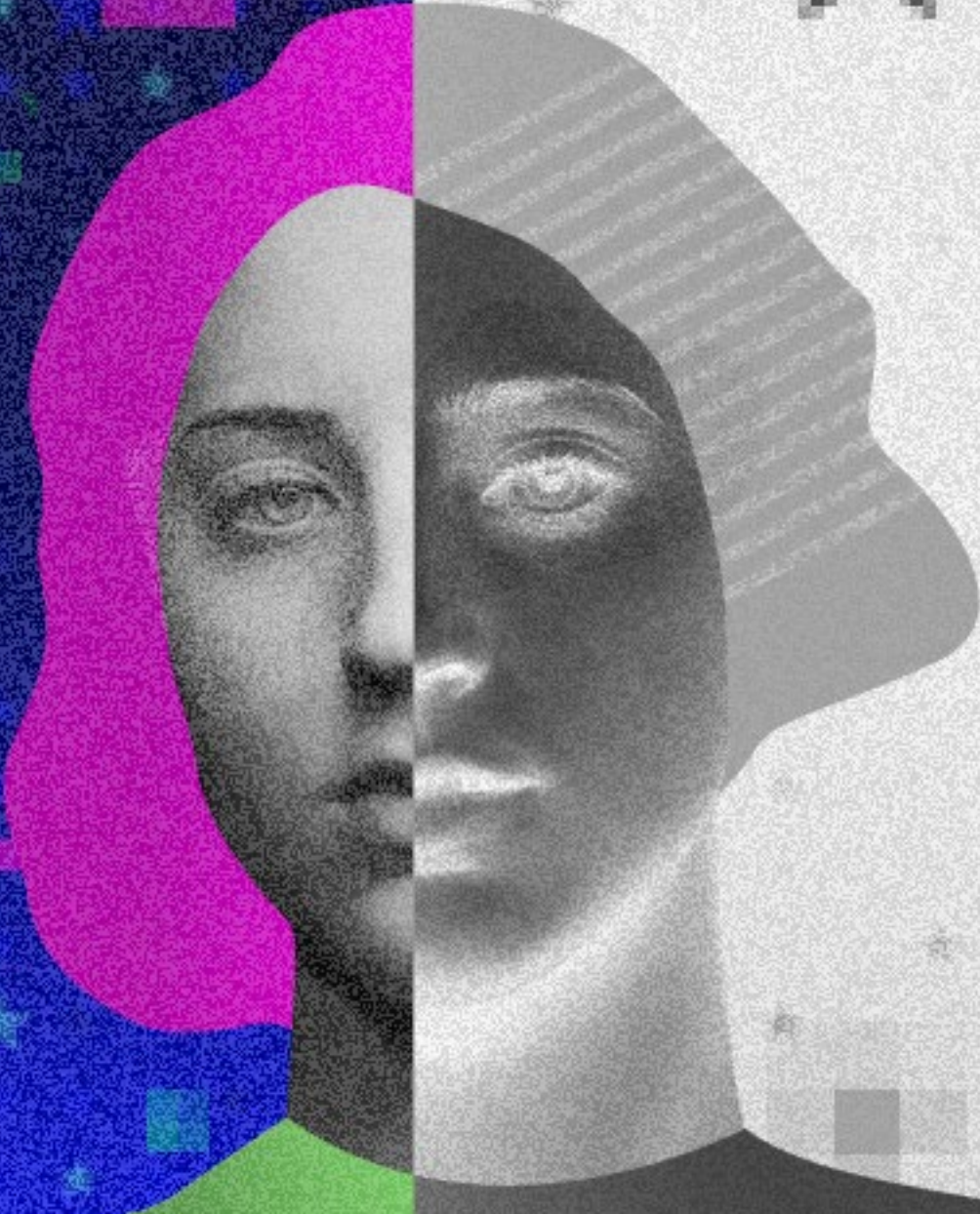




CIVIL
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A stylized, pixelated portrait of a woman with a pink headscarf, split vertically. The left side of her face and headscarf are on a dark blue background with colorful pixelated stars (green, cyan, magenta). The right side is on a light gray background with black pixelated stars. The woman's face is rendered in grayscale with a grainy, pixelated texture. She is wearing a green garment on the left and a dark gray garment on the right.

EUROPEAN COMMISSION'S RULE OF LAW REPORT 2025

GAP ANALYSIS

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Executive summary

Now in its sixth year the European Commission's annual Rule of Law Report is an important assessment of the state of the rule of law across the Union. With six years of data the trends are evident, and it should be possible to both identify early warning signs, and the signs of intentional and systemic failures. Unfortunately, the Commission's reports often obscure the gravity of the backsliding, and the real stumbling block remains in translating the findings into action. Most of the same recommendations have been repeated since their introduction in 2022 and there is no consistent link to the rest of the EU's Rule of Law Toolbox. For the annual Rule of Law Report to become the preventive tool it aims to be, clear reforms are needed.

This Gap Analysis presents the third consecutive evaluation of the European Commission's Rule of Law Report, following the introduction of recommendations in 2022. It draws on the [Liberties Rule of Law Report 2025](#), informed by expert contributions from Liberties' members, other civil society organisations and institutional partners and focuses on the gaps in the Commission's analysis and recommendations. It is supported by three case studies, two looking at specific countries, Italy and Slovakia, and one thematic study on media freedom that builds on the Liberties dedicated [Media Freedom Report 2025](#).

Since 2022, the Commission has issued over 500 recommendations, on average five per country per year. In 2025, there were a total

of 123 recommendations, 10% lower compared to 2024. Looking primarily at the treatment of recommendations, several stark findings stand out in contrast to the more optimistic picture of overall progress presented by the Commission.

MOST RECOMMENDATIONS ARE REPEATED WITHOUT CHANGE

93% of all 2025 recommendations were repetitions from previous years, with 71% dating back to 2022. Many were repeated verbatim, regardless of the level of progress, gravity of the violation or implications of non-action.

Only **nine new recommendations were introduced**, representing just 7% of the total and affecting only eight out of 27 Member States. This is not due to a lack of new violations, for example, in 2025 Slovakia adopted a restrictive NGO law, yet no recommendation was made.

FEW RECOMMENDATIONS HAVE BEEN FULLY IMPLEMENTED

The proportion of recommendations classified as fully implemented fell from 11% in 2023 to 6% in 2024 and 2025. **In 2025, only nine recommendations were fully implemented:** three in Slovenia, three in Czechia, and one each in Estonia, Finland, and Luxembourg. Thus, Slovenia and Czechia account for 66% of all fully implemented recommendations.

LITTLE OR NO PROGRESS IS THE NORM

Since 2022, about **one-third of all Member States have shown little or no progress in implementing the Commission's recommendations**: nine countries, Bulgaria, Germany, Hungary, Ireland, Italy, Malta, Poland, Romania and Slovakia consistently have five to eight recommendations that remain unimplemented. 61% of the recommendations assessed in 2025 have shown little or no progress since 2022.

Hungary stands out as an outlier, having the highest number of recommendations with persistent 'no progress' status, highlighting deep-rooted governance problems and resistance to EU-level oversight. Other countries show notable stagnation including Italy, Bulgaria, Ireland and Germany, who each have five or six recommendations with little or no progress since 2022. This includes countries that [Liberties](#) identified as 'dismantlers' of the rule of law, as well as those 'sliders or stagnaters' putting into focus what some observers have labelled as a "casual or reckless disregard in non-backsliding countries".¹ When the overwhelming response is non-implementation, this undermines the whole rule of law cycle and its role as a preventive tool.

NO CALIBRATION OF SERIOUSNESS OR IMPACT

All recommendations and failures of implementation are treated the same, despite the impact on the rule of law varying in gravity.

There is **no calibration of the seriousness of certain violations**, or those that should be considered 'foundational' because they undermine the system and the overall protection of rights – for example, the non-implementation of court judgments or excessive use of fast-track legislation.

Similarly, there are no ramifications for the systematic disregard of recommendations, which further undermines the impact on the ground and tarnishes the credibility of the whole rule of law cycle. The reports do not provide a clear analysis of the level of degradation and why certain actions require immediate attention because of the irreparable harm they cause and the potential multiplier effect in other member states.

The two country case studies also show that the Commission's reports **omit many serious new developments**. New laws and violations reported on extensively by civil society are not addressed in the Commission's report, despite the seriousness of the developments and the clear negative trajectory in both countries. The Slovakia case study in particular highlights that the chapter 'other institutional checks and balances' is given less weight, with six critical issues omitted despite serious deterioration. Across all Member States, civic space concerns are underrepresented, which results in a partial account and incomplete assessment of the factors that enable or obstruct civic space across the EU. This oversight also fails to recognise

1 Professor Laurent Pech Intervention during Rule of Law Hearing in the European Parliament 15/10/25

that checks and balances and a vibrant civic space uphold the other pillars.

Overall, these key findings and detailed analysis of the data point to:

- a limited responsiveness to **emerging challenges**;
- a risk of **reduced relevance and effectiveness** of the monitoring framework; and
- an overall **weakening of the report's role as a preventive tool** against democratic backsliding.

RECOMMENDATIONS

To address these systemic deficiencies, three sets of interconnected recommendations are needed on:

- the recommendations themselves, their form, content and follow-up;
- the overall process and rule of law cycle; and
- how to link the recommendations to the EU budget as promised in the proposal for the new Multi-Annual Financial Framework (MFF).

The latter requires 'SMART'² recommendations to enable fair and accurate decisions on the suspension or release of funds. These

recommendations focus on the formulation, issues and follow-up:

Formulation

- i. Ensure **'SMART' recommendations** have clear and precise wording, defined expected action, responsible authority, clear benchmarks and a time limit for implementation.
- ii. Highlight when certain recommendations are **'foundational' and address particularly severe and entrenched problems**. These recommendations should entail greater scrutiny and shorter timelines.
- iii. Where foundational and systemic new violations are identified, they should be directly **supported by recommendations**, even when identified as an early warning sign. Waiting for a violation to evolve and potentially become entrenched shouldn't be an option.
- iv. Separate each recommendation into a single, analytically distinct issue, or define sub-components and track their implementation individually. Recommendations should be **precise** on specific laws that need reforming or structures that need changing, rather than broad, generic suggestions.

Issues

- v. **Target unresolved structural issues** rather than reforms already underway to

2 Recommendations that are Specific, Measurable, Achievable, Relevant and Timebound.

avoid recommendations being perceived as redundant acknowledgements of pre-existing initiatives and to enhance their relevance, credibility, and impact.

implementation of recommendations, providing an additional **incentive for action**.

- vi. Identify certain **focus issues**, such as the implementation of judgments, that draw particular attention and are systematically analysed.
- vii. Ensure coverage of **significant emerging issues**, making sure that all key violations are covered. A standalone chapter on civic space should also be included.

Follow Up

- viii. Define **clear criteria for categorising developments**, with the proposed categories being: 'no progress', 'backsliding', 'in progress (initial steps)', 'in progress (advanced implementation)', and 'fully implemented'. These need to be linked to clear benchmarks.
- ix. **Strengthen the follow-up mechanism** for non-implemented recommendations by linking them more directly to existing enforcement tools, including infringement proceedings and budget conditionality. This should include a set of criteria that trigger next steps and escalated action. For example, if several 'foundational' recommendations remain unimplemented, that triggers a discussion on the launch of the appropriate enforcement tool.
- x. Establish a clearer link between funding and technical advice to support the

RECOMMENDATIONS ON THE OVERALL RULE OF LAW CYCLE

These overarching recommendations build on prior Liberties' rule of law reports and discussions during a roundtable event organised in May 2025. They call for a clearer cycle as well as a timeline that facilitates both documentation and action.

ASSESSMENT: There needs to be a clearer identification and articulation of the trajectory each member state is on. Early warning signs need to be flagged, 'foundational' violations identified and an understanding of when an action moves from a sporadic practice to an entrenched violation.

A network of experts should be involved in the process to depoliticise the assessment and ensure critical issues are not omitted and trends are articulated. The reports should also be accompanied by a clear and visual presentation of the trends to ensure better accessibility and understanding.

The European Commission [2019 Communication](#) on strengthening the rule of law noted that while the monitoring would cover all Member States, it would need to be more intense in Member States where risks of regression or particular weaknesses have been identified. This is not evident and should be revisited.

ACTION: A clear assessment will guide the action and should clearly link to the rest of the EU toolbox. Action should be normalised, and not considered such a rarefied act that it paralyzes the system.

There needs to be consequences for non-action on recommendations. After six years, the understanding and trajectories are clear. There needs to be a follow-up mechanism and criteria, such that persistent failures to implement change trigger action through the enforcement tools.

ALARM: Outside of the annual cycle, the Commission should be able to launch an interim process where new and serious violations are raised. It shouldn't be necessary to wait until the next report, especially in cases where infringement proceedings are not the appropriate tool.

ALLIANCES: These should be strengthened to ensure an interconnected process, both with institutional partners, ensuring a fully inter-institutional cycle, with regional and international actors such as the Venice Commission and civil society.

Each part of the inter-institutional cycle should be transparent with clear entry points for civil society to contribute. The timing should be reviewed to ensure publication at a moment that facilitates national debate and allows for a stepped follow-up by all three institutions.

BUDGET CONDITIONALITY

Commissioner McGrath was tasked in his mandate letter to consolidate the Rule of Law Report and ‘work to build a closer link between the recommendations in the Rule of Law Report and financial support under the EU budget’.

In its Communication on the 2028-2034 Multi-Annual Financial Framework (MFF) the Commission stressed that the principles of the rule of law and the Charter of Fundamental Rights are non-negotiable and set out plans confirming that the Rule of Law Conditionality Regulation will continue to apply to the entire EU budget.

According to the proposal, national and regional partnership plans will strengthen the link between the recommendations of the Annual Rule of Law Report and financial support. These National and Regional Partnership Plans (NRP Plans) are a new EU funding mechanism proposed under the 2028-2034 MFF, which will consolidate major EU funds into one coherent strategy for each Member State.

Rule of law conditionality will apply to the NRP Plans, meaning that plans should comply with the rule of law and include reforms that are based on the Rule of Law Report recommendations – moving towards performance-based disbursement. **Where a Member State fails to meet these conditions and breaches of the rule of law or of the Charter persist, funds may be withheld from the Member State concerned. These can be reallocated through direct or indirect management**, in particular to programmes that support democracy, civil society, or the fight against corruption.

This is a welcome step and an important part of the Rule of Law toolbox if certain conditions apply:

- It needs to be **integral to the overall toolbox**, ensuring that when deployed, it is the most effective solution or that it is applied cumulatively alongside other measures. There needs to be clarity around this assessment, considering speed, effectiveness and practicality.
- ‘**SMART**’ recommendations are needed with clear timelines and benchmarks to support the mechanism and provide a clear **baseline to trigger action**. As pointed out by the European Court of Auditors, there are currently no clear guidelines determining why (or why not) a mechanism is triggered. There needs to be **greater transparency** in what tools are used for rule of law conditionality and clear language in the NRP Plans referring to the Charter and core elements of the rule of law.

- There needs to be a **swift and accurate follow-up on recommendations** to ensure prompt action at all stages. Decisive action to suspend funds cannot be a rarified step that only takes place after years of repeated recommendations.
- Compliance needs to be depoliticised and, as previously suggested, involve rule of law **experts** alongside Commission officials. Internally, within the Commission, there needs to be a clear separation between those responsible for the budget and for rule of law compliance to **avoid conflicts of interest**.
- Rule of law conditionality should not only be a reactive tool but also be **used proactively**, albeit proportionately, to respond to risks.
- Forward planning is required to **identify and set up systems to redirect funds** to programmes that support the rule of law. This should include the types of initiatives to be supported, such as independent media, as well as the organisations able to manage funds.

INTRODUCTION

During the [press conference on 8 July 2025](#) in Strasbourg to present the [2025 EU Rule of Law Report](#), Executive Vice-President Henna Virkkunen emphasised that “protecting and promoting the rule of law” is a key priority for the current European Commission, stressing that it “matters more than ever” given today’s growing internal and external challenges. Furthermore, Commissioner McGrath highlighted that the Rule of Law Report is a “preventive tool” considered essential “for monitoring the state of the rule of law” across the European Union (EU), and should play an even stronger role in the years ahead. To achieve this, Commissioner McGrath committed to using available tools, including infringement proceedings, to ensure that recommendations are followed and implemented.

Liberties welcomes and shares these views. We support the Rule of Law Report’s goals of upholding and protecting the rule of law in EU Member States through a preventive approach. To make the Commission’s report more effective in practice, Liberties, together with our members, conducted this Gap Analysis, providing feedback on the Rule of Law Report’s findings, impact, and underlying processes. The Liberties 2025 Gap Analysis is our third assessment of the Commission’s Rule of Law Report, following our first Gap Analysis in 2023. Building on previous editions, the 2025 Gap Analysis consolidates feedback from our members to examine **why most recommendations remain formalities on paper, identifies gaps between the Commission’s findings and the situation in EU Member States, and**

proposes practical recommendations to close those gaps. Our goal is to make the Rule of Law Report not only rigorous in its analysis but also effective in practice, with clearer and time-bound recommendations, stronger follow-up and monitoring, and greater transparency through active involvement from civil society.

Five years have passed since 2020, when the Commission first introduced and began publishing the Rule of Law Report on an annual basis. The 2025 Rule of Law Report is the first report prepared under the Commission’s new mandate and was published on 8 July 2025, consistent with the practice of releasing the report each July (with the exception of the first report, which was released on 30 September 2020). The 2025 edition is the sixth report in a row, the fourth year to include recommendations, the second year to feature country chapters on four enlargement countries (Albania, Montenegro, North Macedonia, and Serbia), and the first year to place a particular focus on the Single Market dimension.

This year, the Commission described the results of implementing the 2024 recommendations as showing a “[positive trajectory in many Member States](#)”, noting that “a substantial number” of the 2024 recommendations were fully or partially addressed by Member States. This positive framing of overall successful implementation has been consistent since 2023, when it first became possible to assess the implementation of recommendations. In 2023, the Commission reported that “65%” of the 2022 recommendations were fully or partially addressed. In 2024, it stated that the

number of fully or partially addressed 2023 recommendations amounted to “two thirds (68%)”. However, in 2025, the Commission, in its press release on the 2025 Rule of Law Report, limited itself to the vague wording “a substantial number,” without providing a concrete figure. The figure of “57%” of fully or partially addressed recommendations was presented separately in the questions and answers section.

Since the first Gap Analysis in 2023, Liberties and its members have raised concerns about this overly positive and optimistic approach, which often does not reflect the reality of reforms or the progress made in addressing the challenges identified by the Commission. As this 2025 Gap Analysis explains, the problem lies in how the Commission measures implementation. Its assessments tend to emphasize announced or ongoing reforms without fully evaluating their effectiveness, pace, or real impact. This approach creates the impression of progress where, in fact, there is little or none.

Moreover, the Commission’s optimistic view of the implementation of recommendations does not reflect the situation of rule of law backsliding across the EU, which has been highlighted, for example, by the [European Parliament](#) and by key human rights organisations. Country-specific cases illustrate this problem clearly. Hungary has consistently failed to address the Commission’s recommendations, with six recommendations completely unaddressed since 2022. Slovakia shows a similar trend: in 2023, 50% of recommendations were classified as “no progress”, increasing to over 70% in 2024 and 2025. This discrepancy

between the Commission’s optimistic approach and the actual situation is further explained by our members, who note that the Commission often overlooks significant issues. In many cases, these are either not included in the Rule of Law Report at all, or, if included, are not accompanied by meaningful recommendations, as exemplified by two country-specific case studies on Italy and Slovakia at the end of the Gap Analysis.

Hungary: six recommendations remain completely unaddressed since 2022. 88% of all recommendations show ‘no progress’.

Slovakia: 70% of recommendations show ‘no progress’.

Urgent changes to the current Rule of Law Report are needed so that it can respond to today’s reality. We therefore urge the Commission to carefully consider our 2025 Gap Analysis and recommendations, and to begin implementing them without delay. A focus on the recommendations themselves should be combined with a longer-term view of the whole Annual Rule of Law cycle, considering our recommendations and those proposed, for example, by the [Democracy, Rule of Law and Fundamental Rights group](#) in the European Parliament. Only with timely and significant changes will the Rule of Law Report and the entire cycle become a preventive tool that stands a chance of halting further deterioration across the Union.

REPORTING PROCESS

Commissioner McGrath has described civil society as a “critical piece of our democracy jigsaw puzzle – not an optional accessory”. Yet the attention to civic space is the most overlooked part of the report, and engagement with civil society is inconsistent. This is especially concerning given the increasing attacks organisations face for standing up for the rule of law: often, the core rule of law watchdogs in a given Member State are the first to be subjected to deliberate smear campaigns.

The most direct phase for engagement is the consultation and drafting period. This requires a heavy time investment from civil society, often with relatively short deadlines and limited resources. While the timeframe is predictable, the time to prepare submissions with a January deadline poses significant challenges, especially where organisations aim to coordinate joint submissions.

Information about forthcoming country visits can be difficult to access, and while most Liberties members are included, there is a consistent group that has not been contacted despite contributing to their country chapter and, in some cases, said report being cited in the Commission's report. This in-person engagement is important to provide context and nuance and convey sensitive information, especially if related to personal attacks.

This is especially important as there is currently no formal protection mechanism for civil society and human rights defenders in the EU, and no system to report reprisals. Mechanisms

should be in place to address and counter any attempts to undermine the integrity of the reports and their authors.

The follow-up is more scattered, and the timing of the Commission's report in July doesn't lend itself to civil society on the ground being able to draw attention to the findings and recommendations. A limited number of national rule of law dialogues have taken place, in collaboration with the EU Fundamental Rights Agency - a total of 13 since 2022, with no future dialogues announced.

COMMISSION RECOMMENDATIONS: TRENDS AND PATTERNS

The 2025 Rule of Law Report marks the fourth year of the inclusion of country-specific recommendations, which were first introduced in 2022. This timeframe provides sufficient data to identify patterns and trends. It also offers a valuable opportunity for the Commission to address ongoing gaps and shortcomings, with the aim of strengthening its work ahead of the 2026 report.

Wording of recommendations

The issue of **imprecise recommendations** has persisted since their introduction in 2022 and was thoroughly analysed in our 2023 and 2024 Gap Analyses.

This pattern continues in the 2025 Rule of Law Report, as reported by our members. They

raised concerns that the Commission's recommendations are often **framed too broadly and vaguely**, lacking the necessary specificity and time-bound focus to guide effective implementation.

Some members also highlighted the problem of **repetitive wording** from year to year. For instance, our members and contributors in the Netherlands³ pointed out the following recommendation initially introduced in 2024: "Continue efforts to address shortages in human resources and challenging working conditions in the justice system." This recommendation was marked as showing "some progress" in the 2025 Rule of Law Report, yet it reappeared in nearly identical wording, with only a slight rearrangement.

The issue of unclear wording can be illustrated by a 2025 recommendation for Hungary, which states: "Ensure that there are no obstacles hindering the work of civil society organisations, including by repealing legislation that hampers their capacity of working, and foster a safe and enabling civic space."

The phrase "obstacles hindering the work of CSO" is so broad that it's impossible to track progress. This is despite a long line of laws and actions intended to severely curtail independent civil society. Without details of specific laws, policies and judgments that need to be changed or implemented and a timeline for

action, the recommendation lacks impact. As a result, even minimal or symbolic actions could be presented as progress. For example, as noted by our member VIA IURIS from Slovakia, the Slovakian government used the recommendation on implementing lobbying regulation not to address (non)commercial lobbyists such as law firms, corporations, or sports associations, but instead to target CSOs. Vague and repetitive recommendations also make it difficult for CSOs to monitor progress and hold governments accountable for necessary reforms. The lack of clear deadlines further allows governments to postpone urgent reforms indefinitely.

Liberties therefore propose that the Commission **reconsider its current approach to drafting recommendations** by making them clear, precise, and measurable ("SMART")⁴, so that the impact of government actions can be effectively assessed.

3 PILP and NJCM, in a joint submission with the Netherlands Helsinki Committee, Free Press Unlimited, Lawyers 4 Lawyers, and Transparency International

4 Recommendations that are Specific, Measurable, Achievable, Relevant and Timebound.

A useful formula for drafting recommendations would be:

a specific, measurable **TASK** assigned to a particular **ACTOR** within a specified **TIME** limit

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should:

- Ensure 'SMART' recommendations with clear and precise wording, defined expected action, responsible authority, clear benchmarks and a time limit for implementation.
- Highlight when certain recommendations are 'foundational' and address particularly severe and entrenched problems. These recommendations should entail greater scrutiny and shorter timelines.

Multi-part recommendations

"Multi-part recommendations" refer to the situations where the Commission's recommendations include several combined elements, which create **challenges in evaluating their implementation**. This approach has several implications. First, it creates **ambiguity in**

statistical assessments: a recommendation may be perceived as 'fully implemented' even if one part is fully achieved and another is ignored. Second, it makes it harder to compare results between countries or over time. Finally, it complicates long-term analysis, since what appears as a 'new' recommendation may simply be a continuation of an earlier one.

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should separate each recommendation into a single, analytically distinct issue or define sub-components and track their implementation individually. Recommendations should be precise on specific laws that need reforming or structures that need changing, rather than broad, generic suggestions.

Number of recommendations

In the 2025 Rule of Law Report, the Commission issued 123 recommendations to Member States. This is 14 fewer than in 2023-2024, representing a **10% decrease**. As a result, the average number of recommendations per country also fell from 5.1 in 2023-2024 to 4.6

in 2025. The overall range of recommendations, however, has remained almost the same over the years, with a minimum of two (2025: Estonia, Latvia, Lithuania, Luxembourg) and a maximum of eight (2025: Hungary).

NUMBER OF COMMISSION RECOMMENDATIONS, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2022-2025)				
	2022	2023	2024	2025
Total	145	137	137	123
Average number of recs per country	5.4	5.1	5.1	4.6

Full version of the table available in Annex, Table 2.

The **decrease in the number of recommendations in 2025** can be explained by looking at two factors: 1) how many new recommendations were issued by the Commission, and 2) how many recommendations with a status other than 'fully implemented' were seemingly arbitrarily removed from the list (see below). For instance, out of the 137 recommendations issued in 2024, seven were fully implemented, sixteen were arbitrarily removed, and only nine new recommendations were added in 2025.

Out of the 123 recommendations made in 2025, only nine were new recommendations.

**TRACKING COMMISSION RECOMMENDATIONS,
BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)**

	2023	2024	2025
Fully implemented recommendations (excluding multi-part recommendations, which were only partially implemented)	15 out of 145 (10%)	7 out of 137 (5%)	7 out of 137 (5%)
Arbitrarily removed recommendations	12 out of 145(8%)	12 out of 137(9%)	16 out of 137 (12%)
New recommendations	19 out of 137 (14%)	19 out of 137 (14%)	9 out of 123(7%)

The decrease in recommendations is driven by two main trends: 1) a **steady rise in the number of arbitrary removals** (from 8-9% of the total in 2023 and 2024 to 12% in 2025), and 2) a **sharp drop in the number of new recommendations** issued, which fell by half (from 14% in 2023-2024 to 7% in 2025).

The reluctance to introduce additional new recommendations in 2025 is concerning. As explained in the chapter 'The Commission's issue coverage', this decline cannot be

attributed to a reduction in rule of law issues in Member States. Instead, the Commission often overlooks issues highlighted in the main body of its report but then fails to provide any corresponding recommendations. Whilst understandable that not every finding can be supported by a corresponding recommendation, there are critical new issues that remain unaddressed, for example Italy's Security Law or Slovakia's NGO Law (see further in the case studies).

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should, where foundational and systemic new violations are identified, directly support them with recommendations, even when identified as an early warning sign. Waiting for a violation to evolve and potentially become entrenched shouldn't be an option.

Recommendations by thematic area: need for a civic space chapter

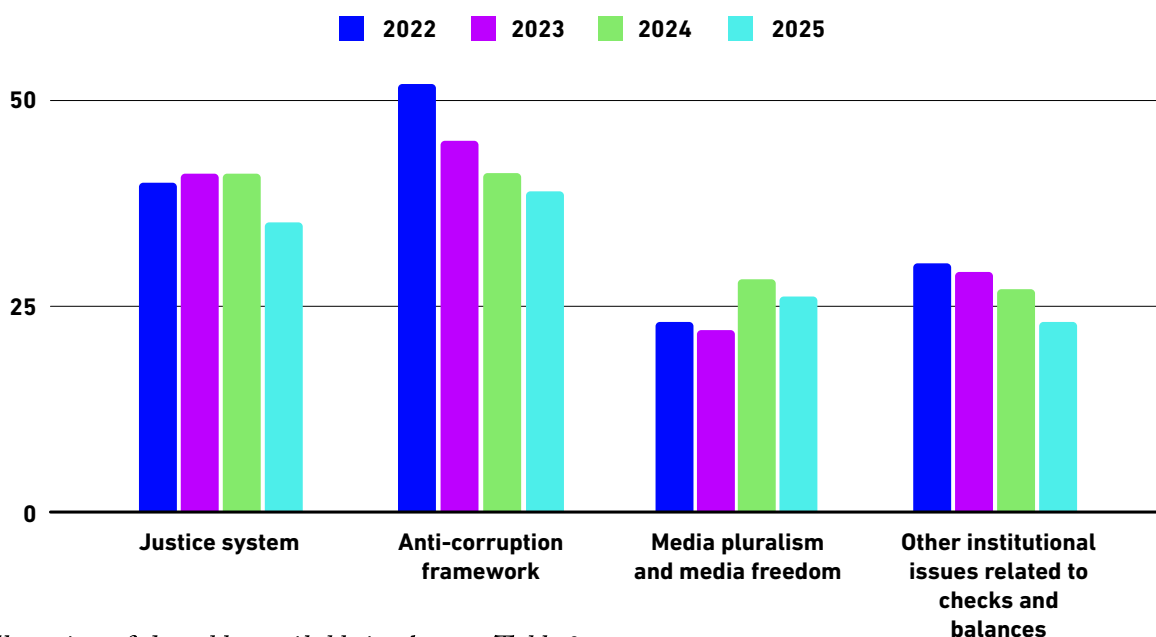
Since the introduction of the first Rule of Law Report in 2020, the structure of the report has remained unchanged and continues to observe issues based on four thematic areas: 1) Justice system; 2) Anti-corruption framework; 3) Media pluralism and media freedom; and 4) Other institutional issues related to checks and balances. However, the **distribution of recommendations across these thematic areas is uneven**, with some areas receiving significantly more attention than others.

An analysis of the number of recommendations issued by the Commission over the years reveals a clear trend: the 'Justice system' and 'Anti-corruption framework' receive more attention than 'Media pluralism and media

freedom' and 'Other institutional issues related to checks and balances'. Combined, justice and anti-corruption account for approximately 30% of all recommendations over the years, while the **media and checks and balances receive only 20% or less of the recommendations**. However, as highlighted in the 2025 Liberties Rule of Law Report, serious challenges persist in both areas, as also supported by [annual reports](#) from the EU Fundamental Rights Agency.

The limited attention given to recommendations under 'Other institutional issues related to checks and balances' raises further concerns, as this thematic area is very broad and covers a wide range of issues, including civic space and human rights. These are often overlooked or only superficially addressed by the Commission, as highlighted in the 2023 Gap Analysis.

Distribution of recommendations by thematic area (2022-2025)



Full version of the table available in Annex, Table 3.

Feedback from our members highlights that **civic space concerns in particular are under-represented**. For instance, our members and contributors in the Netherlands pointed out that the 2025 Rule of Law Report provided only a narrow discussion of civil society organisations. While the Commission raised concerns about funding cuts, it failed to explain how these cuts disproportionately affect civil society organisations or how they fit into a broader pattern of restrictions on access to funding. Systemic concerns regarding freedom of assembly were also overlooked, including surveillance, excessive use of force, the criminalisation of protesters, proposed restrictions on peaceful demonstrations, and disproportionate measures imposed by mayors. Similarly, as elaborated in a case study, our member in Slovakia, VIA IURIS, noted that the civil society environment was mentioned only briefly, in a single final paragraph. In Lithuania, the Human Rights Monitoring Institute (HRMI) highlighted another overlooked issue. Restrictions on NGOs working with Belarusian exiles and migrants have been documented in reports by HRMI and the Global Detention Project, including arbitrary detention, pushbacks at the border, and disproportionate financial scrutiny of such NGOs. Nevertheless, the Commission's chapter on Lithuania narrowed its focus to consultation practices, ignoring civic space restrictions linked to migration and cross-border repression.

These gaps are also clear across specific themes. For example, across all reports from Liberties' members, the right to peaceful protest was to some extent violated, whether through blanket bans, legislative changes or disproportionate

fines. However, the extent and depth of the issue were only minimally reflected in the Commission's 2025 report.

Another example shows the failure by the Commission to pick up on emerging areas of concern. Over the previous years, [artistic freedom organisations](#) have submitted inputs to the rule of law consultation, demonstrating how artistic expression is part of the checks and balances of the rule of law and how legal changes have enabled governments to capture formerly independent arts institutions. The warning signs were not taken up by the Commission despite a serious breakdown of artistic freedom in several Member States.

In all these cases, by either failing to cover or only superficially addressing civic space issues, the Commission has not issued the necessary recommendations.

All of the above confirms that it is **essential to give full and careful attention to the protection of civic space**, ensuring it is safeguarded in a timely and effective manner. Neglecting these issues can lead to serious consequences, including reduced accountability of states and increased abuse of power. [Civil society](#), the [European Parliament](#) and the [European Economic and Social Committee](#) have all emphasised the “need for a dedicated chapter on civic space”. This would give greater prominence to the issue and allow for the rights to freedom of expression, association and assembly, that are foundational to the realisation of other rights, to be fully addressed.

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should ensure coverage of significant emerging issues, making sure that all key violations are covered. A standalone chapter on civic space should also be included.

Link between issues covered and recommendations given

As the 2024 Gap Analysis highlighted, there is a problem concerning the link between the gravity of the concerns and the recommendations provided. In particular, **the Commission tends to identify issues in the Rule of Law Report but does not always provide corresponding recommendations.** For instance, our member in Croatia, the Centre for Peace Studies, points out that although the 2025 Rule of Law Report covers the issue of new criminal offences related to the unauthorised disclosure of information from ongoing criminal investigations and their impact on journalistic sources, there is no recommendation to repeal these provisions of the Criminal Code.

Another aspect of the problem with the link between issues identified and recommendations is that **some Member States receive recommendations on specific issues, while others facing the same issues do not.** This

inconsistency is clear in the case of recommendations to comply with the rulings of the European Court of Human Rights (ECtHR). As noted in the 2024 Gap Analysis, the Commission, in the 2024 Rule of Law Report, issued a recommendation to comply with ECtHR rulings only to Belgium, even though other Member States had a larger number of unimplemented ECtHR decisions: Hungary (45), Poland (46), Italy (66), Bulgaria (89), and Romania (116), compared to Belgium (21).

The same pattern is repeated in the 2025 Rule of Law Report. Once again, only Belgium was recommended to comply with ECtHR rulings, even though the Commission's own report indicated it had 18 unimplemented judgments (a decrease of three compared to 2024). By contrast, other Member States had far higher numbers, and in most cases the figures had even increased since the 2024 Rule of Law Report: Hungary (47), Poland (52), Italy (74), Bulgaria (89), and Romania (111).

Implementation of judgments in Belgium

The problem of non-implementation of judgments in Belgium has been well documented and can be exemplified through key cases. On 18 July 2023, the ECtHR in the case of *Camara v. Belgium*, concerning accommodation and material support for an asylum seeker, ruled that by refusing to execute an immediately enforceable court order, the Belgian government violated the European Convention on Human Rights. The Belgian government's repeated non-compliance with judgments of both domestic courts and the ECtHR has been strongly criticised by national judicial bodies, including the Council of State, the Constitutional Court, and the Court of Cassation, as well as by civil society organisations. In September 2024, the Council of Europe's Committee of Ministers, which supervises the execution of ECtHR judgments, highlighted the insufficient measures taken by Belgium to address the structural problems identified in the *Camara v. Belgium* judgment.

In November 2024, the Federal Institute for Human Rights, an independent national human rights institution, launched an investigation into the non-implementation of court rulings against Belgian authorities. As a result, the issue of non-compliance became highly visible due to active reporting, monitoring, and engagement by both domestic and international actors, placing significant pressure on the Belgian government. The Commission, in turn, responded to this growing demand by issuing, in the 2024 and 2025 Rule of Law Report, a recommendation to Belgium to comply with final rulings of national courts and the ECtHR.

While the implementation of judgments in Belgium is a serious and systemic problem, this does not explain why the Commission addressed Belgium specifically while leaving out other Member States that also fail to comply with ECtHR decisions. The European Implementation Network, in its report 'Justice Delayed and Justice Denied: Non-Implementation of European Courts' Judgments and the Rule of Law' welcomed the recommendation to Belgium but stressed that "it is nevertheless crucial that this approach be generalised and systematically applied to other Member States recording a similar or even more significant degree of failure to effectively implement not only ECtHR, but also CJEU [Court of Justice of the European Union] rulings". Therefore, while the decision to issue a recommendation

to Belgium regarding its non-compliance with ECtHR rulings is important and should be maintained, the **selective nature of this approach risks undermining the credibility and consistency of the Commission's rule of law monitoring**, creating the perception of unequal treatment among Member States and weakening the overall effectiveness of the EU's response to systemic rule of law challenges.

Similarly surprising is the fact that the implementation of CJEU judgments is not systematically addressed in the report and recommendations.

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should identify certain focus issues, such as the implementation of judgments, that draw particular attention and are systematically analysed.

A section of each country's report and a summary table should document the implementation of both ECtHR and CJEU decisions.

IMPLEMENTATION OF RECOMMENDATIONS: HOW THE COMMISSION ASSESSES AND MEMBER STATES DELIVER

Commission's approach to assessment

Since 2023, when the Commission began assessing the 2022 recommendations, it implemented an assessment system based on six categories: 'no progress', 'no further progress', 'some progress', 'some further progress', 'significant progress', and 'fully implemented'. In 2024, an additional category, 'significant further progress', was introduced. This category was omitted in 2025, when the system returned to the original set of categories and added a new one, 'limited progress', bringing the total to seven categories in the current assessment system.

The main issue with the current Commission assessment system is that the **vast majority of recommendations flagged as 'in progress' rely on a broad, unclear, and non-transparent**

grading system. This system includes categories such as 'limited progress', 'some progress', 'some further progress', and 'significant progress'. As shown in the table on (non)implementation of Commission recommendations in the next section of this chapter, more than half of all assessed recommendations remain in this grey area: 55% in 2023 and 61-65% in 2024-2025.

One problem with the 'in progress' categories is that, due to the absence of clear and rigid criteria, **the Commission may overestimate the actual level of implementation by a Member State.** For instance, in the 2025 Rule of Law Report, the Commission reported 'significant progress' in increasing the salaries of judges, prosecutors, and judicial and prosecutorial staff in Hungary, while also noting the absence of structural measures. On the surface, this appears to be a positive step by the Hungarian government. However, according to our member organisation in Hungary, the Hungarian Civil Liberties Union, the Commission overlooked the conditionality attached to the pay increase. Specifically, the Hungarian Ministry of Justice pressured the National Judicial Council (OBT) to agree to certain reforms (e.g., transferring district court judges within

their appellate court's jurisdiction, raising the minimum eligibility age for judges from 30 to 35, and emphasising that 'the assessment of life and professional experience should be given greater emphasis') in exchange for the salary increase. Moreover, once these reforms were presented, the OBT was excluded from any further consultations. As a result, the Commission's assessment failed to capture important nuances, such as the conditional nature of the salary increase and the lack of genuine stakeholder engagement, both of which represent pressure on the judiciary and a threat to judicial independence.

Furthermore, the risk of overestimating implementation progress may also impact the category of 'fully implemented'. For instance, in the 2025 Rule of Law Report, the Commission marked its 2023 recommendation on the adoption of lobbying legislation in Czechia as 'fully implemented'. However, our member in Czechia, the League of Human Rights, pointed out that the Commission overlooked the fact that the lobbying bill was significantly altered during the legislative process. The final version of the law was weakened by introducing several exceptions that limit what counts as lobbying. For example, assistants to MPs and senators, members of advisory bodies, and municipal representatives acting on behalf of their municipality are no longer included as 'targets of lobbying'. As a result, their activities are not captured in the 'lobbying footprint', even though they often play an active role in shaping laws and influencing decisions. This creates a loophole that makes it easier to bypass regulation and, in turn, seriously undermines the law's effectiveness.

These examples highlight a broader tendency for the Commission to overestimate progress, portraying reforms as substantially or fully implemented while critical nuances and limitations are overlooked.

Another issue with the Commission's assessment system is that **it lacks a category for backsliding**. Some recommendations that previously saw positive action from a Member State may experience setbacks or rollbacks for various reasons, yet there is no way to capture this decline in progress. For instance, in the 2024 Rule of Law Report, the Commission assessed that there had been 'significant progress' in revising conflict of interest legislation in Czechia, following the adoption of the respective law in August 2023. As a result, the Commission removed this recommendation from the next cycle and did not issue any further recommendations on the matter, even though the status was marked as 'significant progress' rather than 'fully implemented'. In the 2025 Rule of Law Report, however, the Commission reintroduced the recommendation on conflict of interest legislation, stating that Czechia should "reinitiate the revision of legislation on conflicts of interest, including as regards beneficial ownership". This reintroduction was prompted by a ruling of the Czech Constitutional Court, which annulled parts of the revised legislation due to procedural violations in its adoption. Therefore, all progress in this area was completely reset.

There are also concerns regarding **the Commission's arbitrary removal of recommendations** with statuses other than 'fully implemented' from the next cycle of recommendations.

ARBITRARY REMOVAL OF RECOMMENDATIONS, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)			
Status of recommendations	2023	2024	2025
No progress	-	-	1
Some progress	3	-	1
Some further progress	-	3	4
Significant (further) progress	9	9	10
Total	12	12	16

While some removals occur under other statuses, the predominant pattern involves recommendations marked as having achieved 'significant progress' (9-10 per year). This raises the question of why the implementation of these recommendations was not assessed as 'fully implemented' if the Commission effectively considered them as such. The trend of arbitrarily removing certain recommendations raises concerns not only about the consistency and transparency of the criteria used for phasing out recommendations but also about the credibility of the Commission's overall assessment of the recommendations' implementation.

Given the aforementioned deficiencies in the current Commission's assessment system, there is a **need for a new system to evaluate the implementation of Commission recommendations**. A streamlined approach, until a more objective and detailed assessment methodology is developed, could be as follows and could be accompanied by a colour-coded system:

Recommendations for a Member State:

- **No progress:** situations in which no action has been taken to address a recommendation.
- **Backsliding:** previous progress has been weakened or rolled back.
- **In progress (initial steps):** early actions that have started but are still in the preparatory stage (e.g., draft laws or policies, consultations, or situations where enforcement or coverage is limited).
- **In progress (advanced implementation):** laws or policies that are at the final stage of adoption, with institutions operational and partial enforcement achieved).
- **Fully implemented:** recommendations that have been completely realised in law and practice, demonstrating the expected

outcomes (e.g., laws or policies that have been adopted and enforced).

Each recommendation should be accompanied by an explanation of the relevant time period: from the year when the recommendation was issued up to the current year, highlighting

any meaningful milestones in progress. This approach would allow for the assessment of the pace of implementation, the monitoring of potential delays, and the identification of positive or negative trends among Member States over time.

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should define clear criteria for categorising developments, with the proposed categories being: 'no progress', 'backsliding', 'in progress (initial steps)', 'in progress (advanced implementation)', and 'fully implemented'. These need to be linked to clear benchmarks.

Implementation trends among Member States

The current Commission's assessment system for recommendations creates a confusing veneer of progress and several categories that indicate a lack of advancement. Looking at the data from 2023 to 2025, about 32% of recommendations on average were marked as showing 'no (further) progress', while around 7-8% were considered 'fully implemented'. The trend

indicates a slight decline in the share of 'no (further) progress' cases (from 34% in 2023 to 29% in 2025), although the change is not substantial. In contrast, the **share of 'fully implemented' recommendations dropped by nearly half**, from 11% in 2023 to 6% in 2024-2025.

In 2025, only 6% of recommendations could be considered fully implemented.

(NON)IMPLEMENTATION OF COMMISSION RECOMMENDATIONS, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)

	2023 (165* recommendations assessed)		2024 (158* recommendations assessed)		2025 (150* recommendations assessed)	
	No (further) progress	Fully implemented	No (further) progress	Fully implemented	No (further) progress	Fully implemented

**(NON)IMPLEMENTATION OF COMMISSION RECOMMENDATIONS,
BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)**

Total	56 (34%)	18 (11%)	53 (33%)	9 (6%)	43 (29%)	9 (6%)
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Full version of the table available in Annex, Table 4. See further explanation⁵

Such a significant drop in the number of ‘fully implemented’ recommendations can be explained by several factors. First, the Commission issued some of its recommendations in 2022, which mainly **highlighted actions already initiated by Member States** before the recommendations were published. For instance, as reported in the 2022 Rule of Law Report, the Austrian Minister of Justice announced in January 2022 plans to reform the appointment procedure for the vice-president and president of the Supreme Court, addressing the lack of judicial involvement in such appointments. The Commission, however, released its 2022 Rule of Law Report and recommendation on this very issue only later, on 13 July 2022. In other words, Austria had already taken steps toward reform well before the Commission issued its recommendation.

A comparable trend is visible in Slovenia, which, according to the 2023 Rule of Law Report, implemented the highest number of 2022 recommendations. For instance, the Commission recommended that Slovenia ensure the operational autonomy of the National Bureau of Investigation in its 2022 Rule of Law Report (published on 13 July 2022). However, the respective draft law had already been introduced in the Slovenian Parliament on 26 April 2022 and was subsequently adopted on 21 July 2022. Thus, the high rate of implemented recommendations largely reflects actions that Member States had already undertaken before the Commission issued its 2022 Rule of Law Report. Because **the Commission highlights and gives recommendations on issues that are already in progress**, Member States may perceive these recommendations as optional

⁵ For a more accurate analysis of the quantitative metrics related to the (non)implementation of Commission recommendations, we separated the multi-part recommendations with different statuses into several distinct recommendations (see the section ‘Multi-part recommendations’ in the chapter ‘Commission recommendations: trends and patterns’). This increases the total number of recommendations assessed for implementation, which may not match the number obtained by simply counting the bullet points. In addition, under this approach, the number of recommendations issued by the Commission does not align with the number of recommendations assessed by the Commission in terms of implementation progress. This is because, in this section, the Commission divides a single recommendation into several parts and assigns each part a different status of progress. While the counts differ, this method provides a clearer and more precise picture of the implementation status of the recommendations.

guidance, since they were already addressing many of the matters independently.

Second, the main reason for the non-implementation of recommendations is the **weak link between Commission recommendations and any follow-up action** in cases of non-implementation. In the absence of an enforcement mechanism for the Annual Rule of Law Report (through instruments such as the Rule of Law Conditionality Regulation, infringement procedures, applications for interim measures before the Court of Justice of the European Union, or other instruments under EU financial legislation), many Member States do not take the recommendations seriously, as non-implementation carries no real consequences.

Indeed, in 2025, only five Member States (Czechia, Estonia, Finland, Luxembourg, and Slovenia) ‘fully implemented’ the Commission’s recommendations. Among them, Slovenia and Czechia accounted for the majority, together responsible for two-thirds of the ‘fully

implemented’ recommendations (one-third each). By contrast, in 2024, there were eight Member States with ‘fully implemented’ recommendations, meaning the number dropped by three in 2025.

In 2025, only five Member States had ‘fully implemented’ at least one of the Commission’s recommendations, with Czechia and Slovenia together responsible for two-thirds of the ‘fully implemented’ recommendations.

Furthermore, **the tendency of Member States not to take Commission recommendations seriously is also evident in the number of repeated recommendations with little or no progress** in 2025. The category of ‘significant progress’ is excluded from this analysis, as the Commission often treats ‘significant progress’ as equivalent to ‘fully implemented’ (see the section ‘Commission’s approach to assessment’ in this chapter for details on the arbitrary removal process).

RECOMMENDATIONS WITH LITTLE OR NO PROGRESS IN 2025, BASED ON THE COMMISSION’S ANNUAL RULE OF LAW REPORTS (2023-2025)						
	No (further) progress			Limited / some (further) progress		
	issued in 2022	issued in 2023	issued in 2024	issued in 2022	issued in 2023	issued in 2024
Total	37	4	1	55	13	13

Full version of the table available in Annex, Table 5.

Since 2022, about one-third of all Member States have shown little or no progress in implementing the Commission's recommendations: nine countries (Bulgaria, Germany, Hungary, Ireland, Italy, Malta, Poland, Romania, Slovakia) consistently have five to eight recommendations that remain unimplemented.

Thus, Hungary stands out as an outlier, having the highest number of recommendations with persistent 'no progress' status: six recommendations have consistently been marked as 'no progress' since 2022, highlighting deep-rooted governance problems and resistance to EU-level oversight. Other countries show

notable stagnation as well. Italy, Poland, and Bulgaria each have six recommendations with minimal progress since 2022. Romania, Ireland, and Germany have five recommendations with little or no progress since 2022.

These findings indicate that a **substantial group of Member States has made little progress in addressing the Commission's rule of law recommendations issued in 2022**. In particular, 61% of the recommendations assessed in 2025 have shown little or no progress since 2022, highlighting the continued need for stronger compliance mechanisms.

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should:

1. Strengthen the follow-up mechanism for non-implemented recommendations by linking them more directly to existing enforcement tools, including infringement proceedings and budget conditionality. This should include a set of criteria that trigger the next steps and escalated action. For example, if several 'foundational' recommendations remain unimplemented, that triggers a discussion on the launch of the appropriate enforcement tool.
2. Target unresolved structural issues rather than reforms already underway to avoid recommendations being perceived as redundant acknowledgements of pre-existing initiatives and to enhance their relevance, credibility, and impact.

THE COMMISSION'S ISSUE COVERAGE

General trends

As highlighted in the 2024 Gap Analysis, **the Commission's process for selecting issues to**

be covered in the Rule of Law Report lacks transparency. The [methodology](#) for preparing the Annual Rule of Law Report refers only to 'significant developments' as the criterion for issue selection. However, the term 'significant developments' is not defined, leaving its interpretation entirely to the Commission's discretion. This approach has remained unchanged

since 2020, when the first Rule of Law Report was introduced.

This lack of clarity in the methodology for selecting issues raises concerns when **the Commission overlooks matters that Liberties and our members consider serious**. The trend of omitting important topics is worrying, and becomes particularly evident in the country-by-country analysis (for a more detailed analysis of this trend, see the country case studies).

Indirect evidence of overlooked issues can be seen in the recommendations issued by the Commission in the 2025 Rule of Law Report, particularly in the high share of repeated recommendations compared to new ones. In fact,

93% of all 2025 recommendations are repetitions from previous years (with 71% dating back to 2022), while the Commission introduced only nine new recommendations (7% of the total), which applied to just one-third of Member States (eight out of 27). This points to **a trend of neglecting newly emerging issues** and poses a risk of reducing responsiveness to evolving challenges and weakening the overall effectiveness of the monitoring process, especially given its intended aim as a preventive tool.

93% of all 2025 recommendations are repetitions from previous years (with 71% dating back to 2022). Only nine new recommendations were introduced in 2025.

REPEATED RECOMMENDATIONS IN 2025, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2022-2025)	
Recommendations issued in 2022	87 (71%)
New recommendations issued in 2023	14 (11%)
New recommendations issued in 2024	13 (11%)
Total number of repeated recommendations in 2025	114 out of 123
New recommendations issued in 2025	9 (7%)
Number of new recommendations issued in 2025	9 out of 123

Another dimension of the overlooking problem is that **the most frequently neglected thematic area is 'Other issues related to checks and balances'**. This is confirmed by country case studies as well as feedback from our members.

For example, members and contributors to the 2025 Liberties Rule of Law Report highlighted that the Commission failed to address several issues related to civic space. These issues include, but are not limited to, restrictions on

protests, legislation and restrictions targeting NGOs (including those in the humanitarian aid and refugee aid sectors), attacks on civil society organisations and activists (including SLAPPs), limited access for civil society organisations to participate in decision-making processes, and systemic human rights violations against vulnerable groups.

When certain issues are overlooked by the Commission, the Rule of Law Report's effectiveness as a tool for accountability and oversight is weakened. Combined with the absence

of recommendations or focused attention, this omission may be perceived by Member States as a signal that these issues are not considered urgent or serious at the EU level. It also undermines the ability of civil society, opposition actors, and independent institutions to advocate for change, since they cannot rely on the Rule of Law Report to reinforce their arguments. In this way, gaps in the Rule of Law Report reduce both domestic and international pressure on governments to uphold the rule of law and fundamental rights.

LIBERTIES' RECOMMENDATION TO THE COMMISSION:

The Commission should ensure that the methodology for selecting issues in the Rule of Law Report is transparent by clearly defining key criteria, including what constitutes a 'significant development', and ensuring that newly emerging challenges are systematically considered.

CASE STUDIES

Case Study Italy: Key Rule of Law Concerns Overlooked by the Commission

The European Commission's 2025 Rule of Law Report on Italy contains serious gaps, thus failing to address the very core developments that contribute to a substantial degradation of the

rule of law. Liberties member, the Italian Coalition for Civil Liberties and Rights (CILD) and Liberties' own comparative review, **identified a total of 17 key issues**

that were entirely absent from the Commission's Rule of Law report, pointing to a major underestimation of structural threats to judicial independence, media freedom and civic space. These omissions translate into a lack of recommendations on these topics.

ITALY: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT	
Thematic area	Issues
Justice system	7
Anti-corruption framework	4
Media pluralism and media freedom	3
Other institutional issues related to checks and balances	3
Total number of issues	17

Full version of the table available in Annex, Table 6.

Justice system

Several actions have led to a significant weakening of the justice system, with no coverage in the Commission's Report. **Weakened judicial oversight** due to the reassignment of

migrant detention cases away from specialised immigration chambers is a primary concern.⁶ This move was widely interpreted as retaliation against judges who, based in part on prior CJEU case law, challenged the legality of the

⁶ Decree No. 145/2024 (converted into Law No. 187/2024),

Italy–Albania protocol and the blanket designation of ‘safe countries of origin’.⁷

Similarly, failure to convey the **scale and gravity of political attacks on the judiciary** results in a sanitised portrayal of serious attacks. While there was a brief mention of ‘critical statements’, serious cases were omitted, such as the case of judge Silvia Albano, who faced death threats after refusing unlawful detention orders, and the Apostolico case, where public attacks from top government officials led to the judge’s resignation.

There was also no mention of the expanded detention for minors, stricter measures on weapons and drug offences, and **reinforced punitive measures** through a new Prison Decree. These reforms resulted in over 600 minors being detained while failing to address structural problems such as overcrowding and rising detainee suicides.

These and other omissions miss the overall pattern of executive and legislative pressure on the judiciary, and the increasing failure to comply with EU law.

Media pluralism and press freedom

The media section fails to reflect escalating threats. A major controversy surrounding the potential acquisition of a national news agency AGI (Agenzia Giornalistica Italia - Italian Journalistic Agency) by a far-right MP,

raising clear risks of media concentration and political influence, is absent. Political pressure within Italy’s public broadcaster RAI (Radio Audizioni Italiane) is presented optimistically, despite repeated instances of disciplinary action and legal action against critical journalists and ongoing interference with editorial autonomy. Despite Italy being the EU’s leading source of SLAPPs, including cases initiated by state-linked entities, the Commission’s report treats the issue only superficially, ignoring key ongoing cases and structural vulnerabilities.

Institutional checks and balances

On **civic space**, the Report provides only a procedural description of Italy’s Security Law, omitting the extraordinary use of emergency decrees to bypass Parliament and the mass protests it triggered. The broader trend of executive overreach via decree law, which systematically erodes parliamentary oversight, is not examined despite its clear rule of law relevance.

The Commission also overlooks the **criminalisation of civil search-and-rescue operations**, which has now expanded beyond sea operations to include NGO aircraft under the same decree. In 2025, under these new provisions, Italian authorities grounded Sea-Watch’s reconnaissance plane, an escalation strongly condemned by 32 NGOs. The new powers were partially limited by the Constitutional Court in July 2025, but the overall framework remains punitive.

7 Subsequently on 1 August 2025, the CJEU ruled that designating certain countries as ‘safe’ for asylum seekers violates EU law.

Recommendations

Overall, Italy has **seven recommendations that remain unimplemented**, and none have been fully implemented. The scope of many recommendations is overly narrow. For instance, in the area of justice, the only recommendation focuses on the digital case management system, without addressing broader concerns about judicial independence.

Perhaps most concerning, the Commission **did not issue a single recommendation in response to any of the above issues**, including on judicial intimidation, abuse of decree powers, or the Security Law's threat to fundamental freedoms.

Conclusion

Incomplete analysis and limited recommendations reinforce the impression that core rule of law violations are neither recognised nor addressed at the EU level, thus weakening the Rule of Law

report's credibility as an early-warning and preventive mechanism. In a country where the degradation is already significant, this is a dangerous path and provides cover for further backsliding.

Case Study Slovakia: Chapter on Institutional Checks and Balances

Overall, the European Commission's 2025 Rule of Law Report on Slovakia fails to capture the scale of democratic backsliding and civic space restrictions. This mini case study looks solely at the Chapter on 'Other Institutional Checks and Balances' (with some overlap with the chapter on the justice system). According to feedback from Liberties' member VIA IURIS and Liberties' own comparative review, **six key issues in this area are totally missing from the Commission's report**, notably affecting freedom of assembly, access to information, electoral integrity, civil society participation, and minority rights. Other important developments are addressed only minimally.

SLOVAKIA: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT

Other institutional Checks and Balances

- Restrictions on freedom of assembly, including the law "Lex Assassination."
- Amendments to the laws on access to information.
- Issues with political advertising.
- Concerns about electoral integrity and campaign financing.
- Civil society participation, including changes to the composition of the Government Council for NGOs.
- Intersectional discrimination against Roma and LGBTIQ+ communities.

Total number of issues: 6

Full version of the table available in Annex, Table 7.

The foundational rights to freedom of expression, association, assembly and the right to access information are a core part of the system of checks and balances – enabling individuals to gain access to information, express themselves and come together to hold governments to account. Without these foundational rights, other rights and core elements of the rule of law are further restricted.

It is therefore concerning, particularly in countries where there is a marked deterioration in the rule of law, that there are such significant gaps when it comes to the section on checks and balances.

Restrictions on Freedom of Assembly and Access to Information

Freedom of assembly is not addressed at all in the latest report on Slovakia, even though the right has been restricted both in practice and through legislation. ‘Lex Assassination’, which entered into force in July 2024, was not mentioned, and while some of the most egregious provisions were dropped from the final text, core restrictions remain, including limits to assemblies near key government buildings.

Similarly, Act No. 367/2024 on Critical Infrastructure was also omitted. The Act creates a “limited information” system granting authorities wide discretion to restrict access to information, weakening transparency and accountability.

Erosion of Civil Society Participation

Civil society faces systematic exclusion from the structures that should promote its involvement and participation. The government dismissed NGO representatives from the Government Council for NGOs, and in July 2024, the Fico IV government approved a significant change in selecting representatives for committees overseeing EU funds. Limited representation has been reinstated, but it remains the case that civil society dialogue and oversight are much reduced.

NGO Law and Smear Campaigns

The NGO Law (Act No. 109/2025) adopted in April 2025, imposes disproportionate reporting requirements on NGOs, including filing transparency reports, naming major donors, disclosing income and expenditure, and listing governing bodies. The reference in the Commission’s report is reduced to an “additional burden”, ignoring its chilling effect on independent civil society. Although the government, under domestic and international pressure, abandoned earlier proposals to target foreign funding and label NGOs as “foreign agents”, the final text singles out NGOs for additional scrutiny and preserves the same restrictive intent. Smaller NGOs, in particular, lack the capacity to meet the demands and face existential risks.

Attacks on NGOs and the media also receive only a brief mention, ignoring systematic smear campaigns and attacks, politically motivated audits, and high-profile cases such as that of the Milan Šimečka Foundation. Without these

examples and context, the 2025 Rule of Law report gives only a superficial understanding of the intensity, persistence, and real impact of attacks on civil society.

Independence of Institutions

The Commission does not fully address the consequences of the abolition of the Special Prosecutor's Office (SPO) in March 2024. This step dismantled a key anti-corruption mechanism, concentrating power in the General Prosecutor's Office and weakening expertise in complex cases. The transfer of national crime agency functions to regional police further weakened enforcement, alongside the impact of political threats against the Whistleblower Protection Office. This included threats in October 2024 by the Interior Minister to the head of the office, undermining the independence of the institution.

Proposed reforms to the judiciary are underestimated. Changes in the disciplinary proceedings, bonuses for judges, and stronger powers for the Judicial Council are most likely to lead towards the so-called 'harabinization' of the judiciary, named after Štefan Harabin, the former Chief Justice, Chairman of the Judicial Council and Minister of Justice.

A similar pattern is seen in the dismantling of protections for artistic freedom and cultural autonomy. Since the government came to power in October 2023, it has moved to control the state's cultural apparatus: key leaders of cultural institutions were replaced by government sympathisers; legal amendments have reduced scrutiny over unfair dismissals; and

funding has been controlled. Artists and cultural workers report an intensified atmosphere of censorship and repression. Again, there was no reference to these changes in the Commission's Rule of Law report.

Fast-Track Lawmaking

Many of the above changes were enabled through the continued use of **fast-track legislative procedures**. The Constitutional Court's permissive stance risks **normalising emergency lawmaking**, undermining democratic checks. During 2024, nearly 60% of laws were passed through fast-track legislative proceedings, a situation worse than during the COVID-19 pandemic. The Commission's Rule of Law report notes the failure to implement the prior recommendation to ensure effective public consultation, including by avoiding excessive fast-track procedures, and details the number of fast-tracked procedures in 2024, but simply repeats the same recommendation.

Recommendations

Slovakia has seven out of eight recommendations that remain unimplemented since 2022, with two consistently marked as 'no progress', concerning the regulation of lobbying and guarantees of independence of the Judicial Council. Over the years, no recommendations have been fully implemented.

Critical or foundational recommendations, for example, on the use of fast-track legislative procedures, are simply repeated, with no consequences for continued or even more expansive use. Previously, the Commission noted

that it was difficult to address continuously changing draft laws, yet despite the NGO law now being adopted, the implications of the new law received minimal coverage and no recommendations. The report also fails to address the additional vulnerabilities faced by marginalised groups – so over the years, there is a pattern of silence on systemic discrimination against Roma and LGBTQIA+ people.

Conclusion

Despite the growing pressure on civic space and the system of checks and balances in Slovakia, the 2025 Rule of Law report does not adequately reflect the urgency and gravity of the changes. The analysis is less detailed in key areas compared to previous years, and it could be argued that a hesitant and inconsequential approach has allowed a rapid escalation of violations, as exemplified in the most recent changes to the constitution, which took place after the publication of the Commission's report in July. These changes not only replicate problematic provisions from Hungary and other countries, cementing discriminatory definitions that limit the rights of LGBTQIA+ people, but also challenge the respect for EU and international law. The amendment establishes the supremacy of the Slovak Constitution in matters of 'national identity'.

While holding out to be a preventive tool, the gaps in the 2025 Rule of Law report on

Slovakia clearly demonstrate that minimal attention to critical issues and the failure to follow up on recommendations represent a significant missed opportunity. This results in a failure to hold the Slovak government to account, and has allowed a continued decline and open disregard for EU law.

Case Study: Media Freedom and Pluralism

A free and pluralistic media ecosystem is an essential part of democracy and the rule of law. It allows media to perform essential functions: as public watchdogs helping to hold those with power accountable; creating transparency around issues and decisions of public importance; providing unbiased, factual information to people; supporting public debate with diverse viewpoints; and allowing informed participation of citizens in the democratic process, among others.

The importance of media freedom to EU values is evidenced by its inclusion as a separate category in the Commission's annual rule of law report. As the European Commission highlights in its 2025 Rule of Law Report, "media freedom and pluralism are central to the rule of law" and "at the heart" of its efforts to strengthen democracy and the rule of law in the EU.⁸ However, the shortcomings noted previously in this Gap Analysis hold true for media freedom and pluralism, with

8 European Commission, 2025 Rule of Law Report, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, p.25. https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2025-rule-law-report_en

oft-repeated recommendations, no action by national governments, and no consequences for their inaction. In order to protect media freedom and pluralism, the recommendations Liberties puts forward in this Gap Analysis should be implemented without delay.

2024 in context

The EU's efforts to protect media freedom and pluralism came into greater focus in 2024 with the adoption and entry into force of the first parts of the European Media Freedom Act (EMFA) in May 2024. Nearly all of the remaining articles of the EMFA entered into force on 8 August of this year; Member States are now bound to follow legal standards that, among other things, require well-resourced and fully independent public service media, transparent ownership of media entities, and the fair and transparent allocation of state advertising expenditures.

The safeguards in the EMFA are necessary and create a minimum standard for protecting media freedom and pluralism. The Commission's latest rule of law report, like the latest Liberties rule of law and media freedom reports, finds continuing, systemic threats to media freedom and pluralism in many EU countries. These threats are particularly pronounced in those Member States where other areas of the rule of law, like an independent judiciary and a strong anti-corruption framework, are similarly eroding. And, as evidenced by the findings of our member and partner

organisations, these same governments tended to show the least progress towards preparing for the enforcement of the EMFA or taking seriously the law's required minimum standards to safeguard media freedom and pluralism.

Reporting gaps on media freedom and pluralism

As in previous editions of the Commission's Rule of Law Report, sections on media freedom and pluralism in this year's report omit important developments within Member States or fail to appreciate the context in which developments occur. In Hungary, for example, although the Commission briefly notes that the new Sovereignty Protection Office investigated journalists and media outlets for "serving foreign interests", it overlooks the fact that this office has already launched proceedings against civil society groups and investigative platforms, and it does not point out that such action further restricts media freedom. The Commission's report adopts an overly cautious wording that is incongruous with the severity of the situation and threats to media freedom and pluralism in Hungary, in addition to other fundamental rights, that this new office presents.

The Commission's report on Croatia, similarly to that on Hungary, lacks important context. It highlights the fact that the same members are continuously re-elected to the national media regulatory body as a possible problem, but does not address in any way the politicisation

of these elections. This is crucial context for understanding that these reappointments seem to be based on politics instead of merit, and brings into doubt the independence of this body. The Commission's report suggests that the Agency for Electronic Media "remains involved in tackling disinformation and hate speech, funding several projects", although Liberties' member organisation in Croatia, the Centre for Peace Studies, reports that the Agency itself does not use the jurisdiction it has in cases of hate speech in media content and often does not react to reports of hate speech it receives.

The Commission's report also omits key media sector developments in Italy that demonstrate weakening media freedom and pluralism. It fails to mention MP Antonio Angelucci's potential acquisition of AGI, a news and press agency, and the threat of increased media concentration this move poses. Nor does it mention the disciplinary action against RAI journalist Serena Bortone following the sudden cancellation of a monologue by government critic Antonio Scuratic, which Bortone then highlighted as a case of censorship. It also overlooks the investigation into *Domani's* journalists, which endangers source confidentiality, and several cases of legal intimidation by public officials. The mention of strategic lawsuits against public participation (SLAPP) — a serious problem in the country — appears only once, attributed vaguely to "some stakeholders". This omission is also found in the country chapter on Slovakia, where there is no mention of the threat of a series of politically motivated SLAPPs despite national CSOs flagging these abusive

lawsuits as a serious threat to media freedom and pluralism.

Liberties and its Czech member organisation, the League of Human Rights, also draw attention to the limited progress on transposing the European anti-SLAPP directive, which was not mentioned in the Commission's report on the Czech Republic. Another crucial omission is any discussion on the decline of independent, regional media outlets, which poses serious threats to a free and plural media landscape in the country.

For Lithuania, two important gaps stand out. First, the Commission does not flag the existing risks of media capture through municipal advertising. Although the Commission notes some improvements in transparency of state advertising, it overlooks persistent patterns where local governments channel advertising budgets primarily to politically loyal outlets. Second, there is no discussion on the threat of SLAPP lawsuits against investigative journalists. In recent years, civil defamation suits have been increasingly used by politicians and business actors to intimidate reporters investigating corruption or misuse of EU funds.

The use of spyware against journalists

The use of spyware surveillance technologies, such as Predator and Pegasus, against journalists in the EU remains a great concern. The EMFA does include safeguards to protect journalists, other media workers, and their families against spyware and is therefore a crucial step to tackle this serious issue. Nonetheless, it is

essential that the Commission monitors the way member states implement these provisions.

The Commission's country chapter on Hungary does mention some important developments in relation to the use of spyware against journalists, but it bears repeating that the discussion was inserted not in the media freedom section but that of 'Other Institutional Issues Related to Checks and Balances'. The report also highlighted, as did our member's report, the 28 November 2024 European Court of Human Rights ruling in *Klaudia Csikós v Hungary*, which found no adequate procedural safeguards in place for the applicant to challenge the alleged use of secret surveillance against her with a view to discovering her journalistic sources.⁹ Yet despite acknowledging this ruling and the inadequate safeguards, the Commission's report contains no mention of its relevance for media freedom, handling it as a mere issue of not implementing rulings of the European Court of Human Rights.

The way the report discusses spyware's threat to media freedom and pluralism within country chapters may also overlook key developments and their implications. For example, Liberties' Greek expert noted that the Commission's report acknowledges the criticism regarding the outcome of investigations into the use of spyware against journalists, but it stops short of an evidence-based assessment of systemic accountability gaps and the continuing threats to journalists in Greece. Furthermore, the Liberties Rule of Law Report 2025 chapter on

Greece documents SLAPPs linked to spyware and ongoing concerns over alleged cover-ups (e.g., the Inside Story exposé on an uncited but key witness) and the dismissal of one high-profile SLAPP, which together indicate broader structural failings.

Gaps in the Commission's recommendations to national governments

Once again, this analysis notes that, for certain countries, the Commission continues to deliver repetitive recommendations year after year. Such is the case with Hungary. The Commission's 2022 Rule of Law Report was the first edition to include recommendations to Member States. In it, Hungary was recommended to "[i]ntroduce mechanisms to enhance the functional independence of the media regulatory authority, taking into account European standards on the independence of media regulators". This recommendation was repeated, essentially verbatim, in the 2023 and 2024 editions of the report, and appears yet again in the 2025 report. On one hand, it is necessary to repeat key recommendations when they are ignored, so it is good that the Commission appears steadfast in this area. However, when recommendations on media freedom and pluralism are repeatedly ignored, without any repercussions for the country, they lose all meaning. The Commission should therefore bring infringement procedures against Member States that do not make the necessary changes to safeguard free media and journalists.

9 Judgment of the ECtHR, case 31091/16, *Klaudia Csikós v Hungary*.

The 2022, 2023 and 2024 Rule of Law Reports recommended Greece to “[e]stablish legislative and other safeguards to improve the physical safety and working environment of journalists, in line with the recently adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.” The 2025 report has retained a recommendation to improve the safety and protection of journalists in a manner that suggests observed and meaningful progress has begun: “Continue ongoing efforts to strengthen legislative and non-legislative safeguards to improve the safety and protection of journalists, in particular as regards abusive lawsuits, in line with the adopted Memorandum of Understanding and taking into account European standards on the protection of journalists.” The use of “[c]ontinue ongoing efforts...” leads readers to believe that the country has taken serious steps to address this issue. Such a suggestion may belie the true situation in Greece, where our member noted numerous attacks against journalists in 2024, including verbal and physical attacks, smear campaigns, and SLAPPs, with little action taken to combat these problems – for instance, the country made no progress in 2024 in transposing the Anti-SLAPP Directive.

One recommendation on media freedom was included in the Commission’s report on the Netherlands, to “[t]ake forward the planned reform of public service media to enhance its governance and its ability to uphold journalistic standards, taking into account European standards on public service media”. This recommendation fails to adequately cover the worrying developments on several aspects related to

media freedom, including (but not limited to) the increase in violence against journalists, the use of SLAPPs to intimidate individual journalists and media outlets, and the hardening political climate that threatens media freedom and pluralism (including the budget cuts to the public broadcaster, the discussions on the VAT increase, and the rhetoric by various politicians questioning the independence and integrity of the public broadcaster).

Strengthening the Commission’s reporting on media freedom

As noted at the outset of this Gap Analysis, the Commission’s rule of law reporting process is undermined by the fact that recommendations are often repeated year after year, with no action by Member States to act on them, and no consequences for their inaction. This trend is especially true in the area of media freedom and pluralism. Infringement procedures should be initiated against Member States that fail to implement necessary changes to safeguard or restore media freedom and pluralism, which are fundamental principles of democracy and the rule of law.

Future rule of law reports should more explicitly connect the continued unlawful use of surveillance spyware against journalists to the direct threat it poses to media freedom, pluralism, and the safety of journalists. It is crucial to explicitly link this issue to media freedom and pluralism in the annual rule of law reports, especially now. As Liberties and other CSOs have recently pointed out, the EMFA does not adequately protect journalists from spyware and lacks vital safeguards against their

surveillance, thereby providing broad legal justification for its ongoing use.

Democracy and the rule of law depend on a free and pluralistic media. The rule of law reporting cycle has the potential to be a far more valuable tool for strengthening each aspect of the rule of law, but it currently lacks the necessary authority to compel reforms, particularly concerning media freedom and pluralism. With the EMFA now offering an additional safeguard for media within the EU, the Commission should actively collaborate with CSOs to oversee its implementation and, when necessary, take action against cases of non-compliance.

ANNEX: FULL TABLES

Table 1

NUMBER OF RECOMMENDATIONS CONTAINED WITHIN MULTI-PART RECOMMENDATIONS, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)			
	2023	2024	2025
Austria	4 (2 x '2 in 1')	-	-
Belgium	3 (3 in 1)	-	2 (2 in 1)
Bulgaria	-	2 (2 in 1)	2 (2 in 1)
Croatia	-	2 (2 in 1)	-
Cyprus	-	-	2 (2 in 1)
Czechia	2 (2 in 1)	2 (2 in 1)	2 (2 in 1)
Denmark	-	-	-
Estonia	-	-	-
Finland	-	4 (2 in 1)	-
France	-	-	-
Germany	-	-	-
Greece	-	2 (2 in 1)	-
Hungary	2 (2 in 1)	-	-
Ireland	-	3 (3 in 1)	2 (2 in 1)
Italy	2 (2 in 1)	2 (2 in 1)	2 (2 in 1)
Latvia	2 (2 in 1)	-	-
Lithuania	-	-	-
Luxembourg	-	2 (2 in 1)	-
Malta	4 (2 x '2 in 1')	4 (2 x '2 in 1')	4 (2 x '2 in 1')
Netherlands	-	-	-
Poland	4 (2 x '2 in 1')	9 (3 x '2 in 1'; 1 x '3 in 1')	2 (2 in 1)
Portugal	4 (2 x '2 in 1')	2 (2 in 1)	4 (2 x '2 in 1')
Romania	4 (2 x '2 in 1')	-	-
Slovakia	4 (2 x '2 in 1')	2 (2 in 1)	2 (2 in 1)
Slovenia	2 (2 in 1)	2 (2 in 1)	2 (2 in 1)
Spain	-	2 (2 in 1)	-
Sweden	-	-	-

**NUMBER OF RECOMMENDATIONS CONTAINED WITHIN MULTI-PART RECOMMENDATIONS,
BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)**

	2023	2024	2025
Total recs with assessment status (within multi-part recs)	37	40	32
Number of multi-part recs	18	19	13

Table 2

**NUMBER OF COMMISSION RECOMMENDATIONS,
BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2022-2025)**

	2022	2023	2024	2025
Austria	6	6	5	5
Belgium	4	4	6	6
Bulgaria	6	6	6	7
Croatia	5	6	4	4
Cyprus	6	6	6	5
Czechia	6	6	6	4
Denmark	4	4	3	3
Estonia	4	2	3	2
Finland	4	4	5	4
France	5	4	3	3
Germany	5	5	5	4
Greece	5	5	4	4
Hungary	8	7	8	8
Ireland	5	5	5	5
Italy	6	5	6	6
Latvia	4	2	2	2
Lithuania	6	4	3	2
Luxembourg	6	4	4	2

**NUMBER OF COMMISSION RECOMMENDATIONS,
BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2022-2025)**

	2022	2023	2024	2025
Malta	6	7	7	7
Netherlands	4	4	5	4
Poland	7	7	6	7
Portugal	5	5	5	4
Romania	6	7	7	6
Slovakia	6	7	7	7
Slovenia	6	5	6	3
Spain	6	6	6	6
Sweden	4	4	4	3
Total	145	137	137	123
Average number of recs per country	5.4	5.1	5.1	4.6

Table 3

**RECOMMENDATIONS BY THEMATIC AREA,
BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2022-2025)**

Thematic area	2022	2023	2024	2025	Total	Average number per year
Justice system	40 (27%)	41 (30%)	41 (30%)	35 (28%)	157	39,25 (29%)
Anti-corruption framework	52 (36%)	45 (33%)	41 (30%)	39 (32%)	177	44,25 (33%)
Media pluralism and media freedom	23 (16%)	22 (16%)	28 (20%)	26 (21%)	99	24,75 (18%)

RECOMMENDATIONS BY THEMATIC AREA, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2022-2025)						
Thematic area	2022	2023	2024	2025	Total	Average number per year
Other institutional issues related to checks and balances	30 (21%)	29 (21%)	27 (20%)	23 (19%)	109	27,25 (20%)
Total	145	137	137	123		

Table 4

(NON)IMPLEMENTATION OF COMMISSION RECOMMENDATIONS, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)						
	2023 (165* recommendations assessed)		2024 (158* recommendations assessed)		2025 (150* recommendations assessed)	
	No (further) progress	Fully implemented	No (further) progress	Fully implemented	No (further) progress	Fully implemented
Austria	5	2	4	1	2	-
Belgium	1	-	1	-	1	-
Bulgaria	3	-	2	1	4	-
Croatia	1	-	2	-	1	-
Cyprus	1	-	1	-	-	-
Czechia	2	1	1	-	2	3
Denmark	2	-	1	1	1	-
Estonia	-	1	-	-	-	1
Finland	-	1	2	-	-	1
France	2	-	1	-	-	-
Germany	2	-	2	-	2	-
Greece	1	-	-	1	-	-
Hungary	6	2	7	-	7	-

(NON)IMPLEMENTATION OF COMMISSION RECOMMENDATIONS, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)						
	2023 (165* recommenda- tions assessed)		2024 (158* recommenda- tions assessed)		2025 (150* recommenda- tions assessed)	
	No (further) progress	Fully imple- mented	No (further) progress	Fully imple- mented	No (further) progress	Fully imple- mented
Ireland	2	-	1	1	-	-
Italy	-	-	4	-	3	-
Latvia	1	2	1	-	1	-
Lithuania	1	2	-	-	-	-
Luxem- bourg	2	1	1	1	-	1
Malta	5	-	4	-	4	-
Netherlands	-	-	-	-	-	-
Poland	7	-	3	2	1	-
Portugal	-	1	-	-	1	-
Romania	4	-	3	-	3	-
Slovakia	4	-	7	-	6	-
Slovenia	1	3	-	-	-	3
Spain	3	1	4	-	1	-
Sweden	-	1	1	1	3	-
Total	56 (34%)	18 (11%)	53 (33%)	9 (6%)	43 (29%)	9 (6%)

Table 5

RECOMMENDATIONS WITH LITTLE OR NO PROGRESS IN 2025, BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)						
	No (further) progress			Limited / some (further) progress		
	Issued in 2022	Issued in 2023	Issued in 2024	Issued in 2022	Issued in 2023	Issued in 2024
Austria	1	1		3		
Belgium	1			3		2

**RECOMMENDATIONS WITH LITTLE OR NO PROGRESS IN 2025,
BASED ON THE COMMISSION'S ANNUAL RULE OF LAW REPORTS (2023-2025)**

	No (further) progress			Limited / some (further) progress		
	Issued in 2022	Issued in 2023	Issued in 2024	Issued in 2022	Issued in 2023	Issued in 2024
Bulgaria	3		1	3		
Croatia	1			1	1	
Cyprus				1	2	1
Czechia	1			1	1	1
Denmark	1			1		1
Estonia				1		1
Finland				2	2	
France				2		
Germany	2			3		
Greece				2	1	
Hungary	6	1				
Ireland				5		1
Italy	3			3		1
Latvia	1			1		
Lithuania				2	1	
Luxem- bourg				1		1
Malta	4			4	1	
Netherlands				1	1	2
Poland	1			5		
Portugal	1			2		1
Romania	3			2	1	
Slovakia	5	1		2		
Slovenia				1	1	1
Spain	1			3	1	
Sweden	2	1				
Total	37	4	1	55	13	13

Table 6

ITALY: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT	
Thematic area	Issues
Justice system	1. Constitutional Court deadlock: Parliament's delay in electing Constitutional Court judges resulted in the Court operating with only eleven judges, the minimum to ensure a quorum. 2. Prosecutorial and judicial accountability: proposals introduce financial and disciplinary liability for prosecutors in cases of unjust detention and allow sanctions against judges or prosecutors who fail to abstain from cases for 'serious reasons of convenience'. 3. Law No. 187/2024: Jurisdiction over cases concerning migrant detentions has been reassigned from the specialised immigration sections of ordinary courts to the Court of Appeal, thereby bypassing the courts where judges had challenged the Italy-Albania Protocol. 4. Prisons Decree (Law Decree No. 92/2024): the ineffective revised procedure for granting early release made the reform unable to reduce prison overcrowding. 5. Juvenile justice disruption: the Caivano Decree destabilised the juvenile justice system and contributed to overcrowding in juvenile prisons. 6. Excessive litigation costs and language barriers in courts. 7. Training of justice professionals: the path to entering the profession is complex and discouraging, limiting renewal within the justice system.

ITALY: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT

Thematic area	Issues
Anti-corruption framework	1. Absence of a dedicated regulatory authority: no single body with exclusive jurisdiction to prosecute corruption cases. 2. Whistleblower protections: Legislative Decree No. 24/2023⁵⁷ implementing European Directive No. 1937/2019 initially appeared positive, but in some respects weakens protections under Italy's previous whistleblower laws, introducing sanctions against whistleblowers found guilty of defamation and including ambiguously worded provisions. 3. Judicial corruption and lack of integrity: reported cases include bribes to release members of criminal organisations from pretrial detention, petty corruption such as exchanging judicial influence for sexual favours, and judges routinely avoiding payment of bills at restaurants. 4. Political influence: appointments of judges and prosecutors continue to be affected by political bargaining.

ITALY: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT

Thematic area	Issues
Media pluralism and media freedom	1. Potential media concentration: the possible acquisition of AGI (Agenzia Giornalistica Italia) by the Angelucci Group, owned by Antonio Angelucci – a Lega Member of Parliament and media mogul with holdings including Il Giornale, Libero, and Il Tempo – raised concerns over media concentration, political influence, and conflicts of interest. 2. Fazzolari Decree and political communication: the decree allows government officials, including the Prime Minister, to broadcast speeches on public channels as 'institutional' rather than political, exempting them from par condicio time limits. This creates a double standard between public broadcaster RAI and private media outlets. 3. State advertising transparency: while data on state advertising expenses are submitted through an electronic module each September, the information is not easily accessible, undermining transparency in the allocation of public funds.

ITALY: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT

Thematic area	Issues
Other institutional issues related to checks and balances	1. Criminalisation of SAR operations: the Piantedosi Decree (Law Decree No. 1/2023) hinders search and rescue (SAR) operations by imposing administrative fees on NGOs and detaining their vessels. Law Decree No. 145/2024 further criminalises NGOs involved in Mediterranean sea rescues through increased fees and vessel detention. 2. Repression of peaceful assemblies: protests, often led by students, face forceful police intervention (e.g., pro-Palestine demonstrations in Rome and Pisa, and left-wing protests in Bologna). Additionally, proposed legislation by the Lega party, framed to "oppose antisemitism," risks criminalising pro-Palestinian demonstrations. Furthermore, Law No. 6/2024 restricts eco-activist protests, increasing potential punishments. 3. LGBTQ+ rights: Italy lacks comprehensive laws against homophobia and transphobia, and the gender affirmation process remains outdated (over 30 years old). Additionally, an amendment to Law No. 40/2004, approved by the Parliament in October 2024, criminalises surrogacy committed abroad by Italian citizens, preventing registration of children born through surrogacy in Italy.
Total number of issues	17

Table 7

SLOVAKIA: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT	
Thematic area	Issues
Other institutional issues related to checks and balances	1. 'Lex Assassination': Act No. 166/2024, adopted in response to the assassination attempt on Prime Minister R. Fico in May 2024, introduced several restrictions on the right to assembly. 2. Access to information: Act No. 367/2024 indirectly amended Act No. 215/2004 Z.z. on the protection of classified information and introduced a new concept of "limited information". This concept allows public authorities to decide that certain information may be classified as limited due to its sensitivity. 3. Political advertising: the case of Interior Minister Matúš Šutaj Eštok, who sponsored paid posts on social media criticising presidential candidate Ivan Korčok and labelling him a "candidate of war" during the 2024 Slovak presidential campaign. 4. Electoral integrity: limited remote voting options, including the absence of postal voting in European Parliament elections, combined with civic space restrictions (e.g., barriers to election observation and intimidation of civil society groups) and uneven enforcement of campaign finance rules.

SLOVAKIA: ISSUES COVERED IN LIBERTIES 2025 RULE OF LAW REPORT BUT ENTIRELY ABSENT FROM THE COMMISSION'S 2025 RULE OF LAW REPORT

Thematic area	Issues
Other institutional issues related to checks and balances	5. Civil society participation: the Slovak government, under Interior Minister Matúš Šutaj Ešťok, dismissed key civil society representatives without explanation and excluded the NGO chamber from consultations. Additionally, the government shifted the selection of representatives for committees overseeing EU funds from NGOs to its plenipotentiary for civil society development, raising concerns about transparency, favouritism, and undermining the partnership principle with civil society. 6. Intersectional discrimination against Roma and LGBTIQ+ communities: 1) Segregation of Roma children in education: despite legislative reforms and strategies to promote inclusion, Roma children in Slovakia continue to face systemic discrimination. 2) In 2024, a draft amendment to the Education Act sought to ban the 'promotion' of non-traditional sexual orientations or gender identities, and alongside the abolition of medical transition standards by the Ministry of Health, these measures threatened LGBTQIA+ rights, access to healthcare, and legal recognition of gender.
Total number of issues	6

ABOUT

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting and protecting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of national civil liberties NGOs from across the EU. Unless otherwise indicated, the opinions expressed by Liberties do not necessarily constitute the views of our member organisations.

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