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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**

2022 Rule of Law Report

The rule of law situation in the European Union

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ANNEX

Recommendations to the Member States

Belgium

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

- Continue measures to provide adequate human and financial resources for the justice system as a whole, taking into account European standards on resources for the justice system.
- Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government.
- Strengthen the integrity framework, including by adopting a Code of Conduct covering all members of ministerial private offices, rules on gifts and benefits for members of Parliament and Government and rules on revolving doors for government and their private offices.
- Strengthen the framework for access to official documents, in particular by improving request and appeal processes and by limiting the grounds for rejection of disclosure requests, taking into account European standards on access to official documents.

Bulgaria

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

- Ensure timely ordinary competitions for promotion to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.
- Advance with the legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members.
- Take steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
- Continue the implementation of measures to improve the integrity of the specific sectors of the public administration, including measures tailored to the police and the judiciary.
- Ensure that the institutional reforms of the Anti-Corruption Commission and the specialised judicial authorities lead to an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases.
- Improve transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.

Czechia

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

- Take forward the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- Take measures to reduce the length of proceedings to ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases.
- Strengthen the integrity framework for members of Parliament, in particular by ensuring that Codes of Ethics are in place for both Houses of Parliament.
- Complete the revision of legislation on asset declarations and on conflict of interests, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Take steps to establish a National Human Rights Institution taking into account the UN Paris Principles.

Denmark

It is recommended to Denmark to:

- Ensure adequate human and financial resources for the justice system in the next multiannual framework, taking into account European standards on resources for the justice system.
- Adopt new legislation on political party financing that will address the issue of multiple and anonymous donations and introduce sanctions for breaching the rules on the political parties framework.
- Introduce rules on ‘revolving doors’ for ministers and on lobbying, and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.
- Continue the process geared at reforming the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.

Germany

It is recommended to Germany to:

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

Estonia

It is recommended to Estonia to:

- Ensure that the guidelines on the conflict of interests are subject to an effective verification, monitoring and enforcement mechanism.
- Continue the efforts in effective implementation of the guidelines on lobbying.
- Ensure consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents.
- Continue advancing with the digital platform to make the legislative process even more visible and inclusive for public consultation.

Ireland

It is recommended to Ireland to:

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

Greece

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

- Address the need for involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit taking into account European standards on judicial appointments.
- Ensure the effective and systematic verification of the accuracy of asset disclosures filed by all types of public officials.
- Increase efforts to establish a robust track record of prosecutions and final judgments in corruption cases.
- Establish legislative and other safeguards to improve the physical safety and working environment of journalists, in line with the recently adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.
- Ensure that registration requirements for civil society organisations are proportionate in view of maintaining an open framework for them to operate.

Spain

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

- Strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- Proceed with the renewal of the Council for the Judiciary as a matter of priority and initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards.
- Continue efforts to table legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases.
- Ensure adequate resources for the national audiovisual media regulatory authority to strengthen its operations, taking into account the European standards on the independence of media regulators in particular as regards resource adequacy.
- Pursue work to strengthen access to information, in particular via revision of the Law on Official Secrets.

France

It is recommended to France to:

- Continue efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings.
- Continue efforts to ensure adequate human resources for the justice system, including to improve its efficiency, taking into account European standards on resources for the justice system.
- Continue the effective investigation, prosecution and sanctioning of high-level corruption offences.
- Ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.
- Enhance the transparency of media ownership, in particular regarding complex shareholding structures, building on the existing legal safeguards.

Croatia

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

- Reconsider the newly introduced periodic security checks conducted by the National Security Agency on all judges and state attorneys by ensuring their integrity based on other existing mechanisms, taking into account European standards on judicial independence and autonomy of prosecutors and the opinion of the Venice Commission.
- Introduce comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists.
- Further strengthen the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the new public tender procedure for local and regional media.
- Address the issue of strategic lawsuits against public participation targeted at journalists, including by addressing the abuse of legal provisions on defamation and encouraging awareness, taking into account European standards on the protection of journalists.
- Ensure a more systematic follow-up to recommendations and information requests of the Ombudsperson.

Italy

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

- Continue the efforts to further improve the level of digitalisation of the justice system, particularly for criminal courts and prosecutors' offices.
- Continue effective operations of police and prosecution service against high-level corruption, including by enhancing digitalisation and interconnection of registries.
- Adopt comprehensive conflict of interests rules and lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- Effectively address the practice of channelling donations through political foundations and associations and introduce single electronic register for party and campaign finance information.
- Introduce legislative and other safeguards to reform the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- Increase efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

Cyprus

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

- Ensure that the reform on the appointment of the Supreme Constitutional Court and High Court judges takes into account European standards on judicial appointments and the opinion of the Venice Commission.
- Ensure that the reform on the composition of the Supreme Council of the Judicature takes into account European standards regarding Councils for the Judiciary and the opinion of the Venice Commission.
- Continue to improve the effective investigation and adjudication of high-level corruption cases, including by strengthening the Office of the Attorney General and its budgetary independence.
- Introduce rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications.
- Strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Establish a framework for the effective and timely consultation of stakeholders in the legislative process.

Latvia

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

- Initiate a process in view of ensuring adequate safeguards against undue political influence in the appointment of Supreme Court judges, taking into account European standards on judicial appointments.
- Continue efforts towards the swift adoption and effective implementation of the Action Plan 2021-2024 to prevent corruption.
- Continue efforts towards adopting the draft legislation on lobbying, and following that, ensure the setting-up of a special lobby register.
- Take measures to increase the participation of civil society in decision-making at local level.

Lithuania

It is recommended to Lithuania to:

- Continue the reform of the legal aid system, including by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Proceed with the appointments to ensure the full composition of the Supreme Court and with the appointment of the President of the Supreme Court.
- Initiate a process in view of adapting the system of appointments to judicial positions, notably to the Supreme Court, including to improve transparency and taking into account European standards on judicial appointments.
- Start implementing the anti-corruption agenda 2022-2033.
- Continue improving the practice of granting access to official documents, in particular by making sure that the grounds for rejection of disclosure requests are not used to unduly limit access, including by journalists, taking into account European standards on access to official documents.
- Provide adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles.

Luxembourg

It is recommended to Luxembourg to:

- Continue with the process to adopt the reform on the powers of the future Council for the Judiciary.
- Continue with the process to adopt the reform on making legal aid more accessible.
- Continue to implement and evaluate the new legislation on lobbying the Parliament, including the transparency register.
- Ensure that there are adequate resources for the prosecution services dealing with economic and financial crime.
- Reduce the time of processing of requests for disclosure of official documents, taking into account European standards on access to official documents.
- Improve the legislative decision-making process by providing wider possibilities for stakeholders to participate in public consultations.

Hungary

In addition to recalling the obligation to comply with the rule of law-related rulings of the ECJ and the rule of law related infringement procedures referred to in the country chapter, the concerns raised under the conditionality regulation, the relevant concerns raised in the Article 7 TEU procedure initiated by the European Parliament, and recalling the relevant country-specific recommendations under the European Semester, it is recommended to Hungary to:

- Strengthen the role of the National Judicial Council, while safeguarding its independence, to effectively counter-balance the powers of the President of the National Office for the Judiciary.
- Adapt the rules related to the Kúria to remove judicial appointments outside the normal procedure, to strengthen eligibility criteria for the Kúria President, and to strengthen control by judicial bodies over the Kúria President, taking into account European standards, and to remove the possibility of reviewing the necessity of preliminary references, in line with EU law requirements.
- Adopt comprehensive reforms on lobbying and revolving doors, and strengthen the system of asset declarations, providing for effective oversight and enforcement.
- Establish a robust track record of investigations, prosecutions and final judgments for high-level corruption cases.
- Introduce mechanisms to enhance the functional independence of the media regulatory authority taking into account European standards on the independence of media regulators.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Adopt legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies.
- Remove obstacles affecting civil society organisations.

Malta

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

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

The Netherlands

It is recommended to the Netherlands to:

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

Austria

It is recommended to Austria to:

- Continue the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution.
- Address the need for involvement of the judiciary in the procedures for appointment of the president and vice-president of the Supreme Court and for court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- Finalise the legislative revision of the political party financing rules including to empower the Court of Audit to audit political party finances.
- Introduce effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Reform the framework for the allocation of state advertising by public authorities at all levels, in particular to improve the fairness and transparency of its distribution.
- Advance with the reform on access to official information taking into account the European standards on access to official documents.

Poland

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

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

Portugal

In addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Portugal to:

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

Romania

In addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, the anti-corruption framework and the legislative process and the recommendations under the Cooperation and Verification Mechanism, it is recommended to Romania to:

- Ensure that the revision of the Justice Laws reinforces safeguards for judicial independence, including to reform the disciplinary regime for magistrates, and take measures to address remaining concerns about the investigation and prosecution of criminal offences in the judiciary, taking into account European standards and relevant Venice Commission opinions.
- Introduce rules on lobbying for Members of Parliament.
- Address the operational challenges of the National Anti-Corruption Directorate, including as regards recruitment of prosecutors, and closely monitor the impact of the new system on investigating and prosecuting corruption offences in the judiciary.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.
- Ensure effective public consultation before the adoption of draft legislation.
- Continue efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

Slovenia

In addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Slovenia to:

- Ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Remove obstacles to the investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitation.
- Adopt and start implementing without further delay the anti-corruption strategy.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Establish legislative and other safeguards to protect journalists, particularly online, taking into account European standards on the protection of journalists.
- Ensure requisite safeguards for budgetary autonomy of the independent bodies.

Slovakia

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

- Ensure that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- Ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Introduce proposals to regulate lobbying and to strengthen the legislation on conflicts of interest and asset declarations.
- Improve the coordination among the different law enforcement entities and ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.

Finland

It is recommended to Finland to:

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

Sweden

It is recommended to Sweden to:

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