefore, on 13 December 2023, the Commission concluded that the measures adopted by the Council a year earlier should remain in place. The Commission is ready to continue engaging with Hungary to resolve the remaining concerns<sup>35</sup>.

Another instrument that has encouraged reforms supporting Member States in the application of the **Charter of Fundamental Rights** is the **horizontal enabling condition** under the Common Provisions Regulation (Charter HEC). Member States are required to put in place effective mechanisms to ensure compliance with the Charter at all stages when implementing EU programmes<sup>36</sup>. This includes compliance with the Charter right to an effective remedy and fair trial by an independent and impartial tribunal. This tool has demonstrated its effectiveness in practice, as so far, there have been two cases where the Commission released EU funding only after the Member States concerned had implemented the reforms considered necessary to fulfil the horizontal enabling condition as regards judicial independence.

Finally, the **Article 7(1) TEU** procedure, which allows the Council to determine the existence of a clear risk of a serious breach of the EU's values and to follow up on such risks,

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<sup>31</sup> The 2022 Communication 'Enforcing EU law for a Europe that delivers' underlined that the EU is a community of law, based on common values shared by Member States, with applying and enforcing EU law and respect for the rule of law at its core (COM(2022) 518).

<sup>32</sup> In January 2024, the Commission reported on the operation of the regulation establishing the general regime of conditionality and concluded that the measures adopted until that moment had proved effective in protecting the EU financial interests (COM (2024) 17 final/2).

<sup>33</sup> On 27 April 2022, the Commission launched for the first time the step of the procedure established under Article 6(1) of the Conditionality Regulation.

<sup>34</sup> Council Implementing Decision (EU) 2022/2506 of 15 December 2022.

<sup>35</sup> Commission Decision C(2023)8999 final of 13 December 2023. Under the Conditionality Regulation, Hungary may submit further remedial proposals and if the Commission considers that the issues have been remedied partly or in full, it submits to the Council a proposal to adapt or lift the adopted measures.

<sup>36</sup> The Common Provisions Regulation (CPR) governs three cohesion policy funds, one maritime, fisheries and aquaculture fund, and three home affairs funds all under shared management. The Charter HEC also requires that Member States have a strong complaints mechanism in place.



has continued in the Council. Article 7 TEU<sup>37</sup> is an exceptional tool that the EU can use to address the most serious rule of law failings in a Member State. So far, the procedure has been triggered twice: first by the Commission in respect of Poland in December 2017<sup>38</sup>, and then by the European Parliament in respect of Hungary in September 2018<sup>39</sup>. Under both procedures, the Council held several formal hearings and state of play sessions, without however taking a decision to take either procedure to the next stage<sup>40</sup>. Following a series of positive developments in Poland, the Commission concluded in May 2024 that the conditions for maintaining the procedure no longer existed. The Polish authorities adopted an Action Plan to address the issues of judicial independence covered in the Commission's reasoned proposal of December 2017, and which the Commission will use in its monitoring<sup>41</sup>. Considering that there is no longer a clear risk of a serious breach of the rule of law by Poland, the Commission withdrew its reasoned proposal so that the procedure against Poland is now closed. Monitoring of the rule of law developments will continue as part of the Rule of Law Report.

Additional safeguards exist also in other instruments. Under the **Recovery and Resilience Facility**, the Commission closely monitors compliance with the milestones, and it can suspend part of future payments if a milestone or target that has been previously positively assessed would be reversed<sup>42</sup>. If the reversed measure is relevant for the protection of the EU's financial interest, all future payments would be blocked, and could be unblocked only upon re-fulfilment. Under the Common Provisions Regulation, **horizontal and thematic enabling conditions** must be fulfilled throughout the entire programming period. If, at any point, a Member State is no longer fulfilling an enabling condition that had been previously positively assessed, a new assessment could result in a blocking of EU payments.

#### *Rule of law at the core of the enlargement process and engagement with external partners*

Russia's unprovoked and unjustified military aggression against Ukraine and its people, now in its third year, is also a direct attack on EU values. The EU's resolve to uphold the rule of law and the international rules-based order has only increased in the face of Russia's war of aggression. Safeguarding and upholding our democratic institutions and values is a shared responsibility of Member States and EU institutions. This is all the more important now that the EU and its Member States are threatened by hostile foreign actors using disinformation and cyber-attacks trying to undermine our democracies and that there is increasing evidence of direct foreign interference in our democratic structures<sup>43</sup>. Countries in the neighbourhood and the Western Balkans are also targets of attempts at interference by Russia, with disinformation and anti-democratic and anti-EU rhetoric being a particular concern.

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<sup>37</sup> Article 7 TEU sets out the conditions under which the Council may determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2; the European Council may determine the existence of such a serious and persistent breach; and the Council may then determine the action to be taken in terms of suspension of the rights of a Member State under the Treaties.

<sup>38</sup> Proposal for a Council Decision (COM(2017) 835, 20.12.2017).

<sup>39</sup> European Parliament resolution of 12 September 2018 (2017/2131(INL)).

<sup>40</sup> Seven formal hearings have taken place so far as regards Hungary. As regards Poland, six hearings took place before the withdrawal of the Commission's proposal.

<sup>41</sup> See also country chapter on Poland (SWD (2024) 821).

<sup>42</sup> Report from the Commission on the implementation of the Recovery and Resiliency Facility: Moving forward (COM(2023) 545).

<sup>43</sup> Cases include lawmakers hacked ahead of elections, covert lobbying via proxies, fake research issued to whitewash human rights records, and websites purporting to be independent media platforms while covertly facilitating political interference campaigns. See Communication from the Commission on Defence of Democracy, COM(2023)630.

Consolidating democratic structures, upholding the rule of law and protecting fundamental rights is at the heart of the EU's engagement with enlargement countries. **Credible and sustainable reforms** in these areas are crucial for progressing towards accession. They are defined as the "fundamentals" of EU enlargement policy<sup>44</sup>. The revised enlargement methodology approved by the Council in 2020<sup>45</sup> reinforced the centrality of the fundamentals, as the first matters to be addressed in the accession negotiations and the last to be closed, with progress on the fundamentals key for overall progress in the negotiations. This means they are monitored throughout the overall accession process and determine the momentum of countries on their path towards accession.

The Commission's **annual Enlargement package** takes stock of each country's overall progress on their path towards accession. Based on the principle of own merits, only with tangible and continuous progress on the rule of law can the Commission recommend moving forward in the negotiations with each country. The rule of law is also an essential element of the new **Western Balkans Reform and Growth Facility** and the **Ukraine Facility**. To fully benefit from these two unprecedented support mechanisms, countries need to prepare and implement an agreed reform agenda, including concrete steps on the fundamentals.

As of 2024, as announced by President von der Leyen in the 2023 State of the Union address, the Commission decided to extend **participation in the Rule of Law Report** to complement the work under accession process, which remains the exclusive setting for enlargement negotiations<sup>46</sup>. **Albania, Montenegro, North Macedonia and Serbia** now participate in the Rule of Law Report and the EU Network of Rule of Law contact points, reflecting the progress made in their respective accession process or advancement as regards their level of preparedness on rule of law. This approach will enable an extension to other enlargement countries in the future. The inclusion of these countries alongside Member States will strengthen EU support for rule of law reforms, support their accession process and help maintain a sustainable pattern of high standards after accession.

To ensure that reforms are implemented in practice, capacity building is crucial. The EU provides **financial support and technical assistance** to ensure that reforms are aligned with European standards. It encourages best practices, including consulting important legislation with the Venice Commission. Peer reviews, training of justice professionals, and promoting institutional cooperation with public administrations in Member States (twinning) have been key forms of EU support in enlargement countries.

The EU is taking a strong and consistent approach in its entire external action, at bilateral, regional and international level, in order to promote the rule of law around the world. Upholding the rule of law is at the core of the EU's external engagement and one of the foundations of all EU agreements with international partners. An independent evaluation of the EU's support to the rule of law and anti-corruption in partner countries (2010-2021)<sup>47</sup> concluded that the EU had succeeded in advancing the rule of law agenda, including in

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<sup>44</sup> Together with economic criteria and public administration reform.

<sup>45</sup> Communication from the Commission on 'Enhancing the accession process - A credible EU perspective for the Western Balkans', COM(2020) 57.

<sup>46</sup> Synergies between the enlargement process and the Rule of Law Report will be ensured and there are no recommendations issued for Enlargement countries in the Rule of Law Report. Recommendations will continue to be issued in the annual Enlargement Package, as well as in the context of the other engagement foreseen under the Stabilisation and Association Agreements. The Rule of Law Report will support the implementation of those recommendations.

<sup>47</sup> The [evaluation](#) was published in December 2022. This strategic evaluation provides an independent and evidence-based assessment of the performance of the EU support to the rule of law in Partner Countries.

restrictive contexts and in fragile and conflict-affected states. Building on this evaluation, a Global Team Europe Initiative on Democracy has been launched to work more effectively and strategically on rule of law support and anti-corruption<sup>48</sup>. The EU also has a clear commitment to tackle corruption at the global level, supporting legal and policy reforms to build anti-corruption institutions and oversight bodies, and to strengthen civil society, whistleblowers, human rights defenders and independent media as watchdogs against corruption. Rule of law related issues, including the right to a fair trial and to due process, the fight against corruption, and the independence of the judiciary are regularly raised in human rights dialogues with partner countries, and the EU targets support towards key actors advancing the rule of law.

### 3. KEY ASPECTS OF THE RULE OF LAW SITUATION AT NATIONAL LEVEL

As in previous years, this 2024 Rule of Law Report sets out significant common themes and trends, specific challenges, and positive developments under the four pillars of justice systems, anti-corruption frameworks, media freedom and pluralism, and other institutional issues related to checks and balances. The examples given draw from the assessments to be found in the 31 country chapters, which are an integral part of this report and provide the detailed context for each Member State and participating enlargement country<sup>49</sup>. The report also includes specific recommendations to Member States<sup>50</sup> and assesses progress in implementing the specific recommendations issued last year<sup>51</sup>.

#### *Methodology of the Rule of Law Report and its recommendations*

The assessment in the country chapters for each Member State and enlargement country covered has been prepared in line with an established methodology used for previous editions of the report<sup>52</sup>. The country chapters rely on a qualitative assessment autonomously carried out by the Commission, focusing on a synthesis of significant developments since July 2023. In each country chapter, the analysis focuses in particular on topics where there have been significant developments, or where significant challenges have been identified in the previous report and persist during this reporting period. The analysis contains a qualitative assessment of the progress made by Member States towards implementing the 2023 recommendations<sup>53</sup>. The objective of the 2024 recommendations

<sup>48</sup> The Team Europe Democracy (TED) is a global thematic Team Europe Initiative (TEI) involving 14 Member States launched to promote democracy and human rights worldwide. Accountability and rule of law are key priority themes.

<sup>49</sup> The country chapters are available [here](#).

<sup>50</sup> The recommendations are referenced in footnotes throughout this report, listed in the Annex by order of the pillars in the country chapters and included in the individual country chapters.

<sup>51</sup> The assessments included in the country chapters do not prejudice any future assessment under the Recovery and Resilience Facility (Regulation (EU) 2021/241 of 12 February 2021), under the Common Provisions Regulation (Regulation (EU) 2021/1060 of 24 June 2021) or under the general regime of conditionality for the protection of the Union budget (Regulation 2020/2092 of 22 December 2020).

<sup>52</sup> The methodology is available [here](#).

<sup>53</sup> Depending on the progress made on the various subparts of each recommendation, and whether the recommendations were carried through from the 2022 report, the Commission concluded in each case using the following categories: no (further) progress, some (further) progress, significant progress, and full implementation. Depending on the stage of progress and the results achieved, recommendations from the 2023 Report are carried into this year's report, with adaptations as necessary.

continues to be to support Member States in their efforts to take forward reforms<sup>54</sup>. There are no recommendations for enlargement countries in this report; such recommendations are issued in the context of the annual Enlargement Package.

The report is the result of close collaboration with national authorities and relies on a variety of national, international and other sources<sup>55</sup>, as well as the Commission's own data gathering<sup>56</sup>. Member States and enlargement countries were invited to contribute, provide written input<sup>57</sup> and participate in dedicated country visits<sup>58</sup>. A targeted stakeholder consultation also provided valuable cross-cutting and country-specific contributions<sup>59</sup>. The Council of Europe also provided an overview of its recent opinions and reports<sup>60</sup>. Prior to the adoption of this report, national authorities have been given the opportunity to provide factual updates to their country chapter. In addition, the Commission - at political and at technical level - discusses the report, once published, with national authorities and governments, as well as with national Parliaments.

### **3.1 Justice systems**

Well-functioning, efficient and fully independent justice systems are crucial for the application and enforcement of EU and national law and upholding the rule of law. Judicial independence is integral to the task of judicial decision-making and stems from the principle of effective judicial protection<sup>61</sup>. Independent judges and courts guarantee the fairness of judicial proceedings and the protection of individual rights and are crucial for ensuring that justice works to the benefit of citizens and of businesses. They are also essential for judicial cooperation across the EU, which is a key objective in the area of freedom security and justice<sup>62</sup>. Access to independent courts and judicial review are fundamental to the rule of law<sup>63</sup>.

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<sup>54</sup> The principles on the basis of which the recommendations were prepared are the same as last year (see COM(2022) 500, p.3-4). The recommendations are without prejudice to any action proceedings the Commission may initiate under other legal instruments.

<sup>55</sup> The sources used to prepare this report include written input received from Member States, contributions received during the targeted stakeholder consultation, information produced by international organisations, and the input provided during country visits. These sources inform the Commission's assessment, but the Commission's conclusions remain its own responsibility.

<sup>56</sup> In particular, the EU Justice Scoreboard provides comparative and reliable data on the efficiency, quality and independence of justice systems in the EU Member States. Its aim is to assist the EU and Member States improve the effectiveness of their national justice systems. The Scoreboard also includes indicators for the judiciary's independence relating to the effectiveness of investment protection. The Scoreboard is gradually extending to present new data: in 2024, it included data on salaries of judicial and prosecutorial expert staff, on the length of proceedings in bribery cases and asset declaration systems, and the appointment and dismissal procedures for prosecutors. The Scoreboard is also an important source for European Semester country reports.

<sup>57</sup> Member States' input can be found [here](#).

<sup>58</sup> Information on the country visits can be found in the country chapters. During these country visits, held online, the Commission spoke to Member States' national authorities, including judicial and independent authorities, law enforcement, and other stakeholders, such as journalists' associations and civil society.

<sup>59</sup> Stakeholder input can be found [here](#).

<sup>60</sup> The Council of Europe input can be found [here](#).

<sup>61</sup> See Article 19 of the Treaty on European Union, and Article 47 of the Charter of Fundamental Rights.

<sup>62</sup> Article 3(2) of the Treaty on European Union.

<sup>63</sup> On 18 June 2024, the EU announced its decision to adhere to the 2023 OECD Recommendation on Access to Justice and people-centred justice systems. The Commission joined the 22 Member States that are members of the OECD in drafting the Recommendation and continues to work to take it forward.



Member States must fully respect the requirements set by EU law and the case-law of the Court of Justice of the EU (CJEU) and should also take European standards into account in the design of their justice systems. European judicial networks and associations<sup>64</sup> also help promote and uphold the rule of law, as they work on further developing European standards and make important contributions to the preparation of the Rule of Law Report.

### *Perceptions of judicial independence*

As set out in the 2024 EU Justice Scoreboard, Eurobarometer surveys conducted in 2024 show that the perception of independence among the general public and among companies, when compared to 2023, improved or remained stable in most Member States, including among countries which experienced systemic challenges<sup>65</sup>. Well-functioning and fully independent justice systems can have a positive impact on investment and are key for investment protection, and therefore contribute to growth and competitiveness. In [Denmark](#), [Finland](#), [Austria](#), [Sweden](#), [Luxembourg](#) and [Ireland](#), the level of perceived independence continues to be particularly high among the general public or companies (above 75%), while it remains very low in [Croatia](#), [Poland](#) and [Bulgaria](#) (below 30%). As regards enlargement countries, Eurobarometer results show relatively low levels of perceived independence.

### *Councils for the Judiciary and procedures for the appointment and dismissal of judges as key safeguards for judicial independence*

Procedures for the appointment and dismissal of judges and the powers and composition of Councils for the Judiciary are important in safeguarding judicial independence, based on the principles established by the CJEU.

Where established, Councils for the Judiciary are an important contributor to judicial independence<sup>66</sup> and can act as a buffer between the judiciary and the other branches of power in matters such as the appointment and career of judges or magistrates, as well as in the management of the justice system<sup>67</sup>. European standards have been developed by the Council of Europe on how the Councils for the Judiciary should be designed to best safeguard their independence, including as regards their composition<sup>68</sup>. To function effectively, Councils for the Judiciary need adequate resources and administrative independence.

Several Member States advanced legislative efforts to strengthen the independence and effectiveness of Councils for the Judiciary, in some cases following the 2023 recommendations. In [Luxembourg](#), the National Council for Justice was appointed and is becoming fully operational. In [Bulgaria](#), a constitutional reform changed the composition of the Supreme Judicial Council to align it with the European standards. In [Hungary](#), following

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<sup>64</sup> Such as the European Network of Councils for the Judiciary, the Network of the Presidents of the Supreme Judicial Courts of the European Union, the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, the Council of Bars and Law Societies of Europe and Council of Europe European Commission for the efficiency of justice (CEPEJ).

<sup>65</sup> Figures 51 and 53, 2024 EU Justice Scoreboard.

<sup>66</sup> The CJEU has recognised that where a Council for the Judiciary participates in an appointment process involving political bodies, it can contribute to making that process more objective, by circumscribing the discretion of political bodies, provided that it is sufficiently independent from the executive and legislative powers and from the body to which it is submitting an opinion. See for example judgment of 2 March 2021, *AB and Others (Appointment of judges to the Supreme Court – Actions)*.

<sup>67</sup> Key European standards have been developed by the Council of Europe on how the Councils for the Judiciary should be established to best safeguard their independence, including on their composition, see in particular Recommendation CM/Rec(2010)12 of the Council of Europe.

<sup>68</sup> See in particular Recommendation CM/Rec(2010)12 of the Council of Europe.

legislative reform in 2023, the National Judicial Council's new competences allow to effectively counterbalance the powers of the President of the National Office for the Judiciary, tasked with the central administration of courts. In other Member States, initiatives are ongoing. In [Poland](#), the Sejm adopted a law to address the concerns related to the independence of the National Council for the Judiciary (NCJ). In the [Netherlands](#), the procedure for appointing members of the Council for the Judiciary and court management boards is currently being reviewed. In [Estonia](#), discussions are ongoing to reform the Council for the Administration of Courts and transfer more powers from the executive to the judiciary. In [Spain](#), following a structured dialogue with the European Commission as facilitator, an agreement was reached to renew the Council for the Judiciary and to initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards. On the other hand, concerns regarding the Council for the Judiciary remain in [Slovakia](#), where no progress has been made to introduce safeguards for the dismissal of the members of the Judicial Council and three nominees were dismissed before the end of their term.

As regards enlargement countries, following constitutional amendments in 2022 to strengthen judicial independence in [Serbia](#), the High Judicial Council and the High Prosecutorial Council were established in their new composition. In [Montenegro](#), the legal framework guaranteeing the independence and impartiality of the judicial system has been revised. In [Albania](#), accountability has been strengthened thanks to vetting of all judges and prosecutors but shortcomings remain on the appointments of non-magistrate members of the High Judicial Council and the High Prosecutorial Council. In [North Macedonia](#) concerns remain regarding the functioning and independence of the Judicial Council.

The method used for the appointment and dismissal of judges is important for judicial independence and the public perception of it. To guarantee judicial independence, rules governing judicial appointments need to prevent doubts as to the imperviousness of judges to external factors, and as to their neutrality as judges<sup>69</sup>.

In several Member States, efforts to improve judicial appointment procedures are ongoing, including as a follow up to the 2023 recommendations. In [Greece](#), legislative steps were taken to involve the judiciary in the appointments to the highest positions in the judiciary. In [Ireland](#), the new Judicial Appointments Commission Act introduced a number of improvements to reduce political influence in the appointment and promotion of judges. In [Finland](#), a working group follows up on the report on the assessment and future development trends of the court system, including the appointment process for judges. In [Austria](#), recent reforms of the appointment systems for the Supreme Court President and candidate judges are being implemented. In [Poland](#), some of the negative effects of the contested justice reforms of 2017 regarding the functioning of the ordinary judiciary are being reversed. The Government has set out its intention to involve the judiciary in all decisions related to appointments to key positions within the ordinary judiciary and to organise transparent appointment procedures based on open competitions: an approach already being implemented for court presidents and vice-presidents. In [Germany](#), discussions are ongoing about a possible reform to enhance the resilience of the Constitutional Court. In [Malta](#), steps have been announced to involve the judiciary in the procedure for appointment of the Chief Justice, as the Government has endorsed a constitutional reform stipulating consultations with

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<sup>69</sup> See judgments including those of 15 July 2021, C-791/19 *Commission v Poland*; of 20 April 2021, C-896/19 *Repubblika and Il-Prim Ministru*; and of 2 March 2021, C-824/18 *AB and Others (Appointment of judges to the Supreme Court)*.



the incumbent Chief Justice prior to the appointment of a new Chief Justice. Some steps were taken to ensure that the reform of judicial appointments in [Slovenia](#) contains adequate safeguards for judicial independence, as the previously envisaged probationary period without prescribed guarantees was abandoned. The 2022 constitutional reform to strengthen judicial independence in [Serbia](#) is being followed up, including through the application of the new appeal procedure to the Constitutional Court concerning judicial appointments.

Challenges remain in some Member States on appointments to high-level judicial positions and for court president positions. In [Latvia](#), a vacancy at the Supreme Court was filled, but no steps were taken to introduce adequate safeguards against undue political influence applicable to future appointments. Similarly, in [Austria](#), no steps have been taken to ensure judicial involvement in the appointments of administrative court (vice-) presidents. In [Lithuania](#), there are calls to reinforce some more safeguards on the transparency of judicial appointments. In [Sweden](#), while initial steps have been taken in relation to the independence of lay judges, no progress was made to ensure that their nomination system safeguards their independence.

In [Montenegro](#), significant delays in judicial appointments have had serious impacts on the judicial system, though only the Supreme Court President now remains to be appointed. In [Serbia](#), a considerable number of vacancies for judges and prosecutors remains to be filled. In [North Macedonia](#), appointment decisions for public prosecutors and judges have been criticised by civil society as lacking explanation and clear criteria.

Different aspects of independence of judges and courts are being addressed in a number of Member States. In [Italy](#), the Department of Tax Justice has been established in order to increase the independence of the newly established tax courts from the Ministry of Economy and Finance. In the [Netherlands](#), strengthened security measures are being explored to enhance the resilience of the justice system against organised crime. In [Malta](#), work has started to address persistent concerns regarding the independence of specialised tribunals. The allocation of cases in courts also requires safeguards for judicial independence and impartiality to prevent any undue interference, which can be ensured in different ways, such as the random allocation of cases via a computer algorithm or a pre-defined order. [Portugal](#) has strengthened transparency in the allocation of cases, as a new electronic system is being effectively implemented. In [Hungary](#), the transparency of the case allocation at the Supreme Court has improved, while concerns remain regarding the transparency of case allocation in lower courts.

In a few Member States, concerns exist about undue pressure on the judiciary from politicians or the executive level, and there is also evidence of pressure originating from third countries. The risk that public statements from governments and politicians may affect public trust in judicial independence has raised concerns in [Slovakia](#), [Italy](#) and [Spain](#). There are particular concerns about intimidation of judges in [Lithuania](#), originating from Russian courts. As regards enlargement countries, concerns about attempted interference and pressure on the judicial system by public officials or politicians remains high in [Albania](#), [Serbia](#), and [North Macedonia](#).

#### *Autonomy and independence of the prosecution service as important topics of reform*

The organisation of national prosecution services varies across the EU and there is no uniform model for all Member States. However, institutional safeguards should guarantee the autonomy of the prosecution service, ensuring that public prosecutors can fulfil their

professional duties without interference<sup>70</sup>. This is essential for national and EU criminal law, as well as for the protection of the financial interests of the EU.

Reforms to strengthen institutional safeguards for the prosecution service, some of them in response to 2023 recommendations, have continued. In [Poland](#), additional steps have been taken to ensure the independence of the prosecution service from the Government and to separate the office of the Minister of Justice from that of the Prosecutor General. In [Czechia](#), a reform of the prosecution service included safeguards for the dismissal of the Prosecutor General and other chief prosecutors. In [Denmark](#), the Government submitted a proposal to Parliament to strengthen the public perceptions of independence of the Director of Public Prosecutions by limiting the maximum mandate for the position.

In [Malta](#), the transfer of prosecutions from the Police to the Office of the Attorney General is progressing<sup>71</sup>. In [Cyprus](#), the Government is in the process of drafting legislation aiming to separate the advisory and prosecutorial role of the Law Office, which is a positive step towards strengthening the independence of the Prosecution Service; plans have also been announced to introduce the possibility of review of the decisions of the Attorney General not to prosecute or to discontinue proceedings. In [Spain](#), a reform of the statute of the Prosecutor General is foreseen, which will exclude persons having been in political office in recent years from the office of Prosecutor General and prevent that the Prosecutor General acts in cases that affect her or him personally. In [Serbia](#), the laws on the Public Prosecution Office and the High Prosecutorial Council allow prosecutors to file complaints against mandatory instructions, thus aiming to strengthen prosecutorial autonomy.

The power of the executive to give instructions to prosecutors in individual cases has continued being a subject of particular attention. In the [Netherlands](#), the debate continues on the removal of the executive's power to give instructions to prosecutors in individual cases. In [Germany](#), a proposal has been made to introduce further safeguards for the use of the power of both Federal and Länder-level Ministers of Justice to issue instructions to prosecutors in individual cases.

However, a number of challenges remain to be addressed, including those covered in 2023 recommendations. The planned reform of the prosecution service in [Austria](#) has not advanced, with no political agreement to take forward the proposal by the expert group made in 2022. In [Slovakia](#), the power of the Prosecutor General to annul decisions of lower-ranking prosecutors remains a concern. In 2024, despite strong concerns raised including by the European Commission, the Slovak Government dissolved the Special Prosecutor's Office, raising concerns both about the immediate impact on cases and the long-term structural impact, putting at risk the efficiency and autonomy of the prosecutions.

### *Ensuring accountability and safeguarding independence in disciplinary procedures for judges and prosecutors*

The CJEU has made clear that disciplinary procedures must not be used as a manner of political control on the judiciary<sup>72</sup>. Safeguards include clear rules that define the conduct that qualifies as a disciplinary offence, and the penalties to apply. Disciplinary proceedings need

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<sup>70</sup> See Compilation of Venice Commission Opinions and Reports concerning prosecutors ([CDL-PI\(2022\)023](#)).

<sup>71</sup> This is also part of Malta's RRP, milestone 6.3.

<sup>72</sup> The Court has recalled this principle in cases referring to the disciplinary chamber of the Polish Supreme Court (Judgment of 5 June 2023, C-204/21, *Commission v Poland*) and the Romanian Judicial Inspection (Judgments of 11 May 2023, case 817/21 *Inspekția Judiciară*, and of 18 May 2021, C-83/19 etc *Asociația 'Forumul Judecătorilor din România' and Others v Inspekția Judiciară and Others*).

to be carried out through an independent body, following procedures which fully safeguard the rights in the Charter of Fundamental Rights, in particular the rights of defence. Rules must also ensure that disciplinary bodies' decisions can be challenged in Court<sup>73</sup>.

The trend observed in past Rule of Law reports continued, with steps towards increased safeguards for judicial independence and autonomy of prosecutors in disciplinary proceedings in several Member States. In [Slovenia](#), draft amendments to the Judicial Council Act envisaging the overhaul the disciplinary framework for judges have been presented. In [Czechia](#), a reform of the disciplinary proceedings is discussed in Parliament. [France](#) adopted a new law reforming the status of magistrates, including the disciplinary regime. In [Malta](#), a discussion on the renewal of the disciplinary regime for prosecutors is expected in the second half of 2024. In [Poland](#), the disciplinary regime applicable to judges was reformed, in line with the commitments under Poland's Recovery and Resilience Plan.

The effective protection of judicial independence also requires a culture of integrity and impartiality. Several Member States are implementing policies and practices to promote integrity within the judiciary. Examples include steps in [Croatia](#) and [Sweden](#). In [Belgium](#), the Government has decided not to table a proposal to introduce regular security checks by the National Security Agency on all judges. In [North Macedonia](#), Codes of ethics are in place for both prosecutors and judges.

#### *Efforts to improve the quality and efficiency of justice*

The efficiency of justice systems is a necessary condition for the protection of rights, legal certainty and public confidence in the rule of law. An efficient justice system manages its caseload and delivers decisions without undue delay. Excessively long proceedings and backlogs undermine the trust of citizens and businesses in national justice systems.

In several Member States, new measures are in place to improve efficiency. [Spain](#) has adopted new measures to enhance the efficiency of the justice system. A trend in [France](#) to decrease the length of court proceedings will be further supported by new legislation promoting the amicable settlement of disputes. In [Czechia](#), efficiency has continued to improve, in particular regarding the length of administrative cases, while [Serbia](#) has seen a positive trend as regards reducing the length of civil, commercial and criminal cases.

Despite some steps, some Member States still face long-standing challenges as regards the efficiency of justice systems. Concerns remain in [Malta](#), [Croatia](#) and [Greece](#), though they all took new measures in an attempt to reduce the length of proceedings. A similar pattern in [Portugal](#) is compounded by concerns that general criminal procedure legislation is not tailored to efficiently deal with complex criminal proceedings. In [Italy](#), the length of judicial proceedings is continuing its positive trend but remains a serious challenge. Regarding enlargement countries, the length of proceedings for different kinds of cases remains a challenge in [Albania](#) and [North Macedonia](#).

An effective justice system needs adequate resources, including the necessary investments in infrastructure, and well qualified, trained and adequately paid staff. A number of Member States have recognised this through additional resources to strengthen the resilience of justice systems, including through their national Recovery and Resilience Plans. In [Denmark](#), [France](#), [Sweden](#) and [Finland](#), resources for the justice system have been increased. In [Croatia](#), significant progress was achieved to step up remuneration and legislation to set objective remuneration criteria is expected. In [Romania](#), the High Court of Cassation and Justice took

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<sup>73</sup> Judgment of 25 July 2018, *LM*, C-216/18 PPU, para. 67.

measures to address salary inequalities in the judiciary. [Latvia](#) saw substantial increases in remuneration for judges and court employees, though turnover problems remain for judicial assistants.

In other Member States, levels of remuneration continue to pose challenges, often leading to shortages and vacancies which are difficult to fill. In [Slovenia](#), some steps were made to increase the level of remuneration of judges and state prosecutors, largely unchanged since 2012, for which the Government proposed a partial increase and the Constitutional Court prescribed how its judgment should be implemented. In [Germany](#), while some steps have been taken to supplement the overall resources for the judiciary, the level of remuneration of judges remains a challenge. In [Czechia](#), the method for determining judges' salaries was modified to reduce salary increases, and salaries of court and prosecution assistant staff remain an issue. In the [Netherlands](#), specific recommendations to address staff shortages and workload concerns among the judiciary are being discussed. In [Lithuania](#), a reform of judicial salaries is positively assessed by judges, while concerns remain as to the remuneration of court staff and prosecutors. [Cyprus](#), [Portugal](#) and [Romania](#) experience difficulties to recruit in different areas of the judicial system. In [Hungary](#), the level of remuneration of judges and court staff has further deteriorated due to high inflation. The enlargement countries face similar resources constraints. [Serbia](#) is implementing a Strategy on Human Resources in the Judiciary 2022-2026, but the low attractiveness of judicial careers poses a challenge. The same challenge has not been addressed by the amendments to the laws on salaries of judges and prosecutors in [North Macedonia](#).

As regards staff levels, in [Spain](#), new posts for judges have been established, while in [Italy](#) significant improvements were made in recruitment of magistrates and administrative staff. In [Belgium](#) providing adequate resources for the justice system has further progressed, as a tool measuring workload confirms structural resource deficiencies. In [Albania](#), overall shortages of resources of the justice system risk negatively affecting the quality of justice.

Investing in the digitalisation can strengthen justice systems and make them more accessible, resilient and ready to face current and future challenges. New digitalisation initiatives have been put place in [Spain](#), [Croatia](#), [Italy](#), [Ireland](#), [France](#), the [Netherlands](#), [Malta](#) and [Romania](#). In [Bulgaria](#), a new draft law envisages changes to the Judicial System Act related to the digitalisation of justice. [North Macedonia](#), [Serbia](#) and [Albania](#) are taking steps in the digitalisation of case management, although shortcomings remain.

### *Access to justice and the role of lawyers in the justice system*

Lawyers and bar associations play a key role in guaranteeing access to justice, ensuring the protection of fundamental rights, including the right to a fair trial. In several Member States, steps are being taken to ensure reliable legal aid schemes and access to a lawyer. In [Luxembourg](#), a reform to make legal aid more accessible was adopted. In [Czechia](#) and in [Spain](#), provisions on legal aid have been amended to broaden access. In [Ireland](#), there was some progress on reducing the litigation costs and a general review of the Civil Legal Aid scheme is underway. In [Lithuania](#), the reform of the legal aid system is progressing, and the conditions for the participation of legal aid providers have been improved. In [Slovakia](#), amendments to increase the access to free legal aid are under preparation. In [Denmark](#), a review of the legal aid system has been ongoing. In [Finland](#), a National Legal Services Authority, which was established to provide more consistent and high-quality legal aid, will be operational in 2025. Beyond the EU, [Albania](#) has a comprehensive legal framework in place for legal aid and its number of beneficiaries has increased.



Some Member States still see challenges. In [Bulgaria](#), the Constitutional Court declared that the law on mandatory judicial mediation, which was set to enter fully into force in July 2024, was unconstitutional. In [Hungary](#), concerns remain as regards the effectiveness of the legal aid scheme in both civil and criminal cases. Certain challenges have also been identified in [Austria](#) linked to high court fees and access to legal advice in administrative cases, with some steps taken to address the latter.

An effective justice system requires that lawyers be free to pursue their activities of advising and representing their clients. In [Czechia](#), an amendment enhancing the protection of attorney confidentiality is in Parliament. On the other hand, challenges to the legal professional privilege have been expressed from the legal profession in [Belgium](#) and respect for their legally recognised rights and privileges in [Romania](#). In [Lithuania](#), lawyers continue to raise concerns regarding the respect for professional secrecy.

### 3.2 *Anti-corruption framework*

Corruption damages the delivery of public services and, it corrodes citizens' and businesses' trust in public institutions, creating a sense of unfairness and injustice consequently damaging the rule of law. A comprehensive approach to fighting corruption relies on a combination of preventive and punitive measures. This requires a robust legal and institutional framework, effective investigations, and prosecutions and a clear political will to enforce the anti-corruption framework. It also needs comprehensive and effective measures to minimise the space for corruption and foster integrity.

#### *Corruption perceptions across the EU*

The results of the Corruption Perceptions Index (CPI)<sup>74</sup> show that more than half of the 20 countries ranking best internationally are EU Member States<sup>75</sup>. However, differences remain across Member States, also in terms of the trends in recent years<sup>76</sup>. Enlargement countries score below the average<sup>77</sup>.

The 2024 Eurobarometer surveys on corruption<sup>78</sup> shows that corruption remains a serious concern for citizens and businesses in the EU. About 7 in 10 Europeans (68%) believe that corruption is widespread in their country and over 4 in 10 Europeans (41%) consider that the level of corruption has increased in their country. 57% of citizens think that their government's efforts to combat corruption are not effective. In addition, most European companies (65%) consider that the problem of corruption is widespread in their country and half (51%) think that it is unlikely that corrupt people or businesses in their country would be caught, or reported to the police or prosecutors.

#### *National anti-corruption strategies and their implementation*

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<sup>74</sup> Transparency International (2024) <https://www.transparency.org/en/cpi/2022>

<sup>75</sup> 11 Member States are in the top 20, two more than the previous year. Three Member States (Denmark, Finland and Sweden) score 80/100 or above on the index, with others (the Netherlands, Germany, Luxembourg, Ireland, Estonia, Belgium, Austria and France) score above 70/100. The EU average is (to be calculated)/100.

<sup>76</sup> Scores below 50 can be seen in Romania (46), Bulgaria (45), and Hungary (42).

<sup>77</sup> Scores below 50 can be seen in Montenegro (45), North Macedonia (40), Albania (36), and Serbia (36)

<sup>78</sup> Special [Eurobarometer 548](#) on Corruption (2024) & Flash [Eurobarometer 543](#) on Businesses' attitudes towards corruption in the EU (2024). The previous data sets are the Special Eurobarometer 534 (2023) and the Flash Eurobarometer 524 (2023).

The importance of maintaining effective anti-corruption policies is recognised in international law<sup>79</sup>. National anti-corruption strategies can ensure that countries follow a comprehensive, coherent and integrated approach, allowing action against corruption to be mainstreamed in all relevant policy sectors. Almost all Member States currently have national anti-corruption strategies in place, although with varying comprehensiveness. Since July 2023, [Hungary](#), [Greece](#), [Italy](#), [Sweden](#) and [Austria](#) have updated their national strategies and/or action plans<sup>80</sup> and [Portugal](#) adopted an anti-corruption agenda. [France](#), [Finland](#) and [Bulgaria](#) have started the process of revising their existing strategy, and preparatory revision processes are advancing in [Slovenia](#), while still pending in [Germany](#). In [Estonia](#), the implementation of the anti-corruption action plan continues in an efficient and timely manner. In [Malta](#), the monitoring of the implementation of the national anti-fraud and corruption strategy encountered some delays.

As regards enlargement countries, [Montenegro](#) has adopted and [Serbia](#) is currently finalising their respective anti-corruption strategies. In [North Macedonia](#), the slow implementation of the measures committed to in its anti-corruption strategy points to a lack of political commitment, while in [Albania](#), implementation of the current strategy is on track but with limited attention to high-risk sectors.

#### *Strengthening the capacity of institutions and the legal framework to combat corruption*

A robust legal and administrative anti-corruption framework<sup>81</sup> and strong and independent institutions to enforce the rules are necessary to effectively combat corruption. In general, all Member States and enlargement countries included in this report have strong legal frameworks in place, although some specific gaps remain. In line with the 2023 recommendations, several Member States have taken forward criminal law reforms to strengthen the fight against corruption. [Austria](#) extended bribery offences to cover candidates for public office, and included additional sanctions for corruption offences, including the prohibition to hold public office. [Greece](#) reinforced provisions on criminal liability for bribery and [Croatia](#) strengthened the legislation on bribery of public officials, extending the scope of liability of legal persons, and raising sanction levels for legal persons. [Germany](#) adopted a law strengthening provisions on trading in influence involving members of Parliament. In other Member States some gaps remain, notably as regards foreign bribery. In [Sweden](#), the legal definitions of foreign bribery, which remain limited, are being analysed by a committee of inquiry, and revision of the foreign bribery offence is still pending in [Finland](#).

In some Member States, however, certain criminal law reforms risk undermining the fight against corruption. In [Slovakia](#), a recent criminal law reform raises a number of serious concerns and has recently been subject to further amendment. Lowering the sanctions for

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<sup>79</sup> The United Nations Convention against Corruption (UNCAC) requires State Parties, in accordance with the fundamental principles of their legal systems, to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. All Member States and the EU are parties to the Convention. See also The Kuala Lumpur [Statement on Anti-Corruption Strategies](#).

<sup>80</sup> Currently 20 Member States have dedicated anti-corruption strategies or programmes; almost all others have anti-corruption components in other national strategies and action plans.

<sup>81</sup> International standards are primarily the UNCAC; the Council of Europe's Criminal Law Convention on Corruption and its Civil Law Convention on Corruption; and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. At EU level, on 3 May 2023, the Commission proposed a Directive on combating corruption, COM (2023) 234 final which aims to update and strengthen the EU criminal justice framework.



corruption and corruption-related crimes, shortening time limitation periods applying to corruption crimes, and abolishing the Special Prosecution Office all risk to weaken the fight against corruption. In [Italy](#), a new law repealing the offence of abuse of office and limiting the scope of the offence of trading in influence could have implications for the detection and investigation of fraud and corruption. As regards the enlargement countries, in [North Macedonia](#), recent criminal code amendments weakened the legal framework, negatively affecting the prosecution of corruption, especially in high-level corruption- cases.

Important developments took place to improve the anti-corruption institutional landscape in some Member States. In [Bulgaria](#), the Commission for Counteracting Corruption and Illegal Assets Forfeiture was divided into two separate bodies (the Anti-Corruption Commission and the Commission for Illegal Assets Forfeiture) in view of advancing anti-corruption institutional framework, as envisaged in Bulgaria's Recovery and Resilience Plan. [Poland](#) is planning to dismantle its Central Anti-Corruption Bureau and transfer its resources and competences to the Police's Central Bureau of Investigation, with a view to addressing previous concerns about interference.

The capacity of law enforcement services, prosecution authorities, and the judiciary more generally, to enforce anti-corruption criminal law provisions is essential to effectively combat corruption. Specialisation, expertise and adequate staffing all need to keep up with the growing complexity of corruption crimes. In [Cyprus](#), [Malta](#) and [Portugal](#), steps have been taken to increase resources of investigative authorities while [Luxembourg](#) is planning to do so. On the other hand, concerns about both the overall level of resources, and the degree of specialisation, have been voiced in respect of [Slovakia](#) and [Ireland](#). Similar shortfalls for specialised anti-corruption prosecution services have been highlighted in [Montenegro](#) and [Serbia](#).

Cooperation between law enforcement authorities and other agencies, such as financial intelligence units and tax, audit, competition and other administrative authorities, as well as access to information and the interconnection of databases and registries is key for fighting corruption. Cooperation is being strengthened in [Spain](#), with a dedicated agreement between the prosecution anti-fraud agencies. In [Italy](#), cooperation between the various national police and prosecution services, the tax authorities and the national anti-corruption authority is effective, and important investments in IT tools and interoperability benefit law enforcement authorities. In [Ireland](#), a forum of senior representatives meets regularly to facilitate inter-agency coordination and information sharing among police and prosecution services, and other national services active in preventing and fighting corruption. In other Member States, challenges have been noted. The Audit Office in [Cyprus](#) reports that some public authorities under audit (including the police in some cases) do not provide relevant information. In [Hungary](#), the new Integrity Authority faces some obstacles in practice, particularly where it needs to rely on cooperation with other public bodies.

The cooperation between national authorities and the European Public Prosecutor's Office (EPPO) is reported to be overall good in the participating Member States. [Poland](#) and [Sweden](#) joined the EPPO in 2024<sup>82</sup>. Preparations for the EPPO to become operational in both countries will be concluded before the end of 2024. Beyond the EU, [Albania](#), [Montenegro](#) and [North Macedonia](#) have concluded working arrangements with the EPPO, while working arrangements with the EPPO are yet to be concluded with [Serbia](#).

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<sup>82</sup> Poland joined on 29 February and Sweden on 17 July.

### *Removing obstacles to criminal investigations and prosecution and improving the track record for high-level corruption*

According to the Special Eurobarometer on citizens' attitudes towards corruption, around two thirds of Europeans (65%) think that high-level corruption cases are not pursued sufficiently<sup>83</sup>. Effective investigation and prosecution of corruption cases can be obstructed by shortcomings in law, such as excessively cumbersome or unclear procedures to lift immunities or short time limitation periods. These obstacles can be particularly harmful for complex corruption cases where time is often needed to build a case. In [Romania](#), a delayed legislative response on issues regarding the statute of limitations continued to result in the closing of many corruption cases and the annulment of convictions. In [Italy](#), the proposed changes to the statute of limitations could reduce the time available to conduct judicial proceedings for criminal offences, including in corruption cases. In [Slovenia](#), recent amendments to the Criminal Procedural Code limit the possibilities to use certain investigative measures and could possibly make effective investigation and prosecution of corruption more difficult.

The 2023 Rule of Law report noted that some Member States needed reforms to reduce the length of criminal proceedings to improve the track record of final judgments, in particular for high-level corruption cases. In [Croatia](#), steps were taken to make the investigation and prosecution of corruption offences more efficient, while a revision of the Criminal Procedure Code and the Law on the specialised anti-corruption prosecution office remain outstanding. In [Czechia](#), high-level corruption cases also remain a point of attention due to delays in some proceedings. In [Spain](#), a reform of the Criminal Procedure Code, which could also increase efficiency in handling high-level corruption cases, is still pending.

Some Member States continue to consolidate their track record of investigating, prosecuting and sanctioning corruption, including in high-level cases<sup>84</sup>. [Austria](#), [Latvia](#), and [Romania](#), saw continued effective investigation of high-level corruption. New impetus was given to investigating high-level corruption cases in [Poland](#), with several large-scale corruption cases now open. Significant results continue to be achieved in prosecuting and adjudicating high-level corruption offences in [France](#). [Greece](#) made efforts to improve its track record, also by addressing challenges identified in collecting corruption statistics, including on high-level corruption. In [Slovenia](#), first instance court judgments in corruption cases increased considerably and the number of convictions almost doubled, while investigations into possible high-level political influence in police decision-making are ongoing.

In other Member States, a robust track record in the investigation and prosecution of high-level corruption cases, with dissuasive sanctions and final judgments, remains to be established. This is the case, for example, in [Bulgaria](#) and [Malta](#). In [Slovakia](#), a robust track record against high-level corruption is hampered by a continued lack of coordination among corruption investigators and prosecutors as well as the Prosecutor General's recourse to powers to annul corruption investigations and prosecutions. In [Hungary](#), some high-level corruption cases have reached the indictment stage, but convictions remain rare in such cases and the lack of a robust track record of investigations and prosecutions of corruption allegations concerning high-level officials and their immediate circle remains a serious concern.

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<sup>83</sup> Special [Eurobarometer 548](#) on Citizens' attitudes towards corruption in the EU (2024).

<sup>84</sup> As noted in the 2020 Rule of Law report, the lack of uniform, up to date and consolidated statistics across all Member States makes it difficult to track the comparative success of the investigation and prosecution of corruption offences. The assessment is based on the data provided by Member States.

In [Montenegro](#), the track record of investigations and prosecutions in cases of high-level corruption is stable, but the lack of trials and final decisions contributes to a perception of impunity. In [North Macedonia](#) resource constraints and a lack of cooperation between national authorities hamper the effective prosecution of corruption and hinder the establishment of a robust track-record of high-level corruption cases. In [Albania](#), the number of persons investigated, prosecuted, and convicted for corruption has been increasing, but a recent amnesty law raises concerns. In [Serbia](#), the number of final convictions in high-level corruption cases increased in the past year, but further improvements are needed to establish a solid track record on investigations, indictments and final convictions.

### *Fighting corruption as an enabler of organised crime*

Corruption facilitates criminal activity and targets both the private and public sectors. Addressing corruption risks related to infiltration and undue influence by organised crime into the public service, law enforcement and the judiciary is an increasing priority for the authorities in several Member States. In the [Netherlands](#), preventing infiltration of organised crime groups in the civil service and police through corruption is a strategic priority. A programme is ongoing since 2020 on combating subversive organised crime, with risk assessments initiated in several sectors (including ports and local authorities) and measures to address vulnerabilities. [Sweden](#) is targeting work on the risk areas and enablers of organised crime infiltration. [Belgium](#) is taking a variety of measures to address corruption linked to drugs trafficking and organised crime groups, which is recognised as an important phenomenon.

### *Fostering integrity in the public sector and preventing conflicts of interests*

Transparent and accountable governance and integrity frameworks are the best protection against corruption. This is why effective anti-corruption approaches often build on measures to enhance transparency, ethics and integrity, as well as regulating areas such as conflict of interest, lobbying and ‘revolving doors’<sup>85</sup>.

Conflicts of interest arise when a public official has a private or professional interest that could interfere with the impartial and objective performance of their duties<sup>86</sup>. Some Member States have taken further steps to regulate conflicts of interests, also following the 2023 recommendations. In [Czechia](#), legislation was adopted to broaden the conflict of interest system, including a total ban on media ownership for elected officials, though online media remains outside the scope of this legislation. In [Slovenia](#), legislation on supervision of conflict of interest and incompatibility of office is being reviewed. Challenges remain in other Member States. In [Italy](#), comprehensive legislation on conflict of interest for political office holders is still pending. In [Spain](#), no further steps have been taken to improve rules on conflicts of interest for civil servants, despite ongoing work since 2021. Regarding enlargement countries, in [Albania](#) rules on conflict of interest for public officials are incomplete and not aligned with European standards and [North Macedonia](#) would need to strengthen the system for violations of the rules on conflicts of interest.

Senior government officials and Members of Parliament are often subject to specific integrity rules and many Member States have codes of conduct in place. It is important that the practical implementation of these rules is subject to regular verification and evaluation. In [Belgium](#), the ministerial Code of Conduct for federal public office holders was extended to

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<sup>85</sup> JOIN (2023) 12 final, p. 4.

<sup>86</sup> See Council of Europe, Recommendation Rec (2000)10 on codes of conduct for public officials.

cover all members of ministerial private offices. In [Estonia](#), digital tools are being developed and deployed to ensure a better implementation of the existing rules on integrity. In [Greece](#), work on developing codes of conduct for members of Parliament and members of Government continued.

In [Portugal](#), a new Code of Conduct applicable to the Government and high-level officials was also adopted, which explicitly refers to the possibility of dismissal in case of violation of the Code and foresees the creation of a corruption risk prevention plan. In other Member States, gaps remain. In [Bulgaria](#), a working group was established to draft a code of conduct for top executive functions, given the serious gaps identified. In [Finland](#), there is still no dedicated Code of Conduct for Ministers. In [Montenegro](#), while numerous institutions have specific codes of conduct, the Government's Code is ineffective, with the adoption of a law with disciplinary penalties pending.

### *Ensuring transparent lobbying and regulating 'revolving doors'*

To be a legitimate act of political participation, lobbying needs to be accompanied by strong requirements for transparency and integrity to support accountability and inclusiveness in decision-making and restrict undue and covert influence<sup>87</sup>. Poorly regulated lobbying can also open doors for foreign interference.

Some Member States have revised their lobbying transparency rules, also in line with 2023 recommendations. Stricter rules for [Germany](#)'s lobbying register came into force, with extended transparency requirements and some steps were taken to introduce a legislative footprint. In [Croatia](#), a new law introduced an electronic lobby register, restrictions on lobbying activities and a set of rules on the verification, enforcement and penalties. In [Finland](#), new legal provisions require the registration of lobbying activities with a new transparency register. In [Cyprus](#), [Ireland](#), [Lithuania](#) and [Latvia](#), new lobbying provisions entered into force or are being implemented, while discussions on new legislation continued in [Belgium](#), [Czechia](#) and [Portugal](#). [Czechia](#) and [Portugal](#).

Further improvements are necessary in other Member States. In [France](#), while guidelines on a lobbyists' register have entered into force and further drafts are before Parliament, concerns remain on the disclosure of lobbying meetings by top-ranking officials. [Luxembourg](#) has revised the code of conduct for parliamentarians to increase transparency, but the register still provides limited details. Dedicated regulation on lobbying is still missing in [Slovakia](#) and [Italy](#), and existing legislation could be improved in [Austria](#), [Poland](#), [Hungary](#) and the [Netherlands](#). In [Romania](#), rules on lobbying for members of Parliament are still missing, while there have been some developments on the enforcement of lobbying rules for Members of Government.

The regulation and enforcement on 'revolving doors' between public and private functions to address potential conflicts of interest continues to be an area of attention. There are now stricter post-employment rules for high-level officials and higher transparency standards in place in [Germany](#). In [Portugal](#), new legislation on revolving doors introduced harsher sanctions. In [Sweden](#), the post-employment rules for top executive functions in the government were evaluated, with suggested improvements. Discussions on introducing or revising existing rules on revolving doors are progressing in [Finland](#) and the [Netherlands](#), and

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<sup>87</sup> OECD (2021) Lobbying in the 21<sup>st</sup> century. OECD (2010), Recommendation of the Council on Principles for Transparency and Integrity in Lobbying; Council of Europe standards on lobbying transparency, Recommendation CM/Rec(2017)2, OECD (2024) [Recommendation on transparency and integrity in lobbying and influence](#).



guidelines are being developed in [Italy](#). In other Member States, progress has been slower. In [Hungary](#), post-employment restrictions and cooling-off periods are fragmented and limited in scope, but there are plans to legislate in this area in 2025. In [Denmark](#), no steps have been taken to introduce rules on revolving doors for ministers. In [Estonia](#), specific guidelines on revolving doors together with possible instructions on how to mitigate the risks currently being developed by the Public Ethical Council are expected in 2024.

In [North Macedonia](#), while the legal framework and lobbying registers are in place, there are no registered lobbyists yet. In [Montenegro](#), new legislation on lobbying was recently adopted.

### *Asset and interest disclosure*

Asset and interest declarations by public officials support public sector transparency and accountability and are important tools to promote integrity and prevent corruption. Most Member States have rules to ensure that such disclosures apply to those with political and executive power. However, there are wide variations in the scope, transparency and accessibility of disclosed information, as well as in the effectiveness of verification and enforcement.

Positive developments are noted in some Member States, also addressing issues covered in the 2023 recommendations. In [Greece](#), implementation of the new law on asset declarations is on track with a significant percentage of verifications completed, also thanks to an upgrade of the dedicated electronic platform. In [Cyprus](#), the judiciary introduced its own regulatory framework on asset disclosure, and all judges now file their asset declarations with the Constitutional Court. In [Portugal](#), the reform to entrust monitoring and verification of asset declarations of political and senior public officials to the Transparency Entity established in 2019 entered into force.

In other Member States, challenges remain. In [Belgium](#), the system for asset declarations does not ensure adequate verification and transparency, with checks only in the context of criminal investigations. In [Denmark](#), no progress has been made on asset declarations submitted by those with top executive functions, and there is a lack of verification and monitoring. In [Luxembourg](#), there is still no formal verification system to check the accuracy of asset declarations. [Hungary](#) has yet to take further steps to improve the asset declaration system, including as regards oversight. In [Ireland](#), the digitalisation of asset declarations has not progressed. In the enlargement countries, while in [Albania](#) and [Serbia](#) asset declaration rules cover a relatively broad range of officials, there are shortcomings in effective verification and enforcement.

### *Whistleblower protection*

The protection of whistleblowers plays an essential role in the detection and prevention of corruption. The transposition of the EU Directive on whistleblower protection<sup>88</sup> has resulted in revised or new legislation in many Member States, as noted in last year's report. Since July 2023, progress on laws on the protection of whistleblowers has been made in several Member States<sup>89</sup>.

However, there are still major obstacles to reporting corruption cases in practice with just 43% of Europeans knowing where to report a case of corruption and 28% of Europeans

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<sup>88</sup> Directive 2019/1937 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019).

<sup>89</sup> A recent [report](#) on the implementation and application of the whistleblower Directive assesses the measures notified by Member States declaring complete transposition by 17 December 2023 (COM(2024) 269 final).

believing that cases of corruption are not reported because reporting would be pointless as those responsible would not be punished<sup>90</sup>. To overcome reluctance, many Member States are putting in place tools to provide guidance and raise awareness. For example, in the [Netherlands](#), a campaign promotes awareness and encourages whistleblowers to use the new reporting channels. [Italy](#) and [Cyprus](#) have developed new guidelines and information tools to support whistleblowers. In [France](#), a consortium of NGOs was created to advise potential whistleblowers. In [Malta](#), work is ongoing to develop a database and tools to process whistleblowing reports.

Enlargement countries are working on aligning their laws with the EU acquis. In [Montenegro](#), legal provisions on the protection of whistleblowers have been amended with the aim to align with the EU acquis, and the government in [North Macedonia](#) is working on updating the law on the protection of whistleblowers to the same end.

### *Addressing areas at high risk of corruption*

No sector or area of activity is safe from corruption risks, but common high-risk areas deserve particular attention – usually those involving management of significant public funds, such as public procurement, or access to a critical service. Sectors such as healthcare, energy, urban planning and regional and local government have been identified as vulnerable. Other high-risk areas for corruption include focal points for organised crime, such as ports. Other areas of risk relate to political party financing and investor citizenship<sup>91</sup> and residence schemes<sup>92</sup>.

Risk assessment exercises are important tools for informing anti-corruption policy. [Czechia](#) developed a corruption risk assessment and risk measurement methodology to inform future action. The [Netherlands](#) have launched a national risk assessment to identify the biggest corruption threats at national, provincial and local level, with targeted awareness-raising campaigns for high-risk sectors. In [Latvia](#), authorities are planning to develop its methodology for risk assessment. In [Estonia](#), an electronic tool was developed to assess the risks of corruption in the private sector.

Several Member States have adopted or are considering reforms to increase transparency and oversight for political party financing, also with a view to support democratic accountability and prevent undue foreign influence<sup>93</sup>. In the [Netherlands](#), new draft legislation aims to increase transparency and prohibit political parties when they pose a clear and real danger of undermining or abolishing the democratic rule of law. [Germany](#) has adopted new political party financing rules, regulating party sponsoring and hidden party campaign finance by other persons. In [Denmark](#), a new law on public financing of political parties has entered into force, and a proposal for increased transparency for private financing of political parties is still pending. In [Slovenia](#), new rules should lead to more frequent audits of the largest

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<sup>90</sup> Special [Eurobarometer 548](#) on Citizens' attitudes towards corruption in the EU (2024).

<sup>91</sup> The Commission has taken steps against investor citizenship schemes in the EU, since the grant of EU citizenship in return for pre-determined payments or investments, without any genuine link to the Member State concerned, undermines the essence of EU citizenship and is in breach of EU law. This has included referring one Member State to the Court of Justice.

<sup>92</sup> Joint Communication on the fight against corruption on the fight against corruption, JOIN(2023)12, 3 May 2023.

<sup>93</sup> In December 2023, the Commission presented a Recommendation on inclusive and resilient electoral processes in the Union (C(2023) 8626). One of the points encouraged Member States to identify and address possible gaps in their legislation relating to donations and other funding from third countries to national political parties.



political parties and of a larger proportion of state funding. In [Czechia](#), a reform strengthened the office supervising political parties financing.

Challenges continue to exist in other Member States. In [Belgium](#), a long-awaited reform of political party financing was stalled due to a lack of agreement between political parties. In [Cyprus](#), the audits on funding of political candidates and parties pointed at flaws which have not yet been followed up in legislation. In [Italy](#), the practice of channelling donations through political foundations and associations remains unchanged and there is no single register for party and campaign information, with several draft laws still under discussion in Parliament.

Member States are taking different measures to mitigate corruption risks in other high-risk areas. In [France](#), following concerns raised on large public contracts, a draft law on the use of consulting companies for public policies was presented in Parliament and the Government established an agency to advise the public and tabled a law on the use of consulting companies for public policies. In [Italy](#), the digitalisation of the entire lifecycle of all procurement or concession contracts will ensure more transparency of public contracts. In [Lithuania](#), inspections targeted high-risk areas such as public procurement, supervision of construction and territorial planning. Corruption prevention authorities in [Slovenia](#) concluded a review of procurement procedures in the health care sector, making specific recommendations to remedy weaknesses.

Such sectors also present intensified risks in enlargement countries. In [Albania](#) an overly complex legal framework has also been identified as an obstacle to progress, and there are several exemptions from the law on public procurement in [Serbia](#) which are not in line with EU acquis and are widely used to circumvent the application of the existing procurement rules.

### ***3.3 Media pluralism and media freedom***

A free and pluralistic media environment is essential for the rule of law, with free and independent media playing an important role as watchdogs of democracy and holding power to account. Pressure or control over the media from politicians or the state undermines media freedom, as well as people's freedom to seek, receive and impart information. Conflicts of interest and a highly concentrated market dominated by only a few players can also undermine media pluralism, in particular in the absence of strong safeguards for editorial independence.

The EU has put in place rules and standards in several key areas covered by the rule of law reports, starting with the safety and protection of journalists and measures to address the phenomenon of strategic litigation against public participation (SLAPP). The European Media Freedom Act (EMFA) introduces, among others, specific provisions on media ownership transparency, the transparent and fair allocation of state advertising, and the independent functioning of public service media and availability of financial resources for the fulfilment of their public service remit<sup>94</sup>. Given the relevance of those provisions in fostering media freedom and media pluralism, it is important that Member States start putting them into practice as soon as possible, including by addressing the relevant rule of law reports' recommendations, especially in cases where concerns on the matters covered by the EMFA signalled in the rule of law reports have persisted for several years or where deterioration of the situation has been reported.

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<sup>94</sup> The relevant provisions shall apply from 8 August 2025.

The Media Pluralism Monitor assesses the risks to media freedom and pluralism in all Member States and the majority of accession countries, focusing on four areas – fundamental protection of media freedom, market plurality, political independence, and the social inclusiveness of media. This year's Monitor's results (MPM 2024) show no major change across these areas, though there has been some variance in specific indicators. The indicator relating to the journalistic profession, standards and protection of journalists registers the same medium risk score as the previous year with a higher risk score registered in terms of journalists' digital safety. Journalists' working conditions and the lack of independence of public service media governance in several countries remain issues of concern. This year's overall ranking divides countries into five risk bands with seven Member States registering in the 'high medium risk' band while two Member States and three enlargement countries covered by this report register in the 'high risk' band.

### *Strengthening the independent functioning of media regulators*

National media regulators play an essential role in upholding media pluralism when they are functionally and effectively independent and exercise their powers in an impartial and transparent way, with sufficient resources. All Member States have legislation in place setting out the competences and independence safeguards of media regulators. Both the Audiovisual Media Services Directive (AVMSD) and the European Media Freedom Act (EMFA) include a set of requirements for media regulators: independence from government, impartiality, transparency, accountability, adequate resources, appointment and dismissal procedures and effective appeal mechanisms<sup>95</sup>.

Since the 2023 Rule of Law report, the tasks and competences of several national media regulators have been expanded and extended, not least due to the adoption of the EU Digital Services Act<sup>96</sup>. Positive developments are noted in [Spain](#), with a strengthening of the supervisory function of the audiovisual media regulatory authority. In [Sweden](#), the national regulatory authority was restructured, merging a range of tasks with the aim to provide more effective services. As regards enlargement countries, [Montenegro](#) has put a legal framework equipping the media regulator with comprehensive sanctioning instruments, including the power to impose fines in case of violations of the law.

Continued concerns about the independence or impartiality of regulators exist in several Member States, including insufficient safeguards against undue political influence over the nomination process or in the functioning of regulators, as is the case in [Hungary](#), [Slovenia](#), [Croatia](#), [Bulgaria](#) and [Poland](#). In [Greece](#), additional measures were taken to strengthen resources, however their adequacy for the authority to carry out its tasks remains to be fully addressed. Enlargement countries also face challenges in ensuring the independence of media regulators. In [Serbia](#), the media regulator fails to fully exercise its mandate to safeguard media pluralism and professional standards and there are serious concerns about its independence, while in [Albania](#) questions arise due to the political affiliation and perceived conflicts of interest of the regulator.

### *Increasing the transparency of media ownership*

Transparency of media ownership is directly linked to media freedom and pluralism as it allows users to make better informed judgements, as media owners can directly or indirectly control or influence the editorial decisions and the news content provided. European

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<sup>95</sup> Directive 2018/1808 of 14 November 2018 and Regulation (EU) 2024/1083 of 11 April 2024

<sup>96</sup> Regulation 2022/2065 of 19 October 2022

standards<sup>97</sup> define key measures, and there are specific requirements in EU law<sup>98</sup>. Since the last report, there have been positive developments in [Ireland](#), [Greece](#) and [Spain](#), establishing or extending online ownership registries. In [North Macedonia](#), print and broadcast media must disclose ownership information to the audiovisual media regulatory body, while self-regulation governs the ownership registry for digital national media. In [Montenegro](#), the new Law on Audiovisual Media Services obliges providers of audiovisual services to provide ownership information to the media regulator.

Previously highlighted challenges regarding transparency of media ownership persist in [Bulgaria](#), [Czechia](#), [France](#), the [Netherlands](#) and [Cyprus](#). In [Portugal](#), a high-profile case triggered discussions regarding the legislative framework. In [Albania](#), the transparency of ownership of media is limited, and in [Serbia](#), measures aimed at increasing transparency of media ownership are not yet fully implemented, and political and economic influence on the media remains a source of concern.

### *Safeguarding media from political pressure and undue influence*

Media independence can be undermined by political pressure and undue influence. This calls in particular for strong safeguards against the politicisation of public service media and transparent rules on fair allocation of state advertising. The European Media Freedom Act (EMFA) includes provisions to ensure the independent functioning of public service media and availability of financial resources for the fulfilment of their public service remit. It also requires that Member States respect the effective editorial freedom and independence of media service providers in the exercise of their professional activities and should not interfere in or try to influence the editorial policies and decisions of media service providers.

State advertising includes all use of the budget, by public authorities or entities at all levels, for the purposes of advertising and campaigns. If this is not allocated transparently and fairly, it can be used as a means of political influence and to favour certain media outlets. In this regard the EMFA sets out requirements in relation to allocation criteria and procedures as well as annual publication of information by public authorities or entities on the amounts spent with which Member States will need to comply with once the relevant provisions start applying. In some Member States – namely [Austria](#), [Bulgaria](#) and [Slovenia](#) – some positive steps have been taken, also following the recommendations addressed in the 2023 and 2022 reports, though challenges remain. No steps have been taken to increase the transparency and fairness in the allocation of state advertising in [Hungary](#), [Croatia](#), [Malta](#) and [Spain](#). [Albania](#) lacks a transparent distribution system for state advertising. In [Montenegro](#), information on all public sector payments made to media outlets, including institutional advertising, is limited. In [North Macedonia](#), certain elements of a new law covering state-funded advertising have raised concerns among stakeholders.

While the funding granted to public service media is the responsibility of each Member State<sup>99</sup>, European standards and guiding principles exist on independence, the regulatory and

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<sup>97</sup> Recommendation CM/Rec(2018)11 of the Committee of Ministers to Member States on media pluralism and transparency of media ownership

<sup>98</sup> EU legislation contains relevant provisions: Directive 2010/13/EU, as amended by Directive 2018/1808 (AVMSD); General (non-sectoral) obligations of transparency of beneficial ownership in the Anti-Money Laundering Directives (Directives 2018/843 and 2015/849). The EMFA obliges all media service providers to disclose their direct, indirect and beneficial owners.

<sup>99</sup> As long as EU trade and competition rules are respected. See Protocol to the Treaties (No 29) on the system of public broadcasting in the Member States.

policy framework, funding, appointments, accountability, management, transparency, and openness<sup>100</sup>. Provisions to ensure the independent functioning of public service media, notably by requiring safeguards for adequate, sustainable and predictable financial resources and fostering transparency in the appointments and dismissals of management will need to be complied with once EMFA enters into application.

Reforms aimed at strengthening the independence of national public service broadcasters have been agreed or are under way in several Member States. Legislation or other positive steps have been applied in [Germany](#), [Sweden](#) and [Czechia](#) while reform discussions are ongoing or in preparation in [Austria](#), [Cyprus](#), [Estonia](#), [Finland](#), [Denmark](#), [Bulgaria](#), the [Netherlands](#) and [Poland](#). Previously voiced concerns with regard to the independent governance and editorial independence of public service media have not yet been addressed in [Romania](#), [Malta](#), and [Hungary](#). In [Slovakia](#), a law was adopted in July 2024 which dissolves the current public broadcaster and establishes a new one, leading to concerns on the future independence of the broadcaster. In [Italy](#), though there are rules in place aimed at ensuring that public service media provide independent and pluralistic information, there are persisting challenges related to the effectiveness of its governance and funding system.

As regards enlargement countries, while the legal frameworks regulating the governance of public service media are in place in [Albania](#) and [North Macedonia](#), they have not shielded public service media in practice against politicisation. Funding is unstable in [North Macedonia](#). In [Serbia](#), while a revision is planned for the end of 2024 to ensure stable funding, issues of editorial autonomy and pluralism of public service media need to be addressed. A recent legal reform of public service media in [Montenegro](#) is expected to bring positive developments both in terms of governance as well as funding.

### *Access to information*

The right to access information held by public authorities is one of the main transparency and accountability tools for civil society and citizens and it is fundamental for journalists to do their work. Several Member States, such as [Estonia](#), [Luxembourg](#), [Austria](#), [Bulgaria](#) and [Finland](#) have made further tangible progress in this respect. In [Austria](#), for example, a Freedom of Information Act was adopted and enshrined in the Constitution, which for the first time provides a right to information from public authorities and state-owned enterprises. However, limited progress has been seen in several other Member States where problems were previously identified, such as [Spain](#), [Poland](#), [Germany](#), [Greece](#), [Romania](#) and [Malta](#). In [Italy](#) the rules regulating the disclosure of judicial information in criminal proceedings raise concerns, while in [Croatia](#) although journalists are exempt from the offence of disclosure of such information, there is still strong criticism from stakeholders, and efforts continue to be made to address it.

The right to access information is legally guaranteed in all the enlargement countries included in this report, but journalists' ability to exercise this right is often significantly limited in practice. In [Serbia](#) and [Montenegro](#), journalists face frequent refusals by public bodies to release information.

### *Improving the safety and protection of journalists and addressing legal threats and abusive court proceedings against public participation*

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<sup>100</sup> Council of Europe Recommendation CM/Rec(2012)1 on public service media governance.

Journalists continue to face physical and legal threats, with online smear campaigns and censorship both also compromising their safety. Several measures recommended in the 2021 Commission Recommendation on the safety of journalists<sup>101</sup> are in need of improvement in several Member States, as highlighted by an independent study published in May 2024<sup>102</sup>. They include effective and impartial investigation and prosecution of crimes, dedicated training, addressing online threats and attacks and ensuring the safety of female journalists, journalists belonging to minority groups and those reporting on equality issues. Regarding positive developments, several Member States (and enlargement countries)<sup>103</sup> have adopted dedicated Action Plans, and taken steps to set up dedicated support structures promoting the safety of journalists.

Strategic lawsuits against public participation (SLAPPs) are a particular form of harassment used against journalists and human rights defenders engaged with matters of public interest. Defamation is one of the most common grounds on which SLAPPs are brought against journalists. Such harassment usually aims at silencing journalists and creating a chilling effect on media freedom and freedom of expression. New EU law provisions are in place since May 2024 to curb SLAPPs<sup>104</sup> and Member States have been encouraged to take additional action<sup>105</sup>. Moreover, the EMFA has put in place requirements for the effective protection of journalistic sources and confidential communications and safeguards against the deployment of intrusive surveillance software.

Following positive developments acknowledged in the 2023 report in some Member States, others have also followed up on the recommendations issued in the 2023 and 2022 reports. In [Croatia](#), awareness raising efforts continue on SLAPPs targeting journalists, though progress is limited. In [Lithuania](#), the Government adopted an action plan on the safety and protection of journalists and continues to strengthen their protection against abusive lawsuits. In [Luxembourg](#), the Government has committed to reinforce the safety of journalists and a new draft law is expected to introduce safeguards for the protection of journalists in [Slovenia](#). However, reform processes have stalled in [Cyprus](#) and [Malta](#). In [Slovakia](#), despite some progress with regard to mechanisms aimed at improving the safety of journalists, there are increasing concerns in relation to reported worsening of their working environment. In both [Montenegro](#) and [North Macedonia](#), legislative amendments provide for harsher penalties in case of violent acts or intimidation against journalists.

Specifically on the threat of SLAPPs and responding to 2023 and 2022 recommendations, [Greece](#) and [Ireland](#) have progressed with legislative work to introduce specific procedural safeguards and/or revising their defamation laws, while reform of the defamation regime is stalled in [Italy](#) and also in [Slovakia](#). [North Macedonia](#) introduced legislative amendments

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<sup>101</sup> 2021 Recommendation on the safety of journalists (C(2021) 6650, 16 September 2021)

<sup>102</sup> European Commission, Directorate-General for Communications Networks, Content and Technology, Study on putting in practice by Member States of the recommendation on the protection, safety and empowerment of journalists – Final report, Publications Office of the European Union, 2024.

<sup>103</sup> While the Recommendation is addressed to EU Member States, it also encourages candidate countries to follow its provisions.

<sup>104</sup> Directive 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation').

<sup>105</sup> The 2022 Commission Recommendation (C(2022) 2428, 27 April 2022) includes measures related covering defamation, training, awareness raising, support mechanisms, data collection, reporting and monitoring. The Commission is in contact with Member States to prepare a report on their follow-up to the Recommendation. The Council of Europe also adopted a [Recommendation on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#) in April 2024.



which restrict the margin to initiate SLAPP cases against media organisations and journalists and decrease the fines applied in cases of defamation.

### ***3.4 Other institutional issues linked to checks and balances***

A well-functioning system of institutional checks and balances is central to the rule of law and provides a system of mutual control, whereby the power exercised by one state authority is subject to the scrutiny of others, even if how this is organised varies according to different national legal and constitutional traditions. An open legislative process and attention to the quality of lawmaking has a long-term effect on the ability to ensure the rule of law. The stability and quality of the law-making process are also key indicators for confidence in investment protection. Civil society organisations and independent authorities, such as National Human Rights Institutions, equality bodies and Ombudspersons, are an indispensable element in such checks and balances in a healthy democracy, so their freedom to operate is directly relevant to rule of law.

#### *The inclusiveness, quality and transparency of the law-making process*

Efforts to improve the quality, inclusiveness and transparency of the legislative process have continued, including on issues covered in the 2023 recommendations. In [Czechia](#), the use of accelerated legislative procedures decreased and a new public digital platform for accessing legislation free of charge was launched. Similarly, in [Ireland](#), the use of motions to shorten the debate time for legislative proposals decreased considerably. In [France](#), several tools have been put in place to increase the participation of citizens in the law-making process. In [Portugal](#), new measures were taken to improve the transparency of law-making, while the regulation of impact assessment is still pending.

Some Member States have initiated efforts to improve the quality of the legislative process that are still at an early stage. In [Croatia](#), a new Law on Better Regulation introduced a comprehensive overhaul of impact assessments and evaluations, and additional standards for public consultations. In [Cyprus](#), a new e-consultation platform is a step towards facilitating stakeholder input in the legislative process, while further measures are needed for meaningful public consultation. In [Luxembourg](#), the legislative process is more inclusive, in particular as regards Government-initiated legislation, while shortcomings remain concerning draft laws tabled by members of Parliament. In [Poland](#), the Government has started to involve civil society more effectively in consultations on legislation, though this approach needs to be consolidated. In [North Macedonia](#), a national electronic consultation system allowing stakeholders to participate in public consultations is in place, but not all draft laws are published on the platform.

In a number of Member States, challenges persist in areas such as the excessive use of accelerated procedures or the overall quality of law-making, as well as in consultation of stakeholders. In [Spain](#), the “Organic Law on Amnesty for the Institutional, Political and Social Normalisation of Catalonia” sparked controversy and was subject to a Venice Commission Opinion, which addressed a number of issues related to the rule of law. It was taken forward under an urgent procedure, allowing only for a limited consultation of the public. In [Bulgaria](#) challenges continue regarding the quality of the legislative process. In [Hungary](#), the quality of law-making and the frequent changes in legislation remain a significant cause for concern. Legal uncertainty adds to concerns about arbitrary decisions from the government and public authorities seen as obstacles for the operation of businesses in the single market. In [France](#), [Estonia](#) and [Italy](#), concerns have been raised about the considerable use of accelerated legislative procedures or emergency decrees. In [Slovakia](#),



major reforms have taken place without effective stakeholder involvement, frequently using fast-track legislative procedures. In [Finland](#), stakeholders have reported a change in the practice of public consultations, reducing the opportunity to comment. In [Malta](#), a formal framework regarding public engagement in the drafting of legislation is still lacking. In [Romania](#), efforts are still needed to ensure effective public consultations as shortcomings persist.

In [Albania](#) and [North Macedonia](#), deep political polarisation has a negative impact on the legislative process, which in the latter case has caused delays in its work and led to the excessive and sometimes inappropriate use of accelerated legislative procedures. In [Montenegro](#), despite an established framework for an inclusive legislative process, challenges remain concerning inadequate public consultation. In [Serbia](#), Parliament's ability to provide checks and balances is constrained by issues of effectiveness, autonomy and transparency, and the process of public consultation needs further strengthening.

#### *Constitutional reforms and debates impacting on institutional checks and balances*

In several Member States, constitutional reform processes have been undertaken or are subject of important public debates. In [Bulgaria](#), the constitutional reform changed the procedure for appointment of the interim government by limiting the powers of the President. In [Sweden](#), the Government is examining the follow up to an all-party committee report on a possible amendment of the constitution to deal with serious peacetime crises. In the [Netherlands](#), further steps have been taken by all state powers to strengthen the legal protection of citizens and a State Commission on the Rule of Law issued recommendations. In [Italy](#), the Government has submitted to Parliament a draft constitutional reform, with the objective of ensuring greater stability of government.

#### *Significant developments on Supreme and Constitutional Courts in the checks and balances*

Constitutional courts play a key role in the effective application of EU law and in ensuring the integrity of the EU legal order and are key elements of checks and balances. While the establishment, composition and functioning of constitutional jurisdictions are within the competence of Member States, when exercising that competence, Member States are required to comply with EU law and EU values<sup>106</sup>.

In some Member States, the scope of constitutional review is expanding. In [Bulgaria](#), the constitutional reform made constitutional checks more accessible by allowing all courts to submit requests on constitutionality. In [Lithuania](#), the Judicial Council is preparing a proposal to amend the constitution in order to be granted the right of constitutional appeal regarding legislation affecting the judiciary. Concerns persist regarding other aspects of the work of Constitutional Courts in some Member States. In [Hungary](#), the Constitutional Court still reviews the merits of final rulings of ordinary courts, although as previously reported public authorities can no longer challenge final judicial decisions before the Constitutional Court. In [Slovenia](#), following concerns raised for years by the Constitutional Court regarding its considerable workload, which prevents the Court from dedicating more attention to the constitutionally most far-reaching cases, discussions have continued on constitutional amendments to reduce the Constitutional Court's caseload by transferring certain types of cases to administrative courts.

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<sup>106</sup> CJEU, judgment of 22 February 2022, RS (Effect of the decisions of a constitutional court), C-430/21.

As regards the enlargement countries, in [Albania](#) the Constitutional Court is effective in upholding institutional checks and balances, though Parliament has failed to comply with some of its rulings. In [Serbia](#), several vacancies at the Constitutional Court need to be filled.

#### *Ombudspersons, National Human Rights Institutions, equality bodies and other independent authorities*

National human rights institutions (NHRIs)<sup>107</sup>, Ombudspersons<sup>108</sup>, equality bodies and other independent authorities have an important role in national checks and balances. In some Member States, the status of these bodies has been further strengthened or reforms are under way. In [Bulgaria](#) and [Cyprus](#), the Ombudspersons have been given new tasks, and in [Lithuania](#) and [Poland](#) there was an increase of financial resources for Ombudspersons' Offices. In [Sweden](#), the National Human Rights Institution has secured funding for its activities and continues working towards an A-status accreditation. In [Estonia](#), [Luxembourg](#), and [Finland](#) reforms are being discussed to strengthen the autonomy of independent institutions.

However, in other Member States, NHRIs and Ombudsperson institutions continue to face challenges. In [Hungary](#), concerns remain regarding the independence and effective functioning of the Commissioner for Fundamental Rights. In [Croatia](#), some further steps were made on the follow-up to the People's Ombudsperson's recommendations, but challenges on access to information remain. The [Netherlands](#) Institute for Human Rights continues to face governance issues. In [Slovenia](#), the Human Rights Ombudsperson has raised concerns regarding proposed amendments to the act on its functioning.

In [Montenegro](#), the Ombudsperson's Office has improved its capacity to handle complaints and improve decision quality, but the absence of systematic follow-up to its recommendations undermines the efficiency of its work. In [Serbia](#), there is no systematic follow-up on the recommendations of the independent bodies.

Procedures for the appointment of heads of independent authorities have emerged as offering particular challenges. Delays in appointments have continued in [Bulgaria](#) and [Austria](#) while in [Slovakia](#) legislative amendments have widened the power of the Government to appoint and dismiss heads of certain independent bodies. In [Greece](#), while measures were taken to improve the salary regime, independent authorities face challenges that could undermine their status and ability to carry out their tasks effectively. In contrast, in [Poland](#), the recommendation regarding the Supreme Audit Office has been fully implemented by ensuring the appointment of its College members and an adequate follow-up to its findings.

As regards the four Member States who do not yet have established an NHRI in line with the UN Paris Principles, in [Czechia](#), an amendment to entrust the Ombudsperson with the function of an NHRI, and there has been some progress on obtaining accreditation for the Ombudsman and the NHRI in [Romania](#). However, [Italy](#) and [Malta](#) have made no progress towards establishing an NHRI.

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<sup>107</sup> The UN Paris Principles, endorsed by the UN General Assembly in 1993 (Resolution A/RES/48/134), set out the main criteria that NHRIs are required to meet. NHRIs are periodically accredited before the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.

<sup>108</sup> See the Venice Commission Principles for Ombudspersons.

### *Implementation of judgments by the European Court of Human Rights and national courts*

Since 2022, the country chapters include figures on the implementation of leading judgments of the European Court of Human Rights (ECtHR), an important indicator for the functioning of the rule of law in a country. Results vary between Member States. Across the EU, around 44% of leading judgments of the ECtHR relating to the Member States from the last ten years are yet to be implemented, a slight increase on last year<sup>109</sup>.

In [Belgium](#) non-compliance with European Court of Human Rights and domestic court judgments, including a final judgment of a court of last instance, raises serious concerns. [Romania](#) remains under enhanced supervision from the Committee of Ministers of the Council of Europe for a long-standing structural problem of non-implementation or delayed implementation of final domestic court decisions delivered against the State. In [Croatia](#), a new Law on Administrative Disputes includes measures to encourage the swift implementation of administrative courts' judgments.

### *Civil society organisations as essential actors for the rule of law*

Civil society organisations (CSOs) and human rights' defenders are key actors in the system of checks and balances. They act as watchdogs against breaches of the rule of law and actively contribute to promoting and protecting EU values and fundamental rights. This was recognised in a Commission Recommendation on civic engagement in December 2023<sup>110</sup>, calling on Member States to create and maintain a safe and enabling environment for CSOs and human rights' defenders, to enhance their opportunities for effective participation in policy-making. In parallel, the Commission's proposal on European cross-border associations aims to remove regulatory and administrative barriers for non-profit associations in the single market<sup>111</sup>.

In the majority of Member States, an enabling and supportive framework for civil society exists, and the civil society space continues to be considered as 'open'<sup>112</sup>. Initiatives to further improve their operating space have continued, such as through a reform of the tax framework in [Austria](#). In [Sweden](#), further steps were taken in the ongoing reforms of the legal framework for the funding and operation of civil society. In [Ireland](#), some further progress was made to tackle legal obstacles to accessing funding, with an Electoral Commission review of the current legislation. In [Croatia](#), there has been a gradual shift towards multiannual funding for civil society organisations, though a broader plan still remains outstanding. In [Poland](#), creating the office of the Minister for the Civil Society is seen as a first step to new initiatives to improve the legal framework for CSOs.

However, continuing the trend noted in previous Reports, CSOs and human rights defenders have increasingly faced challenges, with new legal restrictions, lack of funding or physical and verbal attacks. No concrete steps have been taken yet to address the uncertainty regarding the tax-exempt status of non-profit organisations in [Germany](#). In [Greece](#), the ongoing implementation of the interoperability of the existing registries for CSOs is a positive

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<sup>109</sup> Last year it was 40%. Contribution from the Contribution from the European Implementation Network for the 2024 Rule of Law Report.

<sup>110</sup> Recommendation on promoting the engagement and effective participation of citizens and civil society organisation in public policy-making processes (C(2023) 8627, 12 December 2024).

<sup>111</sup> COM/2023/516 final of 5 September 2023.

<sup>112</sup> According to the rating given by CIVICUS (non-governmental organisation). Ratings use a five-category scale: open, narrowed, obstructed, repressed and closed. Compared to 2023, one Member State has been downgraded from 'open' to 'narrowed'.

development, while the registration framework still needs to be evaluated and concerns remain about the space for civil society. In [Cyprus](#), plans for regular dialogue between the authorities and civil society are encouraging, but questions remain over the administrative requirements imposed on CSOs. In [Italy](#), challenges remain as regards the civic space, also in light of reported verbal attacks on CSOs involved in humanitarian activities. In [Spain](#), a reform of the Citizen Security Law was announced in Parliament to address concerns about its impact on the civic space is still pending.

In [North Macedonia](#), CSOs operate in an overall enabling environment, but challenges remain to ensure their sustainable engagement in policymaking. In [Serbia](#), CSOs lack an enabling environment for establishment, operations and financing, and smear campaigns are conducted against several of them.

In certain Member States, civil society is faced with serious challenges or systemic undue restrictions to their operations. In [Hungary](#), there has been no progress in removing existing obstacles for CSOs, with smear campaigns and the vilification of independent CSOs remain a current practice. There are also concerns related to the State's role in financing civil society. In [Slovakia](#), the environment for CSOs has deteriorated, particularly those with the role of overseeing state activities, and in the area of human rights.

#### *National checks and balances in the use of intrusive surveillance software ("spyware")*

Even where the use of spyware is linked to national security, and in instances where it falls outside the scope of EU law, national checks and balances need to ensure that safeguards are in place. Fundamental rights such as the protection of personal data, the freedom to receive and impart information, the freedom of expression, as well as the right to an effective remedy and a fair trial, need to be respected. EU data protection legislation offers a comprehensive mechanism of oversight and safeguards and is applicable in situations where spyware is used for law enforcement purposes. The Venice Commission is working on developing principles and good practices applicable to targeted surveillance by means of spyware.

The 2024 Report follows up on developments concerning the alleged illegal use of spyware (such as 'Pegasus' or equivalent intrusive surveillance software) referred to in previous reports, in particular as regards the functioning of national checks and balances in response to such allegations. In [Poland](#), the Sejm established a parliamentary investigative committee to assess the use of 'Pegasus' software by members of the Government, secret services, the police, and other state bodies between 2015 and 2023. The new Prosecutor-General also decided to formally notify persons targeted by Pegasus software and appointed a special team to carry out investigations on the legality of its use. In other Member States, the situation remains unchanged. In [Greece](#), judicial investigations into the use of spyware are ongoing. On the other hand, in [Hungary](#), concerns persist due to the absence of effective judicial or other oversight as regards the use of secret surveillance measures outside criminal proceedings.

#### *Safeguards in addressing foreign influence*

Interference by foreign governments seeking to manipulate public opinion and distort the democratic debate poses a threat to the EU's democracies<sup>113</sup>. Efforts to preserve the public interest and shed light on foreign influence on EU democracies must be proportionate and fully respect fundamental rights and democratic values. Drawing on both the Court of

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<sup>113</sup> Communication on Defence of Democracy (C(2023)630).

Justice<sup>114</sup> and the Venice Commission<sup>115</sup>, in December 2023 the Commission proposed to regulate the transparency of interest representation from third countries in the EU, focusing on transparency and democratic accountability, introducing targeted rules accompanied by strong safeguards.

In some Member States, measures proposed or adopted and citing the need to address foreign influence have raised serious concerns, notably because they stigmatise the organisations concerned. Under a new law to protect national sovereignty, [Hungary](#) established a new office with broadly defined competences tasked with reporting on any person or organisation suspected of serving foreign interests and/or receiving foreign funding, which has launched investigations<sup>116</sup>. This is currently subject to infringement proceedings launched by the Commission. In [Slovakia](#), draft amendments tabled in Parliament would introduce a mandatory labelling of organisations receiving funding from abroad beyond a certain threshold as ‘organisations with foreign support’.

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

Promoting a strong rule of law culture is essential for the long-term resilience of democratic societies. A variety of actors actively contribute to this, for example by organising debates or educational initiatives.

In [Czechia](#), public authorities have launched initiatives to foster the rule of law culture, with several events organised in both chambers of Parliament and high-level events organised by the Government and the Public Defender of Rights. In [Spain](#), several initiatives aimed at fostering a rule of law culture have been taken. In [Slovakia](#), the Slovak National Centre for Human Rights, mandated as National Human Rights Institution and equality body, contributes with projects to strengthen the rule of law culture.

## **4. CONCLUSIONS AND NEXT STEPS**

The five successive years of Commission reporting on the rule of law have illustrated how respect for the rule of law can never be taken for granted. Changing circumstances, whether political change or societal and technological developments, can bring new challenges to the rule of law. The nature and degree of challenges vary from one Member State to another, as reflected in the recommendations addressed in the Rule of Law Report.

At the same time, the reports have also shown how dialogue can help to make progress. Over the past five years, the EU has significantly enhanced its capacity to address rule of law challenges and support reforms. Member States can increasingly draw upon a common understanding of how policies, institutions and laws can best be shaped to protect the rule of law. While rule of law-related problems still exist and will continue to emerge, the EU is now better equipped to approach these in an objective and sound way, and to bring different

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<sup>114</sup> Judgment of 18 June 2020, *Commission v Hungary (Transparency of associations)*, C-78/18, EU:C:2020:476.

<sup>115</sup> Venice Commission Report on Funding of Associations CDL-AD(2019)002. See also Venice Commission Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence (CDL PI(2024)013) and Opinion on Act LXXXVII of 2023 on the Protection of National Sovereignty (CDL(2024)001).

<sup>116</sup> In June 2024, the Sovereignty Protection Office launched investigations into the activities and funding of an anti-corruption CSO and an investigative media outlet.



instruments to bear in finding solutions. Member States remain free to design solutions in line with their specific national context, but such solutions should draw on a consolidating body of rule of law standards and requirements.

The Political Guidelines for the Commission 2024-2029 cement the rule of law at the heart of a successful EU. This is also underlined in the **European Council** Strategic Agenda adopted in June 2024. This consensus shows the importance of continuing to deepen the EU's work on the rule of law, building common understanding, broadening the impact of the EU's work, and deepening the toolbox at our disposal to promote the rule of law.

The Rule of Law Report will continue to spearhead this work. This will include a broadening of reporting to embrace key issues such as the Single Market dimension, looking at issues affecting companies, especially SMEs, operating across borders. It will also include building a closer link between the Rule of Law Report and its recommendations and funding under the EU budget: this will be an important consideration as we seek to ensure that the next Multiannual Financial Framework offers the maximum to European citizens. EU funding can be further focused on helping national efforts to fight corruption and to protect the EU financial interest, investing in upholding the rule of law. Further enlargement countries will be included in the Rule of Law report as and when they are ready. Enforcement will be of particular importance: tracking implementation of the Report's recommendations will be developed as a way to consolidate progress.

The core principles underlying the Rule of Law Report – equal treatment between Member States, the rigorous application of EU standards, and a process embedded in dialogue and mutual understanding – have stood the test of time. The Commission looks forward to working with Member States, the European Parliament and the Council to ensure that the rule of law can continue to provide the foundation stone for Europe's democracies.

## **ANNEX with recommendations**

*All the 2024 recommendations will be listed, in the protocol order of the Member States. For each Member State the recommendations will be presented in the order in which the topics appear in the respective country chapter and with a chapeau sentence where relevant (in an identical way as in the country chapter).*