



Rule of Law Report 2023: Progress on 65% of recommendations, but further action needed

Brussels, 5 July 2023

The Commission has today published its [fourth annual Rule of Law Report](#), taking the pulse of the rule of law situation in each Member State.

While Rule of Law concerns remain in some EU Member States, the report has become a key driver for change and positive reforms. In fact, **65% of last year's recommendations have been, fully or partially, addressed**. This shows that important efforts are ongoing in Member States to follow up on the previous year's recommendations. Given that reforms to improve the rule of law framework take time, this reflects a significant development over only one year. At the same time, **systemic concerns remain in some Member States**.

Today's package includes a [Communication](#) examining the situation in the EU as a whole and 27 [country chapters](#) looking at significant developments in every Member State since July 2022. The report includes an assessment of last year's recommendations and provides again specific [recommendations](#) to Member States.

The report **covers four pillars**: national justice systems, anti-corruption frameworks, media pluralism and other institutional checks-and balances.

Key findings and recommendations

1. Justice reforms

Justice reforms have remained high on the political agenda over the last year, with many Member States following up on the 2022 recommendations and implementing reforms agreed in the context of the RRF.

Many Member States have further advanced with or finalised important reforms to **strengthen judicial independence**, such as legislative efforts to strengthen the independence and effectiveness of Councils of the Judiciary, improving judicial appointment procedures and the functioning of their highest courts or are preparing steps to strengthen the autonomy of prosecution services.

Member States also introduced measures aimed at **improving efficiency and quality of justice**, as well as facilitating access to justice. Member States further invested in their justice systems, although in some Member States, remuneration of judges and prosecutors present a concern and led to challenges to recruit qualified judicial personnel. At the same time, structural concerns persist in a few Member States as regards judicial independence.

Regarding the recommendations for 2023 on justice, they address such challenges as the need for safeguards in judicial appointment procedures, the composition of Councils of the Judiciary, the autonomy of the prosecution service or the need to provide adequate resources for the judiciary, including salaries of judges and prosecutors.

2. Anti-corruption frameworks

Corruption remains a serious concern for EU citizens and businesses alike. The [2023 Special Eurobarometer on Citizens' Attitudes towards corruption in the EU](#) shows, for example, that an increasing majority of citizens (70%) and businesses (65%), according to the [Flash Eurobarometer on Businesses' Attitudes towards corruption in the EU](#), believe that corruption is widespread in their country. Europeans are increasingly sceptical about national efforts to address corruption, with around 67% thinking that high-level corruption cases are not pursued sufficiently.

A number of Member States have taken measures, in line with the 2022 Rule of Law report's recommendations on anti-corruption. Several Member States have taken forward criminal law reforms to strengthen the fight against corruption. While some Member States have continued to build upon their track record of investigating, prosecuting and sanctioning high-level corruption,

some have taken action to strengthen the capacity of prosecution authorities responsible for the fight against corruption through additional resources and specialisation.

On the preventive side, several Member States updated existing anti-corruption strategies and action plans or are in the process of revising them. Other Member States have taken steps to strengthen integrity frameworks, such as codes of conducts or lobbying rules. The recommendations issued this year are related to the strengthening of preventive frameworks, such as those governing lobbying and conflicts of interest rules, as well as ensuring the effective investigation and prosecution of corruption cases.

Public officials are subject to asset and interest disclosure obligations in the majority of Member States, but these vary in scope, transparency and accessibility of disclosed information, as well as in the level and effectiveness of verification and enforcement. In some Member States, investigations and prosecutions into corruption cases are lengthy and a solid track record is still lacking, especially in high-level cases. To ensure a more coherent and effective response to corruption across the Union, the Commission has proposed [new EU-level legislation on corruption](#) in May 2023.

3. Media freedom and pluralism

Several Member States have adopted, strengthened or are discussing measures to improve journalists' safety and working conditions, also building on recent Commission initiatives such as the [Recommendation on ensuring the protection, safety and empowerment of journalists](#) and the [Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings](#). Since the last report, certain Member States have adopted legislation increasing the transparency of media ownership and have strengthened provisions to enhance the independence or extend the remit of their media regulatory authorities.

Various concerns persist with regard to the lack of transparency in the distribution of state advertising, conflicts of interests and access to public documents, which are some of the important issues highlighted in the report requiring greater attention. While some Member States have initiated reforms to strengthen the independence of their public service broadcasters, in several others, challenges in this respect remain unaddressed.

The findings in the report in relation to media freedom build on various sources, including the [Media Pluralism Monitor \(MPM 2023\)](#), [the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists](#) and [the Mapping Media Freedom Platform](#).

The Commission has again issued a number of recommendations which cover, among others, the transparent and fair allocation of state advertising, the independent governance of public service media and measures to improve the safety of journalists as well as the right of access to public documents. The Commission proposed in September 2022 the [Media Freedom Act](#), now under negotiations, to set out safeguards at EU level to protect media pluralism and editorial independence.

4. Institutional checks and balances

Member States have continued to improve the quality of their legislative processes and to involve stakeholders in these processes – a trend noted in the previous Rule of Law Reports. Constitutional Courts continue to play a key role in the system of checks and balances and have also taken important decisions regarding the organisation of national justice systems. National Human Rights institutions, ombudspersons and other independent authorities have seen their status further strengthened in some Member States. In the majority of Member States, there is an enabling and supportive environment for civil society and some of them are taking measures for further support.

However, there is still no formal framework for stakeholder consultation in some Member States, or it is not sufficiently followed in practice, and civil society organisations and human rights defenders continue to face challenges such as funding issues and restrictions on their operating space. Concerns have been raised in various Member States regarding the continued use of emergency powers.

The Report again includes information on Member States' implementation of judgments by the European Court of Human Rights. It also follows up further on the reactions of Member States' checks and balances to the use of spyware.

To address some of these challenges, the Commission has reiterated recommendations that remain partly or not addressed, and where relevant issued additional ones, relating for example to the effective involvement of stakeholders in the legislative process, the establishment and functioning of accredited National Human Rights Institutions and to ensure an open operating framework for civil society.

Next steps

The Commission now invites the European Parliament and the Council to continue general and country-specific debates on the basis of this report, also using the recommendations to further examine concrete implementation. It also calls on national Parliaments, civil society, and other key stakeholders and actors, to continue national dialogue on the rule of law, as well as at European level, with increased citizen's engagement. Finally, the Commission invites Member States to effectively take up the challenges identified in the Report, as it stands ready to assist them in their efforts to continue the implementation of recommendations.

Background

The rule of law is crucial for every citizen and business in the EU as it is a precondition for the respect of other values, it guarantees that fundamental rights are upheld in line with a set of core democratic values, ensures the application of EU law, and supports an investment-friendly business environment. It is an integral part of the very identity of the European Union.

The [annual Rule of Law Report](#) is the result of close dialogue with national authorities and stakeholders, and covers all Member States on the basis of the same objective and transparent methodology, while examining the same set of issues in each country. The qualitative assessment carried out by the Commission focuses on significant developments since the adoption of the third annual Rule of Law Report in [July 2022](#), while remaining proportionate to developments.

The report is at the centre of the [annual Rule of Law Cycle](#). This yearly cycle is preventive - it serves to promote the rule of law and aims to keep problems from emerging or deepening. It is separate from the other elements in the [EU's Rule of Law Toolbox](#) and complements but does not replace the Treaty-based mechanisms allowing the EU to respond to more serious rule of law related issues in Member States. These tools include infringement proceedings and the procedure to protect the founding values of the Union under Article 7 of the Treaty on European Union.

The fourth edition of the report builds on the important step taken in last year's report where specific recommendations for all Member States had been included for the first time. The analysis also contains a qualitative assessment of the progress made by the Member States towards implementing the 2022 recommendations, taking into account the overall context in the Member States. Depending on the progress made on the various subparts of each recommendation, the Commission concluded its assessment in each case using the following categories to track developments: no progress, some progress, significant progress and full implementation.

The 2023 recommendations either build on last year's recommendations, where there was no or partial implementation, or address new challenges. They have been prepared based on the assessment in the country chapters and the dialogue with Member States as well as in full respect of the principle of equal treatment. In issuing the recommendations, the Commission has paid close attention to keeping them focused and anchored in European standards, and has taken into account national legal systems. In addition, consistency and synergies with other processes, such as the European Semester, the budget conditionality mechanism and the Recovery and Resilience Facility are ensured. Future editions of the Rule of Law Report will continue to look at the follow-up given to the recommendations. The recommendations should be read together with the assessments in the country chapters that examine particular concerns and are meant to guide Member States to take measures to address them.

The challenges identified by the previous Rule of Law Reports have provided inspiration for several recent EU initiatives over the past year, including the proposal for a [European Media Freedom Act](#) and the [Anti-Corruption Package](#).

For More Information

[2023 Rule of Law Report](#)

2023 Rule of Law Report – [Questions & Answers](#)

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[The Annual Rule of Law Cycle – Factsheet](#)

[The EU's Rule of Law Toolbox – Factsheet](#)

[Eurobarometer on corruption capturing citizens' perceptions and experiences](#)

[Eurobarometer on businesses' attitudes towards corruption in the EU](#)

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Quotes:

The rule of law is a key component of Europe's just society, political stability and economic growth. The Russian war of aggression against Ukraine serves as a painful warning that these values should never be taken for granted. This year's report shows that Member States have improved and strengthened the rule of law while also implementing the Commission's recommendations. Regrettably, concerns remain in several Member States. More work needs to be done to improve the independence of judiciary, impartiality of public service media and the safety of journalists.
Věra Jourová, Vice-President for Values and Transparency - 05/07/2023

Year after year, this report consistently makes a significant contribution to advancing and defending the rule of law in the EU, in each Member State and throughout the Union. The efforts made by Member States to put last year's recommendations into practice serve as further evidence of this. We know that the report serves as a reference to initiate debates at national level and helps drive national reform agendas. However, we also found that challenges remain, such as regarding judicial independence. In the areas of judicial appointments and Councils of the Judiciary, as well as resources and remuneration, further action from the Member States is needed. I encourage all Member States to keep working on implementing the recommendations.
Didier Reynders, Commissioner for Justice - 05/07/2023

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