

Commission's 2022 Rule of Law Report



Anna Pinggen

News

On 13 July 2022, the Commission presented its [third EU-wide Report on the Rule of Law](#). The report follows the first Report on the Rule of Law presented on 30 September 2020 (→ [euCRIM 3/2020, 158–159](#)) and the second one presented on 20 July 2021 (→ [euCRIM 3/2021, 134–135](#)). It includes an overview of the trends across the EU as a whole and 27 country chapters looking at developments in every Member State since July 2021. For the first time, the Rule of Law Report also contains specific recommendations for each Member State in order to support them in their efforts to take forward ongoing or planned reforms, to encourage positive developments, and to help them identify where improvements or follow-up to recent changes or reforms may be needed. In sum, the Commission provided the following documents in relation to the 2022 Rule of Law Report:

- A [Communication](#) on the rule of law situation in the European Union (COM(2022) 500 final);
- An [Annex](#) listing all the recommendations to the individual EU Member States;
- 27 Staff Working Papers with the [country chapters](#);
- A [summary document](#) with the country chapters abstracts and recommendations;
- A document explaining the [methodology](#) of the annual rule of law report;
- The [questionnaire](#) for the input from the Member States;
- A [factsheet](#) on the European rule of law mechanism;
- A [factsheet](#) on the rule of law toolbox;
- A memo with [questions and answers](#) on the 2022 Rule of Law Report.

In this year's Rule of Law Report, the Commission recognized that Russia's military aggression against Ukraine and its people constituted a direct challenge to EU values and the rule-based world order. In this regard, [Commissioner for Justice, Didier Reynders](#), said: "The unprovoked and unjustified Russian military aggression against Ukraine shows that protecting and promoting the rule of law is more important than ever. The EU will only remain credible if we uphold the rule of law at home and if we continue to reinforce the rule of law culture. I am glad to see that our report contributes to this objective. It helps to drive forward important reforms in the Member States. Today we are not only reporting on the rule of law situation, but we are also recommending constructive ways to improve justice systems, step up the fight against corruption, and ensure a free and independent media and strong checks and balances".

As in the previous reports, the 2022 Rule of Law Report examines developments related to the following:

AUTHOR

Anna Pinggen 

Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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Justice reforms

Surveys have pointed out that, among the general public, there has been a decrease in the perception of judicial independence in more than half the Member States. Legislative efforts to strengthening the independence of judicial councils were initiated in a number of Member States (Luxembourg, Croatia, Italy, Cyprus, the Netherlands, and Sweden). Several Member States also improved their judicial appointment procedures (Ireland, Croatia, Czechia, Cyprus, and the Netherlands), while challenges remain for others, particularly regarding appointments in higher courts and for court president positions (in Malta, Greece, and Austria). Some Member States have also continued strengthening the independence of their prosecution services (e.g. Austria, Czechia, Bulgaria). However, concerns remain for many Member States that disciplinary proceedings could be used to curtail judicial independence. In order to invest in the quality and efficiency of justice, a few Member States have allocated additional resources to strengthen the resilience of their justice systems and to improve the digitalisation of justice. The report indicated that some Member States facilitated access to a lawyer, lawyers being key actors for judicial systems based on the rule of law.

Anti-corruption framework

The report pointed out that the Corruption Perceptions Index (CPI) indicates that ten Member States are in the top twenty countries perceived as being the least corrupt in the world, while the average score for the EU is good and has even improved in global comparison. Nearly all Member States have national anti-corruption strategies in place, which are regularly revised and evaluated. More and more Member States took actions to strengthen the capacity of their institutions and legal framework to combat corruption by filling legislative gaps, bringing the existing framework in line with anti-corruption standards and EU law, carrying out structural and organisational changes within anti-corruption authorities, and increasing the capacity of the prosecution authorities responsible for the fight against corruption. Several Member States have also tackled the elimination of obstacles to criminal investigations and prosecutions, such as the excessive length of criminal proceedings or immunity for government representatives for corruption offences. However, the 2022 Eurobarometer on corruption showed that corruption remains a serious concern for EU citizens and businesses in the EU. The report also stressed that there was a need to accompany and regulate lobbying by means of stronger transparency and integrity requirements in a number of Member States.

Media pluralism and media freedom

The findings of the report rest on a series of sources, including the [Media Pluralism Monitor \(MPM 2022\)](#), the [Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists](#) as well as the [Mapping Media Freedom Platform](#). The Media Pluralism Monitor, which assessed the risks to media freedom and pluralism in all Member States - focusing on four areas (basic protection of media freedom, market plurality, political independence, and the social inclusiveness of media) - has introduced an overall ranking of Member States for the first time: Bulgaria, Greece, Hungary, Malta, Poland, Romania, and Slovenia are considered to be high-risk countries. Since the last report, several Member States have adopted new legislation enhancing the transparency of media ownership or improving public availability of media ownership information. Some Member States have taken or stepped up existing measures to improve the safety of journalists. There has also been an increase in debates in the Member States on how to introduce procedural safeguards against strategic lawsuits against public participation (SLAPPs).

Institutional checks and balances

Since the 2020 and 2021 reports, many Member States have continued to improve the quality of the legislative process by improving stakeholder participation, including for civil society organisations. The report points out that constitutional courts are playing a crucial role in the system of checks and balances. Other key

actors in the checks and balances system are National Human Rights Institutions (NHRIs), ombudspersons, equality bodies, and other independent authorities. The report stressed that these actors can only effectively fulfill their roles if structural guarantees of independence and sufficient resources exist. Drawing on lessons from the use of emergency measures and the COVID-19 pandemic, some are updating their legal frameworks to improve preparedness for future crises. The report also indicated that systematic restrictions have further aggravated the ability of civil society to operate, which has had a potentially chilling effect in some Member States.

What comes next?

On the basis of this report, the Commission invited the European Parliament, the Council, national parliaments, and other key actors, including civil society, to continue to take part in general and country-specific debates. Member States are encouraged to address the challenges identified. The Vice-President for Values and Transparency, *Věra Jourová*, "called on Member States to follow the recommendations, engage in a serious debate and take action."

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