



Rule of Law Report 2022: Commission issues specific recommendations to Member States

Luxemburg, 13 July 2022

The Commission has today published the [third annual Rule of Law Report](#). The report comes in the context of the Russian invasion of Ukraine, which further showcased the importance of upholding democratic values, human rights and the rule of law.

It includes an overview of the trends in the EU as a whole and 27 country chapters looking at developments in every Member State since July 2021. This year's report for the first time contains specific recommendations addressed to each Member State, as announced by President **von der Leyen** in her [2021 State of the Union address](#). The recommendations are intended to encourage Member States to take forward ongoing or planned reforms and help them identify where improvements are needed.

As with previous editions, this report examines developments in four key areas for the rule of law: justice systems, the anti-corruption framework, media pluralism and freedom, and other institutional issues linked to checks and balances. The report shows that rule of law reforms have continued to take place in many Member States to address challenges identified in the previous two editions. At the same time, systemic concerns remain in some Member States.

The report follows-up on challenges identified in previous reports, deepens the Commission's assessment, and includes observations also on issues such as public service media, the use of spyware or the implementation of judgements by the European Court of Human Rights.

Key findings and recommendations

1. Justice reforms

Justice reforms have remained high on the political agenda over the last year. Many Member States have embarked on important reforms to strengthen judicial independence, such as reforms related to the composition and powers of councils for the judiciary, improving judicial appointment procedures or strengthening the autonomy of prosecution services. Member States also introduced measures aimed at improving efficiency and quality of justice, such as further digitalising justice systems, and facilitating access to justice.

At the same time, structural concerns persist in a few Member States as regards judicial independence. In some Member States there are challenges regarding appointments in higher courts and for court president positions. In others, concerns exist regarding the independence/autonomy of prosecution services and disciplinary proceedings are used to curtail judicial independence.

To address these issues, the Commission's recommendations encourage, for example, a stronger involvement of the judiciary in appointment procedures, more autonomy of prosecution services and for Member States to provide adequate resources for justice systems.

2. Anti-corruption frameworks

The EU remains one of the least corrupt regions in the world. Since July 2021, many Member States have adopted new or revised existing anti-corruption strategies, or are in the process of revising them. Several Member States have brought existing frameworks in line with international anti-corruption standards and EU law. Most Member States have extensive legislation in place providing the criminal justice system with the necessary tools to fight corruption. Many Member States have taken measures to increase the capacity of prosecution authorities responsible for the fight against corruption through steps such as additional resources, or extra training.

However, corruption remains a serious concern for EU citizens. [The 2022 Eurobarometer on corruption](#) shows, for example, that 68% of them believe that corruption is widespread in their country. In some Member States, investigations and prosecutions into corruption cases are lengthy and judgments still lacking, especially in high-level cases. Public officials are subject to asset and

interest disclosure obligations in all 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.

As regards anti-corruption frameworks, the Commission has made recommendations related to the strengthening of preventive frameworks, for instance on lobbying and conflicts of interest rules, and on ensuring the effective investigation and prosecution of corruption cases.

3. Media freedom and pluralism

Both the COVID-19 pandemic and Russia's war against Ukraine have demonstrated the crucial role of journalists to check facts and inform citizens. Several Member States have adopted, stepped up or are considering measures to improve journalists' safety and working conditions, building on the recent Commission initiatives. Since the last report, several Member States have made efforts to improve the transparency of media ownership. Concerns remain regarding the lack of transparency in the distribution of state advertising, conflict of interests and obstacles related to the access to public documents – these are some of the important issues highlighted in the report which require attention.

For the first time, the report also looks into public service media, recognising their special role for society and democracy. Safeguards are needed to ensure that the independence of public service media is protected, that public funding is adequate and not used to put political pressure on those media, as it is outlined in European standards.

The findings of the report are building 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 Commission has 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. The upcoming Media Freedom Act will be aimed at addressing several of the issues identified in the Rule of Law reports.

4. Institutional checks and balances

Member States have continued to improve the quality of their legislative processes – a trend noted in the 2020 and 2021 Rule of Law Reports. Constitutional Courts continue to play a key role in the system of checks and balances including oversight of emergency measures as well as in other areas such as elections. 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.

However in some Member States there is still no formal framework to consult stakeholders, which is a concern, and civil society organisations continue to face challenges such as funding issues, negative narratives and restrictions to their operating space. For the first time, the report also looks at Member States' implementation of judgements by the European Court of Human Rights. The report also looks into the reactions of Member States' checks and balances to the use of spyware. While linked to national security, the use of such tools should be subject to national checks and balances.

To address some of these challenges, the Commission has made recommendations relating for example, to the 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.

Members of the College said:

Vice-President for Values and Transparency, Věra **Jourová**, said: *"Rule of law remains a bedrock of democracy. Russia's war in Ukraine is another reminder of the importance of our work to uphold and promote rule of law in the EU and beyond. This year's report shows that the debate about rule of law in Europe is making progress as Member States make improvements and address rule of law matters. Unfortunately, concerns still remain in some Member States, especially when it comes to the independence of judiciary. Also, for the first time, the report looks into public service media. More safeguards are needed to ensure that the independence of public service media is protected, that public funding is adequate and not used to put political pressure on those media. Today we are taking it one step further by recommending how to improve the rule of law situation across the EU. I call on Member States to follow the recommendations, engage in a serious debate and take action."*

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”.

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. It also calls on national parliaments and other key actors, including civil society, to continue national dialogue on the rule of law. Lastly, the Commission invites Member States to address the challenges identified in the Report and stands ready to assist them in their efforts, including to implement the recommendations.

Background

The rule of law is crucial for every EU citizen and business as it guarantees fundamental rights and values, ensures the application of EU law, and supports an investment-friendly business environment. It is one of the fundamental values upon which the EU is built.

The annual Rule of Law Report is the result of close dialogue with national authorities and stakeholders, and covers all Member States on an objective and impartial basis, looking at the same issues. The qualitative assessment carried out by the Commission focuses on significant developments since the adoption of the second annual Rule of Law Report in July 2021 and ensures a coherent approach by applying the same methodology to all Member States, while remaining proportionate to developments. The assessment contained in the country chapters has been prepared in line with the scope and methodology as updated following discussions with Member States.

The report is at the centre of the European Rule of Law Mechanism. The Mechanism is a yearly cycle to promote the rule of law and prevent problems from emerging or deepening. The objective of the Mechanism is preventive. 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 for 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 third edition of the report takes the next step in the Commission's investment in the rule of law with specific recommendations for all Member States. The recommendations 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 to taking 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. Subsequent editions of the Rule of Law Report will 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 in the area of media freedom and pluralism identified by the previous rule of law reports have led to several recent EU initiatives, including a [recommendation on the safety of journalists](#) and a package of [measures to address abusive lawsuits against public participation](#). The Commission is working on a proposal for a European Media Freedom Act.

For More Information

2022 Rule of Law Report – [The rule of law of law situation in the European Union](#)

2022 Rule of Law Report – [Recommendations](#)

2022 Rule of Law Report – [Country Chapters](#)

2022 Rule of Law Report - [Country Chapter Abstracts and Recommendations](#)

2022 Rule of Law Report – [Methodology](#)

2022 Rule of Law Report – [Questionnaire](#)

The European Rule of Law Mechanism – [Factsheet](#)

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

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