

## Summary of the targeted stakeholder consultation for the 2020 Rule of Law Report

The 2020 Rule of Law Report is one of the major initiatives of the European Commission's Work Programme for 2020. The Report is a preventive tool at the centre of the European rule of law mechanism. It sets out key elements of the rule of law developments in the European Union and Member State-specific assessments in 27 country chapters, presenting both challenges and positive aspects, looking at areas with a strong bearing on the respect for the rule of law. The European rule of law mechanism is a new preventive rule of law instrument and constitutes a common commitment of the European Union and the Member States to reinforce the rule of law. The rule of law mechanism is designed as a yearly cycle to promote the rule of law and to prevent problems from emerging or deepening. Identifying the challenges will help Member States find solutions that protect the rule of law. The approach is based on close dialogue with national authorities and stakeholders, bringing transparency and covering all Member States on an objective and impartial basis.

In the preparation of the Report, the Commission has relied on a diversity of relevant sources, including input received from the Member States, virtual country visits, and stakeholder contributions. In order to facilitate their involvement, the Commission has invited stakeholders to provide written contributions through a targeted consultation from 24 March to 4 May 2020. The targeted consultation sought to gather the views of stakeholders on the developments relating to the rule of law in the different Member States and across the European Union.

Overall, the Commission has received contributions from 206 stakeholders<sup>1</sup>. The stakeholders were asked to provide information on the following topics:

- a) horizontal developments relating to rule of law, meaning trends common to several or all Member States; and
- b) information concerning developments in individual Member States relating to justice systems, anti-corruption framework, media pluralism, and other institutional issues related to checks and balances.

The information provided has been analysed by the Commission and has informed the Member State-specific assessments of the Commission in preparing the Report. The contributions proved very helpful for the Commission's work, in particular as regards identifying recent developments and important issues in Member States. Many contributions have also provided information on relevant details of the national legal and institutional framework. In this context, the Commission's Report reflects the information and developments mentioned by the stakeholders where relevant and contributions are cited in the country chapters as appropriate.

In addition to the targeted stakeholder consultation, the Commission consulted with stakeholders as part of the virtual country visits. Some of the stakeholders that contributed to the targeted stakeholder contribution were also consulted as part of the virtual country visits, which provided an opportunity to further discuss their written contributions.<sup>2</sup>

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<sup>1</sup> For the purposes of determining the number of stakeholders that contributed, stakeholders that did not include any information in the targeted consultation were not taken into account. Each stakeholder was counted only once regardless of the number of contributions they sent.

<sup>2</sup> Information on organisations consulted during the virtual country visits can be found in Annex II of the Country Chapters.

The contributions are summarised below<sup>3</sup>. Concrete references to individual contributions below are made based on the consent of the stakeholders<sup>4</sup>. The personal data protection provisions for the 2020 Rule of Law Report can be found [here](#).

## **Horizontal developments**

A large numbers of contributions covered horizontal developments in the European Union related to the rule of law. These contributions were received from European networks and other international organizations and civil society organizations, including from the Fundamental Rights Agency, the Council of Europe, the European Association of Judges, the European Network of Councils for the Judiciary, the Council of Bars and Law Societies of Europe, the Network of Corruption Prevention Agencies, the European Broadcasting Union, the European Federation of Journalists, the European Network of National Human Rights Institutions, etc.

These contributions cover general horizontal developments or trends, both positive and negative relating to the Rule of Law across the European Union Member States. In particular, these contributions cover the four pillars of the 2020 Rule of Law Report: the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances.

As regards the justice systems, these contributions mainly highlight increasing challenges to judicial independence in several Member States. Further issues mentioned are limitations to access to justice, excessive length of proceedings and a lack of adequate resources for the justice system. Positive developments in certain Member States are also highlighted, e.g. related to the efficiency of justice systems and the objective allocation of court cases.

As regards the anti-corruption framework, stakeholders mention obstacles to tackling and investigating corruption and a lack of whistle-blower protection as problems. Positive practices by certain Member States are also highlighted, e.g. regarding the legislative framework to tackle corruption.

As regards media pluralism, stakeholders highlight increasing challenges to media freedom. In particular, stakeholders mention challenges to independent media authorities, (legal) harassment of journalists, restrictions to the right of information, an increasing tendency to capture the media market and a lack of transparency of allocation of advertising and media ownership. Positive developments in certain Member States are also highlighted by stakeholders, e.g. regarding the protection of media against defamation suits.

As regards other institutional issues related to checks and balances, the contributions highlight a frequent tendency from governments to use accelerated legislative procedures, a limited use of in-depth impact assessments and stakeholder consultations, an increase in restrictions on civil society space and an increasing lack of independence and effectiveness of independent authorities. Stakeholders also raise concern regarding COVID-19 emergency measures and

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<sup>3</sup> The contributions received, as well as the summary of the contributions, represent opinions of the stakeholders and cannot be regarded as the official position of the European Commission and its services and are therefore not binding.

<sup>4</sup> Participants to the consultation could choose to have their contribution published either with their personal details included, or published in an anonymized version, or not to have their contribution published at all.,

their risks to the rule of law. Stakeholders also note positive tendencies in some Member States related to institutional issues, e.g. strengthened capacity of independent authorities.

### **Country-specific developments**

In addition to horizontal developments, the contributions also covered country-specific developments in the context of the targeted consultation. Country-specific developments were covered by judicial networks, civil society organisations, bar/lawyers' associations, media organizations, national courts, public authorities and academic/research institutions. Furthermore, a limited amount of contributions were received from citizens, non-formal groups of activists, private companies and law firms. Below the main issues highlighted in the country-specific contributions for each Member State are summarised.

#### **Belgium**

The Commission received 14 contributions regarding Belgium<sup>5</sup>. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. The issues covered include resources in the justice system and access to legal aid.

#### **Bulgaria**

The Commission received 54 contributions regarding Bulgaria. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as the accountability of the Prosecutor General, independence of the Supreme Judicial Council and the Inspectorate to the Supreme Judicial Council, independence of the Anti-corruption Commission, civil confiscation regime, independence of media, transparency of media ownership, state advertising in media, attacks on journalists and transparency in the legislative process.

#### **Czechia**

The Commission received 16 contributions regarding Czechia. The contributions cover the justice system, the anti-corruption framework, media pluralism, and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as regulation of the process of selection of judges, debates on a proposed reform of the prosecutorial service, investigation of conflict of interests of high-level politicians, regulation of lobbying, state advertising in media, criticism of journalists and civil society organisations from politicians and involvement of civil societies in the legislative process.

#### **Denmark**

The Commission received 8 contributions regarding Denmark. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues

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<sup>5</sup> For the purposes of determining the number of relevant contributions, both contributions covering only the Member States in question, covering several Member States and contribution providing horizontal and country-specific information on one or several Member States are counted. Therefore, contributions can be counted for several Member States. The level of detail of the information provided on each Member State can vary.

related to checks and balances. In particular, the contributions discussed topics such as regulation of lobbying.

### **Germany**

The Commission received 20 contributions regarding Germany. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as the level of perceived independence of the judiciary, the power of the Minister of Justice to instruct prosecutors, digitalisation of the justice system, resources in the justice system, efficiency of the justice system, regulation on whistleblower protection, attacks on journalists and consultation of stakeholders during the legislative process.

### **Estonia**

The Commission received 7 contributions regarding Estonia. The contributions cover the justice system and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as digitalisation of the justice system.

### **Ireland**

The Commission received 11 contributions regarding Ireland. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as the establishment of a judicial oversight body and the reform of the judicial appointment system.

### **Greece**

The Commission received 19 contributions regarding Greece. The contributions cover the justice system and the anti-corruption framework. In particular, the contributions discussed topics such as efficiency of the justice system and regulation of lobbying.

### **Spain**

The Commission received 38 contributions regarding Spain. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as the Council for the Judiciary, the relation between the Prosecutor General and the executive, amendment of the Code of Criminal Procedure, the anti-corruption strategy, regulation on whistleblower protection, regulation of lobbying and protection of freedom of information and issues that are specific to regions.

### **France**

The Commission received 24 contributions regarding France. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances, and in particular discuss topics such as resources in the justice system.

### **Croatia**

The Commission received 26 contributions regarding Croatia. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues

related to checks and balances. In particular, the contributions discussed topics such as the level of perceived independence of the judiciary, access to legal aid, efficiency of the justice system, regulation on whistleblower protection, access to information, threats to journalists and consultation of stakeholders during the legislative process.

### **Italy**

The Commission received 20 contributions regarding Italy. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as efficiency of the justice system, attacks and threats to journalists and the lack of an independent human rights institution.

### **Cyprus**

The Commission received 9 contributions regarding Cyprus. The contributions cover the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as the independent human rights institution.

### **Latvia**

The Commission received 6 contributions regarding Latvia. The contributions cover the justice system and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as the appointment of the Prosecutor General.

### **Lithuania**

The Commission received 10 contribution regarding Lithuania. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as the reform of the judicial appointment system and the regulation on whistleblower protection.

### **Luxembourg**

The Commission received 6 contributions regarding Luxembourg. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions discussed topics such as privacy guarantees in the registration requirements for non-profit organisations.

### **Hungary**

The Commission received 30 contributions regarding Hungary. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions highlighted topics such as the independence of the judiciary and the prosecution service, regulation of lobbying, conflict of interests and revolving doors, the legislative framework for asset declaration and regulation on whistleblower protection. Further issues that were mentioned included access to information, the independence of the national media regulator, transparency of media ownership, state advertising in media, threats to journalists, transparency in the legislative process and the environment for civil society.

## **Malta**

The Commission received 13 contributions regarding Malta. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions cover topics such as the assassination of an investigative journalist and the lack of an independent human rights institution.

## **Netherlands**

The Commission received 15 contributions regarding the Netherlands. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. The contributions addressed issues such as plans for a legal aid reform, the resources in the justice system, high-profile court cases that sparked debate on the role of the judiciary and the amended National Security Services Act.

## **Austria**

The Commission received 14 contribution regarding Austria. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. The contributions highlighted topics such as resources in the justice system, regulation of lobbying, the legislative framework for asset declaration, allocation of state advertisement, transparency of media ownership, access to information and lack of consultation of stakeholders during the legislative process.

## **Poland**

The Commission received 36 contributions regarding Poland. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions highlighted topics such as the independence of the National Council for the Judiciary, Constitutional Tribunal, and the Supreme Court, the disciplinary regime for judges and the dual function of the Minister of Justice and Prosecutor General. Further issues that were mentioned included the independence of the Central Anti-Corruption Bureau, the legislative framework for asset declaration, the independence of the national media regulator, transparency of media ownership and the environment for the Ombudsman and civil society.

## **Portugal**

The Commission received 9 contributions regarding Portugal. The contributions cover the justice system, the anti-corruption framework and media pluralism. In particular, the contributions discussed topics such as efficiency of the justice system.

## **Romania**

The Commission received 25 contributions regarding Romania. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions highlighted topics such as the impact of recent legislative amendments on judicial independence, human resources in the judiciary, the use of IT in the judiciary, the lack of comprehensive whistleblower protection and the use of emergency ordinances. Further topics covered include the expertise and resources of the national media regulator, transparency of media ownership, access to

information, state advertising in media, self-regulation for the media sector and threats to journalists.

### **Slovenia**

The Commission received 14 contributions regarding Slovenia. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions cover topics such as the efficiency of the justice system and threats to journalists.

### **Slovakia**

The Commission received 14 contributions regarding Slovakia. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions cover topics such as threats to journalists.

### **Finland**

The Commission received 9 contributions regarding Finland. The contributions cover the justice system, the anti-corruption framework, and other institutional issues related to checks and balances, and in particular discuss topics such as regulation of lobbying and on revolving doors.

### **Sweden**

The Commission received 9 contributions regarding Sweden. The contributions cover the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances. In particular, the contributions cover topics such as a planned reform to strengthen judicial independence.

## **Annex: list of contributors \***

\* When filing out the targeted stakeholder consultation, stakeholders could choose between public or anonymous contributions as well as having the option to not have their contribution published. Those that chose the option to remain anonymous or not have their contributions published are not included in this list.

- Abris Capital
- Access Info Europe
- Access Info Europe, together with Fundació Internacional Baltasar Garzón (FIBGAR) and Federación Española de Sindicatos de Periodistas (FeSP)
- Access to Information Programme
- ActiveWatch
- Aditus Foundation
- Advocate of the Principle of Equality
- AEAJ
- Agencia de Prevención y Lucha contra el Fraude y la Corrupción de la Comunitat Valenciana
- Amnesty International Finnish Section
- Amnesty International Hungary
- Anti-corruption Fund Foundation
- Antidiskriminierungsstelle des Bundes (Federal Anti-Discrimination Agency)
- Anti-Fraud Office of Catalonia (Oficina Antifrau de Catalunya)
- ARD, Co-operative of Public Service Broadcasting Organisations in Germany
- ARTICLE 19
- Assemblea Nacional Catalana (ANC)
- Associació d'Advocats d'Osona en Defensa dels Drets Humans
- Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH)
- Association of Prosecutors in Bulgaria (APB)
- Austrian Academy of Sciences, Institute for Comparative Media and Communication Studies
- Broadcasting Authority of Ireland
- Bulgarian Center for Not-for-Profit Law
- Bulgarian Institute for Legal Initiatives Foundation (BILI)
- Bulgarian Judges Association
- Bulgarian Prisoners' Association for Rehabilitation
- Bundesrechtsanwaltskammer (DE)
- Catalan Audiovisual Council
- European Centre of Employers and enterprises providing Public services and SGIs (CEEP)
- Center for Independent Journalism
- Central European University
- Citizens Network Watchdog Poland
- Civil Liberties Union

- Civil Rights Project Sisak
- Civil Society Europe
- Col·lectiu Praga
- Consejo General de la Abogacia Espanola
- Contrapoder Justicia Democrática
- Council of Bars and Law Societies of Europe (CCBE)
- Council of Europe
- Cour de Cassation
- Croatian Platform for International Citizen Solidarity (CROSOL)
- DAFNE/EFC Philanthropy Advocacy
- Daphne Caruana Galizia Foundation
- Deutscher Richterbund
- European Network of National Human Rights Institutions (EENHRI)
- Elit Media Bulgaria EOOD - Channel 3
- Environmental Justice Network Ireland
- ePaństwo Foundation
- Equinet - European Network of Equality Bodies
- EuroCommerce
- European Banking Federation
- European Broadcasting Union (EBU)
- European Center for Not-For-Profit Law Stichting (ECNL)
- European Civic Forum
- European Federation of Journalists
- European Movement Denmark
- European Movement International
- European Network of Agricultural Journalists (ENAJ)
- European Network of Councils for the Judiciary
- European Network on Statelessness (ENS)
- European Partners against Corruption (EPAC) and European contact-point network against corruption (EACN)
- European Regulators Group for Audiovisual Media Services (ERGA)
- European Roma Rights Centre
- European Youth Forum
- Fair Trials
- Forum Informationsfreiheit
- Free Press Unlimited
- Freemuse
- Fundación Secretariado Gitano
- Fundamental Rights Agency
- Funky Citizens
- Giulio Marini Law Firm
- Gong
- Government of Catalonia (Generalitat de Catalunya) - Ministry for Foreign Action, Institutional Relations and Transparency

- Greenpeace
- Group of Bulgarian lawyers, working in Bulgaria strongly motivated to uphold the Rule of Law Principle in Bulgaria (including Hr. Ivanov - former Minister of Justice, Al. Ivanov, B. Mouseva, K. Yankov, N. Jordanova, N. Hristov and others)
- Helsinki Foundation for Human Rights
- Hrvatsko Novinarsko Društvo (Croatian Journalists' Association)
- Human Rights and Democracy Network's (HRDN) Working Group on EU Internal Human Rights Policy
- Human Rights House Zagreb
- Hungarian Civil Liberties Union (HCLU, Társaság a Szabadságjogokért)
- Hungarian Helsinki Committee (Magyar Helsinki Bizottság)
- Hungarian Network of Academics (Oktatói Hálózat)
- International Bar Association Human Rights Institute IBAHRI
- ILGA-Europe (the European regional branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association)
- Institute for the State and the Law - Bulgarian Academy of Sciences
- International Association of Jewish Lawyers and Jurists
- International Association of Judges (IAJ)/European Association of Judges (EAJ)
- International Chamber of Commerce, National Committee (Hellas), Intellectual Property Commission
- International Commission of Jurists (ICJ)
- International Press Institute
- K-Monitor Association
- Laura Borràs i Castanyer, Member of the Spanish Congress (lower chamber) and speaker of the Junts per Catalunya group thereof.
- Law Society of England & Wales
- Lawyers without borders Greece (joint with other NGOs)
- Ligue des Droits de l'Homme
- Ligue des droits humains for Plateforme Justice pour tous
- Magistrats Européens pour la Démocratie et les Libertés (MEDEL)
- Mèdia.cat (Grup de Periodistes Ramon Barnils)
- Median Research Centre – MRC
- Mertek Media Monitor
- National Institute of Justice
- Netherlands Helsinki Committee and Nederlands Juristen Comité voor de Mensenrechten
- Nederlandse Orde van Advocaten
- Nederlandse Vereniging voor Rechtspraak
- Network of Corruption Prevention Agencies (NCPA)
- Network of the Presidents of the Supreme Judicial Courts of the European Union
- International Institute for Nonviolent Action (NOVACT)
- Oficina de Drets Civils i Polítics de la Generalitat de Catalunya
- Ombudsman for Equality (tasa-arvovaltuutettu)
- Omnium Cultural

- Open Dialogue Foundation
- Organisation for Economic Co-operation and Development (OECD)
- OSCE / ODIHR
- Osservatorio Balcani e Caucaso Transeuropa (OBCT)
- Österreichischer Rechtsanwaltskammertag (ÖRAK) (Austrian Bar)
- Plataforma per la Llengua
- Raad voor de rechtspraak (NL)
- Repubblica
- Romaversitas Foundation
- RSF
- Síndic de Greuges de Catalunya (Catalan Ombudsman)
- Superior Council of Magistracy
- Supreme Court of the Republic of Slovenia
- Supreme Court of Sweden
- Swedish Radio, SVT and UR
- Syndicat de la magistrature
- The Asociación Profesional de la Magistratura (A.P.M.)
- The Czech Helsinki Committee
- The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)
- The Good Lobby Italia
- The National Commission for the Promotion of Equality
- The Prevention and Fight Against Corruption Office from the Balearic Islands
- Tjänstemännens Centralorganisation, TCO (Trade Union)
- Towarzystwo Dziennikarskie (Society of Journalists)
- Transparency International Greece
- Transparency International Czech Republic
- Transparency International Hungary
- Transparency International Portugal
- Unhack Democracy
- Union Syndicale des Magistrats (USM)
- University of Modena and Reggio Emilia
- Unión Progresista de Fiscales (UPF)
- USTEC·STEs (IAC)
- World Jewish Restitution Organization
- World Justice Project
- Zweites Deutsches Fernsehen (ZDF)