

# Contribution du CCBE au rapport de 2026 sur l'état de droit

27 mars 2026

## RÉSUMÉ

Le Conseil des barreaux européens (CCBE) représente les barreaux de 46 pays, soit plus d'un million d'avocats européens.

Le CCBE se félicite que le rapport de 2025 sur l'état de droit reconnaisse explicitement le rôle clé que jouent les avocats et les barreaux dans le maintien de l'état de droit. La Commission européenne a également précisé dans son rapport : « Un système judiciaire efficace exige que les avocats soient libres d'exercer leurs activités de conseil et de représentation de leurs clients ».

À cet égard, le CCBE a préparé sa contribution par l'intermédiaire de son réseau de points de contact nationaux chargés de suivre et de rendre compte des questions nationales liées à l'état de droit.

Dans sa contribution au rapport de 2026 sur l'état de droit, le CCBE dresse la liste de ses actions, activités et documents de politique générale concernant différents aspects liés à l'état de droit. Cette contribution est accompagnée des contributions reçues des barreaux nationaux des 27 États membres de l'UE et de trois pays candidats à l'adhésion à l'UE figurant dans le rapport de 2025 sur l'état de droit (Albanie, Monténégro et Serbie), qui répertorient les différentes évolutions en matière d'état de droit au niveau national, en mettant particulièrement l'accent sur celles qui présentent un risque et sont susceptibles de porter atteinte à l'indépendance des avocats et des barreaux ainsi que l'accès à la justice.

De nombreux barreaux nationaux ont fourni des informations sur ces évolutions et ont mis en évidence certaines tendances qui constituent un risque pour l'indépendance de la profession d'avocat et le fonctionnement du système de justice dans leur pays. Ils ont également fourni des exemples positifs et des bonnes pratiques dans le cadre de la présente évaluation. Des cas spécifiques, des exemples concrets et des tendances sont énumérés et expliqués en détail dans les rapports des barreaux nationaux figurant aux annexes 1 et 2 de la présente contribution. Dans la conclusion du document, seuls quelques exemples et évolutions au sein des systèmes de justice de certains pays sont brièvement évoqués.

Par exemple, certains membres du CCBE ont fait état des préoccupations et des tendances qui constituent un risque pour l'indépendance de la profession d'avocat et le fonctionnement du système de justice dans les domaines suivants : la confidentialité des communications entre l'avocat et son client, les menaces ou le harcèlement à l'encontre des avocats, les dispositions légales et politiques influençant l'indépendance du barreau et des avocats, des aspects spécifiques de la coopération entre le barreau national et le pouvoir exécutif, la mise en œuvre de la jurisprudence, la numérisation de la justice, ainsi que d'autres évolutions nationales dans le domaine de la justice.

Les annexes de la contribution du CCBE au rapport de 2026 sur l'état de droit offrent des informations plus complètes et détaillées.

## Introduction

Le Conseil des barreaux européens (CCBE) représente les barreaux de 46 pays, soit plus d'un million d'avocats européens.

La régulation de la profession, la défense de l'état de droit, les droits humains et le maintien des valeurs démocratiques sont les missions essentielles du CCBE. Les domaines de préoccupation principaux comprennent le droit d'accès à la justice, la numérisation du processus judiciaire, le développement de l'état de droit et la protection des clients par la promotion et la défense des valeurs fondamentales de la profession.

Par la présente, le CCBE soumet sa contribution au rapport de 2026 sur l'état de droit de la Commission européenne.

## Présentation du rapport de 2025 sur l'état de droit aux membres du CCBE

La présentation du [rapport de 2025 sur l'état de droit](#) par la Commission européenne a eu lieu lors de la réunion du comité permanent du CCBE en octobre 2025, au cours de laquelle les membres du CCBE ont eu la possibilité de poser des questions et d'exprimer leurs remarques concernant le rapport sur l'état de droit et les recommandations adressées aux États membres.

Le CCBE s'est félicité de la reconnaissance explicite, dans le rapport sur l'état de droit, du fait que « Les avocats, les barreaux et d'autres professions juridiques, telles que les notaires, jouent un rôle crucial dans le respect de l'état de droit. ».<sup>1</sup> En outre, le rapport sur l'état de droit évoquait « La récente convention du Conseil de l'Europe pour la protection de la profession d'avocat constitue une étape importante pour faire en sorte que les avocats puissent exercer le rôle fondamental qui leur est dévolu dans une société démocratique ». Par ailleurs, la Commission a souligné dans son rapport : « Les frais de justice et l'accès à l'aide juridictionnelle sont essentiels pour garantir un accès réel à la justice. » et « Un système de justice fonctionnel signifie que les avocats ont la liberté d'exercer leur rôle de conseil et de représentation de leurs clients ».<sup>2</sup>

Par ailleurs, divers exemples concrets concernant les évolutions pertinentes dans certains pays en matière d'assistance juridique, y compris l'aide juridique, ainsi que des affaires liées au secret professionnel entre avocat et client, ont été répertoriés dans le rapport de 2025. Enfin, les rapports nationaux correspondants ont fourni une analyse et une explication plus détaillées des évolutions relatives à la profession d'avocat et aux barreaux nationaux dans différents pays.

## Actions du CCBE en la matière en 2025

[La contribution du CCBE au rapport sur l'état de droit de 2025](#) a été adoptée par le comité permanent en février 2025, en réponse à l'invitation et à la consultation publique lancées par la Commission européenne. Dans sa contribution, le CCBE a mis en évidence les évolutions et les préoccupations les plus importantes en

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<sup>1</sup> Chapitre 4.1. sur les systèmes judiciaires du rapport 2024 sur l'état de droit.

<sup>2</sup> Chapitre 4.1. sur les systèmes judiciaires du rapport 2024 sur l'état de droit.

matière d'état de droit concernant les professionnels du droit, ainsi que certaines tendances susceptibles de constituer un risque pour l'indépendance des avocats et des barreaux, telles qu'identifiées par ses membres concernant certains États membres.

Par ailleurs, le CCBE a suivi les évolutions à ce sujet dans différents pays, notamment dans le cadre des travaux d'un réseau de points de contact du CCBE sur l'état de droit, créé en 2023 afin de surveiller et de rendre compte au CCBE des questions nationales pertinentes liées à l'état de droit au cours de l'année, ainsi que de faciliter et de renforcer la contribution des barreaux nationaux à la contribution du CCBE au rapport sur l'état de droit de la Commission européenne.

Les actions spécifiques menées en 2025 par le CCBE dans divers domaines du droit sont décrites ci-dessous. Des informations complémentaires sur les documents d'orientation et les activités du CCBE sont disponibles sur le [site web du CCBE](#) et, plus particulièrement, dans le [rapport annuel de 2025 du CCBE](#).

### **Déclaration du CCBE « La justice, boussole d'un monde en évolution »**

En avril 2025, le CCBE a adopté une [déclaration](#) soulignant que, dans une période difficile et incertaine, l'Union européenne doit rester ferme dans la défense de ses valeurs fondamentales. La démocratie, les droits humains, l'État de droit, la liberté et la solidarité sont les pierres angulaires de notre Union et elles doivent guider ses actions aujourd'hui plus que jamais. La déclaration du CCBE a insisté sur le fait que l'État de droit est un principe fondateur de l'UE et qu'il constitue un élément fondamental de l'évolution et de l'intégration à l'Union depuis sa création.

La déclaration a également rappelé à quel point la confiance du public dans la justice est fondamentale pour le maintien de l'État de droit. Une justice forte, des avocats et des juges indépendants constituent des piliers non négociables de l'État de droit. Les attaques contre les avocats ou les tribunaux portent atteinte à cette confiance. Elles peuvent conduire à une justice qui n'obéirait plus à ces principes mais qui serait soumise au pouvoir politique. Toute tentative de porter atteinte à la légitimité des tribunaux, d'intimider les juges, de faire obstacle à l'administration de la justice ou de s'en prendre aux avocats dans l'exercice de leurs fonctions menace la stabilité des systèmes juridiques et la démocratie elle-même. Les avocats jouent un rôle essentiel dans la sauvegarde des droits des personnes et dans l'accès à la justice. Ils doivent pouvoir exercer leurs activités sans crainte de harcèlement, de menaces ni de pressions politiques. La déclaration met l'accent sur le fait que l'état de droit ne se maintient pas de lui-même : il exige un engagement sans faille, un effort collectif et le courage de le défendre fermement.

### **Déclaration du CCBE « La protection du droit international et de la justice »**

En mars 2026, le CCBE a adopté une [déclaration](#) sur la protection du droit international et de la justice, reconnaissant que l'état de droit international et les institutions mises en place pour le faire respecter sont confrontés à des défis croissants liés aux pressions politiques, au respect sélectif des obligations internationales et aux menaces pesant sur l'indépendance des tribunaux internationaux et des professionnels du droit. La déclaration réaffirme que l'état de droit au niveau international est un principe fondamental et universel intrinsèquement lié à la protection des droits fondamentaux et au bon fonctionnement des systèmes judiciaires. Elle souligne le rôle essentiel des juridictions internationales pour garantir l'obligation de rendre compte et le règlement pacifique des différends, en insistant sur le fait que leur autorité doit être respectée et

protégée contre toute ingérence ou intimidation, et rappelle que le respect des obligations juridiques internationales et des décisions judiciaires n'est pas facultatif, mais constitue une exigence fondamentale pour maintenir la confiance et la sécurité juridique dans l'ordre international. La déclaration met en outre en avant les points essentiels suivants : le rôle indispensable d'une justice et d'une profession d'avocat indépendantes, en appelant les États et les acteurs internationaux à protéger les professionnels du droit contre toute forme de pression ou de représailles, et réaffirme que la défense du droit international et de la justice est une responsabilité partagée qui exige une vigilance constante et un engagement collectif.

## Forum de haut niveau sur l'avenir de la justice pénale de l'UE

En février 2025, la Commission (DG Justice) a créé un Forum de haut niveau sur l'avenir de la justice pénale de l'UE. Le Forum de haut niveau a examiné un certain nombre de questions, notamment le droit pénal procédural, les instruments judiciaires, le droit pénal matériel, le potentiel de la numérisation dans le système judiciaire ainsi que les agences et organes de l'UE. Le CCBE a participé à toutes les réunions du Forum de haut niveau et a soumis une [contribution](#) à ce dernier.

La contribution du CCBE a mis en évidence plusieurs domaines clés nécessitant une réforme et un débat afin de façonner un avenir équilibré et fondé sur les droits pour la justice pénale de l'UE, dans lequel la reconnaissance mutuelle repose véritablement sur la confiance. Cette confiance ne peut être atteinte que par des garanties procédurales solides et exécutoires qui protègent les suspects, les personnes mises en examen et les avocats tout au long de la procédure pénale. Au cœur de cette vision se trouve un appel en faveur d'une nouvelle feuille de route sur les garanties procédurales, qui comporterait des normes minimales contraignantes en matière de détention provisoire et de conditions de détention, des règles d'exclusion des preuves, la protection du secret professionnel, des règles relatives aux enquêtes de la défense et à la présence d'avocats lors des perquisitions, ainsi qu'une réforme du mandat d'arrêt européen, de la décision d'enquête européenne et des mécanismes de conflit de compétence qui soit respectueuse des droits. Le CCBE estime que de telles garanties renforceraient considérablement la légitimité et l'efficacité de la coopération en matière de justice pénale au sein de l'UE.

## Forum de haut niveau sur la justice pour la croissance

En 2025, le CCBE a participé au Forum de haut niveau sur la justice pour la croissance, lancé par la Commission européenne afin de faciliter les discussions stratégiques sur la manière dont le droit civil et le droit des sociétés de l'UE, ainsi que la numérisation de la justice, peuvent renforcer la compétitivité et la croissance au sein du marché intérieur. Tout au long de l'année, le CCBE a apporté sa contribution tant au niveau technique qu'en séance plénière. Les discussions au sein du Forum de haut niveau ont porté sur l'évolution éventuelle du 28<sup>e</sup> régime facultatif de droit des sociétés, l'adaptation du droit privé aux contrats numériques et automatisés, les modèles économiques fondés sur les données, ainsi que des aspects plus généraux de la numérisation de la justice.

Dans le cadre des travaux du Forum sur un éventuel 28<sup>e</sup> régime, le CCBE a souligné la contribution de la profession d'avocat à la sécurité juridique et à une mise en œuvre efficace, en s'appuyant sur l'expérience pratique des avocats en matière de création et d'enregistrement des sociétés, de gouvernance d'entreprise et de conformité, ainsi que sur les obstacles quotidiens rencontrés tout au long du cycle de vie des entreprises.

Parallèlement, le CCBE a suivi les travaux préparatoires de la Commission et a participé au processus de consultation correspondant. À la suite de la consultation publique lancée en juillet 2025, le CCBE a préparé et soumis une réponse officielle.

## Événement du CCBE au Parlement européen « La numérisation des systèmes de justice et son incidence sur la profession d'avocat »

En octobre 2025, le CCBE a organisé un [événement](#) au Parlement européen sur la numérisation des systèmes de justice et son incidence sur la profession d'avocat. Le CCBE a été ravi que le président du comité LIBE du Parlement européen, Javier Zarzalejos, ouvre l'événement. L'événement a réuni un large éventail d'intervenants de la Commission européenne, du Conseil de l'Europe, de la Cour de justice de l'Union européenne, de l'Agence des droits fondamentaux de l'Union européenne, ainsi que la rapporteuse spéciale des Nations Unies sur l'indépendance des juges et des avocats et des représentants du CCBE. Les trois tables rondes qui se sont tenues au cours de l'événement ont porté sur les thèmes suivants :

- La numérisation de la justice dans l'UE : qu'est-ce que cela signifie pour les systèmes de justice et en particulier pour les avocats ?
- Les avocats et l'intelligence artificielle : où allons-nous et où nous arrêterons-nous ?
- Garantir les droits fondamentaux dans le cadre de la transformation numérique de la justice

Le CCBE organisera un deuxième événement sur le même thème en novembre 2026.

## Déclaration du CCBE en soutien envers l'*American Bar Association* (ABA)

En avril 2025, le CCBE a adopté une [déclaration](#) en soutien envers l'*American Bar Association* (ABA). Dans cette déclaration, le CCBE a souligné sa solidarité ferme et indéfectible avec l'ABA dans sa défense des principes fondamentaux de la justice, de la démocratie et de l'état de droit. Le CCBE a soutenu sans équivoque ces valeurs qui sont essentielles pour garantir que la justice est administrée de manière équitable, impartiale et sans ingérence politique. Dans sa déclaration, le CCBE a indiqué que les efforts déployés par tout gouvernement pour utiliser son pouvoir afin de punir des personnes et des cabinets d'avocats en raison de leur représentation de clients ou de leurs positions juridiques constituent une violation évidente du principe fondamental de l'indépendance de la profession d'avocat.

La déclaration du CCBE a rappelé que les avocats ont le devoir d'agir dans l'intérêt de leurs clients, et qu'aucun avocat ne devrait subir de représailles pour avoir rempli ce devoir. Les actions de tout gouvernement contre les cabinets d'avocats et les professionnels du droit ne servant qu'à saper les droits des clients à accéder à la justice et à priver les personnes de leur droit fondamental à recevoir des conseils et à être représentés. À cet égard, le CCBE soutient l'ABA dans ses efforts visant à défendre et à protéger les principes fondamentaux de l'indépendance du pouvoir judiciaire, de l'état de droit et du droit à une représentation juridique sans ingérence ni intimidation.

## Convention sur la protection de la profession d'avocat

En 2025, le CCBE s'est fortement impliqué dans la promotion de la Convention du Conseil de l'Europe pour la protection de la profession d'avocat, premier traité international contraignant axé spécifiquement sur la protection des avocats. La Convention a été adoptée en mars 2025 afin de répondre aux préoccupations

croissantes concernant les pressions, le harcèlement et les ingérences dont sont victimes les avocats dans plusieurs pays européens. Elle fixe des normes communes visant à garantir que les avocats puissent exercer leur profession en toute indépendance et en toute sécurité, que le secret professionnel soit respecté, et elle met en place un nouveau mécanisme de suivi de l'application de la Convention (GRAVO). La Convention a été ouverte à la signature à Luxembourg le 13 mai 2025. À cette occasion, 13 pays l'ont signée. À ce jour, la [Convention a été signée par 28 États](#). Les procédures de ratification sont en cours dans plusieurs pays. La Convention n'entrera en vigueur qu'après au moins huit ratifications, avec un minimum de six États membres du Conseil de l'Europe.

Au cours de l'année 2025, le CCBE a mené de nombreuses activités de communication et de sensibilisation sur ce sujet, notamment la participation à des conférences et à des événements publics, la coopération avec les barreaux nationaux et des échanges avec les autorités publiques.

En octobre 2025, le CCBE a adopté une [déclaration](#) appelant à la signature et à la ratification rapides de la Convention du Conseil de l'Europe sur la protection de la profession d'avocat.

### **Réponse du CCBE à l'appel à contributions de la Commission européenne concernant la stratégie de l'UE en faveur de l'égalité entre les hommes et les femmes pour la période 2026-2030**

En juin 2025, le CCBE a répondu à l'appel à contributions de la Commission concernant la stratégie en faveur de l'égalité entre les hommes et les femmes pour la période 2026-2030. L'objectif de cette consultation était d'évaluer les défis qui subsistent pour parvenir à l'égalité entre les femmes et les hommes dans l'UE et d'identifier des mesures efficaces pour prévenir la discrimination et la violence sexistes, renforcer la protection des droits fondamentaux et améliorer l'accès à la justice pour les victimes.

Dans sa [réponse](#), le CCBE a souligné que l'égalité des genres et la protection contre la violence sexiste constituent des droits humains fondamentaux et une question de respect de l'état de droit, et non des positions politiques. Le CCBE a insisté sur la nécessité de renforcer l'accès à la justice pour les victimes, notamment par l'intermédiaire de mécanismes de signalement sécurisés, d'une assistance juridique efficace et d'une aide juridique adéquate. Il a également mis en avant les points essentiels d'une formation spécialisée pour les professionnels de la justice ainsi que le rôle des barreaux dans les activités de sensibilisation et de soutien.

### **Réponse du CCBE à l'appel à contribution et à la consultation de la Commission européenne : Stratégie européenne pour la société civile**

En septembre 2025, le CCBE a apporté sa contribution à l'appel à contribution lancé par la Commission afin de soutenir l'élaboration d'une stratégie européenne pour la société civile. L'objectif de cette consultation était d'évaluer les défis auxquels sont confrontées les organisations de la société civile à travers l'UE, de déterminer les risques pesant sur l'espace civique et de recueillir des avis sur la manière dont l'action de l'UE pourrait mieux protéger, soutenir et impliquer les acteurs de la société civile.

Dans sa [réponse](#), le CCBE a mis en avant le rôle essentiel des avocats en tant qu'acteurs clés de la société civile dans la défense des droits fondamentaux, de l'accès à la justice et de l'état de droit, et a souligné l'intensification

des menaces, du harcèlement et des pressions auxquels sont confrontés les avocats, avec des effets négatifs sur la société civile et les groupes vulnérables, en particulier dans des domaines tels que la migration, les droits humains et la défense pénale. Dans cette réponse, l'un des éléments clés mis en avant a été l'importance du bon fonctionnement des systèmes d'aide juridique et l'appel à une signature rapide de la Convention pour la protection de la profession d'avocat. Enfin, le CCBE a également rappelé la nécessité d'une consultation significative de la société civile, de la prise en compte de son importance dans toutes les politiques de l'UE, ainsi que d'un engagement plus fort auprès des barreaux tout au long de l'évolution et de la mise en œuvre de la stratégie de l'UE pour la société civile.

## Réunions annuelles avec les juridictions de l'UE

Le 8 décembre 2025, le CCBE a tenu sa réunion annuelle avec les juridictions de l'UE à Luxembourg, réunissant des représentants du CCBE et de la Cour de justice, du Tribunal de l'Union européenne et de la Cour AELE. Ces réunions constituent un cadre établi de dialogue entre la profession d'avocat et le pouvoir judiciaire de l'UE sur des questions touchant à la pratique judiciaire et à l'administration de la justice au niveau de l'UE. Elles offrent l'occasion d'échanger des points de vue sur les évolutions procédurales, la transparence et la transformation numérique en cours des juridictions.

Par ailleurs, le CCBE a tenu le 21 novembre 2025 à Strasbourg sa réunion biannuelle avec la Cour européenne des droits de l'homme. La réunion a porté sur trois thèmes : les affaires dites « oubliées », la phase non contentieuse des procédures et la stratégie numérique de la Cour.

## Soutien à la Cour européenne des droits de l'homme

En réaction à la lettre publiée le 22 mai 2025 par neuf pays critiquant l'interprétation de la Convention européenne des droits de l'homme par la Cour européenne des droits de l'homme, le CCBE a adopté une [déclaration](#) afin de réaffirmer son engagement indéfectible en faveur de la protection et de la promotion des droits humains, de l'état de droit et de l'indépendance du pouvoir judiciaire, des principes qui sont au cœur de l'ordre juridique européen. En décembre, le CCBE a publié [des commentaires](#) plus détaillés sur ce sujet, démontrant que les critiques formulées à l'encontre de l'interprétation de la Cour ne sont pas étayées par des preuves. Toute tentative visant à démanteler la Convention équivaut à une atteinte indirecte aux droits fondamentaux également protégés par le droit de l'Union européenne et leur contrôle par la Cour de justice de l'Union européenne. Le président du CCBE également [souligné](#) que l'indépendance judiciaire et la protection effective des droits humains de toute personne en Europe doivent rester les principes directeurs de tout travail à l'avenir.

## Formation des avocats

En 2025, le CCBE a lancé une discussion sur la mise en œuvre de la stratégie européenne de formation judiciaire de la Commission européenne pour la période 2021-2024 et sur les aspects clés à inclure dans le prochain document d'orientation de la Commission. Cette discussion a abouti à une [position du CCBE](#) exposant les principaux éléments à prendre en compte dans la nouvelle stratégie de formation judiciaire. Entre autres points, cette position soutient fermement la poursuite d'une stratégie européenne de formation judiciaire globale qui promeuve les droits fondamentaux et défende l'état de droit. La future stratégie devrait apporter

aux professionnels du droit les compétences nécessaires pour naviguer dans la transformation numérique de la justice, tout en veillant à ce que la numérisation ne porte pas atteinte aux fondements solides du droit matériel de l'Union européenne.

## Aspects liés à la lutte contre le blanchiment de capitaux

Le CCBE a continué à suivre la mise en œuvre du nouveau paquet anti-blanchiment et s'est livré à une analyse approfondie des textes définitifs susceptibles d'avoir une incidence sur le principe fondamental du secret professionnel. En avril 2025, le CCBE a finalisé sa [note interprétative sur l'article 3\(3\)\(a\) du règlement anti-blanchiment](#) afin de proposer une interprétation téléologique du champ d'application de cette disposition. Cette analyse démontre comment une interprétation erronée de cette disposition pourrait porter atteinte à la confidentialité entre l'avocat et son client ainsi qu'aux droits fondamentaux des clients.

## Aspects liés à la migration

En avril 2025, le CCBE a publié [une déclaration](#) condamnant la stigmatisation et les menaces à l'encontre des avocats spécialisés en droit de l'immigration. Bien qu'un incident spécifique survenu en France ait déclenché la réaction du CCBE, d'autres membres du CCBE ont signalé d'autres évolutions confirmant une tendance générale préoccupante. Quelques mois plus tard, constatant les critiques adressées aux avocats pour le simple fait d'invoquer les recours à la disposition de leurs clients, le CCBE [a adopté une autre déclaration](#) en soutien à tous les avocats travaillant dans le domaine de la migration pour rappeler la nécessité de préserver l'accès à l'asile.

Les préoccupations du CCBE ont été renforcées par les travaux législatifs en cours sur la proposition de directive anti-passeurs. Le CCBE a continué de plaider, par exemple [dans une lettre conjointe adressée aux législateurs](#), en faveur d'une définition étroite de l'infraction de « trafic de migrants » conforme aux normes internationales et en faveur de l'inclusion d'une exemption humanitaire obligatoire incluant l'assistance juridique, comme c'est le cas par exemple dans la directive de l'UE sur les sanctions<sup>3</sup>. Il est important de souligner qu'une loi anti-passeurs ambiguë présente des risques réels de pénalisation et d'effet dissuasif pour ceux qui fournissent une assistance juridique et un soutien humanitaire. Ces risques ont été reconnus, par exemple, dans l'arrêt de la CJUE concernant la Hongrie, qui portait sur les procédures d'asile et la pénalisation<sup>4</sup>.

En ce qui concerne la disponibilité des avocats et l'accès des demandeurs d'asile à ceux-ci, le CCBE a formulé quelques réflexions à ce sujet dans son [Guide à l'intention des barreaux et des avocats sur le nouveau pacte sur la migration et l'asile](#). Le CCBE suit de près la mise en œuvre du pacte et, en particulier, le nouveau concept d'avis juridiques gratuits ainsi que les dispositions relatives à l'assistance et à la représentation juridiques. En ce qui concerne le nouveau concept d'avis juridiques gratuits, le CCBE estime que ce concept ne peut servir de

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<sup>3</sup> Directive relative à la définition des infractions pénales et des sanctions en cas de violation des mesures restrictives de l'Union (directive (UE) 2024/1226), article 3, paragraphe 5 (et considérant 20)

<sup>4</sup> Affaire n° C-821/19, 16 novembre 2021 : La Cour a estimé que, bien que la législation hongroise n'interdise pas l'assistance aux migrants, elle restreignait l'effectivité du droit, accordé aux demandeurs d'asile en vertu de la directive sur les procédures d'asile, de pouvoir consulter, à leurs propres frais, un conseiller juridique ou tout autre conseiller, dans la mesure où cette disposition du droit pénal était susceptible de dissuader ces personnes de fournir de tels services aux demandeurs d'asile. La Cour mentionne également que les avocats tirent un droit à l'assistance de la directive sur les procédures d'asile. Voir les points 95 et 96 (par exemple, « le droit de répondre aux sollicitations des demandeurs d'asile que ces prestataires de services tirent indirectement de l'article 22, paragraphe 1, de la directive 2013/32 »).

prétexte pour abaisser les normes d'assistance dont bénéficiaient auparavant les demandeurs d'asile<sup>5</sup>. L'accès effectif à la justice et la protection des droits fondamentaux de toutes les personnes dans l'UE relèvent de l'état de droit. De plus, dans [sa réponse à l'appel à contribution concernant la stratégie européenne quinquennale en matière de migration et d'asile](#), le CCBE a indiqué comment garantir un accès effectif à une assistance et une représentation juridiques de qualité et comment cela contribuerait à une mise en œuvre efficace du Pacte.

Le CCBE a également suivi de près les travaux relatifs à la proposition de nouveau règlement sur le retour et a présenté sa [position](#), en accordant une attention particulière à l'assistance et à la représentation juridiques qui devraient être mises à la disposition des personnes faisant l'objet d'une décision de retour.

S'appuyant sur son expérience en tant que membre du Forum consultatif de Frontex sur les droits fondamentaux, le CCBE a également répondu à la [consultation publique sur la révision du règlement relatif à l'Agence européenne de garde-frontières et de garde-côtes](#). Par exemple, la question des débriefings de Frontex revêt une grande importance pour le CCBE car elle touche aux risques d'auto-incrimination et aux voies de recours. Les personnes soumises à ces entretiens doivent bénéficier de l'assistance juridique, conformément à la recommandation du Médiateur européen.

## Aspects liés à la numérisation de la justice

En juin 2025, le CCBE a apporté sa [contribution](#) à l'appel à contribution concernant l'analyse d'impact sur la conservation des données par les prestataires de services aux fins de procédures pénales.

Dans sa réponse, le CCBE s'est montré particulièrement préoccupé par les menaces potentielles liées à l'accès des services répressifs aux métadonnées, qui peut porter atteinte à la confidentialité des communications entre avocats et clients et, plus largement, aux droits fondamentaux (notamment le droit à la vie privée, à la protection des données, à la liberté de pensée et à un procès équitable). Le CCBE a également précisé que tout système prévoyant un accès direct ou indirect aux données des justiciables mis en place par un État devait s'inscrire dans le cadre de l'état de droit et respecter les exigences légales énoncées dans le droit de l'Union européenne ainsi que la jurisprudence constante et bien établie de la CJUE et de la CEDH.

En septembre 2025, le CCBE a soumis une [réponse](#) à la consultation publique de la Commission concernant une initiative de l'UE relative à la conservation des données par les prestataires de services aux fins de procédures pénales.

Cette réponse contenait des remarques générales sur l'importance de la confidentialité des communications entre avocats et clients et sur les effets de la conservation de métadonnées sur les avocats et leurs clients.

En juin 2025, le CCBE [a répondu](#) à l'appel à contribution de la Commission concernant la stratégie pour la justice numérique. Cet appel visait à recueillir les points de vue des parties prenantes sur la stratégie envisagée, qui a pour objectif de poursuivre la numérisation des systèmes de justice dans l'UE d'ici 2030. Dans sa réponse, le CCBE a réitéré les points clés qu'il avait soulevés dans ses [commentaires sur les priorités possibles de la Commission dans le domaine de la numérisation de la justice](#) (octobre 2024). Cette réponse invite instamment la Commission à faire en sorte que la stratégie proposée tienne compte du fait que les systèmes de justice en ligne doivent respecter les obligations professionnelles des avocats, qui comptent parmi les principaux utilisateurs de ces systèmes, et en particulier à protéger la confidentialité des communications entre les avocats

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<sup>5</sup> Voir [les propositions du CCBE concernant l'assistance juridique gratuite \(18/02/2025\)](#)

et leurs clients. La réponse a également précisé que la numérisation ne devrait pas être totale ni obligatoire et qu'elle devrait s'accompagner de possibilités de formation suffisantes pour les justiciables, les professionnels et les administrations.

En juillet 2025, le CCBE [a répondu](#) à l'appel à contribution de la Commission concernant le projet de législation sur le développement de l'intelligence artificielle et du nuage. Le CCBE a réitéré ses préoccupations quant à la protection du secret professionnel entre avocats et clients dans le contexte de l'utilisation des services en nuage par les avocats. Il a également mis en avant des points essentiels revêtant une importance particulière pour les avocats, telles que l'identification des données protégées par le secret professionnel dans un environnement en ligne, la protection de ces données contre toute divulgation et leur exclusion du champ d'application des injonctions de production ou de conservation conformément aux droits fondamentaux respectifs et à la jurisprudence tant de la CJUE que de la CEDH, ainsi que l'identification des avocats en tant que professionnels dans les systèmes de justice en ligne.

En juillet 2025, le CCBE [a répondu](#) à la consultation ciblée des parties prenantes sur la mise en œuvre des règles de la législation sur l'intelligence artificielle pour les systèmes d'intelligence artificielle à haut risque. Le CCBE a inclus la liste des 15 cas d'utilisation visés aux points 6 et 8 de l'annexe III de la législation sur l'intelligence artificielle (respectivement l'application des lois et l'administration de la justice). Chaque cas d'utilisation a été analysé en fonction de son niveau de risque (tel que défini dans la législation sur l'intelligence artificielle) et le choix de ce niveau a été expliqué. Le CCBE a également formulé quelques remarques générales sur la prise de décision automatisée et la nécessité d'examiner le contexte global de l'utilisation d'un outil d'intelligence artificielle afin de déterminer dans quelle mesure un tel outil assiste ou remplace effectivement le décideur (ce dernier cas s'appliquant également lorsqu'il s'agit de valider sans examen une décision prise de manière automatisée).

En octobre 2025, le CCBE a adopté son [guide sur l'utilisation de l'intelligence artificielle générative par les avocats](#). Ce guide rappelle brièvement les définitions, les principaux cas d'utilisation, les avantages et les risques liés à l'utilisation de l'intelligence artificielle générative par les avocats. Il détaille les obligations professionnelles des avocats et s'appuie sur la Charte des principes essentiels de l'avocat européen et le Code de déontologie des avocats européens type comme références. Le guide rappelle la nécessité de respecter les obligations de secret professionnel, de compétence et d'indépendance.

## Principales conclusions tirées des contributions des membres du CCBE

### Contexte

Dans cette partie, le CCBE présente les principales conclusions d'après les contributions reçues de ses membres. L'annexe 1 du présent document comprend les contributions reçues des barreaux nationaux de 27 États membres de l'UE. L'annexe 2 du présent document compile les informations reçues des barreaux des pays candidats à l'adhésion à l'UE concernés par le rapport de 2025 de la Commission sur l'état de droit (Albanie, Monténégro et Serbie). Ces deux annexes regroupent les contributions relatives aux évolutions pertinentes en matière d'état de droit dans des pays spécifiques et mettent l'accent sur les évolutions susceptibles de porter atteinte à l'indépendance des avocats et des barreaux, à l'accès à la justice, à la qualité de la justice, aux libertés fondamentales, à la démocratie et à l'état de droit.

Étant donné que les cas spécifiques, les exemples concrets et les tendances sont énumérés et expliqués en détail dans les rapports nationaux des barreaux figurant dans les annexes à la présente contribution, la présente partie du document ne présente brièvement que certaines questions, certains exemples et certaines évolutions relatifs à l'indépendance des avocats et des barreaux, ainsi qu'aux systèmes de justice de certains pays. Par conséquent, pour obtenir des informations plus détaillées et plus complètes, il convient de consulter les parties concernées de l'annexe 1 et de l'annexe 2.

### Confidentialité des communications avocat-client

La confidentialité des communications avocat-client est un élément clé de l'indépendance de la profession d'avocat et de la bonne administration de la justice. Si de nombreux barreaux n'ont signalé aucune violation concrète en 2025, plusieurs d'entre eux ont identifié des évolutions législatives, des préoccupations structurelles ou des incidents spécifiques susceptibles d'affecter la confidentialité des communications avocat-client.

Dans ce contexte, en **Autriche**, des préoccupations ont été soulevées concernant la mise en œuvre de la législation de l'UE révisée sur l'obligation de signalement et la décision C-694/20 de la CJUE. Le barreau autrichien estime que certains articles de cette législation ont été mal appliqués. Par exemple, l'obligation inconditionnelle de notifier les autorités lorsqu'un avocat est délié du secret professionnel par un client est incompatible avec la conception et la structure du devoir de secret professionnel des avocats.

De même, **les barreaux belges** ont signalé des problèmes liés à la compétence des juges d'instruction de déterminer eux-mêmes la confidentialité des communications avocat-client après avoir examiné des pièces, parfois sans l'intervention du bâtonnier local. Dans certains cas, le ou la juge en question continue de traiter l'affaire malgré son accès à des informations jugées par la suite confidentielles.

Le **barreau bulgare** a relevé, au cours de la période considérée, deux évolutions ayant une incidence sur la confidentialité des communications entre avocats et clients. La première concerne la décision de la CEDH dans l'affaire Ekimdzhiev et autres c. Bulgarie, qui porte sur l'adéquation des garanties prévues dans le cadre bulgare de la surveillance secrète, englobant à la fois l'interception des communications ainsi que la conservation des données de communication et l'accès à celles-ci. Le suivi continu de cette affaire par le Comité des ministres, notamment lors de la réunion du Comité en mars 2026, indique que les préoccupations soulevées par la Cour

n'ont pas encore été pleinement prises en compte au niveau national. La seconde concerne une affaire pendante devant la Cour administrative suprême, qui conteste la compatibilité des règles anti-blanchiment du Conseil suprême du barreau, ainsi que de leur fondement légal prévu à l'article 101, paragraphe 4, de la loi sur la lutte contre le blanchiment de capitaux, avec le principe du secret professionnel entre avocat et client et les garanties constitutionnelles de l'indépendance institutionnelle du barreau. L'issue de cette procédure pourrait avoir des conséquences plus vastes pour la délimitation des obligations professionnelles dans ce domaine.

En **Estonie**, le barreau a fait référence à un arrêt de la Cour suprême clarifiant la manière dont les autorités doivent agir lorsque la police intercepte des communications entre un avocat et un client dans le cadre d'une surveillance téléphonique. Cette affaire faisait suite à une plainte déposée par trois avocats dont les appels téléphoniques avaient été enregistrés. L'arrêt a établi que les avocats doivent être informés de la surveillance si l'appel intercepté concerne clairement des services juridiques et si l'identité de l'avocat peut être établie sans efforts démesurés. La Cour a également jugé que les enregistrements contenant des informations relevant du secret professionnel doivent être conservés jusqu'à ce que l'avocat ait eu la possibilité de les examiner et de décider s'ils doivent être conservés ou détruits. Le barreau estonien a demandé au Ministère de la Justice et des Affaires numériques de modifier la réglementation applicable afin de garantir la mise en œuvre de la décision.

Des préoccupations concernant la portée du secret professionnel ont également été signalées en **France** à la suite des modifications introduites par la loi n° 2021-1729 en 2021 et de plusieurs arrêts de la chambre criminelle de la Cour de cassation en 2025 concernant le secret professionnel et le rôle du bâtonnier dans la contestation des perquisitions. La Cour a refusé d'étendre la portée du secret professionnel aux activités de conseil des avocats et a établi une distinction entre la défense pénale, qui est pleinement protégée, et la défense en matière de litige ou les services de conseil, qui sont considérés comme indissociables de la mission de l'avocat. Cela a ravivé le débat sur la divisibilité du secret professionnel et la confidentialité des communications entre l'avocat et son client. Dans la pratique, des perquisitions dans les locaux d'avocats peuvent toujours être autorisées et menées à l'encontre d'avocats qui ne sont pas officiellement mis en cause au seul motif qu'ils détiennent des informations concernant leurs clients.

En réponse à ces préoccupations, un rapport adopté par l'assemblée générale du Conseil national des barreaux a proposé en juillet 2025 plusieurs réformes du Code de procédure pénale français visant à renforcer les garanties relatives au secret professionnel et à instaurer des mesures de protection concernant la surveillance par écoute des cabinets d'avocats. Le Ministère de la Justice a annoncé qu'il travaillerait à l'élaboration d'une nouvelle réglementation concernant la profession d'avocat.

Des préoccupations d'ordre structurel ont également été évoquées en **Allemagne**. La BRAK et le DAV ont mis en évidence des faiblesses dans le cadre juridique régissant le secret professionnel, notamment une disparité dans la protection contre la saisie de preuves pour les avocats qui n'agissent pas en tant qu'avocats de la défense. Cela se traduit, entre autres, par une pratique de plus en plus répandue consistant, pour les parquets, à ordonner la consultation de la correspondance des avocats. En outre, selon la BRAK, la confidentialité des communications avocat-client est sérieusement remise en question au niveau de l'UE dans le contexte de la législation relative à la lutte contre le blanchiment de capitaux ainsi que des directives DAC.

Des évolutions concernant la pratique des parquets ont également été relevées en **Lettonie**. Le barreau letton a fait référence aux activités de sensibilisation menées par le Parquet de Lettonie en 2025 et destinées à l'ensemble des procureurs, les exhortant à respecter strictement certaines dispositions du Code de procédure

pénale letton concernant l'immunité des avocats, les règles relatives à la prise de connaissance des pièces non jointes au dossier pénal, ainsi que le traitement des résultats des mesures d'enquête spéciales n'ayant aucune valeur probatoire dans le cadre de la procédure pénale.

En **Lituanie**, le barreau a signalé des pratiques problématiques portant atteinte à la confidentialité, notamment la saisie et la copie numérique des appareils électroniques des avocats au cours de la procédure pénale, ainsi que l'enregistrement des conversations entre avocats et clients dans les lieux de détention. Des préoccupations ont également été exprimées concernant les mandats de perquisition de grande envergure et les tentatives des services répressifs d'interroger des avocats sur des informations relevant du secret professionnel.

Des préoccupations concernant les conditions de détention et la protection des communications confidentielles ont également été évoquées aux **Pays-Bas**. Le barreau néerlandais a signalé des modifications apportées à la Loi sur les principes pénitentiaires autorisant la surveillance visuelle lors des entretiens entre avocats et clients dans certains lieux de détention de haute sécurité. Le barreau a précisé qu'il restait difficile de savoir comment la confidentialité était garantie dans la pratique et a appelé à la mise en place de garanties procédurales claires pour protéger les communications confidentielles.

Les **barreaux polonais** ont fait état de préoccupations tant structurelles que liées à des incidents spécifiques. Les procédures de recrutement judiciaire peuvent exiger des avocats qu'ils soumettent des dossiers contenant des informations confidentielles sur leurs clients. En outre, le barreau polonais a fait référence à des enregistrements divulgués issus d'une surveillance opérationnelle impliquant un avocat dans le cadre d'enquêtes sur l'utilisation présumée du logiciel espion Pegasus, ce qui suscite des inquiétudes quant à la protection des communications relevant du secret professionnel.

En **Slovaquie**, le barreau a mis en avant la décision de la Cour européenne des droits de l'homme dans l'affaire Kulák c. Slovaquie, qui a conclu que la perquisition d'un cabinet d'avocats et la saisie de l'ordinateur d'un avocat contenant des dossiers de clients constituaient une violation de l'article 8 de la Convention. Parmi les autres incidents signalés par le barreau figuraient la saisie de téléphones de clients contenant des communications relevant du secret professionnel et la surveillance présumée d'entretiens entre des avocats et des clients en détention.

Des préoccupations concernant les inspections menées par les autorités publiques ont également été signalées en **Slovénie**. Le barreau slovène a fait référence aux inspections menées par l'autorité nationale de lutte contre le blanchiment de capitaux, en particulier dans les affaires concernant les comptes fiduciaires d'avocats. Le manque de clarté quant à la portée de ces inspections peut créer des risques pour la confidentialité des clients, ce qui rappelle l'importance de la présence de représentants du barreau lors de ces procédures.

En revanche, le **barreau espagnol** a fait état d'une mesure visant à renforcer la protection du secret professionnel. Il a publié une circulaire interprétative clarifiant les règles disciplinaires relatives à la confidentialité et renforçant l'indépendance professionnelle.

Le **barreau suédois** a également fait état de préoccupations d'ordre législatif et pratique affectant le secret professionnel. Il a notamment exprimé des inquiétudes concernant les obligations légales imposées aux avocats de fournir aux autorités des informations susceptibles de relever du secret professionnel. Des informations parues dans les médias ont également révélé une éventuelle surveillance des entretiens entre

les patients et les avocats commis d'office dans une clinique psychiatrique médico-légale, suscitant de graves préoccupations en matière de confidentialité. Ont également été évoqués des contrôles à l'entrée des centres de détention, qui pourraient être perçus comme excessifs et comme une atteinte à la vie privée. Sur cette question, le barreau a engagé un dialogue avec les autorités pénitentiaires compétentes, qui a abouti à une compréhension commune de la nécessité de procédures nationales uniformes pour les contrôles d'entrée de manière générale.

Enfin, les informations reçues des **barreaux des pays candidats à l'adhésion à l'UE** ont également mis en évidence certains cas affectant la protection de la confidentialité des communications avocat-client. Au **Monténégro**, le barreau a signalé deux incidents, notamment la surveillance d'un cabinet d'avocats et des perquisitions menées en l'absence d'un représentant du barreau. Dans un de ces cas, les autorités ont procédé à des enregistrements vidéo et audio à l'intérieur d'un cabinet d'avocats malgré l'absence de procédure officielle à l'encontre de l'avocat, ce qui a suscité de vives inquiétudes quant à des violations de la confidentialité des communications avocat-client. En **Serbie**, des soupçons persistent quant au fait que certains avocats auraient pu faire l'objet d'une surveillance téléphonique non autorisée de la part de la police ou des services de renseignement, bien qu'aucune information officielle n'ait été communiquée.

### Menaces ou harcèlement à l'encontre d'avocats dans l'exercice de leurs fonctions et mesures préventives prises par le barreau

De nombreux barreaux nationaux ont signalé qu'en 2025, aucun cas de menaces ou de harcèlement physiques, en ligne ou juridiques à l'encontre d'avocats dans l'exercice de leurs fonctions n'avait été identifié. Toutefois, certains barreaux ont mis en avant des cas particulièrement préoccupants pour la profession d'avocat.

**Les barreaux belges** ont illustré la méfiance entre le pouvoir judiciaire et les avocats dans l'affaire Kriva Rochem relative au trafic de drogue, au cours de laquelle deux avocats ont été expulsés de l'audience après avoir soulevé des préoccupations concernant les mesures de sécurité. De plus, la décision du juge de rendre sa décision sans permettre aux parties d'être dûment entendues a suscité des préoccupations concernant le droit à un procès équitable et à la défense. Par ailleurs, en avril 2025, un cabinet d'avocats à Anvers a été victime d'une attaque au cocktail Molotov, causant des dégâts matériels. Des préoccupations plus générales ont été évoquées concernant l'intimidation judiciaire liée à la criminalité organisée liée à la drogue, plusieurs juges ayant été placés sous protection policière prolongée en Belgique.

Le **barreau estonien** a signalé une recrudescence des agressions, en particulier en ligne, où les avocats étaient assimilés aux actions de leurs clients et parfois même visés au sein de leur famille. Pour y remédier, des formations sur la communication en situation de conflit et la gestion de l'agressivité se sont poursuivies tout au long de l'année 2025. Des mesures de soutien aux avocats concernés, des mécanismes de signalement et des réponses juridiques ont été encouragés. Un nouveau groupe de travail initié par le barreau estonien, comprenant des juges, des procureurs et des avocats, se penchera en 2026 sur une réponse coordonnée des professionnels du droit.

Selon le **barreau français**, les menaces et le harcèlement ont fortement augmenté ces dernières années, notamment sous la forme de campagnes de dénigrement, de discours de haine en ligne, de menaces de mort et de publication de données à caractère personnel. Parmi les incidents, on peut citer la publication par des médias d'extrême droite de listes d'avocats « complices » ainsi que des attaques contre la direction du barreau

en raison de ses positions institutionnelles. En réponse, le CNB a rédigé un rapport proposant diverses mesures pour lutter contre ces menaces et formulant des propositions afin d'améliorer la situation, notamment en ce qui concerne l'extension des protections face à la criminalité, l'élaboration de protocoles avec les procureurs, l'harmonisation de la politique pénale, la coopération avec les plateformes numériques et la préparation de trousseaux pour les litiges.

En **Allemagne**, la BRAK et le DAV ont évoqué la question de l'assimilation des avocats à leurs clients. Une affaire en particulier a été largement médiatisée, dans laquelle une avocate spécialisée en droit de l'immigration a été menacée en raison de ses fonctions. Par ailleurs, des agressions verbales à l'encontre d'avocats sur les réseaux sociaux ont été signalées et condamnées aussi bien par la BRAK que le DAV.

La **Law Society of Ireland** a créé un registre en ligne permettant aux avocats de signaler les menaces et les agressions dont ils sont victimes afin de mieux cerner leur ampleur tout en renforçant la sécurité et la santé mentale des avocats. Plusieurs signalements ont été reçus, les avocats spécialisés en droit de l'immigration étant identifiés comme particulièrement visés en ligne.

Le **barreau italien** a évoqué deux cas spécifiques : l'un où un stand d'information publique tenu par des avocats de la défense à Nola a été illégalement fermé par la police municipale avant un référendum (la municipalité a par la suite présenté ses excuses à l'Association des avocats pénalistes de Nola), et un autre dans lequel l'avocat Rosario Marsico et son épouse ont été publiquement attaqués par un député pour avoir défendu des « membres de la Camorra ». Ces cas illustrent l'assimilation incorrecte entre les avocats et leurs clients. En outre, dans une affaire de garde d'enfants en Italie, des avocats ayant soulevé des objections à la désignation d'experts ont été accusés de fausse accusation, ce qui a suscité des critiques de la part des associations professionnelles. Les poursuites à l'encontre des avocats ont finalement été abandonnées, mettant en évidence les risques pesant sur les droits de la défense dans des contextes où le ministère public occupe une place prépondérante.

Le **barreau maltais** a signalé des cas de pressions physiques, en ligne et institutionnelles exercées contre des avocats dans l'exercice de leurs fonctions. Par exemple, deux avocats ont reçu des menaces téléphoniques de la part d'un client potentiel. Bien qu'une enquête ait été menée, le tribunal a rejeté les accusations. Des avocats représentant des clients dans des affaires de lutte contre la corruption et en matière d'environnement ont également été victimes de harcèlement en ligne et de diffamation politique. La Chambre des avocats a publié des déclarations défendant l'indépendance professionnelle et plaidant en faveur de réformes législatives visant à renforcer les garanties légales et la protection professionnelle des avocats.

Depuis sa création en 2019, le **barreau néerlandais** a poursuivi l'évolution du programme « Résilience et sécurité », comprenant des formations à la résilience, un soutien d'urgence et des mesures de sécurité pour les avocats. À l'instar de la Belgique, les pressions exercées sur les avocats par leurs clients vont des confrontations impulsives aux manipulations de la criminalité organisée. Les mesures préventives se concentrent sur la formation, les règles déontologiques, la résilience numérique et la coopération croisée.

En **Pologne**, la **Krajowa Izba Radców Prawnych**, en s'appuyant sur les conclusions d'une enquête du CCBE menée il y a quelques années, entend poursuivre et renforcer les mesures préventives, telles que la sensibilisation des avocats, l'encouragement au signalement des incidents, ainsi que l'élaboration de lignes directrices et de mécanismes de soutien pour les avocats confrontés à des actes d'intimidation, de harcèlement ou d'agression, y compris le harcèlement en ligne. Aucun cas spécifique de menace n'a été signalé en Pologne.

Au **Portugal**, quelques évolutions marquantes ont été relevées. Le barreau portugais a fait état d'une agression contre un avocat en Algarve et de perquisitions dans des cabinets d'avocats. Un soutien psychologique a été mis à la disposition des avocats confrontés à l'épuisement professionnel ou à des problèmes de santé mentale.

Le **barreau slovaque** a signalé un cas dans lequel un avocat de la région de Trenčín a fait l'objet de menaces de violence physique directement liées à l'exercice de ses fonctions. En réponse, la présidence du barreau slovaque a publié une déclaration condamnant les agressions contre les avocats dans l'exercice de leur profession, a appelé les services répressifs à accorder la plus grande attention à ces cas et a demandé qu'un mécanisme de protection des avocats contre les menaces, le harcèlement et les agressions soit intégré dans l'ordre juridique.

Le **barreau suédois** a fait état d'une coopération avec un expert en sécurité afin de soutenir les avocats exposés à des menaces. Une quarantaine de demandes de lignes directrices en matière de sécurité ont été reçues en 2024, et des formations gratuites ont été mises en place pour aider les avocats à reconnaître les menaces et à y faire face.

En ce qui concerne l'évolution de la situation dans **les pays candidats à l'adhésion à l'UE**, en **Albanie**, en octobre 2025, un avocat a été arrêté après avoir déclaré devant le tribunal qu'il allait porter plainte contre un procureur pour falsification présumée de pièces. Le procureur a réagi en demandant son arrestation. À la suite de la pression publique et à une grève nationale des avocats, l'avocat a été libéré. Cette affaire a été largement considérée comme une attaque sans précédent contre la profession.

Le **barreau monténégrin** a signalé qu'un avocat avait été discrédité par un haut fonctionnaire du gouvernement après sa désignation en tant que juge à la Cour constitutionnelle, le qualifiant d'« avocat de la mafia » et assimilé à ses clients. La rapporteuse spéciale des Nations Unies a critiqué cette attaque. En **Serbie**, les tensions entre le barreau et les autorités politiques se sont intensifiées en 2025. À la suite d'une suspension du travail de sept jours en soutien aux manifestations étudiantes, le président a qualifié les avocats de « foule ». Le barreau a réagi en suspendant le travail à l'échelle nationale pendant 30 jours. Parmi les incidents, on a pu noter l'arrestation et la détention de deux avocats pour des publications sur les réseaux sociaux, ainsi que le recours à la force par la police contre des avocats fournissant une assistance juridique. Le barreau serbe a condamné toutes ces actions et exigé que les responsables rendent des comptes.

## Dispositions juridiques et politiques spécifiques susceptibles d'influencer l'indépendance du barreau et des avocats

Dans leurs contributions, les barreaux ont notamment fourni des informations sur les dispositions juridiques et les politiques spécifiques susceptibles d'influencer l'indépendance du barreau et des avocats. Le présent chapitre présente donc des exemples de dispositions juridiques récentes et d'évolutions politiques observées dans différentes juridictions, qui peuvent avoir une incidence sur l'indépendance, la confidentialité et l'autorégulation de la profession d'avocat.

Selon les **barreaux belges et le barreau néerlandais**, la législation en matière de lutte contre le blanchiment de capitaux, notamment la directive (UE) 2024/1640, continue de poser des risques importants pour le secret professionnel et l'indépendance des avocats en raison des nouvelles exceptions au secret professionnel instaurées en Belgique. Des aspects similaires ont été soulevés par le **barreau chypriote** dans le contexte des modifications législatives à Chypre visant à créer l'Unité nationale de mise en œuvre des sanctions et à mettre en place des garanties de confidentialité entre l'avocat et son client. Le barreau chypriote a obtenu des

dérogrations pour protéger le secret professionnel et a fait savoir qu'il continue à suivre de près l'évolution législative concernant la création d'une autorité nationale de surveillance en matière de lutte contre le blanchiment de capitaux.

En **Bulgarie**, l'évolution la plus notable concerne le cadre de lutte contre le blanchiment de capitaux applicable à la profession d'avocat. L'article 101, paragraphe 4, de la loi sur la lutte contre le blanchiment de capitaux, qui confère au Conseil suprême du barreau le pouvoir d'adopter des règles uniformes en matière de lutte contre le blanchiment de capitaux, a été contesté devant la Cour administrative suprême, puis renvoyé devant la Cour constitutionnelle. L'issue de cette affaire pourrait avoir des conséquences plus vastes pour la délimitation des obligations professionnelles et les garanties constitutionnelles de l'indépendance institutionnelle du barreau.

**Le barreau tchèque** a fait état d'une évolution législative majeure introduisant un nouvel article codifiant explicitement la protection des informations obtenues dans le cadre de la prestation de services juridiques. Bien que cela constitue une avancée significative, le barreau a expliqué dans sa contribution que le cadre procédural reste insuffisamment développé dans la pratique, notamment en ce qui concerne le traitement des appareils électroniques saisis et des ensembles de données volumineux. La législation n'établit pas de règles détaillées en matière de filtrage précoce, d'examen indépendant ou d'exclusion effective des éléments relevant du secret professionnel, ce qui laisse une marge importante à des lacunes systémiques. Ces lacunes ont été confirmées par la décision de la Cour européenne des droits de l'homme dans l'affaire Černý et autres c. la République tchèque, dans laquelle la Cour a constaté une violation de l'article 8 de la Convention européenne des droits de l'homme, estimant que le cadre juridique et la pratique tchèques n'offraient pas de garanties efficaces et prévisibles contre l'accès de l'État aux communications confidentielles entre avocats et clients, en particulier dans le contexte des données électroniques saisies.

Les obligations de déclaration prévues par la législation sur le registre de transparence (2024) restent une source de préoccupation pour le **barreau finlandais** car elles risquent d'enfreindre le secret professionnel, en contradiction avec la jurisprudence de la Cour de justice de l'Union européenne.

En **Grèce**, une proposition de l'Union des juges visant à transférer les procédures disciplinaires à l'encontre des avocats des barreaux vers les tribunaux a suscité des inquiétudes quant à l'indépendance de la profession d'avocat et à l'autorégulation de la profession, ce à quoi les barreaux se sont fermement opposés. Par ailleurs, le barreau grec a signalé plusieurs grèves d'avocats en 2025, notamment des actions en réponse au projet de loi sur la violence sexiste, l'opposition aux fusions de tribunaux et aux réformes judiciaires, ainsi qu'une grève des avocats du registre de l'asile en raison du non-paiement des honoraires depuis novembre 2023.

Lors d'une conférence de presse, le **barreau letton** a publiquement mis en avant les risques pour l'indépendance découlant de mesures répressives excessives ou malveillantes, y compris celles visant les avocats.

Le **barreau lituanien** a soumis des propositions de modifications législatives visant à supprimer le pouvoir du ministre de la justice de procéder à la désignation des membres de la Cour d'honneur des avocats et à l'engagement de procédures disciplinaires à l'encontre des avocats. Par ailleurs, la loi sur l'administration publique, adoptée en septembre 2025, régit les fonctions principales du barreau. Celui-ci s'est toutefois opposé à ces modifications, arguant qu'il ne devait pas être considéré comme une entité de l'administration publique.

À **Malte**, des modifications législatives (modification n° 2 du Code pénal) ont considérablement modifié la procédure d'ouverture d'enquêtes judiciaires. En vertu du cadre modifié, les avocats ne peuvent plus demander directement à un magistrat d'ouvrir une enquête *ab initio*, ce qui risque d'affaiblir l'efficacité des recours juridiques et de limiter la capacité des avocats à agir de manière indépendante dans l'intérêt de l'ordre

public. De plus, les projets de loi n° 143 et 144 récemment présentés ont été considérés comme réduisant la capacité des avocats à contester les décisions administratives devant les tribunaux. L'absence d'une loi réformée sur les avocats a largement contribué aux préoccupations persistantes concernant l'autorégulation de la profession d'avocat. Les délais de consultation trop courts et les procédures opaques relatives à la législation en matière d'asile (le projet de loi sur le système de double statut et la loi sur les mesures d'urgence en matière d'asile) ont également été critiqués pour avoir porté atteinte au contrôle juridique et avoir eu des effets négatifs sur l'accès à la justice ainsi que sur l'indépendance du barreau et des avocats.

Bien qu'aucune restriction législative explicite n'ait été introduite en **Pologne** en 2025, des irrégularités judiciaires affectent la stabilité professionnelle. Le barreau polonais plaide donc en faveur d'une implication accrue dans les processus législatifs, d'une amélioration de l'aide juridique et d'une protection renforcée de l'autonomie et de la confidentialité des avocats.

Au **Portugal**, les discussions sur d'éventuelles modifications du Code de procédure pénale ont suscité des inquiétudes quant à l'affaiblissement du rôle de la défense, bien qu'aucun projet de loi n'ait encore été publié.

**Le barreau roumain** a fait état de procédures clarifiées en vertu du droit de la concurrence pour le traitement des documents lors des inspections en matière de concurrence relevant des règles de confidentialité entre avocat et client, tandis que des modifications apportées à la législation relative à la lutte contre le blanchiment de capitaux ont préservé le secret professionnel des avocats.

La Cour suprême de **Slovénie** a renforcé l'indépendance du barreau en confirmant que les procédures disciplinaires ne relèvent pas de l'autorité publique et ne sont pas soumises à un contrôle juridictionnel dans le cadre de procédures administratives. Le barreau slovène a également procédé à des ajustements de la valeur des points attribués aux avocats afin de tenir compte de l'inflation.

En **Espagne**, le barreau national a encouragé la ratification de la Convention européenne sur la protection de la profession d'avocat et a introduit des réglementations visant à renforcer la protection des avocats.

Le rapport officiel publié par le gouvernement **suédois** sur le conseil juridique a proposé des mesures de maîtrise des coûts, des honoraires différenciés, des exigences de qualification plus strictes pour les avocats commis d'office et un accès amélioré aux voies de recours, ce qui a suscité un débat sur les répercussions potentielles sur la formation et le recrutement des avocats. Le barreau suédois, entre autres préoccupations, estime que des honoraires horaires standard différenciés constituent une menace directe pour la capacité des personnes à exercer leurs droits fondamentaux.

En dehors de l'UE, le **barreau albanais** a préparé des arguments contre le projet de Code pénal introduisant des sanctions pour les honoraires inappropriés et des dispositions relatives aux conflits d'intérêts des avocats. Parallèlement, le **barreau serbe** a fait part de ses inquiétudes quant au fait que les nouvelles exigences de certification pour les procédures cadastrales pourraient porter atteinte à l'indépendance des avocats. Dans l'ensemble des juridictions, ces évolutions reflètent les efforts continus visant à trouver un équilibre entre le contrôle de l'État et l'autonomie ainsi que les obligations déontologiques de la profession d'avocat.

## Coopération entre les barreaux et le pouvoir exécutif

Le bon fonctionnement du système de justice repose sur une relation équilibrée et constructive entre les barreaux et le pouvoir exécutif, dans laquelle le respect mutuel, l'indépendance institutionnelle et la coopération se conjuguent pour faire respecter l'état de droit et garantir l'accès à la justice. Ce chapitre présente des exemples tirés des rapports des barreaux concernant leur coopération avec le pouvoir exécutif.

Les autorités judiciaires **hongroises** et le barreau hongrois ont maintenu un dialogue professionnel. La loi sur la protection de la souveraineté (décembre 2023) a été controversée, Transparency International Hongrie ayant saisi la CEDH pour des violations présumées des droits fondamentaux. L'Assemblée parlementaire du Conseil de l'Europe a appelé à la levée de l'état d'urgence et à la suppression de l'Office pour la protection de la souveraineté.

En 2025, la **Chambre des avocats de Malte** a été confrontée à des défis importants dans sa coopération avec le pouvoir exécutif, notamment en raison d'un manque de consultation sur les réformes législatives ayant une incidence sur l'état de droit (en particulier concernant les projets de loi 143 et 144, qui limitent le contrôle juridictionnel et accordent un large pouvoir discrétionnaire à l'Autorité de planification). La rhétorique politique à l'encontre des avocats et des militants a créé des pressions, aggravées par l'absence d'adoption de la loi sur les avocats. Le barreau s'est également opposé au recours à une législation subsidiaire pour contourner l'examen parlementaire, notamment en ce qui concerne la réglementation sur la protection des terres agricoles, susceptible d'entraîner des expropriations de facto sans procédure régulière adéquate.

En 2025, le **barreau néerlandais** a rencontré un problème majeur dans sa coopération avec le pouvoir exécutif concernant l'accès des avocats aux appareils numériques dans les prisons. Le barreau a réussi à s'opposer aux restrictions empêchant les avocats d'introduire des appareils numériques dans les prisons, garantissant ainsi un accès continu aux outils essentiels à la défense de leurs clients.

En 2025, la coopération entre la profession d'avocat et le pouvoir exécutif en **Pologne**, en particulier le ministère de la Justice, a continué de s'améliorer par rapport aux années précédentes. Une évolution positive notable a été le maintien de la pratique consistant à soumettre les propositions de réforme dans le domaine judiciaire à de larges consultations publiques, notamment auprès des instances d'autonomie professionnelle représentant les professions juridiques.

Le **barreau portugais** a maintenu une bonne coopération avec les institutions de l'État, telles que le Registre national (IRN) malgré certains retards dans le traitement des dossiers. Selon le barreau, il s'agit d'une nouvelle étape dans sa défense inconditionnelle des droits des avocats, en plaidant pour la reconnaissance du rôle essentiel de la profession d'avocat dans l'administration de la justice.

Le **barreau roumain** s'est engagé activement auprès des institutions de l'État en s'opposant avec succès aux propositions menaçant les droits de la défense, en s'attaquant au sous-financement de l'aide juridique et en plaidant contre les mesures permettant aux comptables de représenter des clients devant le registre du commerce en contournant les avocats. Une proposition formelle de « Pacte pour la justice » a été soumise pour appeler à la mise en place d'un mécanisme consultatif permanent entre les professions juridiques et les autorités de l'État afin de prévenir les interventions unilatérales ou politisées.

Le **barreau slovène** est l'autorité de contrôle de ses membres en vertu de la loi sur la lutte contre le blanchiment de capitaux. Le conflit entre la double juridiction du barreau slovène et de l'Autorité de lutte contre le blanchiment de capitaux est considéré comme controversé sur le plan constitutionnel. Les tentatives du barreau slovène pour obtenir l'accord du ministère afin d'ajuster les honoraires des avocats en fonction de l'inflation ont échoué.

Le **barreau espagnol** a tenu sa première réunion avec le Médiateur espagnol afin de renforcer la coopération dans des domaines tels que la numérisation de la justice, la violence sexiste, les droits des migrants et des demandeurs d'asile et le droit à la défense.

Le **barreau suédois** a participé activement au processus législatif et au débat public sur diverses questions juridiques. Il a contribué à l'évolution du droit en soumettant chaque année des réponses à des consultations et des avis juridiques sur de nombreux projets de loi et autres propositions législatives. En 2025, il a soumis un nombre record de 168 avis juridiques pour traiter des réformes de la justice pénale et s'opposer à des peines plus sévères et plaider en faveur d'un système juridique proportionné et moderne.

La **Chambre albanaise des avocats** a indiqué avoir soumis des commentaires pour s'opposer à l'Initiative relative au nouveau Code pénal, tandis qu'en **Serbie**, le barreau a fait état d'une coopération insuffisante avec le pouvoir exécutif, notamment en raison de la brièveté des périodes de consultation publique et de l'exclusion des groupes de travail législatifs, ce qui a limité la contribution significative de la profession d'avocat, par exemple sur les modifications des lois pénales et cadastrales.

## Mise en œuvre de la jurisprudence des juridictions nationales, européennes et internationales

La grande majorité des barreaux nationaux n'ont pas signalé de problèmes ni de difficultés dans leurs pays respectifs concernant la mise en œuvre de la jurisprudence des juridictions nationales, européennes et internationales en raison de questions juridiques, administratives ou procédurales.

Toutefois, quelques barreaux ont fait part de leurs préoccupations concernant la non-application des décisions.

Selon le Réseau européen de mise en œuvre, la mise en œuvre des décisions de la CEDH et de la Cour de justice par le gouvernement **belge** est de plus en plus lente, notamment en ce qui concerne les procédures d'asile, la longueur des procédures, les conditions de détention et la prise en charge adaptée des détenus qui ne sont pas pleinement responsables de leurs actes en raison d'une maladie mentale. Le gouvernement belge a délibérément et à plusieurs reprises refusé d'exécuter certaines décisions. Cela porte gravement atteinte à l'état de droit et laisse supposer que la non-exécution des décisions relève en partie d'un choix politique délibéré.

En **Bulgarie**, des difficultés persistantes subsistent dans la mise en œuvre des décisions de la CEDH, comme l'illustrent notamment l'importance toujours d'actualité des affaires Ekimdzhiev et autres c. Bulgarie et Kolevi c. Bulgarie, ainsi que les difficultés plus générales rencontrées pour garantir un respect systématique et cohérent des normes juridiques contraignantes.

Comme l'a signalé le barreau, la **République tchèque** a enregistré en 2025 un nombre relativement faible de décisions défavorables rendues par la Cour européenne des droits de l'homme, à savoir six. Parallèlement, des progrès significatifs ont été réalisés dans l'exécution des décisions, notamment grâce à l'adoption d'un plan d'action visant à mettre en œuvre l'arrêt rendu dans l'affaire D.H. et autres c. République tchèque.

Dans sa décision du 16 novembre 2021 dans l'affaire Sārgava c. Estonie, la CEDH a estimé que la confidentialité des communications avocat-client n'était pas suffisamment garantie en **Estonie**. Il y a quatre ans, le barreau estonien a soumis au ministère de la Justice et des Affaires numériques un projet de loi proposant des modifications au Code de procédure pénale afin de remédier à ce problème. Ce projet de loi n'a été finalisé qu'à la fin de l'année 2025.

Le **barreau hongrois** a évoqué les évolutions liées à l'exécution de la décision de la CEDH dans l'affaire Magyar Helsinki Bizottság c. Hongrie. Dans cette affaire, la Cour a estimé que les informations demandées par l'ONG requérante aux services de police concernés étaient nécessaires à la réalisation de l'enquête sur le fonctionnement du système des défenseurs publics qu'elle menait en sa qualité d'organisation non gouvernementale de défense des droits humains afin de contribuer au débat sur une question présentant un intérêt pour l'ordre public.

Le **barreau letton** a signalé des retards dans l'exécution des arrêts de la CEDH, la longueur des procédures et des difficultés à mettre en œuvre le droit international. Le retrait de la Convention d'Istanbul a également créé une insécurité juridique affectant les normes en matière de droits humains en Lettonie.

En 2025, selon le barreau national, **Malte** a été confrontée à d'importants obstacles juridiques et administratifs dans la mise en œuvre des décisions rendues par les juridictions nationales et internationales, principalement en raison d'un arriéré judiciaire structurel et de la résistance de l'exécutif face à des réformes remettant en cause la politique nationale. Sur le plan national, l'exécution des décisions constitutionnelles est gravement entravée par un arriéré judiciaire extrême : les affaires administratives nécessitent en moyenne près de quatre ans pour aboutir à une décision, une situation aggravée par l'échec d'une réforme constitutionnelle en mai 2025.

Le **barreau néerlandais** a noté que le gouvernement a cessé de publier les rapports généraux et thématiques sur les pays utilisés dans les procédures d'asile. Selon le barreau, cela est contraire au principe de l'égalité des armes et au droit à un procès équitable et pourrait accroître la pression tant sur le processus de mise en œuvre que sur le pouvoir judiciaire.

**Les barreaux polonais** ont fait état de difficultés structurelles persistantes et graves dans la mise en œuvre intégrale de la jurisprudence des juridictions nationales, européennes et internationales. Le principal défi réside toujours dans la persistance de défaillances institutionnelles affectant des organes judiciaires majeurs, notamment le Conseil national de la magistrature (KRS), certaines instances de la Cour suprême et le Tribunal constitutionnel, qui continuent de créer une insécurité juridique et d'entraver la mise en œuvre cohérente des décisions contraignantes.

Comme l'a signalé le **barreau serbe**, bien que la Constitution ne reconnaisse pas la jurisprudence comme une source formelle de droit, celle-ci est utilisée dans la pratique comme une source complémentaire informelle, fournissant des exemples d'application et d'interprétation des normes juridiques. **En Albanie**, le barreau a souligné les difficultés persistantes d'accès aux dossiers des clients et aux pièces dans le cadre des procédures judiciaires. Selon le **barreau monténégrin**, les décisions des juridictions internationales ne sont pas correctement mises en œuvre au Monténégro.

## Évolutions relatives à la formation des avocats

En ce qui concerne la formation des avocats en 2025, celle-ci a continué d'évoluer en reflétant des exigences croissantes en matière de compétences numériques, d'expertise en droit européen et de sensibilisation à l'éthique, en particulier concernant les technologies émergentes telles que l'intelligence artificielle. Alors que plusieurs pays ont introduit des réformes importantes pour renforcer les normes professionnelles, des défis structurels et culturels persistent dans certaines juridictions. Les informations fournies dans ce chapitre ne présentent que quelques exemples d'activités de formation élaborées et mises en œuvre par des barreaux,

sans pour autant exclure que d'autres barreaux aient pris des initiatives similaires en matière de formation des avocats pour garantir leur formation professionnelle.

La formation professionnelle continue obligatoire et structurée a été étendue dans plusieurs pays. À **Chypre**, l'Académie du barreau a été lancée : elle instaure un système structuré, réglementé et axé sur la qualité pour la formation continue des avocats.

En **Belgique**, les barreaux ont instauré une formation obligatoire en matière de lutte contre le blanchiment de capitaux. **La Lettonie** a inauguré son Académie de la justice, qui dispense une formation initiale et continue au personnel judiciaire, et le barreau national prévoit de coopérer avec cette académie pour assurer la formation des avocats. À **Malte**, l'aboutissement d'un projet conjoint de l'UE et du Conseil de l'Europe a institutionnalisé la formation continue des procureurs et des avocats de l'État, bien que la profession d'avocat dans son ensemble continue de faire face au défi que représente l'absence de formation permanente obligatoire.

Plusieurs barreaux ont mis l'accent sur la numérisation et l'éthique de l'intelligence artificielle. Le programme **espagnol** Upro, financé par l'UE, a formé plus de 18 000 avocats aux compétences numériques, tandis que le barreau français a inclus une formation à l'intelligence artificielle et des considérations éthiques dans son programme d'études, parallèlement à un relèvement du niveau de qualification requis pour l'accès à la profession. Plus important encore, le **barreau français** a fait part des changements concernant l'accès à la profession d'avocat en France, qui exige désormais un master. **La Bulgarie, la Roumanie et la Slovaquie** ont également intégré des thèmes liés à l'intelligence artificielle dans leurs programmes de formation pour rappeler l'importance croissante des technologies dans la pratique juridique. Comme l'a indiqué le **barreau estonien**, une formation conjointe destinée aux juges, aux procureurs et aux avocats a été encouragée en Estonie pour favoriser la coordination des connaissances et les échanges pratiques, particulièrement précieux dans les petites juridictions aux ressources limitées.

L'accès à la formation juridique et la flexibilité de celle-ci ont été abordés dans plusieurs pays. La **République tchèque** a introduit des stages à temps partiel, et l'Irlande a mis en place un nouveau parcours d'apprentissage destiné aux jeunes sortant de leurs études et aux cadres juridiques pour compléter les parcours existants axés sur les diplômés. En **Allemagne**, la BRAK et le DAV ont fait état de la poursuite de la formation combinée professionnelle et juridique, avec des initiatives de sensibilisation telles que le Soldan Moot Court.

## Évolutions relatives à l'accessibilité des tribunaux

Dans toute l'Europe, l'accessibilité des tribunaux en 2025 a continué d'être influencée par des défis structurels, notamment en ce qui concerne les frais de justice, le fonctionnement des systèmes d'aide juridique et la rémunération des avocats. Comme l'ont signalé les barreaux nationaux, plusieurs pays ont introduit des réformes ou des initiatives visant à améliorer l'accès à la justice, mais de nombreux barreaux nationaux ont souligné que les obstacles financiers et les retards systémiques restaient des entraves importantes pour les justiciables cherchant à obtenir une protection judiciaire.

Un certain nombre de barreaux ont fait part de leurs préoccupations concernant le niveau élevé ou croissant des frais de justice et leurs effets potentiels sur l'accès à la justice. En **Autriche**, une augmentation conséquente de 23 % des frais de justice est entrée en vigueur en avril 2025, intensifiant encore les critiques de longue date formulées par la profession d'avocat. Le barreau autrichien a appelé à plusieurs reprises à une réforme de la loi sur les frais de justice, d'autant plus que l'Autriche finance déjà plus que la totalité du budget de son système judiciaire par l'intermédiaire des frais de justice. De même, les **barreaux français** ont vivement critiqué l'introduction de la « contribution à la justice économique » dans certains tribunaux de commerce, qui peut

atteindre jusqu'à 5 % de la valeur du litige. Cette mesure a été contestée devant le Conseil d'État français et renvoyée au Conseil constitutionnel français étant donné qu'elle pourrait porter atteinte au droit à un recours judiciaire effectif. Dans d'autres juridictions, telles que la Hongrie et la Serbie, les réformes concernant les honoraires de justice ont également suscité des inquiétudes quant au fait que des frais de litige plus élevés pourraient dissuader les justiciables et les petites entreprises de saisir les tribunaux.

Parallèlement, les systèmes d'aide juridique de nombreux pays ont continué à subir des pressions financières et structurelles. Plusieurs barreaux ont signalé que la rémunération insuffisante des avocats de l'aide juridique risquait de dissuader les praticiens de participer à ces programmes, ce qui pourrait, à terme, limiter l'accès à une représentation juridique des groupes vulnérables. En **Finlande**, bien que le gouvernement ait introduit une légère augmentation de la rémunération de l'aide juridique, le **barreau finlandais** a soutenu que le tarif horaire actuel restait insuffisant pour couvrir les coûts réels de l'exercice du droit. Des préoccupations similaires ont été exprimées en **Suède**, où le tarif horaire standard des avocats de l'aide juridique n'a été augmenté que de façon marginale malgré la hausse de l'inflation et des coûts d'exploitation. En **Espagne**, le nombre d'avocats participant au système d'aide juridique a continué de baisser, ce qui, selon la profession d'avocat, pourrait affecter directement la qualité et la disponibilité de l'assistance juridique gratuite.

Outre l'insuffisance des rémunérations, des retards de paiement des avocats de l'aide juridique ont été signalés dans plusieurs juridictions. En **Belgique**, l'incertitude entourant le budget fédéral a entraîné des retards de paiement aux avocats *pro deo*, qui attendent déjà souvent jusqu'à deux ans pour recevoir une rémunération pour leur travail. Des préoccupations similaires ont été évoquées en Slovaquie et en Slovénie, où les avocats ont signalé des retards importants dans les paiements pour les services *ex officio* et d'aide juridique en raison de l'insuffisance des budgets judiciaires. En **Roumanie**, le barreau a également souligné le sous-financement persistant et les retards de paiement, bien que la mise en place d'une plateforme numérique nationale pour la gestion de l'aide juridique ait été présentée comme une avancée vers l'amélioration de la transparence et de l'efficacité. Le **barreau italien** a même signalé que la nouvelle intervention législative risquait de paralyser le système public d'aide juridique et causer un préjudice direct tant aux justiciables les plus vulnérables qu'aux avocats qui assistent des personnes à faibles revenus et qui, bien que leurs créances soient reconnues par les autorités judiciaires, attendent depuis des années de recevoir les sommes qui leur sont dues.

Un autre défi structurel affectant l'accessibilité concerne l'efficacité procédurale et le fonctionnement global du système de justice. En **Grèce**, le barreau a indiqué que la durée excessive des procédures judiciaires continue de poser un obstacle majeur à un accès effectif à la justice. Cette situation a été critiquée à plusieurs reprises par la CEDH, qui a constaté de nombreuses violations liées à la durée excessive des procédures en Grèce.

Malgré ces défis, plusieurs évolutions positives visant à améliorer l'accessibilité des tribunaux et des services juridiques ont été signalées en 2025. En **Belgique**, le barreau flamand a mis en place une nouvelle application numérique régissant l'organisation de l'aide juridique de première ligne et a lancé une ligne d'assistance centralisée permettant aux justiciables d'obtenir rapidement des conseils juridiques par téléphone ou en ligne. À **Malte**, le lancement d'un système numérique de gestion de l'aide juridique a simplifié les demandes d'assistance juridique et augmenté le nombre d'avocats participant au système. En outre, des réformes législatives ont instauré l'enregistrement professionnel des interprètes en langue des signes dans les procédures judiciaires, ce qui renforce l'accessibilité pour les personnes souffrant de troubles auditifs. En **Bulgarie**, la rémunération de l'aide juridique a été revue à la hausse à la suite d'un plaidoyer soutenu mené par les barreaux, les dispositions modifiées entrant en vigueur le 1<sup>er</sup> octobre 2025.

D'autres pays ont également fait état de réformes visant à améliorer l'accès aux procédures ou à soutenir les modes alternatifs de règlement des conflits. Comme l'a indiqué le **barreau polonais**, des modifications ont été apportées aux règles relatives aux honoraires dans les procédures civiles, ce qui pourrait réduire l'obstacle financier à la saisine des tribunaux pour des litiges portant sur des montants élevés.

Dans l'ensemble, les informations fournies par les barreaux nationaux indiquent que l'accès à la justice en 2025 reste fortement influencé par des facteurs financiers et structurels. Si les initiatives de numérisation, les réformes ciblées de l'aide juridique et les mesures spécifiques d'accessibilité constituent des évolutions positives, de nombreux barreaux ont souligné que le financement durable des systèmes d'aide juridique, des honoraires raisonnables et des procédures judiciaires efficaces restent des conditions essentielles pour garantir un accès effectif aux tribunaux à tous les justiciables.

## Évolutions dans le domaine de la numérisation de la justice

La numérisation de la justice a toujours été un sujet important pour la plupart des barreaux. En conséquence, le CCBE a reçu de nombreux rapports sur les évolutions en la matière dans différents pays, notamment en ce qui concerne les aspects numériques du système de justice. Si plusieurs pays ont fait état d'initiatives visant à améliorer le dépôt électronique, la gestion des dossiers et les outils reposant sur l'intelligence artificielle, les barreaux nationaux ont mis en évidence des problèmes structurels, techniques et financiers persistants qui continuent de limiter l'efficacité et l'accès à la justice.

De nombreux barreaux ont fait part de leurs préoccupations concernant la disponibilité limitée des décisions de justice, ce qui peut nuire à la sécurité juridique. Les barreaux autrichien et bulgare ont signalé que les décisions de justice non publiées limitent la capacité des avocats à conseiller efficacement leurs clients, tandis que des affaires très médiatisées, telles que la détention provisoire du maire de Varna, illustrent les conséquences pratiques d'une transparence limitée.

La transformation numérique a souvent été retardée par des obstacles organisationnels et techniques. Le **barreau belge** a mis en avant des revers rencontrés avec des initiatives telles que *JustJudgment*, *JustDeposit* et *JustSign*, tandis que la visioconférence a soulevé des préoccupations concernant les droits de la défense. **Les barreaux finlandais** et **chypriote** ont fait état de difficultés similaires, notamment un accès restreint aux systèmes de gestion des dossiers et une réticence des tribunaux et des juges à adopter des outils numériques. Le barreau italien a également rencontré des difficultés lors de la mise en œuvre initiale de son système de procédure pénale électronique, bien que la loi garantisse désormais que l'intelligence artificielle soutienne la prise de décision judiciaire plutôt que de la remplacer.

Les progrès ont été plus marqués dans certaines juridictions. Le **barreau estonien** a indiqué avoir atteint un niveau élevé de numérisation dans les affaires civiles et administratives, avec des projets pilotes pour les procédures pénales et des initiatives d'efficacité reposant sur l'intelligence artificielle réalisées par le gouvernement. **Les barreaux croate, hongrois et maltais** ont mis en place des plateformes numériques pour les tribunaux de commerce, l'enregistrement des biens immobiliers et l'aide juridique, bien que la mise en œuvre complète et l'utilisation pratique restent progressives.

Les barreaux ont mis l'accent sur le fait que la numérisation devait s'accompagner d'un accès à la justice. Les **barreaux français** ont indiqué que, bien que le projet *Portalis* vise à mettre en place une chaîne de procédure civile sans support papier, les systèmes d'aide juridique restent largement inaccessibles, ce qui risque d'exclure les justiciables ne disposant pas de ressources numériques. **Les barreaux néerlandais** et

**espagnol** ont mis l'accent sur l'utilisation responsable de l'intelligence artificielle et sur sa supervision tout en accordant une attention particulière aux droits humains et à la protection des groupes vulnérables.

Des retards techniques et des problèmes d'interopérabilité continuent d'affecter plusieurs barreaux. **Les barreaux tchèque, polonais et slovène** ont indiqué que des systèmes encore incomplets et un état de préparation inégal ralentissent une intégration numérique plus large. Les barreaux grec, roumain et slovaque ont mis en avant à la fois les possibilités offertes et les risques, notamment les préoccupations en matière de cybersécurité, les services en ligne illégaux et la nécessité de mettre en place des garanties lors de l'adoption d'outils d'intelligence artificielle.

Enfin, un certain nombre de barreaux ont souligné l'importance des orientations méthodologiques, de la transparence et de la supervision professionnelle afin de garantir que l'intelligence artificielle et les outils numériques améliorent la pratique juridique plutôt que de la compromettre. En revanche, les barreaux monténégrin et serbe ont fait état de progrès minimes, les dépôts électroniques restant limités et les avocats continuant de dépendre de l'accès physique aux dossiers.

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## AUSTRIA

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### Cases/examples undermining confidentiality of lawyer-client communications

The Austrian government has decided to review the EU Reporting Obligation Act (*EU-Meldepflichtgesetz*), also in light of the ECJ judgement C-694/20.

The Austrian implementation in Section 11 (1) and (4) of the EU Reporting Obligation Act (*EU-Meldepflichtgesetz*) however has resulted both in an incorrect transposition of the judgement and gold plating.

First of all, the new EU Reporting Obligation Act continues to provide for an unconditional obligation to notify authorities when a lawyer is released from their duty of professional secrecy by a client. However, this is incompatible with the understanding and structure of the duty to professional secrecy for lawyers in Austria. Even when lawyers are released of this duty by clients, they must examine whether disclosure of information is actually compatible with their duty of loyalty and protection of interests towards the client. This reflects the status of professional secrecy as a fundamental right and shall e.g. prevent abuse.

The new law further foresees an unconditional obligation to provide an authority, upon simple request, with evidence that other intermediaries or the taxpayer have been informed about their reporting obligations. This constitutes an inadmissible interference with the duty of confidentiality of lawyers as this disclosure of the notification would inevitably also require the disclosure of information subject to professional secrecy obligations.

Mandatory guardianship of vulnerable adults in non-legal matters:

The *Budgetbegleitgesetz* 2025 contained a change to the applicable law on guardianships of adults which can severely compromise lawyers' resources to fulfil their role in the judiciary. Whereas before lawyers were allowed to deny a court mandate for guardianship when this mandate did not predominantly concern legal matters, this is no more the case. The tasks of such guardianships can include organisation of doctors' appointments and other everyday issues which can be numerous, moreover these guardianships can include challenges by e.g. mental illnesses which go far beyond a diminished legal capacity. It should be noted, that whenever the concerned vulnerable adult does not have sufficient means, which is very often the case, the mandated lawyer will not be paid for their services and will often use their own financial resources to pay for expenses. The possibilities to be exempt from this obligation are very limited, either a specialised colleague has to be willing to take over the guardianship or a concerned lawyers has to prove that taking over the guardianship would be unreasonable taking into account his personal, family, professional and other circumstances. Unreasonableness is presumed only as of more than five mandatory guardianships for a lawyer which were ordered by a court.

The majority of lawyers in Austria are solo practitioners or active in very small units. This law can thus both severely compromise individual lawyers' ability to serve their clients and also hamper the functioning of law firms.

## Significant developments related to accessibility of courts

The Austrian Bar has been calling for years for the abolition of automatic indexation of court fees and a comprehensive reform of the Court Fees Act. A study published every two years by the Council of Europe (CEPEJ Evaluation Report on European Judicial Systems) certifies that Austria finances 117% of its judicial budget through court fees, which means that not only is more revenue generated than expenditure, but Austria is also the clear leader in this statistic in a European comparison.

The European Commission also criticises the regime of court fees in Austria since the first apparition of the Rule of Law Report in every edition of the same report.

The year 2025 has not shown any improvements, some problems even increased further.

A regulation issued by the Federal Minister of Justice on the reassessment of court fees (Federal Law Gazette II 51/2025) saw a massive 23% increase in court fees as of 1 April 2025. This affects fixed fee rates such as flat fees in civil court proceedings up to an assessment basis of €350,000, fees for amicable divorces, registration and filing fees in commercial register matters, fees for land register extracts and fees for commercial register queries.

Also, on the basis of the legal provisions in Section 31a GGG, court fees are to be automatically adjusted, which was last done with effect from 1 May 2021 on the basis of the December 2020 index. The increase was recently suspended due to the wave of inflation.

The Bar will continue to advocate for a significant reduction in court fees in order to ensure access to justice.

## Significant developments related to digitalisation

The problem of non-published last instance court decisions persists. The Austrian Bar notes, that access to justice remains unequal in some cases because of non-published court decisions which lawyers are not aware of, but that courts refer to or other lawyers in a proceeding who have been by chance aware of such a relevant, non-published decision.

In principle, all decisions of the Supreme Court, Constitutional Court and Administrative Court are available in the federal legal information system (RIS). Besides that, there is a possibility for an anonymised publication of the decisions of the higher regional courts, the regional courts and the district courts, this, however, is very rarely used.

For a detailed description of the problem, please refer to the explanations in last year's report.

## Other issues and significant developments impacting access to justice

Problems with stakeholders'/public consultations persist. For example, extensive amendments to the Anti-Fraud Act 2025 were only made available for review for seven days in the course of a committee review. The government has also started to pass laws without any consultation by committee, see, for example, the NISG

2026. Furthermore, in many other cases there are still insufficient (short) assessment periods, for example the DokuG-Novelle 2025.

On 10 December 2025, the National Council passed the 2025 Anti-Fraud Act which contains extensive privileges for the tax authorities and social security institutions in insolvency proceedings by excluding the possibility of contesting claims. The Austrian Bar strongly opposes this constitutionally questionable violation of the principle of equal treatment of creditors. This project appears to be the result of budget-motivated legislation.

The new provisions of the Anti-Fraud Act are not necessary as there are already numerous privileges in favour of the tax authorities and social security institutions, which take account of their role as compulsory creditors. Also, both legal entities are entitled to create enforcement titles themselves and can thus enforce or secure their claims more quickly than all other creditors.

Because of the liability provisions for managing bodies however, vis-à-vis authorities there is a risk that management bodies will give priority to satisfying liabilities to the tax authorities and social security institutions in order to avoid personal liability. This is no more subject to sanctions due to the exclusion of contestation.

However, this harms all other creditors such as suppliers, employees, consumers, etc. Particularly in view of the recent insolvency proceedings, in which thousands of consumers are creditors, it is hardly justifiable that the weakest market participants are harmed for the benefit of the public sector. Furthermore, suppliers – who are usually unsecured – are under considerable pressure to deliver to (future) debtors even without advance payment in the event of liquidity bottlenecks. Finally, it should also be noted that public sector legal entities are the creditors who file the most insolvency petitions. This is because they are also the creditors who, unlike most other creditor groups, have significantly better rights to information and thus insight into the economic situation of the entrepreneur. Examples include the declarations submitted by companies to the authorities at regular intervals (income tax returns, advance VAT returns, annual financial statements, etc.), the possibilities for auditing, access to account information, etc.

The preferential treatment of the tax authorities and social security institutions in the law leads to a redistribution from unsecured creditors to the aforementioned legal entities and thus to a kind of ‘special tax’ for the other creditors (suppliers, consumers, etc.) who are already suffering damage.

# BELGIUM

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## Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

Continue ongoing efforts to address the structural resource deficiencies in the justice system. Additional budgetary efforts have been made over the past year, but it is still far from sufficient to modernise Justice and reduce judicial backlog. The Committee of Ministers also requests further efforts in its recent Rule 9 decision on the Bell group cases of the European Court of Human Rights.

This was also said with regard to progress on efforts to improve the efficiency of Justice, particularly to reduce the length of proceedings

Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights: This is a very problematic issue for the rule of law in Belgium. Compliance with final rulings is actually decreasing instead of improving, and in some areas (notably with regard to asylum procedures) the government openly declares its intention to not execute judicial decisions, thereby actively disregarding the rule of law in bad faith. See more extensive details below.

## Significant developments related to appointment and selection of judges, prosecutors and court presidents

In 2024, the exam system for the selection procedure of judges, organised by the High Council of Justice (HRJ/CSJ) has failed to prove itself as resistant to fraud and favouritism. There was a big fraud scandal in which an advocate-general and member of the HRJ were convicted of leaking exam questions to certain befriended candidates. Three other members of the judiciary/prosecution were involved in passing the exam questions on to relatives. In 2025, the case was discussed at the disciplinary level and the advocate-general in question was removed from office by way of sanction. The criminal procedure is still pending. The public prosecution wants to prosecute 4 magistrates.

A draft law is currently being examined by the House of Representatives, aiming at modifying the procedure for appointing judges to the Constitutional Court. The main changes envisaged are:

- candidates to be nominated solely by the House of Representatives (and no longer by the Senate, which is set to be abolished);
- public hearings of candidates before a House of Representatives committee;
- requirement of eight years of parliamentary experience rather than five for judges who are former political representatives;
- requirement to hold a law degree, even for judges who are former political representatives.

Parliamentary documents: La Chambre des représentants de Belgique.

## Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

In times where the government acknowledges that the profession of judge or prosecutor must become more attractive (this is stated explicitly in the federal coalition manifesto), the judiciary is not only groaning under the weight of long-standing underfinancing but has also come under the threat of severe pension reforms.

The reforms could amount to 22 percent less pension payments for magistrates and justice personnel. The plans threaten the quality and attractiveness of the judicial branch. In an open letter, a sizeable group of young magistrates expressed their doubts about continuing their career in the judiciary due to these developments.

In 2025, magistrates carried out a series of actions denouncing the lack of resources available to the justice system (staff shortages, the condition of court buildings, pension reform, implementation of case law, etc.)

## Significant developments related to allocation of cases in courts

Regrettably there are no meaningful developments to report on. The lack of transparency in the distribution of cases within the courts and in the composition of chambers within the courts has given rise to an increasing number of challenges of judges, in particular in media sensitive big crime cases. This has led to a broad public debate which has resulted in legislative initiatives aimed at restricting the right to challenge judges, rather than at solving the case distribution issues that have been criticised by GRECO for many years. This is a worrying development.

## Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

The federal coalition manifesto plans to restructure the asylum and migration services and submit the entire protection procedure to the political responsibility of the Minister for asylum and migration. This is a serious threat to the independence of the Office of the Commissioner General for Refugees and Stateless Persons (GCRS) and the Council for Foreigners' Disputes (CCE). These concerns are shared by the Belgian bar associations, the federal institute for human rights, the federal migration centre (Myria) and 12 university professors specialised in migration, constitutional and human rights law.

The Minister intends, among other things, to give instructions to the GCRS in terms of decision-making on applications (e.g. more subsidiary protection and less refugee status, which ought to be a legal decision, not a political one) and to transfer the jurisdiction for appeals against decisions on material assistance from the labour courts to the CCE (which is an administrative jurisdictional body and not part of the traditional judicial branch).

With regard to the CCE, it is expected that the jurisdictional body will also resort under the new federal government migration department. Temporary and renewable terms of office for judges are on the table, replacing the current lifetime appointments, while the federal coalition manifesto indicates an intention of the administration to intervene in the CCE's decision to ask preliminary questions. This also threatens the independency of the institution and separation of powers.

In light of the persistent and publicly expressed unwillingness to implement decisions and execute judgments ordering the reception of asylum-seekers, these restructuring measures could be perceived as ways to bypass the independency of CGRS and the labour courts and to prevent a further flood of case law establishing violations of the right to reception instead of taking measures to effectively remedy the existing violations.

### Significant developments related to accountability of judges and prosecutors

The federal coalition manifesto of 31 January 2025 announces a “strengthening” of disciplinary law for magistrates and judges and a review of the system for evaluating magistrates and the related sanctions.

### Significant developments related to independence of the prosecution service

Last year, we criticised the threefold role of the prosecution department concerning the practise consisting of sending out orders of payment to defendants in criminal cases as a settlement in lieu of actual court proceedings. The problem we see is that the prosecution department (1) set the prosecution policy, (2) operate as a ‘first judge’ because they decide that there is an offence and (3) impose the penalty and enforce their decision by creating the executory ‘title’ themselves. No positive developments have been noted; the situation has remained unchanged.

Lack of resources and personnel forces some prosecution offices to dismiss smaller cases and refrain from further investigating, for example with regard to phishing. This constrains the full performance of their competence and therefore their autonomy. Moreover, there are significant differences from location to location, for example: the prosecutor’s office of Halle-Vilvoorde will only take action against phishing if the total sum of the resulting damage exceeds €10.000 and the suspected perpetrators are not abroad. Other prosecution offices use lower limits, creating an unequal treatment of victims.

### Cases/examples undermining confidentiality of lawyer-client communications

Investigating judges decide if and to what extent lawyer-client communications are confidential, i.e. after having examined them. Sometimes the test is carried out by the president of the local Bar (*bâtonnier*), which we believe is indispensable, but sometimes the judges will proceed without the assistance of the *bâtonnier*. The same investigating judge will then continue to be responsible for the case handling, despite the fact that he/she will have knowledge of the documents that are deemed confidential. We believe that if a judge decides on whether or not lawyer-client communication is confidential, another judge should handle the case.

### Cases/examples of physical, online or legal threats or harassment of lawyers

In previous reports, the occasional identification of lawyers with their clients and their clients’ criminal activities by the public prosecution and investigating judges was criticised. In 2025, no progress on this matter has been made but at the same time no specific new incidents have to be reported.

This inherent distrust between the judiciary and lawyers was however illustrated very ostensibly in the big Kriva Rochem drug case. After a lawyer had complained about the presiding judge not being prepared to hear complaints concerning the practical security measures that applied at the hearing, the situation escalated and

the judge ordered the removal *manu militari* of two lawyers from the court room. The recusal challenges that were launched in the aftermath were dismissed, but the OVB has asked for further investigation by the High Council for Justice, which declined to take a position on the grounds that the request was related to a judicial decision.

When the court session recently resumed in the same matter, the judge immediately stopped the proceedings and decided that a judgment would follow in two months, without the possibility for the parties (i.e. the defendants and their lawyers as well as the prosecution) to be heard. On the basis of both national and European law, this is a troubling decision and a disproportionate restriction of the right to a fair trial and the right of defence.

In April 2025, a law firm in Antwerp was targeted in an attack with a Molotov cocktail. Luckily, there was only damage to the building and a vehicle. The perpetrators have not been identified.

On a larger scale not limited to lawyers, a lot of commotion was raised by a letter from an investigating judge about the evolution of Belgium towards a narco-state, in which the justice system is intimidated and even infiltrated by the drugs mafia. Over the past years, several investigating judges have had to live under permanent police protection for extended periods of time, sometimes in safehouses. It places the judicial branch under extreme pressure and the fear for one's safety might impact the functioning of the judiciary.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

The legislation on anti-money laundering remains the most visible threat for confidentiality and the independence of the legal profession. The most recent Directive (EU) 2024/1640 has expanded the obligation to file suspicious transaction reports by providing member states with possibilities to create exceptions to the professional secrecy of lawyers.

In 2025, the preparation of AML guidelines and technical standards has transferred from the European Commission to the AML Authority, where it is conducted by a special expert group. Previously, the CCBE was an observer in the informal subgroup of the non-financial sector (NFSS), which was involved in the implementation of the AML-package under the auspices of DG FISMA. AMLA however has refused to offer the CCBE the status of observer in this new expert group. Consequently, the Belgian bar associations are no longer involved in the implementation of the AML package. Requests to the Belgian Treasury to include the bar associations in their capacity as self-regulatory supervisory authorities as stipulated by the Law of 18 September 2017, did not yet yield positive results.

### Problems and difficulties implementing the case law of national, European, and international courts

A report from the European Implementation Network illustrates that the implementation of judgments from the ECtHR and the Court of Justice by the Belgian state is increasingly slower, especially with regard to asylum procedures, lengthy proceedings, prison conditions and customised care for detainees not fully responsible for their actions (mental illness). Belgium has dropped on the EIN ranking from average to bad and needs five years on average to implement ECtHR judgments into legislation.

The Federal Human Rights Institute also places the non-execution of judgments on top of the list of structural challenges for the Belgian rule of law: “it is a systemic threat to the credibility of the democratic institutions, the confidence in justice and the protection of human rights”.

This is a long-standing problem, e.g.: despite the conviction by the ECtHR back in 2013, mentally ill offenders are still being kept in prisons (more so than ever); the judicial backlog which formed the basis for the decision in Bell back in 2008 is still growing.

The state of affairs is worse than ever. Between 10.000 and 15.000 judicial decisions on the reception of asylum seekers have not been carried out. The non-payment of penalties for the non-execution of judicial decisions had reached more than 12.5 million euros by April 2025. Also in 2025, due to modified reception rules, several families with children were forced to sleep on the streets, The Belgian State has also been convicted for that.

The government deliberately and repeatedly refuses to carry out judgments, and one cabinet member has publicly stated that it will not pay penalties imposed by these judgments. This severely undermines the rule of law and illustrates that the non-execution of judgments is in part a conscious policy choice and not simply a question of force majeure, contrary to what is sometimes argued (due to a lack of reception places, which the government is decreasing regardless of the many convictions).

In light of recent developments, the Presidents of the highest Belgian courts (Constitutional Court, Court of Cassation and Council of State) joined forces to write a critical memorandum expressing their concerns with the government’s disregard for the rule of law. The memorandum states that the government’s position causes the public to question the legitimacy of the judicial branch.

Since so many judgments on asylum law are not carried out, both (potential) applicants and lawyers have become demotivated to take cases to court. Judicial decisions are not only not implemented in a timely manner, successful litigants are no longer given priority for accommodation either. A lot of lawyers no longer litigate in cases where the authorities have not provided asylum-seekers with reception facilities, just because it has very little effect. They have resigned themselves to the situation and advise their clients to just subscribe to the waiting list. This echoes the findings of a report by Amnesty International.

Rather than an indication of improvement of the availability of accommodation for asylum-seekers, the decrease in the number of judgments given against the government over the past 2 years may be a worrying indication of a flawed justice system, in which the outcome of court cases no longer matters if the State is the defendant. This development violates the applicants’ right to access to justice and to an effective remedy and normalises and validates the automatic and politically acclaimed non-enforcement of judgments.

In a particularly critical decision from 17 September 2025 in the context of the evaluation of the implementation of the Camara judgment, the Committee of Ministers requested the Belgian authorities to enforce all judicial decisions and pay the corresponding coercive penalties as soon as possible.

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

In April 2025, the criminal court of Leuven found a gynaecology student guilty of rape but suspended the culprit’s punishment. Following the judgment, national consternation ensued and students, social media

influencers and even politicians criticised the decision because the suspension was granted because of the “*favourable personality of the accused*”, triggering among the public opinion certain suspicions of “class justice”.

In May, the Belgian prime minister along with 8 other EU member states addressed a letter to the European Court of Human Rights criticising the Court’s interpretation of the European Convention on Human Rights with regard to the expulsion of foreign criminals. By doing so, the government threads on dangerous ground concerning the distribution of powers and the independence of the judiciary.

## Significant developments related to accessibility of courts

Due to the delayed approval of the federal budget, the (timely) payment of pro deo lawyers was uncertain in 2025. Ultimately, an agreement was found to pay the lawyers in two instalments, however later than normal. The bar associations are therefore in talks with the government to prevent this from happening again and speed up payments altogether. Even without delays, lawyers now have to wait for a year (sometimes up to two years) before they are paid for their work. This is no longer reasonable.

The term of payment is also significantly longer than in other European countries.

Bankruptcy administrators of companies without assets have also had their legal aid payments suspended due to a lack of federal budget at first, and to a general lack of funds after the federal budget was adopted. Payment delays have still not been made up.

With the financial support of the Flemish government, the OVB has renewed the application that governs the organisation of the first line legal aid, improving and simplifying administration, and has developed a central and free lawyers advice line (three hours / business day), available through phone or online for people to receive a quick, first advice on simple judicial questions, thereby rendering the first line legal aid more accessible.

The Bar associations are also in talks with the government to set up a permanency system of lawyers for victims of sexual and domestic violence, similar to the current legal assistance provided to arrested suspects during their interrogation.

In a local project called “Lawyers Victim Assistance”, organised by the Brussels Bar in cooperation with the public prosecution, the police and the Institute for the Equality of Women and Men, 841 victims of sexual and domestic violence received legal aid from specially trained lawyers in 2025.

A recent expert report on ways to improve the efficiency and legal certainty of Flemish environmental permits, published at the end of September 2025, proposes sweeping reforms. Some of those entail, according to the experts, “reasonable” restrictions to the right to access to a competent court and proposes to amend articles 23 (on socio-economic rights, in particular the right to a healthy environment, protected under a so-called ‘standstill’-principle) and 159 (exception of illegality) of the Belgian Constitution. The Flemish government has recently stated that it will press on with further legislative action based on this report. The OVB will closely follow these developments.

## Significant developments related to resources of the judiciary

2025 has been a year of turmoil for Justice. The judicial branch has repeatedly and forcefully criticised the government and warned for the implosion of the justice system if no substantial further efforts are made, for example with regard to human and financial resources. This has also led to a variety of protest actions over the course of 2025 (under the moniker “5 before 12 action”), for example:

- The interruption, shortening or postponement of hearings;
- The Brussels public prosecution decided not to prosecute financial and economic crimes;
- Several courts across the country decided to handle only urgent cases before the summer break, not to sign judgments or to treat only cases with detainees;
- The federal public prosecution refused to abide by the minister’s request to suspend the enforcement of prison sentences due to the overcrowded prisons, causing 4000 convicted criminals to be put on the waiting list to immediately report to prison;
- The postponement of the sending of payment requests for amicable settlements;
- The French speaking Brussels commercial court decided to indefinitely postpone all cases with the Belgian government or a public authority as claimant;
- The refusal to answer parliamentary questions and cooperate in governmental working groups.

The workload measurement report from 2024 claimed that 43% more judges (in absolute numbers more than 700 judges) and 19% more registrars are required to process all incoming cases within a reasonable timeframe. With regard to human resources for the judiciary, very little has changed. The government action plan from 13 October 2025 shows that there is only very little increase in terms of total number of magistrates (2457 to 2497 (+1.63%)). For the courts and tribunals in particular (excluding the court of cassation), on which the workload measurement was based, there are only 4 extra judges (on a total of 1511 (+0,26%)). The most notable increase is for the public prosecution, but this only compensates for the decrease of the two years before that.

It is important to also as well that the judicial branch has to rely heavily on a lot of substitute judges out of necessity (1469 according to a 2024 report from the High Council of Justice). Many of them are lawyers in private practice. The OVB has always remained critical concerning this development, as lawyers are systematically asked to perform as substitute judges, often for long periods of time. This obscures the role of both actors and thereby also the different branches of the judicial system, especially for citizens. Additionally, the legal position of substitute judges has recently been worsened by the abolishment of their privilege of jurisdiction.

In June 2025, a memo by the Brussels Court of Appeal ominously warned of a “risk of total collapse”. The direction called for the recruitment of an additional 75 persons, including 26 judges and 23 registrars to counter the endemic judicial backlog partly due to the increasing influx of cases over the past 5 years.

The 15 Belgian public prosecutors also published an open letter directed at the prime Minister and the Minister of Justice. The message: the workload and the shortage of personnel is both distressing and untenable. Justice is exhausted, the situation is alarming and it is time to act.

The Brussels public prosecutor's office had to deal with twice as many cases in 2025 compared to 2024, but the staff remained the same. They need 14 additional judges. They have to give priority to pre-trial detention cases, causing delays in other large investigations.

On 27 June 2025, some 1000 judges, prosecutors and other justice personnel gathered in the Brussels' Justice Palace in protest. During the event and in light of all the actions carried out by the judiciary at all different levels, a rare joint statement by the presidents of the Court of Cassation, the courts of appeal and the labour courts, the attorney-generals for the Court of Cassation and the courts of appeal as well as the federal prosecutor, was signed. It called for the legislative and executive branch to fully acknowledge the judiciary as a branch of power by respecting its statute and providing the necessary funding.

Consequently, in early July, the Minister presented an action plan for better working conditions, which was the outcome of several working groups with the relevant actors. While it does not address the aforementioned pension reforms, it does at least illustrate the intentions to work on other shortcomings.

The reaction of the judiciary has been lacklustre. During a protest of a couple of hundred magistrates at the court building in Antwerp on 1 October 2025, the local attorney-general and the president of the Court of Appeal called the action plan "peanuts". The courts, tribunals and public prosecution of Limburg and Antwerp also published a report containing 100 proposals for a better Justice, in which a pressing need for a long-term vision, more staff and budgetary plan across legislatures is stressed. Limburg reported the urgent need for 5 extra judges for both the standing and sitting magistrature.

On 13 October 2025, the Court of Cassation, the College of Courts and Tribunals and the College of the public prosecution again warned for structural underfunding of justice in a press release: shortage of personnel, unsafe buildings, slow digital transformation, not all crimes can be persecuted.

Finally, on 14 November 2025, a big protest with 500 judges, registrars, lawyers, translators and other justice personnel took place at the Palais de Justice in Brussels, yet again asking for remedies against the underfunding of justice, the excessive workload and the lack of personnel.

The financial resources allocated to the Justice department are undeniably a vital element. In line with the previous years, the 2025 budget for Justice as a whole and the legal personnel in particular does show an increase. Extra interdepartmental funds have been made available, which in part will be used for strengthening the judicial branch. It is clear however that much more resources will still be necessary in the longer run, which the Minister herself admits. In the run-up to the federal budget negotiations aimed at achieving extensive savings, she recently stated that it would require an extra billion euros for Justice to function adequately.

Several court buildings are also in dire condition: mice, fungus, electricity outages, leaking and collapsing roofs, no access for people with limited mobility (in Nivelles, hearings had to be organised in the parking lot because of it).

A grave problem caused by the historic lack of resources for justice in general is the overpopulation of prisons. This situation has escalated even further in 2025:

- Up to 672 prisoners sleeping on a mattress on the ground, sometimes right next to the toilet (See 180 persons in 2024). In Gent, prisoners were prohibited from seeing their family if they refused ground sleepers.
- Up to 13.613 prisoners for 11.048 places (See 12.719 in 2024).
- Up to 3 prisoners in a 1-person cell of 9m<sup>2</sup> or 8 prisoners in a 4-person cell.
- 8 % of the prison population are inmates suffering from mental illness waiting for a place in adequately equipped forensic psychiatric centres (FPC). The government fails to implement the many convictions by the ECtHR stating that they cannot be kept in prison facilities.
- Structural shortage of medical assistance by doctors (e.g.: in Antwerp, the doctor must see 70 patients in 4 hours) and specialised psychiatric care (e.g.: in Gent, there is one psychiatrist for 200 mentally ill inmates).
- The suicide rate in prisons is 50% higher than the European median.
- Shortages in food supply.
- The conditions of the many old prison buildings are inhumane, unhygienic showers, rodents, no hot water, fungus, windows that don't close, broken heating system.
- Structural shortage of staff (300 full-time guards), 1000 employees a day less than required. This will pose an even bigger problem once the new prison in Antwerp will open its doors in 2026.
- Many strikes and actions across all prisons by personnel and directors protesting the conditions and the humanitarian crisis, even with threats to refuse new prisoners.

The same highly problematic issues were found during the first visitation of the prisons by the presidents of the local bars. A second visitation round took place on 10 December 2025.

An extra structural budget of 100 million euros and an extra investment budget of 600 euros should provide more capacity, through renovations and detention houses (the construction of which is however constantly postponed). This will be far from sufficient though. The government also explores the possibility to transfer prisoners to a facility built in Albania and/or Kosovo, but besides the humanitarian concerns, the Danish example illustrates that this is not a short-term solution and very expensive at the same time.

## Significant developments related to training of justice professionals

In September 2025, the Flemish bar association issued a deontological rule stating that all lawyers should henceforth obtain 1 point (= 1 hour) on a yearly basis for courses on anti-money laundering, in order to

strengthen the understanding of their AML-obligations. The French and German speaking bar association has a similar rule for a couple of years (2 points per 3-year period).

## Significant developments related to digitalisation

The important digitalisation of justice by the Belgium government is problematic. It is a recurring complaint by the judicial branch and lawyers. The development of digital applications has been riddled with delays and problems, both practically and principally. A couple of examples:

- JustJudgment, the central database for all judgments and rulings open for the public: the government stated in 2024 that the database would become operational “soon”. There are still no implementing decisions complementing the relevant law of 16 October 2022, despite the bar associations yearlong stressing its importance. The federal coalition manifesto of 31 January 2025, however, aimed to make *“the justice system more independent, accessible, and transparent by finally making the public database of judgments and rulings available and, particularly in cases that are sensitive in the media, ensuring that the justice system comments on the reasoning behind its judgments or rulings in a clear and simple manner so that they are understandable to every citizen. Algorithms useful to the public and tools developed for the judiciary must also be accessible in the public database.”*
- Two central registers for dossiers in criminal cases and civil cases respectively, are up and running. The respective parties and their lawyers are able to consult the dossier via this register. The OVB has however lodged an annulment appeal to the Constitutional Court, because the access to these registers is much more limited for lawyers than for the judicial branch, which violates the rights of the defence.
- JustDeposit, the online platform where citizens and lawyers can lodge and upload petitions and other court documents. Without taking into account the rumours that there is no budget to keep supporting the application, a lot of courts are still (after years) not connected to JustDeposit (police courts, correctional courts, *chambre du conseil*, *chambre des mises en accusation*). The digital chain up to the registrar is not completed either, which leads to some deposited documents losing their structure and therefore still have to be deposited in paper form. The modification of art. 32ter of the Belgian Judicial Code by the law of 27 March 2024, to which the previous action plan alludes, has not resulted in any implementing orders to this day either.
- JustSign, which allows the judiciary to sign documents with a qualified digital signature: this application has never been delivered and has definitively been cancelled in the beginning of 2025 (after costing millions of euros). The government is currently looking for alternatives.
- JustCourt, the application in development for videoconferencing in judicial proceedings: there are no implementing decisions yet for the Law of 25 April 2024 on videoconferencing, despite it was already reported back in March of this year that this legislative work was being finalised. More importantly however are the inherent limitations of digital representation endangering the rights of the defence (e.g. confidentiality, communication, presumption of innocence). Relying on videoconferencing for efficiency purposes instead of applying it only with the consent of the party involved and/or in exceptional circumstances, especially in criminal and family law cases, would therefore be problematic.

The organisation of the digital transition of the Belgian Justice system has also been severely criticised in a report by the Court of Audit from the beginning of 2025. The audit mentions a “*lack of coherent strategy*” and that multiple departments without a clear role are competing with one another. It also states the large reliance on external consultants who are hardly subjected to any control and have a considerable impact on the budget. The Court of Audit also cites the specific risk of fraud.

On 19 December 2025, magistrates requested the possibility to use AI under certain conditions to lower the work pressure. The Belgian justice system is lagging behind other countries in this matter. There is currently no code of conduct on this matter.

The federal coalition manifesto of 31 January 2025 provides for a permanent service so that citizens can consult their judicial records at more extended times. For dossiers that have already been digitised, the manifesto envisages making rooms available in magistrates’ courts for litigants to consult them. This has not been implemented yet.

In contrast, the digitalisation of the administrative courts at the federal and the Flemish level advances steadily. At the federal level, the Council of State has launched a new version of its digital platform eProAdmin at the beginning of 2026 after a change to legislative framework at the end of 2025. Lawyers are no longer allowed to litigate before the Council of State “on paper”. They will have to submit their requests and other documents electronically. At the Flemish level, the so-called “Administrative Tribunals Service” (DBRC in Dutch), grouping inter alia the Council for Permit Disputes and the Enforcement College, will also for the first time roll out a digital platform. Again, lawyers are (in principle) no longer allowed to litigate before the Council or the College “on paper”.

## Significant developments related to use of assessment tools and standards

The Committee of Ministers decision adopted on the Bell Group cases on 4 December 2025 states that there has been progress with regard to court statistics concerning the length of proceedings, but at the same time requests the Belgian government to provide better and more up to date, standardised statistics on clearance rate and disposition time to adequately assess the evolution of judicial backlog. The Committee of Ministers thereby aligns with the Rule 9 submission by the OVB, stating that the government still fails to provide all the information necessary and requested in the context of the implementation of ECtHR judgments on lengthy judicial proceedings. A clear definition of what judicial backlog entails is also missing.

## Significant developments related to efficiency of justice system

The length of judicial proceedings in Belgium remains a major problem. With regard to the clearance rate of cases, statistics show a positive overall trend in that no further judicial backlog is built up in civil cases. However, this is more nuanced when considering the separate districts. For the civil sections of the courts of first instance, backlog is still increasing in Brussels and Liège. Similarly, in the family sections of these courts, the output is lower than the number of new cases in four of the five jurisdictional areas. In the correctional sections, even the overall clearance rate is below 100%, increasing judicial backlog. The same can be said with regard to correctional cases in the Courts of Appeal.

Despite the incomplete and disaggregated data, it is also clear that the disposition time of cases (duration from start to finish) is very long in several types, sections and districts of courts. The President of the Dutch-speaking

Bar of Brussels has confirmed the steady increase of judicial backlog in the capital city over the past years. In its aforementioned decision from 4 December 2025, the Committee of Ministers has stated that despite some positive developments, further efforts are necessary with a view to resolving judicial backlog.

In its report from 23 October 2025, the Court of Audit stated in a similar vein that:

- Data collection and processing remain a challenge. The results are often too global and do not allow for comparisons at the lower levels, where problems often occur;
- Significant disparities in case processing times across the several departments within the same courts;
- The CCT must investigate the reasons for these differences: shortage of judges, inefficient practices and/or other factors;
- The management tools to understand the reasons of long processing times are still underdeveloped;
- There is a need for concrete targets, standards and definitions with regard to processing times and backlog;
- There should be a warning system capable of signalling abnormally long disposal times;
- There is no clear and accurate picture of the workload of magistrates or the effective staffing levels for each department.

In the federal coalition manifesto of 31 January 2025, the government has indicated that it will seek, *“in consultation with the relevant stakeholders, solutions to combat the problem of the backlog of court cases, particularly in Brussels.”* It also intends to promote *“effective alternative dispute resolution solutions, such as mediation,”* while reaffirming the right of access to a judge and to traditional proceedings.

## Other issues and significant developments impacting access to justice

In light of the recent report from the Federal Human Rights Institute, which stresses the need for caution with regard to administrative sanctions and a shift of competences from the judicial branch to the municipal authorities, we repeat our concerns from last year concerning the alternative ways that governments try to solve or work around the structural deficiencies of the justice system as set out in this questionnaire: increasing the possibilities for and execution of administrative sanctions, expanding competences of mayors/local government, introducing fast law/summary judgments, the immediate amicable settlement with direct collection of fines by police. They all have in common that they provide fewer procedural guarantees, try to limit the right to appeal and/or bypass the judge, the main protection of citizens against arbitrary government action. They are risks that indirectly stem from the underfunding of justice (0,22% of BBP compared to the European median of 0,28% BBP) and are a threat to the separation of powers and the rule of law.

Another issue we need to repeat is the transportation of prisoners to courts. In 2025, 70 transports per week were not carried out due to a structural shortage of personnel. It is however the fundamental right of these prisoners to be personally heard before court. The problematic situation has led to three cases in which the defendant was acquitted because he was not transported to the court on several occasions, thereby violating his right to a fair trial. The government seems to be developing plans to expand the possibility of hearings in criminal cases via videoconference. If this becomes reality it is a very serious threat to the principle of fair trial.

# BULGARIA

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## Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

The 2025 Rule of Law Report addressed Bulgaria with seven recommendations, six of which build on those issued in 2024, while a seventh — concerning the quality of the legislative process — reflects a new area of Commission attention. Overall implementation has advanced unevenly: progress on integrity standards for top executive functions and on transparency in the allocation of state advertising was recorded, though the pace of reform in the area of justice remains a concern.

The Constitutional Court's Decision No. 13 of 26 July 2024, which set aside the December 2023 constitutional amendments in their majority, also clarified the boundaries of permissible reform: the Court did not rule out restructuring the Supreme Judicial Council as such, but found that the specific package as adopted did not meet constitutional requirements. The SJC continues to operate beyond its mandate, with peer-elected judges representing only four of its twenty members — a composition that falls short of Venice Commission standards. The question of Borislav Sarafov's continued tenure as acting Prosecutor General beyond the statutory six-month limit remains before the Constitutional Court in pending Case No. 2/2026.

In January 2026, Parliament reorganised the anti-corruption institutional framework by dissolving the Anti-Corruption Commission and redistributing its functions among existing bodies. The Commission has suspended disbursement of approximately €367 million across the second and third RRP instalments, pending fulfilment of milestones relating to anti-corruption reform and the accountability and criminal liability of the Prosecutor General.

On the legal profession, remuneration for legal aid was revised upward following sustained advocacy by bar associations, with the amended provisions entering into force on 1 October 2025. Progress in the digitalisation of court proceedings has been noted, with further steps needed to achieve uniform electronic communication between courts and practitioners. The infringement procedure relating to restrictions on lawyer advertising advanced to the reasoned-opinion stage in July 2025.

In February 2026, the Parliament adopted amendments to the Bar Act, thereby lifting the complete ban on advertising by lawyers and bringing the legislation into line with Article 24(1) of Directive 2006/123/EC.

## Significant developments related to appointment and selection of judges, prosecutors and court presidents

Among the most consequential developments during the reference period were those affecting the framework for appointments to the highest judicial offices. Following Constitutional Court Decision No. 13 of 26 July 2024, work on a draft new Judicial System Act was not continued, and the broader reform of judicial governance did not advance. The Supreme Judicial Council meanwhile continued to operate on an expired mandate. In January 2025, Parliament amended the Judicial System Act to provide that a Supreme Judicial Council serving beyond its mandate may not elect a new Prosecutor General or the Presidents of the Supreme Court of Cassation and

the Supreme Administrative Court, and to bring pending procedures for those offices to a close. In consequence, the procedure for the election of a new Prosecutor General was discontinued.

Regarding the appointment and selection of judges and court presidents more broadly, no developments of comparable significance or documentation were recorded during the reference period, beyond the general implications of the Supreme Judicial Council's expired mandate and the legislative suspension of appointment procedures for the highest judicial offices.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

The reference period did not see the adoption of fundamental legislative reform in relation to the irremovability, transfer, dismissal or retirement of judges, prosecutors or court presidents. The principal systemic issue in this area remained the long-term secondment of judges to fill vacant judicial posts. In its 2025 Rule of Law Report, the European Commission noted that the legislative framework in this regard had not been further developed. Draft provisions had been prepared that would have removed the possibility of seconding judges to vacant posts for an indefinite period; however, those proposals were not advanced into the legislative process.

The Commission also recalled that the broad use of secondments may bear on judicial independence, particularly where seconded magistrates remain subject to the possibility of early termination of their secondment and underlined that applicable European standards call for adequate safeguards in this respect. No developments of comparable significance or documentation were identified during the reference period in relation to dismissal or retirement regimes.

### Significant developments related to promotion of judges and prosecutors

The reference period did not yield specific legislative or institutional developments of particular significance in relation to the promotion of judges and prosecutors. While questions concerning judicial career procedures may arise in the ordinary course, no major reform or clearly documented development in this area was identified for 2025 that would warrant separate treatment under this heading.

In the Bulgarian context, the rule of law considerations attracting the greatest attention during the reference period concerned judicial governance, the continued operation of relevant bodies on expired mandates, the long-term secondment of judges, and the framework governing tenure and accountability at the highest prosecutorial level.

### Significant developments related to allocation of cases in courts

The reference period did not see major reform of the general system for the allocation of cases in Bulgarian courts. A more targeted development was the launch in July 2025 of a module for the centralised allocation and electronic processing of order for payment procedures, integrated with the Single e-Justice Portal. This initiative represents a meaningful step in the digitalisation of a specific procedural area, though it forms part of a sector-specific process rather than a comprehensive review of the case-allocation framework as a whole.

## Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

The most significant developments concerned the continued functioning of the Supreme Judicial Council with an expired mandate and the lack of progress in reforming its composition. The European Commission noted that only 4 out of 20 members of the Council are judges elected by their peers, leaving earlier concerns regarding judicial self-governance unaddressed.

There was also no further progress regarding the Inspectorate to the Supreme Judicial Council or the risk of political influence in the appointment of its members. These shortcomings remain central to the institutional weaknesses affecting judicial independence in Bulgaria.

## Significant developments related to accountability of judges and prosecutors

The Supreme Judicial Council continued to operate on an expired mandate throughout the reference period, the renewal of its parliamentary quota having remained pending since October 2022. Following Constitutional Court Decision No. 13 of 26 July 2024, which set aside the majority of the December 2023 constitutional amendments, reform of the SJC's composition did not advance. Peer-elected judges continue to represent four of the Council's twenty members, a proportion that falls short of the applicable European standard.

On 30 April 2025, the Court of Justice of the European Union ruled in Joined Cases C 313/23, C 316/23 and C 332/23 that the principle of judicial independence precludes a body such as the Inspectorate to the SJC from continuing to operate beyond its mandate in the absence of an express legal basis and without that extension being subject to a temporal limit. In its 2025 Rule of Law Report, the European Commission noted that reform of the SJC's composition had not progressed further, and that the functioning of the Inspectorate to the SJC and the risk of political influence in the appointment of its members remained to be addressed, underscoring the importance of re-engaging with reform in this area.

## Significant developments related to remuneration for judges and prosecutors

In 2025, no major structural reform of the remuneration system for judges and prosecutors was adopted in Bulgaria. The existing statutory framework therefore continued to apply, under which the basic monthly remuneration for the lowest judicial, prosecutorial and investigating position is linked to the average monthly salary in the public-financed sphere, while remuneration for the remaining positions is determined by the Plenum of the Supreme Judicial Council.

On 3 April 2025, the Plenum of the Supreme Judicial Council updated the salary table for judges, prosecutors and investigators, with effect from 1 March 2025. According to contemporaneous legal reporting, this resulted in a 16% increase in magistrates' salaries. Beyond this salary adjustment, no other significant and clearly documented developments were identified under this heading during the reference period.

## Significant developments related to independence of the prosecution service

The independence of the prosecution service remained a central rule of law consideration in Bulgaria during the reference period. Following Constitutional Court Decision No. 13 of 26 July 2024, the reforms concerning

the appointment of members to the Supreme Prosecutorial Council were found to be unconstitutional, with the consequence that progress on the European Commission's recommendation to introduce safeguards in the appointment procedure for the Parliament-elected members of the prosecutorial governance body was not possible within the existing constitutional framework. As a result, earlier concerns regarding the influence of the Prosecutor General within judicial governance structures have not yet been resolved.

The question of the continued exercise of functions at the highest prosecutorial level gave rise to divergent institutional assessments and continuing legal uncertainty, as addressed in detail above.

The European Commission also continued to note its concerns regarding the dedicated structure within the Sofia City Prosecutor's Office for investigating magistrates, an arrangement that raises questions touching on prosecutorial autonomy and may have implications for judicial independence.

### Cases/examples undermining confidentiality of lawyer-client communications

Two developments were identified during the reference period. The first concerns the European Court of Human Rights judgment in *Ekimdzhev and Others v. Bulgaria*, which remains a significant illustration of structural questions affecting the confidentiality of lawyer-client communications. The case relates to the adequacy of safeguards in the Bulgarian framework for secret surveillance, encompassing both the interception of communications and the retention of and access to communications data. Its continued supervision by the Committee of Ministers of the Council of Europe — including at the Committee's March 2026 meeting — indicates that the concerns identified by the Court have not yet been fully addressed at the domestic level.

The second concerns a pending case before the Supreme Administrative Court regarding the compatibility of the Supreme Bar Council's anti-money laundering rules, and of their statutory basis in Article 101(4) of the Anti-Money Laundering Act, with the principle of lawyer-client confidentiality and the constitutional guarantees of the Bar's institutional independence. The outcome of these proceedings may have broader implications for the delineation of professional obligations in this area.

### Cases/examples of physical, online or legal threats or harassment of lawyers

No systemic pattern of physical threats against lawyers was reported in Bulgaria during the reference period. On the preventive side, Bulgaria signed the Council of Europe Convention for the Protection of the Profession of Lawyer on 3 July 2025, with the support of the Supreme Bar Council — a step that reflects a commitment to strengthening the normative framework for the protection of the legal profession.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

The principal legal development bearing on the independence of the Bar and of individual lawyers in Bulgaria during the reference period concerns the anti-money laundering framework applicable to the legal profession. A constitutional question has arisen in relation to Article 101(4), second sentence, of the Anti-Money Laundering Act, which confers on the Supreme Bar Council the power to adopt uniform AML rules for the profession.

In the course of pending proceedings before the Supreme Administrative Court, that provision was referred to the Constitutional Court; the referral was admitted on 19 June 2025 and is now proceeding as Constitutional Case No. 6/2025.

### Specific examples of problems in relation to the cooperation between Bar and the executive branch

A notable development in this context is Bulgaria's signature of the Council of Europe Convention for the Protection of the Profession of Lawyer on 3 July 2025, supported by both the Supreme Bar Council and the Ministry of Justice — a step that reflects shared institutional recognition of the importance of reinforcing the guarantees available to the legal profession.

No other specific and well-documented developments pointing to serious difficulties in the relationship between the Bar and the executive branch or supervisory authorities, or to direct political pressure or interference targeting the Bar or individual lawyers, were identified during the reference period.

### Problems and difficulties implementing the case law of national, European, and international courts

Bulgaria continues to face persistent challenges in the implementation of judgments of the European Court of Human Rights. As of 1 January 2025, 89 leading ECtHR judgments remained pending implementation; the implementation rate for leading judgments delivered over the preceding ten years stood at 46%, with an average time pending implementation of seven years and three months.

Two long-standing cases merit particular attention. *Ekimdzhiev and Others v. Bulgaria*, which remains under enhanced supervision, concerns the adequacy of safeguards in the system of secret surveillance and in the retention of and access to communications data. *Kolevi v. Bulgaria* relates to the framework for investigating the Prosecutor General and his or her deputies. While Bulgaria has introduced a dedicated mechanism in this respect, the European Commission noted in 2025 that certain procedural aspects continue to require attention in order to ensure the full effectiveness of that mechanism — including questions concerning the hierarchical and practical independence of the ad hoc prosecutor and the scope of judicial review.

At the domestic level, the divergence of institutional and judicial positions on the exercise of functions at the highest prosecutorial level, as addressed above, further illustrates the broader challenge of ensuring consistent and coherent compliance with binding legal standards.

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

Public perception of judicial independence in Bulgaria remained a significant concern during the reference period. According to the 2025 Rule of Law Report, the level of perceived judicial independence continues to be low. The reasons most commonly cited for this perception included concerns about interference or pressure from government and politicians, as well as from economic or other specific interests.

Against that background, a number of the developments addressed above — including the continued operation of the Supreme Judicial Council on an expired mandate, the absence of progress on judicial governance reform

following Constitutional Court Decision No. 13 of 26 July 2024, and the unresolved legal uncertainty surrounding the exercise of functions at the highest prosecutorial level — are among the factors that may bear on public confidence in the independence of the judiciary. These matters attracted considerable public and media attention during the reference period.

No separate and well-documented development of comparable significance was identified during the reference period specifically affecting public perception of the independence of lawyers, beyond the general rule of law environment and the continuing debates on professional secrecy, the anti-money laundering framework applicable to the legal profession, and the institutional autonomy of the Bar.

### Significant developments related to accessibility of courts

The reference period did not see major legislative or institutional reform specifically directed at the accessibility of courts. Incremental progress was nevertheless recorded in the area of digitalisation. The 2025 Rule of Law Report refers to new digital tools and to draft legislation aimed at the digitalisation of administrative justice, including measures relating to the effective conduct of remote court hearings and the electronic submission of procedural requests.

The Unified e-Justice Portal continues to develop as a means of facilitating electronic access to case files and the electronic service of judicial documents. These are welcome developments that contribute to improving access to justice in practice, while forming part of an ongoing process rather than constituting a comprehensive structural reform of court accessibility.

### Significant developments related to resources of the judiciary

The reference period did not see major structural reform concerning the accessibility of courts. The most relevant developments related to the ongoing digitalisation of court proceedings, including the continued development of the Unified e-Justice Portal and draft measures aimed at improving the conduct of remote hearings and the electronic submission of procedural requests. These initiatives represent meaningful contributions to access to justice in practice, while forming part of a continuing process of modernisation rather than a comprehensive reform of court accessibility as such.

### Significant developments related to training of justice professionals

Professional training for judges, prosecutors and court staff in Bulgaria continued to be organised primarily through the National Institute of Justice during the reference period, with no major structural reform of the training framework identified. Separately, the Supreme Bar Council has contributed to professional awareness in an emerging area by disseminating international guidance on the use of artificial intelligence by lawyers.

### Significant developments related to digitalisation

Several concrete developments in the digitalisation of justice were recorded in Bulgaria during the reference period. In early July 2025, a module for the centralised allocation and electronic processing of order-for-payment procedures was launched and integrated with the Single e-Justice Portal. On 10 June 2025, the Government tabled a draft law relating to the digitalisation of administrative justice, intended to streamline

proceedings and to support the effective conduct of remote open court hearings and the electronic submission of requests. The Single e-Justice Portal continues to serve as a platform for electronic access to case files and the electronic service of judicial documents.

These developments reflect a sustained institutional commitment to the modernisation of court proceedings, while the full and uniform integration of electronic communication tools across the justice system remains a work in progress.

## CROATIA

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### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

As part of the outcomes of the Croatian Bar Association's activities, the Republic of Croatia signed the Convention for the Protection of the Profession of Lawyer.

### Significant developments related to accessibility of courts

The Croatian Bar Association continuously makes efforts aimed at positive development in the area of accessibility of courts, inter alia, through cooperation with the Ministry of Justice, Public Administration and Digital Transformation.

### Significant developments related to resources of the judiciary (question 17)

The Constitutional Court adopted a decision, subsequently published in the Official Gazette (No. 140/25), amending the Decision on the Titles and Conditions for Positions in the Constitutional Court of the Republic of Croatia by introducing psychological testing of candidates as part of the new employment procedure.

### Significant developments related to training of justice professionals

Positive developments /initiatives in the training of lawyers are reflected in the activities of the Lawyers Academy of the Croatian Bar Association, which, in addition to its existing educational programs, has organised the Lawyers school for the members of the Croatian Bar Association.

### Significant developments related to digitalisation

Throughout, 2025, representatives of the Croatian Bar Association actively participated in meetings concerning the project "*Paperless commercial courts in Croatia*".

### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

The European Commission has set out two important recommendations related to the proper functioning of the administration of justice in its 2025 Report, as follows:

1. To further advance the ongoing reform of the Law Office and the establishment of the Office of the Public Prosecutor and to introduce an effective review mechanism for decisions not to prosecute or to discontinue proceedings, taking into account European standards on the independence and autonomy of the prosecutorial authority.
2. To advance legislative reforms aimed at strengthening the Independent Authority against Corruption and to continue efforts to ensure that the Authority has the human and technical resources necessary for the effective performance of its tasks.
3. The Government of the Republic of Cyprus has submitted a series of bills in 2025 concerning the reform of the Law Office and the Audit Office.

The bills are currently under examination by the competent parliamentary committee, as the positions of the stakeholders regarding the drafted bills vary. The purpose of the bills is to transfer the criminal-law related powers, which currently lie with the Attorney General, to the Public Prosecutor.

- A bill has recently been approved by the Council of Ministers concerning the reviewability of decisions to suspend criminal prosecutions taken by the Attorney General. If adopted by Parliament, this procedure will ensure the review of decisions taken by the Attorney General (or by the Public Prosecutor should the relevant amendments be approved) to suspend criminal prosecutions.
- In 2025, the Amendment Bill to the Law on the Independent Authority against Corruption was submitted to the Legal Affairs Committee.

The purpose of this bill, which has been approved, is to amend the Law on the Establishment and Operation of the Independent Authority against Corruption to provide for the following:

- The Advisory Committee responsible for selecting the staff of the Office of the Independent Authority against Corruption (the Authority) shall consist of the Commissioner for Transparency and the members of the Authority and shall act in accordance with the powers and responsibilities provided for advisory committees under the Civil Service Law.
- The obligation of maintaining confidentiality or secrecy, even after the termination of service of the Authority's employees.

- The Authority's ability to enter into service lease contracts or procurement of services agreements.
- The possibility of temporary staffing through secondments of public or other state officials until the full staffing of the Authority is completed.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

Following a constitutional amendment, the Administrative Court and the International Protection Court, as well as the Administrative Court of Appeal, which hears appeals from the aforementioned two courts, have been placed under the administrative authority of the Supreme Constitutional Court, instead of the Supreme Court. The Supreme Constitutional Court now assumes responsibility for the administration of these courts.

At the same time, a new Judicial Council has been established, composed of the Judges of the Supreme Constitutional Court, the Attorney General, the President of the Cyprus Bar Association, and two lawyers nominated by the Cyprus Bar Association. This Judicial Council is now vested with the authority to appoint, promote, and dismiss judges of the aforementioned three courts.

### Significant developments related to accountability of judges and prosecutors

The Supreme Court has adopted a new Code of Ethics, modernising the ethical framework applicable to judges ([ΟΔΗΓΟΣ ΔΙΚΑΣΤΙΚΗΣ ΣΥΜΠΕΡΙΦΟΡΑΣ.pdf](#)).

### Significant developments related to independence of the prosecution service

The Office of the Attorney-General is considered expressly under Article 112 of the Constitution to be independent. Further, pursuant to Article 113 of the Constitution, the Attorney-General is Legal Advisor and Lawyer of the Government representing the latter in Courts. The President of the Republic of Cyprus appoints the Attorney General and the Deputy Attorney General who hold their respective offices until the age of 68 and are not removed from office except on the like grounds and in the like manner as such Judge of the Supreme Court. There is no independent, Director of Public Prosecution Service. However, a draft Bill is pending for discussion, regarding the transfer of the criminal-law related powers, which currently lie with the Attorney General, to the Public Prosecutor's office which will be established.

A bill has recently been approved by the Council of Ministers concerning the reviewability of decisions to suspend criminal prosecutions taken by the Attorney General. If adopted by Parliament, this procedure will ensure the review of decisions taken by the Attorney General (or by the Public Prosecutor should the relevant amendments be approved) to suspend criminal prosecutions.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

A. On 25 July 2025, the Establishment of the National Sanctions' Implementation Unit and the Application of Restrictive Measures and National Sanctions of the Republic of Cyprus Law of 2025 (Law no. 150(I)/2025) was published in the Official Gazette of the Republic of Cyprus, publicly accessible at

[https://www.cylaw.org/nomoi/enop/non-ind/2025\\_1\\_150/full.html](https://www.cylaw.org/nomoi/enop/non-ind/2025_1_150/full.html). The main features of the said Law have as follows:

1. The provisions of the Law concern UN Security Council Sanctions, EU Restrictive Measures and National Sanctions of the Republic of Cyprus.
2. There is specific provision for the application of the LPP as Recognised by Law [N.B.: under the Republic of Cyprus' Constitution, this also refers to the CJEU case law which has supreme status as per Article 1A of the Constitution, as well as, due to the existence of the ECHR Ratifying Law, enacted under the Constitution, the ECtHR case law] regarding all the Members registered and supervised by the CBA as practicing advocates. A 'practicing advocate' means any natural or legal person that is supervised or/and licensed by CBA or is covered by the recognised by law professional privilege of the advocate.
3. The duty to submit a report to the NSIU has been limited. To that effect, there is an express exclusion regarding all persons [N.B: under the Interpretation Law: legal or natural] to which the LPP applies.
4. CBA is the sole Sanctions' Regulator, also by express reference to the Republic of Cyprus' AML Law being made in the NSIU Bill, regarding the supervised by CBA Members, enacting secondary legislation in the format of Sanctions' Directives and imposing administrative penalties including fines on the CBA Members.
5. The investigatory role regarding sanctions' infringement by CBA Members will be carried out, by necessary implication, due to the issuance of Directives, by CBA.
6. The sub-section of the draft Bill providing for the power of the Executive Branch, i.e. the Council of Ministers, to unilaterally issue Secondary Administrative Acts in the format of Regulations or Orders thereby limiting the jurisdiction and powers of the Self – Regulatory Bodies as Sanctions' Supervisors, has not been included in the Law.
7. NSIU can issue overall Directives as to the better application of the Restrictive Measures' and Sanctions' Regime.
8. NSIU can issue administrative penalties subject to the application of LPP, due to the operation of specific exclusions in the relevant Sections of the Law.
9. The CBA will be informing, in addition to NSIU, the Attorney – General of the Republic of Cyprus as well, in the event that the CBA has a reasonable suspicion that a person has committed or is committing an act or an omission that infringes restrictive measures or sanctions.
10. In the capacity thereof as the Advocates' Sanctions' Regulator, CBA could be called in, as part of the Consultative Body, made up by Governmental Authorities, regarding the better application of the Sanctions' Law, on an ad hoc basis.
11. CBA, as a Self – Regulatory – Sanctions' Authority is empowered to issue Regulatory or Binding Orders as to Risk Assessment and Tracing of Restrictive Measures or Sanctions' Infringements.

12. Any request from NSIU to CBA concerning the submission of report of data and/or documents to NSIU is subject to the professional privilege.
13. CBA has issued, in Greek, on the same date of 25 July 2025, an Announcement addressed to the CBA Members, which is accessible at <https://www.cyprusbarassociation.org/index.php/en/news/51816-anakoinose-tou-pds-anaphorika-me-te-demosieuse-tou-peri-tes-idryses-tes-ethnikes-monadas-epharmoges-kyroseon-nomou-tou-2025>. In the said Announcement, CBA noted, amongst other, that (a) the enactment of the Law had been a step forward in the correct direction of securing the Sanctions' application, and (b) the final text of the Law was considered by CBA as satisfactory as it guarantees the basic CBA request before the House of Representatives and the Ministry of Finance of the Republic of Cyprus, that being the safeguarding of the LPP. To that effect, CBA also presented, in the text of the said Announcement, a list with prominent recent Judgements of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) on the subject matters of LPP and the application of the Principle of Proportionality.

B. A bill is currently being drafted regarding the establishment of a Republic of Cyprus National Overall Independent Supervisory Authority for Anti-Money Laundering and Sanctions' Supervision Purposes, by the Government, monitoring the organisations offering administrative services, as such are related to AML purposes.

The Cyprus Bar Association strongly disagreed with the plans of the Government, stating that the independence of the Bar is crucial, and the lawyer-client privilege is a principle that cannot be bypassed. There is no objection of the CBA if the Coordinating Authority will be of advisory/coordinating nature for the individual supervisory authorities.

## Significant developments related to accessibility of courts

a. Despite the increasing complexity of court cases in recent years, legal fees have remained unchanged since 2017 and are currently set at a very low level. Notwithstanding repeated requests submitted over a considerable period of time for their review and adjustment, no response has yet been received from the Supreme Court.

b. With a recent amendment to the Law, free legal aid is provided to a person who is a victim of a crime of violence against women or domestic violence: (a) in proceedings before the District Court for a claim for compensation under the provisions of the Law on the Prevention and Combating of Violence against Women and Domestic Violence and Related Matters, and in any other proceedings before the District Court that are directly or indirectly related to this; (b) for any request made before the competent court regarding the issuance of any order.

([https://www.cylaw.org/nomoi/arith/2024\\_1\\_128.pdf](https://www.cylaw.org/nomoi/arith/2024_1_128.pdf)).

c. With another recent amendment of the Law, it was determined that the Cyprus Bar Association compiles a list with the names of lawyers who are interested in offering services with legal aid, based on the alphabetical order of the names of the lawyers who wish to offer services, categorised by district and field of law.

([https://www.cylaw.org/nomoi/arith/2024\\_1\\_170.pdf](https://www.cylaw.org/nomoi/arith/2024_1_170.pdf)).

## Significant developments related to resources of the judiciary

During 2025, no significant developments concerning the resources of the judiciary were identified. With all due respect, the Rule of Law Report of the year 2024 fails to adequately address and make specific recommendations in relation to the following:

- a. The need to introduce without further delay digitalisation and extensive use of technology in the justice system. The CBA committee has suggested various improvements, such as the integration of technology and the facilitation of court appearances via telephone or online video platforms like Zoom. However, there is noticeable reluctance among judges to adopt these changes, and CBA is striving to encourage a shift in this attitude.
- b. The delay in the operation of the Commercial Court and the Admiralty Court.
- c. Inadequate resources to the justice system in infrastructure (in particular the capital, Nicosia, suffers from a lack of suitable infrastructure) and staff. The Judicial Service requires additional judges, support staff and improved infrastructure, particularly to address the caseload and reduce delays.
- d. The establishment of an independent Judicial Service remains pending.

## Significant developments related to training of justice professionals

In 2025, a major reform was implemented in Cyprus with the operational launch of the Academy of the Cyprus Bar Association, marking a decisive shift towards a structured, regulated, and quality-driven system of continuous professional training for advocates.

Positive developments:

As of 2025, advocates are required to complete 12 hours of verified continuous professional training per year. Only training programmes approved and verified by the Academy are recognised for the allocation of training points. The Academy introduced a classification of training programmes into five distinct categories, allowing for:

- better thematic organisation,
- differentiation between types of legal knowledge and skills, and
- clearer guidance to advocates on compliance with training obligations.

The reform ensures that seminars and training activities meet defined qualitative standards, addressing concerns that existed under the previous system regarding the substance, consistency, and educational value of certain training activities. Through the Academy, the Cyprus Bar Association has assumed direct responsibility for:

- approving training providers and programmes,
- verifying attendance and content, and
- safeguarding the credibility of continuous legal education.

Problems and challenges:

### 1. Transition from a non-verified to a verified system

A key challenge in 2025 has been the transition from the pre-2025 model, under which advocates could obtain training points by attending seminars not verified or approved by the Bar, provided attendance was declared. Under the new framework, this practice is no longer acceptable. Only participation in verified programmes approved by the Academy leads to the allocation of training points, requiring a significant adjustment in professional practice and expectations.

### 2. Adaptation to the five-category structure

The introduction of five categories of training programmes, while enhancing clarity and quality control, has required advocates to familiarise themselves with:

- category-specific requirements,
- limits on point allocation per category, and
- stricter compliance monitoring.

### 3. Cultural change within the profession

The reform represents a shift from a formalistic approach to training towards a substantive, outcome-oriented model, which has required time and adaptation, particularly for practitioners accustomed to greater flexibility under the previous regime.

The entry into force of the Academy in 2025 constitutes a substantial improvement in the regulation of continuous professional training for lawyers in Cyprus. While the transition has presented practical and cultural challenges, particularly due to the abolition of non-verified training points, the reform strengthens professional standards and aligns Cyprus with European best practices in lifelong legal education. In the medium to long term, the effectiveness of the system will depend on its consistent enforcement, the availability of high-quality verified programmes across all categories, and the profession's acceptance that continuous training is a regulated professional obligation rather than a discretionary activity.

More training is needed for both lawyers and judges on European Union law.

([https://www.cylaw.org/nomoi/enop/non-ind/2020\\_1\\_101/full.html](https://www.cylaw.org/nomoi/enop/non-ind/2020_1_101/full.html) )

## Significant developments related to digitalisation

Digitalisation of judicial procedures:

In 2025, the first phase of the upgraded i-Justice system was activated as an interim solution following the failure of the original e-Justice project. The platform continues to be upgraded through the establishment of a dedicated unit, with the aim of completing the system by 2026.

The i-Justice platform is intended to enable electronic filing of documents, payments, case management, document registration, case allocation, monitoring the execution of judicial decisions, and other digital functions aimed at reducing bureaucracy and accelerating judicial proceedings.

Although i-Justice is expected to provide significant support, the transition to a fully operational e-Justice system (including all subsystems, interoperability, and the full elimination of handwritten/manual procedures) remains ongoing.

The timeline and effectiveness of the full implementation of digitalisation will be critical factors.

The use of technology is very limited, and unfortunately, there is a noticeable reluctance by the Supreme Court to adopt and implement innovative solutions and technological tools for handling cases, particularly at the first instance court level. The CBA has suggested various improvements, such as the integration of technology and the facilitation of court appearances via telephone or online video platforms like Zoom. However, as mentioned above, there is noticeable reluctance among judges to adopt these changes, and CBA is striving to encourage a shift in this attitude.

Digital recording of court proceedings has yet to be introduced.

### Significant developments related to efficiency of justice system

a. It must be noted that, as mentioned in question 19 above, the use of technology is very limited, and unfortunately, there is a noticeable reluctance by the Supreme Court to adopt and implement innovative solutions and technological tools for handling cases, particularly at the first instance court level. Apart from the introduction of new civil procedure rules, which, based on indications so far, have not been particularly effective in optimising case adjudication times, no other substantial changes have been made.

Moreover, following the collapse of Cyprus's e-Justice system, it was announced that the Deputy Ministry of Innovation and the Judicial Service will initiate an immediate upgrade of the existing i-Justice platform, which serves and pertains only to matters of filing legal documents, applications, and other paperwork in Court, while it provides very limited assistance for case processing. The e-Justice project faced challenges during testing, leading to the contract's cancellation and subsequent legal disputes.

Digital recording of court proceedings has yet to be introduced.

b. Another bill is currently being drafted by the Ministry of Justice for the modernisation and the promotion of arbitration in Cyprus in the context of the broaden promotion of the alternative dispute resolution methods. In this context, the CBA promotes the Cyprus Arbitration & Mediation Centre which offers services of alternative dispute resolution.

There is big delay in the operation of the Commercial Court and the Admiralty Court. Ther Law for the Commercial Court has been approved by the Parliament since 2023; however, the Supreme Court has not proceeded to its establishment yet.

c. One of the biggest problems we face in the judicial system is the lack of enforcement measures for court decisions. Not only do citizens and businesses wait for many years to obtain a decision, but even when that time comes, they cannot enforce it due to difficulties or restrictions imposed by various legislations (e.g., inability to access the bank accounts of debtors by court order, limitations on seizing movable property, inability to sell real estate).

d. The justice system currently operates with an insufficient number of judges. This shortage leads to systemic inefficiency, excessive and often unacceptable delays in the resolution of cases, and, inevitably, a deterioration in the quality of judicial decisions. Judges are required to manage an overwhelming caseload, leaving insufficient time for careful deliberation.

The situation is made worse by the lack of judicial specialisation, a deficiency that has become increasingly untenable in the face of modern, complex litigation. A particularly striking paradox of the existing framework is that all judges are expected to adjudicate both civil and criminal cases. In practice, judges are transferred between civil and criminal jurisdiction every two to three years. While this may have worked in the past, it no longer suits today's legal system, where cases are more complex and require deeper expertise.

Judicial specialisation is therefore essential. Judges should be able to work in either civil or criminal law throughout their careers. Such reform would improve efficiency, lead to better decisions, and reduce pressure on the courts.

The absence of specialisation also makes it harder to attract qualified lawyers to the judiciary. In modern legal practice, lawyers are increasingly specialised. The prospect that, upon appointment, they may be required to exercise jurisdiction in areas, civil or criminal, in which they have little or no professional experience acts as a powerful deterrent.

This disincentive is further reinforced by the appointment interview process itself, during which candidates are examined in both civil and criminal law irrespective of their background or expertise. As a result, many highly qualified lawyers choose not to apply for judicial positions at all.

The practical consequences are already evident. Judicial vacancies remain unfilled not because of a lack of need, but because of a lack of willing and suitable applicants. By way of example, in a recent recruitment process, fifteen judicial positions were opened, yet only four were ultimately filled. This shows that the current system discourages strong candidates and contributes directly to the ongoing shortage of judges.

In conclusion, the lack of judges and the difficulty in attracting good candidates are closely linked. Without introducing judicial specialisation and a more realistic appointment process, the justice system will continue to struggle.

## Other issues and significant developments impacting access to justice

The Cyprus Bar Association actively participates in consultations on judicial reforms, including modernising court procedures and digitalisation.

### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

The baseline assessment set out in the CBA's 2025 submission remains fully applicable. Structural pressures on access to justice, persistent regional disparities in court workload, uneven progress in digitalisation and chronic underfinancing of court-appointed legal assistance continued throughout 2025 without systemic correction.

The Annual Report of 31 May 2025 of VOPOZA (committee for professional assistance and protection of lawyers' interests constituted by the Bar) provides factual information on the practical functioning of the justice system at national level, particularly in criminal proceedings. It documents recurring national developments in the practical functioning of the Czech justice system during 2024 and early 2025. It records a number of cases arising in criminal proceedings, particularly at early procedural stages, involving searches, seizures, custodial decisions, use of coercive measures and access to defence rights. The Report also documents repeated practical issues concerning the handling of confidential and potentially privileged materials, especially in cases involving electronic evidence.

In addition, the Report records instances of procedural formalism in national proceedings, including disputes related to electronic submissions and representation, as well as persistent problems concerning the remuneration of court-appointed legal representation, notably in guardianship and criminal cases. Finally, it documents cases where procedural efficiency considerations and early use of investigative powers gave rise to subsequent challenges before authorities or courts. The Report serves in this submission solely as a source of factual information on national practice. We refer to specific cases in details further in the questionnaire where suitable.

In more detail, the Committee identified several thematic areas according to reported cases:

1. Searches of lawyers' premises and seizure of materials

The Committee repeatedly identified deficiencies in the practical application of legal safeguards during searches of lawyers' offices, particularly with respect to insufficient respect for professional secrecy, overly broad seizure of documents and electronic data, lack of effective filtering mechanisms for privileged materials, inadequate participation of representatives of the CBA. These issues were assessed in light of Constitutional Court case-law and the jurisprudence of the European Court of Human Rights.

2. Criminal prosecution of lawyers

The Committee dealt with multiple cases in which lawyers were subject to criminal proceedings arising directly from their professional activities, including legal advice provided to clients, procedural strategies adopted in defence, interpretation of contractual obligations. The Committee repeatedly stressed the risk of criminalisation of legitimate legal services, particularly where the lawyer's conduct was later reassessed by authorities *ex post*.

### 3. Professional secrecy and confidentiality

The report highlights ongoing problems concerning insufficient protection of lawyer–client communication, access by investigative authorities to electronic correspondence, risks associated with modern digital investigative tools. The Committee emphasised that professional secrecy is a cornerstone of the legal profession and an essential component of the right to a fair trial.

### 4. Remuneration of court-appointed lawyers

The Committee identified persistent issues concerning delays in payment of fees, arbitrary reductions of remuneration, inconsistent application of the Lawyers' Tariff by courts, lack of predictability and legal certainty. These issues were assessed against Constitutional Court judgments and contributed to the Bar's institutional advocacy on this topic.

## Significant developments related to appointment and selection of judges, prosecutors and court presidents

No legislative changes affecting the appointment and selection of judges or court presidents were adopted in 2025 that would alter the framework described in the 2025 contribution, which therefore remains applicable.

## Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

Act No. 269/2025 Sb., amending the Act on Courts and Judges (Act No. 6/2002 Coll.) and related procedural legislation, was adopted and published in 2025 and forms part of the binding legal framework relevant for the reporting period. The amendment introduces changes affecting the organisation, functioning and professional framework of the judiciary, with differentiated entry into force.

Certain provisions of the Act, in particular transitional, organisational and preparatory provisions, were already applicable in 2025 and imposed obligations on courts and judicial administration to prepare for the new regime. The main substantive changes introduced by the amendment are scheduled to apply from 1 January 2026 but were already enacted and required preparatory implementation during the reporting period.

Substantively, the amendment clarifies and refines the rules governing the temporary assignment of judges, including secondment to ministries or other executive bodies, and explicitly limits the scope of activities that seconded judges may perform, notably excluding involvement in executive decision-making on personnel or budgetary matters. These provisions aim to delineate more clearly the boundaries between judicial and executive functions.

The amendment further establishes a new framework for judicial education and professional development, including the introduction of individual training plans for judges, with transitional provisions for judges already in office. While the obligation to implement these plans applies from 2026, the legal basis and preparatory duties were established during 2025. In addition, the Act contains related amendments to procedural legislation, including civil, criminal and administrative procedural rules, which align procedural references and competences with the updated organisational framework of the judiciary.

## Significant developments related to promotion of judges and prosecutors

No legislative or institutional changes affecting promotion systems for judges or prosecutors were adopted in 2025.

## Significant developments related to allocation of cases in courts

The current judicial allocation system continues to be governed by the existing provisions of the Act on Courts and Judges (Act No. 6/2002 Coll.) and relevant internal court rules, which set out general principles for case assignment, distribution to panels and internal organisation of work among judges. There was no legislative amendment in 2025 altering these provisions.

## Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

In practice, courts in the Czech Republic have internal “*councils of judges*” or judicial boards that: represent judges within a specific court, provide opinions on key issues such as case assignment, workload and internal matters, assist with drafting opinions and advising the president of the court.

At the Supreme Court, for example, there is a Council of Judges established as an advisory body for the Court’s President. These internal councils do not constitute a national Judicial Council with systemic governance powers.

## Significant developments related to remuneration for judges and prosecutors

A major national development in 2025 affecting the perception and substance of judicial independence was the legislative attempt to freeze judges’ salaries for 2025, followed by its annulment by the Constitutional Court in October 2025. In Pl. ÚS 19/25, the Constitutional Court struck down the statutory restriction of judges’ pay for 2025, finding that the legislature had repeated a mechanism previously declared unconstitutional and had failed to demonstrate exceptional circumstances for such a restriction. The Court held that the restriction violated constitutional requirements concerning the material security of the judiciary and did not correspond to a broader austerity context affecting other public officials. As a result, the Court ruled that judges must receive retroactive compensation for the difference in pay and associated allowances dating back to the period of the pay restriction. The state was required to reimburse judges’ salaries with interest and related costs, with initial estimates of financial impact exceeding CZK 800 million. This judgment reaffirmed the binding force of constitutional case-law on judicial remuneration and is a central national rule-of-law development for 2025, widely discussed in public and media discourse.

According to the Ministry of Justice, as of 1 January 2024 the actual number of judges at district courts reached only 86.92% of planned capacity, with particularly low fulfilment in the Prague judicial region (79.29%). Although these figures are for 2024, they reflect structural capacity constraints relevant for 2025, with direct consequences for workload distribution and sustainability of efficiency gains.

## Significant developments related to independence of the prosecution service

With regard to the independence and autonomy of the prosecution service, significant changes were newly applicable during the reporting period, following the entry into force of amendments adopted in 2024.

As of 1 July 2024, and therefore applicable throughout 2025, the legal framework governing the prosecution service was amended to introduce new statutory rules on the governance of senior prosecutorial positions. These changes include, in particular, the introduction of a fixed term of office for the General Public Prosecutor and for heads of prosecution offices, together with more detailed statutory conditions concerning appointment, qualifications and removal. The amended framework also clarifies the role of the executive (Government and Minister of Justice) in appointment and removal procedures and provides for judicial review of certain decisions before the administrative courts. These provisions constituted newly applicable safeguards during 2025 and form part of the current assessment of the autonomy of the prosecution service.

In parallel, the Czech legal order contains further provisions adopted with deferred applicability, which did not yet apply during 2025. This includes, inter alia, provisions relating to the child protection certificate (*dětský certifikát*) and related safeguarding mechanisms, which are scheduled to become applicable only as from 2027. These measures therefore fall outside the scope of operative law for the reporting period but are relevant as forthcoming developments.

## Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

In 2025, the Czech Bar Association held its General Assembly, during which a new presidency was elected in accordance with the Act on Advocacy and the Bar's internal regulations. For the first time in the history of the CBA, the presidency is headed by a woman – Ms Monika Novotná.

The CBA remains a statutory self-governing professional organisation established under Section 40 of Act No. 85/1996 Coll., on the Legal Profession, exercising both public administration and self-government. Its independence from the executive branch, the scope of ministerial oversight and the independence of individual lawyers in the provision of legal services are described in detail in the 2025 submission and remain unchanged.

The CBA reiterates the conclusion that the independence of lawyers is not a professional privilege but a structural guarantee of the right to legal assistance and the right to a fair trial, grounded in constitutional principles and European human rights standards.

### **Professional secrecy/LPP:**

A key legislative development was the adoption of Act No. 73/2025 Coll., amending the Act on the Legal Profession, effective from 1 April 2025. This amendment introduced a new Section 3a, explicitly codifying the protection of confidentiality of information obtained in the course of providing legal services.

Section 3a defines as confidential: (i) information forming the content of communication between a lawyer (or persons participating in the provision of legal services) and a client; and (ii) information obtained or created in the course of legal representation where such information may reveal the content or purpose of that

communication. In both cases, confidentiality applies only where it is in the client's interest, thus preventing an overly formalistic or abusive interpretation.

This legislative approach reflects established European standards on legal professional privilege, as developed in the case-law of the Court of Justice of the European Union and the European Court of Human Rights, and responds to long-standing concerns raised by the CBA.

The substantive protection introduced by Act No. 73/2025 Coll. was partially reflected in procedural law by Act No. 270/2025 Coll., which inserted a new Section 35a into the Code of Criminal Procedure. This provision obliges law enforcement authorities to respect the confidentiality of communications between an accused or suspect and defence counsel, irrespective of the form of communication, and expressly prohibits the use of information obtained in breach of such confidentiality in criminal proceedings.

While this constitutes an important step forward, the CBA notes that the procedural framework remains insufficiently developed in practice, particularly as regards the handling of seized electronic devices and large datasets. The legislation does not establish detailed rules for early filtering, independent review or effective exclusion of privileged material, leaving significant room for systemic deficiencies.

**ECtHR judgement *Černý and Others v. the Czech Republic*:**

These deficiencies were confirmed by the judgment of the European Court of Human Rights in *Černý and others v. the Czech Republic*, delivered on 18 December 2025. The Court found a violation of Article 8 of the European Convention on Human Rights, holding that the Czech legal framework and practice failed to provide effective and foreseeable safeguards against access by State authorities to confidential lawyer–client communications, particularly in the context of seized electronic data.

The Court emphasised that professional secrecy must be protected not only in theory but also through practical and effective procedural guarantees, including mechanisms preventing irreversible interference with defence rights. The CBA considers this judgment to have systemic relevance for Czechia and submits that it should be expressly reflected in the Commission's assessment of the justice system under the Rule of Law Report.

The ECtHR criticised the lack of clear, foreseeable and effective safeguards governing:

- the seizure of electronic devices,
- the filtering and separation of privileged materials,
- and the subsequent use of such data in criminal proceedings.

This judgment confirms that the existing Czech legal framework and practice do not provide sufficient protection of legal professional privilege, particularly in the digital environment. The ruling has systemic relevance and goes beyond the individual case.

The CBA considers this judgment to be of central importance for the 2026 Rule of Law Report and stresses the need for a clearly defined and independent filtering mechanism for privileged materials, effective ex ante and ex post judicial control, and remedies capable of preventing irreversible interference with defence rights.

The judgment thus highlights the need for a legislative and practical follow-up by the State, in particular as regards the introduction of clear, foreseeable and independent mechanisms for the filtering of privileged materials in criminal proceedings, including in the context of extensive electronic data seizures.

## Problems and difficulties implementing the case law of national, European, and international courts

Apart from what has been mentioned earlier, in 2025, the Czech Republic recorded a relatively low number of adverse judgments of the European Court of Human Rights, namely six. At the same time, significant progress was made in the execution of judgments, in particular through the adoption of an action plan for the execution of the judgment in *D.H. and Others v. the Czech Republic*, focusing on support for pre-school education of Roma and socially disadvantaged children. The plan was prepared in cooperation with relevant stakeholders and is to be implemented in 2026-2027.

The Committee of Ministers of the Council of Europe also closed its supervision of the execution of the judgments in *B. U. v. the Czech Republic* and *Sládková v. the Czech Republic*, concerning ineffective investigation of ill-treatment by the police, having found that the measures adopted were sufficient and that the Czech Republic had fulfilled its obligations under Article 46 of the Convention.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

With regard to the overall structure and functioning of the judiciary, the factual and analytical conclusions set out in the CBA's 2025 submission remain valid. In particular, no comprehensive reform of the judicial system has been adopted, regional disparities in the length of proceedings persist, and procedural formalism continues to affect predictability and efficiency. These elements are therefore not restated in detail and are instead expressly cross-referenced to the 2025 submission.

As mentioned above, the year 2025 marked a substantial shift in the legal framework governing the protection of the legal profession and lawyer–client confidentiality, both through legislative amendments and through the jurisprudence of the European Court of Human Rights. These developments are of direct relevance to the rule of law and merit detailed analysis in the 2026 Report.

### **Lawyers' escrows:**

The concerns raised in the CBA's 2025 submission regarding risks associated with lawyers' escrow accounts require updating in light of the comprehensive reform of the Act on the Legal profession effective from 1 April 2025, adopted through Act No. 73/2025 Coll. The entire legal framework was comprehensively restructured and now also includes certain obligations imposed on financial institutions with which escrow accounts are maintained.

A lawyer may accept monetary funds into escrow exclusively by their deposit into an escrow account or by cashless transfer to an escrow account. At the same time, it is prohibited for a lawyer to withdraw funds from an escrow account in cash or to deposit cash into the escrow account. Any deposit must therefore always be

made by the client, either by depositing cash with a financial institution followed by a transfer to the escrow account, or by a cashless transfer.

Before accepting funds into an escrow account, the lawyer is obliged to inform the clients in writing (i.e. the depositor and the beneficiary, if the beneficiary is a party to the escrow agreement) of the following facts:

- a) the obligation to accept entrusted funds exclusively into an escrow account;
- b) the conditions and restrictions governing the handling of funds in the escrow account; this includes the prohibition of cash deposits and withdrawals from the escrow account and the lawyer's obligation to dispose of the funds solely in accordance with the agreement on the basis of which the escrow is established;
- c) the obligation of the financial institution to send the depositor and the beneficiary a confirmation that it maintains the escrow account, including the escrow account number and the contact details of the depositor and the beneficiary, if the latter is a party to the agreement;
- d) the conditions governing changes to the data communicated to the financial institution; if any of the clients' details change, the lawyer must notify the bank of such change without undue delay so that a new notification can be sent to the clients (see below).

Another obligation prior to accepting funds into an escrow account consists in the lawyer's duty to electronically communicate to the financial institution:

- a) the contact details of the depositor and the beneficiary, if the latter is a party to the agreement, for the purpose of sending confirmation from the bank that it maintains the escrow account, including the contact details of the depositor and the beneficiary as reported by the lawyer;
- b) the account numbers to which interest accrued on the funds deposited in the escrow account is to be transferred; this obligation applies where the interest is to accrue to a person other than the beneficiary (for example, to the lawyer as part of their remuneration).

The law also introduces certain obligations for the financial institution maintaining the escrow account. These include, in particular, the obligation to send so-called notifications, by means of which the financial institution electronically confirms to the clients that it maintains an escrow account and communicates to them the escrow account number and the contact details of the depositor and the beneficiary as received from the lawyer. If a client does not receive such a notification from the bank, this indicates that the lawyer has breached their obligation, enabling the client to actively protect themselves against any movements on the escrow account that would be contrary to the agreement.

The financial institution follows the same procedure if the lawyer changes the contact details. The financial institution is also required to prevent the lawyer from withdrawing cash from the escrow account or depositing cash into it. Whenever a transaction is carried out on the escrow account, the bank sends information to the specified contact details, indicating the escrow account number, the account numbers to which the funds were transferred, and the amount transferred.

### **Enhanced oversight of lawyers' escrow accounts by the Bar:**

In practice, inspections of lawyers' escrow accounts have so far been hindered by the fact that, during inspections, the Supervisory Council could not request verification of information submitted by the lawyer from the financial institution. The amendment therefore introduces a statutory limitation of banking secrecy, providing that, for the purposes of supervising the management of funds entrusted to a lawyer's escrow, the financial institution is obliged, upon the Bar's written request, to disclose to the Bar information on the numbers of the lawyer's escrow accounts or other unique identifiers, as well as their balances and changes thereto.

### **Guarantee Fund of the Czech Bar Association:**

One of the key changes introduced by the amendment is a new form of client protection in the event of damage incurred in connection with the escrow of monetary funds. Section 29a of the Act on the Legal Profession establishes, as of 1 January 2026, the Guarantee Fund of the CBA, from which clients harmed by a lawyer's criminal conduct in connection with the escrow of monetary funds are to be compensated. This typically concerns the criminal offence of embezzlement under Section 206 of the Criminal Code.

For such cases, the law introduces the client's right to compensation from the Guarantee Fund in the amount of CZK 2.5 million, or CZK 5 million where the escrow concerns the purchase price arising from the sale of a residential property serving as housing, as recorded in the Land Registry.

The law further establishes the principle that, if the funds in the Guarantee Fund are insufficient to satisfy all claims, the claims shall be satisfied proportionally, with any unsatisfied part of a claim to be paid in a subsequent period (i.e. the following year). Upon payment of compensation from the Guarantee Fund, the claim against the lawyer who caused the damage passes by operation of law to the CBA, which may then pursue recovery from the lawyer. This statutory transfer of the claim does not require any legal act by the injured client or by the Bar.

The creation of the Guarantee Fund itself, the amount of contributions, the conditions for payment of compensation and other details are governed by a professional regulation of the Bar.

### **Council of Europe Convention on the Protection of Profession of Lawyer:**

In 2025, the Council of Europe opened for signature the Convention for the Protection of the Profession of Lawyer (CETS No. 226). This is the first international treaty specifically dedicated to the protection of lawyers, including guarantees of independence, protection against interference, harassment and undue pressure, and respect for professional confidentiality.

The Czech Republic signed the Convention in 2025, thereby committing itself at the international level to strengthen safeguards for the legal profession. This step constitutes a significant positive development from the perspective of the rule of law and aligns with long-standing concerns raised by the Bar and European professional organisations.

However, the CBA emphasises that the ratification process is yet to be concluded and that Convention's objectives require effective domestic implementation, particularly in procedural law and practice, notably in criminal proceedings and investigative measures affecting lawyers.

### **Limitation of lay judges' participation in court decision-making (implemented in 2025):**

As of 1 January 2025, Czechia implemented a significant restriction of the participation of lay judges (přisedící) in judicial decision-making. The change was introduced by Act No. 319/2024 Coll., amending Act No. 6/2002 Coll., on Courts and Judges, and entered into force following the Chamber of Deputies' decision to override a presidential veto in October 2024.

The reform substantially reduced the laic element in judicial panels, with the stated aim of simplifying proceedings and increasing efficiency.

In particular, at district courts, lay judges no longer participate in civil cases, including labour disputes, and have been removed from criminal panels, which are now predominantly decided by single professional judges. In criminal matters, lay judges no longer sit at district court level and their participation at regional courts has been limited to a narrow category of especially serious intentional violent crimes, typically subject to a statutory minimum sentence of at least ten years. As a result, lay participation in judicial decision-making has become exceptional rather than standard, confined to a limited number of serious criminal cases.

The reform has been [publicly debated](#), with proponents emphasising procedural efficiency and critics pointing to a reduction of public participation and the democratic dimension of adjudication.

### **Significant developments related to accessibility of courts**

In 2025, access to justice concerns were amplified by continuing practical problems in the remuneration of court-appointed lawyers and by unpredictable reductions of fees by courts, which can discourage lawyers from accepting appointments and may indirectly undermine effective access to legal assistance. This point is particularly important for vulnerable persons and proceedings affecting fundamental rights (detention, capacity, personal integrity), where court-appointed representation is common and effective representation depends on sustainable remuneration conditions.

Despite amendments to the Lawyers' Tariff (Decree No. 177/1996 Coll.) effective from 1 January 2025, the systemic underfunding of legal aid remains unresolved. The factual description and legal analysis set out in the 2025 submission therefore remain applicable.

The Constitutional Court judgment III. ÚS 49/24 of 24 July 2024 confirmed that arbitrary reductions of fees awarded to court-appointed lawyers violate not only the lawyers' fundamental rights (Articles 26 and 28 of the Charter of Fundamental Rights and Freedoms) but also the accused's right to legal assistance under Article 37(2) of the Charter. The continued recurrence of such practices in 2025 demonstrates that the issue is structural rather than incidental.

This assessment was echoed at the [9<sup>th</sup> Congress of the Czech Bar Association](#) (3 October 2025), which adopted a resolution mandating negotiations with the Ministry of Justice and the Ministry of Finance aimed at achieving a systemic and sustainable solution to the financing of mandatory legal aid.

On 17 December 2025, the Constitutional Court of the Czech Republic (Plenary) rendered a judgment in Pl. ÚS 32/25, in which it annulled part of the Lawyers' Tariff (Decree of the Ministry of Justice No. 177/1996 Coll., as amended) that provided for lower payment to lawyers appointed as guardians compared to the standard tariff for the same types of legal services. The Court found that the differentiation between the tariff values in § 9(2) and § 9(7) of the Lawyers' Tariff, which resulted solely from the method of appointment of the lawyer, lacked objective justification and amounted to arbitrary discrimination, inconsistent with the principles of equality and the right to legal assistance under the Charter of Fundamental Rights and Freedoms. Consequently, the contested wording in § 9(7) was struck down.

## Significant developments related to training of justice professionals

The description of the education and training of legal professionals provided in the CBA's 2025 contribution remains largely relevant, in particular as regards the absence of mandatory continuing professional training for lawyers. In 2025, however, the voluntary continuing education system organised by the CBA, known as Continuing Lawyers' Education, continued to develop further.

This three-year programme, in operation since 2019, allows lawyers to obtain a certificate upon completing at least 36 credits in the areas of law, legal skills or related disciplines. In 2025, a total of 127 certificates were awarded under this programme.

The CBA also continued to expand its educational activities in cooperation with European partners, notably through projects focusing on artificial intelligence, within the Council of Europe's HELP network, and through webinars organised in cooperation with the Court of Justice of the European Union and foreign bar associations. These activities contribute to strengthening the professional capacity of lawyers and their ability to respond to challenges posed by the digitalisation of justice.

With regard to trainee lawyers, work continued on a new concept for their training, including the reintroduction of initial compulsory training. This concept is expected to be finalised in 2026; its preparation was affected by elections to the governing bodies of the CBA held in October 2025. The Committee of Trainee Lawyers, established by the end of 2024, continues to operate as an advisory body to the Board of the CBA and contributes to improving training conditions and preparation for the bar examination.

A further significant development was the introduction of the possibility of part-time traineeship for trainee lawyers in justified cases, in particular due to pregnancy or care responsibilities. This change, implemented by the amendment to the Act on the Legal Profession, enhances accessibility to the profession and equality of opportunity.

## Significant developments related to digitalisation

In the area of digital justice, the Czech Republic has long adopted strategic documents intended to guide the transformation of judicial processes and information systems. A cornerstone of the digitalisation framework is the "eJustice" Strategic Framework and the [Information Concept](#) of the Ministry of Justice 2023–2028, which sets out medium-term goals for digital services, interoperability, infrastructure and online access to justice mechanisms. These strategic documents envisage building user-friendly online services, shared digital

interfaces (front office) for legal stakeholders, and integration of digital tools across the justice system. The Ministry of Justice has undertaken organisational restructuring to support this transformation, including defining formal roles and governance structures responsible for digital services and their delivery.

Under the Information Concept, the Ministry planned to implement, by 2025, a new interactive, transactional self-service portal and API interfaces for submissions from third-party software, anticipating integration with future eJustice platforms. While strategy envisages a comprehensive digital front-end for users of the justice system, full deployment remained ongoing during the reporting period.

In 2025, the Ministry of Justice was implementing a portfolio of over 30 digitalisation projects under the [National Recovery Plan](#), focused on modernising justice administration and improving digital access to procedural tools. These projects are grouped under digital services for citizens/businesses and digital public system infrastructure, with an allocated budget of approximately CZK 462 million. Key initiatives include: Justice Portal (Portál justice) — a central web gateway for public access to court information and digital services; audio recordings and automatic transcription of court hearings, aimed at facilitating record-keeping, transparency and reducing administrative overhead; registers of court experts and interpreters, made digitally searchable; strengthened digital infrastructure, including improved digital workplaces, enhanced videoconferencing capabilities, and interoperability of ICT systems across courts, police and prosecution; videoconferencing systems for hearings and remote testimony, which are widely used and interlinked with justice actors (courts, prosecutors, police) to reduce travel times and improve procedural efficiency.

Despite strategic planning and project implementation, digitalisation remains uneven and slower than planned. Several assessments in 2025 highlight significant gaps between policy goals and operational reality: Incomplete or non-functional [eSpis](#) (electronic court file) remains the most widely cited shortfall. A 2025 analysis notes that eSpis – envisioned as the central digital repository of court files accessible online by judges, lawyers and parties – has been in development since 2008 and still is not operational as a comprehensive system. The absence of a fully functional eSpis delays other digitalisation layers, such as remote file access, automated document exchange, and efficient electronic management of cases.

The ongoing delays have been publicly acknowledged; the Ministry has reportedly re-targeted the eSpis completion date to December 2026, reflecting repeated postponements and challenges in project delivery.

Partial digitalisation endeavours, such as eISIR (electronic insolvency system), have seen phased roll-outs into routine operations, but overall progress remains limited without broad uptake of a unified court file system.

These deficiencies affect every day legal practice: lawyers often cannot remotely access complete case files, must travel to courts for physical inspection, and cannot rely on a single online platform for procedural submissions and case communications.

The continued absence of a fully functional electronic court file also has implications beyond purely domestic proceedings, as it complicates the handling of cases with a cross-border element and limits effective participation of foreign parties and their legal representatives in judicial proceedings. The absence of an effective eSpis also limits interoperability with other justice IT systems and constrains the automation of tasks that would enhance efficiency and reduce procedural delays.

Historically, investments in justice digitalisation were criticised for being insufficiently targeted and poorly coordinated, with older audits noting outdated systems and limited progress even after significant IT spending. Recent budgets show continuing investment, but the Ministry cannot allocate funds exclusively to eJustice; digital projects compete with other IT priorities within the justice ICT plan.

In 2025, digitalisation was formally confirmed as a key objective in official justice modernisation strategies and public communications by the Ministry of Justice.

Videoconferencing remains one of the most extensively used digital tools in practice, particularly since the pandemic, facilitating remote hearings, witness testimonies and cross-institution cooperation. Practitioners generally perceive this as a positive step toward procedural flexibility.

## Significant developments related to use of assessment tools and standards

The CBA has been actively engaged in facilitating discussion and awareness on AI in legal practice. CBA published an announcement for an international webinar on artificial intelligence in legal practice that addressed, among other topics, the EU AI Act, its impacts on lawyers' work and ethical AI use. The session focused also on challenges faced by practitioners whose primary working language is not English, reflecting an inclusive professional development perspective.

Although CBA's current [formal position](#) on AI usage in legal services has been described by some as broad and needing refinement (the IT and AI Committee of the Bar is focusing on that), there is an ongoing public discussion within the profession about revising CBA's stance to provide clearer guidance on issues such as data protection and client confidentiality when using AI systems.

### **Legal community initiatives beyond CBA:**

In 2024–2025, front-line law firms in the Czech Republic founded a Lawyers' Association for AI (Advokátní asociace pro AI), bringing together several major practices aiming to support responsible AI use within legal services and to encourage innovation in legal technologies. The association's stated purpose is to help shape the conditions for the ethical and practical integration of AI in legal practice, including respecting traditional professional values such as confidentiality and respect for fair process while adopting emerging tools. This development indicates grassroots professional engagement with AI issues, complementing CBA's educational and discussion-oriented role.

### **AI Tools and Practical Use in Legal Work:**

Czech lawyers and firms are experimenting with AI tools that can significantly enhance efficiency, particularly in document analysis and review, contract drafting and due diligence, text extraction and summarisation, data organisation and administrative task automation.

Independent sector analysis suggests that when carefully integrated into legal workflows, AI can save lawyers time and reduce routine burdens, allowing them to focus on higher-value professional judgement.

However, emerging practice also reveals risks and limitations: misapplication of AI can lead to serious professional consequences – for example, a [lawyer was fined](#) by the Constitutional Court after submitting a constitutional complaint containing fabricated case law generated by an AI system.

### **Professional and Ethical Context:**

The ethical use of AI by lawyers is emerging as a central topic. Discussions emphasise that: AI should be used in ways that uphold confidentiality and professional secrecy; lawyers must retain meaningful human oversight over AI outputs; clear internal policies are necessary to govern AI use and protect sensitive client data. These themes appear in broader legal tech and professional development discourse for the Czech legal community, reflecting alignment with EU-level guidance on ethical AI.

At the European level, the Council of Bars and Law Societies of Europe (CCBE) published [guidance on the use of generative AI tools by lawyers](#), offering ethical and practical recommendations such as risk-assessment, human oversight, transparency in tool choice and data security considerations. This guidance is directly relevant to CBA and Czech lawyers seeking EU-aligned best practice. The Bar translated the guidance into Czech language for accessibility purposes.

Professionals are increasingly calling for dedicated AI training for lawyers, with emphasis on understanding of AI risks and compliance obligations; protection of personal data (GDPR) when using AI; preserving professional secrecy in AI-assisted workflows; interpretation of regulatory frameworks (AI Act, national policies).

Emerging professional offerings – including webinars, firm-led workshops, and plans for updated CBA positions – reflect growing emphasis on integrating AI literacy into continuing legal education.

CBA's activity in organising discussion forums (e.g., international webinars) and feedback on sector position indicates a trajectory toward more systematic AI guidance for legal professionals in 2026 and beyond.

### **Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation**

As regards efficiency, the general conclusions set out in the CBA's 2025 contribution remain applicable, but recent statistical data published by the Ministry of Justice allow for a more nuanced assessment. According to available data, in civil cases the median length of proceedings before district courts in 2024 decreased to 157 days, while electronic payment order proceedings reached a median of only 13 days. In criminal matters, the long-term positive trend continued, with variability in the length of proceedings between courts being the lowest recorded in the past 17 years.

In family law matters, 84% of guardianship cases were decided within the statutory time limits in 2024, and approximately three quarters of disputes concerning parental responsibility ended with an agreement between the parents. These data indicate that the Czech justice system performs well in several areas.

At the same time, structural problems persist, in particular staff shortages and regional disparities. As of 1 January 2024, only 86.92% of systemised judicial posts at district courts were filled, and in Prague the figure was as low as 79.29%.

As in previous contributions, the judicial statistics are only published with almost a year delay, therefore, no data are available for 2025 yet.

## DENMARK

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

We welcome the recommendation to advance the review of the Danish legal aid system. As noted by the Danish Bar and Law Society, the current system remains under pressure and needs renewed attention to ensure equal access to justice. We are hopeful that the work – now placed with the *Retsplejerådet* – will move forward and contribute to a stronger and more coherent legal aid framework.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

Criminal system reform – bill L83 (Danish title: *Strafreform*):

The criminal system reform (bill L83), which forms part of a broader political agreement on sentencing policy and the Prison and Probation Service for 2026–2030, includes an extension of statutory protections for lawyers performing publicly assigned duties. Section 119 of the Danish Criminal Code will be amended so that state-appointed defence and family law lawyers are covered by the same protection as other courtroom actors. This strengthens safeguards against threats and intimidation and supports effective legal representation and access to justice.

At the same time, the Danish Bar and Law Society has underlined the importance of continued efforts to ensure adequate protection for all lawyers in the exercise of their professional duties, irrespective of appointment status, in order to safeguard the independence of the legal profession as a whole.

### **The Council of Europe Convention on the Profession of the Profession of Lawyer:**

The Convention, adopted on 12 March 2025, establishes minimum standards to ensure that lawyers can practice freely and independently, without harassment, intimidation or improper interference, and covers core aspects such as professional rights, disciplinary safeguards, freedom of expression and effective protection against threats or attacks. It further requires states to guarantee the independence and self-governance of professional associations and their involvement in legislative processes affecting the legal profession. From a rule of law perspective, it constitutes an important instrument for strengthening lawyers' independence and access to justice across Europe.

Denmark has not yet signed or ratified the Convention. The absence of a clear commitment to this framework raises concerns, as signature and ratification would provide an opportunity to reinforce existing safeguards and send a strong signal of support for the independence of the legal profession and the rule of law.

## Significant developments related to accessibility of courts

### **Equality of arms and access to justice:**

We continue to see the same challenges regarding equality of arms in cases between the Danish state and citizens or companies. The significant disparity in remuneration between lawyers representing the state and those representing individuals – particularly in legal aid cases where fees for the citizen’s lawyer are strictly limited – remains unchanged. This structural imbalance still risks undermining equal access to justice, and we therefore continue to recommend that judges set fees for both parties’ lawyers to ensure fairer conditions.

Access to justice also depends on the availability and effectiveness of legal aid. Financial thresholds and limitations within the legal aid system may restrict practical access to legal assistance for certain groups, especially in complex disputes or cases involving public authorities. From a rule of law perspective, this raises questions as to whether the current framework sufficiently guarantees equality of arms and effective access to justice.

Recent empirical findings also indicate a growing gap between formal legal safeguards and citizens’ and businesses’ perceived legal certainty. The Danish Bar and Law Society’s Rule of Law Analysis 2025, based on responses from lawyers, citizens and companies, shows that many respondents experience increasing complexity, unpredictability and procedural barriers in their interactions with public authorities.

From a rule of law perspective, such perceptions are significant, as public trust in legal institutions is closely linked to transparency, predictability and effective access to remedies. Persistent discrepancies between formal guarantees and practical experiences may therefore weaken confidence in the justice system and its ability to deliver fair outcomes.

### **Interpretation and legal certainty in judicial proceedings:**

Interpretation plays a critical role in safeguarding procedural fairness and the rights of the parties in judicial proceedings where one or more parties do not sufficiently understand the language of the court and therefore rely on interpretation. Accurate interpretation is essential to ensure that defendants, witnesses and other parties are able to understand the proceedings, communicate effectively and exercise their procedural rights.

Documented challenges related to court interpretation in Denmark indicate that variations in the quality of interpretation may affect both the fairness and the efficiency of proceedings. Where interpreters lack adequate legal training or where quality assurance mechanisms are insufficient, misunderstandings or ambiguities may arise. This may require additional procedural steps, such as clarification during hearings, adjournments or subsequent appeals and, in the most serious cases, may risk affecting the substantive assessment of the case and the correctness of judicial outcomes.

These challenges highlight the importance of ensuring appropriate qualifications, training and quality control for court interpreters. Strengthening professional standards for interpretation in judicial proceedings is therefore relevant not only for the protection of the rights of the parties, but also for supporting timely, effective and well-reasoned case handling within the justice system.

## Significant developments related to resources of the judiciary

### **Pre-trial detention:**

From a rule of law perspective, adequate resources and effective planning in the courts and related institutions are essential to ensure timely proceedings for detained suspects. The Danish Bar and Law Society has therefore highlighted the need for sustained operational capacity and procedural organisation that prevents unnecessary delays and reduces reliance on prolonged detention as a de facto default.

The Danish Bar and Law Society considers the increasing duration of pre-trial detention a broader rule of law issue affecting trust in institutions and the perception of proportionality in the criminal justice system. Public and political debate in 2025, supported by empirical findings in the joint report with Justitia, has reinforced the need for sustained focus on legal safeguards, proportionality and timely adjudication.

### **Criminal system reform – bill L83 (Danish title: *Strafreform*):**

Bill L83 explicitly acknowledges chronic shortages of prison officers and constraints on bringing new prison places into operation. While the reform foresees expanded capacity and recruitment efforts, sustained and credible resourcing of prisons and probation services remains essential to ensure balanced implementation and to avoid undue strain on the criminal justice system.

## Significant developments related to efficiency of justice system

### **Pre-trial detention:**

Denmark continues to face rule of law challenges linked to the length of criminal proceedings and the resulting duration of pre-trial detention. A joint report by the Danish Bar and Law Society and Justitia documents that while the number of new pre-trial detentions has decreased over time, the length of detention has increased significantly, with a growing number of individuals detained for very long periods before judgement.

The Danish Bar and Law Society has stressed that pre-trial detention should remain an exceptional measure and that the current development risks undermining legal certainty and public trust in the justice system. It has called for measures that accelerate case progression and reduce repeated extensions, ensuring that criminal cases – particularly those involving detained suspects – are prioritised and brought to trial within a shorter timeframe.

In its dialogue with policymakers, including before the Danish Parliament's Legal Affairs Committee, the Danish Bar and Law Society has advocated for reforms that strengthen legal safeguards for detainees, promote alternatives to detention where appropriate, and reduce excessive durations through better procedural management and stricter review standards.

### **Criminal system reform – bill L83 (Danish title: *Strafreform*):**

Bill L83 plans harsher penalties for a range of offences and seeks to align sentencing more closely with offence gravity, while also expanding prison infrastructure and rehabilitation measures. Independent analyses indicate that increases in the prison population may outpace realistic capacity and staffing improvements, with

potential consequences for court efficiency and backlogs. A mismatch between sentencing ambitions and operational capacity may delay justice outcomes.

## Other issues and significant developments impacting access to justice

The Construction and Infrastructure Act (national defence and civil emergency projects) (Danish title: *Lov om bygge- og anlægsprojekter samt driftsaktiviteter med væsentlige nationale forsvarsformål eller væsentlige civile beredskabsformål*):

The Act on construction and infrastructure projects and operational activities serving significant national defence or civil emergency purposes was adopted as a temporary legislative framework in September 2025. While the stated objective of ensuring the timely implementation of defence- and preparedness-related projects is legitimate, the legislative process raises serious rule of law concerns.

The Act confers exceptionally broad discretionary powers on the executive, including the ability to derogate from otherwise applicable legislation, assume powers vested in other authorities and, in certain cases, restrict access to administrative appeal mechanisms. These powers were introduced without comprehensive impact assessments examining their implications for legal certainty, access to effective remedies and the separation of powers. In particular, the legislative process did not sufficiently assess the cumulative consequences for citizens' and businesses' rights, nor did it adequately address how far-reaching derogations from existing legal safeguards may affect predictability and trust in the legal framework. The absence of clear material limits, proportionality requirements and documentation obligations further weakens transparency and democratic scrutiny.

Taken together, these elements raise concerns regarding the quality of the legislative process and the balance between executive efficiency and constitutional safeguards. The framework risks setting a precedent for bypassing ordinary legislative protections in situations defined broadly by the executive, with potential implications for legal predictability, public confidence and the protection of fundamental rule of law principles.

### **Surveillance:**

Denmark has experienced a gradual expansion of surveillance measures and access to personal data by public authorities, often justified by crime prevention and public security objectives. While technological developments offer new tools for law enforcement, they also pose increasing challenges to fundamental rights and the rule of law.

Surveillance-related legislation, which expands public authorities' access to personal data for law enforcement and security purposes, has in several instances been adopted without thorough impact assessments and broad public consultation. Restrictions on fundamental rights require comprehensive assessments of necessity, proportionality and long-term implications to safeguard legal certainty and public trust.

A key concern identified by the Danish Bar and Law Society is the gradual expansion of surveillance powers in line with technological capabilities rather than clearly defined legal needs. This development risks undermining legal certainty if safeguards are not continuously reassessed.

Expanding surveillance powers heighten the importance of transparency and reasoned decision-making by public authorities. The Danish Bar and Law Society has underlined that surveillance measures should be accompanied by clear legal bases, explicit purposes and documented assessments of necessity and proportionality.

Without sufficient transparency and justification, individuals may face difficulties in understanding or challenging surveillance-related decisions, thereby weakening effective protection of their rights. Lack of transparency may also affect individuals' and companies' ability to assess compliance risks, particularly in sectors operating across borders.

### **ECHR:**

The Danish Bar and Law Society has expressed concern that political initiatives seeking to reinterpret or politically influence the application of the European Convention on Human Rights may weaken fundamental safeguards of legal certainty.

The Convention system relies on a clear separation between political decision-making and judicial interpretation. Attempts to challenge this balance risk blurring the division of powers and may affect the predictability and stability of the legal framework, including the consistent application of fundamental rights across Europe.

From a rule of law perspective, political initiatives and public debates concerning the role of international human rights courts should be accompanied by careful legal assessment and transparency. The Danish Bar and Law Society has underlined that changes affecting the interpretation or application of the European Convention on Human Rights require thorough consideration of their implications for access to justice, legal certainty and Denmark's international obligations.

Broad political signalling aimed at redefining the Court's role, without corresponding legal safeguards, risks creating uncertainty regarding the future application of fundamental rights protections.

### **Criminal system reform – bill L83 (Danish title: *Strafreform*):**

The 25 June 2025, agreement on the criminal system reform and the Prison and Probation Service budget for 2026-2030 sets out a comprehensive strategy for sentencing, prison capacity and rehabilitation, including harsher penalties for serious crimes and expanded alternatives to incarceration. The Danish Bar and Law Society has raised concerns that the underlying assumptions regarding the feasibility of expanding capacity and staffing levels are not sufficiently evidenced, and that the legislative process did not provide a clear, evidence-based justification for the forecasted operational outcomes.

From a rule of law perspective, proposals entailing substantial increases in incarceration and systemic restructuring should be supported by transparent impact assessments and consultations, to ensure legal certainty and implementation. The criminal system reform is expected to be finally adopted by the Danish Parliament on the 29 January 2026.

### **Taxation, legal certainty and access to effective remedies:**

The Danish Bar and Law Society has raised concerns regarding legal certainty and transparency in tax administration. Developments in recent years, including frequent legislative amendments and complex administrative practices, have made it increasingly difficult for taxpayers to understand and predict the legal consequences of tax decisions. Particular attention has been drawn to situations where tax assessments are enforced during ongoing appeals, which may undermine the principle of good administration and effective protection of rights.

Furthermore, predictable and transparent tax administration supports cross-border economic activity and confidence for businesses operating within the internal market.

Effective access to remedies is essential in tax matters, given the significant financial impact of administrative decisions. The Danish Bar and Law Society has emphasised that the practical ability to challenge tax decisions may be weakened where collection is not suspended during appeal proceedings, potentially limiting the effectiveness of judicial review in practice.

## ESTONIA

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

No specific recommendations were addressed to the Bar or to lawyers in the 2025 Report: however, one recommendation of broader relevance to the work of lawyer's merits attention.

Estonia received a recommendation to continue efforts to reform the Council for the Administration of Courts, considering European standards on councils for the judiciary.

In December 2024, the Ministry of Justice and Digital Affairs introduced a draft bill aimed at reforming the court administration model for first- and second-instance courts. The draft bill was submitted to Parliament in April 2025; however, the legislative process has since been suspended due to concerns regarding its constitutionality and opposition from the judiciary to certain proposed solutions. The Ministry of Justice and Digital Affairs introduced significant amendments to the draft bill in November 2025, and the bill received very strong criticism from the judiciary as well as other stakeholders. It was even said that the reform divided the judiciary and created immense tension within the system ([https://www.riigikohus.ee/sites/default/files/elfinder/dokumendid/Taiskogu/RKE\\_taiskogu\\_ettekanne\\_2025.pdf](https://www.riigikohus.ee/sites/default/files/elfinder/dokumendid/Taiskogu/RKE_taiskogu_ettekanne_2025.pdf)).

On 15 January 2026, the Ministry has introduced a new, quite significantly modified version of the draft bill, which is currently in the coordination round.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

No such amendments have been made; at present, they exist only at the level of the above-mentioned draft bill.

### Significant developments related to remuneration for judges and prosecutors

There have been no positive changes regarding the freeze on the indexation of judges' salaries. The exemption from indexation of the salary rates of senior civil servants, including judges, remains in force until 31 March 2028, after which the previous method of calculating salaries is to be restored. According to information available to us, a group of judges has contested this exemption in administrative court, but there is no final judgment yet in this case. The government submitted a bill that would have restored indexation for judges' salaries only; however, the bill was withdrawn, and no further developments are known to us.

### Significant developments related to independence of the prosecution service

In late 2025, Estonian media coverage and public discourse focused on the independence of the Prosecutor's Office, its mandate, and the scope of prosecutorial discretion.

Former State Prosecutor has argued that the Estonian Prosecutor's Office should be dissolved, citing a lack of public trust, excessive discretion, and limited accountability. He has criticised the handling of politically sensitive cases and contends that the current structure creates unpredictability and instils fear. He proposes alternative models in which prosecutorial functions would be subject to more direct accountability, effectively calling for major structural reform (<https://news.err.ee/1609874040/margus-kurm-the-prosecutor-s-office-should-be-dissolved>).

Estonia's Prosecutor General Astrid Asi strongly disagreed with the claim that the Prosecutor's Office should be dissolved, describing it as a provocative statement. She argues that the office fulfils its mandate by bringing thousands of cases to court each year and by protecting the interests of victims and rejects the idea that it instils fear in society. Asi acknowledges certain challenges, including difficulties in recruiting a diverse range of legal professionals, and supports reforms aimed at improving staffing and quality oversight. She also addressed ongoing investigations, including allegations of illegal party donations related to the Isamaa party, and drew comparisons with other cases, emphasising the Prosecutor's Office's legal obligations and the complexity of legal interpretation in prosecutorial decision-making (<https://www.err.ee/1609883296/asi-ma-pole-kindlasti-nous-vaitega-et-prokuratuur-tuleks-laiali-saata>).

## Cases/examples undermining confidentiality of lawyer-client communications

### **1. Searches in lawyer's premises.**

In 2025, there were no negative developments in terms of protecting client-lawyer privilege during searches of lawyer's premises. Only one search was carried out at the home of a lawyer, who was subsequently also declared a criminal suspect. A representative of the Bar Association was present during the search. The representative was not prevented from performing its role to ensure that, in accordance with the search warrant, data related to the criminal proceedings are separated from information covered by legal professional privilege.

### **2. Surveillance.**

On 15 October 2025, the Supreme Court published a significant ruling clarifying how authorities must act when police intercept communications between a lawyer and a client during telephone surveillance.

The case arose from a complaint filed by three lawyers whose phone calls with a client were recorded during surveillance of the client. The lawyers learned of the interception only by chance and argued that both the interception and the failure to notify them violated their right to privacy and the protection of legal professional privilege.

All three court instances found the complaint well founded, holding that the lawyers should have been directly notified of the interception.

The Supreme Court held that protection of fundamental rights can be ensured through interpretation of existing legislation, while emphasising that legal provisions governing the protection of client confidentiality in surveillance activities should be more detailed.

The Court noted that, according to ECtHR case law, private life encompasses professional activities, and that any interception of lawyer-client communication constitutes a significant interference with fundamental rights – regardless of the specific content, as even the mere fact of contacting a lawyer is confidential.

Because communication between a lawyer and a client is subject to special protection by the state, the Supreme Court held that any interception of such communication always constitutes a significant interference with fundamental rights. The specific content of the calls is not decisive, as even the mere fact of contacting a lawyer is confidential.

The Court emphasised that confidentiality protects not only the client but also the relationship of trust essential for comprehensive legal services and the fair administration of justice.

The ruling established that lawyers must be notified of surveillance if the intercepted call clearly involves legal services and the lawyer's identity can be established with reasonable effort.

The Court also held that recordings containing privileged information must be retained until the lawyer has had the opportunity to review and decide whether they should be preserved or destroyed.

The Bar Association has asked the Ministry of Justice and Digital Affairs about plans to amend the relevant regulations; however, no information has been provided.

Ruling available at: <https://www.riigikohus.ee/et/lahendid/?asjaNr=1-24-7248/21>.

## Cases/examples of physical, online or legal threats or harassment of lawyers

In 2024, the Bar organised a training course with the assistance of external experts. The training was designed to equip lawyers with knowledge and practical skills for communicating in conflict situations of varying intensity, with a view to preventing escalation and de-escalating tensions. The lecturers also prepared a brief guide for lawyers on managing verbally aggressive situations. Given the strong interest in the training, the Bar offered it again in 2025.

The Bar Association has observed a growing trend of systematic attacks against lawyers, particularly on social media and other online platforms, in which lawyers are increasingly equated with the actions or views of their clients. Such attacks are aimed at undermining both individual lawyers and the legal profession as a whole and, in certain cases, extend to the family members of lawyers.

The principle that a lawyer must not be equated with a client constitutes a fundamental professional safeguard, essential for ensuring access to justice, safeguarding the independence of the legal profession, and upholding the proper functioning of the rule of law. The Bar Association has also expressed concern that, in certain instances, members of the profession have themselves contributed to amplifying such attacks.

The Bar Association emphasises the importance of collegiality and respectful professional conduct. Where necessary, it is taking steps to support affected lawyers, assess possible legal and regulatory responses, and encourage the reporting of such attacks, with a view to maintaining trust in the legal profession and in the administration of justice

The Bar has initiated a working group representing lawyers, judges, and prosecutors to address attacks against members of the judicial system in a coordinated way, to share best practices and support the members of the legal profession. The first meeting of the working group will be held in January 2026.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

As of 2025, no cases have been reported that directly threaten the independence of the Bar or lawyers; the Bar's independence remains protected under Estonian law.

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

Overall, relations with the ministries are good; however, the main concern is that legislation is not thoroughly analysed and that the law-making process is driven by political priorities. No cases of political pressure and interference regarding the role of Bars in 2025.

### Problems and difficulties implementing the case law of national, European, and international courts

In its judgment of 16 November 2021 in the case of *Särgava v. Estonia* (<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-213208%22%5D%7D>), the European Court of Human Rights found that lawyer-client confidentiality is not sufficiently guaranteed in Estonia.

Four years ago, the Bar Association submitted to the Ministry of Justice and Digital Affairs a draft bill introducing amendments to the Code of Criminal Procedure to address this issue. The Ministry finalised the draft bill only at the end of 2025, as other legislative initiatives – often driven by political priorities – were given precedence. The official interministerial coordination process, which precedes submission of the draft bill to the Government, commenced in early 2026.

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

In 2025, there were no significant events that would have substantially altered public perceptions of the independence of lawyers.

### Significant developments related to accessibility of courts

State legal aid fees for lawyers have not increased since February 2023, and the state has made no commitment to raise them, although the Bar regularly highlights the necessity of doing so.

In June 2025, Parliament initiated proceedings on the Civil Crisis and National Defence Act, which is intended to strengthen crisis preparedness across the national defence system. The draft legislation would impose an

obligation on the Bar Association to ensure the provision of state legal aid by its members during crisis situations. This would require the Bar Association to develop appropriate mechanisms, provide training for lawyers, and undertake other related activities. The Bar Association has expressed concern regarding the increasing administrative burden and the financing of these measures, as no state funding is currently foreseen.

From 1 January 2026, the state fee doubled for submitting claims in public procurement cases being now the highest fees for administrative cases – €1,280 and €2,560 depending on the value of the contract. The reasoning behind the increase of the fee was case overload in the review committee (and courts) and the doubling of fees was seen as an access to legal aid issue by professionals.

### Significant developments related to resources of the judiciary

The Chief Justice of the Supreme Court has noted that judges in modern society face high, and in some respects even superhuman, expectations. Tensions arise both from excessive workloads and from criticism that is often perceived as unfair. Judicial burnout has become a matter of public discussion. It cannot be expected or considered as normal the constant performance of overtime work, which negatively affects judges, their personal lives and, ultimately, the quality of justice. Judges must also be afforded sufficient time for learning and professional development. At the same time, working time must be used in a meaningful and reasonable manner (<https://www.kohus.ee/ajakirjanikule/uudised/villu-kove-kohtute-too-vajab-pohimottelisi-muudatusi>).

### Significant developments related to training of justice professionals

In 2025, the Bar piloted short-format training sessions designed for the rapid exchange of information with members and the sharing of practical experience. These sessions, also referred to as information mornings, covered topics such as international sanctions, preparation for law firm inspections, and an overview of decisions of the Bar Association's Ethics Tribunal.

A positive development is the organisation of joint training sessions for judges, prosecutors, and lawyers, planned and financed jointly by the training departments of the courts, the Prosecutor's Office, and the Bar Association. The number of such joint trainings has increased significantly over the past few years. Joint training for legal professionals is particularly important in small countries like Estonia where the resources are very limited including the availability of highly qualified lecturers. Joint training also helps to align the various participants in the justice system within a common framework of knowledge and practice.

### Significant developments related to digitalisation

Overall, the level of digitalisation in Estonia, including within the justice system, is very good, although room for improvement remains. Litigation is fully digitalised in civil and administrative cases.

The principal concern is the lag in the digitalisation of criminal proceedings compared with civil and administrative cases. In spring 2024, the police and the Prosecutor's Office launched a pilot project for the fully digitalised processing of selected criminal cases, with the aim of implementing digital case files in all criminal cases by 2025. To date, however, digital procedures have been applied only partially in criminal cases, and no further information regarding the project has been provided to the Bar.

As digitalisation also introduces information security challenges, lawyers and the Bar must continue to enhance information security standards. In 2025, the Bar introduced the Information Security Certificate, which confirms that a law firm has consciously implemented measures and invested in information security to ensure the protection of its data and information systems. By obtaining the certificate, a law firm demonstrates its commitment to data protection, thereby enhancing its reliability and reputation. The certificate is voluntary and open to all law firms, regardless of size and location.

According to the Chief Justice of the Supreme Court, a new development plan for courts has been completed, which should ideally lead to faster and higher quality administration of justice for people. An ambitious task has been put together for the AI-based digitisation of courts, which would take the entire system to a whole new level (<https://www.kohus.ee/ajakirjanikule/uudised/villu-kove-kohtute-too-vajab-pohimottelisi-muudatusi>).

### Significant developments related to use of assessment tools and standards

The Bar is not aware of any new statistics tools besides the existing ones for all court instances, which are accessible <https://www.kohus.ee/en/node/48501> as reported last year.

### Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

No specific changes have been made yet; changes may take place when the above-mentioned draft bill takes effect.

### Significant developments related to efficiency of justice system

The length of court proceedings in Estonia has increased in recent years, and this trend continued in 2025, constituting a highly concerning issue for all parties to proceedings and a significant challenge for the Estonian judicial system. Interactive procedural statistics for county courts, administrative courts and courts of appeal are publicly available (<https://app.fabric.microsoft.com/view?r=eyJrIjoiOWVjNWMyY2ItMDgwMS00NzhiLWlzOTctMDM5NTFINjczNGE4IiwidCI6ImY2MzQyZDcwLWRhYzEtNDYxNC04ZTFhLTQ3YjkxYzE2YjhhZiIsImMiOiJ9>).

These statistics show a rise in the average duration of resolved civil cases, while the most alarming development is observed in administrative cases before the courts of appeal, where the average length of proceedings increased markedly within one year, from 322 days to 399 days.

## FINLAND

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

The working group “**Rule of Law Guarantees and Development of the Justice System**”, as described in the previous Rule of Law report, continues its work. As reported in 2025 the objective of the subgroup “**Constitutional Guarantees for the Independence of the Judiciary**” was revised from drafting a legislative proposal for constitutional amendments to preparing a report or memorandum. As a result, the parliamentary handling of the proposed amendments – particularly those concerning the independence of the justice system – will be postponed to the next parliamentary term and included in the programme of the next government.

The Bar Association continues to work actively to ensure that the independence of lawyers and the Bar Association itself is strengthened as part of this process. Following Finland’s accession as the 24<sup>th</sup> signatory of the Council of Europe Convention on the Protection of the Profession of Lawyer on 9 December these judicial safeguards would also be important steps of preparation for the ratification of the Convention.

According to our information, there have been no significant developments regarding the reform of appointment of lay judges. The Minister of Justice has publicly stated that the lay judge system should not be abolished in the middle of the electoral term (<https://yle.fi/a/74-20179332>).

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

The review of the appointment procedures for judges, court presidents, and prosecutors’ forms part of the objectives of the working group “Constitutional Guarantees for the Independence of the Judiciary,” which aims to strengthen judicial independence. The review will focus on identifying the constitutional amendments required to achieve this goal. Finland has asked the Venice Commission of Council of Europe to review proposals of the working group regarding judges and prosecutors.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

The review of the irremovability and dismissal of judges’ forms part of the objectives of the working group “Constitutional Guarantees for the Independence of the Judiciary,” which aims to strengthen judicial independence. The review will focus on identifying the constitutional amendments required to achieve this goal. Finland has asked the Venice Commission of Council of Europe to review proposals of the working group regarding judges and prosecutors.

### Significant developments related to promotion of judges and prosecutors

The review of promotion of judge’s forms part of the objectives of the working group “Constitutional Guarantees for the Independence of the Judiciary,” which aims to strengthen judicial independence. The review will focus on identifying the constitutional amendments required to achieve this goal. Finland has asked the

Venice Commission of the Council of Europe to review proposals of the working group regarding judges and prosecutors.

### Significant developments related to allocation of cases in courts

Within the working group “Rule of Law Guarantees and Development of the Justice System,” discussions have taken place on whether it would be possible to reallocate cases in order to shorten processing times and better allocate resources.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

The review of nomination board of judges’ forms part of the objectives of the working group “Constitutional Guarantees for the Independence of the Judiciary,” which aims to strengthen judicial independence. The review will focus on identifying the constitutional amendments required to achieve this goal. Finland has asked the Venice Commission of Council of Europe to review proposals of the working group regarding judges and prosecutors.

### Significant developments related to independence of the prosecution service

The review of the independence/autonomy of the prosecution service forms part of the objectives of the working group “Constitutional Guarantees for the Independence of the Judiciary,” which aims to strengthen judicial independence. The review will focus on identifying the constitutional amendments required to achieve this goal. Finland has asked the Venice Commission of Council of Europe to review proposals of the working group regarding judges and prosecutors.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

Since 2023 the Bar Association has reported to the Commission that the Finnish Act on Transparency Register which entered into force 1 January 2024 includes paragraphs which obligate also lawyers to report their activities partially and therefore lawyers are obliged to report any/all activity which may be considered lobbying.

The Bar Association has repeatedly noted the Finnish lawmakers and the Commission, that taking into account the case CJEU C-694/20 (*Orde van Vlaamse Balies & others*), the reporting requirements threatens the legal professional secrecy as lawyers are required to reveal existence of their client relationships without consent from client. According to the understanding of the Bar Association this is contradictory to the referred CJEU judgement (paragraph 79).

Unfortunately, the issue still exists in 2025 and therefore we continue to report it.

## Significant developments related to accessibility of courts

In 2025, the Bar Association reported multiple cases concerning the adequacy of “reasonable” legal aid fees for private practitioners. As the result of these proceedings, the government implemented a modest increase of €10 per hour. However, the Bar Association maintains that the current level of €120 per hour remains wholly insufficient and continues to jeopardise access to justice and the right to defence as fundamental rights.

The Bar Association considers that, when assessing an adequate level of legal aid fees, developments of the general cost of living and the impact of inflation must also be taken into account. The Bar Association emphasises that the adequate legal aid fee is an essential component of ensuring the proper functioning of the entire legal system, so that all individuals have a genuine opportunity to exercise their rights under the law. Adequate legal aid fees are also crucial to guaranteeing the quality and availability of private legal services provided under the legal aid scheme.

The Bar Association further notes that private legal aid lawyers bear significant responsibility in Finland for handling criminal legal aid cases: Of all the criminal legal aid cases received by legal aid services, public legal aid lawyers handled 35 percent in 2011 and only 18 percent in 2021 (Report on the Administration of Justice, Government Publications 2022:67, p. 49). This means that more than 80 percent of criminal cases funded by public resources are handled by private legal aid lawyers on the basis of legal aid fees. The Bar Association therefore emphasises that the adequacy of legal aid fees - particularly hourly rates - directly affects the number of competent lawyers willing to take these cases, as well as the geographical availability of legal aid, especially in criminal matters, across the country.

The Bar Association will continue its efforts to ensure an adequate level of legal aid fees in 2026.

## Significant developments related to resources of the judiciary

The Finnish Bar Association draws attention to ensuring proper financing and financial security of the Judiciary as a whole in Finland.

In the 2025 comparison of European Union member states (EU Justice Scoreboard 2025), Finland ranks 23<sup>rd</sup> out of 27 countries when comparing judicial expenditure in relation to gross domestic product. In order to secure the high trust in the Finnish judicial system and to shorten the long processing and handling times in our Courts of Law more long-term resourcing must be put into the Finnish Judicial system. The current resources are ensured for this year, but financing from 2027 onwards is currently under a review.

## Significant developments related to digitalisation

With regard to the state of digitalisation of justice in Finland, the Bar Association must regrettably report that there have been no significant positive developments in the availability of e-services and digital tools for parties to judicial proceedings. The Bar Association has repeatedly drawn the Commission’s attention to this issue, and the lack of access for lawyers to judicial case-management systems was already identified by the European Commission as a shortcoming in its 2023 Rule of Law report (Country chapter for Finland, p. 7).

The 2025 Rule of Law report states as follows:

*“A new portal for lawyers and other legal representation was expected to be operational by the end of 2023. However, no further developments have taken place in that regard.”*

The Bar Association confirms this assessment and emphasises that the situation is intolerable for several reasons. In particular, lawyers do not have access to the same e-services or level of case visibility as the prosecution, which undermines the principle of equality of arms in criminal proceedings. In all cases, the defence of accused persons must have access and visibility equal to that of the prosecution.

From the perspective of citizens, the digitalisation of judicial services is also disappointing. While the Bar Association considers oikey.fi to be the appropriate platform for electronic legal transactions, its current functionality remains very limited. Other procedures, such as divorce applications, still requires documents to be printed, signed, scanned and sent by post. Once a case has been submitted, citizens cannot follow its progress or access decisions electronically, and their legal advisers likewise lack access. Communication with the courts is therefore largely conducted by email.

In addition to human resources, increased funding is needed to digitalise judicial systems and reduce unnecessary administrative burdens. Manual processes – such as the storage of documents in court systems and their transmission to litigants – are slow and less secure than digital workflows. As neither citizens nor their lawyers have direct access to these systems, they must contact the courts for updates, which in turn creates additional workload for courts that are already under significant strain.

### Significant developments related to efficiency of justice system

The Bar Association is concerned that the financial resourcing of the Judicial system is not sufficient in long term and that this will lead to lengthening of handling times by Courts in the upcoming years whereas the goal after the 2022 governmental report on the administration of justice was to shorten the lengthy proceeding times. After the initial report was published there was a temporary additional financing for judicial system, which will come to end in 2027. However, even with the temporary additional funding the handling times do not seem to have shortened but have rather lengthened even more.

Meanwhile the Bar Association is working with the other actors of administration of justice and the government towards shorter and better judicial processes in for example extending the usability of fine procedures and penal orders, we want to note that this shouldn't be achieved by restricting or otherwise jeopardising people's fundamental rights. This is essential to keep in mind in criminal procedure reforms where handling times should not be cut by making it more difficult for the suspects to utilise their fundamental rights and right to defend themselves. A cautionary example of this is the report published by the Finnish Ministry of Justice on the "Possibilities for extending the obligation of the parties to present evidence within a specified time limit in criminal cases". Although it is important to have an open discussion about legal policy initiatives and the need for reform. The changes proposed in the referred report would likely jeopardise the basic conditions for fair trial and the Bar Association's view is that preclusion should not be extended to criminal cases.

## FRANCE

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

On continuing efforts to fully digitalise civil and criminal proceedings:

A simplification of civil procedure, and in particular digital civil procedure, was enacted by Decree No. 2025-619 of 8 July 2025, and subsequently clarified by the decree of 29 August 2025, establishing the list of electronic communication devices that may be used for the sending, delivery, and notification referred to in Article 748-1 of the Code of Civil Procedure. These new provisions simplify the process of joining electronic communication systems, since once they use an electronic communication system, this implies consent to the use of the system for court officials and litigants who use the litigant portal.

Furthermore, following the publication of the decree of 18 March 2024, authorising the implementation of automated processing of personal data known as the “electronic civil registry”, the Ministry of Justice conducted a nationwide trial of the electronic minute (with a judgment signed electronically by the president of the chamber and the clerk, sealing the accompanying documents in the judgment) in October 2024.

The Ministry of Justice then launched a trial of electronic document management in the second quarter of 2025. The nationwide rollout of the electronic minute has had a positive impact on the profession and the justice system, as it allows the digital version of the minute and its annexes to be obtained quickly without having to scan them. However, this new methodology was launched without consultation with the legal profession and its specific digital environment, and only court officials were entitled to a memo from the Ministry of Justice’s judicial services department.

The open data calendar for court decisions continues with the publication of decisions handed down by the courts in September 2025 but has been marred by a delay in the publication of decisions handed down by other courts due to the decree of 29 August 2025, postponing the digital publication of decisions handed down by all courts until the end of 2028.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

The current functioning and method of appointment of prosecutors in France has been the subject of debate for many years. The President of the Republic appoints public prosecutors on the recommendation of the Ministry of Justice and after consultation with the High Council for the Judiciary (CSM). In practice, the Ministers of Justice have always followed the opinions of the CSM. However, they are not obliged to do so and could disregard them in the future.

The current appointment system therefore tarnishes the image of impartiality of prosecutors and creates a risk of politicisation in their appointment. However, the independence of the judiciary and the public’s perception of its independence is a requirement of the rule of law, a founding value of the EU enshrined in Article 2 of the

Treaty on European Union. The status of the public prosecutor's office should be reformed since it cannot be considered an independent judicial authority.

## Significant developments related to allocation of cases in courts

Law No. 2023-1059 of 20 November 2023, on the orientation and programming of the Ministry of Justice for 2023-2027, established on an experimental basis, as of 1 January 1 2025, and for a period of four years, an Economic Affairs Court (TAE) to replace the following 12 commercial courts: Marseille, Saint Briec, Nancy, Lyon, Le Mans, Paris, Le Havre, Versailles, Avignon, Limoges, Auxerre, and Nanterre.

From now on, the alert, prevention (MAH and conciliation) and treatment of difficulties ("collective proceedings") procedures of BOOK VI of the Commercial Code, which were under the material jurisdiction of the judicial court within the jurisdiction of the 12 TAE, are now handled by the TAE.

The following are concerned (jurisdiction of the TAE):

- Farmers
- Associations
- Civil society
- Liberal professions

The following are not concerned (exclusion from the jurisdiction of the TAE, see Commercial Code, Art. L. 722-6-1): regulated legal and judicial professions (lawyers, notaries, judicial officers, court clerks, judicial administrators, judicial representatives) In addition, disputes relating to commercial leases that arise from the procedure set out in BOOK VI "*and which are sufficiently connected to it*" now fall within the jurisdiction of the TAE.

This experiment is scheduled to run until 31 December 2028, for the aforementioned territories.

## Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

### **Reform of the High Council for the Judiciary remains necessary:**

Since 2011, the High Council for the Judiciary (CSM) can be referred to by any person who believes that a member of the judiciary may have committed a disciplinary offense in the exercise of their duties. In practice, however, despite this reform, **the number of cases referred to the High Council for the Judiciary remains insufficient**, which shows the need to continue the reform.

Thus, in 2021, of the 377 complaints recorded, only 11 were declared admissible, of which 3 were dismissed as unfounded. Although the number of complaints is steadily increasing (498 complaints in 2023 compared to 352 in 2022 and 230 in August 2024), only 2 decisions on the merits were handed down in 2024 ([source](#)).

## Significant developments related to accountability of judges and prosecutors

The High Council of the Judiciary (CSM) may be seized of facts giving rise to disciplinary proceedings against a judge or prosecutor, referred to it by the Minister of Justice.

Cases may also be referred to it by the first presidents of courts of appeal or the president of the cassation court, or by the public prosecutors at the courts of appeal or the public prosecutor at the cassation court **and, since the constitutional reform of 2008, by individuals subject to trial.** Since 2011, any litigant may refer a matter to the Council in the course of legal proceedings concerning them and where a disciplinary offense may have been committed by a judge in the exercise of their duties. This is a positive step forward. However, **the conditions for referring a matter to the High Council for the Judiciary by litigants remain subject to rules that significantly limit its effectiveness.**

On one hand, complaints cannot be brought against a judge or prosecutor who is still hearing or in charge of the proceedings in question, which means that no referral can be made while the proceedings are ongoing, even though ethical breaches are likely to occur at this stage. On the other hand, complaints must be lodged with within one year of a final decision ending the proceedings. The starting point for this time limit raises concerns, as it has no direct link to the commission of the breach. However, ethical oversight should be able to take place within a short time frame in order to ensure its effectiveness. A time limit running from the date of the events—for example, six months—would appear to be more consistent in this respect. Finally, the complaint must include a detailed description of the facts and alleged grievances, be signed by the litigant, and identify the proceedings in question, requirements that are typically part of the normal conditions for admissibility.

A glance at the CSM's activity report ([Source](#)) shows that, in practice, the disciplinary body for magistrates only accepts a very small number of complaints. In 2024, only nine disciplinary proceedings were brought before the disciplinary bodies, five concerning sitting magistrates and four concerning a public prosecutor. The referring authority is the Minister of Justice for six of these cases and the Prime Minister for the others.

Lawyers would like to see a reform of the disciplinary system for magistrates because, in reality, there are very few disciplinary proceedings against magistrates, which is regrettable.

**We would like to see parallelism in the forms of disciplinary power: the Attorney General can refer a case to the President of the Bar for disciplinary investigation in the event of a problem with a lawyer, but the reverse is not possible.**

Lawyers do not have the power to refer a judge to the High Council for the Judiciary in the event of an alleged breach of professional ethics. We would like the president of the bar to have the right to refer cases to the High Council for the Judiciary. The president of the bar acts as a filter, preventing lawyers from making frivolous complaints.

**The legislature has entrusted the High Council for the Judiciary with the task of drafting a code of ethics to be made public (Article 10 of the Organic Law of 20 November 2023).**

This charter *“does not have the purpose or effect of replacing the statutory provisions governing the exercise of judicial functions”* (Constitutional Council, decision no. 2023-856 DC of November 16, 2023, para. 88), but it

sets out ethical principles and best practices to guide career magistrates as well as magistrates serving on an extraordinary or temporary basis, persons subject to judicial secondment or honorary magistrates, regardless of their assignment, whether in the court or the public prosecutor's office, and their judicial or administrative powers, as well as honorary lawyers exercising judicial functions.

This charter was made [public](#) on 12 December 2025.

Finally, the profession highlights the presence of a lawyer on the CSM (in accordance with Article 65 of the Constitution), currently in the person of Mr. Jean-Luc Forget, former president of the *Conférence des bâtonniers*.

## Significant developments related to independence of the prosecution service

### **French prosecutors are still not independent:**

**The President of the Republic appoints public prosecutors** on the recommendation of the Ministry of Justice and after consultation with the High Council for the Judiciary (CSM). In practice, the Minister of Justice has always followed the CSM's recommendations. However, they are not obliged to do so and could disregard them in the future.

The current appointment system therefore undermines **the perception of prosecutors' impartiality and creates a risk of politicisation in their appointment**. However, the independence of the judiciary and the public's perception of its independence is a requirement of the rule of law, a founding value of the EU enshrined in Article 2 of the Treaty on European Union. The status of the public prosecutor's office needs to be reformed, as it cannot be considered an independent judicial authority.

Such a reform appears all the more **urgent in view of the entry into force of the European Public Prosecutor's Office, which gives rise to potential competition between European Delegated Prosecutors, who are not subject to the hierarchical authority of the Public Prosecutor's Office and the Ministry of Justice, and French prosecutors**.

However, this prospect is not being considered in the short or medium term, despite the recommendations of the report on the *États généraux de la justice* (Justice Forum), which calls for the completion of the 1999 constitutional reform and for the CSM to be given the power to give its approval on proposals for the appointment of prosecutors and on disciplinary matters.

The issue of the independence of the public prosecutor's office raises several questions about the **compliance of French procedural mechanisms with European regulations as interpreted by the CJEU (Case C-746/18)**.

This is particularly the case with the non-compliance of the provisions of the Code of Criminal Procedure concerning the storage of and access to connection data with the requirements of the Court, which makes access by the competent national authorities to stored data subject to prior review by either a court or an independent administrative body that is a "third party" in relation to the body requesting access to the data.

**There is an imbalance of power in preliminary investigations conducted by the public prosecutor's office.**

The French Bar Association notes that the public prosecutor's office is increasingly reluctant to open judicial investigations (entrusted to an investigating judge, an independent magistrate). Investigations are therefore in the hands of the public prosecutor's office, which cannot be considered an independent judicial authority. However, **this investigative framework poses several difficulties.**

- **The legal framework for preliminary investigations is not contradictory.** Neither the suspect nor their lawyer has access to the case file, except at the end of the investigation and just before the decision to prosecute is taken (contradictory window), and even then, this remains at the discretion of the public prosecutor's office.
- **The duration of preliminary investigations is not regulated** and, in practice, is far too long, with no penalties for excessive length. A two-year time limit from the first investigative act was introduced by [the Law of December 22, 2021, on confidence in the judicial institution](#) [Article 2, codified in [Article 75-3 of the Code of Criminal Procedure](#)], but it was rendered meaningless before it could even be implemented. [see [Law No. 2023-1059 of November 20, 2023, on the orientation and programming of the Ministry of Justice for 2023-2027](#), see Article 6, 7°]. From now on, the two-year period (or three years in the event of an extension) is counted not from the first investigative act but from the voluntary interview, police custody, or search of the suspect. Investigators and prosecutors therefore retain control over when they decide to start the legal time limit, with a "floating" starting point. In addition, the time limit is not assessed globally for the investigation, but separately for each of the suspects.

## Cases/examples undermining confidentiality of lawyer-client communications

As in 2024, **the independence of the bar remains a key concern in a context marked by legislative changes, technological challenges, and growing expectations in the area of justice.**

As a reminder, **lawyers' professional secrecy** is justified by the fact that lawyers are entrusted with a fundamental mission in a democratic society: the defence of individuals and their rights.

Law No. 2021-1729 of 22 December 2021, on confidence in the judicial institution, amended the rules governing searches of lawyers' homes and offices, as well as the rules governing the seizure of documents and communications, by codifying new provisions in Articles 56-1 and 56-2 of the Code of Criminal Procedure. These provisions were presented as constituting "special procedural guarantees" within the meaning of the case law of the European Court of Human Rights.

However, far from effectively strengthening the protection of professional secrecy, this law has introduced considerable confusion and obvious legal uncertainty due to its imprecise and ambiguous wording. This uncertainty led to a **jurisprudential interpretation according to which only professional secrecy related to the exercise of the rights of defence in criminal matters would be enforceable, to the exclusion of secrecy attached to the advisory activities of lawyers, or even to certain defence activities outside the criminal sphere.**

It is worth highlighting four notable rulings handed down by the Criminal Division of the Court of Cassation on March 11, 2025 ([No. 24-82.517](#); [No. 23-86.260](#); [No. 23-86.261](#); [No. 24-80.926](#)) and April 8, 2025 ([No. 24-81.033](#)) concerning professional secrecy and the role of the President of the Bar in challenging searches.

**The Court refused to extend the scope of professional secrecy to lawyers' advisory activities and made a distinction between criminal defence, which is fully protected, and litigation defence or advisory services, which are inseparable from the lawyer's mission. These decisions have reignited the debate on the divisibility of professional secrecy and undermine the confidentiality of lawyer-client communications.**

While searches of lawyers' homes or offices are in principle only authorised when the lawyer himself is implicated, in accordance with Article 56-1 of the Code of Criminal Procedure ("*it may only be authorised if there are plausible reasons to suspect him of having committed or attempted to commit, as perpetrator or accomplice, the crime that is the subject of the proceedings*"), in practice they are still authorised and carried out against lawyers who are not officially implicated, on the sole grounds that they hold information concerning their clients.

The Criminal Chamber thus validates a search of a lawyer's office without demonstrating reasonable grounds in relation to a lawyer who is under investigation, insofar as the exercise of the rights of defence is not concerned. It is sufficient to indicate, in terms of client confidentiality, "*a link*" with the alleged offenses or "*a usefulness in revealing the truth.*" On the other hand, in the case of a lawyer exercising the rights of defence, it is necessary to establish reasonable grounds for implicating him or her.

In a [report](#) adopted by the CNB's General Assembly on 4 July 2025, the CNB's Freedom and Human Rights Commission, in light of this recent case law, put forward several proposals to reform the French Code of Criminal Procedure in order to guarantee professional secrecy and introduce safeguards concerning the audio surveillance of law firms. At its Extraordinary General Meeting on 14 January 2026, the Paris Bar Association also adopted a resolution on professional secrecy. It reaffirmed its determination to defend full and strict compliance with the provisions of Article 66-5 of the Law of 31 December 1971, under which professional secrecy is guaranteed "*in all matters, whether in the field of advice or defence*" and through the role of the President of the Bar, protector of the rights of the defence. It denounces the repeated attacks undermining the uniqueness of professional secrecy, whether legislative, political, or jurisprudential. It calls for efforts to constitutionalise the professional secrecy of lawyers.

The Minister of Justice has announced the drafting of a bill or proposed legislation relating to the legal profession. In a context of growing challenges to professional secrecy, this text is awaited with the utmost vigilance by the profession.

## Cases/examples of physical, online or legal threats or harassment of lawyers

Increasingly exposed, the number of French lawyers threatened in the exercise of their profession rose sharply in 2024 and 2025.

In recent months, many lawyers have been the targets of smear campaigns, online hate speech, and in particular death threats and calls for rape, damage to their professional reputation, and the publication of personal data solely on the grounds that they were practicing law.

- [Publication](#) by a far-right media outlet of a list of lawyers "*complicit*" in regularising the status of illegal migrants (the *Bureau of the Conférence des bâtonniers* issued a statement on 5 July 2024, denouncing this situation).

- Violent attack by the leading French news channel against the President of the CNB following an institutional position on the refusal of access by the defence to the “*dossier-coffre*” provided for in a law proposal against drug trafficking (see [article](#) published in the newspaper Le Point on 14 March 2025).
- Remarks made during the formal hearings of the Bar Councils of Aix-en-Provence on 13 January 2025, and Grenoble on 14 January 2025, referring to the compromise of lawyers and procedural nullities created or fabricated from scratch in the fight against drug trafficking: see [the resolution](#) of the CNB General Assembly of 17 January 2025, as well as the press release from the Bureau of the Conference of Bar Presidents of 16 January 2025, and the motion of the General Assembly of the *Conférence des bâtonniers* of 29 January 2025).

This alarming observation, which also affects magistrates, led the General Assembly of the National Bar Council to adopt a resolution on 15 September 2025, in which it mandated a dedicated commission to begin compiling a list of online hate campaigns targeting lawyers in the exercise of their duties and to formulate proposals to respond effectively to this new threat.

At the end of its work, after receiving and hearing from many of its colleagues who had been victims over the past two years, the CNB’s “Freedoms and Human Rights” Commission presented a report on 9 January 2026, in which it proposed various measures to combat these multifaceted threats to the profession:

- Requests that **lawyers benefit from the provisions of Articles 222-14-2 and 223-1-1** of the Criminal Code in the same way as persons with public authority or entrusted with a public service mission;
- The development of a **protocol** between the CNB and the public prosecutor’s offices to ensure that the latter respond as a matter of priority when a lawyer is threatened in the exercise of his or her duties;
- The CNB requests that a **criminal policy circular** be issued to harmonise the criminal response to threats and violence suffered by legal professionals;
- The CNB proposes to engage **in advocacy** with Google Business to set up a system for reporting hateful comments so that they can be removed.

The CNB proposes to **prepare a litigation kit** including templates for complaints, reports, and referral forms to the public prosecutor in accordance with Article 40 of the Code of Criminal Procedure.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

### **There is growing mistrust of the justice.**

The past year has been marked by extensive media coverage of several legal proceedings involving prominent politicians, notably the conviction and imprisonment of Nicolas Sarkozy and the conviction of Marine Le Pen. These cases have given rise to numerous comments in the public arena and on social media.

Political commentary on legal decisions is becoming increasingly virulent. While criticism of a court decision and commentary on it is entirely natural, and is legally expressed through the two-tier court system, statements by members of the current government constitute a serious breach of the separation of powers and undermine the judicial institution. In this context, certain positions taken by politicians, journalists, and commentators have challenged the impartiality or legitimacy of decisions handed down by the judiciary. Such discourse

creates a worrying confusion between the judicial handling of criminal offenses and political debate and is likely to alter the general public's perception of the independence of the judiciary.

The repetition of such public challenges undermines citizens' confidence in the judiciary and highlights the importance of ensuring that public debate respects the rule of law, the separation of powers, and the authority of judicial decisions. Judicial decisions against political figures or former high-level political officials have thus given rise to unacceptable threats against magistrates and weakened the judicial system, which could undermine its credibility and independence in the public eye. The concepts of "government by judges" and "*judicial coup d'état*" are also invoked by certain politicians when a bill or draft law adopted "in the name of the people" is found to be inconsistent with certain provisions of the French Constitution.

In this climate of tension, several magistrates (both judges and prosecutors) have also been the target of death threats in connection with these cases.

### **The legal profession has been directly targeted.**

Between the two rounds of the July 2024 legislative elections, a far-right website, *Réseau-libre*, published a "(very partial) list of lawyers to be eliminated", containing 98 names, accompanied by extremely violent comments calling for these lawyers, described as "seditious", to be "sent to a ditch or a stadium." These events took place in an electoral context of very high political tension. The president of the Paris Bar immediately referred the matter to the Paris public prosecutor to report these particularly serious threats, before subsequently being added to the list himself.

In January 2025, the media outlet *Frontières* once again published the identities of some 60 lawyers, accusing them of being "accomplices" of undocumented migrants seeking residence permits. This publication illustrates a worrying assimilation between lawyers and their clients, contrary to the fundamental principles of defence and the rule of law.

These events reflect a very toxic general climate and growing institutional mistrust of the legal profession, which is regularly targeted in public debate. They are also part of a broader context of attacks aimed at holding lawyers responsible for an alleged "embolisation" of justice, further undermining the perception of their essential role in the democratic functioning and independence of the judiciary.

### **The role of lawyers is also being singled out in the fight against drug trafficking in France.**

We had therefore raised the alarm about comments of this nature that had been made against the profession during the [official inaugurations of the courts of appeal in AIX-EN-PROVENCE](#) and [GRENOBLE](#), on 13 January 2025, and [14 January](#) 2025, respectively, suggesting that lawyers are an obstacle to the effectiveness of justice and the fight against drug trafficking, due to the procedural means of controlling investigative acts (such as motions to dismiss). Such an assimilation between the lawyer and his or her client is doubly problematic: it disregards the essential function of lawyers in a state governed by the rule of law and risks stigmatising the entire profession.

Following the Senate's adoption in February 2025 of a new law against drug trafficking, amended by the adoption of 87 amendments, several of which involve significant changes that go far beyond the framework of

the fight against drug trafficking, the CNB, the *Conférence des bâtonniers*, and the Paris Bar continued their work of advocacy, monitoring, and informing their colleagues.

After the final adoption of the law by the National Assembly on 29 April 2025, the matter was referred to the Constitutional Council pursuant to Article 61, paragraph 1, of the Constitution. This review allowed the CNB to submit an external contribution and noted with satisfaction that several grievances raised by the profession were upheld, in whole or in part, by the Constitutional Council with regard to:

- **The “dossier-coffre”** (Art. 40), which provided several important guarantees to the system. It required that the investigating chamber be able to review the conditions for payment into the separate file and that the time limit for contesting the decision only begin to run once the decision has been brought to the attention of the person concerned. Above all, it censured Article 706-104-2 of the Code of Criminal Procedure, considering that a conviction cannot be based on evidence whose regularity the person has not been able to discuss, as the wording used by the legislator does not sufficiently guarantee the rights of the defence.
- **Systematic videoconferencing** (Art. 56): it censured the provision allowing the systematic use of videoconferencing during pre-trial detention. It considered, as argued by the CNB, that such a measure could deprive the person concerned of any physical appearance before the judge, in violation of the rights of the defence.
- **Full body searches** in new prison quarters (Art. 61): restricted their implementation with two important reservations, in particular to guarantee dignity and the adaptation of the regime to the situation of the detainee.
- **Algorithmic processing** (Art. 15): censured the possibility of using automated processing exploiting content data on the Internet, ruling that this general authorisation violated the right to privacy.
- **Extension of police custody** for drug trafficking (Art. 26): specified that this extension could only be decided if the presence of drugs in the body was proven and the person was fit to be held in police custody.
- **Remote activation of electronic devices** (Articles 38 and 39): these measures were regulated by limiting them to certain crimes.

### **Parliamentary commissions of inquiry: risk of confusion with the judicial function**

Parliamentary commissions of inquiry are temporary bodies composed of thirty deputies/senators appointed in proportion to the size of the groups. Opposition or minority groups have the right to obtain the creation of one commission of inquiry per year.

In principle, these committees must not investigate matters that are the subject of legal proceedings. However, the National Assembly has decided that *“the existence of legal proceedings is not an obstacle to the creation of a parliamentary committee of inquiry, provided that the facts that gave rise to the proceedings are excluded from its scope.”* Similarly, the Senate considered that the *“beginning of proceedings”* was legally characterised by the referral of a case to an investigating or trial court, and that, therefore, a simple preliminary investigation was not such as to prevent the creation of a parliamentary commission of inquiry. ([Source](#))

Consequently, the incidents that punctuate parliamentary committee hearings (an essential instrument of parliamentary life) raise serious concerns with regard to the rule of law, particularly when individuals are called to testify while they are simultaneously the subject of ongoing investigations or legal proceedings.

In such situations, parliamentary inquiries tend to become, in effect, a forum for public indictment, blurring the line between parliamentary oversight and judicial function. This drift is accentuated by the systematic media coverage of hearings, which are filmed and widely broadcast, giving these committees the appearance of a “people’s court” with a considerable societal impact, both on the presumption of innocence and on the conduct of ongoing legal proceedings.

However, the rules of the National Assembly expressly stipulate that the work of an inquiry committee must cease when legal action is taken on the facts concerned. This rule, intended to prevent any interference with the judicial authority, is not always respected in practice.

The legal profession has engaged in an in-depth reflection on these developments in order to identify the safeguards necessary to prevent confusion of roles and preserve the fundamental principles of fair trial.

### Significant developments related to accessibility of courts

**On January 2025, twelve commercial courts became economic activity courts (“TAE”) on an experimental basis pursuant to [Law No. 2023-1059 on the programming of justice of 20 November 2023](#).**

Parties initiating proceedings before an economic activities court may be liable for the economic justice contribution introduced on an experimental basis by [Decree No. 2024-1225 of 30 December 2024](#). **This contribution may amount to up to 5% of the total amount claimed** at the time the proceedings are brought, but may not exceed €100,000.

The French Bars are challenging this violation of the principle of free access to justice. In a state governed by the rule of law, all litigants, including legal entities, must have unhindered access to the courts.

In November 2025, the National Bar Council and the bars of Paris, Hauts-de-Seine, Versailles, Le Mans, Marseille, and Lyon filed an appeal with the Council of State requesting the annulment, on grounds of abuse of power, of Decree No. 2024-1125 of 30 December 2024, relating to the trial of the economic justice contribution and a referral to the Constitutional Council regarding the question of the conformity with the rights and freedoms guaranteed by the Constitution of the provisions of Articles 26 and 27 of Law No. 2023-1059 of 20 November 2023, on the orientation and programming of the Ministry of Justice for 2023-2027.

In a decision dated 12 December 2025, the Council of State ([here](#)) considered that the provisions defining the terms and conditions for the application of the economic justice contribution are likely, in certain situations, to infringe upon the rights and freedoms guaranteed by the Constitution, in particular the right to effective judicial remedy before a court, the principle of equality before the law, and the principle of equality before public burdens. Given the serious nature of this issue, it was referred to the Constitutional Council. The priority preliminary ruling on constitutionality is currently pending before the Constitutional Council.

**In addition, on 13 October 2025, the profession was asked to consult on and provide feedback within two weeks on a draft decree entitled “RIVAGE” (rationalising appeal proceedings to ensure their efficiency), which aims to reform civil appeal proceedings through the following measures:**

- Raising the threshold for the final appeal from €5,000 to €10,000 before most civil courts (judicial court, commercial court, labour court, etc.).
- **The abolition of the right of appeal for certain decisions**, in particular those of the family court judge on maintenance obligations and for commercial leases with an annual rent of less than €15,000;
- **A filtering of appeals** with the introduction of a mechanism allowing the president of the chamber to declare an appeal manifestly inadmissible, without adversarial debate;
- Extension of the mandatory prior attempt at amicable settlement under Article 750-1 of the Code of Civil Procedure: The threshold would also be raised from €5,000 to €10,000 for the prior attempt at conciliation or mediation.

The announced reform would apply to proceedings initiated on or after 1 June 2026 (except for the prior amicable attempt, which would apply on 1 September 2026).

Our associations immediately denounced this as a **major restriction of the right of appeal**, depriving many litigants of an effective remedy, particularly for everyday disputes (consumer affairs, housing, employment, alimony, etc.). These measures would particularly affect the most disadvantaged litigants, who would be deprived of access to the court of appeal for amounts that are significant to them.

From a procedural point of view, such a reform also has adverse effects, with the **risk of congestion in the courts of first instance**, as parties are encouraged to artificially increase their claims in order to exceed the appeal threshold, but also a potential increase in appeals to the Court of Cassation for “small claims” and the creation of new litigation.

In addition, the proposed filtering mechanism, which is inspired by administrative litigation, undermines the adversarial principle and the right to a fair trial. Nor does the draft specify what is meant by a manifestly inadmissible appeal, which would be left to the discretion of the courts of appeal, without any real regulation.

Following opposition from the French Bar Associations and a consultation meeting held with the Minister of Justice on this draft decree on 4 December 2025, the Minister of Justice announced the extension of the initial consultation schedule to allow for more in-depth work involving lawyers and courts.

The consultation will therefore continue until spring 2026.

### **The draft finance bill envisages the reintroduction of a stamp duty.**

The draft finance bill envisages the reintroduction of a **legal aid contribution of €50**: *“A legal aid contribution of €50 shall be levied for each civil and labour court case brought before a judicial court or labour court”*. ([Section XIII – Article Art. 1635 bis Q](#))

At this stage, the timetable for the adoption of this bill and, where applicable, its entry into force remains uncertain, as does the exact wording of the text, particularly with regard to exempt groups and the procedures concerned. This lack of visibility increases legal and organisational uncertainty for lawyers and litigants.

### **The amount of legal aid remains too low.**

Lawyers' remuneration for legal aid (AJ) remains insufficient despite the latest increases. The current value unit (UV) amount, set at €36, and the number of UVs capped per type of procedure, do not cover the operating costs of a law firm.

In 2025, legal aid benefited from a "normal" increase in funding, intended mainly to absorb new admissions to the legal aid system. The total estimated number of admissions in 2025 is 1,210,418, which is 30,000 more than the previous year and 30,000 less than the estimate for 2026. However, recent increases remain less significant than those seen before 2024, with growth having halved.

This increase in funding in 2025 has not led to any revaluation of remuneration (neither the amount of the UV nor its number) or the addition of new missions. The CNB nevertheless maintains its [financial demands](#) for 2024.

Anyway, the French Bar Association, in consultation with the Ministry of Justice, has implemented a contractual system aimed at ensuring high-quality defence for legal aid beneficiaries, through the establishment of hotlines staffed by lawyers specifically trained in criminal law, immigration law, juvenile law, involuntary psychiatric care, educational assistance, and residential leases since 2020: the CLAJ (local legal aid agreement). The CLAJs are concluded between the court (TJ), the President of the Bar and the President of the CARPA (lawyer's bank). They operate on a three-year basis (2020-2022, 2023-2025) and amendments may be concluded during the three-year period in order to improve the system implemented.

### **In 2025, Article 92 of the 2020 decree was amended with regard to the remuneration of lawyers assisting several legal aid beneficiaries in a series of cases raising similar issues.**

This remuneration is initially degressive: the lawyer receives full compensation for the first client and a reduced amount for subsequent clients. This degressivity, already provided for in Article 92 of Decree No. 2020-1717 of 28 December 2020, was accentuated by Decree No. 2025-257 of 20 March 2025, although its impact remains limited in practice. Since August 2025, Article 92 provides:

*"The contribution paid by the State to the lawyer, or to the lawyer at the Council of State and the Court of Cassation, chosen or appointed to assist several persons in proceedings based on the same facts in criminal matters or in a dispute based on the same facts and involving claims with a similar subject matter in other matters, shall be reduced by the judge by 30% for the second case, by 40% for the third, by 50% for the fourth, by 60% for the fifth to the twentieth, by 70% for the twenty-first to the thirtieth, by 80% for the thirty-first to the fiftieth, and by 90% for the fifty-first case onwards."*

### **The profession implements partnership agreements to ensure adequate access to justice.**

The Paris Bar Association has signed a local agreement with the Paris Judicial Court to ensure high-quality defence for recipients of legal aid by setting up hotlines staffed by lawyers specifically trained in criminal law, immigration law, juvenile law, the rights of individuals undergoing involuntary psychiatric treatment, educational assistance, protection orders, and residential leases. The agreement was signed at the end of 2025 for a period of three years.

It is also worth noting the signing of a charter between the CNB and the CNCJ (National Chamber of Judicial Officers) aimed at strengthening the complementarity of the missions of lawyers and judicial officers in order to best serve the interests of litigants. This is not a legislative change, but this initiative illustrates the ability of legal professionals to collaborate and commit to certain processes designed to improve the quality of service provided, particularly for the benefit of the most disadvantaged litigants.

### Significant developments related to resources of the judiciary

The remuneration of magistrates was increased in 2025 by [Decree No. 2025-1032 of 31 October 2025](#), amending in particular the [Decree of 7 January 1993](#), and [the Order of 12 August 2023](#), which came into force on 1 December 2025.

In 2024, the budget of the Ministry of Justice reached €10.1 billion. This represents an increase of 5.3% compared to 2023. The Ministry of Justice's 2023-2027 orientation and programming law of 20 November 2023 perpetuates the increases in resources to strengthen the public service of justice.

The year 2025 was marked by significant government instability, and the French Bars will therefore remain particularly attentive to preserving the justice budget in a political context that did not allow for the adoption of a budget for the year 2026 (special law [published](#) in the Official Journal on 26 December 2025).

### Significant developments related to training of justice professionals

#### **In 2025, the initial training required to enter the legal profession in France underwent some notable changes.**

The degree requirement for admission to the legal profession in France was raised by a legislative amendment that came into force in January 2025. Article 11, 2° of Law No. 71-1130 of 31 December 1971 now requires a Master's degree (M2) in law or a qualification or diploma recognised as equivalent by the decree of 31 December 2024 in order to sit the CAPA exam (certificate of aptitude for the profession of lawyer) and to enter the profession via an exemption from examinations applicable to certain legal professionals (Article 98 of Decree No. 91-1197 of 27 November 1991).

In addition, on 11 April 2025, the CNB voted on a resolution adopting the use of apprenticeship contracts as a possible route for the initial training of trainee lawyers, in addition to the internship agreement, and mandating the Training Commission to work on registering the CAPA in the National Directory of Professional Certifications and coordinating the implementation of apprenticeship contracts in the Regional Centres for Professional Training of Lawyers (CRFPA), to be implemented on an optional basis from 1 January 2026, and definitively from 1 January 2027. The work of the CNB's Training Commission has been ongoing since the vote on this resolution.

#### **The profession is addressing the training challenges posed by new technologies.**

Aware of its responsibilities, the legal profession is committed to training future lawyers in the use of Artificial Intelligence (AI) within an ethical framework that respects fundamental rights. AI raises many issues, including training (it is essential to offer lawyers training on generative AI—how to feed AI, how to ask questions, the obligation to verify the information provided by AI and the sources provided) and public information (we must

inform litigants about the limitations of AI; this work is being carried out in particular by the Paris Bar Association, which has already pursued several applications).

In this regard, the Bar Training School (EFB) has carried out the following initiatives:

- Drafting of best practices for the use of AI by law students
- Obtaining funding for the European LITEL 2 project, which aims to identify the challenges of AI for a lawyer training centre in Europe, and to design a comprehensive training module on the use of AI, enabling them to exploit opportunities within an ethical and deontological framework (confidentiality, non-discrimination, consideration of possible violations of the EU Charter of Fundamental Rights, ethical issues)
- Implementation of an interactive training methodology using digital tools and practical scenarios (role-playing) to strengthen future lawyers' critical thinking skills when faced with AI-generated responses.

### **The profession incorporates the EU Charter of Fundamental Rights into its curriculum**

This topic is included in the EFB's international and European programme (an average of 250 students per semester). Students in the international programme benefited from a Master Class on the progress of the Charter in October 2025.

## Significant developments related to digitalisation

### **The rollout of the Portalis project continues.**

Work on the [Portalis project](#) continues. Portalis is part of the 21<sup>st</sup> century justice modernisation projects. This project has gradually become the vehicle for reforming the judicial system and simplifying procedures for litigants and lawyers alike. Its objective is to **establish a new, fully paperless civil chain**, promoting the exchange of data between the various courts involved in a case and strengthening the possibilities for communication with court officials. Portalis aims to provide modern technology, secure remote access, and short development cycles to adapt to frequent legislative and regulatory changes.

The French Bar Association is involved in the project from the perspective of electronic communication between lawyers and courts. Deployment is planned for the second half of 2026, with special access for lawyers via a partner portal.

### **The rollout of the legal aid information system ("SIAJ") is continuing.**

Launched in 2021, the SIAJ is part of the Ministry of Justice's digital transformation project and aims to simplify, through digitisation, applications for legal aid and their processing by legal aid offices.

The French Bar Associations were involved in the development of the SIAJ. From the outset, it requested that specific access be set up for lawyers. The digitisation of the appointment of court-appointed lawyers within the tool was implemented between 2024 and early 2025. However, the Bar Association regrets that **lawyers still do not have access to the platform**. They are therefore unable to help their clients fill out legal aid applications correctly and verify that the information provided by the client is accurate before accepting the assignment, or, more generally, to transmit documents via the SIAJ.

Discussions are continuing with the Ministry of Justice, which aims to roll out an initial version of the SIAJ portal in September 2026. The French Bar Associations still faces **budgetary uncertainties** because, even if the Ministry gives its approval, it is not certain that funds will be allocated to carry out the IT developments. A [decree dated 26 December 2025](#), amending the decree of 19 March 2021, establishing an automated personal data processing system called “SIAJ”, modifies the purposes of the processing in order to expand the categories of data collected, changes the persons who can access it, and modifies the recipients of the information. It also modifies the data retention and archiving period.

However, the CNB warns that the digitisation of many public services without satisfactory alternative means of access is leading to breaches of rights for many litigants who do not have the necessary resources to complete these procedures online on their own.

### **The profession is developing numerous initiatives in the areas of artificial intelligence, cybersecurity, and electronic communication**

#### **In the field of artificial intelligence:**

The CNB’s AI working group published two guides for lawyers on generative AI in [2024](#) and [2025](#).

In 2025, the Paris Bar Association also published a [white paper on artificial intelligence](#), listing all the initiatives implemented in terms of training, technological partnerships, and best practices. This document contributes to the transparency of the actions undertaken and the dissemination of a structured approach to AI that is compatible with the requirements of the rule of law.

#### **In terms of electronic communication**

The decommissioning of the e-barreau V1 solution in November 2025, in line with the profession’s commitments to modernising and securing communications, will contribute to enhanced protection of the data processed by lawyers.

The Ministry of Justice also wishes to continue working towards the complete digitisation of electronic communications in the courts, as it has already done with PLEX in criminal matters, in order to avoid a dual system of paper and electronic communications for the courts.

In addition, the CNB, the National Council of Commercial Court Clerks and the *Infogreffe* EIG are continuing their work to interconnect the new e-Barreau, an electronic communication platform operated under the responsibility of the CNB, with the Digital Court, an electronic communication platform operated by the *Infogreffe* EIG under the responsibility of the CNGTC, which is expected to be deployed in 2026.

### **Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation**

**The aforementioned law of 13 June 2025, “aimed at freeing France from the trap of drug trafficking”, led to the creation of a national anti-organised crime prosecutor’s office (PNACO).** Based at the Paris Judicial Court, it is composed of 30 people, including 16 magistrates, 13 clerks, and a team of specialised assistants and liaison officers.

Before the law was passed, jurisdiction over organised crime, particularly drug trafficking offenses, fell mainly to specialised interregional courts (JIRS), which were spread across the country and had expanded powers in certain jurisdictions. Although these interregional centres were designed to pool resources for complex cases, they still respected the principle of judicial proximity to a minimum extent. The applicable procedure remained aligned with common law, and cases were handled within the (extended) territorial jurisdiction of the place where the offense was committed or where the defendants resided, with some exceptions.

Article 3 of this reform creates the **National Prosecutor's Office for Organised Crime (PNACO)**, a specialised court with **national jurisdiction** inspired by the model of the National Prosecutor's Office for Terrorism (PNAT), by inserting a new Chapter I A "The Public Prosecutor for Organised Crime" into Title XXV of Book IV of the Code of Criminal Procedure. The PNACO is responsible for dealing with the most serious organised crime offenses, including drug trafficking, money laundering, human trafficking, and financial offenses linked to criminal organisations.

**The new Article 706-74-2** of the Code of Criminal Procedure establishes **the PNACO's concurrent national jurisdiction**. It may hear any case falling within its broad scope of intervention, even if a local court could hear it. In fact, the PNACO, the investigation unit, the criminal court, and the Paris Criminal Court exercise concurrent jurisdiction for the prosecution, investigation, and judgment of the offenses listed in the new Article 706-74-2 of the Code of Criminal Procedure.

This article extends the jurisdiction of the specialised court for juvenile cases, so that the public prosecutor for organised crime, the investigating judge, the juvenile judge, the juvenile court, and the juvenile criminal court of Paris will now exercise jurisdiction concurrent with that resulting from the application of the juvenile criminal justice code.

The PNACO came into force on 5 January 2026 and is therefore the third national prosecutor's office alongside the national financial prosecutor's office and the national anti-terrorism prosecutor's office.

## Significant developments related to efficiency of justice system

**The time taken to reach a judgment has continued to increase over the last 20 years.** In civil matters, in 2019, the time taken was 13.9 months at first instance and 15.8 months on appeal.

To address these issues, the government has implemented a **proactive policy to promote amicable settlements**. In addition, in January 2023, the Minister of Justice launched an amicable settlement policy as part of the action plan for justice.

[Decree No. 2025-660 of 18 July 2025](#) enshrines a new guiding principle of **cooperation between the judge and the parties** aimed at **strengthening the incentive to use amicable methods** of dispute resolution ([new Article 21 CPC](#)).

It brings together in a new Title VI of Book I the provisions relating to **the conventional investigation of civil proceedings**, which is established as a principle, with **judicial investigation becoming the exception**, proposing two avenues for conventional preparation: simplified conventional investigation and participatory procedural agreements for the purposes of preparation.

The provisions of the decree are applicable to proceedings in progress as of September 2025, with the exception of the provisions relating to agreements on the preparation of cases, which are applicable only to proceedings initiated on or after that date.

The National Bar Council and the Civil Affairs and Seal Directorate of the Ministry of Justice have organised several joint webinars to train magistrates and lawyers on this new reform. The continuation of this amicable policy will help to shorten proceedings and relieve congestion in the courts.

## Other issues and significant developments impacting access to justice

A record number of prisoners was again reached in September 2025. According to figures from the Ministry of Justice, there are 86,229 prisoners for only 63,613 operational places. Prison density thus reaches 135.6% across the entire prison system and 166.8% in detention centres or remand centres. This figure regularly exceeds 200% in some detention centres.

This situation, described as critical by the Minister of Justice in his latest circular on general criminal policy, is a cause for long-term concern for lawyers and all trade unions, associations, independent administrative authorities, and international organisations interested in the prison environment. In its press release accompanying the *J.M.B. v. France* judgment of 30 January 2020, the European Court of Human Rights stated that the occupancy rates of the prisons concerned by the appeal “*reveal the existence of a structural problem*”.

This structural situation raises many questions in terms of respect for the fundamental rights of prisoners and, more generally, the public’s perception of justice. This situation is also likely to jeopardise the European area of freedom, security, and justice by hindering the execution of European arrest warrants in France.

The French Bar Associations has long called for the establishment of a binding prison regulation mechanism to effectively resolve a situation that is no longer tenable.

Such a mechanism would operate as follows:

- Determination of a “tolerable occupancy threshold” for places of detention
- If the threshold is exceeded, the Sentence Enforcement Commission (CAP) proposes to the Sentence Enforcement Judge (JAP) a list of prisoners eligible for early release
- The JAP pronounces measures to adjust, convert, or reduce sentences to ensure the release of the number of persons necessary to keep the facility below the threshold
- Use of simplified procedures to encourage the pronouncement of measures leading to release: reduction of adversarial proceedings (with the consent of the prisoner), possibility for the JAP to rule outside the CAP

It should be noted that such regulatory measures are the subject of consensus within international bodies, notably the Human Rights Council (Opinion of 11 September 2023, A/HRC/54/5), the Committee against Torture (Opinion of June 10, 2016 CAT/C/FRA/CO/7), the Parliamentary Assembly of the Council of Europe (21<sup>st</sup> session, Doc. 15833), the Council of Europe’s Committee of Ministers (monitoring of the execution of the judgment *J.M.B v. France*, 1411<sup>th</sup> meeting, 1451<sup>st</sup> meeting, 1492<sup>nd</sup> meeting), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Opinions of June 2021 and December 2021).

This is also the case at the French level with regard to national human rights institutions, in accordance with the opinions of the National Consultative Commission on Human Rights (CNCDH) of 23 May 2024, and the Controller-General for Places of Deprivation of Liberty (CGLPL) of 25 July 2023. A recent report by the Ministry of Justice, constituting an “emergency mission relating to the enforcement of sentences” in March 2025, also notes the ineffectiveness of building new prison places and recommends an exceptional reduction in sentences applicable to all prisoners, as well as the establishment of a prison regulation mechanism.

Examples of the implementation of prison regulation at the local level in the cities of Grenoble and Marseille are cited as good practices to inspire other Member States in the European Parliament report requested by the LIBE Committee on prisons and detention conditions in the European Union (PE 741.374).

## GERMANY

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

We took note of the European Commission Recommendations for Germany in the 2025 Rule of Law Report notably the recommendation to increase the resources of the judiciary and to address recruitment challenges, considering European standards on resources for the justice system.

[BRAK](#) and [DAV](#) both welcomed the announcement of the relaunch of the initiative “*Pakt für den Rechtsstaat*”, an initiative to strengthen both personal resources and the digitalisation in the justice sector. It had a volume of almost €500 million and provided for the recruitment of new judges and prosecutors (€240 million), a swifter digitalisation of justice (€210 million) as well as modernisation of civil and criminal procedural law.

Some legislative initiatives have been finalised with regard to the digitalisation, as the “law for the further digitalisation of the judiciary”. With regard to the initiative on the digital documentation of criminal court proceedings no progress has been made. We call upon the Federal Government to take the necessary legislative measures without further delay.

We are furthermore welcoming the recognition of the high value of the new Council of Europe Convention on the Protection of the Profession of Lawyer within the Rule of Law Report 2025. This international instrument is of crucial importance to coherently recognise and safeguard the fundamental role of the legal profession for the rule of law. The German Government signed the agreement in Strasbourg on 26 January 2026. To enable the German ratification, to bring the Convention into force and to ensure its success within the EU and beyond, it is of utmost importance to have a Council decision on the accession of the EU to the Convention. As already 8 months have passed since the opening for signature of the Convention, the DAV and BRAK together with the CCBE are calling the Commission to present a proposal for the necessary Council decisions as soon as possible.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

#### **Constitutionalisation of structural elements of the Federal Constitutional Court**

In December 2024, the German constitution (“*Grundgesetz*”, basic law) was amended in order to constitutionalise several structural aspects of the Federal Constitutional Court, concerning for instance the number of judges and the limits of their term. The aim of this initiative is to prevent a political takeover of the Constitutional Court and to shield it from political influence.

Both BRAK and DAV warmly welcomed the adoption of the law, see the respective statements of 19 December 2024 of the [DAV](#) (and a detailed [Position Paper by the DAV](#) in preparation of an expert hearing) and of the [BRAK](#).

The DAV calls for additional safeguards to protect the justice systems in the federal states (*Länder*) and supports initiatives such as the [Judicial Resilience Project](#). The project identifies existing risks of political interference with judicial institutions and highlights safeguards needed to strengthen judicial independence. These include financial autonomy and protection against the defunding of courts, the establishment of an independent and uniform IT infrastructure, and greater resilience of state constitutional courts by regulating key structural elements in the constitution itself rather than only in ordinary legislation. See also a [press release](#) by the DAV of 5 June 2026.

## Significant developments related to independence of the prosecution service

The right to give instructions to public prosecutors by the Secretaries of State of Justice continues to be debated in Germany. Under current law, the German public prosecutor's office is an authority bound by instructions (§ 146 GVG). BRAK and DAV both argued for maintaining the right to give instructions in principle but called for greater transparency and reasoning of the instructions.

The German government presented a draft bill in 2024 according to which the right of the Ministers of Justice to issue instructions to the public prosecutor's offices should be maintained in principle but regulated more precisely. BRAK and DAV welcomed the fact that according to this draft law the right to issue instructions would be retained in principle, as under the German constitution the public prosecutor's office is part of the executive power rather than the independent judiciary, see the [Position Papers of the BRAK 32/2024](#) and [39/2024](#) as well as the Position Paper [34/2024](#) of the DAV.

## Cases/examples undermining confidentiality of lawyer-client communications

### **Lack in the protection of the professional secrecy in criminal investigations in Germany**

The independence of lawyers requires a high level of protection of lawyer-client confidentiality. German law contains several provisions to protect lawyers' professional secrecy. However, these provisions do not constitute a coherent and precise set of rules, rather a patchwork spread across a number of statutes that is contradictory in parts. In particular, there is a discrepancy in the protection against the seizure of evidence for lawyers who are not acting as defence counsel (see Section 160 para. 5 in conjunction with Section 97 para 1 no. 3 [Code of Criminal Procedure](#), "*Strafprozessordnung*"). This is i.a. demonstrated by an increasingly widespread practice of ordering the inspection of lawyer's correspondence by public prosecutor's offices.

In addition, lawyer-client confidentiality is severely called into question at EU level in the context of anti-money laundering legislation as well as the DAC-Directives.

Similar threats to confidentiality may arise with regard to the German implementation of the DAC-6 Directive. All such developments are to be strongly criticised. It is crucial to maintain the independence of the profession and the principle of professional secrecy as a cornerstone of the guarantee of access to justice for everyone and the preservation of the rule of law.

## Cases/examples of physical, online or legal threats or harassment of lawyers

More and more lawyers become victims of threatening behaviour or aggression. A [survey prepared by the CCBE](#) and carried out in Germany by the German Federal Bar (BRAK) in 2024 shows that in the last two years 55.1% of the German lawyers who participated in the survey experienced such a behaviour.

One reason for this phenomenon is that lawyers are often identified with their clients and/or their clients' behaviour, which clearly contradicts one of the core tasks of lawyers: granting access to justice. In Germany there has been a widely mediatised case of a migration lawyer who had given legal advice to the later assassin of Solingen and who has even been threatened by right wing extremists in front of her house, cf. the [statement by the DAV](#) as well as a [statement by the BRAK](#) in solidarity of the lawyer concerned.

Following the wave of threats this year and last year, which particularly targeted migration lawyers, we have been observing further verbal attacks on colleagues in social media with concern. For example, the German-born lawyer Chan-jo Jun, Chairman of the BRAK IT Law Committee, was recently attacked on various platforms with reference to his South Korean roots. The BRAK condemns this. More information: <https://www.brak.de/presse/presseerklarungen/der-brak-2025/brak-verurteilt-verbale-attacken-auf-anwalt/>

The German Delegation to the CCBE is optimistic that the Council of Europe Convention on the Protection of the Profession of Lawyer will play an important role with regard to protecting lawyers and preventing threats against them.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

### Prohibition of third-party ownership maintained

BRAK and DAV both welcomed that the ECJ has confirmed the importance of the independence of lawyers as guardians of the rule of law in the Halmer case ([C-295/23](#) – in this judgment the ECJ uphold the prohibition of third-party ownership of law firms).

### Initiatives of the Bars and Law Societies

The German Bar Association (DAV) addressed the independence of the Legal Profession, the Independence of the Justice system as well as related Rule of Law topics this topic in several panel discussions and workshops, amongst others at its [Annual Conference in Berlin](#) (*Deutscher Anwaltstag*, 4-6 June 2025 dedicated to “Strengthening the Rule of Law - Preserving Freedom”).

At its meeting on 19 September.2025 in Hannover, the 169<sup>th</sup> General Assembly of the German Federal Bar (*Hauptversammlung*) unanimously spoke out in favour of anchoring independent legal assistance in the German Constitution. It is enshrined in the constitution that all citizens are entitled to legal protection against state measures. The existence of an independent and self-governing legal profession, however, is laid down in the Federal Lawyers' Act (BRAO). It is precisely this provision in the BRAO that is the “crux of the matter”, as it merely standardises in a simple law that the legal profession is free from state influence and administers itself. This law could be undermined or abolished by a political force whose priority is not democracy and the rule of

law with a simple majority in parliament and replaced, for example, by a system of completely state-controlled legal advice. An explicit provision - as with judges - is therefore absolutely essential in the Basic Law.

On 19 December 2025, the Bundesrat missed an opportunity to safeguard the rule of law and opposed this important demand: The majority of the Bundesrat does not want a right to independent legal advice in the German Constitution. It is now up to Parliament to deal with this issue. Further information here: <https://www.brak.de/presse/presseerklarungen/der-brak-2025/wichtige-chance-vertan-bundesrat-will-recht-auf-anwaltlichen-beistand-nicht-im-gg-verankern/>

## Significant developments related to accessibility of courts

In Germany, court fees in civil and commercial matters are determined with reference to the value of the claim in dispute. If the value is high, the court fees can be so expensive that they may deter claimants from filing court proceedings in some cases, especially if the respective claimant is too wealthy to be eligible for legal aid and has no insurance that covers legal expenses.

### **Adoption of the Initiative to raise the statutory lawyers' fees:**

On Friday 31 January 2025, the Federal Parliament (Bundestag) adopted a reform (see the Parliamentary document [20/14768](#), which has been adopted without changes) which includes a linear raise of the statutory lawyers' fees and some structural improvements of the remuneration of lawyers. BRAK and DAV warmly welcome the adoption of the reform by the Bundestag, see the respective statements by [DAV](#) and [BRAK](#). The fixed fees as well as the framework fees will be raised by 9 percent, the fees which are determined according to the value of the claim shall be raised by 6 percent. It is now up to the Second Chamber (Bundesrat) to agree to the adoption of the reform, before it can enter into force.

BRAK and DAV have argued in favour of the reform for a long time as the vital role of lawyers in the legal system by facilitating access to justice requires an adequate remuneration. In this regard, the statutory fees set out by the Act on the Remuneration of Lawyers ([Rechtsanwaltsvergütungsgesetz](#), RVG) are of high importance, especially as they also determine lawyers' remuneration for providing legal aid services. BRAK and DAV have called for an adequate rise of the statutory fees in a [joint position paper](#), asking for a linear rise of the statutory fees and some structural amendments of the Act on the Remuneration of Lawyers. If formally adopted by the Bundesrat, the reform will mark an important step towards ensuring adequate remuneration of lawyers and thus guaranteeing access to justice. However, it is clear that future adjustments will also be necessary.

In order to further strengthen access to justice, BRAK and DAV are advocating for regular increases in lawyers' fees. Lawyers are part of the rule of law. In this respect, an appropriate remuneration is important to ensure the provision of high-quality legal services.

## Significant developments related to resources of the judiciary

There are remaining challenges as the high number of retirements that are to be expected in the coming years and the need to recruit personnel in the judicial and prosecution services. The same is true for lawyers: Access to justice, notably outside of big cities in more rural areas, requires a strong and present legal profession. Therefore, the merging of court locations should be avoided. The judiciary and the legal profession have to remain present also in rural areas.

The challenges that had to be met in the past years have impressively demonstrated that the ability of the rule of law to function depends to a large extent on the judiciary's ability to work - also digitally. In order to be able to meet current and future challenges it is necessary to provide the judiciary with all the material and financial resources it needs to reliably ensure access to justice.

The relaunch of the initiative “*Pakt für den Rechtsstaat*” (see [Press Release 32/25](#)), an initiative to strengthen both personal resources and the digitalisation in the justice sector, is therefore absolutely necessary.

## Significant developments related to training of justice professionals

Relatively new is [§ 43f of the Federal Lawyers' Act](#) (“*Bundesrechtsanwaltsordnung*”), which obliges lawyers to acquire knowledge of professional law (the provision entered into force in August 2022). In detail, lawyers must pursue training of at least ten hours of professional law by the end of the first year of their admission at the latest.

„*Deutsches Anwaltsinstitut*“, „*Deutsche Anwaltsakademie*“, „*Deutsche Richterakademie*“ and others provide training for justice professionals. To prepare law students in addition to their mandatory education at universities for the legal profession as well as professional law issues, The BRAK, the Hans Soldan Foundation, the DAV as well as the *Deutsche Juristen-Fakultätentag* are jointly supporting the Soldan Moot Court for already twelve years - a student competition on legal professional law, which is organised by the Institute for Procedural Law and Legal Profession at the University of Hanover.

Furthermore, the BRAK is working together with schools in Berlin to familiarise schoolchildren with the legal profession, its importance for the Rule of Law and the system of self-administration at an early stage. The DAV is also engaged in several projects such as “*Lawyers in schools*” which is aimed at strengthening the understanding of the law, democratic values and the role of lawyers therein. Finally, both BRAK and DAV contribute to the qualification of future lawyers by offering traineeships within their respective organisations.

## Significant developments related to digitalisation

### E-File /Video hearings and planned unified justice cloud

#### Electronic File Management

The initially fixed date (1 January 2026) for the electronic storage and management of newly created files will not be met. Especially in criminal law procedures, case files are often still kept only in paper form, which leads to delays in granting access to files and requires additional resources for scanning, sending, and packaging documents.

The current status of the electronic file (eFile) in Germany is varied: while Baden-Württemberg was the first federal state to complete the nationwide introduction in the justice system by 10 December 2025, many other states are lagging behind. In order to solve technical and organisational problems the initial legal deadline of 1 January 2026 has been extended by a year by the legislator (cf. <https://www.recht.bund.de/bgbl/1/2025/319/VO.html>). The federal and state governments are working on implementation, with progress being made by the federal administration, but major challenges remain.

The federal and state justice ministers met in Berlin on 7 November 2025 for their seventh federal-state digital summit. The meeting focused on promoting the digitalisation of the justice system as part of a new pact for the rule of law. The funding of digitisation projects is to form one of three “pillars” of the new pact for the rule of law that the federal and state governments want to conclude. The federal government will provide budget funds of up to €70 million per year for this digital pillar from 2027 to 2029, i.e. up to €210 million in total. These funds are to be drawn from the “Special Infrastructure Fund”. The meeting focused on the question of how the funds should be distributed. The ministers adopted a joint declaration on this.

### **Unified Cloud Infrastructure for the Justice System**

The Federal Ministry of Justice is currently assessing the viability of a unified cloud infrastructure for the justice system. The cloud could be used for instance to upload documents, providing better accessibility for everyone involved in court proceedings. DAV and BRAK welcome the inclusion of the Unified Federal Justice Cloud (“*bundeseinheitliche Justizcloud*”) among the objectives of the new federal government. According to the coalition agreement, the project is to be implemented jointly by the federal government (Bund) and the federal states (*Länder*). At present, however, implementation is still at an early stage.

Video hearings will be easier to conduct in civil and specialist courts in the future. The Act to Promote the use of video conferencing technology in Civil and Specialised Courts (“*Gesetz zur Förderung des Einsatzes von Videokonferenztechnik in der Zivilgerichtsbarkeit und den Fachgerichtsbarkeiten*”) was published in the Federal Law Gazette (*Bundesgesetzblatt*) on 18 July 2024. This is an important step towards digitalisation of the judiciary.

### **Use of AI in the judiciary**

The use of AI in the judiciary is further being tested and deployed for a variety of tasks, such as:

- automated anonymisation of judgements (e.g. <https://www.baden-wuerttemberg.de/de/service/presse/pressemitteilung/pid/gemeinsames-ki-projekt-zur-anonymisierung-von-urteilen>)
- analysis of large volumes of documents (e.g. “FraUKe” in particular to process mass proceedings such as air passenger rights cases, “OLGA”, and Codefy)
- preparation of judgements or other documents (e.g. “FraUKe, OLGA, and FRIDA)

As a more general remark on the use of AI in the judiciary: The supportive use of AI might be acceptable in particular circumstances, as far as the judicial decision-making as such is guaranteed and not replaced by AI (principle of judicial reservation and of the statutory judge). This fundamental exclusion of the replacement of the decision of the judge, including by an automation-bias, applies in particular to criminal proceedings and law enforcement proceedings.

### **Digital documentation of main hearings in criminal proceedings**

In Germany, the digital documentation of main hearings in criminal proceedings is a lacking detail. The BRAK and the DAV have advocated repeatedly for the overdue introduction of a digital documentation, see the [statement](#) of the BRAK from 4 March 2024 and the [statement](#) of the DAV from 20 February 2024. So far, there are no official minutes taken during witness statements. To address this inadequacy, the Federal Ministry of Justice has drafted a proposal in 2022 that would mandate an audio documentation of the main hearing should

it be passed. However, after resistance from the federal States (*Länder*) in particular the draft law has been blocked in the conciliation committee between Bundestag and Bundesrat and was then subject of discontinuity.

If Germany continues not to record the content of main hearings (such as witness and expert testimony) in courts competent for serious criminal cases, it will continue to suffer from a significant deficit in terms of the rule of law in criminal proceedings.

DAV and BRAK call upon the Federal Government to take the necessary legislative measures without further delay.

## Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

In 2024 a law was adopted in order to introduce Commercial Courts before which the proceedings can be held in English. (“Act to strengthen Germany as a centre of justice by introducing commercial courts and English as the court language in civil jurisdiction”, see the [published law in the Federal Official Journal – Bundesgesetzblatt](#)). It remains to be seen to what extent the law will actually fulfil its aims and lead to more cases held in English.

## Other issues and significant developments impacting access to justice

### **Need for a fundamental rights compliant data retention model (“Quick Freeze”):**

In 2024, two proposals were discussed as means to replace the German laws that allowed for general and indiscriminate retention of data, which had been declared incompatible with EU law by the ECJ in 2022. The first proposal intended to introduce a “quick freeze” mechanism, see in this regard also [BRAK position paper 52/2022](#) as well as a [statement by the DAV](#) from April 2024 and the Position Paper [24/18](#). The second proposal entailed the introduction of a minimum storage period of one month for IP-addresses and cell phone queries (“*Funkzellenabfragen*”), for the purpose of combating serious crime – leading to the indiscriminate collection of millions of citizens’ traffic data. It is unlikely that either proposal will become law before the current legislative term ends, and it remains to be seen, if one of the proposals will be taken up again in the next term.

Both BRAK and DAV criticise the current plans to retain and store IP addresses because they entail a form of mass data retention and lack sufficient safeguards with regard to the protection of professional secrecy:

<https://anwaltverein.de/newsroom/ip-speicherung-masseneueberwachung-bleibt-masseneueberwachung>  
<https://anwaltverein.de/newsroom/sn-8-26-einfuehrung-einer-ip-datenadressspeicherung>  
[https://www.brak.de/fileadmin/05\\_zur\\_rechtspolitik/stellungnahmen-pdf/stellungnahmen-deutschland/2026/stellungnahme-der-brak-2026-07.pdf](https://www.brak.de/fileadmin/05_zur_rechtspolitik/stellungnahmen-pdf/stellungnahmen-deutschland/2026/stellungnahme-der-brak-2026-07.pdf)

### **Reform of the Act on Mutual Assistance in Criminal Matters**

In June 2024, German authorities extradited a German citizen, the non-binary person Maja T., to Hungary, despite an emergency appeal, that was already submitted to the German constitutional court. This case proved the urgent need for a reform of the German IRG (act on international mutual assistance), since currently there are no legal remedies to ordinary courts available against such a decision, which also constitutes a violation of

EU law. BRAK and DAV both commented on a draft law which was published in 2024 order to reform the Act on International Mutual Assistance in Criminal Matters (IRG). BRAK and DAV both called for the introduction notably of effective legal remedies against admissibility decisions in extradition law (see the [statement and Position Paper No. 83/2024 of the BRAK](#) as well as the [Position paper 80/2024](#) of the DAV).

Regarding a new IRG draft presented in September 2025, DAV and BRAK both commented (again) on the need to provide for legal remedies against decisions on admissibility and decisions on extradition detention in extradition law, as this new draft still does not provide for the requested remedies. Thus, the rule of law deficit is likely to persist. See the respective Position Papers of [BRAK](#) and [DAV](#).

Following the ECJs ruling SpaceNet and Telekom Deutschland (C-793/19 und C-794/19) Germany has still not replaced its laws allowing for general and indiscriminate retention of data. A current draft law aims to introduce an obligatory general and indiscriminate retention of IP addresses and related data as well as retention orders and overly broad data uses for law enforcement purposes exceeding the limits established by the ECJ and the German Constitutional Court by far. A BRAK position paper soon to be published will discuss the draft in detail.

### **Fundamental Rights Infringements by use of facial recognition technologies in the public space**

On federal level as well as in some *Länder* laws have proposed to allow AI-supported (in some cases real-time) facial recognition in public places and on the public internet. This raises serious concerns regarding the right to privacy core area of private life, including the possibility of seeking legal advice confidentially and anonymously. Not being able to do so and being analysed by (AI-)software would also affect the right to a fair trial (Art. 6 ECHR, Art.1, 2, 20 (3) GG) including the right to an effective defence (Art. 6 (3) c ECHR), the right to respect for private and family life (Art. 7 CFR, Art. 8 ECHR) and the right to the protection of personal data (Art. 8 CFR).

### **Changes with regard to asylum procedures**

Art. 16 of Directive (EU) 2024/1348 and Art. 21 of Directive (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 provide for free legal information for applicants in asylum procedures. However, Section 12b (1) AsylG-E of the German government's draft of an Amendment Act (GEAS-*Anpassungsgesetz*) contains the provision that this legal advice is to be provided by the Federal Office for Migration and Refugees (BAMF) itself instead of independent advisors.

The transfer of legal advice for asylum applicants to the BAMF is from a rule of law perspective unacceptable as this means that the asylum authority advises on its own administrative act. The asylum authority would find itself in a conflict of interest and would also not fulfil the criteria developed by the Council of Europe for the quality and management of legal assistance. Legal advice must be provided by independent counsellors. These are lawyers and organisations that can provide qualified legal advice. The German Federal Bar (BRAK) has already positioned itself against this regulation in a letter to the Legal Affairs Committee and the Committee on Internal Affairs and Homeland Affairs of the German Bundestag dated 16 December 2024 as well as in BRAK Position Paper No. 80/2024 of October 2024 ([https://www.brak.de/fileadmin/05\\_zur\\_rechtspolitik/stellungnahmen-pdf/stellungnahmen-deutschland/2024/stellungnahme-der-brak-2024-80.pdf](https://www.brak.de/fileadmin/05_zur_rechtspolitik/stellungnahmen-pdf/stellungnahmen-deutschland/2024/stellungnahme-der-brak-2024-80.pdf)). Despite the BRAK's criticism of this provision proposed by the previous German government, it has been adopted unchanged by the new government.

## **Call for mandatory legal representation in pre-removal detention cases**

Under the last government, the law to improve repatriation also introduced a regulation that ensures that people in custody pending deportation or custody to secure their departure will receive mandatory legal assistance in future. According to media reports, government circles have been considering abolishing this fundamentally important rule. It has now been reported in informed circles that concrete discussions on the abolition are to take place as early as next week.

Detention pending deportation constitutes a massive interference with fundamental rights and an intervention that requires legal advice. Unlawful detentions are anything but rare. Both, DAV and BRAK therefore criticise the plans to abolish mandatory Legal Representation in pre-removal detention cases (*Abschiebehaft*):

Further Information: <https://www.brak.de/presse/presseerklaerungen/der-brak-2025/keine-abschaffung-pflichtanwaltlicher-vertretung-in-asylverfahren/>  
<https://anwaltverein.de/newsroom/pm-55-24-abschiebungshaft-nur-mit-anwaltlicher-vertretung>

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

**MAJOR REFORM (2025):** Law 5197/2025 (Article 36), enacted in May 2025, introduced historic changes to the appointment process for senior judicial positions. For the first time, the judiciary now has formal advisory participation in senior appointments.

The administrative plenaries of the Supreme Court (*Areios Pagos*), Council of State, and Court of Audit now cast secret ballot votes to pre-select candidates before Parliament's Conference of Presidents conducts interviews. In June 2025, the Supreme Court submitted its first-ever non-binding opinion on judicial appointments.

The reform was welcomed by the Athens Bar Association, Association of Judges and Prosecutors, and Court of Audit.

#### Remaining concerns:

- Judicial participation is advisory only; making it bind would require constitutional amendment, which the government has committed to pursue
- Executive branch's proposal for appointments remains beyond judicial review

**Constitutional Reform Context:** *As the constitutional amendment process gets underway, the Greek Bar has formulated specific proposals regarding judicial independence. The selection of the Presidents and Vice-Presidents of the Supreme Courts should be rendered independent from the executive branch. This is a demand upon which the majority of the legal community converges in public discourse. However, to date, the necessary parliamentary majority to permit the required constitutional amendment has not been achieved.*

#### Additional Bar Proposals for Constitutional Reform:

- *Prohibition on appointment of retired judges to public positions for a minimum cooling-off period of four years to sever the umbilical cord between the executive branch and the judiciary*
- *Granting Bar Associations a formal right of audience in the Supreme Judicial Council concerning the professional status of judges. Advocates are essential joint participants in the justice system, and Bar Associations are charged with safeguarding the functioning of an independent judiciary (Articles 2 and 90 of the Code of Lawyers)*
- *Amendment of Article 86 of the Constitution concerning ministerial responsibility to remove the requirement for parliamentary majority approval before ministers may be prosecuted.*

**Disciplinary controversy (March 2025):** The Supreme Court President ordered the Inspection Board to assess disciplinary liability of judges for their decision not to impose pre-trial detention in a criminal case. The Plenary of Bar Associations and multiple judges' associations strongly criticised this intervention, arguing judicial decisions should only face legal remedies, not disciplinary scrutiny.

## Significant developments related to accountability of judges and prosecutors

The March 2025 controversy regarding potential disciplinary action against judges for judicial decisions raised serious concerns about judicial independence and accountability boundaries. The intervention was widely criticised by legal professionals as inappropriate use of disciplinary mechanisms to question judicial decision-making.

## Cases/examples undermining confidentiality of lawyer-client communications

### Judges Union Proposal on Lawyer Disciplinary Proceedings:

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Procedural Issues:

- Rushed public consultation during the holiday season (December)
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- Problems with the presumption of innocence
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## Cases/examples of physical, online or legal threats or harassment of lawyers

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## Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

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Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

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**Problems and difficulties implementing the case law of national, European, and international courts**

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**Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers**

Major concerns about political and economic interference in the judicial system persist.

**Significant developments related to accessibility of courts**

**WORSENING SITUATION:** Greece ranks last in the EU for length of judicial proceedings according to the EU Justice Scoreboard 2025.

**Case Processing Times (2025 data):**

- Civil and commercial cases at first instance: approximately 1,200 days (vs. EU average of 446 days - nearly three times longer)
- Council of State: average 1,232 days (among the slowest in Europe for administrative cases)
- Some trials continue to be scheduled beyond a 10-year timeframe

***Comprehensive Analysis of Delays in the Administration of Justice:***

*Delays in case management timelines and the delivery of judgments may, in certain cases, amount to a de facto denial of justice, effectively undermining citizens' right to judicial protection and acting as a deterrent to the country's economic development.*

***ECtHR Statistics (1959-2022):*** Out of 969 judgments finding at least one violation against Greece, 545 (representing 56.2%) concern the length of proceedings. Greece has more violations due to the length of proceedings (545) than it does for all other types of violations combined (424).

The ECtHR, through its pilot judgments (*Glykantzi* - civil courts 30.10.2012, *Michelioudaki* - criminal courts 3 April 2012, and *Athanasίου* - administrative courts 21 December 2010), ruled that the delays do not merely constitute violations of Articles 6 § 1 and 13 of the ECHR but also reveal the existence of a serious problem of a systemic nature. Although these judgments were issued over 10 years ago, the problem unfortunately remains unchanged.

**Recent Judgment: *Vervele v. Greece* (26 August 2025):** The ECtHR not only condemned Greece for the slow administration of justice but also deemed the compensatory remedy of Law 4239/2014 ineffective, serving as an emphatic reminder of this persistent reality.

#### **Detailed EU Justice Scoreboard 2025 Data:**

- Civil, commercial, administrative, and other cases at first instance: 642 days (slowest in the EU)
- Civil and commercial disputes at first instance: 771 days
- Civil and commercial disputes at second instance: 673 days
- No data were provided for the Areios Pagos (Court of Cassation)
- Administrative justice at first instance: 439 days
- Administrative justice at second instance: 703 days

#### **Criminal Justice - World Bank Study Findings:**

Data from the Athens Court of First Instance (the largest court of first instance in the country) show that three-member court panels have been reduced by half. Nevertheless, the increase in single-judge formations has not been sufficient to schedule a greater total number of hearings. The study attributes this inability to schedule additional sessions to a shortage of available courtrooms, insufficient human resources, and, most critically, a lack of prosecutors available to attend additional hearings.

**Court Registries:** Despite efforts undertaken, the time required for issuing certificates – which are essential for commercial transactions – remains unsatisfactory.

#### **Positive Development - Transfer of Judicial Functions to Advocates:**

What should be emphasised is the positive impact of transferring certain judicial functions to advocates (including matters relating to recognition of associations, bookings of mortgage, certificates of inheritance). This transfer has borne out the position long held by the legal profession and has yielded excellent results. These matters are now handled and processed expeditiously, with competence and efficiency, by advocates, whilst simultaneously freeing up resources within the judicial system. The success of this initiative demonstrates that the legal profession is not only willing to assume additional responsibilities to improve the administration of justice but also possesses the expertise and organisational capacity to fulfil them effectively, in the public interest.

The extension of this transfer to include payment orders for recovery of possession of leased premises (pursuant to recent amendments to the Code of Civil Procedure) is, indisputably, a positive step. In the current circumstances, it ought to be complemented by the introduction of mandatory legal representation in transactions involving real estate and certain categories of other significant contracts, with a view to enhancing legal certainty in commercial dealings and preventing litigation and reducing the burden on the courts.

**Government Response (5 December 2025):** Prime Minister Mitsotakis announced at the 'Greek Justice in Acceleration' conference that the justice system has entered an 'era of reforms,' with a target of final decisions within 700 days.

## Significant developments related to digitalisation

### MAJOR PROGRESS IN 2025:

€220 million digital transformation plan funded by the Recovery and Resilience Facility:

- Full electronic case file implementation announced 24 August 2025
- All digital justice projects operational by end of 2026
- New courthouse in Piraeus scheduled for late 2026

### Code of Civil Procedure Reform (June 2025):

- Revised procedures limiting hearing postponements
- Enhanced case management tools

### Persistent Gaps: Greece remains last in the EU for:

- Online access to court decisions
- Machine-readable court data
- Lack of accessible case-law database (highlighted in *Tsiolis v. Greece* ECHR judgment)

Implementation remains inconsistent and limited to certain courts. Full electronic filing system still pending complete implementation across all jurisdictions.

## Significant developments related to use of assessment tools and standards

Continued improvements in the judicial statistics collection system, though still incomplete. The 2025 EU Justice Scoreboard provided updated data showing Greece's last-place ranking in processing times.

## Significant developments related to efficiency of justice system

**Court Delays:** Significant delays persist across all types of cases (criminal, civil, commercial, administrative) with Greece ranking last in the EU at approximately 1,200 days average.

### Pre-trial Detention and Prison Overcrowding:

**Acute Situation Continues:** The Committee of Ministers noted with 'grave concern' in September 2025 that 23 of Greece's 35 prisons are overcrowded.

## Statistics:

- Inmates sleeping on floors in cells designed for fewer occupants
- Pre-trial detainees constitute 27.6% of the prison population (2,817 individuals)
- One in four pre-trial detainees held longer than a year
- Foreign nationals comprise 64.5% of remand prisoners
- Excessive use of pre-trial detention continues to contribute to overcrowding

## European Committee for Prevention of Torture (CPT):

- Periodic visit: 20-31 January 2025, examining nine prison establishments including Korydallos Prison Complex
- High-level talks: 19 June 2025, led by CPT President Alan Mitchell at the Prime Minister's office
- Action Plan 2025-2030 presented by Greece:
  - €268 million for construction of 8 new prisons
  - Additional capacity of approximately 4,000 places by 2030
  - Promotion of alternatives to imprisonment
  - Yearly reporting under Prime Minister's office coordination

**Council of Europe Roundtable (April 2025):** Focus on conditions of detention and execution of ECHR judgments.

Systemic failures in prison conditions continue to be noted by international monitoring bodies.

## Other issues and significant developments impacting access to justice

### Predator Spyware Scandal - Major Developments in 2025

**Criminal Trial Commenced:** The trial of four Intellexa/Krikel executives opened on 10 April 2025, on misdemeanour charges of 'violation of telephone communication secrecy' carrying a maximum five-year sentence.

### Ongoing Concerns:

- **NO STATE OFFICIALS HAVE BEEN CHARGED despite testimony suggesting broader state involvement**
- Supreme Court Prosecutor's report from 30 July 2024, concluded only four private software company representatives were responsible
- Criticism of insufficient investigation into broader implications and potential state involvement
- Concerns about oversight of intelligence services and surveillance justification

**Increased State Wiretapping:** ADAE (Hellenic Authority for Communication Security and Privacy) reported a 23% increase in state wiretapping in 2024:

- 11,312 total wiretaps
- Reversing a temporary post-scandal decline

**European Court of Human Rights:** Multiple victims including Androulakis have referred their cases to the ECHR.

**EU Parliament Pressure:** Thirty-nine MEPs sent a letter in October 2025 demanding answers about EU subsidies to spyware companies.

### **Criminal Code Reform Concerns**

#### **Procedural Issues:**

The legislation was enacted without establishing the necessary legislative preparatory committee.

#### **Substantive Issues:**

- Implementation of disproportionately harsh penalties
- Evidence suggests these increased penalties do not contribute to crime prevention or control
- Results in excessive punishment and imprisonment even for minor offenses
- Reduction in defence rights
- Limitations on intermediate procedures before trial that traditionally helped ensure fair judgment and minimise unjust decisions and pre-trial detentions

No formal impact assessment or modification reported for 2025.

### **European Court of Human Rights (ECHR) Decisions**

#### **Notable 2025 Rulings Against Greece:**

##### **A.R.E. v. Greece (7 January 2025) - Landmark Pushback Case:**

- Greece's first ECHR condemnation for 'systematic practice' of pushbacks
- Violations of Articles 3, 5, and 13 found
- €20,000 in damages awarded
- Identified 'strong indications' of systematic expulsions from Evros region without asylum claim examination

##### **Tsiolis Case (final in 2025):**

- Found Article 6 violation for Supreme Administrative Court's excessively formalistic rejection of appeal
- Highlighted that lack of accessible case-law database prevented applicant from meeting procedural requirements
- Demonstrates systematic issues with procedural rigidity in Greek supreme courts

##### **Tsatani v. Greece (14 October 2025):**

- Found fair trial violation regarding lack of impartiality guarantees
- Concerned disciplinary proceedings brought by President of Court of Cassation against a prosecutor

- Raises concerns about judicial independence in disciplinary matters

#### **Other Significant 2025 Judgments:**

- *Panayotopoulos v. Greece*: Police brutality against Roma
- Multiple cases addressing detention of unaccompanied minors
- Cases concerning delayed enforcement of Court of Audit decisions

#### **Previous Cases with Continuing Relevance:**

- Zoumpoulidis Case: Criticised rigid application of procedural rules
- Georgiou Case: Addressed barriers to effective access to justice

These decisions demonstrate systematic issues with:

- Procedural rigidity and excessive formalism in Greek supreme courts
- Barriers to effective access to justice
- Pushback practices at borders
- Prison and detention conditions

#### **Committee of Ministers Supervision:**

**Visit to Greece (1-2 April 2025):** Department for Execution of Judgments visited Athens discussing multiple case groups.

**M.S.S. Case Group (June 2025):** Committee ended supervision of asylum procedures issue, finding 'significant progress.' However, reception conditions, medical care, and detention remain under active supervision.

**Nisiotis Group (prison conditions):** Remains under active supervision. Greece presented its 2025-2030 Action Plan in response.

#### **Rule of Law Concerns**

##### **Legal Aid System Issues**

##### **Payment Delays - Addressed in 2025**

**Law 5221/2025 (28 July 2025) - Article 89:** Introduced accelerated legal aid payment procedures.

##### **New Procedure:**

- Partial compensation disbursed within 15 days of document submission
- Payment occurs before final case clearance
- Represents significant progress on chronic payment delays dating back to 2019

## **Ongoing Issues:**

- Asylum Registry lawyers' strike continues over non-payment since November 2023
- Delays in payments to legal aid lawyers throughout 2024 were significant
- While Ministry announced measures for gradual settlement, situation continues to be monitored by Bar Associations

## **New Legal Aid Programme for Gender-Based Violence Victims (2025):**

- 410 Athens lawyers registered
- 25 Bar Associations participating nationwide
- Compensation: €80/hour plus €150 lump sum per beneficiary

## **Lawyers' Code Review**

### **Imperative Need for Reform**

The review of the Lawyers' Code has become imperative, as several of its provisions have proven ineffective and hinder both:

- The work of legal professionals
- The broader administration of justice

### **Proposed Reforms (Plenary of Bar Association Presidents - January 2025):**

#### **Compensation and Payment:**

- Upward adjustment of prepayment vouchers
- Default hourly billing where no written agreement exists

#### **Employment Rights:**

- Minimum salary for private sector lawyers at 50% above minimum wage
- Termination notice requirements with clear, lawful reasons

#### **Professional Standards:**

- Updated ethical guidelines
- Enhanced professional development requirements

**Status:** Reforms remain under discussion; no legislation enacted as of end of 2025.

## **Summary of Key 2025 Developments**

### **Positive Developments:**

- Historic judicial appointment reform (Law 5197/2025) - first-ever judiciary participation in senior appointments

- Digital transformation initiative - €220 million investment, full implementation by 2026
- Legal aid payment reform (Law 5221/2025) - accelerated payment procedures
- Prison construction plan - €268 million investment for 4,000 additional places by 2030
- New legal aid programme for gender-based violence victims

#### **Continuing Concerns:**

- Public confidence declined to 38% (down from 40%)
- Greece ranks last in EU for court processing times (1,200 days vs. 446 EU average)
- Prison overcrowding affecting 23 of 35 facilities
- Predator spyware scandal - trial underway but no state officials charged despite contradictory testimony
- Pre-trial detention overuse - 27.6% of prison population
- Bar Association standing - reduced ability to challenge Independent Authority appointments
- Legislative process issues - insufficient consultation, rushed procedures
- ECHR condemnations continue, including landmark pushback ruling
- Judges Union proposal to transfer lawyer disciplinary proceedings to courts threatens professional self-regulation

#### **Key Outstanding Issues:**

- Constitutional amendment needed to make judicial appointment participation binding
- Full digitalisation implementation still incomplete
- Lawyers' Code reform remains pending
- Predator scandal investigation scope questioned by civil society
- No formal Criminal Code reform impact assessment conducted
- Judges Union proposal to transfer lawyer disciplinary proceedings to courts under discussion

**Date of Report: December 2025**

**Reporting Period: 1 January 2025 – 31 December 2025**

## HUNGARY

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

In previous years, the Hungarian government and parliament completed the recommended judicial reform, the main part of it to strengthening the role and powers of the National Judicial Council to counterbalance the powers of the President of the National Office for the Judiciary while safeguarding its independence and to strengthening the powers of control of the judiciary over the President of the Kúria (Supreme Court).

Concerning the new recommendations in the area of justice, regarding transparency in case allocation systems in lower-instance courts, there is still work to be done, namely, to improve them in line with European standards on case allocation. This recommendation was already included in the 2024 report and has now been repeated.

The report states that significant progress has been done on increasing the remuneration of judges, prosecutors, and judicial and prosecutorial staff, in three steps until 2027. However, the recommendation proposes measures to ensure that the ongoing increase in remuneration for judicial and prosecutorial staff is carried out in a structured manner, taking into account European standards for remuneration in the justice system. The delayed wage increase was very necessary and timely.

As stated in the report, within the judiciary, undue pressure on some judges persists, notably in internal debates over key issues of judicial independence. The chilling effect at courts is still there, as the political influence remained in the courts, some politicians commented critically the way individual cases were handled. Judges' freedom of expression is still under pressure and smear campaigns against judges in the press continue.

No legislative steps have been taken to restore legal certainty as pointed out by the EC's 2023, 2024 and 2025 Rule of Law Report, there is state emergency since 2020 continuously, which causes unpredictable regulatory environment and the extensive and prolonged use of the Government's emergency powers. It is highlighted that the practice of regulatory governance weakens legal certainty and adversely affects the competitiveness of economic operators. Research also shows that legal instruments originally intended for crisis management are increasingly being used to serve political ends rather than to resolve immediate emergencies. Regulatory governance poses a fundamental risk to the rule of law because it upsets the balance of power between the branches of government.

The state of danger declared with a reference to the war in Ukraine is currently extended from 14 November 2025 with an additional 180 days until 13 May 2026.

This means that next April's parliamentary elections will also be held under emergency rule, and the state of emergency will remain in place for another month afterwards. However, according to government press, the state of emergency will have no impact on the conduct of next year's elections.

Until now, the government needed the permission of the Hungarian Parliament to extend the state of emergency and governance by decree. According to the latest 15th amendment to the Constitution, this approval will not be needed in the future because it will be up to the government to impose and maintain the

emergency. From next year, the abolition of compulsory extensions would in principle also make governance by decree unfettered and uncontrolled.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

Controlling judges over 65: Judges wishing to continue past age 65 (up to 70) must undergo an extra evaluation and be approved individually by top judicial leaders. Their continued service is irrevocable and there is no right to appeal.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

On 22 February 2025, a demonstration for the independence of the judiciary was organised, free of party politics, but is open to *“all those who consider it important for society to preserve the value of judicial independence”*. The Hungarian judges and court workers protested for the first time in history.

The protest was strongly supported by other legal professionals and the public. The Hungarian Association of Judges (MABIE) has identified three main objectives for this unprecedented demonstration in Hungary and

- judicial legislation based on the rule of law (i.e. the adoption of any judicial reform taking into account the opinions of the people concerned)
- freedom of expression of judges (more specifically, the independence of the service courts in disciplinary matters of judges)
- a decent wage for the profession.

Furthermore, the MABIE referred to the reason for the demonstration the reform of the district courts would turn a large part of the judges into vulnerable, mobile judges under command.

### Significant developments related to accountability of judges and prosecutors

Judge András Kovács who was dismissed without justification for two years by the President of the Kúria (Supreme Court) won his case against Kúria.

The President of the Supreme Court suspended the plaintiff judge from his position as chair of the council for two years after he published a study criticising the adoption and application of the Supreme Court’s case allocation system.

According to the judgment rendered, the president of the Supreme Court does not have the right to remove a judge from the position of council chair without justification, based on discretionary powers. This is especially true if the judge has been found fit for office in a suitability assessment and the disciplinary proceedings against him or her have not found any violation of the rules in the first instance.

*“These case studies demonstrate how integrity procedures, administrative measures, and disciplinary actions are used to exert pressure on members of the judiciary who speak out in defence of judicial independence and the rule of law. Stronger safeguards are needed to protect judicial freedom of expression in Hungary, aligning*

*with European human rights standards” states Hungarian Helsinki Committee in the article “Attempts to Silence Judicial Dissent: The cases of Judge András Kovács and X, a senior scientific advisor at the Kúria - Hungarian Helsinki Committee”.*

Additionally, in the other case is revealed in the same article (Attempts-to-silence-judicial-dissent-in-Hungary.pdf):

*“X’s dismissal was justified with the study and her conduct allegedly breaching the integrity of the Kúria was found to have been an aggravating circumstance. According to the letter of dismissal, in the study, the senior scientific advisor, as co-author, “made a number of worrying statements in relation to the Kúria and its President”. In his view, the allegations made in the study, “which also call into question the impartiality of the judges, go well beyond the freedom of expression” and “are capable of undermining the authority and dignity of the judiciary and undermine public confidence in the courts..*

*...The dismissed senior scientific advisor has brought an action for a declaration that the immediate dismissal was unlawful. On 18 June 2025, a first instance judgment of the Labour College of the Budapest Regional Court was handed down in the case, concluding the X’s dismissal had been disproportionate and therefore unlawful. The judgment obliged the Kúria President to pay X the arrears on her salary, and interest on the arrears and X’s legal costs.”*

## Significant developments related to remuneration for judges and prosecutors

As regards the increase of remuneration of judges, the necessary legislative steps were taken in three steps until 2027. The average monthly salary of judges will increase by 48 percent compared to 2024 levels, clerks and secretaries can expect an 89 percent increase, and court officials’ salaries will double.

## Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

Based on experience in recent years, we can repeat that the Hungarian justice government and the Hungarian Bar Association are still in constant professional dialogue, and we wish to maintain a good working relationship based on professionalism and we avoid putting political issues on the agenda and focus strictly on policy matters.

Moreover, in December 2023, the Hungarian Parliament adopted the Act on the Protection of National Sovereignty. The Act consists of two main pillars: establishing a new Sovereignty Protection Office to carry out investigations and amending the Criminal Code to sanctions electoral candidates and representatives of nominating organisations using prohibited foreign funds for campaigning purposes with up to three years of imprisonment.

Since its adoption, this law is a constant topic of debate. The one of the latest developments, that the Transparency International (TI) Hungary has filed a complaint with the European Court of Human Rights regarding the Sovereignty Protection Act. According to their position, the legislation establishing the Sovereignty Protection Office seriously violates fundamental rights protected by the Fundamental Law and the European Convention on Human Rights, including freedom of expression, fair administrative and judicial proceedings, and access to legal remedies.

Additionally, they are convinced that several provisions of the Sovereignty Protection Act are contrary to the Hungarian Constitution, that is why previously, in the summer of 2024, the TI appealed to the Constitutional Court and requested the annulment of the relevant provisions of the Sovereignty Protection Act. The Constitutional Court rejected the constitutional complaint with record speed.

According to the Court, if the reports of the Sovereignty Protection Office “do not constitute official or other administrative decisions,” then “there is no need to provide legal remedy against them”. For this reason, the Constitutional Court did not find it a violation of fundamental rights that no legal remedy is available against the proceedings of the Sovereignty Protection Office and the statements contained in its reports.

Since all legal options in Hungary have been exhausted, TI Hungary has turned to the European Court of Human Rights in March 2025, asking the Court to declare that the Sovereignty Protection Act violates fundamental rights and to establish that the Act prevents TI Hungary from exercising its rights to freedom of expression and legal remedy under the Convention. (<https://transparency.hu/hirek/ti-magyarorszag-ejeb-beadvany-szuverenitasvedelmi-hivatal/>)

In addition to this, on 30 September 2025, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on the state of democracy and the rule of law in Hungary. The PACE called on the government to immediately end the state of emergency and abolish the Office for the Protection of Sovereignty.

## Problems and difficulties implementing the case law of national, European, and international courts

The Hungarian Helsinki Committee (HHC) submitted a communication to the Committee of Ministers of the Council of Europe regarding the non-execution of the judgment of the European Court of Human Rights in the *Magyar Helsinki Bizottság v. Hungary* case, in which the HHC was the applicant.

“The *Magyar Helsinki Bizottság v. Hungary* case concerned the violation of the HHC’s freedom to receive information as a non-governmental organisation on account of the authorities’ refusal, in 2009, to provide it with the names of ex officio (legal aid) defence counsels and the number of their appointments for a research study on the efficiency of the legal aid system in criminal procedures. The Grand Chamber held in the case, among others, that “the information sought by the applicant NGO from the relevant police departments was necessary for the completion of the survey on the functioning of the public defenders’ scheme being conducted by it in its capacity as a non-governmental human-rights organisation, in order to contribute to discussion on an issue of obvious public interest”, and that “any restrictions on the applicant NGO’s proposed publication – which was intended to contribute to a debate on a matter of general interest – would have required the utmost scrutiny”.

The European Court of Human Rights decided that by denying the applicant access to the requested information, the domestic authorities impaired the exercise of its freedom to receive and impart information, “in a manner striking at the very substance of its Article 10 rights” and established a violation of Article 10 of the European Convention on Human Rights on freedom of expression.

Since the judgment in the case was rendered by the Court, the system of ex officio (legal aid) appointments in criminal procedures has changed considerably in Hungary, but the HHC received anecdotal evidence that the

current system is still abused by the police, undermining the right to effective defence. Therefore, the HHC submitted a series of freedom of information requests to the police to obtain information on the functioning of the new system, asking the police to take into account the judgment issued by the Court in the Magyar Helsinki Bizottság v. Hungary case when providing their reply. However, all police headquarters approached refused to provide the data asked for in the freedom of information requests. Accordingly, the judgment in the Magyar Helsinki Bizottság v. Hungary case cannot be considered executed.”

<https://helsinki.hu/en/magyar-helsinki-bizottsag-v-hungary/>

[https://helsinki.hu/en/wp-content/uploads/sites/2/2025/09/HHC\\_Rule\\_9\\_MHB\\_v\\_Hungary\\_31082025.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2025/09/HHC_Rule_9_MHB_v_Hungary_31082025.pdf)

<https://helsinki.hu/en/submission-to-the-council-of-europe-in-a-freedom-of-information-case/>

## Significant developments related to accessibility of courts

### **Legal aid fees mentioned in the Report**

As far as the finance of the legal aid system, we can agree with the conclusion of the EC in the report, that even though the fees for defence lawyers under the legal aid scheme were raised as of 2024, they are still regarded as critically low, possibly impacting access to justice.

### **Court fee**

As of 28 January 2025, at first instance, the court fee payable in small-value civil and commercial cases decreased, whilst in higher-value cases it increased, and the statutory fee cap has been removed.

## Significant developments related to training of justice professionals

The mandatory continued legal education for lawyers has been implemented six years ago, and it works seamlessly. The first five years has been successfully completed; however, a small number of lawyers have been expelled from the bar because of non-fulfilment of the continued legal education obligations.

## Significant developments related to digitalisation

According to the Minister of Justice at his annual hearing before the Justice Committee of the National Assembly in November 2025, a new program based on artificial intelligence has been launched to transform the National Legal Database, with the first public version due to be ready in the first quarter of 2026.

The new database will provide relevant legal answers to questions asked, taking into account all legislation, and is also planned to have an administrative function later on.

Regarding the impact of artificial intelligence on the legal profession, he noted that creative lawyering will continue to have a future, but research work will be significantly simplified.

The digitalisation of the justice system in Hungary is overall high. During 2024 the Bar has prepared for the introduction of the new, electronic property register system (E-ING) and started training lawyers.

The provisions of the Act on E-ING entered into force on 15 January 2025, fully digitising traditional paper-based record-keeping. The aim is to speed up and make more transparent the property registration process, where ownership is registered, modified and deleted electronically.

In the E-ING system, all land registration matters are handled electronically, including the submission of applications and decision-making. The system requires exclusive legal representation, which can only be provided by qualified lawyers, notaries and legal advisers.

To use the E-ING system, it is recommended a lawyer specialised in real estate law who is authorised to use the new system and has completed the mandatory training.

The practical application of the IT system is being introduced gradually and is not yet operating. The benefits of automation and digitisation are undeniable, but the challenges of the transition period and rising costs raise many questions, which is why the shift to electronic administration is slower than previously expected and has not yet been fully implemented.

### Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

Legislative amendments have been made in relation to online fraud, which in many cases make it possible to block the transfer of fraudulently obtained money in time. As a result, HUF 3 billion was recovered for fraud victims in one year.

By 2026, every county seat will have a victim protection centre.

### Significant developments related to efficiency of justice system

Changes have been made to procedural rules in civil law, such as the introduction of simplified, expedited proceedings and simplified reasoning, with the aim of speeding up the delivery of judgments. This is also the aim of the new rule introduced, according to which the court must pay one and a half percent of the minimum wage per day if it fails to meet its own deadline.

### Other issues and significant developments impacting access to justice

The 15<sup>th</sup> Amendment to the Constitution allows for the ‘suspension’ of citizenship. Under the related law, this means that a person could ‘lose’ his or her Hungarian citizenship for up to ten years if the Minister decides that *“the existence of his or her Hungarian citizenship constitutes a threat to public order, public security or national security in Hungary”*. This would only happen if the person concerned also holds the citizenship of a non-EEA or non-EU candidate state. There would be no meaningful judicial review against a decision resulting in the loss of rights conferred by Hungarian citizenship – and thus EU citizenship – and expulsion from Hungary.

## IRELAND

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

The Irish Government have a generally positive track record in addressing the Rule of Law report's recommendations, having partially fulfilled most of the 2025 recommendations. The Law Society of Ireland support the European Commission's recommendations in the 2025 report. We have seen some uptake by the Government but want to highlight where additional implementation measures are needed. In accordance with the expertise of the Law Society, this submission focuses on recommendations directly relating to the justice system and does not comment on media freedom:

**Excessive Costs of Litigation:** The Irish government has taken some initial steps to address the excessive cost of litigation and is continuing to do so. The Law Society remains in close contact with the government on this topic.

We are especially concerned about the access to civil legal aid (described in more detail below) which sees an increasing number of people fear the impact of legal costs. Despite the publication of a civil legal aid review in 2025, there has not been any change implemented, and difficulties with the qualifications for the system remain. In addition, criminal legal aid access is equally causing difficulties with emerging legal aid deserts and slow reform. The Law Society has recently made a submission to a parliamentary committee that is considering this topic.

Research carried out by the Law Society's new Centre for Justice and Law Reform further points to excessively long waiting times in courts, the repeated adjournment of cases, and an insufficient number of judges to deal with the number of incoming cases. This can make litigation more expensive for clients involved and is the result of substantial underfunding of the courts, insufficient infrastructure to support new judges, and slow and incremental digitalisation.

In addition, in the recently published Accelerating Infrastructure Report and Action Plan the Government indicates its intention to introduce a scale of fees (fee cap) for environmental judicial reviews. A public consultation on the cap on costs has been held by the Government in December 2025-January 2026. If the Government is to proceed with its proposals, it is anticipated that these measures will be introduced in 2026.

**Reform of the Defamation Act:** The Defamation (Amendment) Bill 2025 progresses through the Houses of the Oireachtas, but there has been no further development since 2025. We would also like to reiterate our concerns about the Bill as set out in the 2025 Rule of Law contribution. It continues to only insufficiently cover SLAPPs, effectively not covering SLAPPs that do not include acts of defamation. This was also argued in a Law Society 2023 submission to the Council of Europe. In short, we are concerned that the Bill will not address the emerging issue of SLAPPs in Ireland.

**Reform of the Electoral Act:** The Law Society strongly supports the Electoral Reform Act 2022 and acknowledges the positive impact the new Electoral Commission has had on the evaluation of recent elections. Whilst we support the ambitions of the Electoral Act, specifically regarding the monitoring of online election interference, we note that the implementation of the Act's election reporting mechanisms and online monitoring tools has

been too slow with the 2025 Presidential Elections not falling under the mechanisms. This is worrying, as it was already highlighted in our 2025 Rule of Law Country Chapter submission. It is important that the Electoral Act is implemented in its entirety and in a timely way. We note that the 2025 Presidential Election did involve some element of online disinformation and emerging generative AI videos targeting the individual candidates.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

The Law Society of Ireland commends the additional appointment of judges in 2025. However, at the time of writing (November 2025), only 10 of the 20 judges to be appointed in 2025 have been instated (six to the District Court, one to the High Court, one to the Court of Appeal). In addition, the new Judicial Appointments Commission has been criticised by candidates due to a conceived lack of transparency in the appointment of judges, and due to unprofessional application procedures. Its processes are currently being reviewed.

However, the Law Society positively notes the Courts and Civil Law (Miscellaneous Provisions) Bill which is currently going through the Houses of the Oireachtas and provides for an additional 21 judges to be appointed. This is highly necessary as Ireland still has the lowest number of judges in the EU. In addition, case backlogs and low clearance rates are posing considerable problems to the quick execution of justice. At the same time, it is important to note that the current courts infrastructure, both of physical court rooms and of resources and support staff, need to be adapted to an increasing number of judges.

### Significant developments related to allocation of cases in courts

There have not been significant changes to the allocation of cases in the courts in 2025. We maintain our criticism of 2025 where we pointed out that whilst the significant case backlog could slightly be reduced through the employment of additional judges, a significant delay in most civil and criminal law cases remains. From data published, the current extent of the backlog in Irish courts is unknown, whilst case clearance rates have generally remained under 100%, being the lowest in Europe according to the 2025 Justice Scoreboard. The full implementation of a case management system might aid in the identification of delays. However, data transparency and better resource allocation to the Courts Service are also paramount.

### Cases/examples of physical, online or legal threats or harassment of lawyers

Last year, the Law Society of Ireland created an online log for solicitors to register any threats and attacks against their person in order to gain a better understanding of the extent of threats, whilst supporting them in their safety and mental health.

Unfortunately, a number of solicitors have logged reports of attacks having been made against them. In addition, immigration lawyers have been targeted online. It is notable that the CCBE published a human rights letter that it had sent to the Taoiseach to draw attention to an increasingly worsening issue. The Law Society supported the publication of this letter. At this point we are not aware of there being a formal Government response to this letter.

## Problems and difficulties implementing the case law of national, European, and international courts

The Irish Government has committed to the implementation of parts of the EU Migration and Asylum Act which foresees the availability of legal counselling for all asylum seekers at every point of the legal process of seeking asylum. The Government has indicated that legal counselling would be added as a further right in addition to the right to legal assistance and representation already included in domestic law. The publication of the International Protection Bill 2026 was announced on 13 January 2026. It is important to further monitor the progress of this legislation in order to ensure that all asylum seekers may benefit from high-quality legal counselling. Similarly, the implementation of the protective measures for children or victims of trafficking will need to be monitored.

## Significant developments related to accessibility of courts

There have been little changes regarding legal aid provision in Ireland across 2025 despite the publication of the Civil Legal Aid Review (with both a majority and a minority report) and a promised restoration of fees for solicitors and barristers in criminal legal aid in 2026, as per the 2025 budget.

Whilst an implementation group for the civil legal aid review is planned, the maintenance of outdated thresholds mean that legal advice is out of reach for an increasing number of people. This has the danger of reducing the access to justice for those who are financially capped out of legal aid. Simultaneously, an increase in solicitor fees for civil legal aid is not yet being discussed even though there are rising demands for civil legal aid. Please refer to the Law Society's more extensive statement on the Civil Legal Aid Review here. In addition, the Law Society has recently made a submission to the parliamentary committee that is examining civil legal aid.

The Legal Aid Board continues to struggle to recruit talented solicitors due to uncompetitive salaries. This has led to increasing evidence that a legal aid desert will develop. This is especially true in criminal legal aid cases where some counties have no solicitors taking up relevant cases. Whilst a restoration of fees is planned, this has been tied to 'reform' of the legal aid system in the different courts. It is of yet unclear how this reform will impact the delivery of criminal legal aid. Similar concerns apply to family law matters and immigration cases. We anticipate an exacerbation of this issue with the implementation of the EU Pact on Asylum and Migration. It is expected that the Government may soon make an announcement regarding the reversal of reductions that had been made several years ago to the fees payable for criminal legal aid. This will be further monitored by the Law Society.

The accessibility of justice is positively affected by the Technical Support Instrument on People-Centred Access to Justice carried out by the OECD and the Department of Justice. The Law Society actively contributed to the delivery of the first legal needs survey in Ireland which uncovered that only about 5% of justiciable problems enter courts in Ireland. We are committed to contributing further to the project in order to make information about and the access to justice attainable to all.

## Significant developments related to training of justice professionals

The Law Society of Ireland is developing a new apprenticeship training programme as a new route to solicitor qualification for school leavers and law clerks/legal executives.

Professional Solicitor Apprenticeships, while underpinned by the Solicitors Acts, will also require new Professional Solicitor Apprenticeship Regulations. The Professional Solicitor Apprenticeships will relate to and enhance our existing access and inclusion initiatives. The programme also responds to the Legal Service Regulatory Authority's Breaking Down Barriers policy Reports, particularly recommendation 8 of that report which calls for the introduction of an apprenticeship scheme.

This new route to qualification will be distinct from the current traineeship model, which is primarily a graduate led programme.

The proposed pathway to qualification is to allow for 'off-ramp' qualification that are identified at each stage of the qualification process. The academic programme will include the completion of a Certificate in Law, Diploma in Legal Skills for Legal Executives and the Diploma in Law before apprentices' progress to the FE-1s and the Professional Practice Course.

## Significant developments related to digitalisation

Whilst the government are committing to a further digitalisation of the court system, many courts are still inadequately equipped to deal with digital hearings in court. Further, despite legislating for a change, legal aid payments are still not administered digitally. Whilst the Courts Services have increasingly provided their data online and have digitalised some of their tools to increase transparency, these are only slowly being updated, incorporating primarily historical data. In addition, the incoming case management system will not include unique case identification numbers, making the identification of individual cases and their progression through the courts impossible.

In short, despite significant investment into the digitalisation of the justice system, we are far from seeing the effects of the investments.

## Significant developments related to use of assessment tools and standards

The Courts Service continues to develop its own data dictionary to enhance data consistency. Efforts are being made to facilitate better "horizontal" (or cross-organisational) data collection, encouraging the matching of datasets between institutions like the Courts Service and the Legal Aid Board.

The Central Statistics Office is also developing a database on core definitions to further develop data sharing and accountability across different justice institutions.

## Significant developments related to efficiency of justice system

Inefficiencies in the court process, such as frequent case listings and insufficient focus on early resolution continue to be frequent in Ireland. In addition, the case backlog is growing and there are no justice indicators

implemented in the courts which could point out procedural inefficiencies. Despite initiatives aiming to tackle these problems, including the [Department of Justice Statement of Strategy](#) (2025 – 2026), the [Family Justice Strategy](#) (2022 – 2025), the [Courts Service Modernisation Programme](#) (2019 – 2030), and [the Civil Legal Aid Review](#), delays remain frequent.

Ireland has a significantly longer case disposition time than the average Council of Europe country when first- and second instance case disposition times are estimated from available data, Ireland has the lowest case clearance rate in the European Union, and the caseload per judge has risen in the last two years. Together with incomplete reporting of data to instances like CEPEJ and the European Commission's Justice Scoreboard, this means that it remains difficult for litigants to accurately estimate how quickly their matter might advance through the courts. The efficiency of the justice system could greatly be helped by more data transparency and more evidence-based policymaking.

### Other issues and significant developments impacting access to justice

The [Accelerating Infrastructure Taskforce](#) was founded in May 2025 to monitor the implementation of measures to accelerating infrastructure delivery. As part of its mandates, it is reviewing processes that might delay the delivery of infrastructure in Ireland. This has included the scrutiny of the judicial review process. Whilst the Law Society is supportive of the Taskforce's goals, some of the initial evidence-based report includes worrying passages about the judicial review process. For example, the Taskforce criticise that judicial decisions are being quashed where *'the respondent has successfully defended all but one of the core grounds in a judicial review, [...] due to failure to defend a single remaining ground'*. This criticism is based on a basic misconception of a judicial review, and legal challenges in general. The Report and Plan of Action [Accelerating Infrastructure Report and Action Plan](#) adopted by the Government on the basis of the Taskforce's work aims at reforming the judicial review system and limit costs of these actions. The Action Plan includes for example the introduction of a cap on legal costs for judicial review dealing with planning and/or environmental law grounds, measures to limit the access to judicial review to applicant directly impacted by a development, requirement for the judge to assess whether an action has a chance of success to allow it. The Law Society will monitor closely the implementation of the report as it raises concerns in relation to access to justice, compliance with the Aarhus convention and corresponding EU Law (Directive 2003/4/EC and 2003/35/EC), and the impact on legal costs.

### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

Among the measures adopted by Italy in response to the recommendations of the Commission set out in the 2025 Rule of Law Report, the *Consiglio Nazionale Forense*, (here in after also “CNF”) wishes to note that, pursuant to Ministerial Decree no. 206 of 27 December 2024, the electronic filing of procedural acts and documents, applications and memoranda became mandatory (as of 1 January 2025) before the offices of the public prosecutor and the ordinary criminal courts, in accordance with Article 111-bis of the Code of criminal procedure.

Subsequently, Ministerial Decree No. 206 of 30 December 2025, amending Ministerial Decree No. 217/2023 by introducing Articles 3-bis and 3-ter, provided for limited and temporary derogations from the requirement of exclusive electronic filing, together with monitoring measures applicable during the transitional phase.

Under the current legal framework, procedural acts and documents are filed through the official electronic systems of the Ministry of Justice, and a filing is legally effective only upon the issuance of an acceptance receipt generated by the system within the prescribed deadline.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

On 30 October 2025, the Senate gave final approval to constitutional bill no. 1353-B, containing provisions on the organisation of the judiciary and on the establishment of the Disciplinary Court.

The measure amends Title IV of the Italian Constitution, intending to separate the careers of judges and prosecutors and with the aim of redefining the governance system of the judiciary.

In particular, the reform provides as follows:

- It reiterates that the judiciary constitutes an autonomous and independent order, separate from any other power of the State, while specifying that it “*è composta dai magistrati della carriera giudicante e della carriera requirente*”. (Informal translation: “*is composed of magistrates belonging to the adjudicating career and to the prosecuting career*”).
- It therefore introduces the principle of the “*distinte carriere dei magistrati giudicanti e requirenti*” (Informal translation: “*distinct careers of adjudicating and prosecuting magistrates*”), the regulation of which is entrusted to the rules governing the judicial system.
- It establishes two distinct governing bodies of the judiciary corresponding to the two new components of the judicial order: the High Council of the adjudicating judiciary and the High Council of the prosecuting judiciary. It amends the composition of the aforementioned High Councils, which, in

addition to the *ex officio* members (the President of the Republic and, respectively, the First President and the Prosecutor General of the Court of Cassation), provides for selection by lot (sortition):

- one third from a list of full professors of legal subjects and lawyers with at least fifteen years' professional practice, drawn up by Parliament in joint session;
  - the remaining two thirds, respectively, from among adjudicating magistrates and prosecuting magistrates.
- It establishes the High Disciplinary Court, which is vested with disciplinary jurisdiction over ordinary magistrates. The High Court is composed of fifteen members, appointed as follows:
- three appointed by the President of the Republic and three selected by lot from a list drawn up by Parliament in joint session, from among full professors of legal subjects and lawyers with at least twenty years' professional practice;
  - six selected by lot from among adjudicating magistrates and three from among prosecuting magistrates, with at least twenty years' service in judicial functions and who perform or have performed functions at the Court of Cassation.

As the constitutional bill did not obtain the two-thirds majority of the members of each Chamber in the second deliberation, it will, pursuant to Article 138 of the Constitution, be submitted to a confirmatory popular referendum to be held on the 22 and 23 March 2026.

As it is well known, the *Consiglio Nazionale Forense* (CNF) has long been among the main supporters of a reform providing for the separation of magistrates' careers according to functions.

Over the past year, in particular, the CNF, through its President, Avv. Francesco Greco has reiterated the following arguments in support of the reform: the separation of careers between judges and public prosecutors constitutes an important step forward towards the right to a fair trial enshrined in Article 111 of the Constitution, as it ensures equal distance between the prosecution and the defence before the judge. It therefore inevitably requires the establishment of a High Council for the adjudicating judiciary and one for the prosecuting judiciary, since maintaining a single self-governing body would, in practice, undermine the very separation of the two careers. These steps, which give concrete expression to the constitutional principle of equality between prosecution and defence, will help to clarify the impartiality of the judge and thus to strengthen confidence in the justice system. An ideal criminal process requires a strong public prosecutor, a strong defence lawyer and an equally strong, impartial judge. With the separation of careers, the system moves from a "*culture of jurisdiction*" confined to magistrates to a shared "*culture of legality*" among all parties to the proceedings, including the defence, thereby ensuring greater protection for citizens.

Moreover, the Italian system represents an anomaly in the European landscape. In almost all European countries, particularly those with democratic and liberal principles comparable to those of Italy, the careers of judges and public prosecutors are in fact separate. In Germany, France, Switzerland, Austria, Portugal and in the Netherlands, for example, this distinction is already a reality.

As regards the system of selection by lot, it should be noted that the High Council of the Judiciary (Consiglio Superiore della magistratura-CSM) is not a representative body of the magistracy; otherwise, it would not be presided over by the Head of State with a Vice-President elected from among members of Parliament, nor would it make sense for Parliament to designate some of its members. Rather, the CSM is a body of self-government of the judiciary and, therefore, the system of selection by lot should be viewed positively, provided that it is limited to magistrates with a certain degree of seniority and expertise.

With the Senate's vote of 30 October 2025, the parliamentary process of the constitutional reform on the separation of careers has been concluded, and a new phase begins that will directly involve citizens, who will be called upon to express their will in the confirmatory referendum. The time has now come to continue along this path in order to overcome those factional dynamics that have, over time, affected the authority of justice and of the judiciary. Italy needs a fair system of justice, with a third and impartial judge, a fully independent public prosecutor operating within the framework of the judiciary, and a strong and autonomous technical defence. The CNF will take part in the public debate ahead of the referendum by offering the technical and legal contribution of the legal profession free from party-political logics, so as to ensure that the discussion is informed, balanced and respectful of constitutional principles.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

As already stated under point 2, the approved Constitutional bill no. 1353-B, laying down provisions on the organisation of the judiciary and on the establishment of the Disciplinary Court, leaves the autonomy and independence of the judiciary fully intact.

According to the *Consiglio Nazionale Forense* (CNF), the independence of the judiciary is an unquestionable principle that the reform does not in any way jeopardise, since the Constitution, once amended, would continue to provide for the autonomy of the judiciary from any other branch of the State. Article 107 of the Constitution, as revised, would in fact stipulate that “*adjudicating and prosecuting magistrates shall be irremovable and subject only to the law*”. Were there any genuine risk to this independence, the legal profession would be the first to take action, as the independence of the judiciary is a fundamental value of a democratic system.

### Significant developments related to accountability of judges and prosecutors

As already noted under point 2, the approved Constitutional Bill No. 1353-B, laying down provisions on the judicial order and on the establishment of the Disciplinary Court, provides for the establishment of the High Disciplinary Court, which is vested with disciplinary jurisdiction over ordinary magistrates.

Furthermore, Law No. 51 of 15 April 2025, entitled “*Modifiche alla disciplina della magistratura onoraria*” (Informal translation: “*Amendments to the rules governing honorary magistrates*”), introduces provisions aimed at revising the legal, economic and social security framework applicable to honorary magistrates. Among the innovations, the reform finally provides for a four-year suitability assessment of confirmed honorary magistrates, based on the quality of their judicial acts, attendance at hearings, training and any disciplinary records. A negative outcome may result in suspension or removal from office. The right to be heard and the possibility to lodge an appeal are guaranteed.

## Significant developments related to remuneration for judges and prosecutors

The already cited Law No. 51 of 15 April 2025 provides also provisions aimed at revising the legal, economic and social security framework applicable to honorary magistrates (honorary justices of the peace, honorary tribunal judges and honorary deputy public prosecutors), also in order to address the concerns raised by the European Commission against Italy through the opening of infringement proceedings (No. 2016/4081) for breach of the rights of such honorary magistrates as workers.

In particular, by amending legislative decree No. 116 of 13 July 2017, the law lays down detailed rules governing the employment relationship both for those who opt for the exclusive performance of honorary functions and for those who do not take such an option.

The main innovations introduced by the legislation under review are set out below.

For honorary magistrates confirmed in the so-called “*role to be phased out*”, two different regimes for the performance of functions are provided: an exclusive basis and a non-exclusive basis.

This distinction not only affects operational aspects, but also entails significant consequences in economic, social security, disciplinary and organisational terms.

Honorary magistrates who opt for the exclusive performance of their functions are, first and foremost, required to comply with a maximum weekly workload of 36 hours, to be organised on the basis of a programme drawn up by the President of the Tribunal or by the Public Prosecutor, and covering not only hearings but also preparatory activities, meetings and continuing training.

From an economic perspective, they are entitled to a gross annual remuneration of €58,840, net of the costs borne by the State, paid in thirteen monthly instalments, in addition to the right to severance pay calculated in accordance with Article 2120 of the Italian civil code. Such remuneration is classified for tax purposes as income assimilated to employment income, pursuant to Article 50(1)(f) of the Consolidated Income Tax Act (TUIR).

As regards social security, magistrates under the exclusive regime are enrolled in the General Compulsory Insurance Scheme (*Assicurazione Generale Obbligatoria* - AGO) administered by INPS for pension and social security benefits (invalidity, old age, survivors' benefits, maternity, sickness and unemployment). In addition, they are covered by INAIL insurance against occupational accidents and work-related diseases.

Honorary magistrates who do not opt for the exclusive regime retain the possibility of carrying out other work or professional activities, provided that these are compatible with the performance of judicial functions.

In this case, the weekly workload is limited to a maximum of 16 hours, likewise determined on the basis of a programme drawn up by the competent judicial authorities.

As regards remuneration, an annual compensation of €25,000 is provided for, net of the costs borne by the State, paid in twelve monthly instalments and assimilated to employment income for tax purposes.

Such compensation is supplemented by the right to severance pay calculated in accordance with Article 2120 of the Italian civil code.

With regard to social security protection, honorary magistrates under the non-exclusive regime are enrolled in INPS's Separate scheme (*Gestione separata*).

Such enrolment covers, in addition to pension entitlements, benefits relating to sickness, maternity or paternity, parental leave, family allowances and unemployment.

The contribution burden is shared, with one third borne by the magistrate and two thirds by the Ministry of Justice.

Without prejudice to enrolment in the Separate scheme, honorary magistrates under the non-exclusive regime: where they are eligible for enrolment in the National Social Security and Welfare Fund for Lawyers (*Cassa nazionale di previdenza e assistenza forense*), they also remain enrolled in that Fund in respect of the remuneration received for the practice of the legal profession.

Where they carry out additional work activities other than legal practice, they also remain subject to the corresponding contribution scheme in respect of the compensation or remuneration received for such activities. In the event of overlapping entitlements relating to maternity/paternity, parental leave, hospitalisation and sickness, the relevant benefits are claimed from INPS.

Finally, honorary magistrates under the non-exclusive regime are also covered (through INAIL) against occupational accidents and work-related diseases.

## Cases/examples of physical, online or legal threats or harassment of lawyers

1) During the “129 Squares for Yes” initiative, organised by the Italian Union of Criminal Defence Lawyers (*Unione degli Avvocati Penali Italiani*) ahead of the referendum on judicial reform, an information stand set up by the Nola Criminal Lawyers's Association (*Camera Penale di Nola*) was abruptly shut down by the municipal police. The deputy commander ordered the lawyers to dismantle the gazebo and leave, referring to an alleged “red zone”, established for the security of magistrates by a joint order of the public prosecutor's office and the Tribunal, which was never shown or documented. When the lawyers requested to see the alleged order, they were threatened with general identity checks and with the withdrawal of the authorisation, thereby preventing them from freely carrying out their information and civic outreach activities. The Italian Union of Criminal Defence Lawyers described the intervention as “*disorderly and legally unfounded*”, amounting to a violation of Articles 17 and 48 of the Italian Constitution (freedom of assembly and the right to participate in public life). Local judicial authorities later confirmed that no such order existed, thereby reaffirming the legitimacy of the initiative. Moreover, judges belonging to the “*Committee for No*” were allowed to express their views on the referendum. This episode highlights how constitutionally guaranteed rights may be easily curtailed, undermining both the public role of the legal profession and, more broadly, the principle of the right of defence. Given the seriousness of the incident, the Municipality of Nola formally apologised to the Criminal Bar Association, confirming that the event had been duly authorised and had taken place peacefully. (<https://www.ildubbio.news/news/giustizia/48183/e-i-vigili-intimarono-via-gli-avvocati-dalla-piazza-ce-un-veto-dei-magistrati.html>).

2) Lawyer Rosario Marsico was publicly singled out and identified together with his clients by an Italian Member of Parliament, who accused him of defending “Camorra members” and of having built networks within the

public prosecutor's office. The attack also extended to the lawyer's wife, who received insults and offensive comments in response to the MP's posts. These statements are defamatory and completely incompatible with professional integrity, as they are based on an illegitimate identification of the lawyer with his clients, thereby restricting the free exercise of the legal profession.

(<https://www.ildubbio.news/news/avvocatura/47854/difendete-i-camorristi-lattacco-di-borrelli-ai-penalisti.html>).

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

In a case concerning an unlawful child custody scheme, lawyers Rossella Ognibene and Oliviero Mazza raised a technical objection regarding the incompatibility of certain experts appointed by the public prosecutor's office to give evidence, arguing that those experts had taken part in hearings involving minors prior to their formal appointment. The defence therefore requested that the evidence gathered by those experts be declared inadmissible.

In response to this objection, the public prosecutor's office accused the lawyers of the criminal offence of false accusation (*calunnia*), prompting strong criticism from the Italian Union of Criminal Lawyers' Associations (*Unione delle Camere Penali Italiane*) and several other lawyer's associations. This episode, which occurred in a context marked by the prominent role of the prosecution, highlighted the risk of turning the exercise of the right of defence into conduct subject to criminal scrutiny, with an intimidating effect on lawyers and a threat to the right to a fair trial. Ultimately, however, the proceedings against the lawyers were discontinued and the case was closed.

(<https://www.ildubbio.news/news/giustizia/45348/bibbiano-scontro-sul-diritto-di-difesa-lanm-difende-i-pm-i-penalisti-insorgono.html>).

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

On 26 September 2025, the Minister of Justice submitted to the Chamber of Deputies, bill No. 2629, entitled "Delegation to the Government for the reform of the legal profession framework" (*Delega al Governo per la riforma dell'ordinamento forense*). The bill states that "*the reform places at the core of the new framework the principle of the lawyer's freedom and independence, elevating it to a founding value of the entire regulatory system*".

In particular, Article 2(1)(a), points 1) and 2), provides that "*the rules governing the general principles of the legal profession must ensure the values of the lawyer's freedom and independence, recognising the lawyer's fundamental role in ensuring respect for the principles of the rule of law and the proper administration of justice*". The explicit reference to the rule of law represents a significant innovation, aimed at positioning the legal profession within the constitutional framework as an indispensable safeguard of democratic guarantees. The lawyer's independence and freedom are a prerequisite for the free interpretation of objective law, which

constitutes the most valuable factor in fostering the evolutionary development of legal forms of protection of the rights and interests of represented clients.

## Significant developments related to accessibility of courts

Article 48-bis(1) of Presidential decree No. 602/1973, containing “*Disposizioni sulla riscossione delle imposte sul reddito*” (Informal translation: “*Provisions on the collection of income taxes*”), provides that public administrations and companies with majority public shareholding, before making- on any grounds – any payment exceeding €5,000, shall verify, including by electronic means, whether the beneficiary is in default of the obligation to pay income taxes as a result of the service of one or more payment notices (*cartelle di pagamento*) for a total amount at least equal to that threshold and, if so, shall refrain from making the payment and shall notify the competent tax collection agent for the territory, for the purposes of enforcing the collection of the amounts entered on the tax roll.

Article 1(725) of law No. 199 of 30 December 2025, entitled “*State budget for the financial year 2026 and multiannual budget for the three-year period 2026–2028*”, added a new paragraph 1-ter to the above-mentioned Article 48-bis of Presidential decree No. 602/1973. That new paragraph provides that, as regards the fees payable by public administrations and companies with majority public shareholding to persons exercising arts and professions, including lawyers, for the professional services performed by them, including services rendered in favour of persons granted legal aid at the expense of the State, the provisions set out in paragraph 1 of Article 48-bis of Presidential decree No. 602/1973 shall apply, as from 15 June 2026, also to payments of amounts up to €5,000.

As from 15 June 2026, therefore, for the category of persons exercising arts and professions only, the amount of the fee will no longer be relevant for the purposes of the prior tax-compliance check, since even an invoice for a few hundred euros will be subject to verification.

The new paragraph 1-ter of Article 48-bis of Presidential Decree No. 602/1973 further provides-again, only with regard to self-employed professionals-that, where public administrations and companies with majority public shareholding ascertain that the beneficiary is in default of the payment obligation arising from the service of one or more payment notices for any amount whatsoever, they shall, in the case of fees up to €5,000, make payment directly in favour of:

- (a) the tax collection agent, up to the amount of the debt resulting from the verification;
- (b) the beneficiary, within the limits of any sums exceeding the amount of the debt.

Unlike the mechanism provided for under paragraph 1 of Article 48-bis for other categories of beneficiaries (e.g. suppliers of goods or services)-namely the suspension of payment and notification to the tax collection agent for the purpose of enforcement-paragraph 1-ter requires public administrations, in the case of professionals and for fees up to €5,000, to transfer directly, on the basis of the outcome of the verification, all or part of the amount due as professional fees to the tax collection agent.

For fees exceeding €5,000, the system provided for under paragraph 1 of Article 48-bis-i.e. suspension of payment and notification to the tax collection agent for the purposes of enforcement-also applies to professionals.

A particularly significant aspect of the legislative text under review concerns fees payable under the State legal aid scheme, which are expressly included, as noted above, within the new tax-compliance verification mechanism.

The *Consiglio Nazionale Forense* expressed strong opposition to the new rules from the very early stages of the parliamentary scrutiny of the draft budget law, highlighting their oppressive and discriminatory nature and their detrimental impact on the right to work at a time when the economic situation of the professional classes is already critical.

According to the *Consiglio Nazionale Forense*, the new rules also breach the constitutional principle of equality and Directive 2011/7/EU on combating late payment in commercial transactions, by creating an unjustified disparity between professionals working for private clients and those providing services to public administrations.

Even more serious, in the view of the *Consiglio Nazionale Forense*, is the application of the new rules also to fees due under the State legal aid scheme, notwithstanding the very recent judgment of the European Court of Human Rights finding Italy in breach in relation to delays in payments to lawyers in legal aid cases.

According to the *Consiglio Nazionale Forense*, the new legislative intervention risks paralysing the State legal aid scheme, causing direct harm both to the most vulnerable citizens and to the lawyers who have assisted low-income individuals and who, despite holding claims recognised by judicial authorities, have been waiting for years to receive the sums due. Such non-payment is often the cause of delays, or even the inability, to pay the declared taxes.

The new rules, therefore, in the view of the *Consiglio Nazionale Forense*, risk producing a “*flight effect*”, discouraging many professionals from engaging in an activity already characterised by extremely low remuneration, yet essential for the protection of fundamental rights.

In 2024 alone, more than 200,000 citizens gained access to State legal aid, including minors and women who are victims of abuse and have no income.

Further measures relating to State legal aid are provided for in legislative decree No. 216 of 27 December 2024, entitled “*Supplementary and corrective provisions to Legislative Decree No. 149 of 10 October 2022, concerning civil and commercial mediation and assisted negotiation*” (*Disposizioni integrative e correttive al decreto legislativo 10 ottobre 2022, n. 149, in materia di mediazione civile e commerciale e negoziazione assistita*).

The most significant innovations are set out below:

- The possibility of conducting mediation at a distance is strengthened, with a distinction between two modalities: (a) electronic mediation, which allows the filing and transmission of digitised documents, and (b) remote mediation, which allows mediation “*through meetings held by audiovisual means remotely*”. Remote mediation may be requested by any party (new Article 8-ter of legislative decree No. 28/2010).
- The duration of mediation is increased from 3 to 6 months, extendable for periods not exceeding three months, or for a maximum of 3 months in the case of mandatory or court-referred mediation.

- It is clarified that, after filing an application for mediation and completing the procedure unsuccessfully, the limitation period for bringing judicial proceedings runs “*from the filing of the final mediation report with the secretariat of the mediation body*” (Article 11(4-bis) of legislative decree No. 28/2010).
- For the purposes of State legal aid, the obligation for lawyers to be registered on the lists maintained by the Bar Councils of the place where the mediation body is based is removed. It is further specified that, where the lawyer is registered on a list in a Court of Appeal district different from that in which the mediation body is based, “*no travel expenses or allowances provided for under the lawyers’ fee parameters shall be payable*”.
- For enforcement purposes, it is provided that, where the settlement agreement must be enforced by service of a writ of demand (*precetto*), “*the lawyer certifies that the copy of the agreement transmitted by electronic means to the enforcement officer is a true copy of the original*”.

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The CNF has expressed strong opposition to the new provisions from the very early stages of the examination of the Budget Bill, stressing their oppressive and discriminatory nature, as well as their detrimental impact on the right to work at a time of already critical economic conditions for the professional classes.

According to the National Bar Council, the new regulation also violates the constitutional principle of equality and Directive 2011/7/EU on combating late payment, by creating an unjustified disparity between professionals working with private clients and those providing services to Public Administrations.

Even more serious, in the view of the National Bar Council, is the application of the provision to fees due for legal aid, despite the very recent conviction of Italy by the European Court of Human Rights (ECtHR) for delays in payments to lawyers precisely in cases involving state-funded legal aid.

According to the CNF, this legislative measure risks paralysing the legal aid system, causing direct harm to the most vulnerable citizens and to lawyers who have represented indigent individuals and who, despite holding claims formally recognised by judicial authorities, have been waiting for years to receive payment of the sums due. Such non-payment often results in delays or even the inability to pay declared taxes.

The provision, therefore, in the assessment of the National Bar Council, risks producing an “*exodus effect*” among many professionals from an activity already characterised by extremely low remuneration, yet essential for the protection of fundamental rights.

In 2024 alone, more than two hundred thousand citizens – including minors and women victims of domestic abuse without income – had access to state-funded legal aid.

## Significant developments related to resources of the judiciary

In 2025, the so-called “*Justice Decree*” (*Decreto Giustizia*), (law decree No. 117/2025, converted into law No. 148 of 3 October 2025), introduced significant innovations in the organisation of the judiciary and in the management of human and financial resources, with a view to improving the efficiency of the system and ensuring compliance with the milestones set under the PNRR.

A first area of intervention concerns the strengthening of human resources within judicial offices.

In particular, Article 1 of the decree introduces organisational, and support measures aimed at enhancing the operational capacity of judicial offices, including through a more efficient allocation of available resources and the reinforcement of support structures for judicial activity, in line with the objectives of reducing backlogs and improving the overall performance of the system.

A further significant measure is set out in Article 3, which provides for initiatives to strengthen staffing levels and optimise the deployment of professional resources within both judicial offices and prosecutorial offices, promoting a more balanced distribution of workloads and greater efficiency in internal organisation.

These measures are complemented by Article 2 (discussed in more detail below), which-although primarily aimed at reducing backlogs-directly affects human resources by introducing incentive-based transfers of magistrates to understaffed locations, thereby contributing to improved territorial coverage in the judicial offices facing the greatest difficulties.

From a financial perspective, the decree provides for specific appropriations to support the measures adopted. In particular, Article 5 governs the financial aspects and budgetary coverage of the measures introduced, ensuring dedicated funding for the functioning of judicial offices, for the remuneration of staff involved in the extraordinary measures, and for the implementation of the organisational programmes provided for under the decree. The financial resources are intended not only to incentivise staff mobility and retention in the most critical locations, but also to ensure the long-term sustainability of the measures aimed at strengthening the judicial system.

As regards material and infrastructural resources, Article 8 contains provisions aimed at improving the logistical and structural functioning of judicial offices, including through measures to upgrade facilities, rationalise the use of space, and provide material support to judicial activity. These measures seek to create more adequate working conditions for magistrates and administrative staff, thereby indirectly enhancing both the quality and the timeliness of the judicial response.

## Significant developments related to training of justice professionals

In addition to what was reported under the previous point 17, specifically concerning the successful candidates in the 2023 judicial recruitment competition, no significant developments are considered to have occurred in the system of legal/judicial training.

The Consiglio Nazionale Forense, through the Higher School of Advocacy (*Scuola Superiore dell'Avvocatura*), organised several training courses focusing-among other topics-on developments in the digital service of documents resulting from the entry into force of EU and national legislation. Likewise, training activities were organised by local district bar associations, by the Italian School for the Judiciary (*Scuola Superiore della Magistratura*), by universities and by other training providers.

A detailed description of such activities is omitted; however, it should be noted that the Consiglio Nazionale Forense is engaged in the implementation of the European Judicial Training Strategy 2025-2030 and, to that end, is in dialogue with the European Commission's Directorate-General for Justice and Consumers. The

*Consiglio Nazionale Forense* will take part in a meeting on these matters, scheduled in Cyprus in February 2026 by the European Commission and the EJTN.

## Significant developments related to digitalisation

1) With regard to the electronic criminal procedure system (*processo penale telematico*), while welcoming its launch, the *Consiglio Nazionale Forense* (CNF) considers that it was introduced at a time when judicial offices were not yet ready, giving rise to a number of difficulties which were initially identified by the High Council for the Judiciary (*Consiglio Superiore della Magistratura – CSM*) itself, which, on 22 January 2025, issued a detailed and particularly critical intervention. In reporting the difficulties faced by criminal defence lawyers in a context that remains complex, the CNF reiterates its longstanding willingness to cooperate with the Ministry of Justice and with the judicial authorities in order to jointly address and resolve the problems that have emerged.

2) Law No. 132 of 23 September 2025, entitled “*Disposizioni e deleghe al Governo in materia di intelligenza artificiale*” (*Provisions and delegation to the Government on artificial intelligence*), contains several provisions of relevance to the legal profession and to the use of Artificial Intelligence in the field of justice. The most relevant provisions are set out below.

First, with regard to the use of Artificial Intelligence by intellectual professions, the law provides that such use “*is intended solely for the performance of ancillary and support activities to the professional activity, with the professional’s intellectual work remaining predominant in the service provided*” (Informal translation of Article 13(1) of the law).

It further provides that “*in order to ensure the fiduciary relationship between the professional and the client, information on the artificial intelligence systems used by the professional shall be communicated to the recipient of the professional service in clear, simple and comprehensive language*” (Informal translation of Article 13(2) of the Law).

With regard, instead, to the use of artificial intelligence in judicial activity, the law provides, for the purposes relevant here, that:

- “*In cases where artificial intelligence systems are used in judicial activity, every decision concerning the interpretation and application of the law, the assessment of facts and evidence, and the adoption of judicial decisions shall always remain reserved to the magistrate*” (Informal translation of Article 15(1) of the Law);
- “*The Ministry of Justice shall regulate the uses of artificial intelligence systems for the organisation of services relating to justice, for the simplification of judicial work and for ancillary administrative activities*” (Informal translation of Article 15(2) of the Law).
- Finally, with regard to the use of Artificial Intelligence by the Public Administration, the law provides (Article 14(1) – (3) of the Law) that (Informal translation):

“*1. Public administrations shall use artificial intelligence with a view to increasing the efficiency of their activity, reducing the time required to conclude administrative procedures, and improving both the*

*quality and the quantity of services provided to citizens and businesses, while ensuring that the functioning of such systems is knowable to the persons concerned and that their use is traceable.”*

*“2. The use of artificial intelligence shall serve an ancillary and support function in relation to administrative decision-making, in compliance with the autonomy and decision-making power of the individual, who remains solely responsible for the decisions and procedures in which artificial intelligence has been used.”*

*“3. Public administrations shall adopt technical, organisational and training measures aimed at ensuring the responsible use of artificial intelligence and developing the transversal skills of users.”*

## Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

The Italian legislator, through the above-mentioned Justice Decree (*Decreto Giustizia*), Decree-law No. 117/2025, converted into Law No. 148/2025, introduced a set of extraordinary measures aimed at strengthening staffing coverage in judicial offices, in particular in those Courts of Appeal facing difficulties in meeting the PNRR targets relating to the clearance of the civil backlog.

Article 2 establishes an incentive-based mechanism for the temporary transfer of magistrates to understaffed locations identified by the High Council for the Judiciary (*Consiglio Superiore della Magistratura*), derogating from the ordinary time limits applicable to transfers. Transferred magistrates are assigned to binding programmes for the disposal of civil cases that are ripe for decision, with predefined deadlines, and benefit from a significant financial incentive for a maximum period of two years. An additional call for applications is also established to fill any remaining vacancies, supported by specific multiannual budgetary allocations.

Alongside measures to reinforce staffing levels, the Decree introduces initiatives aimed at rationalising judicial workload. In particular, Article 7-bis confers exclusive jurisdiction on the administrative courts over disputes concerning measures adopted by the National Cybersecurity Agency, in order to centralise jurisdiction and reduce litigation before the ordinary civil courts, thereby indirectly contributing to the overall efficiency of the judicial system and to compliance with PNRR deadlines.

Overall, the Decree sets out a structured strategy combining incentives for magistrates' mobility, targeted planning of judicial activity, and measures aimed at deflating and rationalising litigation, with the objective of ensuring a more balanced territorial coverage of judicial offices and achieving European justice-related targets. In addition, law No. 51 of 15 April 2025, entitled "*Modifiche alla disciplina della magistratura onoraria*" (Informal translation: "*Amendments to the rules governing honorary magistrates*"), introduces provisions aimed at revising the legal, economic and social security framework applicable to honorary magistrates. The reform also reorganises the competences attributed to honorary tribunal judges (*giudici onorari di tribunale-GOT*) and to confirmed honorary deputy public prosecutors.

In particular, honorary judges may hear and decide civil and criminal cases sitting as a single judge, with the exclusion of more complex matters such as disputes relating to family law, labour law, company law and insolvency, as well as interim and possessory proceedings, except where such proceedings are brought in the course of proceedings on the merits.

More specifically, the reform grants confirmed honorary judges' jurisdiction to deal with civil cases concerning movable property with a value not exceeding €50,000, and disputes concerning compensation for damage arising from the circulation of motor vehicles and vessels, provided that the value of the dispute does not exceed €100,000.

In the criminal field, honorary judges are not granted jurisdiction over proceedings assigned to the judge for preliminary investigations (GIP), the judge for the preliminary hearing (GUP), fast-track proceedings (*giudizio direttissimo*), or appeals against decisions of the justice of the peace.

Participation in collegiate panels is permitted only in exceptional or emergency situations and, in any event, subject to the rule that no more than one honorary magistrate may sit on the same panel.

Finally, the reform provides for a four-year suitability assessment of confirmed honorary magistrates, based on the quality of their judicial acts, attendance at hearings, training and any disciplinary records: a negative outcome may result in suspension or removal from office; the adversarial principle and the possibility to lodge an appeal are guaranteed.

### Significant developments related to efficiency of justice system

[https://www.giustizia.it/giustizia/page/it/monitoraggi\\_giustizia\\_civile\\_e\\_penale](https://www.giustizia.it/giustizia/page/it/monitoraggi_giustizia_civile_e_penale),

*"The National Monitoring report, prepared on a quarterly basis by the Ministry of Justice on trends in pending civil and criminal proceedings and in the civil backlog, shows that, in the first half of 2025, overall pending caseloads decreased compared with 2024, with only a marginal reduction in civil proceedings and a more significant decrease in criminal matters.*

*Total pending cases in the civil sector, which had been declining since 2011, showed a marked increase in 2024, with a change of +6.1% compared with the previous year, whereas the figure for the first half of 2025 shows a decrease of 0.7% compared with 2024.*

*Following the sharp rise in pending cases before the justices of the peace between 2023 and 2024, during the first half of 2025 the increase in pending cases was significantly lower. Similarly, after the slight increase recorded in 2024, pending cases before the ordinary courts also decreased.*

*The civil backlog, by contrast, continues its downward trend, with the most recent quarter showing a reduction of -4.4% in the Court of Cassation, -7.3% in the Courts of Appeal and -7% in the courts of first instance. In the Court of Cassation, tax matters account for 51% of the total number of cases pending for more than one year. In the criminal sector, the downward trend in overall pending caseloads is confirmed: pending cases decreased by -5.9% in 2024 compared with 2023, and by -3.2% in the first half of 2025 compared with 2024. The reduction is observed across all types of judicial offices, with the exception of the Juvenile Court. Within the ordinary courts, when broken down by procedural track, only the GIP/GUP office shows a slight increase in pending cases, which is offset by trends in the other divisions."*

During 2025, Italy adopted significant legislative measures aimed at improving the efficiency of the judicial system and reducing the length of proceedings, in particular in implementation of the objectives and deadlines set out under the National Recovery and Resilience Plan (PNRR).

A key measure is represented by the above-mentioned *Justice Decree* (decree-law No. 117/2025, converted into law No. 148 of 3 October 2025), which introduces targeted and operational measures to address structural shortcomings, especially within the Courts of Appeal.

As regards the measures provided for under Article 2 of the decree, reference is made to point 21 above, noting that the extraordinary incentive-based mechanism for the temporary transfer of magistrates applies to those Courts of Appeal which, as of 30 June 2025, had not met the PNRR targets in the field of civil justice. The ultimate purpose of the provision is to facilitate the reduction of the backlog and to accelerate the timeframes for the disposal of proceedings. Paragraph 4-bis further strengthens this mechanism by providing for an additional call for applications to fill any remaining vacancies.

Alongside the strengthening of staffing levels, the decree also intervenes at the organisational and functional level. Article 4 introduces measures for the coordination and monitoring of the implementation of the measures set out in the decree, reinforcing the role of judicial offices and of the High Council for the Judiciary (CSM) in overseeing the effective implementation of backlog reduction plans and compliance with the established timelines. This provision indirectly contributes to the efficiency of the judicial system by ensuring greater accountability and more effective planning of judicial activity.

As regards the rationalisation of litigation, Article 7-bis of the decree amends the code of administrative procedure by conferring exclusive jurisdiction on the administrative courts over disputes relating to measures adopted by the National Cybersecurity Agency. Concentrating jurisdiction within a single judicial framework aims to reduce fragmentation of litigation and to contain the duration of proceedings, thereby contributing to the achievement of the NRRP targets in the field of civil justice.

Further measures in this area may be identified in the above-mentioned Legislative Decree No. 216 of 27 December 2024, entitled "*Supplementary and corrective provisions to Legislative Decree No. 149 of 10 October 2022, concerning civil and commercial mediation and assisted negotiation*". That Decree introduces certain amendments to the rules on civil and commercial mediation and assisted negotiation laid down in Legislative Decree No. 149 of 10 October 2022.

The most significant innovations are set out below:

- The possibility of conducting mediation at a distance is strengthened, with a distinction between two modalities: (a) electronic mediation, allowing the filing and transmission of digitised documents, and (b) remote mediation, allowing mediation "*through meetings held by audiovisual means remotely*". Remote mediation may be requested by any party (new Article 8-ter of Legislative Decree No. 28/2010).
- The duration of mediation is increased from 3 to 6 months, extendable for periods not exceeding 3 months, or for a maximum of 3 months in the case of mandatory or court-referred mediation.
- The *dies a quo* for the running of the limitation period to bring judicial proceedings following the filing of a request for mediation and the unsuccessful completion of the procedure is clarified: "*Where mediation ends without settlement, judicial proceedings must be brought within the same limitation period referred to in Article 8(2), running from the filing of the final mediation report with the secretariat of the mediation body*" (Article 11(4-bis) of Legislative Decree No. 28/2010).

- For enforcement purposes, it is provided that, where the settlement agreement must be enforced by service of a writ of demand (*precetto*), “the lawyer certifies that the copy of the agreement transmitted by electronic means to the enforcement officer is a true copy of the original”.

## Other issues and significant developments impacting access to justice

On 26 September 2025, Minister of Justice Carlo Nordio submitted to the Chamber of Deputies bill No. 2629, entitled “*Delegation to the Government for the reform of the legal profession framework*” (*Delega al Governo per la riforma dell’ordinamento forense*).

The guiding principles and criteria set out in Government Delegation Bill No. 2629 reflect the contents of a draft reform of the legal profession framework developed, within thematic working groups established at the *Consiglio Nazionale Forense*, by all components of the Italian legal profession (representatives of the CNF, representatives of district Bar Councils, the most representative lawyers’ associations, regional unions, representatives of the Lawyers’ social security fund (*Cassa Forense*), and representatives of the national lawyers’ congress body (*Organismo Congressuale Forense*)).

The current legal profession framework, governed by law No. 247 of 31 December 2012, has ensured adequate conditions of autonomy and independence for lawyers; however, it is now considered insufficient in light of the need to regulate new forms of practice (law firms organised as companies, professional networks, and single-client arrangements) and has given rise to interpretative uncertainties which-particularly in relation to the election of the profession’s self-governing bodies, have generated substantial litigation, thereby weakening internal cohesion within the profession.

The broader scenario and the context in which the legal profession operates today are also significantly different from those of approximately thirteen years ago. The steady increase in the number of lawyers registered with the Bar is no longer observed, and this-together with the decline in the overall number of law students-suggests that the legal profession has become less attractive to many young people.

Profit margins have narrowed, and entire segments of the profession-especially young lawyers and women-face low-income conditions despite a high level of professional commitment, as confirmed by the legislator’s decision to introduce the statutory framework on fair remuneration (*equo compenso*) under law No. 49 of 21 April 2023.

Accordingly, in the view of the Italian legal profession, a reform appears necessary and unavoidable.

The most significant aspects of the Bill are set out below:

- Article 2(1)(a), points 1) and 2), provides that the rules governing the general principles of the legal profession framework must guarantee the values of the lawyer’s freedom and independence, recognising the lawyer’s fundamental role in ensuring respect for the principles of the rule of law and the proper administration of justice. The explicit reference to the rule of law represents a significant innovation, aimed at positioning the legal profession within the constitutional framework as an indispensable safeguard of democratic guarantees. The lawyer’s independence and freedom are a prerequisite for the free interpretation of objective law, which

constitutes the most valuable factor in fostering the evolutionary development of legal forms of protection of the rights and interests of represented clients.

- Without prejudice to the competences conferred by law upon other regulated professions and upon lawyers of the State attorney's office (*Avvocatura dello Stato*), the reform clarifies the scope of activities reserved to lawyers, including those practising within the legal departments of public bodies, thereby resolving interpretative issues that arose under the current law. In particular, point 3) expands the range of activities reserved to lawyers registered with the Bar compared with Article 2(5) of law No. 247/2012. The new rules maintain and reinforce the traditional monopoly over legal assistance, representation and defence before judicial bodies, using the broader wording "*before all judicial bodies*" in order to clarify that the reserved area covers all forms of procedural activity, and confirms the reservation in both mandatory and court-referred mediation proceedings. In line with recent amendments to civil procedure, the reform recognises that the technical complexity of such proceedings requires specialist skills not qualitatively inferior to those required in judicial proceedings. A further reserved area concerns assisted negotiation procedures, characterised by the technical nature of the assistance provided therein. It is also reaffirmed that legal advice and out-of-court legal assistance remain within the exclusive competence of lawyers when carried out on a continuous, systematic and organised basis and for remuneration, where connected to judicial activity. This provision appears consistent with EU law, in particular recital 88 of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 (the so-called "*Bolkestein Directive*"), which lists the reservation of legal advice to lawyers among the permissible exceptions to the principle of freedom to provide services. In order to strengthen the reserved area, the reform introduces measures to ensure its effectiveness. Point 4), without prejudice to the competences conferred by law upon other regulated professions, provides for the nullity of any agreement concerning the payment of remuneration for legal advice and legal assistance-where connected to judicial activity-performed by people not registered with the Bar, thereby rendering any agreed fees unenforceable. It is further clarified, by way of a declaratory provision, that the law determines the cases in which specific acts having legal relevance within the legal order are deemed null or voidable were carried out without legal assistance. This provision is intended to ensure the technical quality of legal assistance in relation to acts of particular complexity or economic significance.

- The reform devotes particular attention to legal professional privilege; point (b) provides that the relevant rules are to be strengthened by guaranteeing its inviolability and "non-waivability". The use of the terms "inviolability" and "non-waivability" places the institution among the founding values of the professional framework, amounting to a declaration of the inviolable and non-waivable nature of the right to legal professional privilege of both the client and the lawyer. Legal professional privilege, while being both a right and a duty of the lawyer, is first and foremost a fundamental right of the client, with derogations conceivable only in typical and exceptional cases, in order to protect constitutional values of at least equivalent rank.

- Under point (f), the reformed framework must provide that the mandate for the provision of legal services retains a strictly personal character, even where it is conferred on a professional practising within associative, corporate or network forms. Upon acceptance of the mandate, the lawyer must assume personal and unlimited liability, which is added on a joint and several bases to any liability that may attach to the corporate structure to which the lawyer belongs. In performing his or her functions, the professional may avail himself or herself of substitution by another lawyer or by a qualified trainee, through a delegation which may also be granted orally.

- Under point (g), the delegation provides for significant amendments to the rules on professional fees. While, on the one hand, the principle of freedom of contract is confirmed, without prejudice to the cases governed by the rules on fair remuneration, on the other hand the reform innovates the matter by providing that fees may be linked to the achievement of the objectives pursued, without prejudice to the prohibition of contingency fee arrangements (*patto di quota lite*) under Article 2233 of the Italian civil code and to compliance with the principle of proportionality. The principle of joint and several liability for payment is also confirmed: all parties involved in judicial or arbitral proceedings concluded by agreement are jointly and severally liable for the payment of fees to the lawyers who provided professional services and remain unpaid. Subject to the concrete assessment of the delegated legislator, the reform opens up the possibility of granting Bar Councils the power to issue a reasonableness opinion (*parere di congruità*) on fees, which would constitute an enforceable title for recovery, without prejudice to the debtor's right to challenge it before the competent court; this would provide a swift mechanism for the recovery of professional claims, with a view to reducing purely dilatory litigation.
- Under point (h), the delegation proposes to further clarify the rules on collective practice, structuring it on three levels: professional associations, professional networks and lawyers' companies (*società tra avvocati*). The core principle is that the professional mandate is always conferred personally on the lawyer, and participation in organised collective structures must safeguard the autonomy, freedom and intellectual independence of the professional, with the nullity of any contrary agreement.
- Under point (l), the reform aims to introduce a comprehensive framework for professional collaboration relationships between lawyers, filling a legislative gap that has generated substantial litigation and creating conditions for greater protection, particularly for younger professionals. The reform typifies two arrangements widely used in practice: practice under a single-client regime (*monocommittenza*) and continuous collaboration. These arrangements are intended to ensure a system of guarantees and protection, classifying the activity as an intellectual professional service contract and thereby preserving the autonomy and independence of the lawyer. The purpose of the new rules is to facilitate access to the labour market by individual professionals while safeguarding, in the course of the relationship, autonomy, freedom and intellectual independence of judgment, the right to fair and proportionate remuneration reflecting the quantity and quality of the services performed and, in any event, not lower than the parameters established by regulation.
- Under point (p), the delegation provides for an overall reorganisation of the incompatibility regime applicable to the legal profession, setting out a framework that clearly distinguishes between incompatible and compatible activities. The new system aims to guarantee the independence and quality of professional practice while maintaining selective openness towards activities capable of enriching the lawyer's cultural and professional background. The incompatibility regime is structured around a general principle of exclusivity tempered by specific exceptions, with particular attention to the protection of single-client arrangements and professional autonomy. The compatibility regime, by contrast, values intellectual activities and those conducive to professional updating and specialisation. The incompatibility rules are updated to reflect new market needs: incompatibility with employment and continuous self-employment, with notarial activity and with the conduct of business remains unchanged; however, new areas of compatible activity are introduced, including compatibility with positions as sole director, managing director, chairperson or liquidator of limited liability companies, as well as compatibility with condominium administration and with acting as a sports agent. The role of lawyers in corporate governance responds to the need to provide specialist legal support in the

management of entities with legal personality; developments in company law and professional specialisations increasingly require overcoming a blanket incompatibility with corporate management activities.

- Under point (aa), the delegation provides for an organic reform of the traineeship for access to the legal profession, introducing an integrated training system combining practical experience within law firms with structured and certified theoretical training. The new model aims to ensure comprehensive and uniform preparation throughout the national territory, raising the qualitative standards of access to the profession and strengthening the ethical and deontological dimension of training.
- Under point (bb), the State examination for access to the profession undergoes a radical simplification, without compromising the seriousness of the assessment, all the more so since candidates, in order to sit the examination, must have previously passed the final tests of the mandatory training courses, as provided for under point (aa), number 8). The written component is reduced from three papers to two: the drafting of a reasoned legal opinion on an issue proposed, in a subject chosen by the candidate among private law, criminal law and administrative law; and the drafting of a procedural document requiring knowledge of both substantive and procedural law on a proposed question, in a subject chosen by the candidate among private law, criminal law and administrative law. As regards the oral examination, the reform provides for: an interview focused on the solution of a practical case requiring knowledge of substantive and procedural law in a subject chosen in advance by the candidate among those governed by the civil code, the criminal code or administrative law; a question on procedural law chosen by the candidate; a question on substantive law chosen among civil, criminal and administrative law; a question in a subject chosen among commercial law, constitutional law, labour law, EU law, ecclesiastical law and tax law; and a question on the legal profession framework, professional ethics and lawyers' social security. In addition, the reform seeks to introduce a more uniform evaluation system for the tests, aligned with the current qualitative standards of the profession. The legislative decree introducing the new model will be required to ensure a more effective assessment of the practical and theoretical competences necessary for the practice of the profession, overcoming the shortcomings of the current system through more specific and objective evaluation criteria. The reform maintains the traditional structure of written tests and an oral examination but introduces significant innovations in both the modalities of the examination and, as noted, the assessment criteria.

Law No. 47 of 31 March 2025, entitled "*Modifiche alla disciplina in materia di durata delle operazioni di intercettazione*" (*Amendments to the rules on the duration of interception operations*), provides-through the insertion of a final sentence in Article 267(3) of the Italian code of criminal procedure-as follows:

- a) a maximum overall duration of interception operations of conversations or communications is introduced, set at 45 days;
- b) any extension of the above 45-day period may be ordered only where the interception operations are "*absolutely indispensable*", justified by "*the emergence of specific and concrete elements which must be expressly stated in the reasoning*";
- c) the newly introduced time limit does not apply to investigations concerning certain offences, such as mafia-type association and terrorism, unlawful trafficking of waste, kidnapping for the purpose of extortion, and serious cybercrime offences.

It should be recalled that Article 267(3) of the code of criminal procedure provides that the decree of the public prosecutor authorising interception indicates the modalities and duration of the operations. Such duration may not exceed fifteen days, but may be extended by the judge, by reasoned order, for further periods of fifteen days, provided that the conditions laid down in paragraph 1 of the same Article 267 continue to be met, namely the existence of serious indications of an offence and the absolute indispensability of the interception for the continuation of the investigations.

The amendment therefore introduces an overall maximum cap on the duration of interception operations.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

In September 2025, the Council for the Judiciary announced a competition for district court and regional court judge positions, receiving 168 applications from candidates in various specialisations. The aim of the competition is to select qualified candidates to fill vacancies among judges. The selection process continued in accordance with the procedure and evaluation criteria set out in the legislation.

Summary of competition applications:

Administrative district courts – 41 applications

District (city) courts – 78 applications for other specialisations, etc.

The information confirms interest in participating in the administration of justice in the future.

The number of vacant judicial positions in Latvia continues to grow, and it is expected that without targeted measures, a situation may arise in the near future where there is a shortage of judges.

On 20 November 2025, the Saeima approved Armīns Meisters as Prosecutor General of Latvia. This appointment was made by a parliamentary vote after the Council for the Judiciary had announced a competition and nominated candidates. Armīns Meisters received very broad support – 88 out of 100 members of the Saeima voted in favour.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

In 2025, the Saeima conceptually supported and continued work on a draft law that would establish a special pension system for judges and prosecutors from January 1, 2027, and exclude them from the traditional service pension system. This means that judges and prosecutors would have a different type of pension guarantee after leaving office, which provides for the granting, calculation, and payment of special pensions. The purpose of such pensions is to strengthen the independence of judges and prosecutors and to ensure adequate financial security after they leave office.

Key features of the planned model:

- To be eligible for a special pension, a person must have at least 25 years of special pensionable service, of which the last 10 years must have been spent working as a judge or prosecutor.
- a person may receive this pension if they have reached the statutory retirement age and have left office;
- this pension will not affect existing recipients of service pensions.

In 2025, no decisions were made regarding changes to the irrevocability (reliability) of judges in their constitutional status. In Latvia, judges remain independent and their status is determined by the Constitution and the Judiciary Law – irrevocability serves as the main principle of independence.

## Significant developments related to promotion of judges and prosecutors

Nomination of candidates for the position of Chief Justice of the Supreme Court

On 11 April 2025, the Council for the Judiciary unanimously supported three candidates for the position of Chief Justice of the Supreme Court, including the current President Aigars Strupis, as well as Senators Aldis Laviņš and Rudīte Vīduša. The Council decided to nominate the candidates for further approval, assessing each candidate's competence and vision for the development of the judicial system.

Confirmation by the Saeima

Strupiņš was confirmed by the Saeima as Chief Justice of the Supreme Court for a second term, continuing to lead the Supreme Court in the coming years.

In the fall of 2025, the Judicial Council officially nominated Armīns Meisters, the current head of the Riga Regional Prosecutor's Office, as the next Prosecutor General. Meister was selected as the most suitable candidate from among several applicants considered by the Council.

On 14 March 2025, the Council for the Judiciary determined the optimal number of judges in Latvian courts and developed a specific solution for the redistribution of judicial resources:

One senator position was transferred from the Civil Division of the Supreme Court to the Criminal Division;

Two judge positions were transferred from the Riga City Court to the Economic Court.

This decision is significant in terms of adjusting the resources of the court system to the workload.

On 1 January 2025, the Academy of Justice was opened, providing professional training and qualification improvement for both new and existing judges and prosecutors. This indirectly affects the competition among candidates and their development for future promotion.

## Significant developments related to allocation of cases in courts

On 1 March 2025, amendments to the Administrative Procedure Law (AAL) came into force, providing for a uniform case distribution principle for regional courts. This means that complaints and other procedural actions to be examined by a regional court can be examined by any regional court, regardless of the initial address, with the aim of speeding up the examination of cases and balancing court resources.

In 2025, the Council for the Judiciary approved average case processing times, which are used for planning and case allocation purposes. These are important for courts to be able to set priorities and calculate how to allocate resources between cases:

Civil cases in the first instance ~7.7 months, on appeal ~5.8 months.

Criminal cases in the first instance ~9.5 months, on appeal ~6.8 months.

Administrative cases in the first instance ~9 months.

Administrative offense cases ~5.3 months.

As a result, court presidents can better organise the distribution of cases, determining which judge should be assigned a case based on their workload and available time.

At the Supreme Court (Supreme Court Senate) level, standards for case review times at the cassation stage were also planned for 2025, which is important because the Senate departments decide:

In civil cases – cassation stage ~18 months.

Criminal cases – ~10 months.

Administrative cases – ~24 months.

These deadlines help to balance the distribution of cases in the Senate and to plan which cases may be heard in sessions or rejected before cassation is accepted.

A significant public event in 2025 was the discussion on the transparency of the electronic case distribution system and compliance with the principle of randomness, especially in the Riga Regional Court, where allegations of possible mechanisms for circumventing the system or doubts about whether cases are really assigned randomly were discussed. The President of the Riga Regional Court emphasised that the electronic system is working and that its misuse is not permitted.

Statistics from the beginning of 2025 show a large caseload in the courts – close to 50,000 cases received, which is a significant burden on the judicial system. This creates a serious need for case distribution optimisation, prioritisation, and resource reallocation among judges.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

On 1 August 2025, the Council for the Judiciary celebrated 15 years since its establishment in 2010, and this institution plays an important role in ensuring the independence of the judiciary, including deciding on the careers of judges, including the selection and appointment of court presidents, which reduces the direct influence of the executive and legislative branches on these issues.

Expansion of the functions of the Council for the Judiciary – issues that were previously within the competence of the Saeima or the executive branch (e.g., appointment and dismissal of district and regional court presidents, transfer of judges, etc.) are now transferred to the jurisdiction of the Council for the Judiciary, which is seen as a tool for strengthening the independence of the courts, as such functions are no longer directly controlled by the executive.

### Significant developments related to accountability of judges and prosecutors

On 11 June 2025, amendments to the Judicial Disciplinary Liability Law and the Law on Judicial Power, adopted by the Saeima, came into force:

Judges' administrative immunity in cases of administrative offenses was abolished – that is, judges no longer have special immunity that would prevent them from being held administratively liable for certain offenses.

This was harmonised with the fact that the Administrative Liability Law excludes administrative arrest as a punishment, thus ensuring that judges cannot avoid liability solely because of their "special status".

If a judge commits an administrative violation that is a gross violation of the norms of the Code of Ethics for Judges or appears to be “unworthy of their status”, this may be grounds for initiating disciplinary proceedings.

In practical terms, this means that the potential liability of judges for less serious violations (in the administrative sphere) is more broadly regulated, not limited solely to disciplinary proceedings.

On 9 July further amendments to the Judicial Disciplinary Liability Law came into force, which significantly affect how and who can initiate disciplinary proceedings:

#### Initiation of disciplinary proceedings

The Minister of Justice no longer has the right to initiate disciplinary proceedings against Supreme Court judges – this right was removed in order to reduce the direct influence of the executive branch on disciplinary proceedings and to strengthen the independence of the judiciary. Disciplinary sanctions against Supreme Court judges can now only be initiated by the Chief Justice of the Supreme Court.

In addition, disciplinary cases against prosecutors are now integrated into the Disciplinary Court’s examination procedure, as the law specifies that the Disciplinary Court must also examine complaints about disciplinary decisions taken by prosecutors.

Decisions of the Disciplinary Court may be appealed in accordance with the procedure laid down therein, which ensures legal transparency in the disciplinary regime.

Accordingly, these amendments strengthen the system by separating the powers of the executive and judicial authorities in disciplinary matters.

The disciplinary regulations for 2025 also specify violations of ethical standards as grounds for disciplinary proceedings:

The law stipulates that a judge may be subject to disciplinary sanctions for conduct that constitutes a gross violation of the code of ethics or is unworthy of their status.

This applies to both professional and personal conduct that may lead to a perception of a loss of public confidence in the judiciary.

This approach is important not only to ensure the accountability of judges, but also to protect the prestige and integrity of the judiciary.

Cooperation between judges on ethics and discipline is important because responsibility is not only linked to “errors in decisions” but also to behaviour that could undermine trust in the court.

### Significant developments related to remuneration for judges and prosecutors

In the Law on the State Budget for 2025, the base salaries and coefficients for judges and prosecutors are specified in accordance with the overall remuneration system, which provides for an increase in remuneration (compared to the beginning), and are publicly available in the annexes to the law.

In accordance with the 2025 state budget and regulatory acts governing the remuneration system, salary increases were set for public officials, including heads of the judiciary (presidents of the Supreme Court, Constitutional Court, etc.). Compared to 2024, the maximum monthly salaries have increased; for example, the remuneration of the President of the Supreme Court and other senior officials is approximately €8,659 per month (before tax), which is an increase compared to the previous period.

This increase is directly linked to the remuneration rate for judges/prosecutors through the general remuneration system, including the base salary and coefficient determination mechanism (coefficient linked to base salary).

In accordance with Article 92 of the State Administration Law, since 1 February 2025, institutions, including courts and prosecutors' offices, are required to publish on their official websites the calculated remuneration (salaries + other monetary amounts) for officials, indicating their name, surname, position, and the relevant amount, unless otherwise provided by law. This regulation was established in advance and came into force at the beginning of 2025 to promote transparency of remuneration and public access to this information. This means that data on the actual remuneration of judges and prosecutors is or should be publicly available, unless there are specific legal restrictions regarding the protection of personal data.

### Significant developments related to independence of the prosecution service

On 26 September 2025, the Prosecutor's Office of the Republic of Latvia celebrated its 35<sup>th</sup> anniversary as an independent institution.

The events, attended by senior state officials and partners of the Prosecutor's Office, the role of the Prosecutor's Office as an independent branch of the judiciary, which independently monitors compliance with the law and conducts criminal proceedings, was emphasised, with an emphasis on independence from other branches of government and compliance with the law alone.

In a state governed by the rule of law, the public prosecutor's office operates autonomously from the executive and legislative branches, and its independence is ensured by regulatory acts, including the Public Prosecutor's Office Act.

In 2025, the State Audit Office concluded that the interpretation of prosecutorial independence in Latvia is broader than recommended by international institutions.

The audit pointed out that independence is perceived not only as protection against external political or administrative pressure in a specific case, but as almost absolute independence in all aspects of their work.

### Cases/examples undermining confidentiality of lawyer-client communications

In the fall of 2025, the Latvian government supported accession to the Council of Europe Convention on the Protection of the Legal Profession, which provides legally binding standards for the professional independence and protection of lawyers, including principles of confidentiality in lawyer-client communications and a secure environment for communication. The aim of the Convention is to clearly strengthen the rights of lawyers and their clients to confidential communication and protection against unjustified interference.

In this particular case, the Latvian Council of Sworn Advocates drew attention to possible violations related to non-compliance with the principle of confidentiality in the relationship between an advocate and their client.

In the case file received, information was received from the prosecutor's office that at the end of 2025, all prosecutors were made aware of the need to strictly comply with the provisions of Articles 122, 231 and 232 of the Criminal Procedure Law, with the aim of avoiding violations of these provisions in future work.

Article 122. Immunity of lawyers;

Article 231 Familiarisation with materials not attached to the criminal case;

Article 232 Dealing with the results of special investigative measures that have no evidentiary value in criminal proceedings.

### Cases/examples of physical, online or legal threats or harassment of lawyers

Specific cases in Latvia in 2025 in which lawyers would face physical, online, or legal threats and harassment – no incidents or precedents.

Example of social and political pressure that may affect a lawyer's professional reputation or practice.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

On 18 September, the Latvian Bar Association held a press conference on "*threats to the independence of the legal profession and the rule of law*", focusing on the malicious and excessive use of force by law enforcement agencies, including against lawyers. This shows that there are concerns in the practical environment about interference in the work of lawyers or the risk that state institutions may overly influence their independence.

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

In 2025, there are no reports of systematic or widely documented political pressure or interference directed specifically against the Latvian Bar Association or individual lawyers because of their professional role.

### Problems and difficulties implementing the case law of national, European, and international courts

In 2025, Latvia faced several legal, administrative, and procedural difficulties related to national, European Union, and international court practice — both in implementing foreign court decisions and in ensuring the effective protection of citizens' rights. The main problems and challenges are as follows:

- Latvia has an obligation to fully comply with the judgments of the European Court of Human Rights, as they are part of the national legal system and ensure the protection of human rights based on the Convention. Incomplete or delayed enforcement can undermine confidence in the rule of law and the integrity of the legal system. These issues are particularly important in a context where ECHR judgments are emphasised as binding.

- ECT case law in Latvia shows that problems with lengthy proceedings (especially in criminal cases) have been part of complaints about the right to have a case heard within a reasonable time in recent years. This means that, although many criteria have been taken into account, the effective implementation of procedures and the shortening of time limits remain an important challenge.
- In administrative cases, courts apply both national and international legal principles, which sometimes creates complex situations in practice where international criteria (e.g., EU citizens' right of entry or residence) must be weighed against national laws or regulations. In particular, courts often have to determine whether a legal subject meets international criteria, which may require a broader understanding and application of international law.  
This shows that legal and procedural integration between national and international legal norms remains a challenge in practice.
- In 2025, the Saeima initiated the process of withdrawing from the Istanbul Convention on preventing and combating violence against women, which sparked political debate and legal uncertainty about how to implement the relevant international human rights standards in the national legal system. This is important because such debates can affect human rights protection standards in practical litigation and their consistency with international practice.  
Such a politically polarised discussion may not promote the stable and consistent implementation of international human rights standards in Latvia.

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

In 2025, public perception of the independence of the judiciary and lawyers in Latvia is influenced by both positive initiatives and legal debates. The Bar Association actively organises initiatives accessible to the public (e.g., Bar Days, institutional elections) that can strengthen trust in professional autonomy.

### Significant developments related to accessibility of courts

State-provided legal aid and state compensation for victims are provided through the Court Administration, which can simplify the administration of available services.

A centralised approach improves accessibility, as users no longer have to search for a separate institution to receive legal aid.

The rules for granting legal aid still affect socially disadvantaged or poor persons, and access is based on income level or specific situations (e.g., social care institutions, prisons, etc.) – effectively providing free or partially subsidised assistance depending on the person's situation.

State-provided legal aid is granted to certain categories of persons (poor/low-income persons, persons in state care, persons in special situations), and its granting depends on the applicant's ability to justify their special situation.

In civil and administrative proceedings, courts may decide to reduce or waive state fees, taking into account the person's financial situation – this is a tool to support access to justice, but it requires the person to submit a reasoned request to the court.

### Significant developments related to resources of the judiciary

In 2025, Supreme Court announced that there are about 70 vacant judge positions in Latvia, which shows there's a shortage of staff. Approximately 30 of these vacancies may not be necessary, but 40 will be filled in 2025. He also pointed out that legislative changes and reform of the status of judicial assistants are needed to create conditions for more competitive remuneration for judicial assistants and to increase the attractiveness of the position.

### Significant developments related to training of justice professionals

The most significant change in 2025 is the official opening of the Academy of Justice, which began operating on 1 January as a unified training centre for judges, prosecutors, court staff, and other legal system employees. The Academy's goal is to provide professional development, initial training, and competency development at all levels of the judiciary. It organises training for candidates for the positions of judge and prosecutor, as well as qualification improvement programs for experienced practitioners.

The Council plans to start cooperation with this institution.

In 2025, the Latvian Council of Sworn Advocates, in cooperation with other training centres, will provide continuing education training for sworn advocates, covering both traditional and current topics.

### Significant developments related to digitalisation

Latvia has an e-case portal, which is a unified electronic litigation portal providing:

- the possibility to submit documents electronically and initiate court proceedings,
- receive notifications about cases,
- monitor the status of cases and court hearings,
- access lawyers' calendars and communicate with the court system.

Differences in technological literacy – some users (especially seniors or technologically inactive people) may be less familiar with digital platforms, which can create barriers to accessing court proceedings or submitting documents through E-case.

### Significant developments related to use of assessment tools and standards

The European Commission's 2025 EU Justice Scoreboard compares the efficiency, digitisation, and accessibility of Latvia's judicial system with other EU Member States. It is an important assessment and monitoring platform based on quantitative indicators of digitisation, case processing speed, and access to judicial services.

The report notes that Latvia maintains high digitisation indicators by ensuring the electronic submission of documents and the availability of machine-readable court judgments, which promotes transparency and public confidence in the judicial system.

## Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

In 2025, there were no large-scale official reforms in Latvia that would significantly change the “court map” – their geographical location or radically change the number of courts in the country.

In 2025, the development and expansion of the jurisdiction of the Economic Court continued, which is the most important example of strengthening specialisation in the court system:

The Ministry of Justice and the Council for the Judiciary expanded the jurisdiction of the Economic Court, granting it additional powers to hear cases where one of the offenses is the legalisation of criminally obtained funds (i.e., money laundering) and is linked to other serious offenses.

This specialisation means that the Economic Court will not only hear commercial cases, but also more complex economic and criminal cases, including corruption and financial crimes, if they are related to the context of economic affairs.

These changes strengthen Latvia’s ability to effectively prosecute economic crimes, “*large-scale financial crime and corruption*” cases, while maintaining transparency and the benefits of specialisation.

## Significant developments related to efficiency of justice system

The 2025 State Audit Office report indicates that, although the Ministry of Justice has implemented some of the planned measures, the indicators for the duration of proceedings have not improved sufficiently. The average length of proceedings in courts of first instance still exceeds ~150 days, and the planned progress target has not been achieved.

In addition, the State Audit Office points to challenges in terms of judges’ workloads and human resource planning, which directly affect the length of proceedings in courts.

## LITHUANIA

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

The Lithuanian Bar Association has consistently raised concerns about the adequacy of legal aid payments and their direct impact on the accessibility of justice. This issue has been identified as a priority in the European Commission's Rule of Law Country Chapter for Lithuania for four consecutive years.

Legal aid constitutes a core element of access to courts, particularly for vulnerable persons. However, inadequate payment levels and strict payment restrictions directly affect the quality, sustainability and real accessibility of legal assistance. Low payments undermine legal aid providers' ability to devote sufficient time and resources to cases, creating structural barriers to effective access to justice.

Practical experience further demonstrates that the formal entitlement to state-guaranteed legal aid does not automatically translate into effective representation. Legal aid lawyers are routinely required to perform a significant amount of unpaid work, including travel time, brief client consultations, telephone calls with investigators or detention facilities, and procedural preparation that exceeds statutory limits. These elements are either excluded from payment altogether or subject to strict rounding rules, resulting in a substantial discrepancy between the work performed and the time compensated.

A limited positive development has been the introduction of a doubled tariff in specific specialised fields, applicable to lawyers who have completed specific training (e.g. cases involving minors). In practice, however, this mechanism has been applied inconsistently. The State Guaranteed Legal Aid Service unilaterally restricted the application of the double tariff to selected categories of cases without sufficient justification. Following an intervention by the Lithuanian Bar Association, the Ministry of Justice acknowledged the error and agreed to compensate for unpaid fees.

In addition, while specific administrative improvements have been introduced, including efforts to simplify the Legal Aid Information System and pilot measures to balance the workload of legal aid providers, these changes have not been accompanied by a corresponding increase in payments. Moreover, administrative requirements imposed on legal aid advocates remain disproportionately burdensome, requiring extensive reporting and documentation that is not compensated for as legal work.

Furthermore, the payment framework fails to reflect the real structure of legal aid work. Short but necessary actions such as multiple telephone consultations, communication with detained clients, or coordination with investigators are frequently not compensated due to minimum time limits or rounding rules. This disproportionately affects criminal defence advocates, whose work is characterised by fragmented yet essential legal actions that are crucial for safeguarding the rights of suspects and accused persons.

The table below presents the gross hourly payment (before taxes; effective tax burden approx. 40%) for legal aid advocates from 2020 and 2026:

Year	Hourly remuneration (EUR)
2020	16
2021	18
2022	20
2023	20
2024	25
2025	25
2026	25

When assessed on an effective hourly basis, considering unpaid travel time, preparation exceeding statutory limits, and the exclusion of certain activities from payment, the real net income of legal aid advocates is significantly lower than the nominal hourly rates suggest. This gap between formal payment and actual compensation further worsens the unattractiveness of legal aid work, particularly for experienced practitioners.

According to the Lithuanian Bar Association, payment for legal aid is inadequate. Moreover, advocates with annual income exceeding €45,000 are also subject to value-added tax (VAT). As a result, advocates providing legal aid services may receive different net payments solely depending on their VAT status, despite performing identical work. The Lithuanian Bar Association has repeatedly addressed the Ministry of Justice and the Ministry of Finance with proposals to regulate VAT in the context of legal aid payment. However, these proposals have not been taken into account.

Furthermore, the legal aid system applies strict payment limits, setting a maximum number of hours payable by the State. For example, in cases concerning serious and very serious criminal offences, the State reimburses no more than 11 hours of legal aid during the entire pre-trial investigation. The preparation of an appeal is limited to 6 hours. Any additional legal assistance must therefore be provided on a pro bono basis. Such limitations are particularly problematic in complex cases, where effective defence requires sustained legal involvement over extended periods. In practice, this significantly limits defence advocates' ability to provide effective, comprehensive representation.

Moreover, the existence of strict limits provides a purely formalistic approach to defence, in which advocates are structurally discouraged from engaging in deeper factual or legal analysis once the maximum payment hours have been exhausted. This undermines the substantive quality of defence and is incompatible with the requirements of effective legal assistance under Article 47 of the Charter of Fundamental Rights of the European Union and Article 6 of the European Convention on Human Rights.

From the perspective of legal aid providers, the current system operates on the implicit assumption that a portion of legal defence must be delivered free of charge. Such an approach shifts the financial burden of ensuring fundamental rights from the State to individual advocates. It is incompatible with the concept of state responsibility underlying the legal aid framework.

Against this background, the accessibility of courts in Lithuania is affected not only by the formal availability of legal aid, but also by its practical effectiveness and quality. Without adequate payment and sustainable

conditions for legal aid providers, access to justice risks becoming merely theoretical for those most in need of protection.

In light of these systemic deficiencies, the Lithuanian Bar Association has raised the question whether, taking into account the persistent non-implementation of the European Commission's recommendations on legal aid reform, as well as comparative data from the EU Justice Scoreboard on legal aid remuneration, the European Commission should consider initiating infringement proceedings for failure to properly implement Article 8 of Directive (EU) 2016/1919. That provision requires Member States to ensure effective remedies under national law for suspects, accused persons and requested persons where their rights under the Directive are violated.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

The European Court of Human Rights (ECtHR) ruled in *Misiūnas vs Lithuania* (Application no. 38687/22), acknowledging that the national courts did not grant a defence to the former judge in order to appeal against the decision of the President of the Republic of Lithuania not to appoint this person as a judge again.

In 2015, the petitioner was appointed a judge of the Vilnius City District Court. Subsequently, from December 2016 to August 2019, the applicant served as Minister of the Interior and from August 2019 to December 2020 as the Vice-Minister of Defence. In December 2020, the petitioner, pursuant to the Law on Courts, submitted a request to be reappointed as a Vilnius City District Judge. The National Courts Administration informed the petitioner that the petition had been transferred to the Office of the President of the Republic of Lithuania for consideration. In public announcements in January 2021, state officials, including the President of the Republic of Lithuania, stated that the applicant would not be reappointed as a judge. No official decision has been made regarding the petitioner's request to be reappointed as a judge. By its final ruling of April 2022, the Supreme Court, based on the jurisprudence of the Constitutional Court, agreed with the courts that considered the case that the petitioner's claim to oblige the President of the Republic of Lithuania to appoint the petitioner to the position of a judge was not assigned to any court for consideration. However, according to the Supreme Court of Lithuania, this does not preclude a person who believes that state power has been improperly exercised from seeking compensation for the resulting damage in court. After the Supreme Court of Lithuania issued its ruling, the petitioner did not remedy the deficiencies in the claim and did not specify the amount of compensation for property damage to be awarded. Therefore, the court of first instance deemed the claim not filed and returned it to the petitioner.

In September 2022, the petitioner resubmitted an application for re-appointment as a Vilnius City District Judge. The President of the Republic of Lithuania decided not to appoint the petitioner to the office of judge. The national courts refused to accept the petitioner's request to assess the President of the Republic of Lithuania's decision not to appoint the petitioner to the office of judge. Because the petitioner did not indicate in the claim the amount of compensation for property damage to be awarded, the courts held that the claim for property damage was not filed.

First, the ECtHR drew attention to the fact that, after the rejection of the petitioner's first and second applications for reappointment to the office of a judge, no official decision of the President of the Republic of Lithuania was adopted and no official reasons were given why, in the opinion of the President of the Republic of Lithuania, the petitioner did not meet the requirements. In this regard, the ECtHR held that the office of a minister was only a position which the petitioner had already held and which, according to the Law on Courts,

would not in itself appear to be incompatible with the reputational requirements of persons seeking to hold the office of judge.

Secondly, the ECtHR, taking into account the reasoning of the national courts, noted that the factual and legal context surrounding the President of the Republic of Lithuania's actions would not be assessed by the national courts when examining the petitioner's application for compensation for material damage.

Thirdly, the ECtHR found that the national courts did not assess the applicant's situation as a whole but examined his complaints separately. The national courts held that the petitioner should have initiated proceedings by seeking compensation for the damage caused by his nonappointment to the office of a judge. Still, the courts did not assess the essence of the petitioner's complaint, i.e., the petitioner's claim regarding the lack of effective control over the President of the Republic of Lithuania's discretion.

Another important topic is the composition and further politicisation of the Constitutional Court warrants mention. March 2023: The Chairman of the Committee on Legal Affairs of the then-ruling majority, Stasys Šedbaras, was appointed as a judge of the Constitutional Court. The legal community received this appointment negatively. In October 2025, the Seimas appointed Julius Sabatauskas, the Chairman of the Committee on Legal Affairs of the ruling majority, as a judge of the Constitutional Court. Representatives of the academic community began to question whether the appointed person even has the requisite education for the position of judge. A group of Seimas members appealed to the Constitutional Court regarding this. The court accepted this request for consideration.

### Cases/examples undermining confidentiality of lawyer-client communications

Firstly, advocates' concerns rise from practices such as the digital copy of advocates' devices seized during criminal proceedings, the video recordings of interactions with clients in detention facilities, and the alleged use of broad language in search warrants, allowing for the seizure of documents and materials that can be covered by professional secrecy, as well as information leaks.

Moreover, there have been instances in which advocates were questioned about criminal acts they became aware of while practising their profession. In this way, law enforcement authorities seek to obtain information that is protected by the lawyer-client privilege. For example, in 2025, law enforcement demonstrated "ingenuity" by summoning the client's advocate in case A to testify as a witness during a formal interrogation regarding circumstances unrelated to those being examined in the court case (e.g., in case B). If the advocate refuses to testify, this is recorded and the advocate in case A is removed from the legal defence because he was questioned as a witness in case B. The courts supported and justified this practice.

(From previous year) Third, persons temporarily detained in police custody may under no circumstances meet confidentially with their lawyers. The conversations of all detainees (who are considered innocent under the Constitution unless found guilty by a court) are recorded, and, according to data from the Lithuanian Bar Association, an audio recording may also be made. This is a particularly gross violation of both the presumption of innocence and the right to legal counsel, which the police have repeatedly engaged in for many years. The Lithuanian Bar Association has repeatedly called on the Police Department's leadership to resolve this issue decisively. Still, these human rights violations are repeated every day.

(From previous year) Fourth, the problem of “digital copies” of lawyers’ computers, phones, or other devices remains. The contents of the devices seized during the proceedings are simply copied and then analysed using specialised software. Because the “digital copies” are stored on law enforcement servers, there is no assurance that the “inspection” of such data can be conducted outside official proceedings by reviewing documents unrelated to the investigation. There are also no actual and adequate safeguards to ensure that such “digital copies” or fragments thereof are not retained by law enforcement authorities or individual officers.

### Cases/examples of physical, online or legal threats or harassment of lawyers

(From previous year) On 10 October 2024, lawyer L. Pchelintsev, who was involved in the process of eviction of a person from an apartment (as part of a court decision), was killed (shot dead) in the centre of Vilnius in the course of his professional duties.

(Update) However, the Lithuanian Bar has not received any information about the ongoing investigation.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

First, the limitation on the autonomy of the Lithuanian Bar Association and the professional community, particularly their dependence on the Minister of Justice, has not changed since the beginning of 2025. At the end of 2025, the Lithuanian Bar Association prepared and submitted amendments (drafts) to the Law on the Lithuanian Bar Association for informal review. In these amendments, the Lithuanian Bar Association proposes that the Minister of Justice should not have the authority to appoint members of the Court of Honour of Advocates. If the proposals were accepted, the Minister of Justice would also no longer have the right to initiate disciplinary proceedings against lawyers. The Minister of Justice could apply to the Lithuanian Bar Association to initiate disciplinary proceedings (as could any other entity) but would not retain the privileged position it currently holds.

Second, in September 2025, the Parliament adopted the Law on Public Administration, which regulates that the Bar, in its primary functions (such as admission to the Bar, Bar exams, lawyer ID, etc.), must comply with the terms and conditions set not by the special Law on the Bar, but by the general Law on Public Administration. Please note that the Lithuanian Bar Association opposed these amendments because the Law on Public Administration does not apply to the Bar, as it is not a public administration entity. The mentioned amendments (drafts), which the Lithuanian Bar Association proposed (see paragraph above), provide the implementation of the Law on Public Administration in a way that would not interfere with the independence of the Lithuanian Bar Association. The initial response to these amendments (drafts) is expected in January 2026.

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

Firstly, there is a growing tendency for advocates to be fined or threatened with fines for filing recusal motions against judges. In our view, this situation is cause for serious concern, and, except in cases where the right of recusal could be abused, advocates should not be penalised for making procedural motions in a case.

Secondly, the requirement for lawyers to submit special medical certificates, as mentioned in the responses provided at the beginning of 2025, remains in effect. The Lithuanian Bar Association considers this requirement to be discriminatory. Judges or prosecutors who fall ill must submit a medical certificate of incapacity for work, which automatically excuses them from work and professional duties. Meanwhile, advocates must submit special medical certificates confirming that they are unable to attend in person or participate remotely. This means that, for example, a judge who falls ill with COVID-19 will not report to work and will not hold a court hearing. Under this regulation, a lawyer must participate in the court hearing remotely, regardless of their ability to perform their professional duties, unless a doctor explicitly certifies that the lawyer's illness prevents them from participating in the proceedings.

## LUXEMBOURG

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

The Minister has set as one of her priorities the digitalisation of the judicial system (paperless justice). First meetings between the Courts, the Bar Association, the bailiffs, the notaries and the collaborators of the Minister have been organised and a steering committee (comprising representatives of these organisations) has been put in place who is working on a common platform for a paperless justice. In addition, an IT Direction has been created at the level of the *Parquet Général* under the authority of the *Procureur Général d'État* and the *Procureur Général d'États Adjoint*.

### Significant developments related to accountability of judges and prosecutors

A Code of Conduct for judges was enacted by a Grand-Ducal regulation dated 24 July 2025.

### Cases/examples undermining confidentiality of lawyer-client communications

None, since the ECJ ruling dated 26 September 2024 (*Ordre des Avocats du Barreau de Luxembourg c/ Administration des Contributions Directe*, C-432/23).

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

The Convention on the Protection of Lawyers, signed on 13 May 2025 is a major step forward in guaranteeing the independence of lawyers and the rule of law.

### Significant developments related to resources of the judiciary

A multiannual plan for the recruitment of judges was voted, and 42 new judges have been recruited (plus a certain number of "*référéndaires*" (law clerks).

### Significant developments related to training of justice professionals

The bill amending the conditions of access to the legal profession is still currently under consideration in the Parlement.

## Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

Although there were no developments directly responding to the 2025 Report, a number of other measures were adopted, which contributed to strengthening the judicial system and addressing, in substance, several of the concerns and recommendations implied in the Report in relation to Malta. The following developments, together with the examples outlined in the subsequent questions, illustrate this progress.

Malta hosted the HELP (Human Rights Education for Legal Professionals) course in October 2025, with over 50 judges and prosecutors from 18 States from the European Union, which reflects engagement with European judicial standards and continuing education efforts.

There was an increase in funding for the Judicial Studies Committee to support training of the judiciary.

The Government launched a comprehensive digitalisation strategy and is committed to investing over €10 million to modernise Malta's justice infrastructure. This all forms part of The Digital Justice Strategy 2022-2027, aimed at streamlining court procedures, reducing case backlogs and enhancing access to justice for all.

Sources:

<https://www.coe.int/en/web/help/home>

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/03/17/pr250432.aspx>

[https://digitaljustice.gov.mt/wp-content/uploads/2023/05/DJS\\_2022\\_2027\\_ENG.pdf](https://digitaljustice.gov.mt/wp-content/uploads/2023/05/DJS_2022_2027_ENG.pdf)

## Significant developments related to appointment and selection of judges, prosecutors and court presidents

On the 5 August 2025, the Minister for Justice and the Reform of the Construction Sector issued a Public Call for the Appointment of two Judges and two Magistrates. Eligible applicants who satisfied the criteria established under the Constitution of Malta were to be assessed by the Judicial Appointments Committee, constituted in accordance with Article 96A of the Constitution.

In October 2025, Magistrate Simone Grech and Magistrate Rachel Montebello were appointed judges, and lawyers Franco Agius and Ingrid Bianco were appointed magistrates.

On the 19 May 2025, in a press release by the Minister for Justice and the Reform of the Construction Sector, the following key constitutional amendments were announced to strengthen the standards and efficiency within the justice sector; enhanced judicial involvement in the appointment process of the Chief Justice, the establishment of the role of Commissioner for Standards of the Judiciary, along with reinforced disciplinary procedures and an expanded ethical framework for the judiciary.

Sources:

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/08/05/pr251400en.aspx>

<https://www.parlament.mt/14th-leg/acts/act-xvi-of-2025>

<https://president.gov.mt/press-release/appointment-of-new-magistrates-2/>

## Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

In 2025, the Maltese Parliament debated and partially enacted a constitutional reform package with several provisions directly addressing aspects of the judiciary's status, appointment, retirement and disciplinary oversight. Such reforms are aligned with rule of law and judicial independence standards advocated by European judicial networks and organisations, including MEDEL (*Magistrats Européens pour la Démocratie et les Libertés*). While some measures, mainly administrative in nature, were enacted immediately, others require legislative amendments through parliamentary procedure within this package of constitutional reform.

In 2025, Malta introduced Bill No. 134 (the Constitution of Malta (Amendment) Bill), which aims to amend the Constitution of Malta in relation to the justice sector. The amendments which this bill introduces include the removal of the exclusion of Judges and of the Chief Justice from being appointed to the office of the President of Malta, for the establishment of three (3) sections of the Constitutional Court, for the establishment of a constitutional procedure for the involvement of the judiciary in the process of appointment of the Chief Justice and for the possibility for a Judge of the Superior Courts and a Magistrate of the Inferior Courts to remain in office until the age of seventy (70) years, subject to the approval of such extension of tenure by the Commission for the Administration of Justice. The Bill also provides for a change in the procedure for the determination of complaints against members of the legal professions to provide for time limits which are more feasible in the current situation, as well as establish and regulate the role and appointment of the Commissioner for Standards of the Judiciary and renew the framework governing disciplinary proceedings against Judges and Magistrates. This Bill also provides that in the absence of a two-thirds majority approval for the appointment of a new Auditor General, the current Auditor General shall remain in office until a new Auditor General is appointed and this is in line with the procedure applicable to other Constitutional offices which require a vote in favour of two-thirds of the members of the House. Although thoroughly debated and advanced through various parliamentary stages in 2025, not all of its proposed amendments were incorporated into law by year's end. Nonetheless, the introduction of this Bill marked a significant development in Malta's 2025 constitutional and justice reform landscape.

Sources:

<https://www.parlament.mt/en/14th-leg/bills/bill-134-constitution-of-malta-amendment-bill/>

<https://www.parlament.mt/media/134013/bill-134-constitution-of-malta-amendment-bill.pdf>

<https://www.parlament.mt/media/134639/act-no-xvi-constitution-of-malta-amendment-act.pdf>

<https://www.parlament.mt/14th-leg/acts/act-xvi-of-2025>

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/06/03/pr250963en.aspx>

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/05/19/pr250841en.aspx>

## Significant developments related to promotion of judges and prosecutors

In August 2025, the Ministry for Justice and the Reform of the Construction Sector issued a public call for the appointment of two Judges and two Magistrates, assessed by the Judicial Appointment Committee under Article 96A of the Constitution.

In October 2025, Magistrate Simone Grech and Magistrate Rachel Montebello were appointed judges, and lawyers Franco Agius and Ingrid Bianco were appointed magistrates.

Sources:

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/08/05/pr251400en.aspx>

<https://president.gov.mt/press-release/appointment-of-new-magistrates-2/>

## Significant developments related to allocation of cases in courts

The following are part of a package of constitutional amendments announced in 2025 by the Minister of Justice, Jonathan Attard, to strengthen standards and further improve efficiency within the justice sector:

An increase of 8% in the financial allocation to the Court Services Agency

Largest ever budget allocation in the field of Justice and Construction Sector Reform Magisterial Inquiry reform, with four magistrates exclusively dedicated to this reform.

Investment made in both the control room and the internal systems, to improve coordination and strengthen security, with efficient results in the day-to-day operations

A 2 million euros investment in a brand-new audio system in all courtrooms in Malta and Gozo to ensure more secure and reliable recordings.

A new CMIS system, which will centralise case management and improve the distribution of cases among judiciary members.

The enactment of Act CL of 2025, which is an act to amend the Small Claims Tribunal Act (Chapter 380 of the Laws of Malta), affects how certain cases are handled and allocated. This reform aims at relocating a larger volume of minor civil claims away from the general courts and reducing pressure on magistrates and judges, improving workflow and case allocation.

Announcement of key reforms, such as the reform of compilations and the Family Court Reform, in September 2025.

The introduction of Bill No. 133, which seeks to establish a dedicated Commercial Court as a distinct and separate entity from the Civil Court.

Sources:

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/11/17/pr252041en.aspx>

## Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

The creation and appointment of the office of Commissioner for Standards of the Judiciary, which is a new independent, constitutional body designed to strengthen judicial oversight and accountability by providing a structured mechanism for ethical complaints against members of the judiciary. The Commissioner is appointed by the Commission for the Administration of Justice for a fixed three-year term. The establishment of the Commissioner's office is part of a wider constitutional reform initiative which took place in 2025, which included proposals to enhance judicial participation in appointment processes and clarify ethical and disciplinary framework.

Sources:

<https://president.gov.mt/media/retired-judge-anthony-abela-takes-the-oath-of-office-as-maltas-first-commissioner-for-judicial-standards/>

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/06/23/pr251123en.aspx>

## Significant developments related to accountability of judges and prosecutors

The creation of the Commissioner for Standards of the Judiciary, which is a major development in judicial accountability aimed at strengthening ethical oversight and disciplinary mechanisms for judges and magistrates – discussed in previous answers.

Constitutional amendments package renewed the framework governing disciplinary proceedings against judges and magistrates, introduced through the Constitution of Malta (Amendment) Act – discussed in previous answers.

Sources:

<https://www.parlament.mt/14th-leg/acts/act-xvi-of-2025/>

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/05/31/pr250947en.aspx>

## Significant developments related to remuneration for judges and prosecutors

Legal Notice AL 11 of 2025 amended the Judges and Magistrates (Salaries) Act (chapter 175 of the laws of Malta) through revising the basic pay for 2025 of the Chief Justice, other Judges and Magistrates to the following figures:

Chief Justice: €83,334

Other Judges: €74,132

Magistrates: €64,929

Apart from this, there were no major bonuses or rewards for judges or prosecutors announced in 2025.

Sources:

<https://legislation.mt/eli/ln/2025/11/eng>

## Significant developments related to independence of the prosecution service

On 11 April 2025, the Minister for Justice and the Reform of the Construction Sector published Act No. VIII of 2025, which brought into effect amendments to the Criminal Code (Chapter 9 of the Laws of Malta) aimed at reforming the system of magisterial inquiries. These amendments included timeframes, rights for victims and judicial review of citizens' requests to open inquiries.

Sources:

<https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/04/11/pr250605en.aspx>

## Cases/examples undermining confidentiality of lawyer-client communications

There are no specific publicly documented cases in Malta in 2025 involving violations of lawyer-client confidentiality. This suggests either confidentiality protections are being upheld effectively, any incidents are being resolved privately and not publicised or breaches have not occurred in publicly visible forms.

## Cases/examples of physical, online or legal threats or harassment of lawyers

In 2025, Maltese lawyers encountered instances of physical, online, and institutional pressure while exercising their professional duties.

A notable case occurred in July 2025, when lawyers Martina Caruana and Emma Portelli Bonnici reported receiving telephone threats of physical harm from a defendant in the context of potential legal representation. The alleged threats included references to shooting the lawyer if representation were accepted. The matter was investigated; however, the court ultimately dismissed the case, concluding that the defence's arguments were sufficient for it to determine that the accused had not made a criminal threat. While no conviction resulted, the case highlighted concerns regarding the safety of legal professionals in the course of their work.

In addition to direct threats, lawyers involved in anti-corruption and environmental litigation were subjected to online harassment and public attacks. A September 2025 OSCE/ODIHR report documented repeated instances of disparaging rhetoric and smearing remarks by political figures, which sought to undermine the credibility and independence of lawyers by portraying them as partisan actors or "enemies" of the state. These attacks did not result in formal legal sanctions but contributed to a climate of intimidation and reputational harm.

Preventive and protective measures taken by the Chamber of Advocates in 2025 included:

- issuing public statements condemning threats, harassment, and the vilification of lawyers;
- defending the independence and role of the legal profession in public discourse;
- advocating for a modernised Lawyers Act through forensic addresses and institutional engagement, aimed at strengthening statutory safeguards for lawyers and reinforcing professional protections.

These actions were intended to counter intimidation, reaffirm the rule of law, and protect lawyers' ability to carry out their professional duties independently and without fear.

#### Sources:

The Malta Independent: Lawyer let off domestic violence threat charges after police bungle report, 7 July 2025 (Case of William Cuschieri vs. Martina Caruana/Emma Portelli Bonnici).

OSCE/ODIHR: The Situation of Human Rights Defenders in Malta: Assessment Report, 2 September 2025 (Documenting smearing remarks and threats to lawyers).

European Commission: 2025 Rule of Law Report: Country Chapter on Malta, 8 July 2025 (Regarding legal threats and the impact of SLAPPs).

Chamber of Advocates Malta: Address by President Peter Fenech at the Opening of the Forensic Year, 1 October 2025.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

In 2025, several legislative initiatives and policy choices in Malta raised concerns regarding the independence of the Bar and the ability of lawyers to exercise their professional functions without undue influence.

Criminal Code (Amendment No. 2) Act, 2025 (Bill 125) introduced significant changes to the procedure for initiating magisterial inquiries. Under the amended framework, lawyers may no longer directly request a magistrate to open an inquiry *ab initio*. Instead, they are required to file a report with the police and wait a prescribed period of six months before seeking judicial intervention. The Chamber of Advocates and the 2025 EU Rule of Law Report expressed concern that this procedural delay may weaken effective legal remedies, potentially affect evidentiary integrity, and limit lawyers' capacity to act independently in the public interest.

In addition, Bills 143 and 144 (2025), relating to planning and administrative procedures, were criticised by the Chamber of Advocates for expanding the discretionary powers of the Planning Authority, whose leadership is executive appointed, while narrowing the scope of judicial review. These measures were viewed as reducing lawyers' ability to challenge administrative decisions before the courts and, by extension, limiting access to effective legal oversight.

Finally, the continued absence of a reformed Lawyers Act in 2025 contributed to ongoing concerns regarding self-regulation. Despite repeated calls from the profession, legislative delays have prevented the establishment of a modern statutory framework governing disciplinary procedures and professional regulation, leaving the Bar without enhanced institutional autonomy and clarity in its self-regulatory functions.

#### Sources:

Chamber of Advocates Malta (CoA): PA Bills Statement on Bill 143 & 144, 5 August 2025; Statement on Legal Notice 150 (Agricultural Land), 18 August 2025.

European Commission: 2025 Rule of Law Report: Country Chapter on Malta, 8 July 2025

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

In 2025, the Chamber of Advocates (Malta's Bar) has faced significant challenges in its cooperation with the executive branch, most notably regarding a lack of consultation on legislative reforms that impact the rule of

law. A key flashpoint occurred in August 2025, when the Chamber issued a formal protest against Bills 143 and 144, criticising the government for granting the Planning Authority “*nearly unfettered discretion*” to depart from local plans while simultaneously narrowing the scope of judicial review, which the Bar argued severely undermines legal certainty (CoA Statement, 5 August 2025). Furthermore, the 2025 EU Rule of Law Report and the September 2025 OSCE/ODIHR report highlighted persistent “disparaging rhetoric” from political figures aimed at lawyers and activists working on high-profile corruption and environmental cases, creating an environment of institutional pressure. This friction is compounded by the executive’s continued failure to enact the Lawyers Act, leaving the profession in a “regulatory limbo” that hampers independent self-governance. The Bar has also resisted the use of subsidiary legislation to bypass Parliamentary scrutiny, specifically regarding the Protection of Agricultural Land Regulations (Legal Notice 150 of 2025), which lawyers argued leads to de facto expropriations without adequate due process (CoA Statement, 18 August 2025).

#### Sources:

##### Chamber of Advocates (CoA) Official Statements:

“PA Bills Statement from the Chamber of Advocates” (5 August 2025): Detailed the Bar’s formal protest against Bills 143 and 144, specifically citing the “*nearly unfettered discretion*” granted to the Planning Authority and the “*narrowing of judicial oversight*”.

“Public Statement on the Protection of Agricultural Land Regulations” (18 August 2025): Critiqued Legal Notice 150 of 2025 for its lack of Parliamentary scrutiny and its potential for de facto expropriations without due process.

“Forensic Year Opening Address” by President Peter Fenech (1 October 2025): Highlighted the continued absence of the Lawyers Act, describing it as a “*unique and problematic gap*” that leads to abuse and leaves the profession in regulatory limbo.

##### European Commission Reports:

“2025 Rule of Law Report: Country Chapter on Malta (SWD(2025) 918 final)” (8 July 2025): Flagged the “*pending regulation*” of the legal profession, the “*controversial inquiry reform*” (Bill 125), and noted that domestic legal threats (SLAPPs) remain largely unaddressed.

##### OSCE/ODIHR Assessment:

“The Situation of Human Rights Defenders in Malta: Good Practices and Protection Gaps” (2 September 2025): Documented “concerning instances of disparaging rhetoric and smearing remarks” by political actors targeting lawyers and activists working on anti-corruption and environmental issues.

##### Legal & Media Analysis:

“The rule of law and government’s planning bills” (The Malta Independent, 10 August 2025): An analysis of how Bills 143 and 144 impact the rule of law by limiting the Court of Appeal’s review powers.

“Constitutional Concerns with Malta’s Protection of Agricultural Land Regulations 2025” (Fenech Law Insights, 23 October 2025): Detailed analysis of the legal challenges and “roughshod approach” identified by the legal community regarding the 2025 agricultural regulations.

## Problems and difficulties implementing the case law of national, European, and international courts

In 2025, Malta has faced significant legal and administrative hurdles in implementing judgments from national and international courts, primarily due to structural judicial backlogs and executive resistance to reforms that challenge national policy. A landmark challenge followed the April 2025 CJEU ruling (Case C-181/23), which declared Malta's "golden passport" scheme contrary to EU law; while the government suspended the program, full implementation was delayed as the executive sought to "study the legal implications" and maintain the principle of national sovereignty (Government Press Release, 29 April 2025). Regarding the European Court of Human Rights (ECtHR), the 2025 Rule of Law Report noted that Malta still has over 50% of its leading judgments from the past decade, particularly those involving property rights, awaiting implementation, largely due to a cycle of repetitive litigation caused by inadequate legislative remedies (EIN Report, 2025). Domestically, the enforcement of constitutional rulings is severely hampered by extreme judicial delays, with administrative cases averaging nearly four years for a decision, a situation worsened by the failure of a May 2025 constitutional reform package that would have expanded the Constitutional Court to three sections but failed to gain the necessary two-thirds parliamentary majority (ConstitutionNet, June 2025).

### Sources:

Court of Justice of the European Union (CJEU): Judgment in Case C-181/23, *Commission v. Malta (Investor Citizenship Scheme)*, 29 April 2025.

European Commission: 2025 Rule of Law Report: Country Chapter on Malta, 8 July 2025.

European Implementation Network (EIN): *Justice Delayed and Justice Denied: Report on the Non-Implementation of European Judgments*, March 2025.

ConstitutionNet: *Maltese Government Advances Narrow Reform While Broader Constitutional Package Collapses*, June 2025

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

In 2025, the perception of judicial and legal independence in Malta is shaped by a paradox: while the 2025 EU Rule of Law Report found that 69% of the general public perceives judicial independence as "high", this trust is being eroded by systemic delays and controversial legislative "fast-tracking" that restricts access to justice. A major flashpoint was the enactment of Bill 125 (2025), which removed the historic right of lawyers and private citizens to request magisterial inquiries *ab initio*, forcing them instead to wait six months for police action, a move that the NGO *Repubblika* and legal experts condemned as a "shield for political impunity" (*Civicus Monitor*, 2025; *Repubblika Objection*, February 2025). Furthermore, the Chamber of Advocates issued a formal protest in August 2025 against Bills 143 and 144, arguing that the nearly "unfettered discretion" granted to the Planning Authority to bypass local plans, coupled with narrowed judicial review, severely damages the public's belief in a predictable and fair legal system (*CoA Statement*, 5 August 2025). To counter these developments, the Bar has intensified its advocacy for a National Human Rights Institution and a modern Lawyers Act, with President Peter Fenech warning in his October 2025 Forensic Year address that the executive's refusal to regulate the profession fosters a "regulatory limbo" that permits a lack of discipline and harms the profession's public standing.

#### Sources:

Chamber of Advocates Malta (CoA):

Press Statement on Bill 143 & 144 (Planning Reform), 5 August 2025. Forensic Year Opening Address by President Peter Fenech, 1 October 2025.

2025 Rule of Law Report: Country Chapter on Malta (SWD(2025) 918 final), 8 July 2025 (citing public perception statistics).

Bill No. 125 – Criminal Code (Amendment No. 2) Act, 2025, published 31 January 2025.

Rule of Law Index 2025, 28 October 2025 (noting declines in “Constraints on Government Powers”).

Repubblika: Detailed Objections on the Destruction of Citizens’ Right to Request Inquiries, February 2025. The Malta Independent: “Chief Justice renews call for watchdog, lawyers slam delays”, 1 October 2025.

### Significant developments related to accessibility of courts

In 2025, the accessibility of Malta’s courts saw a dual transformation: significant digital and resource-based expansion alongside new legislative and financial hurdles. A major positive development occurred on 21 May 2025, with the launch of the Legal Aid Management System (LAMS), a €250,000 digital platform funded by NextGenerationEU that allows vulnerable citizens to apply for legal assistance online or via servizz.gov hubs in localities like Birgu and St Paul’s Bay. This was bolstered by a 38% increase in the Legal Aid Agency’s budget and an unprecedented recruitment drive that more than doubled the number of legal aid lawyers from 24 to 56, aimed at meeting a surge in demand (Legal Aid Malta, 2025). Language accessibility also took a legislative leap with the enactment of the Registration and Warranting of Sign Language Interpreters Act (Act XXXVIII of 2025) in November, which formally professionalised the service to ensure deaf persons have a guaranteed right to qualified interpretation in court (Parliament of Malta, 2025). However, significant challenges emerged as the Chamber of Advocates and 70+ NGOs formally protested Bills 143 and 144 in August 2025, criticising new provisions that allow the executive to impose hefty, non-reviewable fines for appeals deemed “frivolous”, which the Bar argues creates a financial deterrent for citizens seeking to challenge government planning decisions (CoA Statement, 5 August 2025). Additionally, while the Small Claims Tribunal (Amendment) Act 2025 increased the jurisdictional threshold from €5,000 to €10,000 to broaden access to simplified justice, it also faced criticism for moving toward written-only proceedings, which the Bar noted could disadvantage those with lower digital literacy despite the government’s 2025 “Digital Connect” subsidies (Digital Decade Roadmap, 2025).

#### Sources:

Legal Aid Malta: Press Release: Launch of the Legal Aid Management System (LAMS), 21 May 2025; Annual Performance Review, December 2025.

Chamber of Advocates Malta (CoA): Official Statement on Bill 143 (Planning) and Bill 144 (EPRT), 5 August 2025.

Parliament of Malta: Act No. XXXVIII of 2025 – Registration and Warranting of Sign Language Interpreters Act, 21 November 2025.

European Commission: 2025 Rule of Law Report: Country Chapter on Malta, 8 July 2025.

Ministry for Justice: Small Claims Tribunal (Amendment) Act 2025 – Summary of Reforms, 27 October 2025.

### Significant developments related to resources of the judiciary

In 2025, the resources of Malta’s judiciary saw a period of “historic investment” hampered by legislative stalemates that left human resource gaps at the highest levels. According to the 2026 Budget (presented in November 2025), the government allocated a record €74 million specifically to the justice sector, a 10%

increase over 2024, aimed at supporting a workforce that reached its largest-ever size of 598 employees, including 41 court attorneys and 51 judicial assistants (Malta Independent, November 2025). Significant material developments included the inauguration of a dedicated building for magisterial inquiries equipped with modern evidence- collection technology and the launch of the Commercial Court in Valletta to alleviate general case backlogs (Budget 2026 Speech). On the human resources front, while two new judges and two new magistrates were sworn in on November 13, 2025, the judiciary faced a “crisis of continuity” earlier in the year when a May 2025 constitutional reform package failed to pass; this bill would have extended the retirement age for judges and expanded the Constitutional Court to seven members to handle its mounting workload (ConstitutionNet, 2025).

Sources:

Ministry for Justice / Government of Malta: \*Budget 2026 Press Conference: €93 Million Allocation for Justice and Construction, 17 November 2025.

It-Twettiq tal-Baġit 2025 (The Implementation of Budget 2025) Report, 24 October 2025 (reporting 86% implementation rate).

Judiciary of Malta / TVM News: \*Swearing-in Ceremony of Judges Simone Grech and Rachel Montebello, 13 November 2025.

ConstitutionNet Maltese Government Advances Narrow Reform While Broader Constitutional Package Collapses

## Significant developments related to training of justice professionals

In 2025, training for justice professionals in Malta reached a critical milestone with the completion of a two-year EU-Council of Europe joint project on 31 October, which institutionalised continuous professional development for the Office of the Attorney General and the Office of the State Advocate (Council of Europe, 2025). Concurrently, the Office of the State Advocate strengthened its focus on digitalisation by holding a webinar in October 2025 on the benefits and ethical risks of Artificial Intelligence in justice institutions. This initiative aligns with the priorities of the European Judicial Training Strategy 2025-2030, which emphasises digital and AI-related competencies for justice professionals. However, the broader legal profession continues to face the challenge of a lack of mandatory continuous training; in his October 2025 Forensic Year address, Chamber President Peter Fenech reiterated that the persistent delay of the Lawyers Act prevents the Bar from enforcing a statutory training framework, leaving the regulation of private practitioners in a state of “*unacceptable limbo*” (Independent, October 2025). Furthermore, the Junior Chamber of Advocates launched independent initiatives in 2025, including an AI essay competition and practical moot courts, to bridge the gap between academic theory and the evolving digital realities of legal practice (Junior CoA, 2025).

Sources:

Council of Europe (CoE):

Marking the Successful Completion of Malta’s Attorney General and State Advocate Offices Re-organisation, 6 October 2025.

Artificial Intelligence in Justice Institutions: Webinar for lawyers of the Office of the State Advocate, 16 October 2025.

European Commission:

European Judicial Training Strategy 2025–2030 (COM(2025) 801 final), 20 November 2025.

Chamber of Advocates Malta / The Malta Independent:

Speech by President Peter Fenech at the Opening of the Forensic Year, 1 October 2025.

Office of the Ombudsman (Malta):

Artificial Intelligence: Subject to Human Rights Principles (European Round Table Conference), 30 September 2025.

Junior Chamber of Advocates (JCA):

Events and Training Seminars 2025 – AI Essay Competition and Moot Court Programme.

## Significant developments related to digitalisation

In 2025, Malta's justice system underwent a significant digital transition characterised by the May 2025 launch of the Legal Aid Management System (LAMS), a €250,000 NextGenerationEU project that digitised application processes and case tracking, and the rollout of a €10 million Courts Management Information System (CMIS) to replace outdated legacy software (Court Services Agency, 2025). While these developments, along with Act XXXVIII of 2025 (providing digital registries for sign language interpreters), improved institutional efficiency, the Chamber of Advocates expressed serious concerns regarding a lack of consultation during the design of these platforms, leading to technical instability and a "top-down" approach that failed to integrate with lawyers' own management tools (CoA Statement, August 2025; Shift News, October 2025).

Sources

Forensic Year Opening Address by President Peter Fenech, 1 October 2025.

Press Release: Launch of the Legal Aid Management System (LAMS), 21 May 2025.

*"Chamber of Advocates calls for urgent reforms in judiciary and legal profession"* 1 October 2025.

## Significant developments related to use of assessment tools and standards

In 2025, Malta made significant strides in justice system assessment by focusing on transparency and specialised evaluation tools, notably launching the Legal Aid Management System (LAMS) in May 2025 to provide real-time tracking for legal aid cases and a record-keeping dashboard for practitioners (Legal Aid Malta, 2025). The government further committed to structural monitoring by securing a €10 million investment for a new Court Case Management System (CMIS), currently in the advanced tendering stage, which is designed to centralise case distribution and improve the reliability of judicial statistics (Ministry for Justice, November 2025). Transparency was bolstered by the Court Services Agency's expanded digital repository, which now includes monthly civil and criminal statistical reports for 2025 to address public concerns regarding judicial backlogs (Malta Law Courts, 2025). Additionally, in October 2025, Malta hosted CEPEJ working group meetings and a conference in Valletta under the theme *"Towards more effective and people-centred digitalised justice in Europe,"* highlighting a focus on digitalisation and justice reforms during its Presidency of the Committee of Ministers (CoE, October 2025).

Sources:

European Commission:

2025 Rule of Law Report: Country Chapter on Malta (SWD(2025) 918 final), 8 July 2025.

Ministry for Justice and Reform of the Construction Sector:

Press Release: Unprecedented €93 Million Budget for Justice, 17 November 2025.

European Commission for the Efficiency of Justice (CEPEJ):

Conference Report: Towards a more efficient and citizen-centred digital justice system (Malta), 20-22 October 2025.

Malta Law Courts:

*Statistika Ċivili u Kriminali 2025* (Monthly Reports), December 2025.

## Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

In 2025, Malta's judicial map underwent a significant shift toward physical and jurisdictional specialisation, specifically through the re-establishment of the Commercial Court and the consolidation of the Inquiring Magistrates section. A landmark development occurred on 30 October 2025, when the government formalised the transfer of a dedicated building, to serve as the new seat of the Commercial Court, moving these specialised cases out of the First Hall of the Civil Court to improve efficiency in maritime, aviation, and insolvency disputes. Regarding fraud and corruption, the specialised Magisterial Inquiries section, which consists of four magistrates exclusively dedicated to inquiries, was relocated in September 2025 to Palazzo Conte in Valletta, a facility equipped with two modern halls and advanced technology for evidence collection (Budget 2026 Press Release, November 2025). This institutional specialisation has shown early results, although the 2025 EU Rule of Law Report noted that a robust track record of final judgments in high-level corruption cases remains a challenge (European Commission, July 2025). Furthermore, the judiciary reached its largest-ever size in November 2025 following the swearing-in of two new judges and two magistrates, supported by a workforce of 598 employees, the highest in the history of Malta's courts (Independent, November 2025).

### Sources

European Commission:

2025 Rule of Law Report: Country Chapter on Malta (SWD(2025) 918 final), 8 July 2025.

Ministry for Justice and Reform of the Construction Sector:

\*Press Release: Public property in Valletta to serve as seat of Commercial Court, 30 October 2025.

\*Press Release: €93 Million Allocation for Justice and Construction, 17 November 2025.

The Malta Independent: Law report: Re-establishment of the Commercial Court (Bill No. 133), 27 August 2025.

The Journal (Malta): Budget 2026: A Record Investment in Justice and the Rule of Law, 23 November 2025.

## Significant developments related to efficiency of justice system

In 2025, the efficiency of Malta's justice system remained a point of significant contention, characterised by "unprecedented" investment in resources and infrastructure alongside persistent, systemic delays. According to the 2025 EU Rule of Law Report, while Malta has made "some further progress" in strengthening its judicial efficiency, the actual length of proceedings remains among the longest in the EU, with administrative cases

often very long and homicide trials seeing accused persons wait an average of three years for a trial date (Daphne Foundation Report, October 2025). Significant developments this year include the inauguration of the new jury courtroom within the main building, a high-tech facility allowing multiple jury trials to run concurrently, which contributed to a record 18 jury trials in 2025, double the historical average (Ministry for Justice Press Release, November 2025). However, the Chief Justice Mark Chetcuti warned in his October 2025 Forensic Year address that the system is currently “in crisis” due to political gridlock over constitutional amendments that would have expanded the court’s capacity, leaving over 800 cases stalled due to delayed judicial appointments (The Shift, October 2025). Furthermore, while the Magisterial Inquiries Section reported a high percentage clearance rate following the 2024/2025 reforms, the Chamber of Advocates highlighted that the lack of a modern Lawyers Act and the continued use of anachronistic court schedules, where hearings regularly start over an hour late, perpetuates a “dysfunctional” environment that undermines the overall speed of justice.

Sources:

European Commission:

2025 Rule of Law Report: Country Chapter on Malta (SWD(2025) 918 final), 8 July 2025.

Chamber of Advocates Malta:

Address by President Peter Fenech at the Opening of the Forensic Year, 1 October 2025.

Judiciary of Malta:

Chief Justice’s Speech at the Inauguration of the Forensic Year 2025-2026, 1 October 2025.

Ministry for Justice and Reform of the Construction Sector:

\*Press Release: Record-breaking year for Maltese juries, 17 November 2025.

Budget 2026:

Unprecedented investment in our Court system, 17 November 2025.

Daphne Caruana Galizia Foundation:

Justice at Risk: The Impact of Delayed Legal Proceedings in Wilful Homicide Cases in Malta, 23 October 2025.

## Other issues and significant developments impacting access to justice

In 2025, access to justice in Malta was significantly impacted by a push for digital modernisation contrasted with new legislative barriers to judicial oversight. A major positive development was the 21 May 2025, launch of the Legal Aid Management System (LAMS), a €250,000 digital platform that allows vulnerable citizens to apply for assistance online or through local government hubs, supported by a 38% increase in the Legal Aid Agency’s budget and a doubling of its legal staff from 24 to 56. Conversely, access to justice was threatened by Bills 143 and 144, which the Chamber of Advocates and a coalition of over 70 NGOs (under the “*Ġustizzja għal Artna*” campaign) protested in August and October 2025. These bills were criticised for granting the Planning Authority “*nearly unfettered discretion*” while narrowing the Court of Appeal’s review powers and introducing a €5,000 fine for appeals deemed “*frivolous*”, which critics argued creates a financial deterrent for citizens seeking to challenge executive decisions (Malta Today, August 2025). Furthermore, while the government published a Green Paper on Strengthening Environmental Protection in October 2025 to align with the Aarhus

Convention, environmental NGOs highlighted that high litigation costs and fragmented data access remain persistent hurdles for the public in exercising their right to an effective remedy (ERA Public Consultation, February 2025).

#### Sources

Legal Aid Malta/Ministry for Justice:

Press Release: Launch of the Legal Aid Management System (LAMS), 21 May 2025.

Chamber of Advocates Malta (CoA):

Official Statement on Bill 143 (Development Planning) and Bill 144 (EPRT), 5 August 2025.

Civicus Monitor/BirdLife Malta:

Reports on the “*Ġustizzja għal Artna*” (Justice for Our Land) National Protest, 4 October 2025.

Malta Today: “*Planning for Modern Justice: What does it even mean?*” (Analysis of Bill 144), 26 August 2025.

Environment and Resources Authority (ERA):

Aarhus Convention Implementation Report & Public Consultation Responses, February 2025.

Ministry for the Environment:

Green Paper: Strengthening Environmental Protection Through Law, 2 October 2025.

## THE NETHERLANDS

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

In 2025, attention to the rule of law in the Netherlands has further increased, partly as a result of the societal impact of previous scandals (such as the Childcare Benefits Affair) and the critical opinions of the Council of State regarding government plans. Various political parties have included proposals in their 2025 election manifestos aimed at strengthening the independence of the judiciary. Positive developments include:

- Independence of the Council for the Judiciary: Several parties advocate for a separate budget for the Council for the Judiciary and for increasing the distance between politics and the judiciary. This is seen as a strengthening of the *trias politica* and the independence of the judiciary.
- Constitutional review: There is broad consensus on abolishing the prohibition on constitutional review (Article 120 of the Constitution), allowing judges to test laws against the Constitution. This is considered an important step for the protection of fundamental rights.
- Efficiency of procedures: Proposals have been made to accelerate objection and appeal procedures, particularly in the context of housing and infrastructure. At the same time, the committee for the rule of law review of election manifestos (established by the Netherlands Bar) warns that shortening deadlines must not lead to the loss of an effective legal remedy (Article 13 ECHR).

Alongside these positive developments, there are also risks. A significant number of party manifestos contain proposals that restrict access to the courts, for example by limiting the right to collective actions or by increasing court fees. Such proposals may undermine the effectiveness of the rule of law.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents)

Constitutional review: There is broad consensus on abolishing the prohibition on constitutional review (Article 120 of the Constitution), allowing judges to test laws against the Constitution. This is considered an important step for the protection of fundamental rights.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

Several parties advocate for a separate budget for the Council for the Judiciary and for increasing the distance between politics and the judiciary. This is seen as a strengthening of the *trias politica* and the independence of the judiciary.

## Significant developments related to independence of the prosecution service

In the summer of 2025, the Dutch Prosecution Service (OM) experienced a major ICT outage that disrupted its operations nationwide. Due to a detected “vulnerability,” the OM disconnected all systems from the internet. Staff could only access the system at the office, were unreachable by email, and case files had to be sent by post instead of being shared digitally through the Lawyers’ Portal.

Lawyers expressed frustration over the absence of a clear crisis plan. The disruption left many practitioners uncertain about how to proceed with ongoing cases, causing delays and operational inefficiencies.

The Netherlands Bar closely monitored the situation, set up a hotline for lawyers experiencing problems, and engaged with the OM and other stakeholders to safeguard the rights of lawyers and their clients during the outage. The incident underscored the need for robust and secure digital systems within the prosecution service and highlighted the importance of contingency planning to protect the integrity of judicial processes.

## Cases/examples undermining confidentiality of lawyer-client communications

The Netherlands Bar has repeatedly raised concerns with the Custodial Institutions Agency (DJI) regarding the implementation of the amended Penitentiary Principles Act. These concerns focus on potential breaches of confidentiality during visual supervision of lawyers and their clients in the Extra Security Institution (EBI) and Intensive Supervision Departments (AITs).

The Netherlands Bar emphasises that lawyers must be able to uphold their statutory duty of confidentiality. In 2025, the Netherlands Bar found it insufficiently clear how confidentiality is safeguarded during lawyer-client visits in EBI and AITs. This was reiterated in a letter of concern to the Director-General responsible for the prison system. During consultations between the Ministry of Justice and Security, DJI, and the Netherlands Bar on 24 November 2025 – referenced by State Secretary Rutte in their letter – it was explicitly discussed that DJI is now responsible. DJI must urgently ensure adequate safeguards in the implementation of the law and provide clear information about these measures. The Netherlands Bar insists that these necessary safeguards must be established as soon as possible.

## Cases/examples of physical, online or legal threats or harassment of lawyers

Since 2019, a package of measures from the Taskforce Protection against Subversion has been further developed under the broad heading of Resilience & Safety. In the Netherlands, a biennial study is conducted to map out the pressure and threats faced by lawyers. The package of measures is supported by government subsidies.

Developments in society, such as increasing polarisation – including within organised crime – are putting lawyers under significant pressure from clients. This pressure manifests in various ways, ranging from emotional outbursts in family law practice to manipulation by organised crime, aimed at forcing lawyers to act or refrain from acting.

The Netherlands Bar seeks to support the profession as much as possible in this regard. Key facilities include resilience training (which is continuously developed), confidential lawyers, a 24/7 emergency phone, an emergency button, and security scans.

Examples of new initiatives:

- Investment in professional training, with resilience addressed from day one.
- Standard-setting whereby professional rules of conduct provide concrete and practical guidance in high-risk situations and protect the profession as a whole. The Netherlands Bar seeks to encourage safeguarding and valuing professional distance from clients.
- Enhancing digital resilience.
- Cooperation across the chain, recognising that resilience and safety are a shared responsibility of all chain partners.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

In 2025, the Netherlands Bar expressed strong criticism regarding the consultation process for the draft Dual Status System Act and the Asylum Emergency Measures Act. There is significant concern about the extremely short consultation period and the confidential nature of the consultations, during which important partners in the asylum chain were either not involved or only partially consulted. This approach does not fit within a democratic rule of law and should not be normalised.

Furthermore, the necessity for these measures has not been convincingly substantiated. According to the Netherlands Bar, the measures will not achieve their intended goal of reducing the number of people applying for asylum in the Netherlands. Instead, it is expected that these measures will result in more and increasingly complex procedures, longer processing times, higher societal costs, and greater workload for the Immigration and Naturalisation Service (IND) and the judiciary. The measures are unlikely to lead to a lower influx, but rather to a lower outflow, and are therefore considered counterproductive.

Such legislative processes and policies – characterised by limited transparency, insufficient consultation, and potentially negative effects on access to justice – can undermine the independence of the Bar and lawyers, particularly in their role as defenders of the rule of law and effective legal representation.

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

In 2025, the Netherlands Bar encountered a significant issue in cooperation with the executive branch regarding lawyers' access to digital devices in prisons. The Custodial Institutions Agency (DJI) initially planned to restrict lawyers from bringing their own devices (such as laptops and mobile phones) when visiting clients in penitentiary institutions. The Netherlands Bar strongly opposed this, arguing that such restrictions would make it practically impossible for lawyers to provide adequate legal assistance, as digital files are essential for defence work and client confidentiality.

After sustained advocacy and dialogue, the Netherlands Bar succeeded in ensuring that lawyers are, in principle, still allowed to bring their own devices to regular prisons. The Netherlands Bar continues to advocate for similar rights in Intensive Supervision Departments (AITs) and for the possibility to bring a second device for secure access.

## Problems and difficulties implementing the case law of national, European, and international courts

In 2025, the Netherlands Bar called on the government to reconsider its decision to stop publishing general and thematic official country reports (“*ambtsberichten*”) used in asylum procedures. This decision poses a risk to the rule of law. While the state can continue to use crucial information about the country of origin in asylum cases, applicants and their legal representatives are denied access to up-to-date safety information. The Netherlands Bar considers this to be in violation of the principle of “equality of arms,” as well as EU law and Dutch legislation such as the Public Access to Government Information Act (WOO) and the General Administrative Law Act (Awb). Official country reports play a central role in asylum law practice; they are a key source for asylum policy and form the basis for decisions on individual asylum applications. The failure to publish these reports is contrary to the “equality of arms” principle and the right to a fair trial.

Collecting relevant country information for asylum procedures is an obligation under EU law, specifically the Procedures Directive, which also requires that this information be made available to asylum seekers and their legal representatives. The discontinuation of this long-standing practice – without providing an alternative means of sharing this information – conflicts with these legal requirements.

An external expert committee previously concluded in the Netherlands Bar report “*Rule of Law Review of the Government Programme 2024*” that withholding this essential source poses a risk and violates the “*equality of arms*” principle. This principle derives from the right to an effective remedy, as laid down in Article 13 of the European Convention on Human Rights (ECHR) and Article 47 of the Charter of Fundamental Rights of the European Union.

As with recent asylum legislation, the Netherlands Bar also notes a lack of consultation with experts and practitioners. This decision is expected to increase pressure on both the implementation process and the judiciary.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

In 2025, the growing use of artificial intelligence (AI) in legal practice raised concerns about safeguarding the independence of lawyers and the integrity of core professional values. The Netherlands Bar addressed these developments proactively by publishing guidance on the responsible use of AI in the legal profession.

The Netherlands Bar emphasised that AI tools must never compromise the fundamental principles of the profession, such as independence, confidentiality, and integrity. It stressed that lawyers remain fully responsible for their work, even when using AI-assisted solutions, and that human judgment cannot be delegated to algorithms. The guidance also highlighted the need for transparency in AI applications and compliance with ethical and legal standards.

By issuing these principles, the Netherlands Bar aimed to reassure both the profession and the public that technological innovation will be integrated in a way that respects core values and does not undermine trust in the independence of lawyers.

### Significant developments related to accessibility of courts

The accessibility of the courts remains a central point of attention. In 2025, various proposals have been made to strengthen government funded legal aid, including through structural investments and increasing remuneration. These are widely regarded as positive, as they improve access to justice for those with limited means.

- Legal aid: Several political parties want to structurally strengthen government funded legal aid, for example by increasing remuneration, lowering personal contributions, and broadening income thresholds. There is also a call to maintain and strengthen low-threshold facilities such as the Legal Aid Desk.
- Efforts of the Bar: The Netherlands Bar continues to advocate for accessible legal assistance and has once again highlighted in 2025 the position of legal aid lawyers and the need for sufficient funding. There is also attention for the regional distribution of legal aid and for encouraging young lawyers to choose government funded legal aid work.

### Significant developments related to training of justice professionals

In 2025, an external visitation committee confirmed that the vocational training for lawyers meets all quality standards set under the BA2020 framework (the vocational training framework as offered since 2020), with particular recognition for its practice-oriented approach, didactic vision and committed teaching teams. The Netherlands Bar will incorporate the committee's recommendations, such as improving transparency around assessments, into the further development of the programme, reinforcing the solid foundation of vocational training.

A significant legal clarification further marked the year: the Supreme Court ruled that the costs of the mandatory vocational training for lawyers and the required permanent education points must be borne entirely by employers. Since this training is considered necessary for the exercise of the profession, any contractual arrangement shifting these costs to the trainee is invalid under national and EU law. This ruling, prompted by questions raised at the initiative of the Netherlands Bar, provides important clarity and ensures equitable access to both vocational and permanent training across the legal profession.

### Significant developments related to digitalisation

Digitalisation: There is much attention for the consequences of digitalisation. Positive are political proposals for transparency of algorithms, mandatory impact analyses on fundamental rights, and strengthening supervision of the use of AI in the judiciary. At the same time, there are concerns about the lack of sufficient safeguards in the use of digital tools, which may hinder access to justice for vulnerable groups.

## Significant developments related to efficiency of justice system

Efficiency of procedures: Proposals have been made to accelerate objection and appeal procedures, particularly in the context of housing and infrastructure. At the same time, the committee for the rule of law review of election manifestos (established by the Netherlands Bar) warned that shortening deadlines must not lead to the loss of an effective legal remedy (Article 13 ECHR).

## Other issues and significant developments impacting access to justice

In its report, the committee for the rule of law review of election manifestos identified several rule of law trends:

- Increase in proposals that put the rule of law under pressure: In 2025, 11 out of 15 reviewed party manifestos contain at least one proposal that conflicts with the rule of law, especially in the area of asylum and migration. Proposals that categorically restrict access to justice for certain groups (such as asylum seekers) undermine a fundamental principle of the rule of law: the protection of minorities.
- People-centred government: There is a clear trend towards a more people-centred government, with proposals to legally anchor the 'right to make mistakes' and to improve compensation in cases of government failure. This aligns with the recommendations of the 2023 Dutch State Commission on the Rule of Law and is considered positive.
- Non-discrimination and equal treatment: Various proposals aim to strengthen the prohibition of discrimination and to improve the position of minority groups. At the same time, there are also proposals that could have discriminatory effects, which is concerning from a rule of law perspective.

### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

- 1.1. Continue to advance on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary and the Constitutional Tribunal.

As regards the recommendation to continue to advance on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary (KRS) and the Constitutional Tribunal, in 2025 the Government continued legislative work addressing the systemic consequences of the KRS's actions in the period 2018–2025. In late 2025, the Government adopted a package of rule of law bills, including draft legislation concerning the status of judges appointed in the contested procedures and the modifications to the legal framework governing the KRS. In particular, a government draft bill “on restoring the right to an independent and impartial court established by law by regulating the effects of the KRS resolutions from 2018–2025” was submitted to the Sejm at the end of 2025 (Sejm print no. 2107) and entered the parliamentary process. A related government draft bill amending the Act on the KRS and the Electoral Code was also submitted to the Sejm (Sejm print no. 2108).

The key draft bill (Sejm print no. 2107) introduces a legal mechanism depriving of legal effect the KRS resolutions on motions for judicial appointments adopted in the period 2018–2025 and provides for transitional arrangements designed to restore compliance with constitutional and European standards while safeguarding legal certainty. The draft explicitly aims to avoid systemic instability by maintaining the validity of judgments delivered with the participation of judges appointed through the KRS in the relevant period, while limiting the reopening of proceedings to narrowly framed cases where an objection as to improper composition of the court was raised in the original proceedings. In addition, the draft includes reforms concerning the Supreme Court, notably: abolishing the Chamber of Extraordinary Control and Public Affairs, abolishing the extraordinary appeal mechanism, and modifying the rules on adjudication in the Chamber of Professional Liability so as to remove executive influence over its composition.

The accompanying draft (Sejm print no. 2108) reforms the method of selecting the 15 judge-members of the KRS, providing that they would be elected by judges in direct and secret elections, with the stated objective of restoring the independence of the KRS and implementing the relevant case law of European courts. The Ministry also announced the creation of a Social Council attached to the KRS as a transparency mechanism.

At the same time, as regards the Constitutional Tribunal, it should be underlined that in 2025 no new legislative initiatives specifically addressing the functioning of the Tribunal were included in the above-mentioned Government's rule of law package.

In this context, a significant development occurred on 18 December 2025, when the Court of Justice of the European Union delivered a judgment (European Commission v Republic of Poland, case C-448/23) finding that the Polish Constitutional Tribunal does not meet EU law requirements of an independent and impartial tribunal previously established by law, on account of irregularities in the procedure for the appointment of three of its members in December 2015 and of its President in December 2016, and the Tribunal's failure to respect the CJEU case law. Following the judgment, the Minister of Justice Waldemar Żurek publicly stressed the

importance of respecting the EU legal order and warned that failure to restore a lawful and EU-compliant Constitutional Tribunal may have serious consequences.

- 1.2. Take forward the reform to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the Government.

As regards the recommendation to take forward the reform to separate the function of the Minister of Justice from the function of the Prosecutor-General and to ensure functional independence of the prosecution service from the Government, it should be recalled that the Ministry of Justice had prepared a draft reform separating these functions and introducing institutional mechanisms aimed at strengthening the autonomy and political neutrality of the prosecution service (as reported in previous years). In 2025, however, the draft did not progress to the stage of legislative work in Parliament and appears to have remained at the consultation/coordination stage. The Government's legislative programme continued to list the initiative (UD95) as a planned reform, but the legislative process did not visibly advance in 2025.

The lack of progress is probably linked to the fact that a broader reform of the prosecution system was being developed in parallel, including work carried out in expert formats by Codification Commission on the Court System and Prosecution Offices.

- 1.3. Introduce rules on lobbying and a standardised online system for asset declarations of public officials and members of Parliament while ensuring effective verification.

As regards the recommendation to introduce rules on lobbying and a standardised online system for asset declarations of public officials and members of Parliament while ensuring effective verification, it should be noted that the legislative change adopted in 2024 introduced a new mechanism into Polish lobbying regulations, namely mandatory public consultations of draft laws, supplementing the existing framework on lobbying in the legislative process. In 2025, the National Bar of Attorneys-at-Law did not record any further comprehensive legislative steps taken to introduce additional lobbying rules beyond the 2024 amendment.

With regard to asset declarations, the Central Anti-Corruption Bureau (CBA), together with other special services, publicly confirmed in 2025 that it is preparing a draft Act on asset declarations. According to the CBA, the purpose of the legislative initiative is to regulate the system of submitting and controlling asset declarations through its unification and digitalisation. The assumptions published by the CBA indicate that the planned "Act on asset declarations" is intended to provide, inter alia: (i) a single unified legal act replacing outdated and inconsistent provisions currently scattered across 28 different acts; (ii) a single electronic declaration form replacing 17 different existing templates; (iii) mandatory electronic filing supported by data from public registers and previously submitted declarations; (iv) the introduction of an official instruction manual for completing declarations; (v) standardised deadlines for filing across all relevant professional groups; (vi) a revised and justified list of persons obliged to file declarations, including more comprehensive coverage of politically exposed persons (PEPs); (vii) clarification of the scope of declarations and introduction of missing legal definitions (e.g., "collection" and clarification of the concept of separate property); (viii) an updated catalogue of assets reflecting modern forms of wealth, including cryptocurrencies; (ix) the introduction of sanctions for failure to submit an "end-of-office" declaration; (x) the possibility to submit corrections of declarations; (xi) clearer rules on publicity of declarations; (xii) a new competence of the Head of the CBA to request an additional declaration as of a specific date; and (xiii) harmonised, realistic criminal and financial sanctions. However, the draft remains at the preparation stage, and no official information could be found indicating that the bill entered the parliamentary legislative process in 2025.

In parallel, in cooperation with the Ministry of Digital Affairs and the Central Information Technology Centre, the CBA has been developing the assumptions of an IT system enabling electronic filing of asset declarations, designed to ensure interoperability and reuse of data in order to provide citizen-friendly services. The CBA also announced that it would make available on its dedicated website a section on the draft act and the course of the legislative process, and that broader consultations on the future act were initiated, including with the OECD, public institutions and civil society representatives.

- 1.4. Continue efforts to ensure independent and effective corruption investigations and prosecutions, address the broad scope of immunities for top executives and remove impunity clauses to enable a robust track record of high-level corruption cases.

As regards this recommendation, it should be noted that in 2025 the Government and relevant institutions publicly highlighted measures aimed at strengthening integrity frameworks and anti-corruption policy tools. In this context, in December 2025 GRECO publicly encouraged Poland to continue work on preventing corruption and promoting integrity, including the development of a cross-government integrity plan and the adoption and enforcement of a code of conduct for persons with top executive functions, transparency of contacts with lobbyists and third parties, reforms to the transparency and verification of asset declarations, and other integrity-related safeguards.

In 2025, the Government advanced a draft institutional reform aimed at strengthening coordination of anti-corruption actions, including a draft act on the coordination of anti-corruption activities and the liquidation of the Central Anti-Corruption Bureau (CBA), submitted to the Sejm on 24 October 2025. However, no systemic legislative reform was clearly identifiable in 2025 specifically narrowing immunities for top executive officials or repealing ‘impunity clauses’ as a general measure; further verification may be required with national sources and the legislative record.

- 1.5. Take forward reforms to ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets.

As regards the recommendation to ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets, in December 2025 the Government published a draft amendment of the Broadcasting Act and certain other acts, introducing reforms relevant to licensing and market access. In particular, the draft introduces a “permit” model intended to replace both the existing cable/satellite broadcasting licence regime and registration requirements for certain programmes distributed exclusively through ICT systems; permits would generally be issued for a period of 10 years. This development may contribute to improving the clarity and transparency of operating authorisations. Importantly, the draft also introduces an explicit obligation to provide reasons for decisions and acts taken in this area, thereby strengthening transparency and facilitating accountability and effective remedies.

- 1.6. Take forward reforms to ensure an effective legislative framework for the independent governance and editorial independence of public service media, taking into account European standards on public service media.

As regards the recommendation to ensure an effective legislative framework for the independent governance and editorial independence of public service media, in 2025 the Government continued public work on an

overarching reform of public service media (PSM), framed as “depoliticisation” of PSM governance and alignment with European standards, including the European Media Freedom Act.

In December 2025, the Government initiated a legislative proposal and a public consultation process concerning amendments to the broadcasting/media framework, including provisions relevant to the governance model of public service media and the appointment and dismissal rules for their authorities. Public consultations were launched with a deadline of 23 January 2026, indicating that the legislative initiative was still at a preparatory stage at the end of 2025.

- 1.7. Continue ongoing efforts to improve the framework in which civil society operates, taking into account European standards on civil society organisations.

In 2025 the Government continued initiatives intended to strengthen the enabling environment for civil society organisations by pursuing both legislative and programmatic measures relevant to the operating environment of civil society. Legislatively, a draft amendment (UD240) to the Act on Public Benefit Activity and Volunteer Work was published with the stated aim of simplifying and clarifying rules and reducing administrative burdens in public administration–NGO cooperation. Programmatically, a 2025 support scheme (*‘Moc Małych Społeczności’*) with a budget of PLN 70 million was launched to strengthen local NGOs, including organisations operating on rural areas.

## Significant developments related to appointment and selection of judges, prosecutors and court presidents

In 2025, the most serious systemic problem affecting the independence of the judiciary and the perception of judicial independence in Poland continued to be the unresolved legal and institutional controversy concerning the status of judges appointed through procedures involving the National Council for the Judiciary (KRS) as constituted following the 2017 amendments. This continued to generate structural uncertainty regarding judicial nominations and promotions, as well as the stability of court panels and the requirement of a “tribunal established by law”.

A major development in 2025 was the continuation of a governmental policy aimed at halting further judicial appointments under the contested KRS model. In practice, the Minister of Justice did not announce new vacancies/competitions for judicial posts. This approach was publicly justified as a temporary safeguard intended to prevent further nominations being processed under an institution whose independence has been widely questioned. At the same time, this measure remains a provisional and legally sensitive solution, as it does not resolve the systemic problem and may contribute to further staffing difficulties in the justice system. In particular, it has been reported that the number of vacancies may exceed 1,000 nationwide, and that staffing shortages may intensify due to retirement trends and the demographic structure of the judiciary.

With regard to the Constitutional Tribunal, it should also be noted that in 2025 the Sejm did not effectively proceed with filling vacant judicial seats. In practice, vacancies remained unfilled for prolonged periods, as repeated votes did not result in the election of new judges and parliamentary groups other than PiS did not put forward candidates. This contributed to the continued institutional dysfunctionality of the Tribunal and further undermined public confidence in its legitimacy and ability to effectively fulfil its constitutional role.

In 2025, developments also concerned the appointment and dismissal of court presidents and vice-presidents. In particular, Minister of Justice dismissed a significant number of court presidents and vice-presidents, including cases where court councils issued negative opinions regarding the dismissal motions. This area remained publicly debated, including with regard to the scope of the Minister's powers and the criteria applied in exercising them. Nevertheless, according to official justification these decisions concerned persons who had participated in promotion procedures conducted before the improperly constituted KRS and/or had supported the KRS by signing candidate lists for membership in that body. The Minister stated that the continued performance of managerial functions in courts by such persons could not be reconciled with the "interests of the administration of justice" and that maintaining them in key positions would undermine the independence of courts and public trust in the rule of law. The Ministry of Justice argued that the negative opinions issued by court councils, relied upon by the dismissed court presidents and vice-presidents, originated from bodies shaped under legal provisions limiting judicial self-government, with their membership largely appointed under the former Minister of Justice Zbigniew Ziobro. Following the 2020 amendments, court councils ceased to be elected by assemblies of judges and were replaced by meetings of court presidents, while the Minister had already obtained powers to appoint court presidents. As a result, the Ministry considered that court councils no longer functioned as independent judicial advisory bodies, which undermines constitutional principles of separation of powers and judicial independence.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

In 2025, the principle of irremovability of judges continued to be affected by the unresolved systemic issues linked to the irregularities in the judicial appointment procedures carried out with the involvement of the KRS as established under the 2017 amendments. The continuing constitutional and European-law controversy concerning the status of judges appointed in the contested procedures has remained one of the major sources of legal uncertainty and institutional instability within the Polish judiciary. In practice, this has led to persistent doubts as to the composition of courts in specific cases, difficulties in ensuring the uniform application of safeguards related to judicial independence, and a continuing risk of conflicting assessments as to whether particular benches satisfy the requirement of a "court established by law".

Throughout 2025, the Government continued to communicate its intention to address this systemic issue through legislative reforms aimed at restoring compliance with constitutional and European standards. In particular, at the end of 2025 a rule of law legislative package was submitted to Parliament, including draft legislation intended to regulate the effects of KRS resolutions adopted in 2018–2025 concerning judicial appointments. The proposed approach aims to introduce transitional mechanisms affecting the legal status of persons appointed through the contested procedures and to provide structural solutions intended to restore the lawfulness of judicial appointment processes. However, as of the end of 2025, these reforms remained at the legislative stage and had not yet resulted in a final, operational resolution of the underlying systemic dispute.

As a result, in 2025 the continued functioning of the judiciary in conditions of unresolved appointment-related uncertainty continued to affect the practical understanding of judicial irremovability. In particular, the prospect of future structural reforms dealing with the consequences of contested appointments created concerns regarding possible changes in the professional status of certain judges, including those holding positions in higher-instance courts or managerial roles. This situation has contributed to further polarisation within the

judiciary and continued to raise questions as to how to reconcile corrective measures with the constitutional guarantees of stability of judicial office and legal certainty for litigants.

In addition, the issue of irremovability continued to intersect with broader institutional disputes regarding court governance. In practice, changes at the level of court leadership (including the appointment and dismissal of court presidents and vice-presidents) continued to raise concerns and public debate, particularly where such changes were viewed through the lens of restoring legality and addressing the effects of previous contested appointment procedures. From the perspective of the National Bar of Attorneys-at-Law, changes concerning court leadership should always respect the guarantees of judicial independence and avoid any appearance of politically motivated pressure. At the same time, the Bar has consistently underlined that restoring a lawful model of judicial appointments remains necessary to secure the long-term stability of the judiciary and ensure that the right to a fair trial is protected in practice.

Overall, in 2025 the situation regarding judicial irremovability remained closely tied to the unresolved structural deficiencies in judicial appointment processes and continued to generate institutional uncertainty and risks for the stability of judicial decisions. The National Bar of Attorneys-at-Law considers that durable implementation of European and constitutional standards, including full restoration of the lawfulness and independence of the KRS, remains a condition sine qua non for addressing this problem in a manner consistent with the rule of law.

### Significant developments related to promotion of judges and prosecutors

In 2025, the systemic problem concerning the defective functioning and lack of independence of the National Council for the Judiciary (KRS) continued to affect judicial promotion procedures. As in previous years, judges promoted to higher-instance courts, including the Supreme Court, continued to be promoted through procedures whose compliance with European and constitutional standards has been widely contested. This remains a fundamental challenge for legal certainty and the rule of law, as it generates doubts as to whether courts deciding individual cases fulfil the requirement of being an independent and impartial tribunal established by law.

The continued operation of contested promotion procedures constitutes a serious systemic risk. It perpetuates doubts concerning the legality and legitimacy of rulings issued by persons promoted through defective procedures, including in particular rulings delivered within the Supreme Court, where the participation of such judges has been repeatedly identified as undermining compliance with European standards. The continuation of defective promotions contributes to further institutional polarisation and deepens uncertainty regarding the stability of judgments and the right to a fair trial.

At the same time, the scale of new appointments and promotions in 2025 appears to have been reduced. This was partly due to the fact that the Minister of Justice did not announce new judicial competitions, with the stated aim of preventing further nominations being processed under the contested KRS model. Nevertheless, judicial appointment and promotion procedures continued to operate in 2025 to a certain extent. In particular, the KRS continued to process and finalise procedures initiated earlier, and judicial posts continued to be filled on the basis of competitions launched in previous periods.

Overall, in 2025 judicial promotions continued to be affected by the structural deficiencies in the appointment framework. Temporary measures limiting the initiation of new competitions reduced the scale of further defective promotions but did not fully eliminate the continuation of contested appointments.

## Significant developments related to allocation of cases in courts

The important procedural safeguard introduced in 2024 by the Regulation of the Minister of Justice of 6 February 2024 remained in force. Under this amendment to the Rules for the Operation of Common Courts, motions to exclude a judge based on the circumstances of the judge's appointment are not allocated to judges whose own appointment resulted from a motion presented to the President by the KRS formed under Article 9a of the Act on the KRS. This rule continued to be presented as a necessary, albeit partial, mechanism to mitigate the risks related to adjudication by judges whose status is contested, and to avoid violations of the *nemo iudex in causa sua* principle.

At the same time, in 2025 additional amendments to the Rules for the Operation of Common Courts were introduced. In particular, the Minister of Justice adopted a further Regulation of 29 September 2025 amending the Rules for the Operation of Common Courts (Dz.U. 2025, item 1325). The amendments concerned, *inter alia*, rules relevant to court panels and operational arrangements influencing the functioning of random allocation mechanisms in multi-judge formations. The regulation triggered institutional controversy: in October 2025 the KRS adopted a resolution to submit an application to the Constitutional Tribunal seeking review of the constitutionality of provisions of the 29 September 2025 regulation, and the Constitutional Tribunal announced that it would examine joined applications submitted by the KRS and the President of the Republic concerning the alleged departure from the statutory random case allocation system.

Overall, while the 2024 safeguard concerning motions to exclude a judge remained a positive corrective tool, the developments in 2025 confirmed that the regulatory framework for case allocation continues to be politically and institutionally contested. From the perspective of the National Bar of Attorneys-at-Law, stable and transparent allocation rules remain essential for safeguarding the right to a fair trial and maintaining public trust in the judiciary, particularly in the context of unresolved structural disputes regarding judicial appointments.

## Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

In 2025, the National Council for the Judiciary (KRS) continued to operate in its current composition, established following the 2017 legislative changes under which the 15 judge-members are elected by Parliament rather than by judges. As in previous years, this institutional model continued to raise serious concerns regarding the KRS's independence and its ability to fulfil its constitutional role of safeguarding judicial independence and ensuring the impartial character of judicial nomination and promotion procedures.

During 2025, the Government continued to pursue legislative measures aimed at "restoring" the KRS to a model compatible with constitutional and European standards. In late 2025, a key legislative step was taken when the Government submitted to Parliament a draft bill amending the Act on the KRS and the Electoral Code (Sejm print no. 2108). The draft proposes that the 15 judge-members of the KRS would be elected by judges in direct and secret elections (rather than by Parliament), with the stated objective of ensuring representation across different court levels and reducing political influence over judicial appointments and promotions. This legislative initiative formed part of a broader "rule of law package" submitted at the end of 2025.

At the same time, the KRS remained actively engaged in institutional disputes surrounding rule of law reforms. In particular, in October 2025 the KRS adopted a resolution to challenge before the Constitutional Tribunal provisions of the Minister of Justice's regulation amending the Rules for the Operation of Common Courts (Regulation of 29 September 2025; Dz.U. 2025, item 1325). The Constitutional Tribunal subsequently issued a ruling finding certain provisions of that regulation incompatible with statutory provisions and constitutional principles. These developments illustrate that the KRS continued to play a central role in contesting ministerial regulatory measures affecting court operations, including case allocation-related rules, in a highly polarised institutional environment.

Overall, in 2025 the KRS remained a focal point of the broader rule of law crisis: while legislative reform aimed at changing its composition entered the parliamentary process at the end of the year, the KRS continued to operate in the contested model and to participate in actions that, in practice, contributed to institutional conflict around judicial governance and the implementation of corrective reforms.

### Significant developments related to accountability of judges and prosecutors

In 2025, the disciplinary liability framework for judges and prosecutors in Poland continued to be shaped by the institutional legacy of reforms adopted in the period 2017–2023. Concerns persisted regarding the independence and impartiality of disciplinary proceedings, including the continued impact of disciplinary structures and practices established under the previous authorities. The National Bar of Attorneys-at-Law continued to view this area as sensitive from the perspective of safeguarding judicial independence, in particular where disciplinary mechanisms could be perceived as a tool of pressure against judges.

In 2025, the Minister of Justice continued to pursue corrective actions aimed at limiting the risks associated with contested disciplinary practices. Notably, official information published by the Ministry confirms that Minister Adam Bodnar appointed disciplinary spokespeople (*"Rzecznicy Dyscyplinarni"*) ad hoc, based on the applicable provisions of the Law on the System of Common Courts. The ad hoc disciplinary spokespeople were mandated to analyse specific cases and circumstances potentially involving disciplinary offences, including situations of significant public interest. This approach was presented as a mechanism allowing review and handling of matters in a way consistent with the need to restore trust and legality in disciplinary proceedings.

At the same time, due to the limitations of the existing legal framework, including the lack of clear statutory mechanisms for removing disciplinary officers appointed under the previous model, the system continued to operate in a legally complex environment. As in previous years, the Ministry signalled that full systemic correction may be difficult without legislative amendments, particularly in light of political constraints surrounding the adoption of broader reforms.

Importantly, in late 2025 the Government adopted and advanced a broader "rule of law package", which also included changes concerning the Supreme Court. This package announced reforms affecting the structure of the Supreme Court and, crucially from a disciplinary perspective, proposed modifications to the procedure for selecting judges adjudicating in the Chamber of Professional Liability with the objective of eliminating executive influence over its composition. These proposals were presented as necessary to restore compatibility with the requirements of judicial independence and the principle of separation of powers.

Nevertheless, in 2025 concerns continued to exist regarding the overall coherence and legal certainty of disciplinary liability mechanisms, including the lengthiness of certain disciplinary proceedings and the ongoing

controversy around disciplinary structures operating at Supreme Court level. From the perspective of the National Bar of Attorneys-at-Law, further structural reforms remain necessary to ensure that disciplinary proceedings are fully compliant with constitutional and European standards, and that disciplinary accountability mechanisms cannot be used in a way that undermines judicial independence or the right to a fair trial.

### Significant developments related to remuneration for judges and prosecutors

In 2025, the remuneration of judges and prosecutors continued to be regulated in accordance with the statutory mechanisms set out in the Law on the System of Common Courts and the Law on the Prosecution Service. In particular, remuneration levels remained linked to objective economic indicators, including the average salary in the second quarter of the preceding year as published in the Official Journal of the Republic of Poland ("*Monitor Polski*") by the President of the Central Statistical Office (GUS), together with coefficients established by law.

From the perspective of transparency and access to information, this system is generally predictable and publicly accessible, as the relevant indicators (GUS announcements) and the legal framework are published and allow the calculation of base remuneration levels. In 2025, no major structural change of the remuneration model (such as a return to ad hoc determination of salaries exclusively through the annual budget law) was identified.

At the same time, remuneration-related issues remained a subject of public debate in 2025, in particular with regard to the adequacy of remuneration levels in the context of inflationary pressures and the overall need to ensure judicial independence through stable and sufficient remuneration. In the view of the National Bar of Attorneys-at-Law, ensuring a transparent and objective remuneration system remains important for safeguarding the independence of the judiciary and the prosecution service, as well as for supporting the stability and resilience of justice institutions.

### Significant developments related to independence of the prosecution service

In 2025, the institutional issue of ensuring the independence and autonomy of the prosecution service in Poland continued to be strongly linked to the broader reform agenda aimed at separating the office of the Minister of Justice from that of the Prosecutor General and strengthening functional independence of the prosecution system from the Government.

The Government's previously announced draft reform aimed at separating these functions and introducing safeguards enhancing political neutrality of the prosecution service did not progress to the parliamentary legislative stage in 2025 and appeared to remain at the level of consultation and internal coordination. As a result, the structural model introduced in 2016, under which the Minister of Justice simultaneously performs the role of Prosecutor General, remained in force throughout 2025.

At the same time, work on a broader and more comprehensive reform of the prosecution service continued in expert formats. In particular, the Codification Commission on the Court System and Prosecution Offices continued its activity, including work on draft amendments intended to reform the structure of the prosecution system and strengthen prosecutors' independence. Based on publicly available information, the reform work continued to focus on issues such as organisational structure (including possible liquidation of the regional

prosecution offices), a more uniform prosecutorial status, improved career and promotion models, and reducing financial disproportions within the prosecution service.

## Cases/examples undermining confidentiality of lawyer-client communications

In 2025, confidentiality of lawyer-client communications in Poland continued to face both structural and incident-based challenges.

A first structural risk remained linked to judicial appointment procedures involving practising lawyers. In practice, candidates applying for judicial office may be required to submit, as part of recruitment documentation, samples of case files and legal opinions prepared in professional practice. Such materials may contain information protected by statutory professional secrecy and sensitive client data, creating an objective risk of confidentiality breaches through disclosure to persons involved in recruitment procedures. This issue had previously been raised by the Polish Ombudsman as disproportionate and lacking adequate safeguards. In 2025, no definitive legislative solution (e.g. a binding anonymisation regime) was identified as having entered into force.

A second serious incident-based confidentiality concern in 2025 related to the publication of recordings originating from operational surveillance, including recordings of conversations involving lawyer Roman Giertych. The National Public Prosecutor's Office reported that two notifications were submitted regarding suspected unlawful disclosure of materials originating from operational control (filed by Roman Giertych and the Central Anti-Corruption Bureau). The notification submitted by Roman Giertych referred to unlawful acquisition of information in 2019 using "Pegasus", followed by disclosure of recordings (containing lawyer-client communications) to unauthorised persons and publication by media representatives.

This incident occurred against the background of ongoing prosecutorial proceedings concerning alleged unlawful use of "Pegasus" in Poland, which since 2024 included the establishment of dedicated investigative teams and investigative measures. In 2025, official communications reported further procedural steps, including criminal charges against former CBA officials and additional measures linked to the investigation.

From the perspective of lawyers bound by statutory professional secrecy, these developments confirm the need for stronger safeguards to prevent surveillance tools and disclosure of intercepted materials from undermining lawyer confidentiality and, where applicable, defence secrecy.

## Cases/examples of physical, online or legal threats or harassment of lawyers

In 2025, the National Bar of Attorneys-at-Law analysed the results of the survey, which was held by the Council of Bars and Law Societies of Europe (CCBE), whose purpose was to examine threats and aggression against lawyers. 51,6% of respondents reported having experienced threatening behaviour or aggression in the course of their professional activities during the previous 2–3 years. The survey indicates that the most common forms of such behaviour include verbal aggression, intimidation and harassment, while more severe incidents — including physical violence — occur less frequently but remain a serious risk. The most frequently reported types of aggression experienced (by lawyers or their family/friends) were: verbal aggression (79.50%), harassment (52.31%), threatening behaviour (32.16%), and physical aggression (7.16%). The survey also indicates that a majority of respondents perceived an upward trend. 59.23% respondents assessed that threatening behaviour/harassment/aggression targeting the profession has increased or strongly increased

over the past five years (12.36% strongly increased; 46.87% increased), while 0.40% reported a decrease; 10.31% considered it unchanged and 30% did not know.

Given these findings, the National Bar of Attorneys-at-Law considers it necessary to continue and strengthen preventive measures in 2025, including awareness-raising among lawyers, encouraging reporting of incidents, and developing practical guidance and support mechanisms for lawyers facing intimidation, harassment or aggression, including online harassment. Ensuring effective protection of lawyers against such pressures is essential for safeguarding professional independence and access to justice.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

In 2025, no single new legislative measure was identified that would directly and explicitly abolish or formally restrict the autonomy of the Bar or self-regulation of lawyers in Poland. Nevertheless, the main institutional problem that also influences the stability of the profession of an attorney-at-law involves the circumstances related to the establishment of most of Polish judicial authorities contrary to the European and constitutional standards of the judicial independence. The National Bar of Attorneys-at-law, as a self-governing body of a profession of public trust, has taken, takes and will take actions to recovery the constitutional order and the rule of law in Poland, in particular in the context of ensuring a relevant level of the protection of human and citizens' rights and freedoms. The authorities and agenda of the National Bar have also taken permanent comprehensive actions in favour of the independence of the profession, the inviolability of the confidentiality rules, as well as the respect for the autonomy of the National Bar in developing the principles for the profession and professional ethics of an attorney-at-law. For that purpose, it is mainly necessary to eliminate specific discrepancies in regulations concerning the profession of an attorney-at-law and, ultimately, ensure that representatives of the National Bar are more involved in the development of a new law on attorneys-at-law. In the opinion of the National Bar of Attorneys-at-Law, it is necessary to increase, in general, the involvement of representatives of the National Bar and establish new forms of participation at all stages of the development of normative acts in Poland, in particular the acts concerning the administration of justice and the protection of citizens' rights. As regards specific issues, the National Bar of Attorneys-at-Law calls for expanding the scope of compulsory obligations of attorneys-at-law and lawyers in order to professionalise the protection of subjective rights, as well as for taking and supporting legislative initiatives concerning the comprehensive regulation of legal ex officio aid and royalty-free legal aid, including in particular the rationalisation of principles applicable to such aid, and making the remuneration and the reimbursement of expenses more realistic.

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

In 2025, cooperation between the legal profession and the executive branch in Poland, in particular the Ministry of Justice, continued to improve in comparison to previous years. An important positive development was the continued practice of submitting justice-related reform proposals to broad public consultations, including with professional self-governments representing the legal professions.

In particular, key legislative initiatives presented by the Government in 2025, including draft reforms aimed at restoring compliance with constitutional and European rule of law standards, were accompanied by

consultation processes that enabled meaningful input from stakeholders. The National Bar of Attorneys-at-Law (KIRP) actively participated in these consultations and contributed expert comments on draft legislation, including on issues related to safeguarding the independence of the justice system, protecting professional secrecy and strengthening legal guarantees for access to justice.

Furthermore, members of the professional self-government were also involved more directly in legislative and reform work in 2025. In particular, representatives and experts linked to the legal profession participated in the work of Codification Commissions and other expert bodies tasked with preparing systemic reforms of the justice system. This involvement contributed to ensuring that practical professional experience and the perspective of independent lawyers were reflected in reform proposals at an early drafting stage.

From the perspective of the National Bar of Attorneys-at-Law, the consultative and expert-based approach applied in 2025 constituted a further improvement in institutional cooperation. It contributed to enhancing transparency of law-making processes and ensured that the expertise of independent lawyers could be taken into account in the preparation of reforms affecting the justice system and the legal profession.

## Problems and difficulties implementing the case law of national, European, and international courts

In 2025, Poland continued to face serious structural difficulties in fully implementing the case law of national courts as well as European and international courts, in particular judgments of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). The core challenge remained the persistence of institutional defects affecting key judicial bodies, including the National Council for the Judiciary (KRS), parts of the Supreme Court and the Constitutional Tribunal, which continued to generate legal uncertainty and impede coherent implementation of binding rulings.

The lack of full implementation of European case law remained closely linked to unresolved systemic issues concerning judicial appointments carried out with the involvement of the KRS in its current composition. As a result, doubts persisted regarding the status of a significant number of judges appointed or promoted through contested procedures, creating ongoing risks for legal certainty and for the uniform application of the right to an independent tribunal established by law.

In response to these systemic challenges, in 2025 the Ministry of Justice presented a broader “rule of law package”, containing a number of draft legislative measures aimed at addressing structural shortcomings identified in the case law of European courts. The package included proposals intended, inter alia, to reform the KRS model, regulate the effects of contested KRS appointment resolutions, and introduce changes at Supreme Court level. From the perspective of the National Bar of Attorneys-at-Law, these initiatives constituted an important step towards implementing CJEU and ECtHR judgments at the legislative level.

However, despite these proposals being advanced through governmental and parliamentary procedures, the reforms were not ultimately adopted in 2025. Consequently, the practical implementation of key European judgments remained incomplete, and the systemic shortcomings identified in CJEU and ECtHR case law continued to affect the Polish justice system.

Overall, in the view of the National Bar of Attorneys-at-Law, the implementation gap persisted in 2025. While legislative efforts aimed at restoring compliance with European rule of law standards advanced, structural

obstacles continued to prevent full and effective implementation of binding European case law, thereby prolonging legal uncertainty and negatively affecting the right to a fair trial.

### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

In 2025, public perception of the independence of the judiciary in Poland continued to be strongly shaped by the ongoing institutional dispute concerning the rule of law crisis and the status of judicial bodies and appointments carried out in the period 2018–2025. As in 2024, two opposing narratives remained visible in the public sphere. One narrative continued to support the view that the constitutional and institutional crisis resulted primarily from reforms introduced by the authorities governing in 2015–2023, and that corrective actions undertaken by the Government since 2023 represent necessary steps aimed at restoring compliance with constitutional and European standards. The other narrative continued to argue that the actions of the current authorities constitute an unlawful interference in the judiciary and that the crisis is a consequence of decisions taken after the change of government in December 2023. This latter position was primarily promoted by the parliamentary opposition, i.e. the party that ruled in the years 2015-2023.

In 2025, these clashing narratives remained prominent in public debate, including in relation to proposals aimed at reforming the National Council for the Judiciary, regulating the consequences of contested judicial appointments, and introducing systemic changes within the Supreme Court. The debate continued to influence public confidence in the stability of the judiciary, including concerns relating to the legitimacy of certain judicial appointments and the legal certainty of court rulings.

At the same time, developments related to professional secrecy and the publication of intercepted communications involving a lawyer contributed to public discussion on the role of lawyers and the necessity of ensuring independence and confidentiality in the exercise of the legal profession. Such incidents risk reinforcing polarisation and may negatively affect public trust in the justice system, particularly where lawyers are portrayed in public debate in a politicised manner rather than as independent actors essential for access to justice and the protection of rights.

In 2025, the National Bar of Attorneys-at-Law continued to support initiatives aimed at restoring constitutional order and strengthening the independence of legal institutions. As part of these efforts, representatives of the Bar took part in public consultations and legislative processes concerning rule of law reforms, including through participation in hearings and expert discussions. The Bar also continued information and awareness-raising activities, including publishing legal opinions, statements and analyses, aimed at explaining the legal and constitutional implications of proposed reforms and at promoting public understanding of the role of independent courts and independent lawyers in a democratic state governed by the rule of law.

### Significant developments related to accessibility of courts

In 2025, accessibility of courts in Poland continued to be influenced by systemic challenges (including efficiency and capacity constraints), while the most visible developments concerned digitalisation of proceedings and access to legal representation.

A significant positive development in the area of access to justice was the adoption in 2025 of regulations increasing remuneration for lawyers providing legal aid, including legal representation ex officio. The Ministry

of Justice announced the adoption of new rules providing higher rates for both state-funded legal aid and selected minimum fees, with substantial increases in a number of categories of criminal, misdemeanour and enforcement-related cases. Although these changes were designed to apply from 1 January 2026, their adoption and announcement in 2025 constituted an important step towards improving the sustainability and availability of legal aid services in practice.

In addition, in 2025 the legislator introduced changes in the area of court fees in civil proceedings. In particular, amendments to the Act on Court Fees in Civil Cases entered into force on 23 September 2025, lowering the maximum proportional court fee in property-related cases (from PLN 200,000 to PLN 100,000). This change may contribute to improving access to courts in higher-value disputes, where the cost of litigation may otherwise constitute a significant barrier for individuals and businesses.

In 2025, the National Bar of Attorneys-at-Law continued initiatives supporting access to professional legal services and legal awareness. In particular, KIRP launched a new edition of its nationwide public campaigns which promote reliance on qualified legal assistance and strengthens public understanding of the role of lawyers in ensuring effective protection of rights.

### Significant developments related to resources of the judiciary

The budget for the Judiciary planned in 2025 for 2026 provides for PLN 28,5 billion, including almost 19 billion for common courts, excluding administrative courts. Key planned expenses include digitalisation and an increase in the number of FTEs for judge assistants.

Given the aforementioned institutional problems affecting the judiciary, the 2026 budget law does not provide remuneration funds for persons whose status as judges in the Constitutional Tribunal, the Supreme Court, and the National Council of the Judiciary is considered incompatible with the Polish Constitution. In addition, the 2026 budget law includes allocations for pay rises for administrative personnel of courts and prosecution offices.

### Significant developments related to training of justice professionals

In 2025, the training framework for justice professionals in Poland remained based on the existing institutional structure. Training of candidates for judges (judicial traineeship) and candidates for prosecutors (prosecutorial traineeship) continued to be carried out by the National School of Judiciary and Public Prosecution, established under the Act of 23 January 2009. The School also continued to provide service training and specialised courses for judges, trainee judges, prosecutors and trainee prosecutors, as well as for other justice professionals, including court clerks, judge assistants, prosecutor assistants, probation officers and administrative staff, aimed at improving professional qualifications and practical skills.

In 2025, the Minister of Justice announced plans to further strengthen institutional capacity in this area through an expansion of the National School of Judiciary and Public Prosecution, including the development of additional facilities outside its main location in Kraków. This initiative was presented as a step aimed at improving access to training, increasing training capacity and strengthening professional preparation across different regions of the country.

At the level of the legal profession, continuous professional training for attorneys-at-law continued in 2025 as part of the established system of professional improvement. Attorneys-at-law participated in training programmes organised by the national and regional bodies of the National Bar of Attorneys-at-Law, including e-learning formats. The 6<sup>th</sup> training cycle, which commenced on 1 January 2024, continued throughout 2025 and is scheduled to run until 31 December 2026.

From the perspective of the National Bar of Attorneys-at-Law, continuous training remains essential not only for maintaining professional standards but also for ensuring effective access to justice and adaptation to ongoing reforms, including digitalisation of justice services. In 2025, the Bar continued its efforts to support professional development through diversified training formats and thematic coverage reflecting current challenges faced by the legal profession.

## Significant developments related to digitalisation

In 2025, the digitalisation of justice in Poland continued to expand and remained one of the most significant areas of practical change affecting both court users and professional representatives. Digital tools already in use in previous years remained operational, including the Court Registers Portal, Electronic Proceedings by Writ of Payment, Electronic Mortgage and Land Registers, and the Court Information Portal, which continued to serve as a primary tool for access to information on pending cases, documents and selected procedural activities.

A major development in 2025 concerned the implementation of electronic communication tools, in particular the further rollout of the public registered electronic delivery system ("*e-Doręczenia*"), which became mandatory for many public institutions from 1 January 2025, including in communication with lawyers in their professional capacity in relations with public administration. The implementation of *e-Doręczenia* was intended as a systemic step towards modernising legal communication, improving efficiency and reducing reliance on traditional mail.

However, in 2025 the legal profession identified significant practical challenges related to the rollout of *e-Doręczenia*, including transitional issues, inconsistent readiness across institutions, and operational difficulties affecting reliability of delivery and user experience. From the perspective of the National Bar of Attorneys-at-Law, such problems may generate procedural risk, as timely receipt of correspondence is essential for protecting procedural rights and ensuring effective access to remedies. Ensuring stability, security and predictability of digital delivery remain therefore crucial.

In addition, 2025 saw further work on expanding the functionality of court digital systems. Legislative measures adopted in 2025 enabled a framework for electronic filing of selected procedural pleadings via the Court Information Portal by professional representatives, which is expected to take broader effect from 2026. This development has the potential to improve communication with courts, reduce administrative burdens and support efficiency.

At the same time, digitalisation of justice continued to require careful attention to safeguards linked to confidentiality and professional secrecy, as well as user-friendly implementation. In the view of the National Bar of Attorneys-at-Law, meaningful consultation and continued involvement of the Bar in the design and implementation of digital justice tools remains important to ensure that reforms respond to practical needs

and do not create new barriers to legal representation or risks for the protection of confidential lawyer communications.

Overall, 2025 confirmed the strategic importance of digitalisation in Poland's justice sector, while also demonstrating that successful implementation depends on system reliability, consultation with the legal professions and effective institutional support for end users.

### Significant developments related to use of assessment tools and standards

In 2025, Poland continued to use statistical reporting tools and court data frameworks as core instruments for monitoring and assessing the functioning of the justice system. Publicly available court statistics continued to be published through the Ministry of Justice's statistical platform (ISWS), enabling analysis of selected indicators relating to court activity and workload.

A significant development in 2025 in this area was the adoption of new statistical reporting standards for courts. On 29 December 2025, the Ministry of Justice announced the introduction (by Regulation) of a new model of statistical reporting ("*informacja statystyczna*") for courts, including a new template for the annual report on court activity at the level of appellate jurisdictions, applicable from 1 January 2026. This reform represents an effort to refine the structure and methodology of court reporting, which may influence the transparency and comparability of judicial performance data in the coming reporting cycles.

At EU level, benchmarking and monitoring instruments such as the EU Justice Scoreboard continued to provide comparative indicators on the efficiency, quality and perceived independence of justice systems, including Poland, and remained relevant in framing policy discussions on judicial performance.

### Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

In Poland, there are 11 courts of appeal, 47 regional courts, 319 district courts (the numbers did not change compared to 2024). There are no separate courts to review fraud and corruption cases.

### Significant developments related to efficiency of justice system

In 2025, efficiency of the justice system in Poland remained a key challenge, with the length of proceedings continuing to be a central concern for court users and legal professionals. Recent official datasets published in 2025 confirmed that the average duration of proceedings in selected categories of cases at first instance courts remained significant. The Ministry of Justice's statistical data continue to serve as a basis for monitoring changes in timeliness and caseload management.

In response to these structural challenges, the Ministry of Justice continued implementation of its programme aimed at improving court efficiency, developed as a package of organisational and legislative measures planned for 2025–2026. The programme ("*10 pillars*" of improving court functioning) includes, inter alia: accelerating court digitalisation (including broader scanning of files and access to digital documents), strengthening administrative support (including the objective of reaching the ratio of one assistant per two judges), enabling inspectors to participate in adjudication, improving the system of complaints regarding excessive length of

proceedings, professionalising mediation and strengthening ADR tools, creating central solutions regarding court experts, and addressing mass-case backlogs (in particular CHF mortgage litigation).

Overall, 2025 was marked by continued recognition of excessive length of proceedings as a systemic issue, while the Government advanced operational programmes and digitalisation efforts aimed at improving efficiency. From the perspective of the National Bar of Attorneys-at-Law, improving efficiency requires not only organisational reforms but also predictability of procedural timelines and stability in judicial staffing, as these factors directly affect the right to a court and effective protection of citizens' rights.

### Other issues and significant developments impacting access to justice

In the opinion of the National Bar, the aforementioned institutional defectiveness of the Polish judiciary was in 2025 the main issue that would result in the further violation of constitutional and international rules concerning full and fair protection of subjective rights in Poland. At the same time, it is necessary to call for relevant and urgent changes in this area.

## PORTUGAL

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

There are no significant developments. European Commission recommendations to the State still under progress, no relevant legal developments so far.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

There are no significant developments, yet a tender for new Judges/Prosecutors has been opened.

### Cases/examples undermining confidentiality of lawyer-client communications

There are no significant developments. As of May 2025, a new Board has entered office to rule *Ordem dos Advogados*, new President João Massano and the new General Council have been approaching issues defending lawyers' prerogatives and independence, reconnecting with judiciary stakeholders and the Ministry of Justice.

### Cases/examples of physical, online or legal threats or harassment of lawyers (question 11)

There are no significant developments, so far.

An attack to a lawyer in Algarve:

[https://portal.oa.pt/comunicacao/comunicados/2025\\_2/nota-de-repudio-e-solidariedade/](https://portal.oa.pt/comunicacao/comunicados/2025_2/nota-de-repudio-e-solidariedade/)

Some cases of stressful searches in law offices:

[https://portal.oa.pt/comunicacao/comunicados/2025\\_2/comunicado-buscas-e-apreensoes-em-escritorios-de-advogados/](https://portal.oa.pt/comunicacao/comunicados/2025_2/comunicado-buscas-e-apreensoes-em-escritorios-de-advogados/)

The new General Council has made available Psychological Support to all members, tackling the growing cases of burn out and mental issues amongst professionals.

<https://portal.oa.pt/comunicacao/noticias/2025/12/apoio-psicologico-gratuito-para-todos-os-advogados/>

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

There are no significant developments, so far. Some discussions on amendments to Criminal Procedural Code that might corrode the independent role of the defence before the bench, but no draft or specific texts were delivered.

[https://portal.oa.pt/comunicacao/comunicados/2025\\_2/comunicado-celeridade-nao-pode-atropelar-o-direito-de-defesa/](https://portal.oa.pt/comunicacao/comunicados/2025_2/comunicado-celeridade-nao-pode-atropelar-o-direito-de-defesa/)

## Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

*Ordem dos Advogados* has established good cooperation with state departments, such as IRN (National Registry) where lawyers had some delayed access.

<https://portal.oa.pt/ordem/comissoes-e-institutos/cdpa-comissao-dos-direitos-e-prerrogativas-da-advocacia/canal-oa-irn/>

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

Facing fire devastation, OA created a legal support group to victims.

[https://portal.oa.pt/comunicacao/comunicados/2025\\_2/comunicado-protocolo-bolsa-de-advogados-voluntarios/](https://portal.oa.pt/comunicacao/comunicados/2025_2/comunicado-protocolo-bolsa-de-advogados-voluntarios/)

Against public statements of the Tax Workers Union on lawyers:

[https://portal.oa.pt/comunicacao/comunicados/2025\\_2/comunicado-oa-repudia-declaracoes-infundadas-contra-a-advocacia/](https://portal.oa.pt/comunicacao/comunicados/2025_2/comunicado-oa-repudia-declaracoes-infundadas-contra-a-advocacia/)

By the end of 2025, the General Council has delivered a plan for celebrating a century long existence. From January to December 2026, there will be conferences, events and training seminars throughout the country's seven regional councils, lawyers and the whole justice community and civil society.

<https://100anos.oa.pt/>

## Significant developments related to accessibility of courts

There are no significant developments except that, for the first time ever, lawyers practising in Legal Aid System have received their fees in January, in reference to the previous months (usually January and February had an accountancy delay from the State, related to budget contingencies).

## ROMANIA

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

In 2025, Romania has taken concrete actions to address the recommendations of the European Commission related to judicial independence, resources, efficiency and institutional dialogue. Progress has been made as follows:

1. Judicial independence and the functioning of justice laws - Romania continued the process of aligning the Justice Laws with European standards, considering the recommendations of the Venice Commission. According to the Commission, this represents significant progress in 2025. UNBR actively contributed through institutional dialogue, formal opinions and consultations, advocating stability, predictability and independence within the justice system. In late 2025, following the release of a press documentary, public debate on the justice system intensified following allegations of systemic abuse and concerns about undue influence inside the judiciary, prompting announced presidential consultations/inquiries, which are still ongoing.
2. Ensuring adequate human and financial resources for the justice system – notable measures of improving the legal aid system have been taken, including (i) updating legal aid fees, (ii) adopting a new procedure for judicial assistance (SAJ), (iii) development of a national digital platform for managing legal aid, (iv) continuous dialogue with the Ministry of Finance to address payment delays and uniform billing rules.
3. Improving the efficiency and integrity of criminal investigations within the judiciary – as the Commission noted as well, Romania has made steady and general improvement steps in combating corruption, notwithstanding setbacks from statute-of-limitations case law leading to closures/annulments in some corruption matters. As previously mentioned, in late 2025, allegations regarding internal abuse within the judicial system (namely related to interference in the continuity of the judges' panels in criminal cases, which ultimately lead to the application of the statute of limitation) have raised concerns regarding the accountability and effectiveness of the procedure in place, as well as the need for a potential revision (discussion ongoing at the level of the President of Romania with the relevant institutional bodies).
4. Protection of the independence of the legal profession and the right to defence – two very notable updates are to be reported – firstly, amendments to Law no. 129/2019 on AML were adopted to preserve professional secrecy and prevent the transformation of lawyers into reporting agents of the state. Secondly, Romania signed the European Convention for the Protection of the Profession of Lawyer in 2025, reinforcing guarantees of independence, confidentiality and freedom from external pressure.
5. Improving public consultations and institutional dialogue – UNBR has been consistently submitting formal opinions, engaging in structured dialogue with Parliament, the Government and judicial authorities, and advocating against the excessive use of emergency ordinances that could undermine legal certainty.

For instance, UNBR has sent consistent points of view to the Parliament and other authorities regarding protecting professional secrecy and the lawyer-client relationship in the face of excessive expansion attempts of AML obligations; defending the legal demarcation of legal activities in the face of attempts to “outsource” them to other professions; correcting CAEN classifications and tax procedures that could have left lawyers

without insured status; reforming expert mechanisms to shorten the duration of trials without sacrificing the rights of the parties; defending clear and complete reasoning in judgments against reductive simplification; firmly criminalising the unauthorised practice of law as a firm barrier against legal imposture.

Meanwhile, in what concerns the issues of rules of lobby for MPs and the accreditation of NHRI (Paris Principles), while some progress has been made, no decisive breakthrough has been made.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

In 2025, regarding the selection and promotion of judges, there are to be noted ongoing debates regarding the transparency of promotions (individual promotion applications assessed by the Superior Council of Magistracy (CSM) are not anonymised, and highlighted particular sensitivity around promotions to the High Court of Cassation and Justice (ICCJ), which rely on an evaluation of judgments and an interview before the CSM's judges' section.

Leadership changes have taken place at the High Court of Cassation and Justice (the term of the previous HCCJ President ended in 2025, and Lia Savonea assumed office as President of the HCCJ on 1 August 2025), as well as the Constitutional Court/CCR - in 2025, the CCR elected Elena-Simina Tănăsescu as its President, and a new CCR judge (Dacian-Cosmin Dragoş) was appointed by presidential decree. Public information indicates that a request was filed before the Bucharest Court of Appeal seeking to suspend presidential decrees appointing two CCR judges (M. Busuioc and D. C. Dragoş), with the court scheduling/deferring a ruling for January 2026.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

The following notable updates are to be considered:

1. Retirement regime of judges and prosecutors – in 2025, the government pursued reforms to raise the retirement age of judges and prosecutors and cap pensions, linked in public reporting to fiscal consolidation and EU funding conditionality. A first attempt was blocked by the Constitutional Court (October 2025), followed by renewed efforts later in the year and continued political contestation – the law was challenged a second time at CCR, a decision is expected in early 2026.
2. Pact for Justice project – throughout 2025, the justice system experienced magistrates' protests, suspension of hearings, and major delays in case resolution, which formed the background against which debates on case management and internal governance (including transfers/panel composition) intensified. In response, UNBR initiated and consistently advocated for a Pact for Justice by issuing formal public appeals, submitting institutional memoranda to state authorities, and proposing the creation of a permanent Consultative Council of Legal Professions, as a concrete mechanism to prevent institutional blockages, address underfunding of legal defence, and ensure coordinated responses to systemic risks affecting the functioning of justice.
3. Transfer and continuity of judicial panels – Press allegations that judges were repeatedly reassigned/panels were changed, with the alleged effect of delaying corruption cases until statute of limitation took effect

triggered a major public debate in December 2025. Consultations and investigations, where appropriate, have been initiated, no concrete measures so far.

4. The European Court of Human Rights delivered a judgment in *Danileț v. Romania* (2025) (<https://www.mediadefence.org/wp-content/uploads/2025/12/CASE-OF-DANILET-v-ROMANIA-1-1.pdf>), examining the disciplinary sanction imposed on a judge for public statements and the domestic courts' approach – relevant to safeguards and review in disciplinary procedures affecting a judge's status.

### Significant developments related to promotion of judges and prosecutors

In 2025, promotion procedures to the ICCJ continued based on the assessment of selected judicial decisions and an interview before CSM. These procedures remained the subject of professional and public debate, particularly regarding transparency, predictability and the weight of the interview component. Promotion decisions can be challenged in front of the ICCJ (there have been a small number of cases, based on public information, in 2025).

UNBR has raised, including in the framework for the Pact of Justice project, the idea that transparent, merit-based and predictable judicial careers, including promotions, are essential for judicial independence and for the proper functioning of justice.

### Significant developments related to allocation of cases in courts

No major legislative changes to the statutory framework governing random allocation of cases were adopted in 2025. Case allocation continued to be regulated primarily through internal court rules and IT-based random distribution systems, supervised by court management and the Ministry of Justice.

Please take into consideration the information previously provided regarding (i) case allocation mechanisms' influence in the context of the magistrates' protests (and the Pact for Justice project) and (ii) the alleged interference in the continuity of panels in criminal proceedings.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

In 2025, no legislative amendments were adopted affecting the constitutional role, composition or mandate structure of the Superior Council of Magistracy.

At the end of the year, the role and functioning of the Superior Council of Magistracy became the subject of intensified public and political debate following statements by the President of Romania announcing the intention to initiate a national debate and to consider a consultative referendum among magistrates on the reform of the CSM.

Additionally, at the end of 2025 the judges' section of CSM initiated a formal consultation of the judiciary, and preliminary results have been communicated both publicly and to key state institutions. Concretely, the Judges' Section of the CSM launched a questionnaire among judges on "current issues in the judicial system," seeking to assess perceptions and identify problems experienced by magistrates. An overwhelming majority (around

98%) of responding judges reported experiencing what they perceive as a public campaign against judiciary in the past year. Most respondents indicated that parliamentary passivity was the main cause of situations where statute of limitations issues have affected corruption cases. A large proportion of judges pointed to high workload and lack of proper organisation as key problems impacting the administration of justice.

### Significant developments related to accountability of judges and prosecutors

In 2025, the existing disciplinary framework for judges and prosecutors remained formally unchanged.

### Significant developments related to remuneration for judges and prosecutors

In 2025, no structural increase in base salaries for judges and prosecutors was adopted, no new bonuses or incentive schemes for judges or prosecutors were introduced.

As previously mentioned, in 2025, the government pursued reforms to raise the retirement age of judges and prosecutors and cap pensions, linked in public reporting to fiscal consolidation and EU funding conditionality. A first attempt was blocked by the Constitutional Court (October 2025), followed by renewed efforts later in the year and continued political contestation – the law was challenged a second time at CCR, a decision is expected in early 2026.

### Significant developments related to independence of the prosecution service

The legal framework governing the organisation and functioning of the prosecution service remained unchanged.

In the first half of 2026, the mandates of several prominent leadership figures will expire (Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, Chief Prosecutor of the National Anticorruption Directorate, Chief Prosecutor of the Directorate for Investigating Organised Crime and Terrorism) and the selection process has been initiated.

### Cases/examples undermining confidentiality of lawyer-client communications

There is no notable, high-profile judicial or criminal proceeding ongoing in 2025 to be reported.

Separately, we mention that in 2025, Law no. 111/2025 implemented changes to Competition Law, clarifying how competition inspectors may treat documents potentially covered by lawyer-client privilege during unannounced inspections ("dawn raids"). Under the updated regime, a company (and by extension its lawyers) must provide reasonable justification that a document is privileged based on external characteristics. Inspectors may seal and remove the document for further review, and the final decision rests with the President of the Romanian Competition Council. This is a procedural safeguard but continues to impose an obligation on the holder of privilege to justify confidentiality without disclosing content to inspectors on site.

### Cases/examples of physical, online or legal threats or harassment of lawyers

There is no notable, high-profile judicial or criminal proceeding ongoing in 2025 to be reported.

UNBR promoted a Pact for Justice project and a permanent consultative mechanism among legal professions to prevent institutional blockages and strengthen safeguards for justice actors, including lawyers. Through the 2025 conference on the digital frontier, UNBR advanced concrete preventive solutions discussed publicly, including: validation/authenticity mechanisms for lawyers online, cooperation with digital platforms to promote licensed lawyers, and awareness of cybersecurity risks (phishing/ransomware) and protective practices.

Separately, Romania's signature in 2025 of the European Convention for the Protection of the Profession of Lawyer is, by itself, a great pillar in the protection against intimidation, pressure and abuse directed at lawyers.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

We refer (again) to the Law no. 111/2025 which implemented changes to Competition Law, clarifying how competition inspectors may treat documents potentially covered by lawyer-client privilege during unannounced inspections ("dawn raids"). Under the updated regime, a company (and by extension its lawyers) must provide reasonable justification that a document is privileged based on external characteristics. Inspectors may seal and remove the document for further review, and the final decision rests with the President of the Romanian Competition Council. This is a procedural safeguard but continues to impose an obligation on the holder of privilege to justify confidentiality without disclosing content to inspectors on site.

In early 2025, the Government bill registered as B662/2024 (Senate L15/2025 / Chamber PL-x 70/2025) – seeking, in substance, to remove the "opposability" of lawyers' professional secrecy in the AML framework with the effect that lawyers could be pushed towards disclosing client-confidential information obtained in the exercise of the defence function. UNBR adopted a firm institutional position (31 January 2025) requesting Parliament to reject the proposal, stressing that it would undermine the right to defence, violate European standards and CJEU/ECtHR case-law, and risk turning lawyers into an "auxiliary arm" of the state. Law no. 86/2025, which amended and supplemented Law no. 129/2019 on the prevention and combating of money laundering and terrorism financing, with effect from 26 May 2025 was adopted and the amendments expressly preserved the opposability of professional secrecy for lawyers and reaffirmed that AML obligations must be applied in compliance with the confidentiality obligations established by the Lawyers' Law (Law no. 51/1995) and the professional statute.

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

UNBR has been in continuous dialogue with the institutions of the state regarding all issues of interest to the lawyer profession and judicial system in general. Below are a few of these:

1) Draft AML reform - UNBR issued a formal institutional letter to Parliament requesting rejection of the proposal and warning of incompatibility with the right to defence and European standards, the provisions were removed (<https://www.unbr.ro/pozitia-unbr-privind-propunerea-legislativa-de-modificare-a-legii-nr-129-2019-aml/>).

2) Severe underfunding of legal aid and delayed payments - UNBR addressed formal memoranda and public letters to the Government and Parliament, warning that underfinancing defence undermines the justice system, and proposed concrete administrative solutions (unitary procedures, digital platform - <https://www.unbr.ro/unbr-subfinantarea-apararii-afecteaza-intregul-echilibru-al-sistemului-judiciar/>).

Specifically, UNBR has promptly reacted against a proposed change of Law no. 51/1995 as concerns the fact that the amount of fees due to lawyers for legal aid „may” be updated according to the inflation rate if the funding allocated for legal aid by the approved national budget would allow that (contrary to the provisions of the Protocol signed by UNBR, the Ministry of Justice and the Public Ministry establishing the amount of lawyer services for legal aid, by which such indexation is compulsory and shall be done yearly).

3) Administrative practices and proposals allowing accountants to represent clients before the Trade Registry, bypassing lawyers and the Bar’s regulatory role (<https://www.unbr.ro/problema-asistentei-reprezentarii-clientilor-de-catre-expertii-contabili-in-relatia-cu-registrul-comertului-a-fost-clarificata/>).

4) Formal appeal and institutional proposal for a Pact for Justice, calling for a permanent consultative mechanism between legal professions and state authorities to prevent unilateral or politicised interventions (<https://www.unbr.ro/unbr-justitia-are-nevoie-de-dialog-respect-si-stabilitate/>).

## Problems and difficulties implementing the case law of national, European, and international courts

No particular or notable issues have arisen during 2025 – a general remark would refer to the uneven character of the process of implementing court case-law derived from administrative delays, procedural complexities and limited institutional capability – even this considered, 2025 has seen an amelioration by reference to 2024. As underlined by UNBR in the framework of the Pact for Justice project, steps are and should be continuously taken to ensure prompt and effective implementation of the courts’ case law to restore predictability and trust in the justice system.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

In 2025, public perception of the independence of the judiciary and lawyers in Romania was significantly influenced by political discourse and media narratives (please note above the details regarding the magistrates’ protests, remuneration and pension of judges, AML debates and the role of lawyers etc.). Without going again through the issues, we stress that they do not reflect a formal erosion of independence guarantees but rather they have raised reputational and confidence risks.

UNBR responded through institutional communication, European alignment including the European Convention for the Protection of the Profession of Lawyer and the Pact for Justice, aiming to stabilise public trust.

## Significant developments related to accessibility of courts

Regarding legal aid, severe underfunding of legal aid and delayed payments remain an issue - UNBR addressed formal memoranda and public letters to the Government and Parliament, warning that underfinancing defence

undermines the justice system, and proposed concrete administrative solutions (unitary procedures, digital platform – <https://www.unbr.ro/unbr-subfinantarea-apararii-afecteaza-intregul-echilibru-al-sistemului-judiciar/>). At the same time, a positive development was the adoption of a new Procedure for Judicial Assistance (SAJ) and the advancement of a national digital platform for managing legal aid, aimed at improving transparency, uniformity and timeliness of payments.

### Significant developments related to resources of the judiciary

While not “significant”, measures were taken to improve the previously red-flagged issues such as continuous recruitment and training for magistrates and court staff, prioritisation of digitalisation and electronic communication of documents and accessibility to IT resources, etc.

### Significant developments related to training of justice professionals

In 2025, UNBR ensured continuity and predictability of the process of initial professional training for lawyers through the activities of the National Institute for the Training and Improvement of Lawyers (INPPA), as initiated and conceived in 2019. By the initial training curricula, an important weight was given to the topics concerning European law (EU Law, European Law of Human Rights, European Labour Law, European Consumer Law). Same curricula include topics related to the digitalisation of justice and a new topic titled “*Ethics of the use of AI in legal practice*” was added. As concerns continuous training, UNBR through INPPA and the European Law Academy (ERA) have jointly organised one of the semi-finals of the Young European Lawyers Contest and has participated as partner in several EU funded projects for lawyers, such as LAWYEREX 2, TRIIAL 2, e-Filit, TRAVAR.

### Significant developments related to digitalisation

Problems and challenges, as well as positive developments in the area of digitalisation of justice area identified by your Bar in 2025 (for example, as regards missing consultations and involvement of the Bar by governmental authorities in relevant digital developments in the justice area, missing digital tools or access to such tools for lawyers, etc.).

In 2025, digitalisation was treated as a strategic priority for the justice system. Notably, more significant improvements have been seen in the expansion of electronic communication tools within the justice system (electronic filing, online communication with courts and authorities).

Nonetheless, UNBR has raised concerns regarding the illegal online provision of legal services, impersonation and misuse of lawyers’ professional identity on digital platforms, cybersecurity threats, including risks to client data and professional secrecy, etc.

A dedicated conference was held in 2025 titled “Defending the profession of lawyer at the digital frontier” ([Brosura-conferinta-Apararea-avocaturii-la-frontiera-digitala.pdf](#)).

## Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

The latest CSM report available envisaged the statistics for 1 January 2024 – 31 December 2024 (available here – <https://www.csm1909.ro/ViewFile.ashx?guid=f73ab5c2-3ced-4f25-8e2a-7b398a04728b-InfoCSM>). The 2025 CSM report has not published yet.

## SLOVAKIA

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

As regards the set of recommendations issued by the Commission, Slovak Bar Association issued several statements containing critical assessment of the fast-track legislative procedure in Slovakia in 2025. The Bar also agrees that criminal offence “bending (abusing) the law by judges in decision-making” has been problematic from the moment of its introduction and requires adoption of adequate guarantees. Currently, the Venice Commission is in the process of assessing the draft and undergoes consultations with third sector, including Slovak Bar.

### Significant developments related to allocation of cases in courts

The Slovak Bar Association has submitted comments related to the allocation of cases in courts in two legislative processes:

1. LP/2025/605 - Draft Act on International Judicial Cooperation in Criminal Matters - We proposed to retain the jurisdiction of regional courts in extradition proceedings and the execution of the European Arrest Warrant - In this area, there is a stable and consistent case law of regional courts, which significantly contributes to the predictability of decision-making. Regional courts have long-term professional specialisation and practical experience with the extradition agenda, which is necessary given the complexity of European and international mechanisms. Transferring this agenda to other courts would require extensive retraining and could temporarily lead to prolongation of proceedings, which is unacceptable in extradition proceedings given the need for speed and the principle of mutual trust.

LP/2025/370 – Draft Amendment of the Act on Courts - While understanding the legitimate aim of the proposed legislation to relieve the Constitutional Court of the Slovak Republic of excessive burden caused by the number of complaints about delays (making up approximately 30% of its agenda), we consider it essential to point out that the submitted proposal does not take into account the specificities and disproportionate burden of courts after the implementation of the court map, especially in Bratislava. The draft law does not sufficiently reflect the uneven burden of regional courts after the implementation of the court map, which is supported by the statistics of the number of cases per judge or panel. Insufficient consideration of the objective state of the judicial infrastructure, especially with regard to the Municipal Court Bratislava IV, III and the Regional Court in Bratislava, carries a risk that the newly proposed legal remedy will become counterproductive in practice - instead of eliminating delays, it may further exacerbate their occurrence, since the Regional Court in Bratislava, given the proposed deadlines, will prioritise deciding complaints about delays in proceedings.

### Cases/examples undermining confidentiality of lawyer-client communications

**ECtHR Case concerning search and seizure in Slovakia:** ECtHR issued a judgment on 3 April 2025 in the case of *Kulák v. Slovak Republic*. ECtHR found a violation of the right to respect for private and family life (Article 8 of the Convention) by the interference that occurred in August 2019 during the search of the applicant’s law firm and the seizure of a work computer with his clients’ files. ECtHR found that at the time of the search, there was

no effective protection under domestic law against arbitrary interference in connection with the search of the law firm. The Slovak Bar Association has long and repeatedly warned about the illegal practice of searching law firms, when during that period all computer equipment was seized, including files of clients who had nothing to do with the case under investigation. Amendment to the Criminal Procedure Code of 16 March 2023, introduced a rule according to which a criminal authority may not disclose or seize documents containing facts covered by confidentiality without the consent of a representative of the Bar or a judge for preliminary proceedings. More info: [https://www.sak.sk/web/sk/cms/news/form/link/display/2734362/\\_event](https://www.sak.sk/web/sk/cms/news/form/link/display/2734362/_event)

**The Slovak Bar was informed of several cases of confidentiality breach:** First case concerned the seizure of the phones of the lawyer's clients. The phones also contained communications between the lawyer and his six clients, two of whom handed over their smartphones to the Inspection Service Office after their detention. Apparently, these data were not deleted after extraction and after determination that they were confidential communications some of them appeared in the media. Secondly, suspicion of monitoring of meetings between lawyers and clients in custody. The published images (which are supposed to come from a room designated for meetings of persons in custody) show content of written materials, the lawyer's or trainee's ID card and other documents. Monitoring of meetings between lawyers and clients, even in a detention facility in a room expressly designated for meetings with a lawyer is an extremely serious interference with the rights of lawyers and defendants. Thirdly, a public campaign through billboards and advertisements in the press directed against a specific law firm in the district town. The campaign against the law firm is organised by a company suspected of fraud (it is one of the so-called debt collection companies, against which a criminal complaint is also filed by the SAK for unauthorised business).

More information available here:

[https://www.sak.sk/web/sk/cms/news/form/list/form/row/2730010/\\_event](https://www.sak.sk/web/sk/cms/news/form/list/form/row/2730010/_event)

**Round table on lawyer-client confidentiality in Slovakia:** The Slovak Bar organised on 7 November a roundtable with representatives of Constitutional Court, Supreme Court, Supreme Administrative Court, Judicial Council, Public Defender of Rights, President's Office, Ministry of Justice and Prosecutor's Office. The representatives discussed the limits of confidentiality and legislative proposals that may endanger this RoL principle and agreed on the following conclusion: *"The consistent protection of lawyer-client confidentiality is one of the essential prerequisites for the effective protection of fundamental rights and freedoms. At the same time, the protection of confidentiality cannot be considered a self-serving privilege for lawyers, since it primarily serves to protect the rights of persons to whom lawyer provides legal assistance as an implementation of one of the fundamental rights. This is an important part of the right to judicial protection and the right to privacy, which results from the domestic and international obligations of the Slovak Republic. This topic therefore deserves constant attention and the adoption of such measures at all necessary levels that minimise the risks of unlawful interference."*

Round table: [https://www.sak.sk/web/sk/cms/news/form/list/form/row/3115546/\\_event](https://www.sak.sk/web/sk/cms/news/form/list/form/row/3115546/_event).

## Cases/examples of physical, online or legal threats or harassment of lawyers

The Slovak Bar dealt with a situation of a lawyer from the Trenčín region, who was facing unacceptable threats, including threats of physical violence. From the information submitted, it is clear that these threats are directly related to the performance of his legal profession in a specific client case. The Slovak Bar Association strongly rejects attacks on lawyers for the performance of their profession. Threats of physical violence are unacceptable in any social relations. However, if they are directed at the performance of a profession aimed at protecting fundamental rights, it is not only an attack on a specific person, but also on the system of

independent protection of rights. Therefore, criminal law enforcement authorities should always pay maximum attention to such cases. We take this opportunity also to point out that there is no mechanism of protection of lawyers against threats, harassment or attacks that are in place in relation to other justice sector professions or even e.g. medical profession. Please see the press release here:

<https://www.sak.sk/web/sk/cms/news/form/list/form/row/2952611/ event>.

### Significant developments related to accessibility of courts

The Slovak Bar Association regularly raises the issues of the lawyers' tariff in civil legal aid cases. The last amendment of the Regulation no. 655/2004 Coll. on Remuneration and Compensation of Lawyers for the Provision of Legal Services ("Lawyers' Tariff") in 2023 has not taken into account the need for the remuneration within legal aid system that more closely correspond to the real costs and to improve recoverability of compensations awarded to successful parties in the court proceedings. The issue of the lawyer's tariff determined in the Regulation related to the legal aid cases is not a question of lawyers' benefits, but it is in the interest of the citizens themselves, whose rights were violated. The Slovak Bar Association continues to strive for the necessary improvement in this area.

The Slovak Bar Association received a number of complaints about significant increase in the period of delays in the payment of costs to lawyers for mandatory defence in criminal proceedings. This is potentially a serious interference in the practice of legal profession and the proper functioning of the system of protection of rights in criminal proceedings. We have thoroughly examined these complaints and learned that it was not an isolated case and significant delays in the payment of ex officio defence costs by the courts appeared in all Slovak regions. The Slovak Bar Association appreciates the constructive approach of the Minister of Justice, but the situation has not been fully resolved by now. It appears that the current situation is a direct consequence of the insufficient coverage of the budget chapter of the Ministry of Justice of the Slovak Republic. The Slovak Bar Association is aware of the urgent need to consolidate public finances, but in our opinion, this must under no circumstances be at the expense of ensuring the fundamental activities of the state. This is all the more true when it comes to the protection of fundamental rights and freedoms. The common goal must therefore be sufficient budgetary coverage of all basic obligations of the Ministry of Justice of the Slovak Republic and proper financing for the rights protection system.

### Significant developments related to digitalisation

The Slovak Bar Association organised a round table on AI in February 2025 (please see the press release: <https://www.sak.sk/web/sk/cms/news/form/list/form/row/2635809/ event>) with representatives of judicial bodies, ministry and academia. Participants agreed on the following conclusions:

AI has the potential to significantly improve the efficiency of legal services and justice, especially in the areas of data processing, retrieval and analysis, translation and automated document processing. Judicial institutions should therefore support its use in a way that relieves the burden of routine tasks, but at the same time does not disrupt the essence of judicial professions.

The improper use of AI can lead to threats to the system of protection of rights and the rule of law. If the judiciary does not respond to the challenges associated with the advent of AI in a timely and adequate manner, this can lead to difficult-to-repair consequences for justice and democracy.

It is necessary to address all practical application and regulatory issues of AI in the judiciary, especially in the areas of information security, personal data protection, confidentiality of lawyer-client communication. These challenges should be addressed by each segment of the judiciary primarily within its competences or self-government.

Those present agreed that, in addition to regulatory and application issues, an appropriate response in the field of education and training is equally (if not more) important. This must not be reduced only to the technical aspects of AI but must also strengthen appropriate teaching of legal doctrines and ethics of the legal professions. Future judges, prosecutors and lawyers must never become uncritical users of AI but must maintain independent legal reasoning in all cases they handle in the exercise of their profession.

The profile of law school graduates and future judicial professionals must continue to be based on classical education, which is also a necessary condition for the correct and responsible use of AI. A thorough study of fundamental legal concepts – such as the art of good and just – is crucial, along with the acquisition of practical skills. The education necessary to cope with the challenges of AI cannot be achieved only in the online space. On the contrary, it requires, among other things, a thorough understanding of fundamental legal texts, including the theory, history and philosophy of law; the ability to critically discuss basic legal concepts and to be able to argue about them logically and independently (not only in the form of copying the outputs of AI applications).

Practical mastery of AI tools, together with a strong emphasis on supporting classical education, needs to be appropriately reflected in the training programs of the Judicial Academy of the Slovak Republic and the Slovak Bar Association. The same conclusion applies to the continuous improvement of university education.

The Slovak Bar Association issued an amended recommendation for lawyers related to the use of AI in legal practice (please see the press release:

[https://www.sak.sk/web/sk/cms/news/form/list/form/row/3130758/\\_event](https://www.sak.sk/web/sk/cms/news/form/list/form/row/3130758/_event)).

The changes to the rules themselves provide for exceptions to inputting data into AI, if the data does not leave the lawyer's infrastructure under his exclusive control, the lawyer has the client's explicit informed consent or contractually guaranteed data protection. The binding rules are accompanied by detailed methodological guidance, which offers a practical interpretation and establishes minimum standards for the use of AI tools in the lawyers practice while maintaining the fundamental principles of independence, confidentiality and the obligation to avoid conflicts of interest. The methodological guidance includes a decision-making methodological test before inserting any confidential information into an AI tool, as well as sample information clauses for the use of AI tools.

## Significant developments related to use of assessment tools and standards

In January 2025, the Slovak Bar undertook a survey on the use of AI among its members. 250 respondents took part in the survey. The following questions were addressed: do you use AI in your practice, how often, which AI tool, paid or unpaid version, for what tasks, what are the benefits and what are the risks, how effective the use of AI tools is, etc [CPA5.1]. The survey showed that statistically more than one half of lawyers in Slovakia already use generative AI as a tool in their practice.

## Significant developments related to efficiency of justice system

LP/2025/370 – Draft Amendment of the Act on Courts - While understanding the legitimate aim of the proposed legislation to relieve the Constitutional Court of the Slovak Republic of excessive burden caused by the number of complaints about delays (making up approximately 30% of its agenda), we consider it essential to point out that the submitted proposal does not take into account the specificities and disproportionate burden of courts after the implementation of the court map, especially in Bratislava. The draft law does not sufficiently reflect the uneven burden of regional courts after the implementation of the court map, which is supported by the statistics of the number of cases per judge or panel. Insufficient consideration of the objective state of the judicial infrastructure, especially with regard to the Municipal Court Bratislava IV, III and the Regional Court in Bratislava, carries a risk that the newly proposed legal remedy will become counterproductive in practice - instead of eliminating delays, it may further exacerbate their occurrence, since the Regional Court in Bratislava, given the proposed deadlines, will prioritise deciding complaints about delays in proceedings.

## Other issues and significant developments impacting access to justice

The Arbitration Court of the Slovak Bar Association provides for alternative dispute resolution mechanisms as regards commercial cases and continues to promote the ADR culture and awareness.

The Slovak Bar Association expressed fundamental reservations about the proposal of the Slovak government to abolish the Office for the Protection of Whistleblowers and replace it with a new office. In addition to the substantive objections, SAK is very critical of the proposal to present such a legislative proposal in a fast-track legislative procedure. The Bar has long called for the preservation of institutional stability. Independent institutions that act properly within the framework of legally established rules are key to a state governed by democratic and constitutional principles. Any proposals for changes of relevant institutions and the system of rights protection must therefore be subject to proper professional discussion. Any abolition and creation of new offices (if justified) should always be adopted in a proper legislative procedure, preceded by professional discussion and a thorough analysis of the functioning of the given office. Changes should therefore always be the result of conceptual reform efforts and never just a by-product of pursuing partial interests. According to the Bar, the conditions for the fast-track legislative procedure were not met in this case. We believe that the discussion on the draft law in a fast-track legislative procedure without relevant reasons may, in accordance with the case law of the Constitutional Court of the Slovak Republic, open a discussion on the compliance of such a procedure with the Constitution of the Slovak Republic. From a content point of view the newly adopted law (the effectiveness of which has been suspended by a resolution of the Constitutional Court pending a decision on the matter, case PL. ÚS 19/2025-48) narrows the protection of whistleblowers. Moreover, it narrows down the protection that stems directly from the obligations of the Slovak Republic towards the EU and thus the proposal creates a discrepancy between Slovak legislation and EU legislation. The method and form of the change in the management of the Office do not reflect the institutional independence of the Office as one of the guarantors of the protection of rights against state interference. The Bar is convinced that there is no social need for the proposed change. The activities of the Office have not been evaluated to date in a way that would even minimally signal the necessity of immediately abolishing this office and replacing it with another one, which will be under the leadership of a newly selected management. The Office fulfils an irreplaceable function in the fight against corruption and has proven its justification through effective legal activities over the several years of its existence. Please see the press release here:

[https://www.sak.sk/web/sk/cms/news/form/list/form/row/3130217/ event](https://www.sak.sk/web/sk/cms/news/form/list/form/row/3130217/_event)

The Slovak Bar Association repeatedly stated in the past year that thorough and data-based professional discussion with all relevant stakeholders is necessary element of all legislation-making processes. With this goal in mind, Slovak Bar invited leading experts from the field of law, academia, business, and other professions to discuss all aspects of the proposed wording of the new Civil Code. Slovak Bar thus coordinated preparation of 450 comments, organised working groups and exchange with the ministry and with the members of the codification commission. For more information please see:

<https://www.sak.sk/web/sk/cms/news/form/list/form/row/3054555/ event>

As for criminal law, since the recodification of the criminal codes in 2005, the Bar has repeatedly criticised the tendency to create new criminal offences in direct response to topical social issues. Criminal law has long been misused as an instrument for addressing matters that should and could have been resolved by instruments of other legal branches. This has led to an overexpansion of criminal law and to a distortion of the fundamental principles on which modern criminal law should be based. In accordance with the long-standing positions of the Bar, we stated the same in relation to the proposed new criminal offenses (denial of the post-war settlement, violation of the ban on obstructing an election campaign) with equal criticism. In our opinion, criminal law should never be used to find answers to open social questions. The improper use of criminal-law instruments for such purposes not only undermines criminal law itself but may also give rise to further legal and societal complications. The Bar has always been equally critical of attempts to make non-systemic adjustments to criminal procedural law. In the past, we have had serious reservations about the overuse of several criminal law institutes, whether it is the overuse of detention, but also, for example, the application of provisions regarding the cooperating accused, which is questioned by the professional community. The Bar agrees that criminal procedural law should be the subject of critical professional debate and, if necessary, appropriate changes. However, as with substantive criminal law, amendments to fundamental codes should never constitute an ad hoc response to isolated issues of application practice but should always result from a systematic and professionally grounded reform process. For more information please see:

<https://www.sak.sk/web/sk/cms/news/form/list/form/row/3153147/ event>

The Slovak Bar Association has issued a statement in relation to the amendment of the Slovak Constitution. Please see the press release here:

<https://www.sak.sk/web/sk/cms/news/form/list/form/row/3044290/ event>

SAK has no ambition to enter into the value or political aspects of this discussion. However, in the case of proposals that affect the protection of fundamental rights and freedoms, we consider it our duty to point out the necessity of consistent consideration of the principles of the rule of law, in particular legal certainty, legislative clarity and terminological precision. Amendments to the fundamental law of the state with a potential impact on the system of human rights protection require thorough analysis, clear justification and, ideally, the broadest possible professional and social consensus. The Slovak Bar Association considers it essential that the Slovak Republic, in any constitutional changes, maintains loyalty to European Union law and consistently respect its international obligations, especially in the area of protection of human rights and fundamental freedoms. These principles are the basis of the rule of law and a prerequisite for the credibility of the Slovak Republic in the European and international space. When proposing amendments to the Constitution of the Slovak Republic, it is therefore necessary to consistently take into account their possible effects not only on the national legal order, but also on the obligations of the Slovak Republic arising from membership in the European Union and from international treaties.

In April 2025, the Slovak Parliament adopted amendments to the law on non-governmental organisations (NGOs), which introduced new reporting and transparency requirements, including public disclosure of donor

information and detailed financial reporting. These rules imposed significant administrative burdens on NGOs and may cause decrease and discourage of civic activism, particularly among smaller organisations.

In cooperation with the Faculty of Law of the Comenius University in Bratislava, the Slovak Bar Association lately introduced a new internship programme for law students putting together legal practitioners and law firms wishing to provide an opportunity to students who appreciate a chance to gain practical experience in the law firm. The pilot project started in Autumn 2024 with 50 students.

In order to raise awareness about rule of law issues among younger people, the Bar initiated a project of pro bono lectures at primary and secondary schools. The call for volunteer was published in December 2024 and 60 lawyers signed for this activity. More than 30 lectures were organised so far with positive feedback.

## SLOVENIA

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

In 2025, the Slovenian Bar Association successfully filed a petition for judicial review (revision) against a judgment of the Administrative Court of the Republic of Slovenia, which had ruled on a claim filed against a decision of the Bar's Disciplinary Commission. The granted revision represents a significant consolidation of the independence of the legal profession.

The Supreme Court upheld the Bar's position that the Administrative Court, due to the misapplication of the Legal Profession Act and the Statute of the Bar, had erroneously departed from the established case law of the Supreme Court regarding the admissibility of administrative disputes against decisions issued by the Disciplinary Commission. The Court reaffirmed the Bar's stance and long-standing practice that the conduct of disciplinary proceedings and the imposition of sanctions do not constitute the exercise of public authority (public powers) delegated to the Bar. Consequently, such disciplinary actions are not subject to judicial review within administrative proceedings. In its reasoning, the Court further stated that such disputes do not fall under judicial jurisdiction at all, meaning the Administrative Court should have dismissed the claim on procedural grounds.

The autonomy and independence of the legal profession are also impacted by the indexation of the lawyer point value to inflation, which has remained unchanged since 2019 despite a cumulative inflation rate of 26%. In 2024, the Slovenian Bar Association successfully filed a lawsuit regarding the failure of the competent authority to act (silence of the administration). The Court subsequently ordered the Ministry to issue a formal decision on whether it grants consent to the adjustment of the lawyer point value in line with inflation.

### Significant developments related to appointment and selection of judges, prosecutors and court presidents

In Slovenia, the key developments in 2025 were linked to an extensive legislative package presented by the Government in May 2025 and adopted by the National Assembly on 21 November 2025 (the new Courts Act – ZS-1, the new Judges Act, amendments to the Judicial Council Act, and amendments to the State Prosecution Act).

At the core of the reform of appointment procedures (in particular for Supreme Court judges) was the objective of strengthening safeguards of judicial independence and reducing risks that had been highlighted in previous years, when the National Assembly had rejected candidates in individual cases. In its 2025 Rule of Law Report, the European Commission assessed that the reform of appointments of Supreme Court judges represented "significant progress" with regard to appropriate safeguards.

With regard to the appointment of the President and Vice-President of the Supreme Court, the ZS-1 maintains the decisive role of the National Assembly (appointment upon a proposal by the Minister, following prior reasoned opinions of the Judicial Council and the plenary session of the Supreme Court). Consequently, the reform does not constitute a significant change in this respect.

As regards presidents of other courts, the reform was aimed at strengthening accountability in judicial management and introducing clearer organisational arrangements within the reform of the judicial map, as publicly presented by the Government during the legislative process.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

The most important development in 2025 indirectly affecting transfers and the stability of judicial positions was the reform of the judicial map. The ZS-1 introduces the “district” as the basic organisational level for first-instance courts; local courts are transformed into external divisions of district courts, and as of 1 January 2027 a single title for first-instance judges is envisaged. Objectives such as a more balanced workload, more efficient allocation of cases, and specialisation were explicitly stated in the explanatory memorandum to the reform.

For the prosecution service, an amendment adopted as part of the same legislative package introduces a single title of state prosecutor at first instance (simplification of the structure and greater comparability with the judicial function), with parts of the new regime applying from 1 January 2027.

As many of the key organisational effects of the reform (and thus its real impact on staff allocation) are linked to the start of application in 2027, the year 2025 was primarily a year of adopting the legal framework. The actual effects on irremovability resulting from transfers will largely depend on implementation and cannot yet be assessed.

### Significant developments related to promotion of judges and prosecutors

The new Judges Act (adopted as part of the legislative package on 21 November 2025) systemically regulates the criteria for the selection, evaluation, and promotion of judges, as well as the procedure for evaluating judicial performance. It also regulates transfers, termination of office, dismissal, and disciplinary liability.

Despite the broad scope of the reform, not all open issues were addressed, and in certain respects the new regulation may even raise constitutional concerns (for example, issues relating to full jurisdiction in disputes concerning non-appointment to a judicial office).

### Significant developments related to allocation of cases in courts

The ZS-1 explicitly provides that the Court Rules shall also contain provisions on the allocation of cases and the related information-technology support, thus establishing a normative basis for regulating case allocation in more detail at the secondary-legislation level.

At the same time, the ZS-1 foresees a gradual introduction of an information system for case allocation: certain provisions will only start to apply once the information system is established, and the Minister will determine, by order, the date from which the system may be used.

At the level of reform policy, the Government explicitly stated that the objectives of the reform include a more even distribution of workload among judges and a more efficient allocation of cases.

Until actual implementation takes place, the effects of the reform will be difficult to assess; at present, the system is not yet ready for implementation.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

In 2025, significant developments concerned proposed amendments to the Judicial Council Act (ZSSve-A), were adopted as part of the legislative package on 21 November 2025.

At the same time, institutional tensions were observed during the legislative process regarding interventions in the competences and effects of the Judicial Council's decisions in candidate selection procedures. In October 2025, the European Network of Councils for the Judiciary (ENCJ) publicly announced that it had received a request for support from the President of the Judicial Council due to amendments proposed during the parliamentary phase that could limit the Judicial Council's decisions on candidate selection, and it called for a halt to the adoption process pending appropriate consultations.

In a broader context, the European Commission's 2025 Rule of Law Report also addressed progress in the reform of appointment procedures (in particular for Supreme Court judges) and issues affecting the institutional safeguards of judicial independence.

Despite numerous critical remarks, the reform removes certain competences from the Judicial Council (for example, administrative-judicial allocations of judges) and mandatorily shortens the term of office of Judicial Council members to one year, without the possibility of renewal.

### Significant developments related to accountability of judges and prosecutors

In 2025, the disciplinary framework formed part of the broader "justice package". In September 2025, the Government publicly highlighted that the National Assembly was debating significant legislative changes, including those relating to disciplinary proceedings, the appointment of Supreme Court judges, and the reform of the judicial map.

As the main shift in 2025 was primarily normative (the adoption of new laws and amendments), the comprehensive impact on disciplinary practice – including judicial protection in administrative disputes or other forms of judicial review were provided for – will largely depend on secondary legislation and the first case law following the entry into force of the new provisions.

### Significant developments related to remuneration for judges and prosecutors

The remuneration regime for holders of judicial offices was one of the central issues in 2025. At the level of EU monitoring of reforms, the European Commission stated in its assessment (SWD, 4 November 2025) that the adopted changes provide for a 30% increase in salaries for holders of judicial offices (judges, prosecutors, and Constitutional Court judges), contributing to the attractiveness of the judicial career and addressing long-standing recommendations.

The salary reform also has a constitutional dimension in the background: the Constitutional Court examined applications submitted by the Judicial Council concerning the constitutionality of the judicial remuneration framework (case U-I-8/24), which further increased pressure for systemic solutions.

At the beginning of 2025, legislation entered into force increasing judicial salaries and introducing adjustment mechanisms, in response to the Constitutional Court's 2024 case law and agreements on a new public-sector pay system. Nevertheless, pay disparities have still not been fully resolved.

### Cases/examples undermining confidentiality of lawyer-client communications

The issues are still AML Authority (UPPDFT - Office for Money Laundering Prevention of the Republic of Slovenia) and their inspections of lawyers.

Investigations mostly start when the bank notice suspicious transaction, about money moving through a lawyer's fiduciary account. The scope of supervision is not specifically explained to the investigated person before and during the investigation, which may pose a risk to the client privilege.

The role of the Bar is crucial to protect the client in a conflict of interest. Only through the active role of the Bar representative can the protection of clients and their privacy be ensured and, secondarily, the legitimacy of proceedings and thus the usefulness of investigations and inspections.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

In 2025, the Slovenian Bar Association successfully filed a petition for judicial review (revision) against a judgment of the Administrative Court of the Republic of Slovenia, which had ruled on a claim filed against a decision of the Bar's Disciplinary Commission. The granted revision represents a significant consolidation of the independence of the legal profession.

The Supreme Court upheld the Bar's position that the Administrative Court, due to the misapplication of the Legal Profession Act and the Statute of the Bar, had erroneously departed from the established case law of the Supreme Court regarding the admissibility of administrative disputes against decisions issued by the Disciplinary Commission. The Court reaffirmed the Bar's stance and long-standing practice that the conduct of disciplinary proceedings and the imposition of sanctions do not constitute the exercise of public authority (public powers) delegated to the Bar. Consequently, such disciplinary actions are not subject to judicial review within administrative proceedings. In its reasoning, the Court further stated that such disputes do not fall under judicial jurisdiction at all, meaning the Administrative Court should have dismissed the claim on procedural grounds.

The autonomy and independence of the legal profession are also impacted by the indexation of the lawyer point value to inflation, which has remained unchanged since 2019 despite a cumulative inflation rate of 26%. In 2024, the Slovenian Bar Association successfully filed a lawsuit regarding the failure of the competent authority to act (silence of the administration). The Court subsequently ordered the Ministry to issue a formal decision on whether it grants consent to the adjustment of the lawyer point value in line with inflation.

## Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

The Bar Association of Slovenia is the supervisory authority for its members under the AML law (ZPPDFT-2). The conflict between the dual jurisdiction of the Slovenian Bar (OZS) and the AML Authority (UPPDFT - Office for Money Laundering Prevention of the Republic of Slovenia) is highlighted, which is constitutionally controversial.

We would like to emphasise again, as mentioned in the previous point, that the Bar Association has been striving for several years to obtain the Ministry's consent to adjust the lawyer point value for inflation; however, these efforts remained unsuccessful until today – despite having both the legal and factual grounds for such an adjustment.

Furthermore, the Republic of Slovenia has not yet signed the Convention on the Protection of the Profession of Lawyer, but it was promised by the Ministry that the Convention will be signed in February 2026.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

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## Significant developments related to accessibility of courts

In 2025, the Bar Association of Slovenia was informed by its members of payment delays regarding the remuneration of lawyers in legal aid (BPP) and ex officio procedures at certain courts in Slovenia.

The Bar Association of Slovenia subsequently informed the Supreme Court and the Ministry of Justice of these issues regarding the remuneration of lawyers in legal aid and ex officio cases.

### Significant developments related to training of justice professionals

The Bar Association of Slovenia, through the Bar Academy, offers various programs and training for lawyers. In 2025, training sessions for defence lawyers were organised, along with training on AML (Anti-Money Laundering) regulations and other topics, such as the adoption of AI in the legal profession.

The Bar also informs its members of updates on various legal topics through its website and its official gazette, "*Odvetnik*".

### Significant developments related to digitalisation

Despite improved communication with competent authorities within the judiciary, regarding the digitalisation of the judiciary, the Slovenian Bar Association remains disappointed with the progress made, as the digital case file – which is the foundation of judicial digitalisation – has still not been established.

The digitalisation of the judiciary is further afflicted by technical challenges, specifically regarding the interoperability of various registers and the migration of data into the judicial information system – such as updates to the business addresses of law firms. Failures in the automated data transfer protocols result in court filings being served to obsolete addresses. Consequently, the lawyer does not receive the court document, but due to the legal fiction of service, the document is deemed served, which can lead to procedural consequences in the event of a missed deadline.

### Significant developments related to efficiency of justice system

The length of proceedings in Slovenia varies significantly between courts and types of procedures, and in certain cases, even between similar procedures at the same court. For instance, there are serious delays lasting many years for hearings in standard civil cases, while commercial matters at the same court are handled within a single year. It remains a serious concern that such inconsistencies are not addressed through better judicial management.

## SPAIN

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### Significant developments related to appointment and selection of judges, prosecutors and court presidents

The Venice Commission highlighted in its opinion on the renewal of the General Council of the Judiciary (CGPJ) the need to include practising solicitors as members to guarantee the plurality of the judiciary and avoid corporatism. The Commission emphasised: *“The mixed composition of the judiciary ensures pluralism and democratic accountability. It should also be emphasised that the judiciary should also include representatives from other legal professions, including practising lawyers and university professors. Plurality is a value in itself and also serves to counteract the risk of corporatism.”*

This opinion was approved at the 144<sup>th</sup> plenary session of the Venice Commission following a delegation visit to Madrid in mid-September 2025, where the Commission met with the General Council of Spanish Lawyers. The CGAE emphasises that the presence of the Bar in this branch of the State’s powers reinforces independence from politics and contributes to creating a more pluralistic body.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

The Organic Law 1/2025 creates new Sections for Violence against Children and Adolescents with specialised judges and specific training in children’s rights, with jurisdiction over crimes of violence against minors. As of October 2025, these courts expanded their jurisdiction to include crimes of sexual violence. Fifty new judicial positions (a 42% increase) and 42 new positions for specialised prosecutors were created.

However, implementation challenges have emerged: *“The regionalisation of judicial bodies is having the opposite effect to that desired: it distances justice from victims, undermines the immediacy of the judicial body and increases their vulnerability, and causes additional re-victimisation due to the travel and emotional and financial burden that this entails”* (CGAE Gender Violence Conference conclusions). The CGAE calls for sufficient real and effective personal and material resources to compensate for damage caused by regionalisation.

### Significant developments related to promotion of judges and prosecutors

The Organic Law 1/2025 on Efficiency introduces measures on specialisation. The CGAE welcomes specialisation: *“We welcome the specialisation of the judicial bodies, and in particular, the sections dedicated to violence against women.”* However, it emphasises critical concerns: *“However, this specialisation cannot, under any circumstances, imply a reduction in the rights and guarantees of victims”* and warns that *“the attribution to the violence sections of all crimes against sexual freedom threatens to generate structural saturation from the outset...compromising the speed and effectiveness of the judicial response.”*

The Bar calls for sufficient organisational, personnel and material measures to ensure specialisation does not become an obstacle to effective access to justice and the right to a trial within reasonable time.

## Significant developments related to allocation of cases in courts

The regionalisation of specialised courts has created challenges in case distribution, particularly affecting victims' access to justice. The CGAE at the 5<sup>th</sup> Commercial and Insolvency Law Congress calls for provincial rotation basis for appointment of insolvency administrators to *“avoid inequalities and ensure efficiency in the distribution of workloads.”* The transparency and objectivity in appointment systems are recommended as best practice to strengthen confidence in the system.

Significant developments in your country in 2025, if any, related to independence and powers of the body tasked with safeguarding the independence of the judiciary:

The General Council of the Judiciary (CGPJ) is undergoing reform with a new electoral system that will include mandatory representation from the legal profession. The CGAE conveyed to the Venice Commission the *“enormous importance of the future Council of the Judiciary, which will be created as a result of the change in the model for electing its members, having representatives of the profession of Lawyer among its members on a mandatory basis.”*

The Secretary General of the CGAE explained to the Venice Commission that *“the presence of the Bar in this branch of the State’s powers, in addition to being a legal requirement under current legislation, reinforces its independence from politics and contributes to creating a more pluralistic body, always focused on serving society.”* This institutional reform strengthens judicial independence from political pressure.

## Significant developments related to accountability of judges and prosecutors

Following the conviction of the General Prosecutor in 2025, the importance of the compliance protocol signed by the Public Prosecutor’s Office with the General Council of Spanish Lawyers in 2009 was highlighted. The Supreme Court issued a decision reinforcing the importance of confidentiality in the application of this protocol. The CGAE calls for *“respect for judicial decisions”* and continued dialogue between judicial authorities and the Bar.

## Significant developments related to remuneration for judges and prosecutors

A major institutional conflict over remuneration and working conditions between five associations of judges and prosecutors and the Government resulted in significant strike action on 1 July 2025. The CGAE warned of severe consequences: *“The Spanish Bar lamented the unquestionable damage caused by the first day of the strike by judges and prosecutors and warned that the tens of thousands of cases affected will not be resolved during 2025, which will further complicate the situation of a judicial system with almost eight million pending cases.”*

The Bar called for resumption of dialogue between the Government and judicial associations, maintenance of minimum services during strikes, and recovery plans to minimise damage to the public and legal professionals. The underlying dispute concerns both remuneration levels and access system reforms.

## Significant developments related to independence of the prosecution service

The Public Prosecutor's Office maintains operational cooperation with the Bar through the compliance protocol (Protocolo de Conformidad) signed in 2009. Following the Attorney General's conviction, institutional confidence in prosecutorial autonomy and proper functioning of the protocol remains important. The CGAE emphasises the need for continued dialogue and institutional responsibility from prosecutorial authorities.

## Cases/examples undermining confidentiality of lawyer-client communications

No specific cases of confidentiality breaches were reported in the CGAE 2025 contribution. However, the CGAE has strengthened professional secrecy protections through an interpretative circular (*circular interpretativa*) that clarifies infringement and reinforces protection of lawyer-client confidentiality, reinforcing independence from interference.

## Cases/examples of physical, online or legal threats or harassment of lawyers

The CGAE attended and supported the trial against the dean of the Istanbul Bar Association in 2025 in defence of legal profession independence in countries where it is under threat. This reflects the CGAE's commitment to protecting lawyers facing political persecution. The Bar presented its Carlos Carnicer Human Rights Awards in 2025, dedicated to protecting defence lawyers and human rights defenders, emphasising the importance of defending those who defend others.

## Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

The CGAE calls on Spain to ratify the European Convention on the Protection of the Legal Profession, with the Ministry of Justice working to make Spain one of the first countries to ratify it. Positively, the CGAE adopted regulations in 2025 (*Reglamento de Amparo Colegial* - Collegiate Protection Regulations) to better protect lawyers and their independence from interference.

## Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

The CGAE held its first institutional meeting with the Spanish Ombudsman (Ángel Gabilondo) to strengthen cooperation channels, especially in protection of vulnerable groups. Both institutions expressed willingness to expand collaboration on implementation of Organic Law 1/2025 and issues central to rule of law. Collaboration addresses digitisation of justice, fight against gender violence, care for migrants and asylum seekers, and ensuring the right to defence in context of increasing social and regulatory complexity.

## Problems and difficulties implementing the case law of national, European, and international courts

The CGAE emphasises the importance of ensuring interoperability of the Spanish justice system with other Member States to facilitate cross-border litigation and implement supranational judgments. There is a need to ensure that Spanish digitisation is compatible with European and other national laws and standards. Risks to rule of law are identified from adaptation of legal AI to AI Act requirements and potential divergences in national implementation across Member States.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

The 1 July 2025 strike by judges and prosecutors created severe public impact. The CGAE warned: *“Let us not forget that behind every suspended trial, there are citizens and legal professionals who have been unable to obtain the right to effective judicial protection recognised by our Constitution.”* The Bar emphasised the need for *“common sense and empathy”* and requested minimum services during strikes, advance notice of suspensions, and recovery plans.

The CGAE President Salvador González stated: *“Justice is defended every single day that it functions normally”*, emphasising that maintaining judicial operations protects public confidence in independence. The institutional conflict between the Government and judicial associations required both parties to exercise institutional responsibility

## Significant developments related to accessibility of courts

The CGAE reports significant problems with accessibility due to legal aid system deterioration. The Bar demands *“the application of the law to ensure effective conciliation and respect for the principle of the right of defence”*, calling for implementation of regulatory reforms and end to unjustified denial of procedural deadline suspensions due to lawyer illness or hospitalisation.

The figures for legal aid reveal urgent reform needs: *“a significant decline in the number of lawyers assigned to the legal aid system affects access to free legal aid and, therefore, the quality of the system.”* The Bar calls for new legislation regulating legal aid with increased fees and payment of all actions including pre-trial negotiation activity.

Problems and challenges, as well as positive developments in the area of accessibility of courts:

Critical challenges include:

- 1) Declining legal aid capacity: Significant decline in lawyers assigned to legal aid system, affecting access to free legal assistance.
- 2) Legal fee uncertainty crisis: Although Article 6 of the Law on the Right of Defence allows local Bars to publish objective and transparent guidelines for calculating reasonable fees, the CNMC maintains that published guidelines violate competition law. This creates a paradox where solicitors cannot inform clients of potential

costs. As the CGAE notes: *“An incalculable number of people have had to give up claiming their rights before the courts because they have made it financially unpredictable.”*

3) Gender violence accessibility: The Gender Violence Conference (2025) calls for mandatory legal assistance for victims from the moment prior to complaint filing, endorsed by the Observatory on Domestic and Gender Violence of the CGPJ and aligned with the State Pact against Gender Violence.

Positive development: CGAE offers various training courses for lawyers and participates in a European funded initiative.

### Significant developments related to resources of the judiciary

Fifty new judicial positions (42% increase) and 42 new specialised prosecutor positions were created for Violence against Children sections under Organic Law 1/2025. However, the CGAE warns this specialisation threatens structural saturation.

The system ended 2024 with almost eight million pending cases. The 1 July 2025 strike further exacerbated resource pressures and case backlogs. The CGAE President met with regional officials in Murcia to address acute resource and efficiency problems requiring immediate measures. Judges and prosecutors’ associations demanded improved working conditions and resources.

### Significant developments related to training of justice professionals

More than 18,000 legal professionals began training with the Upro Programme in Digital Skills (free of charge) by end of 2025. This €200 million European-funded programme covers nineteen liberal professions and will train tens of thousands of lawyers until June 2026 to address digital challenges. The CGAE also offers various training courses covering professional development and emerging practice areas.

### Significant developments related to digitalisation

Major initiatives include:

1) Responsible AI adoption: The CGAE calls for responsible digital revolution with training on AI use while preserving professional guarantees.

2) Technological infrastructure: CGAE focuses on technological services, consolidating ACA Plus in the Cloud and developing new Modular Management System for the Legal Profession (replacing SIG).

3) Digital evidence standards: Emphasis on ensuring digital evidence is reliable and lawful – *“The challenge for lawyers is not only to provide digital evidence, but to demonstrate that it is reliable and lawful.”*

4) Governance structure: CGAE creates Advisory Council on Innovation, Advocacy and Digital Justice with strategic planning responsibilities.

5) Human rights in digital context: Digital Rights Tour in Zaragoza calls for application of human rights in digital environment and correct application of EU Digital Rights Charter.

6) Cross-border interoperability: Need for interoperability with other Member States to facilitate cross-border litigation and ensure compatibility with European standards.

Challenges identified:

1) Consultation gaps: Missing consultations with Bar on digital developments by governmental authorities.

2) Legal AI risks: Risks to rule of law from adaptation of legal AI to AI Act requirements and potential divergences in national implementation across Member States.

3) Training needs: Need for training on responsible use of AI without losing legal guarantees and procedural safeguards.

4) Digital evidence reliability: Lawyers face challenge of certifying digital evidence as lawful and reliable under procedural rules.

Positive developments: CGAE Advisory Council on Innovation will lead digital justice developments; Upro Programme provides training for thousands of lawyers; Strategic focus on technological services consolidation.

### Significant developments related to use of assessment tools and standards

The CGAE President calls for control and transparency in appointment of insolvency administrators so the Public Insolvency Register is “*transparent, agile and reliable.*” The Bar proposes provincial rotation basis for appointments and clearer responsibility allocation for registration fees.

The Bar makes detailed observations on Draft Royal Decree on Insolvency Statistics Regulation, requesting measurement of credit recovery rate, average cost of proceedings, effectiveness of restructuring plans, impact of second chances on entrepreneurs, and incidence of gender and disability factors in insolvency proceedings. The Bar advocates that Spain adopts its own rigorous statistical system now rather than waiting until 2027 for European Commission common statistical model.

### Significant developments related to geographical distribution and number of courts/jurisdictions and their specialisation

Organic Law 1/2025 creates new specialised Sections for Violence against Children and Adolescents with expanded jurisdiction over sexual violence crimes (effective October 2025). Fifty new judicial positions (42% increase) and 42 new specialised prosecutor positions were created.

However, the regionalisation approach creates accessibility challenges. The CGAE President met with Murcia High Court president and prosecutor officials to address acute regional variations in case delays and system deterioration requiring immediate measures. The Bar calls for ensuring that specialisation and geographic redistribution strengthen rather than weaken access to justice for vulnerable populations.

## Significant developments related to efficiency of justice system

Mixed developments in 2025:

- 1) Positive trend Q2 2025: Cases resolved in judicial bodies increased by 4% in the second quarter of 2025 prior to strike action, suggesting some efficiency improvements.
- 2) Persistent backlog: The system ended 2024 with almost eight million pending cases.
- 3) Strike impact (1 July 2025): Major strike action caused severe damage - tens of thousands of cases were affected and will not be resolved in 2025, further worsening case backlogs.
- 4) Regional variation: The CGAE President met with Murcia regional officials to address acute deterioration in case resolution requiring immediate corrective measures.

The Bar calls for minimum services during labour disputes, recovery plans to remedy strike damage, and measures enabling rapid restoration of normal judicial operations.

## Other issues and significant developments impacting access to justice

- 1) Civil protection and disaster management: *Unión Profesional* (umbrella organisation representing CGAE) creates Special Commission to study prevention and addressing large-scale natural disasters, noting impact of suspended court deadlines and the importance of ensuring access to justice during emergencies.
- 2) Human rights and institutional cooperation: CGAE President holds first institutional meeting with Spanish Ombudsman (Ángel Gabilondo) to strengthen cooperation channels, especially in protection of vulnerable groups. Both institutions express willingness to expand collaboration on implementation of Organic Law 1/2025 and issues central to rule of law. The Ombudsman's 2024 annual report highlighted the Bar's work assisting migrants in Canary Islands.
- 3) International collaboration: CGAE collaborates extensively with CCBE. Spanish lawyers chair the Migration Committee (producing guide on new migration and asylum pact) and Criminal Law Committee (participating in High Level Forum on future of criminal justice). These initiatives, amongst other cooperations with CCBE itself and other organisations, strengthen rule of law culture at both national and European levels.
- 4) Human rights advocacy: The Bar presents the Carlos Carnicer Human Rights Awards protecting defence lawyers and human rights defenders, emphasising commitment to protecting lawyers.
- 5) Gender violence response: The Gender Violence Conference (2025) emphasises need for mandatory legal assistance for victims from moment prior to complaint filing, endorsed by Observatory on Domestic and Gender Violence of CGPJ and aligned with State Pact against Gender Violence. Bar calls for real and effective resources to guarantee accessible, dignified justice for victims.

## SWEDEN

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### Measures taken to follow-up on the recommendations of the European Commission received in the 2025 Report

None of the recommendations from the Commission in the Rule of Law Report from 2025 included or applied to the legal profession (lawyers), but the Swedish Bar Association supports the recommendations of the European Commission for Sweden.

### Cases/examples undermining confidentiality of lawyer-client communications

There have been no specific court cases during 2025 which directly undermined the independence of the Swedish Bar or the legal profession as such. However, there is some legislation (national as well as EU-legislation) that forces lawyers in different ways to provide state authorities with information of different kind, which should be protected by professional secrecy. Such information obligations to state authorities also infringes upon the principle of independence of the legal profession and the principle of client loyalty. Furthermore, there has been some public discussions suggesting more State influence of the supervision of Swedish advocates. Although these public discussions have not resulted in any concrete measures, it is a matter which the Bar Association is following closely.

However, in December 2025, the Swedish daily newspaper Dagens Nyheter reported that patients at a forensic psychiatric clinic in Växjö had been secretly monitored and bugged for several years. The newspaper revealed that there were cameras and hidden microphones in the visiting rooms and that patients' conversations with their public defenders were probably recorded. The Secretary General of the SBA characterised the suspected wiretapping as "*a legal scandal.*"

Furthermore, the SBA has received several testimonies from its members that entry checks at detention centres and security facilities differ and have been perceived as too far-reaching and violating privacy, particularly by female members. Therefore, the SBA contacted the Swedish Prison and Probation Service and initiated a dialogue for finding a solution to the problem. In January 2025, the dialogue resulted in a consensus that the Prison and Probation Service needs to ensure uniform national routines that apply to general entry checks. There is also consensus that the person being checked should be shown all the consideration that the circumstances allow. Entry checks should always be carried out based on what can be considered necessary and proportionate in each individual case.

### Cases/examples of physical, online or legal threats or harassment of lawyers

Because of the increasing threats against lawyers, the Bar Association has started a cooperation with a security expert who can provide support and advice lawyers exposed to threats and harassment in their legal practice.

In an initial evaluation of this collaboration conducted in early 2025, it was concluded that the SBA secretariat had been contacted by its members on approximately forty occasions during 2024 to request security advice in connection with exposure to, or risk of exposure to, threats, violence or harassment. In addition, the Swedish

Bar Association has taken the initiative to organise free training courses for lawyers to help them identify and counteract violence, threats and various forms of attempted influence.

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

In November 2025, the Swedish Government Official Report entitled *Rättssäkerhetens pris* (SOU 2025:111), a government inquiry concerning legal counsel and legal costs, was published. The investigator, Court of Appeal President Anders Hagsgård, was tasked with proposing measures to create more effective cost control over the state's expenditure on legal counsel. The government's directives included proposals for increased use of tariffs and possibly a differentiated standard hourly fee, whereby lawyers would receive higher compensation than legal professionals who are not members of the Bar. The directives further instructed the investigator to consider whether stricter eligibility requirements, or other measures, are needed to strengthen public trust in public defenders. Additionally, the investigator was tasked with addressing issues concerning individuals' ability to assert their rights in court and make proposals on how the right to counsel in higher courts can be strengthened.

The report makes a wide range of proposals in various areas relating to legal counsels, i.e., lawyers and jurists who represent individuals with remuneration from the State Treasury. Among the proposals to increase cost control are a differentiated standard hourly fee providing lower compensation for legal associates and others who are not lawyers, stricter rules regarding compensation for wasted time, and the introduction of digital cost invoices. The investigator also proposes a series of changes to enhance individuals' access to legal remedies. Among other things, the conditions for obtaining counsel for injured parties in appellate proceedings would be made more generous, courts would be granted broader discretion to award compensation for legal costs, and the income limit for legal aid should be raised.

The investigator was also tasked with identifying possible measures to enhance public trust in public defenders. However, the report contains only a few proposals in this area, apart from a proposal for stricter qualification requirements for defenders in serious crimes, which has already been implemented in practice through the SBA's stricter qualification requirements. The SBA was represented by an expert in the government inquiry. The report has now been referred for consultation in the usual manner, and the SBA will submit its comments in a consultation response in the end of March 2026.

The Chairman of the SBA, Johan Eriksson, and Secretary General Mia Edwall Insulander have published a debate article on the website [Dagens Juridik](#) addressing concerns regarding the proposed differentiated standard hourly fee. The inquiry proposes that legal associates be compensated at 80 percent of the lawyers' hourly fees. The SBA representatives emphasise that the proposal is acceptable only if the lawyers' standard hourly fee is increased by a corresponding amount; otherwise, it would in practice result in a reduction in compensation levels for law firms. Such a reduction would make it more difficult for lawyers to recruit and train legal associates, thereby hindering the development of new lawyers. Accordingly, the SBA maintains that the proposal for a differentiated standard hourly fee poses a direct threat to individuals' ability to exercise their fundamental rights.

## Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

One focus for the Bar Association has been, and remains, independence – both for the Bar Association itself and for its members in their daily work. The core values of the legal profession (namely independence, confidentiality/legal privilege and client loyalty) must be respected. Unfortunately, the last couple of years a number of legislations and political suggestions threatening these core values have been introduced, which is of great concern.

The SBA actively participates in the legislative process and public discourse on various legal matters. The SBA contributes to legal development by submitting consultation responses/legal opinions on numerous bills and other legislative proposals annually. The SBA provided about 168 legal opinions in 2025, which is a record number. (This can be compared with 132 legal opinions in 2024 and 119 legal opinions in 2023). While elevated figures are typical in the year preceding an election (the next Swedish general election is scheduled for September 2026), the current level is higher than in the past. The Swedish Government is currently producing legislative proposals at an unprecedented pace. The SBA has characterised this development as “a tsunami of outgoing referrals and the appointment of inquiries.” The Swedish consultation process constitutes an essential component of legislative preparation, one that has traditionally been afforded adequate time. In recent years, however, the SBA and other consultative bodies, as well as the Council on Legislation, have expressed concern regarding the Government’s submission of legislative proposals with significantly abbreviated consultation periods. A further concern is that significant issues are occasionally not subject to proper investigation within the framework of government inquiries, but are instead addressed within the respective ministries, where proposals are presented in the form of memoranda.

In October 2025, the SBA submitted its consultation response to the Criminal Justice Reform Committee’s report entitled *En straffreform* (SOU 2025:66). The report is comprehensive and sets forth a wide range of proposals. The SBA endorsed certain proposals while opposing others. In its response, the SBA expressed general criticism of the overall increase in repression entailed by the committee’s proposals. The SBA emphasises that longer sentences do not reduce crime and can have negative consequences for both individuals and society. At the same time, the SBA is generally supportive of a clearer and more predictable penalty system and supports, among other things, the proposal to introduce a new conditional prison sentence. The SBA further emphasised the need for a modern, humane and proportionate criminal law system. The SBA called for a comprehensive analysis of ongoing reforms and cautioned that the current trend towards harsher penalties risks undermining both legal certainty and effective crime prevention.

The SBA has also in different Swedish media criticised the rapid development and numerous tougher penalties that characterise the government’s criminal policy and has addressed how the SBA is trying to influence legal developments through its consultation responses.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

It has been challenging to maintain public confidence in the independence of lawyers, largely due to some individual cases related to organised crime that have received media attention. Lawyers in general have been

portrayed as unscrupulous, although the Swedish National Council for Crime Prevention has stated in a report that so-called enablers, who misuse their employment in favour of criminal networks, are everywhere in the society, including throughout the justice system.

In line with the Bar Associations efforts of improving the public's opinion of public defenders (in particular) and adapting to a new reality in terms of the level and type of crime Sweden is currently experiencing, the Board of the Swedish Bar Association has decided to adopt mandatory qualification requirements for public defenders. As of 1 January 2025, it is required that lawyers have at least five years of experience as public defenders and have completed 18 hours of criminal case training specifically focused on cases involving serious crime, in order to be considered for appointments as public defenders in cases where the minimum penalty for the crime is four years in prison. All new Bar Members who wish to be public defenders also needs to complete a basic criminal case training, regardless of the range of punishment. A supervisory unit within the Bar Association has also been established, which is working exclusively with proactive ethical supervision.

Furthermore, The Board of the Bar Association has decided to introduce a new regulation stating that law firms are no longer allowed to employ former lawyers that have been disbarred from the Bar Association to provide legal advice. Nor may disbarred lawyers be contracted otherwise to provide legal advice within the framework of the law firm.

In recent years, the SBA had a few high-profile cases where lawyers were accused of putting their independence in jeopardy. The ongoing media debate concerning public trust in the legal profession has continued. The SBA has been very vocal against unlawful and unethical conduct but has at the same time tried to explain how both the proactive and reactive supervisory functions of the Bar operate. However, public discourse on this matter is expected to continue. More recently, severe breaches of confidentiality and other irregularities have also been reported involving court staff, police officers, and personnel at detention centres and prisons. This has somewhat nuanced the debate on infiltration by criminal networks, which previously focused primarily on concerns regarding public defenders undermining trust in the legal system. The current discourse on criminal infiltration now addresses the issue as a systemic concern affecting society as a whole.

## Significant developments related to accessibility of courts

Shortcomings regarding state funding of legal counsels remain, as do the far too low remuneration levels for lawyers in their roles as legal aid counsels. Furthermore, regulations limiting the right to legal counsel in court proceedings, such as no right to counsel for an aggrieved party in courts of appeal unless special circumstances are at hand, remain in place. Both these shortcomings affect access to justice.

The Swedish Government has increased the standard hourly fee by 3.58% (SEK 55) for 2025 to SEK 1 586 excl. VAT, approx. €148. The Swedish National Courts Administration has proposed an increase of the standard hourly fee by 2.55% (SEK 40) for 2026. The SBA has submitted criticism on the suggested fee. The level of the standard hourly fee no longer reflects the actual costs of running a qualified legal practice, following rapid increases in both fixed and variable costs together with high inflation. For example, the price base amount has increased by 22% between 2022 and 2025, while the standard hourly fee only increased by 10% during the same period. This has direct consequences for the rule of law and risks individuals' access to experienced and qualified lawyers. The SBA has proposed that the standard hourly fee for 2026 should be significantly increased and that the calculation model should be reviewed, with the aim of making faster and more realistic adjustments possible in the event of future inflation fluctuations. However, in December 2025 it was

announced that the standard hourly fee for 2026 would only be increased by 2.55% (SEK 40) in accordance with the Swedish National Courts Administration's proposal.

### Significant developments related to training of justice professionals

In June 2024, the Board of the SBA adopted new qualification requirements for public defenders. The new qualification requirements entered into force on 1 January 2025 and apply to appointments made after 31 December 2024. Under the new ethical rules, a lawyer must have at least five years of experience as a public defender in order to accept appointments in criminal cases carrying a minimum sentence of four years' imprisonment or more. Additionally, the lawyer must have completed comprehensive training specifically focused on serious crime. Furthermore, a general requirement to complete basic criminal law training has been introduced as a prerequisite for accepting any public defender appointment.

### Other issues and significant developments impacting access to justice

In January 2025 new legislation concerning anonymous witnesses entered into force in Sweden. Under the new legislation, witnesses in criminal cases may, under certain circumstances, be heard anonymously during preliminary investigations and court proceedings. The proposal received substantial criticism from numerous consultation bodies, including the SBA. The Council on Legislation issued its opinion on the proposal, noting, among other things, that a system of anonymous witnesses would be a significant departure from established and accepted legal principles. The Council further stated that the proposed legislation would cause an imbalance between the parties to the detriment of the defendant, and that the court's ability to conduct a free and comprehensive examination of the evidence would be limited.

## ALBANIA

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### Significant developments related to appointment and selection of judges, prosecutors and court presidents

There are many vacancies in the judicial system due to the vetting process. Those who are appointed are relatively young and not professionally mature.

### Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

No court presidents appointed. Only High Court and Constitutional Court do have elected chairs.

### Significant developments related to promotion of judges and prosecutors

The promotion of judges and prosecutors has become an end in itself and not a logical flow of their activity. They are promoted to career courts and prosecutors without spending at least 2-3 years working in the courts where they are initially appointed after graduating from the School of Magistracy. Their movement, sometimes with increasing speed and sometimes outside the judicial system, as advisors or specialists at the Supreme Court of Justice, the Supreme Court of Justice, the Prosecutor General's Office, etc., brings a large mishmash of unfinished files and re-shortened up to 3-4 times due to their movement.

### Significant developments related to allocation of cases in courts

The European Commission's Rule of Law 2025 report highlights that the lack of comprehensive statistical data and electronic case management systems hinders the effective monitoring of case allocation. In practice, official notifications from the Supreme Court indicate that some hearings have been postponed due to the lack of formation of judicial panels, reflecting the real challenges of case allocation in the courts.

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

The European Commission Report for 2025 has clearly identified the significant shortcomings on the process of nomination/selection of members of High Council of Justice and High Prosecutorial Council, no professional appointments and therefore no independence in exercising the duty. There is no transparency of both councils.

### Significant developments related to accountability of judges and prosecutors

No significant developments. Both Councils are very weak, and poor statistics do exist in this regard.

## Significant developments related to independence of the prosecution service

Lawyers do have the perception that Albania is the Republic of Prosecutors! They demand extreme security measures that do not look at the foreseen legal conditions. They abuse the autonomy of the prosecution service. Also, the High Prosecutorial Council is almost a non-existing body doing almost nothing as regards professional evaluation of prosecutors.

## Cases/examples of physical, online or legal threats or harassment of lawyers

One of the most recent cases that occurred in the Elbasan Court is the case where a Prosecutor in the courtroom says to the lawyer *"...You should be arrested"* and after the trial is over, he is summoned to give a statement at the Police Station and is arrested there. An unprecedented blow to the legal profession, both by the Prosecution and by the Court. He is released due to the pressure from public opinion and the strike organised by lawyers nationwide.

Summary of the case: On 17 October 2025, a court hearing was held to determine the security measure against citizen A, etc., a hearing held at the First Instance Court of General Jurisdiction in Elbasan, by Judge B, where the prosecution was represented by Prosecutor Y.

Defence lawyer Ulian Barjami, after ascertaining the video evidence presented at the hearing, where his client did not appear to be violently opposing the police officers, declared that he would file a report for falsification of evidence against the prosecutor, since the written minutes brought by the prosecutor to trial described a situation where lawyer Barjami's client had used violence against the police officers.

Prosecutor Y, irritated by this statement, replied to lawyer Barjami by saying: *"You should be arrested, you will be arrested!"*, and in the meantime, nervously, turned his head towards the police officers present in the courtroom.

Lawyer Barjami responded by stating: *"I will file a report, because you have violated the law."*

Judge B intervened in response to these statements, who explained to lawyer Barjami that he should avoid this discussion and focus on interpreting the evidence at that moment, without worrying about what he would do next.

The defence lawyer was arrested for:  
*"Threatening due to duty"*,  
*"Opposition and hitting the judge"*, and  
*"Threat to the judge"*,

We are dealing with the arrest of the lawyer due to his statements in the defence in the courtroom, treating his statement – that he will file a report for falsifying evidence against the prosecutor – as threatening and opposing the prosecutor.

<https://boldnews.al/2025/10/19/skandali-i-arrestimit-te-avokatit-prokuroria-e-elbasanit-manipulon-provat-ja-audio-e-plote/>

## Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

The Draft Criminal Code presented during this year. The Albanian Chamber of Advocacy has prepared and disseminated the arguments against the Draft Criminal Code to the working group and the Ministry of Justice responsible for preparing and drafting the new code.

### Inappropriate service fees/Article 537 of the Draft Code

The inappropriate determination of fees or remuneration for the performance of duties by public servants, lawyers, advisors or other persons who provide, in accordance with a profession recognised by law, any assistance or advice, which is known not to be due to them or, due to the service provided, to a lesser amount, even when the agreement between the parties is recognised by the relevant law, provided that the disproportion between the fee requested and the value of the work or the time spent on it is clearly evident, is punishable by a fine or imprisonment of up to three years, as well as the additional punishment of deprivation of the right to exercise public office for a period of up to five years.

### Article 538

#### Conflict of interest by a lawyer

1. The provision or rendering of services through advice and assistance to both parties in the same legal matter by lawyers or other persons providing legal aid, in relation to matters entrusted to them in this capacity, in violation of their duty, shall be punishable by a fine and the additional punishment of deprivation of the right to exercise the public profession according to the provisions of Article 82 of this Code.
2. Lawyers who cooperate with the opposing party to the detriment of their client shall be punished by imprisonment from one to four years.
3. The prohibitions of this Article shall also apply to lawyers or other persons, members of the same office providing legal aid, when serving opposing parties in the same matter.

## Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

The above-mentioned initiative regarding the New Criminal Code. The Albanian Chamber of Advocacy sent written comments against this initiative to the Ministry of Justice and the working group.

## Problems and difficulties implementing the case law of national, European, and international courts

There is a common problem reported by lawyers accessing the file with the materials and evidence of their clients/defendants.

# MONTENEGRO

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## Significant developments related to appointment and selection of judges, prosecutors and court presidents

The selection and appointment of judges of the Constitutional Court remains par excellence political appointment. We still do not have all the judges of the Constitutional court appointed because of political calculations and which political party will have the "majority" in the Constitutional Court. What was the most important for our profession is the fact that in 2025 it became obvious that lawyers are not welcomed to apply for any kind of position in judiciary, especially not for the position of a judge in a Constitutional court. Our colleague, an experienced lawyer, Mirjana Vučinić, was nominated by the President of Montenegro for a position of a judge of the Constitutional Court. But right after she was nominated, she was targeted and discredited by a politician, actually vice-president of the government for the judicial system, Momo Koprivica, and was labelled as a "mafia lawyer" just because she represented one construction company "Bemax" in public procurement procedures. She was identified with her client by the politicians and we had a strong reaction about this situation from UN special rapporteur for human rights on the independence of judges and lawyers, Margaret Satterthwaite, explaining that lawyers must never be identified with their clients. But nothing changed, and our colleague was not appointed.

What is a worrying trend in Montenegro is that newly appointed presidents of the courts are becoming more and more involved in specific cases that the public is interested in, which raises concerns that the independence of judges dealing with certain cases is endangered.

## Significant developments related to irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

There is also one worrying trend, and that is the fact that experienced judges are leaving High court in Podgorica and Appellate Court of Montenegro, because they are not satisfied with the organisation of work and functioning of those courts. This means that there are no good developments in our country regarding this, on the contrary, we are losing good judges, and we are not producing new ones.

## Significant developments related to promotion of judges and prosecutors

There are no significant developments regarding promotion of judges or prosecutors, since they are not being promoted.

## Significant developments related to allocation of cases in courts

There are no developments regarding allocation of cases, but there is a worrying trend in civil cases to reject most of the lawsuits and finish-close the cases in that way by following new "guidelines how to deal with civil cases". The issue is that those guidelines are completely in collision with the law, and guidelines itself are not in a form of law or bylaw and therefore cannot be applied if in collision with the law. This is a plan on how to deal with backlog of civil cases, but we have reasons to believe this will lead to violation of several rights guaranteed by the Constitution and European Convention for human rights. The courts are not there to tick

the boxes so that we get accepted to EU for fulfilling certain goals, they are there for the citizens, to protect their rights and serve justice. The backlog of cases can be dealt only with appointment of more judges and court staff and by improving working conditions in the courts (space, salaries etc.).

### Significant developments related to independence and powers of the body tasked with safeguarding the independence of the judiciary

Council of judiciary is still not operating in a way that they fulfil their purpose, and this body remains without any real power.

### Significant developments related to remuneration for judges and prosecutors

No developments, but there was a very worrying tweet from the President of Montenegro. He stated that the judges will get raise of their salaries when they deliver decisions they are expected to deliver. So, the executive power is basically blackmailing the judiciary with salaries.

### Cases/examples undermining confidentiality of lawyer-client communications

1. The case of colleague Branko Anđelić, who was initially subjected to measures by the Supreme State Prosecutor's Office based on an order for conducting an investigation and on indirect knowledge that can be treated solely as "gossip," led to the Higher Court in Podgorica imposing even stricter measures. The competent court approved video and audio recording of the law office, allowing access to information related to the professional conduct of the lawyer in cases where he was engaged as a defender. This represents a gross violation of lawyer-client confidentiality and judicial abuse against the relationship between lawyer and client. At the end he was not even allowed to see the materials gathered and there was no procedure initiated against him after those measures.
2. The second example is directly related to colleague Đorđije Vukmir, who was hired by a person suspected of having participated in war events in Ukraine and Russia, which is why his office was searched without presence of a representative of the Bar Association of Montenegro and in addition, the searches were also made in other locations, in the apartment where he lives, as well as in the family home of his parents. Again, no procedures were initiated after this, and the prosecutor even admitted they were searching for evidence against his clients in his file, which is also a violation of lawyer-client confidentiality and judicial abuse against the relationship between lawyer and client.

These examples clearly show the degree of threat to lawyers when performing their constitutionally determined function and role in society, which is why the issue of the independence of the legal profession can really be problematic. In this regard, the Bar Association of Montenegro submitted a proposal to amend the Criminal Code of Montenegro in such way as to introduce the criminal offence of "Assault on lawyer, public bailiff and notary", which proposal was not accepted by the Ministry of justice, with the explanation that public bailiffs and notaries are included in tasks of public importance, while the legal profession is covered through the provision of legal assistance before courts and other state bodies.

## Cases/examples of physical, online or legal threats or harassment of lawyers

As explained already in this questionnaire, an experienced lawyer, Mirjana Vučinić, was nominated by the President of Montenegro for a position of a judge of the Constitutional Court. But right after she was nominated, she was targeted and discredited by a politician, vice-president of the government for the judicial system, Momo Koprivica, and was labelled as a "mafia lawyer" just because she represented one construction company "Bemax" in public procurement procedures. She was identified with her client by the politicians, and we had a strong reaction about this situation from the UN special rapporteur for human rights on the independence of judges and lawyers, Margaret Satterthwaite, explaining that lawyers must never be identified with their clients. But nothing changed, and our colleague was not appointed.

## Problems and difficulties implementing the case law of national, European, and international courts

The Courts in Montenegro are simply not implementing decisions of international courts.

## Significant developments related to training of justice professionals

Training of lawyers is on a good level and there are no issues with that.

## Significant developments related to digitalisation

There is no digitalisation of justice happening in Montenegro.

### Cases/examples undermining confidentiality of lawyer-client communications

According to the information available to the BAS, there were no cases of unlawful violation or breach of lawyer-client communication confidentiality in 2025.

However, as in previous years, there is suspicion that certain lawyers were subjected to unauthorised telephone surveillance by police officers and the Security Intelligence Agency, for which no official data is available.

### Cases/examples of physical, online or legal threats or harassment of lawyers

In January 2025, after the BAS Assembly suspended the work of all lawyers for seven days in support of students' demands, the President of the Republic publicly referred to members of the BAS Assembly as a "mob" and suggested limiting the Bar's constitutional role in regulating admission to the legal profession. The BAS immediately condemned these statements as unconstitutional and as an attack on the independence and reputation of the legal profession. At an extraordinary session held on 2 February 2025, the BAS Assembly adopted a decision to suspend the work of all lawyers in the Republic of Serbia for 30 days due to continued interference of the executive branch in the judiciary, threats to remove public powers from bar associations, pressure on courts, and incitement of attacks on students.

Link to the BAS statement in response to the statement of the President of the RS:

[https://aks.org.rs/sr\\_lat/saopstenje-za-javnost-advokatske-komore-srbije/](https://aks.org.rs/sr_lat/saopstenje-za-javnost-advokatske-komore-srbije/)

Link to the decision of the BAS Assembly on the 30-day suspension of lawyers' work:

<https://aks.org.rs/cir/odluka-skupstine-uo-aks-o-obustavi-rada-advokata/>

In July 2025, lawyer Radovan Novaković was unlawfully arrested and detained in Užice during a peaceful citizens' protest after continuing to walk on a road blocked by police. The BAS publicly demanded his immediate release and, due to unlawful detention and procedural violations, the BAS Governing Board decided to suspend lawyers' work in criminal proceedings nationwide for three days as an urgent protective measure for the legal profession.

Several days earlier, during a public gathering in front of the Faculty of Law in Belgrade, police used force against multiple lawyers who identified themselves as lawyers providing legal assistance to detained citizens; some were unlawfully deprived of liberty and one lawyer sustained serious physical injuries. The BAS condemned the police actions, demanded accountability of the responsible authorities, and activated institutional legal protection mechanisms.

Link to the BAS Governing Board decision on a three-day suspension of lawyers' work:

[https://aks.org.rs/sr\\_lat/odluka-uo-aks-o-obustavi-rada-advokata-4/](https://aks.org.rs/sr_lat/odluka-uo-aks-o-obustavi-rada-advokata-4/)

Link to the BAS statement explaining the reasons for adopting the decision on the suspension of work:

[https://aks.org.rs/sr\\_lat/saopstenje-za-javnost-advokatske-komore-srbije-4/](https://aks.org.rs/sr_lat/saopstenje-za-javnost-advokatske-komore-srbije-4/)

In December 2025, lawyer Čedomir Stojković was arrested and detained for 48 hours based on social media posts, on suspicion of the criminal offence of calling for violent change of the constitutional order. The Belgrade Bar Association publicly condemned the arrest as pressure on lawyers for expressing political opinions and warned of a pattern of repression against lawyers, students, journalists and professors.

Link to the BBA statement:

<https://akbgd.org.rs/%D1%81%D0%B0%D0%BE%D0%BF%D1%88%D1%82%D0%B5%D1%9A%D0%B5-%D1%83%D0%BE-%D0%B0%D0%BA%D0%B1-%D1%83-%D0%B2%D0%B5%D0%B7%D0%B8-%D1%85%D0%B0%D0%BF%D1%88%D0%B5%D1%9A%D0%B0-%D0%B0%D0%B4%D0%B2%D0%BE%D0%BA%D0%B0/>

### Specific legal provisions and policies in your country which could influence the independence of the Bar and lawyers

Amendments and supplements to the Law on State Survey and Cadastre introduced certification requirements for professional users, which could be interpreted as applying to lawyers acting before cadastral authorities. The BAS warned that imposing certification or licensing requirements on lawyers would constitute unlawful interference with the constitutionally guaranteed independence and autonomy of the legal profession.

### Specific examples of problems in relation to the cooperation between Bar and the executive branch of the government and/or supervisory authorities and cases of political pressure and interference regarding the role of the Bar or lawyers

In 2025, there were serious problems in cooperation with the executive branch in several legislative processes. The BAS was not invited to participate in the amendments to the laws, and public consultations were extremely short, limiting meaningful input from the legal profession.

In September 2025, the Ministry of Justice determined that the public debate on the Draft Law on Amendments and Supplements to the Criminal Code, the Draft Law on Amendments and Supplements to the Criminal Procedure Code, as well as the Draft Law on Juvenile Offenders and the Protection of Minors in Criminal Proceedings would last only 20 days. As a result, the BAS sent a letter to the Minister of Justice stating that such a short deadline for a public debate on key systemic laws is inappropriate and unacceptable, that representatives of the legal profession were once again not invited to meetings of the Ministry of Justice working group dealing with amendments to the Criminal Code, and that, for all these reasons, the BAS was not prepared to participate in the public debate.

Link to the BAS letter addressed to the Ministry of Justice:

[https://aks.org.rs/sr\\_lat/dopis-ministarstvu-pravde-2/](https://aks.org.rs/sr_lat/dopis-ministarstvu-pravde-2/)

The BAS also stated that it had not participated in any phase of the drafting of the amendments to the Law on State Survey and Cadastre, despite the fact that these amendments directly affected lawyers acting as legal representatives before the cadastre authorities.

## Problems and difficulties implementing the case law of national, European, and international courts

Despite the publicly available case law databases of the Supreme Court, the Constitutional Court, and the European Court of Human Rights, inconsistencies in the case law of domestic courts persist.

Article 194 of the Constitution of the Republic of Serbia prescribes the sources of law: the Constitution, laws, other general acts, ratified international treaties, and generally accepted rules of international law. While the Constitution, as the supreme legal act of the Republic of Serbia, does not recognise case law as a formal source of law, in current judicial practice, it is used as an informal (supplementary) source, providing examples of the application and interpretation of legal norms. However, it does not hold the same formal significance as in the common law system, where case law creates law. This is further confirmed by Article 144 of the Constitution, which stipulates that a judge shall be independent and shall perform their duties in accordance with the Constitution, ratified international treaties, laws, generally accepted rules of international law, and other general acts.

## Significant developments capable of affecting the perception that the general public has of the independence of the judiciary and independence of lawyers

Public accusations by the President of the Republic against lawyers, combined with police violence during protests, significantly harmed public perception of the independence of the legal profession. In response, as already noted, the BAS actively defended the profession, including through public statements, supporting students' demands, and the suspension of lawyers' work as a form of protest, which further underscored the institutional conflict with state authorities.

## Significant developments related to accessibility of courts

In 2025, accessibility of courts was negatively affected by amendments and supplements to the Law on Court Fees, which introduced a significant increase of court fees. The BAS warned that such increases would directly restrict citizens' constitutional right of access to court, particularly for those who do not qualify for free legal aid or exemption from fees. The BAS submitted formal objections to the Ministry of Justice during the public debate and publicly emphasised that court fees were becoming a financial barrier rather than a symbolic administrative cost.

Link to the BAS statement on Draft law on amendments and supplements to the Law on Court Fees:

[https://aks.org.rs/sr\\_lat/saopstenje-za-javnost-povodom-javne-rasprave-o-nacrtu-zakona-o-izmenama-i-dopunama-zakona-o-sudskim-taksama/](https://aks.org.rs/sr_lat/saopstenje-za-javnost-povodom-javne-rasprave-o-nacrtu-zakona-o-izmenama-i-dopunama-zakona-o-sudskim-taksama/)

The BAS continues to advocate that free legal aid remains within the jurisdiction of legal profession and local self-government units, while problems persist due to insufficient local capacities and attempts by unauthorised entities to provide legal aid.

## Significant developments related to resources of the judiciary

The BAS does not have relevant data, but the general impression is that there has been no progress or significant change in 2025 regarding judicial resources (human, financial, material).

## Significant developments related to training of justice professionals

The provisions of the Law on the Legal Profession and the Statute of the BAS stipulate that a lawyer is obliged to continuously acquire and improve the knowledge and skills necessary for the professional, independent, autonomous, effective, and ethical practice of the legal profession, in accordance with the professional training programme adopted by the BAS.

Within its competencies, the BAS, through the Bar Academy as its integral part, organised several seminars, training sessions, and round tables in 2025 related to the professional development of lawyers, covering both national legislation and the monitoring and application of EU laws. Additionally, international cooperation with European bar associations was established.

Link to the Bar Academy website: <https://aksakademija.edu.rs/>

## Significant developments related to digitalisation

According to the information available to BAS, there were no significant improvements in the digitalisation of the judiciary in 2025.

The percentage of electronic submissions used by parties and lawyers to communicate with courts and public prosecutor's offices remains modest.

Despite the legal profession's years-long insistence on the need to digitalise court case files to enable lawyers to access scanned case documents, this has not yet been implemented. As a result, lawyers are still required to physically review and examine case files at the relevant institutions instead of accessing them online.

## Significant developments related to use of assessment tools and standards

According to the information available to the BAS, there were no significant improvements in 2025 regarding the use of tools and standards for assessment.

In the Republic of Serbia, a unified and centralised ICT system for case management in all courts and public prosecutor's offices still does not exist, and the various systems in use are not interoperable.

## Significant developments related to efficiency of justice system

There were no significant improvements in the efficiency of the judiciary in 2025.

A significant disproportion in the workload of courts and public prosecutor's offices persists, depending on their jurisdiction, as well as the slow decision-making of certain courts, particularly those handling a large number of old cases.

### Other issues and significant developments impacting access to justice

Civil protests, largely led by students and lasting throughout the entire year of 2025, were accompanied by police brutality, the use of prohibited means against peaceful demonstrators (sound cannons), violations of citizens' fundamental rights and freedoms, and the unequal application of the law between protesters and loyalists close to the ruling regime.