

# **RULE of LAW**

## REPORT 2025

COUNTRY-SPECIFIC  
INSTITUTIONAL  
BACKGROUND



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## BELGIUM

### Justice system

The justice system includes 13 first-instance courts of general jurisdiction<sup>1</sup>, a number of specialised first instance courts<sup>2</sup>, five appeal courts, a Court of Cassation<sup>3</sup> and a Constitutional Court. The judicial branch of the Council of State<sup>4</sup> acts as the highest administrative court. A non-permanent court of assizes hears the most serious criminal cases<sup>5</sup>. The Constitutional Court is exclusively competent to scrutinise the constitutionality of legislation. Most competences related to justice are federal<sup>6</sup>. The independence of the judiciary and of the prosecution service is enshrined in the Constitution<sup>7</sup>. An independent High Council for Justice<sup>8</sup> is tasked with recruitment for the judiciary and with fostering the quality of justice through control mechanisms such as audits, as well as by giving advice on justice-related matters to the Government and to Parliament, both on request and on its own initiative. Candidate judges are selected by the High Council for Justice and are appointed for life by the King on the proposal of the Minister of Justice<sup>9</sup>. The College of Courts and Tribunals, which consists of court presidents elected by their peers, is responsible for the general functioning of the courts. The Flemish Bar Association and the French- and German-speaking Bar Association represent lawyers from different parts of the country. Belgium participates in the European Public Prosecutor's Office (EPPO).

### Anti-corruption framework

The competence to investigate and prosecute corruption is shared between several authorities. The Central Office for the Repression of Corruption (CDBC-OCRC) remains the specialised central service within the federal police with competences to investigate and support the investigation of serious corruption offences. The 'Committee P' is the external independent oversight body of the police forces responsible for monitoring compliance with integrity rules. The Court of Audit exercises external scrutiny of the budgetary, accounting, and financial operations of the federal state, whilst the Interfederal Corps of the Inspectorate of Finance is a public service performing controls related to the legality, feasibility, and appropriateness of public expenditure. The Integrity Bureau within the Federal Public Service for Policy and Support (FOD BOSA) is in charge of integrity management for federal civil servants including a network of integrity coordinators. The Federal Deontological Commission serves as an advisory commission on ethics to the Parliament and high public office holders. Other preventive systems and institutions exist at regional level. Elements relating to anti-corruption are included in various relevant strategies and action plans although there is no overall anti-corruption strategy nor a body responsible for coordination of anti-corruption policy<sup>10</sup>.

1. These courts also hear appeal cases against decisions by the justices of the peace and by the police courts.
2. Including 162 justices of the peace, 15 police courts, 9 commercial courts, 9 labour courts and 5 administrative courts.
3. The Court of Cassation reviews decisions of lower courts on points of law in cassation proceedings.
4. The Council of State also has an advisory branch, which renders opinions on legislative and regulatory proposals.
5. It is composed of 3 judges and a jury of 12 citizens.
6. A number of specialised Flemish administrative courts exist.
7. Article 151 of the Constitution.
8. The High Council for Justice comprises 22 members of the judiciary, 8 lawyers, 6 professors and 8 members from civil society. Half of its members are French-speaking and half are Dutch-speaking.
9. The executive can only refuse to appoint the candidate nominated by the High Council for Justice on explicit grounds (for example an irregularity) and cannot decide to appoint a different candidate. Instead, the executive must refer the appointment file back to the High Council and ask for a new proposal. The decision of the executive not to appoint a candidate judge can be challenged before the Council of State. The lawfulness of the proposal of the High Council can also be assessed in the context of such legal action. Figures 61 and 62, 2018 EU Justice Scoreboard.
10. Aspects of fraud are dealt with in the National Security Plan 2022-2025, as are priorities for the police. There are several networks and cooperation platforms at federal level that deal with coordination of some aspects of anti-corruption policy, although no body was identified that coordinates anti-corruption policy as a whole. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Belgium, p. 8 and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Belgium, p. 10.



## Media Pluralism and Media Freedom

Belgium upholds media pluralism through a legal framework that includes constitutional safeguards for press freedom and freedom of expression<sup>11</sup>. The oversight and promotion of media diversity are divided among the Flemish, French, and German-speaking Communities and further regulated in secondary legislation<sup>12</sup>.

## Other Institutional Issues Related to Checks and Balances

Belgium is a federal state with significant powers residing at the level of the Regions and Communities. At the federal level, Belgium has a bicameral parliamentary system. The Parliament is composed of the House of Representatives and the Senate. Legislative proposals can originate from the Government and from Members of both Houses of Parliament<sup>13</sup>. The advisory branch of the Council of State provides opinions on draft legislation and the jurisdictional branch has competence to suspend and annul administrative acts. The Constitutional Court has exclusive competence to review the constitutionality of legislative acts adopted by the Federal Parliament and by the Parliaments of the Regions and Communities. In addition to the justice system, independent authorities play an important role in checks and balances. The Federal Institute for the Protection and Promotion of Human Rights (FIRM/IFDH) and the Flemish Human Rights Institute function as the federal and regional Human Rights bodies. The Interfederal Centre for Equal Opportunities and Opposition to Racism and Discrimination (Unia) functions as the equality body at the federal, regional and community levels, except on the Flemish level, where the Flemish Human Rights Institute functions as the equality body<sup>14</sup>.

11. Articles 19, 25, 32 and 150 of the Belgian Constitution protect freedom of expression and press. At federal level, the law on the protection of journalistic sources protects journalists from attempts to reveal their sources, as well as any kind of investigative measures taken by the judicial authorities to circumvent the right of journalists not to reveal their sources.
12. Law of 11 April 1994 on the transparency of administration; Law of 12 November 1997 on the transparency of administration in provinces and municipalities.
13. The Senate can only propose legislation in certain fields.
14. The Institute for the equality of women and men functions as the equality body responsible for guaranteeing and promoting gender equality at the federal regional and community levels, except on the Flemish level.



## BULGARIA

### Justice system

The judicial system of Bulgaria<sup>15</sup> includes a total of 182 courts which are ordinary and specialised. As a general rule, the ordinary courts hear cases in three instances, with the system of these courts comprising 113 district courts, 28 regional courts and 5 courts of appeal. The specialised courts include military and administrative courts. The Supreme Court of Cassation is the court of last instance in cases heard by ordinary and military courts, while for administrative cases, the Supreme Administrative Court is the court of last instance. The judiciary also includes the Prosecutor's Office. The Constitutional Court of Bulgaria reviews the constitutionality of laws and gives interpretative decisions<sup>16</sup>. The Prosecutor's Office has a unified structure and is headed by the Prosecutor General<sup>17</sup>. Bulgaria participates in the European Public Prosecutor's Office (EPPO). The Supreme Judicial Council (SJC) is the highest administrative authority in the Bulgarian judiciary. It is responsible for managing the judiciary and ensuring its independence. Judges, prosecutors and investigators<sup>18</sup> are appointed, promoted, transferred and dismissed by their respective chamber (Judges' or Prosecutors') of the Supreme Judicial Council<sup>19</sup>. In addition to the Supreme Judicial Council, activities of magistrates are supervised by the Inspectorate to it. The Supreme Bar Council is an independent and self-governing body established by law<sup>20</sup>.

### Anti-corruption framework

The Anti-Corruption Commission (ACC) is responsible for preventing and sanctioning high-profile corruption and for implementing rules on asset declarations and conflicts of interests. It also holds investigative powers for corruption cases involving high-profile persons. The Commission for Illegal Assets Forfeiture (CIAF) is responsible for the identification and confiscation of illegally acquired assets. Other institutions, such as the National Investigation Service, the State Security Service, the Internal Security Directorate, and the Chief Inspectorate provide various additional functions in the prevention and repression of corruption. Regular regional and appellate judicial authorities remain responsible for all corruption cases, including at high-level. The National Anti-Corruption Council is an inter-ministerial advisory body.

15. For a description of the judicial structure see e.g. CEPEJ (2023), Study on the functioning of the judicial systems in the EU Member States.

16. See 2021 Rule of Law Report, Bulgaria, p. 2.

17. Art. 126 to 128 from the Constitution.

18. Following the reform of the Anti-corruption law of October 2023, there are four types of investigators in Bulgaria – police investigator (under the supervision of the Ministry of Interior), customs investigators (under the supervision of the Customs Agency), investigative inspectors (under the supervision of the Anti-corruption Commission) and investigative magistrates. The latter work in the National Investigative Service or in investigative units which are part of prosecutors' offices at regional level. Procedurally, they are all under the supervision of prosecutors. Procedural supervision means that all decisions by an investigator can be overturned by a supervising prosecutor. The supervising prosecutor is, in turn, subject to a supervision by a hierarchically superior prosecutor, which could also be the Prosecutor General.

19. The Supreme Judicial Council is composed by 15 members, eight of them are elected by their peers, five of them are elected by the Parliament and two, the Presidents of the two Supreme Courts, are ex officio members. The Supreme Prosecutorial Council is composed of 10 members, two of them are elected by their peer prosecutors, one is elected by their peer investigative magistrate, six are elected by the Parliament and the Prosecutor General is an ex officio member.

20. See 2023 Rule of Law Report, Bulgaria, p. 3.



## Media freedom and pluralism

The Bulgarian legal framework is based on a set of constitutional safeguards and legislative measures, such as the Radio and Television Act<sup>21</sup>. The Access to Public Information Act regulates access to public information and the re-use of public sector information.<sup>22</sup> The Compulsory Deposit of Copies of Printed and Other Works Act contains requirements regarding media ownership transparency ('Law on Deposit of Copies')<sup>23</sup>. The institutional framework consists of the media regulator – the Council for Electronic Media (CEM) – and the National Council for Journalistic Ethics and its executive body – the Ethics Commission<sup>24</sup>.

## Other Institutional Issues Related to Checks and Balances

Bulgaria is a representative democratic republic with a directly elected President, a unicameral National Assembly and a Constitutional Court in charge of constitutional review of laws and interpretative decisions. The National Assembly has a final decision-making power when adopting laws<sup>25</sup>. Bulgaria has two national human rights institutions. First, the Ombudsperson is an independent constitutional body, elected by the National Assembly and tasked with the promotion and protection of human rights and fundamental freedoms. Second, the Commission for the Protection against Discrimination is a body that implements policies in the spheres of gender equality and non-discrimination.

21. Radio and Television Act available at Lex.bg – Закони, правилници, конституция, кодекси, държавен вестник, правилници по прилагане.

22. Access to public information Act, available at Access to Public Information Act (government.bg).

23. The enforcement of the Law on Deposit of Copies is carried out by the Ministry of Culture.

24. The media self-regulatory body acts on the basis of the Code of Ethics adopted in 2004 and signed by a number of media outlets. The decisions of the Ethics Commission (the executive body of the NCJE) are only binding on the signatories of the Bulgarian Media Code of Ethics and voluntary for other media players.

25. Art. 87 of the Constitution: any member of the National Assembly or the Council of Ministers has the right to introduce a draft law. It is adopted by the National Assembly in two readings. The adopted draft law is sent to the President of the Republic of Bulgaria, who signs a decree for its promulgation. The draft is then published in the State Gazette and enters into force three days after its publication, unless the act provides otherwise.



## CZECHIA

### Justice system

The Czech justice system is composed of 86 district courts, eight regional courts, two high courts, the Supreme Court and the Supreme Administrative Court. The Constitutional Court is tasked with guaranteeing constitutionality of legislation, and with the protection of fundamental rights and freedoms. The central body of state responsible for the administration of the courts is the Ministry of Justice. The Ministry of Justice performs state administration of high, regional and district courts to the extent stipulated by law, either directly or through the presidents of these courts. These various authorities take into account the opinions of the relevant judicial councils, which are established at the Supreme Court, the Supreme Administrative Court, high courts, regional courts and larger district courts. Judges are appointed by the President of the Republic, from candidates selected by selection committees and presented by the Minister of Justice. The Prosecution Service is part of the executive branch. Public prosecutors are appointed into their office for an indefinite time by the Minister of Justice on a proposal from the Prosecutor General. The Prosecutor General is appointed and recalled by the Government on a proposal from the Minister of Justice. Czechia participates in the European Public Prosecutor's Office (EPPO). The Bar Association is established by law and is independent. It performs public administration in the area of the legal profession and provides self-regulation for the entire profession. The self-governing power of the Bar is limited by the power of the Minister of Justice in the areas listed by law.

### Anti-corruption framework

Czechia has the legislative and institutional framework to prevent and fight corruption largely in place. The Conflicts of Interest and Anti-Corruption Department of the Ministry of Justice is in charge of the coordination and monitoring of the national Anti-Corruption Strategy 2023-2026, which is Czechia's strategic framework for anti-corruption at the governmental level. The Anti-Corruption Council acts as an advisory body to the Government. In cooperation with the prosecution service, the National Organised Crime Agency is the police unit with country-wide competence to investigate high-level corruption offences<sup>26</sup>. The Financial Analytical Office acts as Czechia's Financial Intelligence Unit. The Supreme Audit Office reviews the state's management of public revenue and expenditure and its findings may contribute to the identification of corruption risks.

### Media freedom and pluralism

Freedom of expression and the right to information are enshrined in the Czech Charter of Fundamental Rights and Basic Freedoms. The Act on Radio and Television Broadcasting regulates the Czech media regulator while the Act on Czech Television and the Act on Czech Radio provide the framework for the supervision and independence of Czech public service media. The Act on Free Access to Information regulates access to information held by public authorities.

### Other Institutional Issues Related to Checks and Balances

Czechia has a bicameral parliamentary system of government<sup>27</sup> with a directly elected President. Legislative proposals can be submitted by a member of the Chamber of Deputies, a group of members of the Chamber of Deputies, the Senate, the Government, or representative bodies of higher self-governing regions<sup>28</sup>. The Constitutional Court can carry out ex post constitutional review. In addition to the justice system, the Ombudsperson's Office and civil society play a role in the system of checks and balances. The Public Defender of Rights also assumes the role of equality body.

26. Other cases of corruption are dealt with by regional directorates of the police, with the National Organised Crime Agency being able to take over the cases at any time. This Agency also serves as a law enforcement contact point for OLAF as regards crimes against financial interest of the EU.

27. Composed of the lower chamber, the Chamber of Deputies (Poslanecká sněmovna) and the higher chamber, the Senate (Senát Parlamentu České republiky).

28. Constitution of Czechia, Art. 41.



## DENMARK

### Justice system

The Danish justice system consists of 24 district courts, two high courts (courts of appeal) and a Supreme Court, as well as two specialised courts<sup>29</sup>. The independent National Courts Administration is in charge of the administration and development of the courts, which includes allocation of courts' budgets and management of buildings and systems related to information and communications technology<sup>30</sup>. The independent Judicial Appointments Council<sup>31</sup> makes non-binding proposals for the appointment of judges to the Ministry of Justice, who then proposes them for formal appointment by the executive (the King)<sup>32</sup>. Only one judge is proposed per vacancy by the Appointments Council. There have been no cases where the executive did not follow the proposal of the Appointments Council<sup>33</sup>. Disciplinary measures for judges can be issued by Court Presidents or the Special Court of Indictment and Revision<sup>34</sup>. The prosecution service is an autonomous institution acting under the supervision of the Ministry of Justice and led by a Director of Public Prosecutions<sup>35</sup>. The Bar and Law Society is the independent body governing the legal profession and ensuring its independence<sup>36</sup>.

### Anti-corruption framework

The Danish anti-corruption system is to a large extent based on general rules on ethics and integrity as well as social norms and public scrutiny. Various authorities are involved in preventing corruption, promoting good administrative practice and compliance with the legal framework. This includes, amongst others, the National Audit Office. The Employee and Competence Agency and the Prime Minister's Office have responsibilities with regard to the promotion of integrity among civil servants and ministers. The Ministry of Justice ensures cooperation between national authorities in elaborating anti-corruption measures. The National Special Crime Unit (SCU) has both investigative and prosecution competences as regards corruption offences and the State Prosecutor for Special Crime (SPSCU), among others, supervises SCU's complex criminal proceedings, and conducts legality control and appeals before the high courts also for corruption offences.

- 29. The Maritime and Commercial Court and the Land Registration Court. CEPEJ (2021), Study on the functioning of the judicial systems in the EU Member States. Denmark does not have a constitutional court.
- 30. The Board of the National Courts Administration is composed of twelve members: a Supreme Court judge nominated by the Supreme Court, two high court judges nominated by the Eastern High Court and Western High Court respectively, a court president nominated by the presidents of the district courts, two district court judges nominated by the Danish Association of Judges, a representative of the other judicial staff nominated by the Danish Association of Deputy Judges, two representatives for the administrative staff nominated by trade unions, a lawyer nominated by the Bar and Law Society, two members with managerial and societal insight nominated by the Employment Council and the Rectors' College, respectively.
- 31. Members are appointed by the Minister for Justice and consist of one Supreme Court and one High Court judge proposed by the respective courts, one District Court judge proposed by the Danish Association of Judges, one lawyer proposed by the Bar and Law Society and two representatives of the general public proposed by Local Government Denmark and the Danish Adult Education Association.
- 32. With the exception of the President of the Supreme Court, who is selected and appointed directly by the Supreme Court according to an internal procedure. In addition, as regards members of the Supreme Court, the law sets out a special procedure under which the candidate chosen by the appointments board is vetted by judges of the Supreme Court before the appointment is confirmed. According to the 2024 EU Justice Scoreboard, the percentage of women in the top judicial positions is below 30%. Figure 38, 2024 EU Justice Scoreboard.
- 33. For transparency, the Judicial Appointments Council issues a press release when making their proposal.
- 34. 2020 Rule of Law Report, Country Chapter on the rule of law situation in Denmark, p. 2.
- 35. The Director of Public Prosecutions is appointed by the executive (formally the King) on recommendation of the Minister for Justice following approval of the Governments' Recruitment Board and can be dismissed on a motivated recommendation of the Minister for Justice (in the latter case the recommendation is submitted directly to the King). The Minister for Justice can issue instructions to prosecutors in individual cases, with a number of safeguards applicable. 2020 Rule of Law Report, Country Chapter on the rule of law of situation in Denmark, p. 3.
- 36. Administration of Justice Act, Chapter 15.



## Media freedom and pluralism

The Danish Constitution provides the overall framework for the protection of the freedom of expression. The tasks, organisational structure, and rules of procedure of the national media regulatory authority, the Danish Radio and Television Board, are enshrined in law<sup>37</sup>. Secondary legislation also provides safeguards for the independence of the public service broadcasters<sup>38</sup>. There are no specific laws pertaining to media concentration, transparency of media ownership, allocation of state advertising, editorial independence or ownership of media companies. Access to documents is regulated in the Access to Public Administrative Documents Act of 2014.

## Institutional checks and balances

Denmark has a unicameral, parliamentary system of government, in which both the Government and members of Parliament can propose legislation, although draft bills are in general presented by the Government. In the absence of a constitutional court, ex-post constitutionality review can be carried out by all courts in concrete cases<sup>39</sup>. The Parliamentary Ombudsperson provides oversight on decisions by public authorities and the Danish Institute for Human Rights monitors the respect of fundamental rights and is also the national equality body.

37. The Radio and Television Broadcasting Act, Executive Order on the Radio and Television Board and the Danish Public Administration Act.

38. The Radio and Television Broadcasting Act and further regulation in connection with the Act. According to the European Parliament's Flash Eurobarometer: News & Media Survey 2023, p. 44, Denmark is among the top 4 Member States where citizens demonstrate the highest trust in public TV and radio stations (incl. online).

39. This happens rarely and there has only been one case in which the Supreme Court decided to disapply a law for being incompatible with the Constitution: that is the 1999, Tvind case, U 1999.841 H.



## GERMANY

### Justice system

The court system in Germany is structured in a federal manner. Jurisdiction is exercised by federal courts and by the courts of the sixteen federal states ('*Länder*'). The main share of competence and workload regarding the administration of justice lies with the *Länder*<sup>40</sup>. The court structure is divided between the ordinary jurisdiction (civil and criminal) and specialised courts (administrative, finance, labour and social courts). Appointment of judges and prosecutors, except for the Federal Courts and the Prosecutor General at the Federal Court of Justice, falls within the competence of the *Länder*. While appointment procedures differ in details between the *Länder*, all share common core elements, in particular the principle of merit<sup>41</sup> and the judicial review of the process and decisions relating to appointments. For the Federal Courts, a judges' selection committee selects judges for appointment by the executive and Councils of judges of the relevant courts have to be consulted in this process<sup>42</sup>. There are currently 638 local courts, 115 regional courts and 24 higher regional courts, as well as 51 administrative courts and 15 higher administrative courts across the 16 *Länder*<sup>43</sup>. There are five Federal Courts: the Federal Court of Justice, the Federal Administrative Court, the Federal Finance Court, the Federal Labour Court and the Federal Social Court. Germany has a Federal Constitutional Court, as well as constitutional courts in each of the *Länder*. The prosecution services in Germany are part of the executive, at federal level with the Prosecutor General at the Federal Court of Justice. At the level of the *Länder*, each Land has its own public prosecution service. Germany participates in the European Public Prosecutor's Office (EPPO). There are 27 regional Bars in Germany<sup>44</sup>, which are organised under the umbrella of the German Federal Bar.

### Anti-corruption framework

Germany has several authorities responsible for the prevention of corruption at the federal level, including the Federal Ministry of the Interior and Community, and the Supreme Audit Institution. Competences for the policy coordination and corruption prevention in the 16 Ministries of the Interior at the *Länder* level depend on the anti-corruption frameworks in place. The Federal Court of Auditors<sup>45</sup> and the Courts of Auditors at the *Länder* level have a preventive role in monitoring the public spending, including controls of corruption. As to the repression of corruption, Germany has a decentralised approach. The sixteen *Länder* are in charge of the investigation and prosecution of corruption offences across Germany. Some *Länder* have specialised police and prosecution offices on corruption in place. The Federal Criminal Police Office plays a role in the information-exchange between the international level and the local level as well as among police offices at the *Länder* level.

40. The independence of the German justice systems is ensured by multiple safeguards, which include judicial control over appointments, professional appraisals, promotions, disciplinary sanctions and dismissals, and by a number of elements of judicial self-administration. 2020 Rule of Law Report, Country Chapter on the rule of law situation in Germany, p. 3.

41. The principle of merit is anchored in Article 33 para. 2 of the Basic Law; mainly on the basis of the grades in the two legal state exams.

42. The judges' selection committee is composed in equal parts of the responsible ministers of the federal states and members selected by the Federal Parliament. See Law on Election of Judges and German Law on Judges, Art. 54-55. Similar committees exist in certain *Länder*, though not all of them. Moreover, the process and decision of appointment or non-appointment is fully subject to judicial control before the administrative courts.

43. There are also 18 financial courts, 108 labour courts, 18 higher labour courts, 68 social courts and 14 higher social courts. Ministry of Justice (2020), Courts at federal level and of the *Länder*.

44. There is also a special bar for the lawyers with rights of audience in civil matters at the Federal Court of Justice.

45. There is also a role for the Federal Court of Auditors to assess the implementation of the Federal Government Corruption Prevention Directive. It can provide recommendations for corruption risks and for corruption prevention.



## Media freedom and pluralism

In Germany, the Basic Law, complemented by the relevant jurisprudence of the Constitutional Court and secondary legislation form a well-established legal framework, guaranteeing media freedom and pluralism as well as the right of access to information. The main legislative competence in the area lies with the *Länder*, which conclude state treaties to establish a common media policy framework, including notably the State Media Treaty<sup>46</sup>. The federal structure results in a variety of legal frameworks, supervisory structures and public service broadcasters providing an additional safeguard for media pluralism and media freedom.

## Other Institutional Issues Related to Checks and Balances

Germany is a federal republic, with powers distributed between the federal and the sixteen state Governments. The separation of powers is enshrined in the Basic Law<sup>47</sup> and the constitutions of the *Länder*. At the federal level, federal legislative power is vested in the Federal Parliament (*Bundestag*) and the representative body of the *Länder* (*Bundesrat*)<sup>48</sup>. The Government, the *Bundesrat* or members of the *Bundestag* can submit legislative proposals<sup>49</sup>. Constitutional review is ensured by the Federal Constitutional Court and the constitutional courts of the *Länder*. The German Human Rights Institute, which is the national human rights institution, and the Federal Anti-Discrimination Agency, which functions as the equality body, contribute to upholding fundamental rights.

46. The state treaties on media do not regulate the press (except for the digital press). There are press laws at the level of the *Länder*.

47. Art. 20. Basic Law.

48. Arts. 70 et seq., Basic Law.

49. Proposals by the *Bundestag* can be submitted by (at least) 5% of its members. In practice, most proposals emanate from the Government.



## ESTONIA

### Justice system

The Estonian court system consists of three levels: four County Courts (hearing all civil, criminal and misdemeanour matters) and two Administrative Courts at first instance, two Circuit Courts at second instance (reviewing decisions of County and Administrative Courts), and the Supreme Court at the highest instance, which reviews court judgments by way of cassation proceedings. The Supreme Court administers its own budget and operations, while the courts of first and second instance are administered in cooperation between the Council for Administration of Courts and the Ministry of Justice. Estonia does not have a Constitutional court but the Supreme Court's Constitutional Review Chamber can carry out *ex post* constitutional review, including, under certain conditions, based on a constitutional complaint<sup>50</sup>. The Council for Administration of Courts is a non-permanent body<sup>51</sup>, which has powers, among others, related to the judicial map, the resources of the judiciary and participates in the discussion on administration of the courts. Judges of first and second instance courts are appointed by the President of the Republic on the proposal of the Supreme Court (*en banc*)<sup>52</sup>. The Prosecutor's Office is a government agency under the Ministry of Justice, which is independent in the performance of its duties. It is managed by the Prosecutor General, particularly as regards the appointment and career of prosecutors<sup>53</sup>. The Estonian Bar Association is an independent, self-governing professional association<sup>54</sup>. Estonia participates in the European Public Prosecutor's Office (EPPO).

### Anti-corruption framework

The Ministry of Justice is in charge of the preparation, oversight and coordination of the anti-corruption Action Plan 2021-2025. The Anti-Corruption Select Committee exercises parliamentary scrutiny over the implementation of anti-corruption measures. The Political Parties' Financing Surveillance Committee oversees political parties' funding. The Corruption Crimes' Office of the National Criminal Police is a specialised unit responsible for carrying out investigations on corruption cases, and the Internal Security Service is responsible for investigating corruption offences committed by higher state officials and higher local government officials in six larger municipalities. The Prosecutor's Office supervises and directs pre-trial criminal investigation proceedings on corruption offences and represents the public prosecution in courts.

50. § 4 of the Constitutional Review Court Procedure Act - A complaint can be referred to the Supreme Court's Constitutional Review Chamber by the President of the Republic, the Chancellor of Justice, a local government council and the Parliament. § 9 of the Constitutional Review Court Procedure Act - Constitutional review on the basis of court judgment or court ruling is also possible.

51. The Council does not function on a permanent basis and has four regular sessions per year, as well as extraordinary sessions whenever needed. See 2020 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 3.

52. The Supreme Court *en banc* is the highest body of the Supreme Court. It is comprised of all 19 justices of the Supreme Court. The Supreme Court *en banc* is convened and chaired by the Chief Justice of the Supreme Court.

53. The Prosecutor General exercises supervisory control in the prosecutor's office, and chief prosecutors exercise supervisory control in district prosecutor's offices.

54. § 2(1) of the Bar Association Act.



## Media freedom and pluralism

In Estonia, the freedom of expression finds legal protection in the Constitution<sup>55</sup>. Secondary legislation expressly ensures the right of journalists to protect their sources, fosters media freedom in the radio and television sector<sup>56</sup> and provides safeguards for the independence of the public service broadcaster<sup>57</sup>. The right to information is explicitly recognised in the Constitution, in the Public Information Act<sup>58</sup> and in the Personal Data Protection Act<sup>59</sup>.

## Other Institutional Issues Related to Checks and Balances

Estonia is a parliamentary republic with a single-chamber Parliament. Estonia does not have a Constitutional court but the Supreme Court's Constitutional Review Chamber can carry out *ex post* constitutional review, including, under certain conditions, based on a constitutional complaint<sup>60</sup>. In addition to the justice system, the Office of the Chancellor for Justice (the ombudsperson), which is the National Human Rights Institution, and the Gender Equality and Equal Treatment Commissioner<sup>61</sup> play a role<sup>62</sup> in the system of checks and balances. Involvement of the public and stakeholders in public affairs is supported by advanced Information and Communication Technology tools.

55. Constitution of the Republic of Estonia, § 44-46.

56. Media Services Act, §15 and 13.

57. Estonian Public Broadcasting Act.

58. Public Information Act.

59. Personal Data Protection Act.

60. § 4 of the Constitutional Review Court Procedure Act – A complaint can be referred to the Supreme Court's Constitutional Review Chamber by the President of the Republic, the Chancellor of Justice, a local government council and the Parliament. § 9 of the Constitutional Review Court Procedure Act – Constitutional review on the basis of court judgment or court ruling is also possible.

61. The equality body of Estonia.

62. The Chancellor of Justice has a broad mandate, including acting as the National Preventive Mechanism under the UN Convention Against Torture and the National Monitoring Mechanism under the UN Convention on the Rights of Persons with Disabilities. The Chancellor of Justice also performs the functions of the Ombudsperson for Children.



## IRELAND

### Justice system

Ireland is a common law jurisdiction, whose judiciary is divided into a civil and a criminal branch. The court system comprises a court of final appeal (the Supreme Court), a Court of Appeal, and courts of first instance which include a High Court with full jurisdiction in all criminal and civil matters and courts of limited jurisdiction: the Circuit Court and the District Court organised on a geographical basis. Moreover, the Planning and Environment Court is an arm of the High Court. The Special Criminal Courts<sup>63</sup> are non-jury courts and deal with paramilitary, subversive and organised crime cases. Moreover, a number of specialised tribunals operate in different areas, including a Labour Court, which has sole appellate jurisdiction in all disputes under employment rights enactments<sup>64</sup>. A Judicial Council<sup>65</sup> was established in 2019. While Ireland does not have a constitutional court, all Courts are empowered to interpret and uphold the Constitution. The Judicial Appointments Commission (JAC) replaced the Judicial Appointments Advisory Board (JAAB) as provided for under the Judicial Appointments Commission Act 2023. The JAC was established on 1 January 2025, and selects and recommends persons for all judicial offices in Ireland and in the EU and international courts. The prosecution service is not part of the judicial branch. The Attorney General is the legal adviser to the Government. The legal profession has two types of lawyers – solicitors, represented by the Law Society, and barristers, largely represented by the Bar of Ireland. The Legal Services Regulatory Authority (LSRA), an independent body established in 2016, is Ireland's national statutory regulator for both branches of the legal profession.

### Anti-Corruption Framework

The responsibility to fight and prevent corruption in Ireland falls under the control of several public authorities. The national police (*An Garda Síochána*), specifically, the Garda National Economic Crime Bureau (GNECB)<sup>66</sup>, investigates and prevents corruption. The Garda Anti-Corruption Unit (GACU) is responsible for promoting integrity as well as detecting and investigating corruption within the national police. The Office of the Police Ombudsman replaced the Garda Síochána Ombudsman Commission (GSOC). It investigates cases of misconduct of the national

63. The Offences Against the State Act 1939 provides for the establishment of Special Criminal Courts. A Special Criminal Court now known as Special Criminal Court No. 1 is operating since 1972. Special Criminal Court No. 2 was established and is operating since 2016. A Special Criminal Court sits with three Judges and no jury. The Government appoints a panel of High Court, Circuit Court and District Court Judges to sit in the Special Criminal Courts. There are currently nineteen judges on the panel. Cases involving terrorism and organised crime offences are automatically brought before a Special Criminal Court for trial. Other offences are brought before or sent for trial when the Director of Public Prosecutions certifies that in his/her opinion, the ordinary Courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. An appeal against a conviction or sentence by the Special Criminal Courts can be brought to the Court of Appeal.

64. The Labour Court of Ireland is a tribunal exercising limited functions and powers of a judicial nature in accordance with the relevant provisions of the Constitution. The Labour Court was first established under the Industrial Relations Act, 1946 and its structure and functions have been statutorily developed on several occasions to include the Workplace Relations Act 2015. This involves making non-legally binding decisions in its capacity as an industrial relations tribunal, and legally binding decisions in its function as the sole appellate jurisdiction in all disputes through which individuals seek to assert their employment rights. The appointment of independent members to the Labour Court is carried out by the Minister for Enterprise, Trade and Employment. In practice, the Minister must choose four 'employer's members' from a list of nominees presented by the Irish Business and Employers' Confederation and four 'worker's members' from a list presented by the Irish Congress of Trade Unions. Recommendations for the position of Chairman are made to the Minister by the Public Appointments Service. These members then hold office for a fixed period and may only be removed from office by the Minister under specific conditions. The Minister must give stated reasons for the removal of any ordinary member and must have the consent of the organisation that originally nominated the member. During its decision-making process, the Labour Court has demonstrated a practice of submitting preliminary reference requests to the Court of Justice of the European Union to gain clarification on points of EU law during its deliberations (e.g. *Parris v Trinity College Dublin*, C-443/15, ECLI:EU:C:2016:897). Final decisions made by the Labour Court can be appealed to the High Court on one or more points of law, but not on facts (e.g. *An Bord Banistíochta, Gaelscoil Moshíológ v The Labour Court & Aodhagán O'Suird* - [2023]EHC484 [2022/178 MCA], (*Michelle Tanner v Labour Court (Trinity College Notice Party)* 2022 NO 118JR).

65. In addition to promoting and maintaining public confidence in the judiciary and the administration of justice, the main functions of the Judicial Council are to consider complaints in relation to judicial misconduct and to ensure the continuous education and training of judges. The Judicial Council is made up of the following members: the Chief Justice and the ordinary members of the Supreme Court, the President of the Court of Appeal and the ordinary members of the Court of Appeal, the President of the High Court and the ordinary members of the High Court, the President of the Circuit Court and the ordinary members of the Circuit Court and the President of the District Court and the judges of the District Court.

66. Specialist bureau that investigates fraud-related crime involving complex issues of criminal law or procedure.



police affecting the public interest and complaints from third parties regarding integrity in the national police. Within the GNECB, the national police has a distinct Anti-Bribery and Corruption Unit (ABCU), responsible for policing foreign bribery and corruption cases. The ABCU monitors foreign corruption cases for Irish involvement. The Corporate Enforcement Authority (CEA) retains both investigative and enforcement powers, and it carries out its functions under the framework of the Companies Act 2014<sup>67</sup>. The authority to prosecute lies with the Office of the Director of Public Prosecutions (ODPP)<sup>68</sup>. The Standards in Public Office Commission (SIPO) continues to oversee the integrity framework for public officials including conflict of interests, lobbying and party financing where it also provides advice to office holders<sup>69</sup>. The permanent Advisory Council against Economic Crime and Corruption coordinates and leads the delivery of a whole-of-government approach to economic crime and corruption, and acts as a “centre of excellence” for research and analysis, awareness-raising and training<sup>70</sup>.

## Media freedom and pluralism

In Ireland, the Constitution provides for the general legal framework concerning media pluralism and requires the State to guarantee the exercise of fundamental rights, including freedom of expression and freedom of the press<sup>71</sup>. The Online Safety and Media Regulation Act 2022 (the OSMR Act), entered into force in 2023 and extensively amended the Irish media regulatory framework, including through the introduction of updated rules for media services, the creation of a new regulatory framework of online safety, and the establishment of the Media Commission, the new independent media regulator<sup>72</sup>. Primary legislation provides safeguards for the independence of the public service media<sup>73</sup>. A comprehensive review by the Government of the Freedom of Information Act 2014 (the FOI Act), which regulates the right of access to information in the possession of public bodies, is ongoing.

## Other Institutional Issues Related to Checks and Balances

Ireland has a bicameral parliamentary system: Parliament comprises a Lower House, and an Upper House. Government Ministers and members of Parliament have the right of legislative initiative. Constitutional review is carried out by the High Court with a right of appeal to the Court of Appeal and the Supreme Court. The Irish Human Rights and Equality Commission (IHREC) is Ireland’s National Human Rights and Equality Institution. The Offices of the Ombudsman and Information Commissioner are independent both by law and in practice. Other relevant institutions in the system of checks and balances are the Ombudsman for the Defence Forces, the Ombudsman for Children’s Office and the National Disability Authority.

67. The Companies (Corporate Enforcement Authority) Act 2021 established the Corporate Enforcement Authority (CEA), which replaces the Office of the Director of Corporate Enforcement (ODCE) and assumes its role in the investigation and enforcement of company law offences.

68. 68 Within the ODPP, a new Anti-corruption Unit has been formalised in the Directing Division to deal with Garda corruption cases, while cases involving a foreign component will remain under the remit of the SFU.

69. 69 Including: the Ethics in Public Office Acts 1995, which set out standards of conduct for public officials, elected and appointed; the Electoral Act 1997, which regulates political financing, including political donations and election expenses; The Oireachtas (Ministerial and Parliamentary Activities) (Amendment) Act 2014, which regulates expenditure of public funds to political parties and independents; and the Regulation of Lobbying Act 2015, which makes the lobbying of public officials more transparent.

70. 70 The Advisory Council was established in May 2022 and is chaired by former Director of Public Prosecutions James Hamilton.

71. 71 Constitution of Ireland, Article 40, para. 6.1. also performs the functions of the Ombudsperson for Children.

72. Online Safety and Media Regulation Act 2022. The OSMR Act was also aimed at transposing the Audiovisual Media Services Directive (the AVMSD). In this respect, on 19 May 2022, the Commission decided to refer Ireland to the Court of Justice of the European Union over its failure to transpose the Directive. On 29 February 2024, the Court of Justice of the European Union found that Ireland had failed to fulfill its obligations under Article 2 of the AVMSD by not transposing the Directive by 19 September 2020, Judgment of the Court of Justice of 29 February 2024, Commission v Ireland (Services de médias audiovisuels), C-679/22, ECLI:EU:C:2024:178.

73. 73 According to European Parliament’s Flash Eurobarometer: News & Media Survey 2023, 56% of respondents in Ireland stated that they trust public TV and radio stations, above the EU average of 48%.



## GREECE

### Justice system

The Greek judicial system consists of two autonomous branches: courts with jurisdiction in civil and criminal matters and administrative courts. Both branches are organized in three instances, with first instance courts, courts of appeal<sup>74</sup> and a court of last instance. The Supreme Court is the highest court of general jurisdiction, and the Council of State is the Supreme Administrative Court<sup>75</sup>. The Court of Audit is the Supreme Financial Court and has jurisdiction on the audit of the expenditures of the State, local government agencies and other legal entities<sup>76</sup>. Judges and prosecutors are appointed by presidential decree after their successful training in the National School of Judiciary<sup>77</sup>. Promotions, assignments to posts, transfers and secondments, are decided by the competent Supreme Judicial Council<sup>78</sup>. As regards prosecution authorities, they are organised into prosecution offices at the courts of first instance, the courts of appeal and the General Prosecutor of the Supreme Court. Greece participates in the European Public Prosecutor's Office (EPPO). There are 63 bar associations in Greece, one at the seat of each court of first instance.

### Anti-corruption framework

The National Transparency Authority (NTA)<sup>79</sup> oversees the implementation of the National Anti-Corruption Action Plan (NACAP) for 2022-2025, conducts investigations on corruption cases, monitors the implementation of provisions related to asset declarations and lobbying activities, takes the necessary actions to ensure the coherence and effectiveness of the national strategy, with emphasis on coordination of control bodies and the efficiency of their operations<sup>80</sup>, and provides relevant instructions. The Directorate General of the Financial and Economic Crime Unit is the law enforcement agency of the Ministry of Finance, whose focus is the detection of fraud and corruption cases. The Directorate of Internal Affairs is tasked to tackle corruption within the Independent Authority for Public Revenue. The Internal Affairs Agency for Law Enforcement Bodies<sup>81</sup> exercises internal control and investigates crimes, including corruption, committed by various entities<sup>82</sup>. The Court of Audit is the Supreme Financial Court and Audit Institution auditing the use of public funds.

74. Special provisions regulate the operation of courts for juveniles, military, navy and air force courts. CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States, p. 638.

75. In certain categories of cases, the Council of State has competence to decide in first and last instance by exercising full jurisdiction. The elaboration of all decrees of regulatory nature falls under the jurisdiction of the Council of State which has competence to give an opinion concerning the legality thereof. Codification of Law concerning the Council of State, Presidential Decree, 18/1989.

76. The Court of Audit is also an Audit Institution auditing the use of public funds in Greece. Constitution of Greece, Article 98.

77. Constitution, Article 88.

78. There are three supreme judicial councils, which are composed of the president of the respective supreme court and of members of the same court chosen by lot from among those having served in it for at least two years. Constitution of Greece, Article 90, para 1; Law 4938/2022; 2024 EU Justice Scoreboard, Figure 57.

79. In line with the milestone foreseen under the Greek Recovery and Resilience Plan (RRP), new business premises for NTA shall be developed by the end of 2025. NTA is the Greek designated authority responsible for coordinating the fight against fraud (AFCOS) in accordance with the Regulation (EE, Euratom) No. 883/2013 of the European Parliament and the Council of September 11, 2013 (EU L248). The NTA was established by Law 4622/2019 and is subject to parliamentary scrutiny.

80. The NTA chairs the meetings of the National Coordinating Body for Audit and Accountability (ESOEL) established by Article 103 of Law 4622/2019. ESOEL's tasks include the dissemination of good practices and development of common standards and tools for the prevention, detection and control of fraud and corruption. Seventeen public bodies active in the field of law enforcement participate. In 2023, the Internal Audit Unit of the Ministry of Economy and Finance and the Hellenic Labour Inspectorate were added to ESOEL. See input from Greece for the 2024 Rule of Law Report, p. 17.

81. The Agency reports to the Ministry of Citizen Protection and is subject to parliamentary scrutiny.

82. According to the provisions of Presidential Decree 65/2019 these are the personnel of the Hellenic Police, Hellenic Coast Guard and Hellenic Fire Brigade, employees of the wider public sector, and employees of the European Union or International Organizations that work on the Greek territory.



## Media freedom and pluralism

The Greek legal framework regulating media pluralism and media freedom is established by the Constitution and specific sectorial legislation. The Greek Constitution enshrines the rights to freedom of expression and press freedom. It also provides for a right of access to information. Law No. 4779/2021, which transposed the Audiovisual Media Services Directive (AVMSD) into the Greek legal order, regulates audiovisual media.

## Other Institutional Issues Related to Checks and Balances

Greece is a parliamentary democracy with a unicameral Parliament. The separation of powers is enshrined in the Constitution with legislative power vested in the Parliament and the President. The right to introduce legislation belongs to the Parliament and the Government<sup>83</sup>. All courts, irrespective of their position in the judicial hierarchy, have the right and the duty to review the constitutionality of laws. They are bound not to apply a law if they deem its content to be contrary to the Constitution<sup>84</sup>. A number of independent authorities<sup>85</sup> and bodies aim to protect and safeguard human rights, including the Greek Ombudsperson<sup>86</sup> and the National Commission for Human Rights, which is accredited with A status by the Global Alliance of Human Rights Institutions<sup>87</sup>.

83. Constitution of Greece, Article 26. 2021, 2022 Rule Reports, Country Chapter on the rule of law situation in Greece, p. 11 and 19 respectively.

84. Constitution of Greece, Article 93, para. 4.

85. The Constitution establishes five independent authorities, the Data Protection Authority; the National Council for Radio and Television (NCRTV); the Hellenic Authority for Communication Security and Privacy (ADAE); the Supreme Council for Civil Personnel Selection; and the Ombudsperson.

86. The Ombudsperson is also the national equality body with a mandate to combat discrimination and promote the principle of equal treatment.

87. Chart of the status of national institutions – Accreditation status as of 27 April 2022.



## SPAIN

### Justice system

The Spanish judicial system is composed of courts of general jurisdiction<sup>88</sup> and specialised courts<sup>89</sup>, and is structured in accordance with the territorial organisation of the country<sup>90</sup>. The Supreme Court is the highest judicial body in all areas of law. The General Council for the Judiciary, established by the Spanish Constitution and regulated in the organic law for the judiciary, is the body of judicial self-governance, and ensures the independence of courts and judges<sup>91</sup>. As such, it does not itself form part of the judiciary. It exercises disciplinary action and is competent to appoint, transfer and promote judges, as well as being responsible for the training and recruitment of judges. The Constitution<sup>92</sup> and an organic law<sup>93</sup> regulate the Constitutional Court, which is not formally part of the judiciary. The public prosecution service is integrated in the judiciary with functional autonomy and pursues the mission of promoting justice in defense of the law, the rights of the citizens and the general interest. The Prosecutor General is appointed by the Head of State, upon proposal of the Government, following the consultation of the General Council for the Judiciary<sup>94</sup>. Spain participates in the European Public Prosecutor's Office (EPPO). The Solicitor General of the State is a senior official of the Ministry of the Presidency, Justice and Relations with the Parliament in charge of directing the Legal Service of the National State Administration. The Local Bars are public law organisations of professionals, independent from the public administration and do not depend on the budgets of the public authorities, nor are their assets public. They have competences for the organisation of the profession and professional deontology and approve their own code of ethics.

### Anti-corruption framework

In Spain, the Magistrates and Courts, the Prosecutor's Office, and in particular the Anti-Corruption Prosecutor's Office<sup>95</sup>, are responsible for the investigation, detection and prosecution of corruption with the assistance of law enforcement agencies. Attached Units – from the National Police<sup>96</sup> and the Civil Guard<sup>97</sup> – and Support Units of the State Tax Administration Agency and the General Intervention Board of the State Administration, contribute with analytical work<sup>98</sup>. Additionally, the State Security Forces and Corps – FCSE (National Police and Civil Guard) have Judicial Police Units, both at central and territorial level, highly specialised in economic crime and corruption. The National Anti-Fraud Coordination Service<sup>99</sup> oversees anti-fraud measures and conducts investigations at national level while several Autonomous Regions have their own offices to fight fraud in their territories<sup>100</sup>.

88. Covering the fields of civil, criminal, administrative and social law. In total, there are 3036 first instance courts of general jurisdiction.

89. Commercial courts, EU trademark courts, courts with special duties in the matter of criminal sentencing, juvenile courts, courts dealing with violence against women, and other specialised courts that can be created by resolution of the Ministry for the Presidency, Justice and Parliamentary Relations. In total, there are 864 first instance courts of specialised jurisdiction.

90. On December 31, 2025, when the full implementation of LO 1/2025 is completed, all these unipersonal courts will become part of one of the 431 Courts of First Instance that will be created, one per judicial district. Each Court of First Instance will be further divided into sections, according to the different jurisdictions, general and/or specialized.

91. Art. 117 of the Spanish Constitution enshrines the independence of magistrates and judges.

92. Spanish Constitution, art. 159.

93. Organic Law 2/1979, of 3 October.

94. Spanish Constitution, art. 124(4).

95. Law 10/1995, of 24 April, amending Law 50/1981, of 30 December, which regulates the Organic Statute of the Public Prosecutor's Office and creates the Special Prosecutor's Office for the Repression of Economic Crimes Related to Corruption. Official State Bulletin, 25 April 1995, n. 98, pp. 2102-2103.

96. Royal Decree 769/1987, of June 19, on regulation of the Judicial Police.

97. Royal Decree 769/1987, of June 19, on regulation of the Judicial Police.

98. Anti-Corruption Prosecutor's Office (2020), Annual Report 2019, p. 698 and Input from Spain for the 2023 Rule of Law Report pp. 18-19. A new legal instrument aimed at formalizing the relation between IGAE and the Dirección General de Policía is ready to be adopted. The agreement – which is expected to be finalised in the upcoming months – is similar to the existing agreement signed with the Guardia Civil in 2020 to reinforce the exchange of information, enhance cooperation and collaboration in organising trainings.

99. Governed by the Additional Provision 25 of General Subsidies Law 38/2003, of 17 November.

100. Catalonia Anti-Fraud Office, which is regulated by Law 14/2008, of 5 November 2015 of the Autonomous Region of Catalonia; Valencia Agency for the Prevention and Fight against Fraud and Corruption, which is regulated by Law 11/2016 of 28 November 2015 of the Autonomous Region of Valencia; Municipal Anti-Fraud and Corruption Office of the Madrid City Council, which is governed by its Organic Regulation approved by agreement of the Madrid City Council of 23 December 2016; Office for Transparency and Good Practice of the City of Barcelona (Directorate of the Analysis Service), and the Office of Good Practices and Anti-Corruption of the Autonomous Community of Navarre, established by Regional Law 7/2018, of 17 May, on the creation of the Office of Good Practices and Anti-Corruption Office of the Autonomous Community of Navarre (the office is operational since 2022). The Office for Prevention and Fight against Corruption of the Balearic Islands, regulated by Law 16/2016 of 9 December 2016 on the Balearic Islands, was eliminated by the Balearic Islands' Parliament by Law 2/2024 of 11 April of the Balearic Islands.



The Office of Conflicts of Interest oversees asset declarations for Government officials and political appointees<sup>101</sup>, and a variety of functions related to integrity<sup>102</sup>. A dedicated Office for Conflicts of Interest of the Spanish Parliament is in place<sup>103</sup>. Rules on transparency, access to public information and good governance are monitored by the Council of Transparency and Good Governance whereas a number of Autonomous Regions and some municipalities have their own Council to perform a similar role<sup>104</sup>. The Court of Auditors is in charge of the audit of the financial-economic activity and regular accounting of political parties, as well as of the contributions received by foundations and associations linked to the political parties represented in the Spanish Parliament<sup>105</sup>.

## Media freedom and pluralism

The Constitution enshrines the rights to freedom of expression and media freedom<sup>106</sup>. The General Law on Audiovisual Communication<sup>107</sup> regulates the provision of audiovisual media services while the Law on State Owned Radio and Television, complemented by the Law on the Financing of the Spanish Radio and Television Corporation<sup>108</sup>, ensures the independence, neutrality and objectivity of the national public service media. The Ministry for the Digital Transformation and the Public Service is the competent audiovisual authority at the state level: it is responsible for secondary legislation and has several other competences, including authorisations at national level and the management of the national registry of audiovisual media service providers. An independent multi-regulatory body, the National Commission for Markets and Competition (CNMC)<sup>109</sup>, assumes the role of audiovisual regulator: it controls and supervises compliance with the obligations provided for in the law at national level, while regional audiovisual authorities are responsible for audiovisual communication service providers at the regional level<sup>110</sup>. Access to information is regulated by the Law on Transparency, Access to Public Information and Good Governance<sup>111</sup> and by the Law<sup>112</sup> on Official Secrets.

## Other Institutional Issues Related to Checks and Balances

Spain is a parliamentary monarchy, with a bicameral Parliament<sup>113</sup>. It is also a decentralised unitary state where the State and the Autonomous Regions have both exclusive and shared competences<sup>114</sup>. The Constitutional Court<sup>115</sup> is exclusively competent to review the constitutionality of laws, as well as appeals for constitutional protection of fundamental rights and to decide on potential conflicts between constitutional bodies of the State<sup>116</sup>. Both chambers of Parliament – the Congress and the Senate – have legislative competence, which they can delegate to the Government, subject to certain limitations<sup>117</sup>. The Government, the two Chambers of Parliament, the assemblies of the autonomous regions, and a group of at least 500 000 citizens have the right of legislative initiative.

101. These are political appointments made by Government decree and include Secretaries of State, senior officials in ministries, ambassadors and chief executives of public companies, among others.

102. The OCI oversees conflict of interest rules, monitors the declarations of activities and incompatibilities, the abstention regime, training and awareness-raising activities.

103. See below, the Office for Conflicts of Interest of the Spanish Parliament is a separate body which is tasked with solving doubts of interpretation regarding the Code of Conduct.

104. Transparency Agency of the Barcelona Metropolitan Area's government, created on 14 December 2015, Anti-Fraud and Anti-Corruption Office of Andalucía, created by Law 2/2021, of 18 June.

105. Law 2/1982, of 2 May 1982. To be noted that while the Court of Auditors is not an anti-corruption body per se, its work is still relevant in the topics covered under the Anti-Corruption Framework section of the report.

106. Constitution of Spain, art. 20.

107. General Law on Audiovisual communication 13/2022 of 7 July 2022.

108. Law on state-owned radio and television 17/2006 of 5 June 2006; Law 8/2009, of 28 August, on the financing of the Spanish Radio and Television Corporation.

109. Set up by the Law on the creation of the National Commission for Markets and Competition 3/2013, of 4 June 2013.

110. General Law on Audiovisual communication 13/2022, art 153.

111. Law on transparency, access to public information and good governance 19/2013 of 9 December 2013. The 2024 Spanish Annual Regulatory Plan includes the approval of a new Law for an Open Administration as part of an announced Democracy Action Plan.

112. Law on official secrets 9/1968 of 5 April 1968.

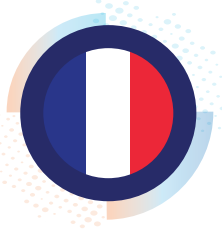
113. It consists of the Congress of Deputies (the lower house), and the Senate (the upper house). Both are directly elected.

114. Autonomous Regions have political and financial autonomy, having an institutional organisation based on a Legislative Assembly, a Governing Council with executive and administrative functions and a President, elected by the Assembly from among its members. Autonomous Regions hold the power to pass laws on a wide range of areas over which they have exclusive competence, but also secondary legislation in certain matters that are competence of the State, as well as the execution of State regulations.

115. The Constitutional Court does not form part of the judiciary.

116. Title IX of the Spanish Constitution.

117. Spanish Constitution, art. 82.



## FRANCE

### Justice system

The justice system is composed of two autonomous branches of courts: ordinary courts with jurisdiction in civil and criminal cases on the one hand, and administrative courts on the other hand. Both branches consist of three levels of courts, with first instance courts, courts of appeal and an upper court (the Court of Cassation and the Council of State, respectively). The Council of State also has an advisory branch that provides opinions on draft legislation and is tasked with the management of the administrative tribunals and courts of appeal. The High Council for the Judiciary<sup>118</sup> plays an important role in safeguarding judicial independence: it nominates candidates for top judicial functions and, as regards the appointment of judges by the Minister of Justice, issues binding opinions<sup>119</sup>. The prosecution service is part of the judiciary and falls under the authority of the Minister of Justice<sup>120</sup>. The latter can give general instructions on prosecution policy but is barred from giving instructions in individual cases<sup>121</sup>. In addition, the Constitutional Council is competent to verify the constitutionality of laws. France participates in the European Public Prosecutor's Office (EPPO). Lawyers are represented by various bar associations throughout France.

### Anti-corruption framework

Authorities competent for the fight against corruption include the Anti-Corruption Agency (AFA), which prepares the multiannual anti-corruption plan, monitors its implementation, supports private and public entities on how to prevent and detect corruption, checks the execution of judicial compliance programs<sup>122</sup>, and has been designated as an external reporting channel authority for whistleblowers revealing breaches against probity<sup>123</sup>; the High Authority for Transparency in Public life (HATVP), responsible for ensuring the integrity of public officials; and the Central Office for Combating Corruption and Tax Offences (OCLCIFF), a specialised police service for the investigation of economic crimes, including corruption and money laundering. The National Financial Prosecutor Office (PNF) is competent for the investigation of high-level corruption cases.

118. The High Council for the Judiciary has two distinct formations. For the formation relating to judges, the High Council for the Judiciary is comprised of the President of the Court of Cassation, five judges, one public prosecutor, one member of the Council of State, one lawyer, and six other qualified members, who are not affiliated with the Parliament, the judiciary or the administrative courts. An additional judge completes this formation when acting as a disciplinary council. For the formation relating to prosecutors, the High Council for the Judiciary is comprised of the General Prosecutor of the Court of Cassation, five public prosecutors, one judge, the same member of the Council of State, the same lawyer and the same six other qualified members as mentioned above. An additional prosecutor completes this formation when acting as a disciplinary council.

119. Prosecutors are currently nominated by the Minister of Justice, following an advisory opinion of the Council, which has been followed in practice since 2008.

120. Art. 5 of Ordinance 58-1270 of 22 December 1958.

121. Art. 1 of Law 2013-669 of 25 July 2013 and Art. 30 of the Code of Criminal Procedure. This prohibition is respected in practice.

122. Competences are carried out through advice and administrative audits, and also the monitoring of companies' compliance programs when decided by judicial authorities. Information received from the AFA in the context of the country visit to France.

123. In application of the Law n. 2022-401 of 21 March 2022 on whistleblower protections (also known as Wasserman law). Written contribution in the context of the country visit to France.



## Media freedom and pluralism

The French legal framework concerning media pluralism and media freedom is established by the Constitution and specific sectorial legislation, and it is enforced for the audiovisual and digital sectors by the independent media regulator the *Autorité de régulation de la communication audiovisuelle et numérique* (ARCOM). The Constitution protects freedom of expression and guarantees pluralism of the media. The Declaration of Human Rights and the Rights of the Citizen recognises freedom of expression as a fundamental right. Key principles governing the media and journalism sectors are guaranteed by specific legislation<sup>124</sup>. The Right to information is guaranteed by the Law on Free Access to Administrative Documents<sup>125</sup>.

## Other Institutional Issues Related to Checks and Balances

France is a democratic republic with a semi-presidential system of government, with a President directly elected by the people and a Prime Minister who is accountable to Parliament. The bicameral Parliament consists of the National Assembly and the Senate. Legislative proposals can originate from the Government or from members of both Houses of Parliament. The Constitutional Council scrutinises the constitutionality of laws, before or after their adoption. Independent authorities play an important role in the system of checks and balances. The Defender of Rights, which also functions as the national equality body, and the National Consultative Commission on Human Rights (CNCDH) are both tasked with the promotion and protection of human rights and fundamental freedoms.

124. Law No. 86-1067 of 30 September 1986 on the Freedom of Communication; Law No. 2004-575 of 21 June 2004 to support confidence in the digital economy, and Law of 29 July 1881 on the Freedom of the Press.

125. Law No. 78-753 of 17 July 1978



## CROATIA

### Justice system

Croatia has a three-tiered justice system, with courts of general and specialised jurisdiction. The first instance courts of general jurisdiction, dealing with civil and criminal cases, are composed of municipal courts (34), while the county courts (15) are the second instance courts of general jurisdiction, with some competences as first instance courts. The courts of specialised jurisdiction comprise nine Commercial and four Administrative courts at first instance, and the High Criminal Court, the High Misdemeanour Court, the High Commercial Court and the High Administrative Court at second instance. The Supreme Court deals with all types of cases. The Constitutional Court conducts constitutional review. An independent State Judicial Council ensures the autonomy and independence of the judiciary<sup>126</sup>. The State Attorney's Office (DO) is an autonomous, independent judicial body. It acts as the prosecution service, and undertakes legal actions for the protection of state property and applies legal remedies for the protection of the Constitution and laws. Each State Attorney's Office is headed by a State Attorney. The State Attorney General is the head of the State Attorney Office of the Republic of Croatia (DORH), as the highest state attorney office. The powers over appointment and career of state attorneys and deputy state attorneys rest with the State Attorney's Council, while the powers over representation and management rest with the State Attorney General<sup>127</sup>. The State Attorney's Council is an independent self-governance body tasked with ensuring the autonomy and independence of the State Attorney's Office<sup>128</sup>. Croatia participates in the European Public Prosecutor's Office (EPPO). The Croatian Bar Association is an independent, self-governing professional organisation, which is in charge of disciplinary proceedings regarding lawyers<sup>129</sup>.

### Anti-corruption framework

The Ministry of Justice and Public Administration is the central corruption prevention body, with a dedicated Sector for Preventing Corruption. There is a government Council for the Prevention of Corruption<sup>130</sup> and a Parliamentary Council for the monitoring of the implementation of the Strategy for Combating Corruption

131. A specialised National Police Office for the Suppression of Corruption and Organised Crime (PNUSKOK) works hand in hand with the prosecutor's Office for the Suppression of Corruption and Organised Crime (USKOK). They prosecute corruption and organised crime cases in first instance county courts in Zagreb, Split, Osijek and Rijeka, with the High Criminal Court acting as the appellate court for these cases. The Commission for the Resolution of Conflicts of Interest (CRC) has competences to prevent corruption and strengthen the integrity of public officials, such as the supervision of asset declarations. The State Commission for Supervision of Public Procurement Procedures is an independent tribunal responsible for reviewing appeals regarding public procurements. The People's Ombudsperson is managing reports made by whistleblowers.

126. The State Judicial Council is a judicial self-governance body with 11 members, 7 judges elected by their peers, 2 university professors of law and 2 members of Parliament, 1 of whom is from the opposition. They are elected for a four-year term and can be re-elected once. The Council appoints/dismisses judges and court presidents, decides on the immunity, transfer and external activities of judges, conducts disciplinary proceedings and decides on the disciplinary responsibility of judges. The Council also participates in training of judges, adopts a methodology for evaluating judges, and verifies asset declarations of judges.

127. Figures 55-57, 2019 EU Justice Scoreboard; Figure 54, 2020 EU Justice Scoreboard, and Figures 55-56, 2021 EU Justice Scoreboard.

128. The State Attorney's Council is a prosecutorial self-governance body with 11 members, seven deputy state attorneys elected by their peers, two university professors of law and two members of Parliament, one of whom is from the opposition. They are elected for a four-year term and can be re-elected once. The Council's mandate includes the appointment, dismissal and transfers of state attorneys, decisions on external activities, on objections to evaluations, and participation in trainings. The Council also keeps personal records and verifies the asset declaration of state attorneys and deputy state attorneys, as well as conducting disciplinary proceedings and deciding on the disciplinary responsibility of deputy state attorneys.

129. The Assembly of the Bar elects, in accordance with the Statute of the Croatian Bar Association, the Disciplinary Court (which consists of at least five members and decides on more serious violations and appeals against Disciplinary Councils' decisions), and the Higher Disciplinary Court (which consists of at least five members and decides on appeals against Disciplinary Court's decisions). The Executive Board of the Bar elects Disciplinary Councils, which consist of three members and decide on less serious violations.

130. A government advisory body composed of 24 representatives of public institutions and 7 non-governmental organisations. It is mandated to monitor the implementation of Action Plans, with the assistance of the Sector for Preventing Corruption of the Ministry of Justice and Administration, and to design, improve, systematically monitor and evaluate national-level strategic and operational documents related to preventing corruption.

131. This is a permanent working body of Parliament, comprised of 11 members: its President (from the ranks of the opposition), 4 members of Parliament, as well as 6 members appointed through a public call representing employers, trade unions, civil society organisations, academia, media, and experts.



## Media freedom and pluralism

The Croatian legal framework on media freedom and pluralism and the access to information is based on the Constitution and sectoral legislation<sup>132</sup>. This includes notably the Electronic Media Act, last revised in 2021, and the Media Act, the revision of which has been expected for some time. In December 2023, a National Plan for the Development of Culture and Media for the period from 2023 to 2027 was adopted<sup>133</sup>, including among its objectives the overall improvement of the situation of journalists and media, fostering pluralism, and providing effective support to the media sector.

## Other Institutional Issues Related to Checks and Balances

Croatia has a unicameral parliamentary system of government, in which the Constitutional Court can carry out *ex-post* constitutional reviews, including in concrete cases based on a constitutional complaint. Draft laws can be tabled by any member of Parliament or the Government. The People's Ombudsperson, who is responsible for the promotion and protection of human rights and freedoms and fulfils the role of the National Human Rights Institution, the Information Commissioner, and the Ombudsperson for Gender Equality<sup>134</sup>, which fulfils the role of the equality body, are all independent bodies that play a role in the system of checks and balances.

132. Article 38 of the Croatian Constitution.

133. National Plan for the Development of Culture and Media for the period from 2023 to 2027.

134. It should be noted that the mandate of the Ombudsperson for Gender equality can be terminated if his/her annual report is rejected in the Parliament.



## ITALY

### Justice system

The structure of the justice system is set out in the Constitution of Italy, which enshrines its independence and autonomy. Ordinary courts have jurisdiction in civil and criminal matters and are organised in three instances. The first instance is composed of justices of the peace, tribunals, and juvenile courts. The second and third instances are made up of the courts of appeal<sup>135</sup> and the High Court of Cassation, respectively. Administrative justice is organised in first and second instance courts<sup>136</sup>. Jurisdiction in accounting matters is exercised by the Court of Auditors (with Regional and Central Chambers). The responsible courts for tax matters are the newly established tax courts at first and second instance, and, for both of them, the High Court of Cassation at the highest level. The structure of the prosecution service mirrors that of the courts. Italy participates in the European Public Prosecutor's Office (EPPO). According to the principle of unity of the judiciary, ordinary judges and public prosecutors are all magistrates, have a common career structure, and are governed by the High Council for the Judiciary<sup>137</sup>. Administrative, accounting and tax magistrates have their own self-government bodies<sup>138</sup>. As a rule, the judiciary is accessed through a public competition<sup>139</sup>. Ordinary magistrates are appointed by decree of the Ministry of Justice, administrative and accounting magistrates by decree of the President of the Republic, tax magistrates by decree of the Ministry of Economy and Finance<sup>140</sup>. The Constitutional Court has exclusive jurisdiction over disputes regarding the constitutionality of laws<sup>141</sup>. The National Bar Council is an independent and self-governing body established by law.

### Anti-corruption framework

The National Anti-Corruption Authority (ANAC) is the main entity in charge of the prevention of corruption within the public administration sector, coordinating the National Anti-Corruption Plan and supervising the adoption of the local three-year anti-corruption action plans. The Anti-Corruption Unit of the *Guardia di Finanza* is responsible for the investigation of corruption as a specialised law enforcement body. As an independent authority at the Bank of Italy, the Financial Intelligence Unit provides support to the competent prosecutor's office and cooperates with the *Guardia di Finanza* as the competent authority for receiving reports of suspicious financial transactions. To prevent and fight corruption in the allocation and implementation process of resources received under the Recovery and Resilience Plan, consultative and control tasks have also been assigned to the Court of Auditors<sup>142</sup>.

135. With the exception of the judgments of the justices of the peace, which are appealed before the tribunals.

136. Regional Administrative Tribunals (Tribunali amministrativi regionali) are courts of first instance, whereas Council of State (Consiglio di Stato) is the administrative court of second instance (the Council of Administrative Justice for the Sicilian Region – Consiglio di Giustizia Amministrativa per la Regione siciliana – is the administrative court of second instance only for the island of Sicily).

137. Consiglio Superiore della Magistratura.

138. Respectively, Council of Administrative Justice (Consiglio di Presidenza della Giustizia Amministrativa), Council of the Court of Auditors (Consiglio di Presidenza della Corte dei Conti) and Council for Tax Justice (Consiglio di Presidenza della Giustizia Tributaria).

139. Constitution of Italy, art. 106(1). However, exceptions to this general rule are in place, such as the appointment of honorary magistrates and the power of the government to appoint particularly deserving people as magistrates in certain courts (e.g. at the Courts of Auditors, at the Council of State).

140. For the appointment of administrative magistrates, the President of the Republic acts upon proposal of the Prime Minister. For the appointment of accounting magistrates, the President of the Republic acts upon proposal of the Prime Minister and deliberation of the Council of the Court of Auditors. For the appointment of tax magistrates, the Ministry of Economy and Finance acts upon deliberation of the Council for Tax Justice. Written contribution from the Italian Government in the context of the country visit to Italy.

141. Pursuant to art. 135 of the Constitution of Italy, the Constitutional Court is composed of 15 judges who are appointed for a nine-year term of office. Five are appointed by the President of the Republic, five are elected by Parliament and five are elected by supreme courts (three by the High Court of Cassation, one by the Court of Auditors, and one by the Council of State).

142. Law laying down rules for the fulfilment of obligations arising from Italy's membership of the European Union – European Law 2019-2020, No. 238 of 23 December 2021, Article 46



## Media freedom and pluralism

In Italy, the freedom of the press and freedom of expression are values enshrined and protected in the Constitution<sup>143</sup>. A comprehensive legal framework provides for media freedom and media pluralism safeguards, while the Communication Regulatory Authority (AGCOM) is the independent regulator for the media sector. The Freedom of Information Act (FOI Act) grants citizens the right to access documents and information held by public administration bodies<sup>144</sup>.

## Other Institutional Issues Related to Checks and Balances

Italy is a unitary parliamentary republic with an indirectly elected President<sup>145</sup>. The Parliament is bicameral: it comprises the Chamber of Deputies and the Senate of the Republic, both having the same powers. The right of legislative initiative is vested in the Government, the members of Parliament, 50 000 citizens, the National Council for Economics and Labour<sup>146</sup>, and the Regional Council. The Constitutional Court has exclusive jurisdiction over disputes regarding the constitutionality of laws. There is currently no national human rights institution, and several regional ombudspersons are responsible for safeguarding the freedoms and rights of persons<sup>147</sup>. The Inter-ministerial Committee for Human Rights (CIDU) is the coordinating national institution interacting with civil society, academia, and all relevant stakeholders to ensure reporting and follow-up on human rights issues.

143. Constitution of Italy, art. 21.

144. 144 Legislative Decree No. 97 of 25 May 2016.

145. 145 The President is elected by Parliament, meeting in joint session, together with 58 regional electors.

146. 146 The National Council for Economics and Labour is also vested with the right to propose legislation in the economic and social field.

147. 147 For more information, see Ombudsman of Tuscany website (<http://www.difensorecivicotoscana.it>).



## CYPRUS

### Justice system

The court system is composed of six District Courts, seven Assize Courts<sup>148</sup>, the Administrative Court<sup>149</sup>, the Administrative Court of International Protection<sup>150</sup>, the Commercial and the Admiralty Court<sup>151</sup> at first instance. In addition, there are family courts, rent control courts, industrial disputes courts and a military court<sup>152</sup>. A Court of Appeals deals with appeals against all judgments issued at first instance<sup>153</sup>. The third instance of jurisdiction comprises the Supreme Constitutional Court and the Supreme Court<sup>154</sup>. First and second instance judges are appointed, transferred and promoted by the Supreme Council of Judicature (SCJ)<sup>155</sup>. Judges at the highest courts are appointed by the President of the Republic, on the basis of a list of suitable candidates established by the Advisory Judicial Council<sup>156</sup>. The Prosecution Service is organised under the Attorney General of the Republic, who is appointed by the President of the Republic<sup>157</sup>. The Attorney General heads also the Law Office of the Republic, which is an independent service<sup>158</sup> assisting him, not subjected to any ministry. Cyprus participates in the European Public Prosecutor's Office (EPPO). The independent national bar association has regulatory and disciplinary competence as regards its members.

### Anti-corruption framework

The Independent Authority against Corruption (IAAC) is responsible for transparency and prevention of corruption in both the public and private sectors, including monitoring the implementation of the national anti-corruption plan<sup>159</sup>. The Attorney General has overall competence to prosecute criminal offences, including corruption, and continues to provide legal advice to law enforcement authorities investigating corruption offences. The Audit Office checks the expenses of public institutions, through which it may detect suspicions of corruption. Cyprus is not a signatory party to the OECD Anti-Bribery Convention yet<sup>160</sup>.

148. The Assize Court has unlimited jurisdiction to hear and determine at first instance any criminal case.

149. Establishment and Function of the Administrative Court, Law 131 (I)/2015.

150. Establishment and Function of the Administrative Court for International Protection, Law 73 (I)/2018.

151. Establishment and Operation of the Commercial Court and the Admiralty Court, Law 62 (I)/2002. The Courts will adjudicate, at first instance, on high profile commercial and admiralty cases respectively.

152. 2022 and 2023 Rule of Law Reports, Country Chapter on the rule of law situation in Cyprus p. 3.

153. The Court of Appeals is composed of 16 judges and has three divisions: civil, criminal and administrative.

154. The Supreme Constitutional Court, composed of nine judges, mainly rules on (i) unconstitutionality claims; (ii) conflicts of competence between public authorities; and (iii) administrative cases at third degree. The Supreme Court, composed of seven judges, acts as third degree of jurisdiction in all civil and criminal cases, and cases under the competence of specialized courts.

155. The Supreme Council of Judicature is composed of all the judges of the Supreme Court, the Advocate General, the President of the Cyprus Bar Association and two experienced lawyers. Constitution of Cyprus, Article 157 para. 2. This constitutional provision is further elaborated in Law on the Administration of Justice of 1964, Section 10, as modified by Laws 163(I)/2022 and 223(I)/2022.

156. The Advisory Judicial Council is composed of the judges of the court for which the candidates apply, the Attorney General, the President of the Bar association and two experienced lawyers. Only the judges-members have the right to vote. The President of the Republic is not bound to appoint a person from the list of the proposed candidates. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus p. 4.

157. The Attorney General has the power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person (legal or natural) in the Republic. The Attorney General is also the legal adviser of the Republic, of the President, of the Council of Ministers and of the Ministers individually. He is also honorary president of the Cyprus Bar Association, chair of its disciplinary council and of the body responsible for the admission to practice and enrolment of lawyers. He performs all other functions and duties conferred on him by the Constitution or by statutory law. See Constitution of Cyprus, Article 112.

158. The Attorney General's representatives (law officers) act on his behalf and only take instructions from him. All law officers are members of the Public Service, subject to the Public Service Law and Regulations including disciplinary procedures as all other public servants.

159. The responsibility to ensure the implementation, progress, management and assessment of the National Strategy against Corruption was transferred to the IAAC by the Ministry of Justice and Public Order, in the second half of 2023. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Cyprus, p. 13. The mission of the Independent Authority against Corruption (IAAC) is the undertaking of the necessary initiatives and actions for ensuring the coherence and effectiveness of the actions of the services of the public sector, the wider public sector and the private sector in matters of prevention and combating of acts of corruption, as well as for ensuring, in the best and most efficient manner, the implementation, progress, management and assessment of the National Strategy against Corruption. The Authority investigates, on its own motion, or upon submission of a complaint, any acts of corruption in the public sector, in the wider public sector and in the private sector.

160. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, Ratification Status <https://www.oecd.org/daf/anti-bribery/WGBRatificationStatus.pdf>. Cyprus is not a member of the OECD.



## Media freedom and pluralism

Freedom of expression and the right of access to information find legal and formal protection in the Constitution<sup>161</sup>. Legislation expressly ensures protection of journalistic sources, fosters media pluralism in the radio and television sector, enshrines the formal independence of the media regulator and details the right of access to public sector information. The Law on the Cyprus Broadcasting Corporation (CyBC) lays down rules on the governance and financing of public service television and radio.

## Other Institutional Issues Related to Checks and Balances

The Republic of Cyprus is a presidential representative republic. The President of Cyprus is both Head of State and Head of Government. The House of Representatives is the Parliament, which is vested with legislative power. Both representatives and ministers have the right of legislative initiative. The Supreme Constitutional Court is competent to assess the constitutionality of laws in the context of specific cases brought before it<sup>162</sup>. There are a number of national independent authorities, organisations and institutions that aim to protect and safeguard human rights..

161. Articles 19 and 29, respectively, of the Constitution of the Republic of Cyprus.

162. See Section I of the Report. The Supreme Constitutional Court can hear cases, notably from the civil and criminal courts, via a system of leave to appeal by referral from an ordinary court of "questions of constitutionality which are essential to the determination of the case pending before it" (Article 9 (a) Administration of Justice (Miscellaneous Provisions) Law. Before the re-establishment of the Supreme Constitutional Court, the Supreme Court heard unconstitutionality claims. See also 2021, 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Cyprus, p. 11, 14 and 11.



## LATVIA

### Justice system

The Latvian justice system has three tiers. At first instance, there are six district (city) courts dealing with civil and criminal cases, and one district administrative court. Furthermore, there is the Economic Court, which deals with certain economic and financial crimes. At second instance, five regional courts are dealing with civil and commercial cases and there is one regional administrative court. The Supreme Court, at third instance, is handling criminal, civil, and administrative cases. The Constitutional Court carries out constitutional review. An independent Judicial Council is tasked with participating in the development of policies and strategies for the judicial system and the improvement of its organisation<sup>163</sup>. Furthermore, the Judicial Council deals with selecting candidate judges, appointing and dismissing court presidents, determining the judicial map, and approving the content of training. Candidate judges are selected through an open competition organised by the Judicial Council, ranked, and placed on a list, from which the Minister for Justice proposes the candidate with the highest number of points to the Parliament for appointment. After three years in office and an evaluation by a judicial body, judges are appointed for an indefinite term by the Parliament on a proposal from the Minister for Justice. The Prosecution Office is an independent judicial institution under the authority of the Prosecutor General. Latvia participates in the European Public Prosecutor's Office (EPPO). The Latvian Council of Sworn Advocates is an independent, self-governing professional organisation, which also oversees disciplinary proceedings regarding lawyers.

### Anti-corruption framework

The Corruption Prevention and Combating Bureau (KNAB) is a specialised body with competence to investigate corruption-related offences and prevent corruption. The Prosecutor's Office supervises pre-trial investigations of corruption-related offences conducted by the KNAB. As of 1 January 2025, the investigation of criminal offences committed by State Revenue Service officials is transferred to KNAB<sup>164</sup>. Other institutions with anti-corruption competences are: the State Police, which investigates corruption in private institutions and fraud; the Internal Security Bureau, which investigates corruption-related criminal offences committed by the officials of the institutions subordinated to the Ministry of the Interior, as well as within the Prison Administration; the State Border Guard, which investigates corruption involving State Border Guard's officers and the Prison Administration, which investigates corruption involving Prison Administration officers. As of 2026, a new investigative institution should be created under the supervision of the Ministry of Finance as regards custom policies<sup>165</sup>.

163. It should be noted that the share of judges, members of the Judicial Council, who are chosen by their peers represents less than half of the total members of the Council. Figure 57, 2024 EU Justice Scoreboard.

164. Latvian Government, written input for the 2025 Rule of Law report, p.12

165. Country visit Latvia, 2025, KNAB.



## Media freedom and pluralism

In Latvia, the legal framework concerning media pluralism and media freedom is based on constitutional safeguards and sectoral legislation. The Latvian Constitution guarantees freedom of expression and information and prohibits censorship<sup>166</sup>. The legal framework governing the media includes the Electronic Mass Media Law (EMML)<sup>167</sup>, the Law on Public Electronic Mass Media<sup>168</sup> and the Law on the Press and Other Mass Media<sup>169</sup>. Amendments to the Copyright Law in December 2024 enable the National Electronic Mass Media Council (NEMMC) to restrict access to websites that infringe upon copyright or neighbouring rights. The Freedom of Information Law<sup>170</sup> guarantees the right to access information held by public authorities. The Media Policy Guidelines for 2024–2027 set out the basic principles, objectives, priorities and tasks to be carried out in Latvia's media policy.

## Other Institutional Issues Related to Checks and Balances

Latvia is a unicameral, parliamentary democracy, in which the Constitutional Court can carry out ex-post constitutional review of laws, including in concrete cases on the basis of a constitutional complaint. Draft laws may be submitted to the Parliament by the President, the Government, Parliamentary committees, at least five members of the Parliament, or one-tenth of the electorate. In addition to the justice system, also the Ombudsperson's Office, which acts as a national human rights institution, accredited with A-Status<sup>171</sup>, as well as the equality body, and civil society play a role in the system of checks and balances.

166. Article 100 Latvian Constitution.

167. Latvian Electronic Mass Media Law of 28 July 2010.

168. Law on Public Electronic Mass Media and their Management (PEMML), adopted on 19 November 2020.

169. Law of 20 December 1990 on the Press and Other Mass Media.

170. Freedom of Information Law of 24 December 1998.

171. Accreditation is provided by the UN Global Alliance of National Human Rights Institutions (GANHRI).



## LITHUANIA

### Justice system

The justice system is composed of the Constitutional Court<sup>172</sup>, courts of general jurisdiction (the Supreme Court, the Court of Appeal, regional courts and district courts) and courts of special jurisdiction (the Supreme Administrative Court and a Regional administrative court). The judges of the Supreme Court, as well as its President chosen from among them, are appointed and released by Parliament (Seimas) upon submission by the President of the Republic. The judges of the Court of Appeal, as well as its President chosen from among them, are appointed by the President of the Republic upon the assent of Parliament. The judges and presidents of district, regional, and specialised courts are appointed, and their places of work can be changed, by the President of the Republic. The Judicial Council, entirely composed of judges appointed by their peers, is the executive body of judicial self-governance, and ensures the independence of courts and judges<sup>173</sup>. The Judicial Council advises the President of the Republic on the appointment, promotion, and transfer of judges, or their release from duties. The National Courts Administration, which is independent from the executive, is competent for providing material and technical support to the courts, ensuring the efficient functioning of the court system and the training of judges. Prosecutors are independent; the Prosecutor General is appointed and dismissed by the President of the Republic upon the assent of Parliament<sup>174</sup>. Lower-ranked prosecutors are appointed by the Prosecutor General, on the recommendation of a Selection Commission<sup>175</sup>. Lithuania participates in the European Public Prosecutor's Office (EPPO). The Bar Association is an independent part of the legal system.

### Anti-corruption framework

The Ministry of Justice and the Special Investigation Service are the main bodies in charge of the coordination of anti-corruption preventive measures at national level. The Chief Official Ethics Commission supervises the ethics standards in public administration. Furthermore, the Special Investigation Service is tasked with preparing and implementing certain anti-corruption preventive measures. The task to fight against corruption is shared among several authorities. The Special Investigation Service has competences to detect and investigate corruption-related criminal offences and conduct pre-trial investigations and is in charge of investigating the most serious corruption crimes<sup>176</sup>. The Prosecution Service organises and coordinates pre-trial investigations and may also decide to conduct the entire or part of the pre-trial investigation by itself.

### Media freedom and pluralism

In Lithuania, the legal framework concerning media pluralism and media freedom is based on constitutional safeguards and sectorial legislation. The Constitution prohibits censorship and monopolisation of the media and guarantees the right to freedom of expression and information. The Law on the Provision of Information to the Public is the main media law. Access to information held by public authorities is regulated by the Law on the Right to Obtain Information and Data Reuse. The institutional framework consists of the Lithuanian Radio and Television Commission (LRTK), the Office of the Inspector of Journalist Ethics and the Public Information Ethics Association.

172. The Constitutional Court is composed of nine judges, appointed by Parliament, from among candidates presented by the President of the Republic, the Speaker of Parliament, and the President of the Supreme Court.

173. Art. 119, Law on Courts.

174. Deputy Prosecutors General are appointed and dismissed by the President of the Republic on the proposal of the Prosecutor General.

175. Arts. 22 and 26, Law on the amendment of the law on the prosecutor's office, No. I-599, of 13 October 1994.

176. Other investigation authorities are the police, the State Border Guard Service, the Financial Crime Investigation Service and Custom but their competence is limited to offences committed by one of their officials.



## Other Institutional Issues Related to Checks and Balances

Lithuania is a representative democratic republic with a directly elected President and a unicameral Parliament (*Seimas*). The Constitutional Court is in charge of constitutional review of laws and other legislation enacted by Parliament and of acts of the President and the Government (ex post control). The Parliament, the President, the Government, and a group of at least 50 000 citizens of the Republic of Lithuania with the right to vote have the right of legislative initiative, and a group of at least 300 000 citizens of the Republic of Lithuania with the right to vote have the right of initiative to change the Constitution and call a referendum<sup>177</sup>. Citizens and foreigners permanently residing in Lithuania, aged 16 and over, also have the right to petition the state or municipal authorities for the adoption of a normative legal act of public interest<sup>178</sup>. The Parliamentary Ombudspersons are the National Human Rights Institution and are tasked with protecting and promoting human rights and fundamental freedoms. The Office of the Equal Opportunities Ombudsperson is the equality body.

177. The Constitutional Law on Citizens' Legislative Initiative of the Republic of Lithuania, drafted by the Ministry of Justice, should enter into force on 1 September 2024.

178. The Constitutional Law on Petitions of the Republic of Lithuania, drafted by the Ministry of Justice, entered into force on 1 July 2023



## LUXEMBOURG

### Justice system

The justice system contains two separate branches of courts: ordinary courts with jurisdiction in civil and criminal matters and administrative courts hearing cases of administrative law. The ordinary branch includes three Justices of the Peace, two District Courts with general jurisdiction, a Court of Appeal and a Court of Cassation. The administrative branch is composed of an Administrative First-instance Court and an Administrative Court of Appeal. The Constitutional Court is part of the judiciary and rules on the compliance of laws with the Constitution. Since 1 July 2023, the National Council for Justice is responsible for the appointment, appraisal and disciplinary proceedings of judges and prosecutors. The Prosecutor's Office is independent in the exercise of individual investigations and prosecutions, without prejudice to the Government's right to give direction on criminal policies. The two Bar Associations are independent and represent lawyers established in Luxembourg. Each Bar Association has an Assembly<sup>179</sup>, a Bar Council<sup>180</sup>, a President of the Bar<sup>181</sup> and for the whole profession, a Disciplinary and Administrative Council<sup>182</sup>. Luxembourg participates in the European Public Prosecutor's Office (EPPO).

### Anti-corruption framework

The Ministry of Justice is the main authority in charge of overall anti-corruption matters, including policy coordination. Within the Ministry of Justice, an inter-ministerial committee, the Corruption Prevention Committee (COPRECO), acts as a consultative forum and supports the overall national policy to fight corruption. The Economic and Financial section of the Prosecution service has specific competences to investigate criminal cases of economic and financial nature, including corruption cases. The Court of Auditors is indirectly involved in the fight against corruption through its controls on the use of public funds.

### Media freedom and pluralism

The legal framework concerning media freedom and pluralism comprises a set of constitutional and legislative safeguards. Freedom of expression is explicitly recognised in the Constitution. The Law on Freedom of Expression in Media ensures protection for journalists. The Law on Electronic Media guarantees the financial and administrative independence of the audiovisual media regulator. The Law on Open and Transparent Administration regulates access to information held by public authorities and bodies.

### Other Institutional Issues Related to Checks and Balances

Luxembourg is a unicameral<sup>183</sup> parliamentary democracy, in which legislative proposals can originate from the Government and from members of Parliament. The Council of State gives an advisory opinion on draft legislation, whether proposed by the Government or by members of Parliament. The Constitutional Court scrutinises the constitutionality of legislation. Independent authorities, such as the Consultative Commission for Human Rights (CCDH), the Ombudsperson, the Ombudsperson for children and youngsters, and Centre for Equal Treatment<sup>184</sup> play an important role in the system of checks and balances.

179. Art. 12-15 of the Law on the profession of a lawyer, 10 August 1991.

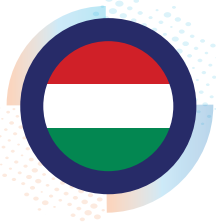
180. Art. 16-19 of the Law on the profession of a lawyer, 10 August 1991.

181. Art. 20-23 of the Law on the profession of a lawyer, 10 August 1991.

182. Art. 24-25 of the Law on the profession of a lawyer, 10 August 1991.

183. The parliament is composed of the Chamber of Deputies

184. The equality body of Luxembourg.



## HUNGARY

### Justice system

Hungary has a four-tier ordinary court system. 114 district courts operate at first instance, while 20 regional courts hear appeals from district courts and decide on certain cases at first instance. Five regional appeal courts decide on appeals against decisions of the regional courts. Administrative cases are dealt with by the ordinary courts (the Budapest Regional Appeal Court hears appeals against first-instance decisions of the eight regional courts with an administrative department). The main role of the Supreme Court (*Kúria*) is to guarantee the uniform application of the law. The Fundamental Law tasks the President of the National Office for the Judiciary (NOJ), elected by Parliament, with the central administration of the courts. The National Judicial Council is an independent body, with legal capacity and budgetary autonomy acquired following the June 2023 reform, which supervises the NOJ President and participates in the administration of the courts. Judges are appointed by the President of the Republic following a recommendation of the NOJ President based on a ranking of candidates established by the local judicial councils. The NOJ President cannot deviate from this ranking without the prior consent of the National Judicial Council. In the case of *Kúria* judges, the recommendation is made by the *Kúria* President. The Constitutional Court is not part of the ordinary court system. The prosecution service is independent under the Fundamental Law and is vested with powers to investigate and prosecute crime. The Hungarian Bar Association and the regional bar associations are autonomous self-governing public bodies..

### Anti-corruption framework

The Ministry of Interior is responsible for the overall coordination of the anti-corruption policy and oversight over the National Protective Service<sup>185</sup>. As a law enforcement agency, the National Protective Service is still in charge of crime prevention and detection, lifestyle monitoring and integrity testing for staff subordinated to the Ministry of Interior<sup>186</sup>. The Constitution Protection Office, a national security agency overseen by the Prime Minister's Cabinet Office, is empowered to carry out integrity tests for all other public officials<sup>187</sup>. The Integrity Authority is an independent authority set up based on the commitments under the conditionality procedure and the Recovery and Resilience Plan to enhance oversight over public spending with a focus on EU funds<sup>188</sup>. Similarly, the Anti-Corruption Task Force was set up to examine existing anti-corruption policies and to elaborate new proposals<sup>189</sup>. The State Audit Office contributes to corruption prevention with its competences for the audit of the financial management of public funds, the monitoring of state-owned companies' compliance with statutory public disclosure obligations, as well as political party finance and campaign finance audits. As to the repression of corruption, the police can investigate private sector corruption and corruption-related economic crimes. The investigation and prosecution of corruption in the public sector fall under the exclusive competence of the Central Chief Investigating Prosecution Office and its six regional offices<sup>190</sup>. The prosecution service oversees investigations and is supported by the investigative forces of the police and the National Protective Service.

185. A department of the National Protective Service is entrusted with corruption prevention tasks, including intra-governmental cooperation and evaluation of the 2020-2022 anti-corruption strategy and action plans. Since 1 January 2021, the Service has been in charge of corruption prevention in the health care and, since 1 July 2020, the public education sectors.

186. Following April 2022, the competence of the National Protective Service was reduced to a significant extent; for more information see further below in this text on integrity tests.

187. Act IV of 2022 amending certain Acts related to Act II of 2022 on the list of Ministries of Hungary. Since 25 May 2022, corruption prevention in the National Tax and Customs Administration is under the competence of the Constitution Protection Office (input from Hungary for the 2023 Rule of Law Report, p. 19).

188. Setting up the Integrity Authority is a commitment under the conditionality procedure (corresponding to RRP milestone 160). In this context, a new internal audit directorate has also been set up within the government body coordinating EU funds to strengthen internal controls to prevent the misuse of EU funds (RRP milestone 224). The Directorate-General for Auditing European Funds has been transformed in an autonomous body from the Ministry of Finance (RRP milestone 225).

189. Setting up the Task Force is a commitment under the conditionality procedure (corresponding to RRP milestone 166). The Task Force is mandated to examine existing anti-corruption measures and to elaborate proposals to enhance the detection, investigation, prosecution and sanctioning of corrupt practices. It includes an even number of government and non-governmental members. Delegate members who participate in the Task Force meetings, but do not have a voting right, include the State Audit Office, the Competition Authority, the Public Procurement Authority, the Authority for the Supervision of Regulated Activities, the National Office for the Judiciary and the prosecution service. Other relevant actors, such as the Government Control Office, the National Data Protection and Freedom of Information Authority, the Commissioner for Fundamental Rights and the Hungarian National Bank, are so far not participating in the work of the Task Force.

190. As of 1 November 2023, the Budapest Investigating Prosecutor's Office, previously under the control of the Budapest Prosecutor's Office, was integrated into the regional investigative bodies of the Central Chief Investigating Prosecution Office. The primary objective of the change was to address workload imbalances and the burden of the regional investigating prosecution offices.



## Media freedom and pluralism

Hungary's Fundamental Law<sup>191</sup> and sectoral legislation provide the legal framework for the protection of media freedom and pluralism. The Media Act<sup>192</sup> regulates, in detail, both the Hungarian media regulator, as well as the governance of public service media. The Freedom of Information Act establishes a detailed framework which regulates the right to access information held by public authorities. The Press Act<sup>193</sup> lays down general and fundamental rules on freedom of the press and media content.

## Other Institutional Issues Related to Checks and Balances

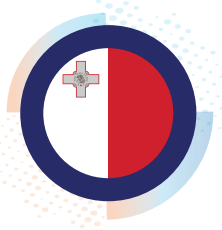
Hungary is a parliamentary republic with a unicameral Parliament (National Assembly). Parliament, among other functions, adopts and amends the Fundamental Law of Hungary, legislates, including cardinal laws<sup>194</sup>, elects the Prime Minister, and elects – by a two-thirds majority – the top rank public officials of the country. The President of the Republic is elected by Parliament. There are a number of institutions tasked with counter-balancing the powers of the legislature and the executive, and are entrusted with guaranteeing the respect of the constitutional order, including the Constitutional Court, the State Audit Office and the Ombudsperson ('Commissioner for Fundamental Rights'); the latter is also tasked with the roles of the equality body and national human rights institution. The Constitutional Court reviews the constitutionality of laws and judicial decisions. In addition to the Government, the President of the Republic, every parliamentary committee and any member of Parliament may table a draft law.

191. Article IX(2) of the Fundamental Law.

192. Act CLXXXV of 2010.

193. Act CIV of 2010.

194. The Fundamental Law provides for the adoption of 36 cardinal laws containing detailed rules on the functioning of key institutions. They may be adopted or amended by a two-thirds majority of the members of Parliament present. The Venice Commission has been critical of Hungary for using cardinal acts beyond what is strictly necessary which has been considered questionable from a democratic perspective as it makes it difficult to introduce reforms in the future (CDL-AD(2012)009, para. 47).



## MALTA

### Justice system

The Maltese justice system is influenced by both the continental and the common law traditions. Courts are divided into Superior and Inferior Courts. Superior Courts are composed of judges and include the Civil Court, the Criminal Court, the Court of Appeal, the Court of Criminal Appeal and the Constitutional Court. Inferior Courts are composed of magistrates and include the Court of Magistrates (Malta) and the Court of Magistrates (Gozo). The judiciary is headed by the Chief Justice who also presides over the Constitutional Court. Judges and magistrates are appointed by the President of Malta acting in accordance with the recommendation made by the Judicial Appointments Committee. A Commission for the Administration of Justice supervises the workings of all the superior and inferior courts<sup>195</sup>. A number of specialised tribunals exist, adjudicating in specific areas. A fully separate Prosecution Service was set up in 2019. Malta participates in the European Public Prosecutor's Office (EPPO). The Bar Association (Chamber of Advocates) is an independent and self-regulated professional body of lawyers.

### Anti-corruption framework

The institutional anti-corruption framework comprises several authorities. The Permanent Commission Against Corruption (PCAC) is responsible for corruption prevention and for carrying out administrative investigations into corrupt practices. The Commissioner for Standards in Public Life monitors the ethics of ministers, parliamentary secretaries, and members of Parliament. Investigation and prosecution of economic crime, including corruption offences and money laundering, fall under the competence of the Police (the Financial Crimes Investigation Department) and the Attorney General, respectively. The latter continues to take over the prosecution of all offences carrying a conviction of more than 2 years imprisonment, including corruption. Other bodies involved in the fight against corruption are the Ombudsperson office<sup>196</sup>, the Financial Intelligence Analysis Unit (FIAU) and the Internal Audit and Investigations Department (IAID)<sup>197</sup>. The Public Service Commission (PSC) is responsible for the discipline of civil servants. Malta is not a signatory party to the OECD Anti-Bribery Convention<sup>198</sup>.

### Media freedom and pluralism

Freedom of expression is enshrined in the Constitution of Malta<sup>199</sup> and in the European Convention Act. The Media and Defamation Act regulates defamation and the protection of journalistic sources<sup>200</sup>. The Constitution sets out the composition, appointment and removal procedures and independence of the Broadcasting Authority and lays down its basic functions<sup>201</sup>. The Freedom of Information Act establishes the legal framework for access to information held by public authorities<sup>202</sup>.

195. The Commission is composed of ten members: the President of Malta, as Chairman (having only a casting vote in case of a tied vote); the Chief Justice, as Deputy Chairman; the Attorney General; two members elected from among the Judges of the Superior Courts; two members elected from among the Magistrates of the Inferior Courts; one member appointed by the Prime Minister and one member appointed by the Leader of the Opposition; and the President of the Chamber of Advocates. It should be noted that the share of judges, members of the Commission, who are chosen by their peers represents less than half of the total members of the Commission. Figure 57, 2024 EU Justice Scoreboard.

196. As per Part 2 of Act XLII of 2020 the Office of the Ombudsman in Malta deals with complaints of maladministration against public authorities.

197. It conducts internal inspections within governmental departments and agencies.

198. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, Ratification Status.

199. Constitution of Malta, Article 41.

200. Act XI of 2018.

201. Constitution of Malta, Articles 118 and 119.

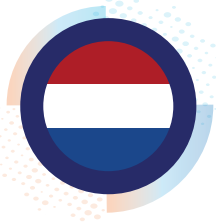
202. Act XVI of 2008



## Other Institutional Issues Related to Checks and Balances

Malta is a Parliamentary Republic where legislative power is vested in the House of Representatives, a unicameral Parliament elected for a five-year term. The executive authority is vested in the President elected by Parliament, and in the Cabinet headed by the Prime Minister. All Government ministers, including the Prime Minister, must be members of Parliament. The Constitutional Court carries out ex post constitutional review as it hears appeals from decisions of other courts on questions relating to the interpretation of the Constitution and on the validity of laws, as well as appeals from decisions on alleged breaches of fundamental rights. The Constitution establishes a number of independent authorities, including the Office of the Ombudsperson<sup>203</sup>.

203. Constitution of Malta, Article 64.



## NETHERLANDS

### Justice system

The justice system is based on a court system composed of 11 district courts, 4 general courts of appeal, 2 specialised courts<sup>204</sup>, the Administrative Jurisdiction Division of the Council of State<sup>205</sup> and a Supreme Court. An independent Council for the Judiciary plays a key role in safeguarding the independence of the judiciary and is tasked with fostering the quality of the judicial system, including allocating financial resources to courts<sup>206</sup>. Candidate judges are selected by the National Selection Committee for Judges<sup>207</sup> and subsequently appointed for life by the executive<sup>208</sup> on the proposal of the Minister of Justice and Security<sup>209</sup>. The prosecution service is separate from the Ministry of Justice and Security, but falls under the political responsibility of the Minister for Justice. The Netherlands Bar is established by law. It is independent from the Government and financed exclusively through lawyers' annual contributions<sup>210</sup>. The Netherlands participates in the European Public Prosecutor's Office (EPPO)..

### Anti-corruption framework

Anti-corruption policy falls under the shared responsibility of the Ministry of Interior and Kingdom Relations (for promoting integrity) and of the Ministry of Justice and Security (for combatting corruption). Some of the competent authorities to investigate and prosecute corruption are the National Internal Investigations Department<sup>211</sup> (NIID) (focusing on investigation of bribery of public officials), the Fiscal Intelligence and Investigation Service (FIOD) (responsible for the investigation of financial crimes, including foreign and commercial bribery) with its Anti-Corruption Centre (ACC), the National Public Prosecution Service (focusing on the prosecution of bribery of public officials), and the Prosecution Service for Serious Fraud, Environmental Crime and Asset Confiscation (responsible for the prosecution of commercial and foreign bribery). The National Cooperation against Subversive Crime (NSOC) (a cooperation between executive bodies<sup>212</sup> tackling financial flows and business structures of subversive organised crime) was abolished in 2024. Responsibility for the prevention of corruption is spread out among many different actors<sup>213</sup>. There is no overall anti-corruption agency responsible for the repression and/or prevention of corruption. Cooperation between anti-corruption and intelligence teams within law enforcement bodies continues.

204. The Central Appeal Tribunal and the Trade and Industry Appeals Tribunal.

205. The Council of State also has an advisory branch, which renders opinions on draft legislation. State councillors in the Administrative Jurisdiction Division of the Council of State are appointed for life by Royal Decree upon the nomination by the Minister of the Interior and Kingdom Relations, in consultation with the Minister of Justice and Security, and recommendation by the Council itself, after a selection process conducted by the Administrative Jurisdiction Division.

206. This applies to 11 district courts, the 4 general courts of appeal and the 2 specialised courts. Law on Judicial Organisation. The Council for the Judiciary also gives advisory opinions on draft legislation.

207. The National Selection Committee for Judges is composed of six judges and six non-judge members, among which at least one public prosecutor and one attorney.

208. The appointment decision is adopted by Royal Decree, which is signed by the King and countersigned by the Minister of Justice and Security. The Minister solely verifies whether the applicant fulfils the legal requirements to be appointed, and the Minister has in all cases followed the recommendation by the Council for the Judiciary.

209. This procedure applies to candidate judges for the eleven district courts, the four general courts of appeal and the two specialised courts. Law on the Legal Status of the Judiciary. The Council for the Judiciary has delegated this to the National Selection Committee for Judges. The Minister of Justice and Security has in all cases followed the recommendation by the Council for the Judiciary.

210. Law on Lawyers.

211. As an investigation service, the Rijksrecherche or NIID is under the authority and management of the Board of Prosecutors General of the Netherlands Public Prosecution Service.

212. Such as border control, police, tax authority, public prosecution, fiscal services, royal military police and defence forces.

213. The actors include the Ministry of Interior and Kingdom Relations, individual municipalities, the NIID, the Whistleblowers Authority, and others.



## Media freedom and pluralism

Media freedom in the Netherlands is underpinned by constitutional and legislative protections. These protections include constitutional safeguards for press freedom<sup>214</sup>, an independent media regulator (*Commissariaat voor de Media*), alongside mechanisms that guarantee the independence of public service media in terms of governance and financial support. Access to public documents is ensured through the Open Government Act of May 2022.

## Other Institutional Issues Related to Checks and Balances

The Netherlands has a bicameral parliamentary democracy which provides for an ex-ante constitutional review of draft legislation<sup>215</sup>. The Parliament is composed of the House of Representatives and the Senate. Legislative proposals can originate from the Government and from members of the House of Representatives. The Council of State gives advisory opinions on draft legislation. Independent authorities and civil society play an important role in the checks and balances system. The Netherlands Institute for Human Rights, which functions as the national equality body, contributes to upholding fundamental rights.

214. Article 7 of the Dutch Constitution.

215. 215 Ordinary courts can carry out a decentralised form of 'constitutional' review in the absence of a centralised constitutional court. This does not include the constitutionality of Acts of Parliament and treaties, pursuant to Article 120 of the Constitution. For Acts of Parliament, review is possible against directly effective treaties; Figure 64, 2023 EU Justice Scoreboard.



## AUSTRIA

### Justice system

The Austrian justice system has two separate branches. The ordinary jurisdiction consists of 113 district courts, 20 regional courts, four higher regional courts and the Supreme Court. Austria also has a separate administrative court system with eleven first-instance administrative courts (nine regional administrative courts, one federal administrative court and the finance court) and the Supreme Administrative Court<sup>216</sup>. The Constitutional Court, i.e. ensures the review of the constitutionality of federal and regional laws and of the legality of decrees<sup>217</sup>. Judicial appointments are made by the executive based on non-binding proposals by staff panels composed of judges<sup>218</sup> or plenary assemblies of a court, which draw up a ranked list of three candidates for each post<sup>219</sup>. The Prosecution Service is a judicial authority set up in a hierarchical structure under the supervision of the Minister of Justice, who can issue both general instructions and instructions in individual cases<sup>220</sup>. Austria participates in the European Public Prosecutor's Office (EPPO). Lawyers are registered in one of the nine local bar associations, which are public law corporations and autonomous self-governing bodies, with the Federal Bar Association as an umbrella organisation<sup>221</sup>.

### Anti-corruption framework

Austria has a National Anti-Corruption Strategy in place, which is accompanied by a Federal Action Plan for 2023-2025. The authorities involved in the prevention of and the fight against corruption include the Federal Ministry of Justice and its Coordinating Body on Corruption, the Central Public Prosecutor's Office for Combating Economic Crimes and Corruption (WKStA), the Federal Ministry of the Interior and its Federal Bureau of Anti-Corruption (BAK)<sup>222</sup> and the Criminal Intelligence Service (BK) as well as the Court of Audit. The legal framework includes relevant provisions in the Criminal Code and the Code of Criminal Procedure as well as specific legislation in the fight against corruption<sup>223</sup>.

216. Several of the district and regional courts are specialised courts. This structure does not necessarily correspond to the appeals instances. See CEPEJ (2024), Study on the functioning of judicial systems in the EU Member States.

217. For the tasks of the Constitutional Court see Federal Constitutional Law, §§ 137-148.

218. Staff panels exist at regional and higher regional courts, the Supreme Court and administrative courts and the staff panels at the regional courts are also responsible for proposals for district courts. Staff panels include the president, vice-president and three to five other members of the court, which are elected by their peers. Constitution Art. 87 paras. 2-3 and Service Act for Judges and Public Prosecutors §§ 25 to 49.

219. Before becoming an ordinary court judge, candidates must first apply to a post for a candidate judge and complete a traineeship (usually four years). Candidate judges are appointed by the executive on proposal of the external senates at the Higher Regional Courts. After completing the traineeship, they can apply for a vacant post in accordance with the procedure described above. Service Act for Judges and Public Prosecutors, §§ 1 to 24. There is no judicial review of appointment decisions.

220. Public Prosecutors Act, §§ 8, 8a, 29-31.

221. Lawyers Code, Chapters III and V.

222. The Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK) was amended in July 2023 (by Federal Law Gazette I Nr. 107/2023) to include additional tasks for the BAK in the field of police oversight. The amendment also contains provisions which aim to increase the BAK's functional independence. The new provisions entered into force on 22 January 2024 and include the prolongation of the terms of office of the director and his/her deputies from five to ten years; the amendment of the appointment procedure for the director and his/her deputies; restriction of permissibility of secondary occupation by the director and his/her deputies and introduction of a requirement of authorisation for secondary occupation by all other staff members; and regular intervals of security checks for all staff members ("secret" or "top secret", according to position). Input from Austria for the 2024 Rule of Law Report, p. 11.

223. Relevant legislation includes: the Federal Act on the Establishment and Organisation of the Federal Bureau of Anti-Corruption, the Federal Statute on Responsibility of Entities for Criminal Offences and the Federal Act on Extradition and Mutual Assistance in Criminal Matters. See 2020 Rule of Law Report, Country Chapter on the rule of law situation in Austria, p. 6 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Austria, p. 8-9.



## Media freedom and pluralism

The right to freedom of expression is enshrined in the Constitution<sup>224</sup>. A new law, which will apply from September 2025<sup>225</sup> for the first time provides for the active publication of official information and for a subjective right to access such information, together with a new constitutional provision to ensure this right<sup>226</sup>. The Austrian Communications Authority (*KommAustria*) serves as independent regulator for audio-visual media services; its administrative body<sup>227</sup> is the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR).

## Other Institutional Issues Related to Checks and Balances

Austria is a federal republic with a bicameral parliament, composed of the National Council (Nationalrat) and the Federal Council (*Bundesrat*). Legislative proposals can be submitted by the Government, by members of both chambers of parliament, as well as by way of popular initiative<sup>228</sup>. The Constitutional Court carries out an ex-post constitutionality review of laws, which is possible both in concrete cases<sup>229</sup> and as an abstract review of a law, based on appeals by the federal or a regional Government or by a third of the members of either parliamentary chamber. Several different Ombudspersons contribute to upholding fundamental rights in different areas, including the Ombudsperson Board, which functions as the National Human Rights Institution, and the Disability Ombudsperson and the Ombud for Equal Treatment, which both function as national equality bodies<sup>230</sup>.

224. Article 13 of the Fundamental State Law (Staatsgrundgesetz) which has constitutional rank.

225. Austrian Parliament (2024), Abolition of professional secrecy takes last hurdle in Parliament.

226. New Article 22a of the Federal Constitutional Law (Bundes-Verfassungsgesetz).

227. The RTR is a non-profit state-owned company, which among other things operationally supports KommAustria.

228. This requires signatures by 100 000 voters or by one sixth each of the voters in three provinces. Input from Austria for the 2020 Rule of Law Report, p. 50.

229. The review can take place ex-officio or on application by another court, an individual or a party to a case pending before an ordinary court of first instance.

230. There also is an Ombudsperson for Children and Youth



## POLAND

### Justice system

The Polish justice system is separated in two main branches: administrative and ordinary judiciary. The Supreme Administrative Court and 16 administrative courts exercise control over public administration, including the lawfulness of measures of local government bodies and of territorial organs of government administration. The ordinary judiciary, supervised by the Supreme Court<sup>231</sup>, consists of three levels: 11 appeal courts, 47 regional courts, and 319 district courts. Judges are appointed by the President of the Republic at the request of the National Council for the Judiciary. The Constitutional Tribunal, which adjudicates notably on the constitutionality of legislation, is composed of 15 judges chosen by the Sejm (lower chamber of the Parliament) for a term of office of nine years. The National Council for the Judiciary is tasked by the Constitution to safeguard judicial independence. A particular characteristic of the prosecution system, which is not part of the independent judiciary, is that the Prosecutor General and the Minister of Justice are the same person. The Constitution provides that advocates and legal counsellors can self-regulate their practice. Poland has joined the European Public Prosecutor's Office on 29 February 2024.

### Anti-corruption framework

Several authorities are responsible for anti-corruption in Poland, including the Prosecutor General<sup>232</sup>, and the Minister of Internal Affairs and Administration who is in charge of prevention aspects, such as the lobby register for public officials. The Central Anti-Corruption Bureau is the law enforcement body set-up to combat corruption in the public and the private sector<sup>233</sup> alongside the Central Police Investigation Bureau and the regular police, the Internal Security Agency, and the Prosecution Service<sup>234</sup>. The Supreme Audit Office (NIK) has a preventive role, monitoring the public spending of the government administration bodies, including the National Bank of Poland and state legal persons<sup>235</sup>.

### Media freedom and pluralism

The Constitution provides a framework for the protection of freedom of the press and freedom of expression. It also gives a role to the media regulator, the National Broadcasting Council (KRRiT), to safeguard public interest in the radio and television broadcasting. Sector specific legislation is based on the Law on Broadcasting and the Press Law. Those.

231. The Supreme Court also supervises military courts.

232. See also Pillar I on progress to separate the Prosecutor General from the position of Minister of Justice.

233. The Bureau is also competent in matters related to corruption prevention, particularly in health care bodies and policy coordination. The Supreme Audit Office audit questioned the appropriateness of also entrusting the Central-Anticorruption Bureau with corruption prevention and policy coordination tasks, as it would neither have the competence (i.e. legislative initiative) as a law enforcement body nor the resources to coordinate public policy. Supreme Audit Office (2022), Post-audit presentation of the audit Implementation of the Government Anti-Corruption Programme for 2018-2020.

234. Cf. Law of 9 June 2006 on the Central Anti-Corruption Bureau. The Law of 24 May 2002 on the Internal Security Agency and Foreign Intelligence Agency. The Law of 28 January 2016 on the Prosecution Service. Law of 6 April 1990 on the police. Within the police, the Police Internal Affairs Bureau is appointed to combat and reduce corruption within the police itself. According to input from Poland for the 2024 Rule of Law Report, p. 25, at the regional level, there are also specialised corruption departments in the Provincial Police Headquarters, while in the Public Prosecutor's Office, the most serious cases of corruption are prosecuted by eleven local departments that are institutionally part of the National Public Prosecutors Office's Department for Organised Crime and Corruption.

235. Law of 23 December 1994 on the Supreme Audit Office.

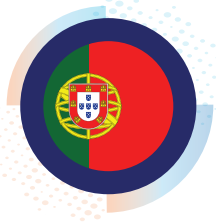


## Media freedom and pluralism

The Constitution provides a framework for the protection of freedom of the press and freedom of expression. It also gives a role to the media regulator, the National Broadcasting Council (KRRiT), to safeguard public interest in the radio and television broadcasting. Sector specific legislation is based on the Law on Broadcasting and the Press Law. Those instruments provide detailed provisions on the competences of the media regulator, as well as safeguards and conditions for the exercise of the journalistic profession. Poland is currently working on a new legislative framework that would address, among others, public service media and enhanced safeguards for media pluralism and independence.

## Other Institutional Issues Related to Checks and Balances

Poland is a representative democratic republic with a directly elected President, a bicameral Parliament (Sejm and Senate) and a Constitutional Tribunal in charge of the constitutional review of laws. The Sejm has the final decision-making power when adopting laws. Their entry into force is subject to the signature of the President of the Republic. The President of the Republic, the Senate, a group of 15 Members of the Sejm, the Council of Ministers, and a group of at least 100 000 citizens have the right to propose new legislation. The independent Ombudsperson is tasked with safeguarding the freedoms and rights of persons and citizens specified in the Constitution and other normative acts and functions as the equality body. The Supreme Audit Office is the chief organ of state audit, subordinate to the Sejm, acting in accordance with the principles of collegiality.



## PORTUGAL

### Justice system

The Portuguese justice system comprises the Constitutional Court, the Supreme Court of Justice and the ordinary courts of first and second instance, the Supreme Administrative Court, and the administrative and tax courts of first and second instance, and the Court of Auditors<sup>236</sup>. The High Council for the Judiciary, the High Council for Administrative and Tax Courts and the High Council for the Public Prosecution exercise disciplinary action over the respective magistrates and are entrusted with relevant managerial functions. Furthermore, they are competent to nominate, transfer and promote judges and prosecutors. Judges and prosecutors are appointed by the respective Council, following an open competition and according to the grades obtained in mandatory training courses at the Centre for Judicial Studies. The public prosecution service is independent from the judicial power and operates autonomously from the executive branch. It has its own governance system in which the Prosecutor General's Office is the highest body. Portugal participates in the European Public Prosecutor's Office (EPPO). The Bar Association is an independent legal entity governed by public law and, in the exercise of its public powers, performs regulatory functions.

### Anti-corruption framework

The institutional anti-corruption framework in Portugal has undergone major changes in the past years. The National Anti-Corruption Mechanism (MENAC), established in 2021 and operational since 2023, promotes transparency and integrity in public action and ensures the effectiveness of policies to prevent corruption, and is competent to implement the General Corruption Prevention Regime, which is applicable to public and private entities. The Transparency Entity<sup>237</sup> is tasked with monitoring and verifying declarations of assets and interests of political office-holders and high-ranking appointed officials. The Constitutional Court is currently responsible for ruling, on appeal, on the fines imposed for breaches to the Law on the Financing of Political Parties<sup>238</sup>. The Central Department of Criminal Investigation and Penal Action (DCIAP), established within the Public Prosecutors Service, is in charge of the investigation and prosecution of serious offences, including corruption and economic and financial crimes, and coordinates the inquiries that are carried out by the National Unit for Combating Corruption (UNCC), an investigative unit of the Criminal Police<sup>239</sup>.

### Media freedom and pluralism

The fundamental principles underpinning media freedom and pluralism are enshrined in the Portuguese Constitution<sup>240</sup> and a comprehensive legal framework exists protecting journalists in the exercise of their profession. The establishment of an independent regulatory body is also mandated in the Constitution<sup>241</sup>. A solid legal framework<sup>242</sup> is in place regarding the transparency of ownership across all media markets. Access to information and documents held by public authorities is safeguarded through legislation<sup>243</sup>.

236. Execution of criminal sentences courts, maritime courts, intellectual property courts, competition, regulation and supervision courts, central instruction courts, arbitration tribunals and justices of the peace exist and their number and jurisdiction is mainly established in their respective legal regimes (Law No. 62/2013, of 26 August and Law No. 78/2001, of 13 July).

237. Regulation no. 258/2024, of 6 March 2024.

238. Law 19/2003, of 20 June.

239. The UNCC is the specialised operational unit in charge of investigating corruption offences and related crimes such as bribery or embezzlement of public funds and has jurisdiction nationwide.

240. Arts. 37 and 38, Constitution of the Portuguese Republic.

241. Art. 39, Constitution of the Portuguese Republic.

242. Law No. 78/2015, of 29 July.

243. Law No. 26/2016, of 22 August.



## Other Institutional Issues Related to Checks and Balances

Portugal is a representative democratic republic with a directly elected President and a unicameral Parliament. The President of the Republic, elected by direct popular vote, has significant constitutional and political powers, including the competence to dissolve Parliament<sup>244</sup>. The Prime Minister has the competences to direct the Government's general policy and to coordinate and orient the actions of all the Ministers<sup>245</sup>. Parliament and Government share legislative competence. The Members of Parliament and the Parliamentary Groups, the Government, the Regional Assemblies, and a group of at least 20 000 citizens have the right of legislative initiative. The Constitutional Court, which is part of the judiciary, is competent to review the constitutionality of laws and to control the constitutionality of the omission to adopt the necessary legislative measures to execute constitutional norms<sup>246</sup>; it also has other important powers, including on electoral matters and control of assets, interest disclosure and incompatibility declarations<sup>247</sup>. The independent Ombudsperson is tasked with safeguarding and promoting the freedoms, rights and guarantees of citizens, and has the right to challenge the constitutionality of laws. The Commission for Citizenship and Gender Equality and the Commission for Equality in Labour and Employment are the equality bodies.

244. Art. 133(e), Constitution of the Portuguese Republic.

245. Art. 201, Constitution of the Portuguese Republic.

246. Art. 223(1), Constitution of the Portuguese Republic.

247. Art. 223(2)(c), (g), (h), Constitution of the Portuguese Republic; Arts. 11-A and 106 to 110, Law on the Constitutional Court.



## ROMANIA

### Justice system

The Romanian justice system is structured in four instances, both civil and military: the first instance county courts, the ordinary and specialised tribunals, the courts of appeal<sup>248</sup> and the High Court of Cassation and Justice. The High Court of Cassation and Justice judges first instance and appeal criminal cases for certain categories of persons<sup>249</sup>, as well as appeal cases for certain civil and administrative cases. A fundamental role of this Court is to ensure the uniform interpretation and application of the law by the other courts. The Superior Council of Magistracy (SCM), tasked with guaranteeing judicial independence, is divided into two sections, the section for judges and the section for prosecutors. Each section has exclusive competence for the recruitment and management of the career of judges and prosecutors respectively and acts as a disciplinary court. The prosecution service is headed by the Prosecutor General of the Public Prosecutor's Office attached to the High Court of Cassation and Justice (HCCJ). The Public Prosecutor's Office includes specialised structures with special jurisdiction and organisation, the National Anti-Corruption Directorate (DNA) and the Directorate for Investigation and Combating Organised Crime and Terrorism (DIICOT), led by chief prosecutors<sup>250</sup>. There are also military prosecutorial offices. Romania participates in the European Public Prosecutor's Office (EPPO). The Romanian National Union of Bar Associations is a legal entity of public interest, comprising all 41 bars in Romania.

### Anti-corruption framework

The Ministry of Justice coordinates the implementation of the National Anti-Corruption Strategy for 2021-2025. The specialised anti-corruption prosecution, the National Anti-Corruption Directorate (DNA), has the competence to investigate serious corruption cases, while the Prosecutor General's office investigates all other corruption cases. There are also specialised prosecution offices attached to the HCCJ and courts of appeal for corruption offences committed by prosecutors and judges<sup>251</sup>. A specialised anti-corruption directorate (DGA) is established in the Ministry of Interior, competent for integrity and corruption issues within the staff employed by the Ministry, including the police. The National Integrity Agency (ANI) carries out administrative investigations regarding conflicts of interests, incompatibilities of activities and unjustified wealth, and is responsible for the monitoring.

### Media freedom and pluralism

The right to freedom of expression as well as the right of access to any information of public interest is enshrined in the Constitution<sup>252</sup>. Access to information is regulated by the Law on free access to information of public interest<sup>253</sup>, which includes specific provisions<sup>254</sup> on access by the media to information of public interest.

248. Courts of appeal judge at both first instance (more complex cases) and second instance, in appeals against decisions handed down by the lower courts.

249. The Criminal Section of the High Court of Cassation and Justice hears, as a court of first instance, cases involving offences committed by senators, deputies, and Romanian members of the European Parliament, by members of the Government, by judges of the Constitutional Court, by members of the Superior Council of Magistracy, by judges of the High Court of Cassation and Justice, and by prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice.

250. Prosecutors' offices attached to the courts of appeal are headed by general prosecutors, and the ones attached to the tribunals and county courts are led by first prosecutors. The Prosecutor General and the Chief Prosecutors of the specialised structures, DNA and DIICOT, are appointed by the President of the Republic, upon a proposal of the Minister of Justice and after having received a non-binding opinion of the Superior Council of Magistracy.

251. The Prosecutor's Office attached to the HCCJ is competent for offences committed by members of the Superior Council of Magistracy, judges of the HCCJ and prosecutors of the POHCCJ, judges and prosecutors attached to the Courts of Appeal and the Military Court of Appeal, as well as judges of the Constitutional Court of Romania. Offences committed by all other judges and prosecutors in the system are investigated by designated prosecutors working within the prosecution offices attached to courts of appeal.

252. Constitution of Romania, arts. 30 and 31.

253. Law on free access to information of public interest 544 of 12 October 2001.

254. Ibidem, section 2.



The provision of audiovisual media services is regulated by the Audiovisual Law<sup>255</sup>, which transposes the Audiovisual Media Services Directive (AVMSD)<sup>256</sup>, and the Code governing audiovisual content<sup>257</sup>. The media regulator (National Audiovisual Council) is the sole regulatory authority in the field of audiovisual media services. The mission and composition of the media regulator are set out in the Audiovisual Law. The organisation and functioning of the Romanian Broadcasting Society and the Romanian Television Society are regulated by Law 41/1994.

## Other Institutional Issues Related to Checks and Balances

Romania is a semi-presidential representative democratic republic. The Romanian Parliament is bicameral, comprising the Senate (the upper house), and the Chamber of Deputies (the lower house). The Government, Deputies, Senators, or a group of no less than 100.000 citizens have the right of legislative initiative<sup>258</sup>. The Constitutional Court is competent to review the constitutionality of laws and to settle conflicts of constitutional nature between public authorities<sup>259</sup>. Romania does not yet have an accredited National Human Rights Institution that complies with the UN Paris Principles. The National Council for Combating Discrimination is the equality body.

255. Audiovisual Law 504/2002 of 11 July 2022.

256. Directive (EU) 2018/1808 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

257. Audiovisual content regulatory code of 24 February 2011.

258. Art. 74, Constitution of Romania. The citizens who exercise their right to a legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or the Municipality of Bucharest, at least 5 000 signatures should be registered in support of such initiative.

259. Constitution of Romania, Art. 146.



## SLOVENIA

### Justice system

The Slovenian justice system has three levels, with Local and District Courts (dealing with civil, commercial and criminal cases), Labour Courts, a Social Court and an Administrative Court at first instance<sup>260</sup>, five Higher Courts (including Higher Labour and Social Court) at second instance and the Supreme Court at third instance (dealing mainly with appeals on points of law and requests for the protection of legality against judgments of Higher Courts and of the Administrative Court). The Constitutional Court carries out constitutional review. The Constitution provides for a Judicial Council, a sui generis body outside of the three branches of Government, which is tasked with protecting the independence as well as promoting and ensuring the accountability, efficiency and quality of work of the judiciary<sup>261</sup>. Candidate judges are selected by the Judicial Council and then proposed for election by the National Assembly (the first chamber of Parliament)<sup>262</sup>. If the Judicial Council selects a candidate who has already been elected to judicial office, the candidate is promoted to the new judicial position by the Council itself. However, a Supreme Court judge shall always be appointed/elected by the National Assembly. The State Prosecution, while being part of the executive power, is an independent authority, with the main powers regarding the career of state prosecutors and its functioning resting with the State Prosecutorial Council and the Prosecutor General. The State Prosecutorial Council is an independent and autonomous state body that performs the tasks of self-governance of the State Prosecution and participates in ensuring the uniformity of prosecution and safeguarding the independence and autonomy of state prosecutors. Slovenia participates in the European Public Prosecutor's Office (EPPO). The Slovene Bar Association is an autonomous and independent body. It is responsible for supervising the professional activities of lawyers and deciding on disciplinary measures regarding its members<sup>263</sup>.

### Anti-corruption framework

The main law setting up the institutional and legislative framework to prevent corruption in Slovenia is the Integrity and Prevention of Corruption Act. The Commission for the Prevention of Corruption (CPC) is an autonomous and independent state body, responsible for the prevention of corruption through administrative oversight of rules on integrity and conflicts of interests. It cooperates regularly with the police and the State Prosecution. The National Bureau of Investigation is specialised in detecting and investigating serious crimes, including corruption. The Specialised State Prosecution Office is responsible for the prosecution of corruption offences and directs the work of the police. The National Review Commission for Public Procurement is an independent and autonomous body that decides on the legality of the awarding of public contracts and can refer potential illegal acts to the police and the State Prosecution. The Court of Audit is the highest independent supervisory body for all public spending in Slovenia, and reviews political party finances.

260. There are in total 60 first instance courts with one Social Court also dealing with social security cases. The Administrative Court has the status of a higher court.

261. The primary responsibility of the Judicial Council is the selection of candidates for judicial offices. Under the Constitution, the majority of members of the Judicial Council are judges, elected by their peers. The remaining five members are representatives of other legal professions, elected by the National Assembly based on the nomination of the President of the Republic. The Judicial Council manages its own budget.

262. Since the initial re-election of judges after the independence of Slovenia in 1990s, Parliament has rejected a candidate judge for first appointment only once. It should be noted that a candidate judge, who is not appointed, cannot request judicial review of the decision of Parliament, which has no obligation to state reasons when rejecting a proposed appointment.

263. According to the Constitution, the Bar is part of the judiciary. Disciplinary Commissions of 1st and of 2nd Instance, each consisting of 16 lawyers elected for 3 years by the assembly of the Bar, decide (in three-member panels) regarding disciplinary sanctions at first instance and at second instance, respectively. The Disciplinary Court, consisting of three lawyers elected for 2 years by the assembly of the Bar and of two Supreme Court judges, decides on violations that could lead to a lawyer being disbarred.



## Media freedom and pluralism

In Slovenia, the legal framework for freedom of expression and information is established in the Constitution<sup>264</sup>, while media plurality is ensured through specific secondary legislation<sup>265</sup>. The regulator for audiovisual media services is the Agency for Communication Networks and Services (AKOS). The Access to Public Information Act<sup>266</sup> guarantees access to information held by public authorities. The Government submitted in 2024 for Parliamentary proceedings a proposal to reform the Mass Media Act with a view to overhaul and update the media legal framework<sup>267</sup>.

## Other Institutional Issues Related to Checks and Balances

Slovenia has a parliamentary system of government where only the National Assembly (the first chamber of Parliament), and not the National Council (the second chamber of Parliament), adopts laws<sup>268</sup>. Draft legislation can be tabled by the Government, any member of Parliament (the National Assembly), the National Council or at least 5 000 'voters'. The Constitutional Court carries out ex post constitutional review, including in concrete cases on the basis of a constitutional complaint. In addition to the justice system and other bodies, the Human Rights Ombudsperson and the Advocate of the Principle of Equality (which functions as the equality body) are also in charge of the protection of the rights of individuals

264. Constitution of Slovenia, Article 39.

265. Mass Media Act, Audiovisual Media Services Act, Electronic Communication Act 2022.

266. Access to Public information Act.

267. The Government submitted a draft law to Parliament in December 2024, while the Parliamentary proceedings are ongoing.

268. Judgment of the Constitutional Court of 22 October 2008, U-I-295/07. According to the Constitution, the National Council has the right to veto adopted legislation which has to be voted again by absolute majority in the National Assembly to be adopted.



## SLOVAKIA

### Justice system

The court system of the Slovak Republic consists of 36 District Courts, including five Municipal Courts, eight Regional Courts, three Administrative Courts, the Specialised Criminal Court, the Supreme Court, the Supreme Administrative Court, and the Slovak Constitutional Court<sup>269</sup>. The Regional Courts function as the courts of appeal in civil, commercial, and criminal cases. The Specialised Criminal Court is competent to judge serious criminal matters as enumerated in the relevant provision of the Code of Criminal Procedure<sup>270</sup>. The Judicial Council plays a central role in the administration of the judiciary and in the appointment of judges, as well as in maintaining judicial ethics. Half of its members (9 out of 18) are judges elected by their peers. Other members of the Judicial Council are appointed by the Slovak President, the Parliament, and the Government<sup>271</sup>. The public prosecution service of Slovakia is an independent state authority headed by the Prosecutor General<sup>272</sup>. Slovakia participates in the European Public Prosecutor's Office (EPPO). The Slovak Bar Association is an independent self-administrative professional organisation<sup>273</sup>.

### Anti-corruption framework

The Government Office is the central body for the coordination of corruption prevention, acting upon instructions of the Government and the Prime Minister<sup>274</sup>. With regard to the repression of corruption, the specialised, autonomous National Crime Agency (NAKA) vested with the exclusive competence to investigate corruption was dissolved on 1 September 2024. The competence for corruption investigations is now split between the central Bureau for Combating Organised Crime (UBOK) and lower-level police, depending on the seriousness of the crime. Corruption crimes committed by the police itself and certain law enforcement agencies fall under the remit of the Bureau of Inspection Service<sup>275</sup>. The Bureau of Inspection Service is also in charge of following up on police's whistleblower reports. Following the dissolution of the Special Prosecutor's Office<sup>276</sup>, which had the exclusive jurisdiction for investigations and prosecutions of corruption under the substantive jurisdiction of the Specialised Criminal Court<sup>277</sup>, its competences and cases have been moved and split between the General Prosecutor's Office and the regional offices. Its specialised prosecutors for corruption cases are integrated into the General Prosecutor's Office.

### Media freedom and pluralism

The Slovak Constitution enshrines the right to express opinions, the right to search for, receive and disseminate ideas and information as well as the right of access to information<sup>278</sup>. The Media Services Act is aimed at ensuring plurality of information<sup>279</sup> while the Publications Act establishes rules relating to the press, news media portals, press agencies, the media register and to journalists<sup>280</sup>.

269. For a description of the judicial structure, see e.g. the Annual study for the European Commission carried out by the Council of Europe Commission for the Efficiency of Justice (CEPEJ).

270. Slovak Code of Criminal Procedure, Section 14 (e.g. premeditated murder, corruption, terrorism, organised crime, severe economic crimes, damaging the financial interests of the EU etc.).

271. Art. 141a of the Slovak Constitution.

272. Arts. 149-151 of the Slovak Constitution; Act No. 153/2001 Coll. On Public Prosecution Service.

273. Parliamentary Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-employment Services (Business Licensing Act) of 4 December 2003.

274. There are no specific regulations, including selection or removal criteria, for the Head of the Government Office, who is appointed by the Government and is not independent, see UN CoSP, Implementation Review Group: State of the implementation of the United Nations Convention against Corruption – Executive Summary (4-8 September 2023), CAC/COSP/IRG/II/4/1/Add. 6, p. 3.

275. Cf. Article 4(3) of Act No. 171/1993 Coll. on the Police Force.

276. Act of the National Council of the Slovak Republic No. 458/2003 Coll. on the establishment of the Special Court and the Office of Special Prosecutor's

278. Article 26 of the Slovak Constitution.

279. Act No. 264/2022 Coll. on media services and amending certain acts (Media Services Act) of 22 June 2022 transposes Directive 2018/1808 on audiovisual media services.

280. Act No. 265/2022 Coll. on publishers of publications and on the media and audiovisual register of 22 June 2022. Office.

281. Act No. 291/2009 Coll. on the Specialized Criminal Court.



The right to access information finds legal expression in the Freedom of Information Act<sup>281</sup>. The Act on Slovak Television and Radio and amending certain acts has repealed the previous Act on Radio and Television Slovakia and provides the framework regulating the public service broadcaster<sup>282</sup>.

## Other Institutional Issues Related to Checks and Balances

Slovakia is a parliamentary republic with a unicameral parliament (the National Council) as the sole legislative body<sup>283</sup>. The right to introduce legislative proposals belongs to the Committees of Parliament, individual members of Parliament, and the Government<sup>284</sup>. The Constitutional Court decides on the compliance of laws with the Constitution, constitutional acts, and international agreements, and ensures respect for fundamental and constitutional rights. Independent authorities also play a role in safeguarding fundamental rights, notably the Office of the Public Defender of Rights, the National Centre for Human Rights (which is the national human rights institution), the Commissioner for Persons with Disabilities, and the Commissioner for Children.

281. Act No. 211/2000 Coll. on free access to information.

282. Act No. 157/2024 Coll. on Slovak Television and Radio and amending certain acts.

283. Article 72 of the Slovak Constitution.

284. Article 87 of the Slovak Constitution.



## FINLAND

### Justice system

The Finnish justice system is composed of the ordinary judiciary, with 20 district courts, 5 courts of appeal and the Supreme Court, as well as the administrative judiciary with 6 regional administrative courts and the Supreme Administrative Court. There are three specialised courts<sup>285</sup>. The independent National Courts Administration is in charge of the administration of courts, including management of budgets, buildings and ICT systems<sup>286</sup>. The independent Judicial Appointments Board<sup>287</sup> prepares proposals for appointments of judges to the Government, while proposals for Supreme Court and Supreme Administrative Court judges are made by these courts themselves<sup>288</sup>. Judges are formally appointed by the President of the Republic<sup>289</sup>. The National Prosecution Authority is an independent state authority<sup>290</sup>, led by a Prosecutor General, who is appointed by the President on the proposal of the Ministry of Justice and can be dismissed or suspended by the Government<sup>291</sup>. The Finnish Bar Association<sup>292</sup> is an independent body tasked with the supervision of professional activities of attorneys<sup>293</sup>. Disciplinary proceedings against lawyers<sup>294</sup> are conducted by the Disciplinary Board, an independent supervisory body functioning alongside the Finnish Bar Association<sup>295</sup>. Finland participates in the European Public Prosecutor's Office (EPPO).

### Anti-corruption framework

The monitoring, detection, and prevention of cases of corruption in Finland relies on multiple bodies and authorities. Alongside the Police, the National Bureau of Investigation (NBI) and the Prosecution Service, relevant authorities are the Financial Intelligence Unit (FIU)<sup>296</sup>, the National Audit Office of Finland (NAOF), the Finnish Competition and Consumer Authority as well as the Parliamentary Ombudsman<sup>297</sup> and Chancellor of Justice<sup>298</sup>. The authority in charge of planning and coordinating anti-corruption activities is the Ministry of Justice's Department of Criminal Policy and Criminal Law, including by coordinating the anti-corruption network which brings together representatives of several ministries, police, trade unions and civil society<sup>299</sup>.

285. The Market Court, the Labour Court and the Insurance Court. CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States.

286. Courts Act, Chapter 19a, National Courts Administration.

287. It has twelve members – nine judges from different levels of courts, proposed by the judiciary, and three non-judge members (one lawyer, one prosecutor, one member representing legal research and education). All members are appointed by the Government for a five-year term.

288. All judges of the Supreme Court and Supreme Administrative Court participate to the selection. Courts Act, Chapter 11, Section 7.

289. Only one candidate is proposed per vacancy. While the proposal is non-binding, in practice, it is almost always followed, with only one exception each for ordinary court judges (in 2000, the year the Judicial Appointments Board was established) and for Supreme Court judges (in the 1970s).

290. Act on the National Prosecution Authority (32/2019), Chapter 1, Section 2.

291. The decision to dismiss can be appealed to the Supreme Administrative Court.

292. Advocates Act (496/1958).

293. There are three types of legal professionals tasked with provision of different types of legal services: attorneys-at-law, public legal aid attorneys and licensed trial counsels.

294. The Disciplinary Board also conducts disciplinary proceedings against two other types of legal professionals, public legal aid attorneys and licensed trial counsels.

295. The Disciplinary Board is composed of a Chair and eleven Members, six of which, in addition to the Chair, are attorneys-at-law elected by the supreme decision-making body of the Bar Association. The remaining members, two of which are licensed trial counsels and three of which are lawyers, who shall be non-members of the bar association, are appointed by the Government on the proposal of the Ministry of Justice after the Ministry has requested an opinion of the Bar Association on the eligibility of candidates; Sec. 7a of the Advocates Act.

296. Financial Intelligence Unit: <https://poliisi.fi/en/money-laundering>.

297. Parliamentary Ombudsman of Finland: <https://www.oikeusasiamies.fi/en>.

298. Chancellor of Justice: <https://www.okv.fi/en/>.

299. The dedicated website of the government on anti-corruption ([anti-corruption.fi](https://anti-corruption.fi)) details the relevant bodies involved in the fight against corruption, as well as their tasks.



## Media freedom and pluralism

In Finland, freedom of expression is protected by the Constitution, which also guarantees the right of access to public documents. The tasks and powers of the Finnish Transport and Communications Agency (Traficom), the media regulatory authority, are enshrined in law<sup>300</sup>, as are the mandate and monitoring of the public service media<sup>301</sup>.

## Other Institutional Issues Related to Checks and Balances

Finland is a unicameral, parliamentary democracy, in which legislative proposals may emanate from the Government or Parliament (although in practice most laws are based on Government proposals). Ex ante constitutionality review is carried out by the Chancellor of Justice, who is attached to the Government, and the Constitutional Law Committee, a parliamentary committee<sup>302</sup> that assesses the constitutionality of proposals submitted to Parliament<sup>303</sup>. Moreover, all courts can carry out ex post constitutionality review in concrete cases<sup>304</sup>. The Chancellor of Justice, the Human Rights Centre, the Human Rights Delegation and the Parliamentary Ombudsman (the latter three constituting the national human rights institution) play an important role in the system of checks and balances, while the Non-Discrimination Ombudsman and the Equality Ombudsman function as the equality body.

300. Act on the Transport and Communications Agency 935/2018.

301. Act on Yleisradio Oy (Laki Yleisradio Oy:stä) 1380/1993; According to European Parliament's Flash Eurobarometer: News & Media Survey 2022, Finland is the Member State where citizens demonstrate by far the highest trust in public TV and radio stations (incl. online).

302. The committee is made up of members of Parliament and regularly hears independent experts on constitutional law.

303. The ex ante legal scrutiny of draft legislation for its compliance with the Constitution of Finland and the international human rights obligations is a standard part of the regulatory process. The Finnish regulatory oversight body, the Finnish Council of Regulatory Impact Assessment reviews the impact assessments of law proposals. The Chancellor of Justice reviews all the law proposals passed to the Government plenary before they are adopted. This duty is based on section 108 of the Constitution according to which the Chancellor shall oversee the lawfulness of the official acts of the Government. In the performance of his or her duties, the Chancellor of Justice monitors the implementation of basic rights and liberties and human rights. At the Parliament, the Constitutional Law Committee has a constitutional duty to issue statements on the constitutionality of legislative proposals and other matters brought into its consideration, as well as on their relation to international human rights treaties.

304. According to Section 106 of the Constitution if in a case before a court, the application of an act would be in evident conflict with the Constitution, the court of law shall give primacy to the Constitution.



## SWEDEN

### Justice system

The Swedish justice system has two branches: the general courts, consisting of 48 district courts, six courts of appeal and the Supreme Court; and the administrative courts with 12 administrative courts, four administrative courts of appeal and the Supreme Administrative Court. There are also two special courts<sup>305</sup>. The National Courts Administration, an agency operating under the Ministry of Justice, is responsible for the overall management of the Courts, including allocation of resources, staffing levels and equipment. The independent Judges' Proposal Board<sup>306</sup> prepares proposals for all judicial appointments<sup>307</sup>, based on which judges are appointed by the Government<sup>308</sup>. The Swedish Prosecution Service<sup>309</sup> is independent and separate from the Government. Sweden participates in the European Public Prosecutor's Office (EPPO). The Swedish Bar Association is an independent and self-governing association established by law and is responsible for supervision of the professional activities of advocates and taking disciplinary measures against its members<sup>310</sup>.

### Anti-corruption framework

Sweden has the legislative and institutional framework to combat and prevent corruption broadly in place. There is no independent anti-corruption authority or agency in Sweden, but the Agency for Public Management is responsible for the good administrative culture across Government. The National Council for Crime Prevention is a knowledge centre for the criminal justice system and its mandate includes developing crime prevention work at the national, regional, and local level. The National Anti-Corruption Unit (NACU) is the specialised prosecution agency within the Swedish Prosecution Authority responsible for all criminal investigations, related to corruption and bribery, including foreign bribery, in cooperation with the National Anti-Corruption Unit of the Swedish Police Authority (NACPU). As part of the Swedish Police Authority, the National Anti-Corruption Police Unit is tasked with investigating corruption crimes, asset recovery and preventing corruption by providing knowledge to different public authorities as well as business associations. The Special Investigation Department of the Police Authority handles internal investigations of police officers and prosecutors (including as regards corruption offences). The Swedish Economic Crime Authority organised under the Ministry of Justice has the mandate to investigate and prosecute serious financial crimes, including the recovery of proceeds of crime. Other agencies, such as the National Audit Office, the National Competition Authority, and the Financial Intelligence Unit of the Swedish Police Authority, are in charge of the prevention and investigation of corruption, and of forensics and auditing. A new financial intelligence centre, based on the cooperation between the Tax Authority, the police and the Economic Crime Authority supports the combat fraud, money laundering and the criminal economy.

305. The Labour Court and the Defence Intelligence Court. Input from Sweden for the 2021 Rule of Law Report. For a description of the judicial structure, see CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States. Sweden does not have a constitutional court.

306. The Judges' Proposal Board is composed of nine members: five current or former judges proposed by the courts, two law graduates working outside the court system (one lawyer proposed by the Bar Association, the other proposed by the Swedish Association of Local Authorities and Regions and the Swedish Agency for Government Employers) and two representatives of the public. The members of the public are appointed by Parliament (and are usually members of Parliament), while the seven other members are appointed by the Government.

307. The Judges' Proposal Board, following an assessment of the applicants' qualifications, submits a motivated proposal (ranked list, in general three candidates) to the Government, which appoints the judge. If the Government intends to select a candidate not included in the proposal of the Judges' Proposal Board, the Board is to have an opportunity to submit an opinion on the candidate. In practice, since 2011, when the current system came into force, the Government has always followed the proposal.

308. Act on the Appointment of Permanent Judges (2010:1390).

309. Instrument of Government, Chapter 12, Section 2.

310. Code of Judicial Procedure, Chapter 8.



## Media freedom and pluralism

The Swedish legal framework concerning media pluralism is established by the Constitution<sup>311</sup> and secondary law<sup>312</sup>. Freedom of expression is guaranteed by the Instrument of Government, the Fundamental Law on Freedom of Expression and the Freedom of the Press Act, which also safeguards access to information. The Swedish media regulator, the Swedish Agency for the Media, formed by a merger between the Swedish Press and Broadcasting Authority and the Swedish Media Council, functions according to the Constitution<sup>313</sup>. The Radio and Television Act guarantees the availability of information on media ownership of audiovisual media and radio service providers.

## Other Institutional Issues Related to Checks and Balances

Sweden has a unicameral, parliamentary system of governance, in which a Council of Legislation ensures ex ante constitutional review, while courts can carry out an ex post constitutional review in concrete cases. Legislative proposals can be submitted by Parliament or the Government, with the latter submitting the majority of proposals in practice. The Chancellor of Justice, the Parliamentary Ombudsmen, the Equality Ombudsman, and the Swedish Institute for Human Rights (which is the national human rights institution) play an important role in the system of checks and balances and for upholding fundamental rights.

311. The Swedish Constitution consists of four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and, the Fundamental Law on Freedom of Expression.

312. Radio and Television Act.

313. Relevant parts of the Constitution: the Instrument of Government and the Fundamental Law on Freedom of Expression.



## ALBANIA

### Justice system

Albania has a three-tier justice system, including courts of general and specialised jurisdiction and a Constitutional Court<sup>314</sup>. Following the reorganisation of the judicial system in 2023<sup>315</sup>, there are thirteen First Instance District Courts of general jurisdiction, and one Court of Appeal. The courts of specialised jurisdiction include two Administrative Courts and two Specialised Courts for Anti-Corruption and Organised Crime<sup>316</sup>. The High Court serves as a second and final instance court and ensures consistent interpretation and application of the law. Judges and prosecutors are appointed by the High Judicial Council (HJC) and the High Prosecutorial Council (HPC), tasked by the Constitution to ensure the independence and accountability of the judiciary and prosecution<sup>317</sup>. The Prosecution Office is an independent body, which is organised in prosecution offices attached to the judiciary and led by the General Prosecutor<sup>318</sup>. Working arrangements with the European Public Prosecutor's Office (EPPO) are in place<sup>319</sup>. The Albanian Bar Association is an autonomous, self-governing professional organisation.

### Anti-corruption framework

The competence to fight corruption is shared between several authorities. Specialised bodies in charge of investigating, prosecuting and adjudicating corruption cases were established in 2016. These are the Special Anti-Corruption Structure (SPAK), comprising the Special Prosecution Office (SPO) and the National Bureau of Investigation (NBI) and the Anti-Corruption and Organised Crime courts (SPAK Courts, both of first instance and appeal). The General Prosecution Office (GPO) is competent to investigate cases of petty corruption. In 2024, a dedicated Minister of State for Public Administration and Anti-Corruption was appointed to ensure coordination of anti-corruption measures across the government services, assisted by a General Directorate for Anti-Corruption. Finally, the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) is responsible for collecting and cross-checking asset declarations and conflict of interest of public officials and monitoring and investigating cases reported by whistle-blowers.

### Media freedom and pluralism

The Constitution provides the overall framework for the protection of the freedom of expression, media freedom and the right to information<sup>320</sup>. The tasks, organisational structure and rules of procedure of the national audio-visual media regulatory authority and the public broadcaster, Albanian Radio and Television, are prescribed in law<sup>321</sup>. The right to information and access to public documents is regulated by the Law on the Right to Information, as last amended in 2023<sup>322</sup>. Defamation is a criminal offence<sup>323</sup>.

314. See Pillar IV, p. 19 below.

315. Council of Ministers (2022) No. 495, dated 21.7.2022 "On the reorganisation of judicial districts and territorial powers of the courts" in reliance to Article 100 of the Constitution and Article 13(5) of Law No. 98/2016, "On the organisation of judicial power in the Republic of Albania", as amended.

316. Both respectively include one court at first instance and one court at appeal level.

317. The HCJ and HPC select and appoint magistrates, Court Presidents and Chief prosecutors, and decide on their disciplinary responsibility or dismissal, based on the recommendations of the High Justice Inspector (HJI). The HJI examines complaints, inspects disciplinary violations and initiates disciplinary proceedings against judges and prosecutors at all levels, including members of the Councils and the General Prosecutor. The Constitutional Court reviews disciplinary proceedings initiated against HJC and HPC members.

318. Constitution of the Republic of Albania, Article 148.

319. A cooperation agreement between the EPPO and the General Prosecution Office was signed in July 2022 to facilitate cooperation in criminal matters and the exchange of information. A similar agreement between EPPO and Special Anti-Corruption Structure (SPAK) was signed in June 2023.

320. Constitution of the Republic of Albania, Articles 22 and 23.

321. Law No. 97/2013 on Audiovisual Media Services, amended by Law No. 22/2016, Law No. 91/2017, Constitutional Court Decision No. 55/ 2016, Law No. 30/2023.

322. Law No. 119/2014 on the Right to Information.

323. Article 120 of the Criminal Code, punishable with a criminal fine;



## Other Institutional Issues Related to Checks and Balances

Albania is a unicameral parliamentary democracy with 140 members of the Parliament elected through a proportional voting system every four years<sup>324</sup>. The Government, including the Prime Minister and members of the Council of Ministers<sup>325</sup>, are elected by the Parliament, which also elects the President of the Republic every five years. Legislation is adopted by the Parliament upon the initiative of the Government, any member of Parliament or at least 20 000 voters. The President has the power to refuse to publish a law and return it to the Assembly for further review. The Parliament can overturn the President's veto through an absolute majority<sup>326</sup>. The Constitutional Court checks legal acts and international agreements for compliance with the Constitution, settles conflicts of constitutional nature between public authorities of central or local level, and checks compliance of final individual cases with human rights.<sup>327</sup> Several independent authorities and bodies aim to protect and promote human rights, including the Commissioner for Protection from Discrimination (CPD)<sup>328</sup> and the Ombudsperson, which is accredited with A status by the Global Alliance of Human Rights Institutions<sup>329</sup>.

324. Constitution of the Republic of Albania, Article 64.

325. Constitution of the Republic of Albania, Part V, Articles 95 to 107.

326. Constitution of the Republic of Albania, Article 85; Rule of Procedure of the Assembly of the Republic of Albania, Article 86.

327. Constitution of the Republic of Albania, Article 124.

328. The CPD is the equality body in Albania, established by Law No. 10221/2010, as amended by the Law No. 124/2020, that is aligned with four European Directives in the field of non-discrimination.

329. Chart of the status of national institutions – Accreditation status as of December 2020.



## MONTENEGRO

### Justice system

The judicial system of Montenegro consists of twenty-five courts of both general and specialised jurisdiction and is organised in a three-tiered system<sup>330</sup>. The first instance courts of general jurisdiction comprise 15 basic courts dealing with civil, labour, and criminal cases. Two high courts adjudicate appeals against decisions of basic courts but also have competences as first instance courts<sup>331</sup>. There are two courts of specialised jurisdiction, the Commercial Court and the Administrative Court. The Appellate Court decides on appeals against first-instance decisions of high courts, as well as on appeals against decisions of the Commercial Court. Montenegro has a two-tiered misdemeanour court system comprised of three basic misdemeanour courts and one high misdemeanour court. The Supreme Court is the highest court and deals with all types of litigation. The Constitutional Court is responsible for protecting the constitutional order, and human rights and freedoms<sup>332</sup>. The independence of the judiciary and the autonomy of the prosecution service are enshrined in the Constitution<sup>333</sup>. The Judicial and Prosecutorial Councils are responsible for ensuring the independence of the courts and the autonomy of the prosecution service and are competent for the appointment and careers of judges and prosecutors<sup>334</sup>. The Prosecutorial Council is a self-governance body, whose members are appointed by Parliament. Procedural safeguards aimed at preserving the autonomy and independence of State Prosecutors are regulated by law, including the procedures for giving instructions to prosecutors from the prosecution service and withdrawing cases from them<sup>335</sup>. Working arrangements with the European Public Prosecutor's Office (EPPO) are in place<sup>336</sup>. The Montenegrin Bar Association is an autonomous and self-regulating professional body responsible for overseeing the registration of lawyers and regulating their professional conduct, including handling disciplinary proceedings<sup>337</sup>.

330. Input from Montenegro for the 2024 Rule of Law Report, p. 1.

331. This concerns criminal proceedings punishable by law by imprisonment over 10 years, organised crime, high-level corruption, money laundering, terrorism and war crimes. Article 16 of the Law on courts of Montenegro, 2015.

332. The Constitutional Court has seven judges, elected by the Parliament of Montenegro with qualified majority; two judges are nominated by the President of Montenegro and five by the relevant parliamentary body. The President of the Constitutional Court is elected for amongst the judges for the period of three years. Constitution of Montenegro, Article 153.

333. Constitution of Montenegro, Article 118, Article 135.

334. The Constitution of Montenegro, the Law on the Judicial Council and Judges and the Law on the State Prosecution Service regulate the Judicial and Prosecutorial Councils. As laid out in Article 127 of the Constitution, the Judicial Council is composed of a president and nine members, which include (i) the President of the Supreme Court; (ii) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges; (iii) four lay members from reputable lawyers elected and released from duty by the Parliament at proposal of the competent working body of the Parliament upon announced public invitation; (iv) Minister in charge of judicial affairs. The Prosecutorial Council secures the independence of the State Prosecutor's Office. It is composed of 11 members: (i) the President (the Supreme State Prosecutor ex officio); (ii) five prosecutorial members (prosecutors elected by their peers according to the quotas of representation of different levels and types of prosecution offices); (iii) four lay members, including two eminent lawyers, one experienced attorney proposed by the Bar Association, and one distinguished lawyer nominated by NGOs, elected by Parliament by a simple majority of votes; and (iv) one member delegated by the Ministry of Justice. Law on State Prosecution Service, Article 18.

335. The Law on State Prosecution Service prescribes that, for the uniform application of the law, mandatory instructions for work may be issued. Mandatory instructions for work include general instructions and instructions for handling individual cases. General instructions are issued by the Supreme State Prosecutor, and the head of the state prosecution can initiate their adoption. General instructions are given in written form. Instructions for handling individual cases are given by: 1) the Supreme State Prosecutor for state prosecutors from the Supreme State Prosecution Office, for the Chief Special Prosecutor, for heads of higher and basic state prosecutions; 2) the Chief Special Prosecutor for special prosecutors from the Special Prosecution Office; 3) the head of the higher state prosecution for state prosecutors from that prosecution and heads of basic state prosecution offices within their area of jurisdiction; 4) heads of basic state prosecutions for state prosecutors from those prosecution offices.

336. A cooperation agreement between the EPPO and the Supreme State Prosecutor Office was signed in 2022. EPPO (2022), Press Release 22.09.2022, – EPPO signs working arrangement with Supreme State Prosecutor's Office of Montenegro.

337. Input from Montenegro for the 2024 Rule of Law Report, p. 5.



## Anti-corruption framework

The independent Agency for Prevention of Corruption is the key institution for promoting integrity and preventing corruption<sup>338</sup>. The main investigative anti-corruption bodies are the Department for the Fight Against Organised Crime and Corruption within the Criminal Police Sector of the Police Directorate<sup>339</sup>, and the Special State Prosecutor's Office within the State Prosecution Service that has the jurisdiction for prosecution of perpetrators of corruption-related criminal offences<sup>340</sup>. Other institutions that contribute to the fight against corruption include the Financial Investigations Unit (FIU) and the Administration for Prevention of Money Laundering and Terrorism Financing, as well as the Tax Administration. In addition, there is an Anti-Corruption Committee in the Parliament

## Media freedom and pluralism

The Montenegrin legal framework on media freedom and pluralism is based on the Constitution<sup>341</sup> and sectoral legislation<sup>342</sup> made up of the Law on Electronic Media, the Law on the National Public Broadcaster (RTCG) and the Media Law, the latter being the basic regulatory framework for all media, as amended in June 2024. The legal framework guarantees the basic right to information and the access to public documents<sup>343</sup>. The Agency for Audiovisual Media Services (AAVMS) – formerly the Agency for Electronic Media – is the independent regulator for audiovisual media services<sup>344</sup>. Furthermore, it shares supervision powers with the Ministry of Culture and Media, which is the state administration body responsible for media affairs under the Media Law<sup>345</sup>.

338. The legislative framework for prevention of corruption in Montenegro consists of the Law on Prevention of Corruption (OG 53/14, 42/17, 73/23), the Law on Financing of Political Entities and Election Campaigns (OG 3/20, 38/20) and the Law on Lobbying (OG 52/14) which regulate the work of the Anti-Corruption Agency (ACA). ACA was established in January 2016 and took over the responsibilities of the Directorate for Anti-Corruption Initiative and the Commission for Prevention of Conflict of Interest which then ceased to exist. The ACA's managing bodies are the ACA Council and the Director. At the proposal of the Anti-Corruption Committee of the Parliament of Montenegro, the Parliament elects the members of the ACA Council which then appoints the Director. ACA is responsible for implementing measures to prevent conflict of public and private interest (Article 9 of the Law on prevention of corruption), restrictions in the exercise of public functions (Article 11 of the Law on prevention of corruption), collecting and checking the reports on assets and income of public officials (Article 25 of the Law on prevention of corruption), receiving and acting upon whistleblower reports (Articles 48-64 of the Law on prevention of corruption), and protecting whistleblowers (Articles 65-72 of the Law on prevention of corruption). The Agency also has responsibilities to implement the Law on financing of political entities and election campaigns (Article 4) and the Law on Lobbying (Article 47).

339. The Department carries out activities related to: monitoring and analysing the situation and trends of organised crime; monitoring and analysing international criminal groups related to Montenegrin perpetrators of criminal activity; defining centres of organised crime; identifying, monitoring and studying organised crime; carrying out risk assessments and damage caused by organised crime; implementing operational activities in relation to groups and individuals; initiating at the Special Prosecutor's Office the application of special investigative techniques; directly participating in identifying of assets gained through crime and their seizure; proposing preventive measures within the competence of criminal police, in relation to organized crime; implementing international police cooperation in specific cases and in that sense, the law enforcement agencies of countries from the region and beyond, establishing a network of contacts to ensure timely exchange of operational and other data about Montenegrin citizens, etc.

340. High-level corruption: a) if a public official committed the following criminal offences: abuse of office, fraud in the conduct of an official duty, trading in influence, inciting to engage in trading in influence, passive and active bribery; b) if the proceeds of crime exceeding the amount of EUR 40 000 have been obtained by committing the following criminal offences: abuse of position in business undertakings; abuse of authority in economy. Law on the Special State Prosecutor's Office (OG 10/15, 53/16).

341. Article 49 on freedom of press, Article 50 on prohibition of censorship and Article 51 on access to information.

342. Law on the Public Broadcasting Services of Montenegro, (OG 80/202), Law on Media, (OG 80/202), Law on Electronic Media (OG 46/10, 40/11, 53/11, 6/13, 55/16, 92/17 and 82/20).

343. Law on Free Access to Information (OG 44/2012,30/2017).

344. Law on Audiovisual Media Services, OG 54/2024 of 11.06.2024, Article 139.

345. Law on Media, OG 80/202, Article 9.



## Other Institutional Issues Related to Checks and Balances

Montenegro operates as a unicameral parliamentary democracy, characterised by a single legislative chamber<sup>346</sup>. Any member of the Parliament or the Government can table draft laws<sup>347</sup>. The Government's authority is limited by the Constitution and by the laws enacted by the Parliament. The Government is headed by the Prime Minister, who is accountable to the Parliament. The President, as the Head of State, is elected directly by absolute majority in a popular vote for a five-year term<sup>348</sup>. The Constitutional Court decides, among others, on conformity with the Constitution of laws, regulations and general acts<sup>349</sup>. The Ombudsperson's Office is an independent body responsible for the promotion and protection of human rights and freedoms<sup>350</sup>, which also has the role of the National Human Rights Institution<sup>351</sup> and a multi-mandate equality body<sup>352</sup>.

346. Constitution, 2007, Articles 1, 11.

347. Constitution, 2007, Article 93.

348. The President is eligible for a second term.

349. Constitution of Montenegro, 2007, Articles 149-150.

350. The law requires only an absolute majority for the election, deviating from the Venice Principles which set out that the Ombudsman should preferably be elected by an appropriate qualified majority. Venice Commission, Principles on the protection and promotion of the Ombudsman institution, CDL-AD(2019)005, paragraph 6; CDL-AD(2011)034, paragraph 16

351. The Ombudsperson Office is formally entitled "the Protector of Human Rights and Freedoms (PHRF)". The Office is also the institutional mechanism for protection against all forms of discrimination and the National Preventive Mechanism for the protection and prevention of persons deprived of liberty against torture and other forms of cruel, inhuman or degrading treatment or punishment. Law on the Protector of Human Rights and Freedoms of Montenegro (OG 42/2011, 32/2014), Law on Prohibition of Discrimination, (OG 46/2010, 18/2014) and the Law on Prohibition of Discrimination of Persons with Disabilities OG 35/2015). The latest amendments of the Law on Gender Equality (OG 35/2015) established full competence of the Ombudsperson's Office in acting upon complaints against violation of the principle of gender equality.

352. Article 27 of the Law on the Protector of Human Rights and Freedoms of Montenegro, Official Gazette of Montenegro No.42/2011, 32/2014; Article 21 of the Law on Prohibition of Discrimination, Official Gazette of Montenegro" No.46/2010, 18/2014 and Article 1 of the Law on Prohibition of Discrimination of Persons with Disabilities, Official Gazette of Montenegro" No.35/2015); the Law on Gender Equality, Official Gazette of Montenegro, no.46/2007, 35/2015.



## NORTH MACEDONIA

### Justice system

North Macedonia has as a three-tiered ordinary court system. It consists of 27 First-Instance Courts, four Appeal Courts and the Supreme Court. The latter is the highest instance in the judicial system with competences to ensure the uniform application of laws by all courts, to decide on legal remedies against decisions of the appeal courts, and for the protection of trial in reasonable time. One Administrative Court and one Higher Administrative Court exercise the highest instance control over the legality of measures by public administration. The Prosecution is organised around the Public Prosecutor of North Macedonia, four Higher Public Prosecutor's Offices, 22 Basic Public Prosecutor's Offices (PPOs), and and Public Prosecutor's Office for Prosecuting Organised Crime and Corruption. The Constitutional Court is not part of the judiciary and, among others, reviews the constitutionality of laws. The Constitution of North Macedonia enshrines the independence of courts and the autonomy of the prosecution service<sup>353</sup>. The Judicial Council and the Council of Public Prosecutors are the management bodies tasked with guaranteeing judicial independence and prosecutorial autonomy respectively, and take decisions on the recruitment, career management, and disciplinary procedures of judges and prosecutors. Working arrangements with the European Public Prosecutor's Office (EPPO) are in place<sup>354</sup>. The Bar Association is an independent and impartial public service that provides legal assistance and exercises public powers.

### Anti-corruption framework

The State Commission for Prevention of Corruption (SCPC) is the coordinating body for monitoring the implementation of the measures of the National Strategy for Prevention of Corruption, the verification of assets, conflicts of interest and incompatibilities. The SCPC prepares annual reports and submits them to the Parliament. Key institutions involved in the repression of corruption are the Specialised Unit for Organised Crime and Corruption in the Criminal Court Skopje, the Public Prosecutor's Office for Prosecuting Organised Crime and Corruption (OCCPPO), the Unit for Cases of Corruption within the Department for Suppression of Organised Crime, Bureau for Public Safet under the Ministry of Interior, the Financial Police Office, the Customs Administration, and the Financial Intelligence Office. The OCCPPO is the main prosecutorial service for conducting investigations and prosecuting, while the Specialised Unit for Organised Crime and Corruption in the Basic Criminal Court Skopje has competence for adjudicating corruption cases. There are seven general Public Prosecutor's Offices handling offenses punishable by imprisonment of up to five years and 15 with extended competencies handling offenses punishable by imprisonment of more than five years. One specialised basic Public Prosecutor's Office prosecutes organised crime and corruption<sup>355</sup>.

### Media freedom and pluralism

The Constitution enshrines the right to freedom of expression, as well as the right of access to information of public interest<sup>356</sup>. The tasks, organisational structure and functioning of the national audio-visual media regulatory authority, the Agency for Audio and Audiovisual Media Services, and the public broadcaster, Macedonian Radio Television, are prescribed in the Law on audio and audio-visual media services<sup>357</sup>.

353. Articles 98 and 106 of the Constitution of the Republic of North Macedonia.

354. A contact point has been appointed since October 2022.

355. A Special Public Prosecutor's Office (SPO) existed to tackle high level-crime by public officials. Its mandate ended in 2019 and the OCCPPO took over cases to further prosecute crimes related to and deriving from the content of illegally intercepted communications. European Commission. 2023 Screening Report North Macedonia, Cluster 1 - Fundamentals

356. Article 16 of the Constitution.

357. Law on audio and audiovisual media services.



## Other Institutional Issues Related to Checks and Balances

North Macedonia is a unicameral parliamentary democracy where the Parliament holds the legislative power and elects the Government and other high-ranking officials<sup>358</sup>. The executive power<sup>359</sup> is headed by the Prime Minister. The President who is directly elected every five years, co-signs laws with the Speaker, and has suspensive veto power<sup>360</sup>, which can be overridden by a parliamentary majority<sup>361</sup>. Every member of Parliament, the Government, or at least 10 000 citizens have the right to propose a law for adoption. The Constitutional Court is competent to assess the constitutionality and legality of acts<sup>362</sup>. The Ombudsperson, who is elected by Parliament, is tasked with the promotion and protection of human rights and fundamental freedoms and assumes the function of the National Human Rights Institution<sup>363</sup>. Other independent and regulatory bodies in the field of human rights include the Commission for Prevention and Protection against Discrimination and the Data Protection Agency.

356. Among others, the parliament appoints judges of the Constitutional Court, the Ombudsman and his/her deputies.

357. The functioning and competences are defined in Chapter III of the Constitution, i.e. Articles 88, 89, Amendment XXIII, 90, 91, 92, 93, 94, 95, 96 and 97.

358. Role and mandate of the President are defined in Articles 79, 80, and 84 of the Constitution.

359. Art 75 of the Constitution.

360. Articles 108, and 110 of the Constitution.

361. The Ombudsperson is accredited with B status by the Global Alliance of Human Rights Institutions (2023), Chart of the status of national institutions – Accreditation status as of 2011.



## SERBIA

### Justice system

The court system in Serbia consists of courts of general jurisdiction, namely 66 basic and 25 higher courts, 61 courts of special jurisdiction<sup>364</sup>, six courts of appeal<sup>365</sup> and a Supreme Court. The latter is the highest instance in the judicial system for both the general and the special jurisdiction courts. The Constitutional Court has a broad jurisdiction and is competent for scrutinising the constitutionality of legislation. The High Judicial Council and the High Prosecutorial Council decide on appointing, promoting, evaluating, transferring, suspending, and dismissing judges and prosecutors<sup>366</sup>. The prosecution system consists of 58 basic Public Prosecutors' offices, 25 Higher Public Prosecutors' offices and four appellate public prosecutors' offices mirroring the jurisdiction of the respective courts. The Supreme Public Prosecution Office (SPPPO) of Serbia is the highest public prosecution instance in the country, headed by the Supreme Public Prosecutor, who can issue mandatory instructions both of a general nature and in individual cases<sup>367</sup>. The independence of the judiciary and the autonomy of the prosecution service are enshrined in the Constitution<sup>368</sup>. Serbia is yet to conclude working arrangements for cooperation with the European Public Prosecutor's Office (EPPO)<sup>369</sup>. The Serbian Bar Association is the framework organisation of Serbian attorneys, and its independence is set out in the Constitution.

### Anti-corruption framework

The Agency for the Prevention of Corruption is a dedicated, autonomous corruption prevention body with competences in areas such as public officials' conflicts of interest, asset declarations, political party and campaign finance and oversight of the implementation of the National Anti-Corruption Strategy and the corresponding Action Plan<sup>370</sup>. Since 2020, the Agency can also initiate the adoption or amendment of legislation and provide opinions on the assessment of the risk of corruption in draft legislation. The Agency is accountable to the National Assembly, to which it reports annually on its operations. The Anti-Corruption Council acts as a policy advisory body to the Government with monitoring and policy proposal functions. The Government is subject to financial and economic control of the use of public funds by the autonomous State Audit Institution, which is accountable to the National Assembly. For the repression of corruption, Serbia has specialised entities in place, including the Public Prosecutor's Office for Organised Crime which is the main prosecutorial body in charge of high-level corruption cases. In addition, there are specialised police units<sup>371</sup>, regional prosecution offices<sup>372</sup> and specialised courts<sup>373</sup>.

364. These are 16 commercial courts, 44 misdemeanour courts, and the Administrative Court. As regard the latter, the next-highest instance is the Supreme Court.

365. Four Appellate Courts of general jurisdiction, the Commercial Appellate Court and the Misdemeanour Appellate Court.

366. Constitution of Serbia, Art. 150 (2) and Art. 162 (2); Law on the High Judicial Council Art. 17; Law on the High Prosecutorial Council, Art. 17.

367. The Supreme Public Prosecutor is elected by the National Assembly with three-fifths majority upon proposal of the High Prosecutorial Council. He/she can issue mandatory general instructions for the conduct of all chief public prosecutors and individual mandatory instructions for acting in a particular case. Constitution of Serbia, Art. 157 and Art. 158.

368. Constitution of Serbia, Art. 4, Art. 142 and Art. 155.

369. Serbia has expressed the intention to conclude a working agreement with EPPO and works currently on overcoming remaining technical and legal issues. Input from Serbia for the 2024 Rule of Law Report, p. 127 and written contribution from Serbia received in the context of the country visit to Serbia, p. 119.

370. Law on prevention of corruption.

371. In the Criminal Police Directorate, the Anti-Corruption Department consists of nine sections: the Department of Coordination and Planning and the Anti-Corruption sections in Belgrade, Novi Sad, Niš, Kraljevo, Subotica, Zaječar, Jagodina and Užice.

372. Four Specialised Anti-Corruption Departments exist within the Higher Prosecution Offices in Belgrade, Novi Sad, Niš and Kraljevo.

373. Specialised Anti-Corruption Departments exist in the Higher Courts in Belgrade, Novi Sad, Niš and Kraljevo, which oversee first-instance trials. Appeals are processed by the ordinary sections of the corresponding appellate courts. In Belgrade, the Special Department for Organised Crime of the Higher Court and the Special Department for Organised Crime of the Appellate Court have been established to investigate corruption with a link to organised crime.



## Media freedom and pluralism

In Serbia, freedom of expression and media freedom as well as access to official documents are guaranteed by the Constitution and legislation, namely the Law on electronic media, the Law on public information and media, the Law on public service media and the Law on free access to information of public importance. The independence of the Regulatory Authority for Electronic Media (REM) is guaranteed by the Law on electronic media.

## Other Institutional Issues Related to Checks and Balances

Serbia is a parliamentary democracy with a unicameral Parliament (National Assembly) composed of 250 Members of Parliament that holds the constitutional and legislative power and elects the Government and other high-ranking officials, including judges of the Constitutional Court and the Ombudsman. Legislative proposals can originate from a Member of Parliament, the Government, the assembly of the autonomous province, at least 30 000 voters, or the Ombudsman and the National Bank of Serbia within their competences. The President of the Republic, who has limited executive powers under the Constitution, is directly elected for a five-year term, renewable once. The Constitutional Court decides on the compatibility of laws, other general acts and international treaties with the Constitution, as well as on constitutional complaints against individual acts and on a new appeal procedure for judges and prosecutors against decisions of the High Judicial Council and the High Prosecutorial Council<sup>374</sup>. Serbia has three independent bodies in the area of fundamental rights, the Ombudsman<sup>375</sup>, the Commissioner for Information of Public Importance and Personal Data Protection<sup>376</sup> and the Commissioner for the Protection of Equality<sup>377</sup>; their independence is regulated in the legislation<sup>378</sup>.

374. Moreover, the Constitutional Court is competent for deciding conflicts of jurisdiction between courts and other state bodies of different levels, election disputes outside of the jurisdiction of the courts and on prohibiting political parties, trade union organisations, citizen's associations and religious communities. The terminology "other general acts" includes also statutes and general acts of autonomous provinces and local self-government units. The competences of the Constitutional Court are regulated in Art. 45 ff. of the Law on the Constitutional Court.

375. According to the Law on the Ombudsman (2021), the Ombudsman shall protect the rights of citizens, control the work of government agencies and ensure that human and minority rights and freedoms are protected and promoted. The Ombudsman shall also perform the duties of National Preventive Mechanism against Torture, National Independent Mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities and National Rapporteur on Trafficking in Human Beings.

376. As per the Law on Free Access to Information of Public Importance (last amended in 2021), the Commissioner for Information of Public Importance shall monitor the enforcement of the law by public bodies, initiate or give opinions on draft legislation, and decide on complaints against the rulings of government agencies that have violated the rights regulated by the Law. The competence of the Commissioner was extended to the field of personal data protection by the adoption of the first Law on Personal data Protection in 2008 (new law adopted in 2018).

377. According to the Law on Prohibition of Discrimination (last amended in 2021), the Commissioner for the Protection of Equality shall issue opinions and recommendations in specific cases of discrimination, submit requests to institute misdemeanour proceedings, monitor the implementation of legislation, and initiate or provide opinions on draft legislation.

378. Article 3 of the Law on the Ombudsman; Article 32 of the Law on Free Access to Information of Public Importance and Article 1 of the Law on Prohibition of Discrimination.

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