

## 2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

### Introduction

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The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

**If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.**

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email address: [rule-of-law-network@ec.europa.eu](mailto:rule-of-law-network@ec.europa.eu).

[1] For the consultation for the 2022 Report, see [https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en)

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

### Legislative developments

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

### Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

### Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

### Any other relevant developments

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

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## About you

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\* I am giving my contribution as

Judicial association or network

If "Other", please specify

\* Organisation name

*250 character(s) maximum*

**ASOCIACION DE FISCALES**

Main Areas of Work

Justice System

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

*500 character(s) maximum*

**[www.asociaciondefiscales.es](http://www.asociaciondefiscales.es)**

**A professional association made up of active members of the Public Prosecutor's Office, with a national presence, democratic organisation and functioning, independent of public authorities, political parties and trade union centres, whose purpose is to promote the defence and full realisation of the principles, rights and freedoms enshrined in the Constitution", as well as "to promote the assumption by members of the Public Prosecutor's Office of the value of the independence that being part of the Judiciary gives to this Ministry, to defend the principles of legality and impartiality in the actions of the Public Prosecutor's Office, the improvement of the Administration of Justice, as a public service, by promoting and carrying out all activities and measures aimed at its more perfect and efficient provision, so that it responds to the rights and legitimate interests of citizens, to ensure the objectivity of the system of entry to the Public Prosecutor's Office, so that it always guarantees the appropriate selection, competence and professionalism of its members, to promote adequate knowledge of the mission and functions of the Public Prosecutor's Office, to promote the participation of members of the Prosecutor's Office in the bodies of the Public Prosecutor's Office, without prejudice to the principles of unity and dependence that inform it, and to exercise the right to propose candidates for the Prosecutorial Council, the defence of its members and of the members of the Public Prosecutor's Office in their professional activities and, in general, of their interests and professional rights, both of those who are active and those who are retired, the maintenance of relations with other associations and associative entities arising within the framework of the Administration of Justice, in particular with national and international associations of prosecutors and magistrates, and communication with all social sectors interested in the Administration of Justice, exercising the right to be heard in the procedure for drawing up administrative provisions affecting the Public Prosecutor's Office and, in general, exercising all rights and powers recognised by law and especially by the Organic Statute of the Public Prosecutor's Office and the provisions that develop it.**

### Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

### \* Country of origin

Please add the country of origin of your organization

SPAIN

First name

ASOCIACION DE FISCALES

Surname

ASOCIACION DE FISCALES

Email Address of the organisation (this information will not be published)

[info@asociaciondefiscales.es](mailto:info@asociaciondefiscales.es)

### \* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).

I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

**En el ejercicio 2022, no se ha producido avance alguno para mejorar la apariencia de imparcialidad del Ministerio fiscal. No se ha abordado ninguna reforma del Estatuto Orgánico para modificar el estatuto del Fiscal General en materia de interdicción de nombramiento de FGE a quien haya ostentado cargos políticos de relevancia en el gobierno de la Nación o de las CCAA, incremento del plazo de ejercicio profesional, ampliación del plazo del mandato a cinco años, establecimiento de causas de recusación y abstención; supresión de la causa de cese del FGE al cesar el gobierno que lo nombra; a fin de fomentar la imagen de imparcialidad de la Fiscalía General seriamente deteriorada en los últimos años tras el nombramiento de la Ministra de Justicia del partido en el gobierno sin solución de continuidad y la polémica política de nombramientos y de dirección de la carrera fiscal.**

**Otro aspecto negativo que destacar es la reforma legislativa que se ha llevado a cabo de los delitos de sedición, desórdenes públicos y malversación de caudales públicos. Para contextualizar el momento y ocasión de la indicada reforma se hace indispensable realizar un recordatorio de los hechos acaecidos en España desde 2017.**

**Como es notorio y sabido el 1 de octubre de 2017 tuvieron lugar en la Comunidad Autónoma de Cataluña hechos cometidos por las máximas autoridades de dicha comunidad constitutivos de delitos de sedición y de malversación de caudales públicos, entre otros, que determinaron la incoación de causa judicial contra los mismos, causa instruida por un Magistrado del Tribunal Supremo dado el carácter de aforados de parte de los autores de los mismos; siendo enjuiciados por el Tribunal Supremo, dictándose sentencia el 14 de octubre de 2019 que condenaba a Oriol Junqueras, Vicepresidente de dicha CCAA y líder del partido independentista catalán Esquerra Republicana de Cataluña y otros como autores de un delito de sedición en concurso medial con un delito de malversación de caudales públicos imponiendo la pena 13 años de prisión y 13 años de inhabilitación absoluta, con privación definitiva de todos los honores, empleos y cargos públicos que tenga el penado, aunque sean electivos, e incapacidad para obtener los mismos o cualesquiera otros honores, cargos, o empleos públicos y la de ser elegido para cargo público durante el tiempo de la condena.**

**La particularidad de la situación de España a partir del mes de abril de 2018 en que el partido PSOE ganó la cuestión de confianza al Partido Popular en el gobierno en aquel momento, radica en que el Partido Socialista, tras las elecciones generales, necesita para formar gobierno del partido Unidas Podemos(UP) y además precisa de los votos de los partidos independentistas catalanes y vascos, en concreto de Esquerra Republicana de Cataluña (ERC) y del partido Junts al que pertenece el entonces Presidente de la Generalidad de Cataluña Carles Puigdemont, lo que implica una enorme complejidad, la de mantener un gobierno con los votos de los partidos independentistas, al tiempo que sus líderes eran objeto de investigación y enjuiciamiento por los tribunales españoles, en concreto el Tribunal Supremo máximo órgano jurisdiccional en España formado, como es conocido, por magistrados de la más alta categoría y de procedencia exclusivamente profesional.**

**Desde el momento en que recayó Sentencia condenatoria contra parte de los artífices de los hechos acaecidos en Cataluña en 2017 y Auto de procesamiento respecto del ex presidente de la Generalidad, el fugado sr. Puigdemont, el Gobierno de España tras las infructuosas propuestas penitenciarias para la consecución de la libertad de los penados que pretendían el vaciado de hecho de las penas de prisión ante la impugnación de la Fiscalía de Vigilancia Penitenciaria ante el Tribunal Supremo que acogió los recursos del Fiscal, procedió a conceder a los mismos el indulto parcial de las penas impuestas por los tribunales, con la consiguiente reducción de las penas de prisión judicialmente impuestas. El indulto es una medida de gracia del Gobierno de la nación que, por razones de equidad y justicia social, concede o puede conceder incluso en contra de la opinión del Tribunal y de los fiscales del caso concreto. El indulto concedido supuso una reducción de las penas impuestas judicialmente limitándolas, indultándole de la pena privativa de libertad que le restase por cumplir, a condición de no volver a cometer delito grave en el plazo de seis años.**

**Pese a ello y ante la necesidad de la colaboración de los partidos independentistas catalanes en la aprobación de los presupuestos Generales del Estado para el año 2023, para reducir aún más las penas incluida la de inhabilitación especial para el derecho de sufragio pasivo durante el plazo determinado en Sentencia que impide la presentación del condenado a la elección de cargo público, se pergeña una estrategia para limitar aún más de contenido la condena del Tribunal Supremo que permita que Oriol Junqueras, líder de Esquerra republicana de Cataluña, partido que actualmente detenta el poder en dicha Comunidad Autónoma, pueda presentarse a las elecciones de forma inmediata.**

La estrategia consiste en articular una reforma del Código Penal de los tipos de relativos a la malversación de caudales públicos y de los desórdenes públicos y la supresión del delito de sedición; bajo la falsa justificación de la necesidad de adaptar la normativa española a la de los países de nuestro entorno europeo, partiendo de la premisa de que, supuestamente, en los países de la comunidad Europea no existe delito de sedición o, de existir, el mismo está penado con penas mucho más benignas que en el Código Penal español. Para que dicha reforma se realice de forma urgente, urgencia que viene determinada por los pactos políticos del gobierno; sin intervención de los órganos de asesoramiento preceptivo: Consejo General del poder judicial, Consejo de Estado y Consejo Fiscal; hurtando el debate parlamentario por la premura de la tramitación legislativa, se decide presentar la reforma a través del grupo parlamentario del PSOE en el Congreso de los diputados, mediante proposición de ley, en lugar de tramitar la reforma como anteproyecto de ley del gobierno, que exige una tramitación más laboriosa, requiere debate parlamentario real y participación de los órganos consultivos a través de los correspondientes informes técnico jurídicos.

En noviembre de 2022 los grupos parlamentarios del PSOE y UP en el Congreso presentaron la llamada Proposición de Ley Orgánica de Transposición de Directivas Europeas y otras Disposiciones para la Adaptación de la Legislación Penal al Ordenamiento de la Unión Europea, y Reforma de los Delitos contra la Integridad Moral, Desórdenes Públicos y Contrabando de Armas de Doble Uso. La toma en consideración de la propuesta obtuvo el voto favorable de la mayoría de los diputados en la madrugada del 25 de noviembre dando así luz verde a una breve tramitación parlamentaria que terminó con la derogación del delito de sedición y la reforma del delito de malversación de caudales públicos.

El momento elegido, inmediatamente después de la votación de los presupuestos generales del Estado para el próximo año, y el procedimiento por el que se ha optado, la proposición de ley en lugar del proyecto de ley cuando además quienes la presentan son los dos partidos políticos constituidos en grupos parlamentarios, PSOE y UP, que conforman el Gobierno, revelan cual es el fin perseguido y los tiempos y dictámenes que se quieren obviar. Se hace muy difícil pensar que un Gobierno deje la transposición de la normativa europea a derecho español al albur de la presentación de una proposición de ley cuando a él corresponde de manera preeminente la iniciativa legislativa.

La proposición de ley no fue concebida como atajo legislativo, realmente es el cauce para que los diputados o grupos parlamentarios minoritarios puedan impulsar normas, un camino habilitado para la pluralidad, destinado a facultar que las diferentes sensibilidades representadas en el Congreso, por minoritarias que sean, puedan promover normas y su presencia en este se coliga con la función que le es consustancial, la producción legislativa.

Por eso el Reglamento del Congreso, siguiendo lo establecido en la Constitución, regula diferentes procedimientos legislativos. Por eso la calidad técnica que se espera de una ley, especialmente si es impulsada por el Gobierno, exige de plazos para el debate y el consenso e impone informes de órganos especialmente cualificados como el Consejo de Estado, el Consejo Fiscal y el Consejo General del Poder Judicial.

La Proposición, planteada como necesario ejercicio de adaptación de diversos preceptos del Código Penal a otras tantas Directivas de la Unión Europea que no podrían describirse precisamente como recientes (y es que la más moderna de las mismas es la Directiva 2019/1 del Parlamento Europeo y Consejo, de 11 de diciembre de 2018 y la más alejada en el tiempo la Directiva 2014/57/UE del Parlamento Europeo y Consejo, de 16 de abril de 2014), lo que verdaderamente persigue es la derogación del delito de sedición y la revisión del delito de malversación de caudales públicos cuya única finalidad es dar respuesta concreta a la situación actual de los líderes del *procés*, unos condenados en firme por el Tribunal Supremo y otros huidos de España para eludir la acción de la justicia.

En defensa de tal derogación se han usado argumentos que carecen del más mínimo sustento jurídico. Así de la exigencia de adaptación del derecho penal español al derecho penal europeo, lo que es sencillamente una entelequia dado que no existe un Código Penal Europeo o un conjunto sistematizado de normas que cumplan la misma finalidad, se pasó a la necesidad de homologar nuestro Código Penal a los de nuestro entorno cuando es evidente que países tales como Portugal, Alemania, Italia, Francia o Bélgica tienen en su ordenamiento penal tipos similares sancionados con graves penas de prisión y finalmente intentando poner en evidencia que dicho tipo penal procedente del Código Penal de 1822 estaba obsoleto.

Procede la Exposición de Motivos de la Proposición a exponer las razones que impulsan la reforma



planteada, y a falta de alguna Directiva Europea que poder transcribir para justificar la plena derogación del delito de sedición y parcial del delito de desórdenes públicos como hace con los demás artículos del Código Penal que se propone reformar, entremezcla los otros dos motivos de manera fragmentada y absolutamente desconectada de la realidad; resultando más sorprendente, si cabe, la justificación de la revisión del delito de malversación de caudales públicos, delito cuya aplicación viene dando resultados positivos en la lucha contra la corrupción política en España.

Pero el fin último ha sido evitar el debate necesario sobre la necesidad y utilidad de la derogación del delito de sedición: se fortalece con ello el orden constitucional, se refuerza el Estado de Derecho y sus Instituciones, se preserva la separación de poderes coadyuvando a la independencia de cada uno de ellos, mejora en definitiva nuestra democracia.

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

Spain

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

*3000 character(s) maximum*

## A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*3000 character(s) maximum*

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

*3000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*3000 character(s) maximum*

Allocation of cases in courts

*3000 character(s) maximum*



Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

*3000 character(s) maximum*

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

*3000 character(s) maximum*

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

*3000 character(s) maximum*

Independence/autonomy of the prosecution service

*3000 character(s) maximum*

Independence of the Bar (chamber/association of lawyers) and of lawyers

*3000 character(s) maximum*

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

*3000 character(s) maximum*

## B. Quality of justice

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section*

*2)*

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

*3000 character(s) maximum*

Resources of the judiciary (human/financial/material)

*(Material resources refer e.g. to court buildings and other facilities)*

3000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

## C. Efficiency of the justice system

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)*

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

## II. Anti-Corruption Framework

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Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points

you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

*3000 character(s) maximum*

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

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*3000 character(s) maximum*

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

*3000 character(s) maximum*

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

*3000 character(s) maximum*

## B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

*3000 character(s) maximum*

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

*3000 character(s) maximum*

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

*3000 character(s) maximum*

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

*3000 character(s) maximum*

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

*3000 character(s) maximum*

Any other relevant measures to prevent corruption in public and private sector

*3000 character(s) maximum*

## C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

*3000 character(s) maximum*

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

*(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)*

*3000 character(s) maximum*

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

### III. Media Freedom and Pluralism

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

#### A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

3000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

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

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

*3000 character(s) maximum*

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

*3000 character(s) maximum*

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

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

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

*3000 character(s) maximum*

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

*3000 character(s) maximum*

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

*3000 character(s) maximum*

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

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

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

*3000 character(s) maximum*

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

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

*3000 character(s) maximum*

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

*3000 character(s) maximum*

Regime for constitutional review of laws

*3000 character(s) maximum*

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic



- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

## B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

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

3000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

## C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

## D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

3000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line -, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

3000 character(s) maximum

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

3000 character(s) maximum

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

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

