

# 2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

**If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.**

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see [https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en)

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

### **Legislative developments**

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

### **Policy developments**

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

### **Developments related to the judiciary / independent authorities**

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

### **Any other relevant developments**

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## About you

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\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☒ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

\* Organisation name

250 character(s) maximum

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra

- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador

- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☒ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein

- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia

- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia

☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

\* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*



## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022<sup>[1]</sup>. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☒ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands

- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

*3000 character(s) maximum*

The recommendations were not followed.

### A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*3000 character(s) maximum*

The National Judicial Council (NJC) found that certain appointments did not comply with the law, both in relation to the appointment practice of the President of the Curia and the President of the National Judicial Office (NJO). In some cases, the second or third ranked candidate was appointed or transferred without the agreement of the NJC, where the first ranked candidate, who had been proposed for appointment to another post, did not withdraw his application. By this decision the legal power of the NJC was withdrawn. In the Curia it has happened that the candidate ranked fourth in the ranking list of judges has been appointed as a judge in the selection procedure for the multiple applications.

In the practice of evaluation of judicial applications, the NJC has observed that there is a lack of legal regulation of the order of evaluation in cases where several calls for application are evaluated with the same deadline. This regulatory deficiency exists in the case of appointments made by both the President of the NJO and the President of the Curia. In the absence of such a regulation, the order of selection can influence who becomes a judge and who is excluded from this possibility.

It is also unregulated where a candidate for a judicial post does not apply for a single post but submits several applications at the same time; there are no rules on the procedure to be followed if several applications are successful. The current practice of the President of the NJO does not allow the candidate to choose the post to which he or she wishes to be appointed. In the view of the regulatory deficiencies identified, the NJC has indicated the need for a legislative amendment. It would be necessary to regulate in the Act on the Status of Judges the criteria and order of evaluation of applications for several posts in the same court, which are published at the same time. When an applicant wins more than one application for a post, the applicant must be given the choice of which post he or she wants to be appointed to, according to the rules written in the law.

The legislation on the number of points that can be awarded in judicial competitions has not been amended. This means that candidates with a traditional judicial career are disadvantaged compared with candidates from, for example, the public administration, as the current points system has the effect of seriously distorting the evaluation system.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

*3000 character(s) maximum*

The NJC wanted to examine the practice of secondments in 2021. However the results for 2022 are not yet available. As this examination material was not yet known in 2021, it is necessary to record the the result of the examination findings in the 2021. The 2021 practice has not changed for 2022. The NJC Commission's examination of secondments could only and exclusively analyse the Court Gazette. Until now, the President of the NJO has not allowed the members of the NJC to study the documents relating to secondments, on the grounds that the NJC does not have the legal power to examine secondments.

The Committee established by the NJC has identified the following general problems with the practice of secondment under the powers of the President of the NJO:

- The number of secondments based on the decision of the President of the NJC has increased to such an extent that it violates the principles of a meritocratic system of appointments.
- It leads, by implication, to the creation of contra-legal "probationary" positions for judges.
- It has been raised that in addition to the two possible grounds provided for in the law, there are in fact other grounds for appointments.
- Under current practice, there is a risk of overburdening the judge on secondment.
- There is concern that no additional remuneration is paid for the extra work.
- It is not transparent why there is a need for years of secondment instead of publishing a call for applications.
- When applying for a post, seconded judges have an unreasonable advantage over their colleagues, and long-term secondments freeze normal career development.
- There is no transparency as to the duration of the secondment, nor as to when the seconded judge will retain all or part of his or her original judicial functions.
- The caseload measurements which should be the basis for secondments are not known.
- There are no rules on the exact selection criteria and procedures for secondments for the purposes of professional development.

In its examination the NJC therefore concluded that the practice of secondment was based on factors going further than the two grounds provided for in the Law on the Organisation of the Courts (the law provides for the possibility of secondment of judges for the purpose of balancing the workload and promoting the professional development of the judge)

However not only the president of the National Judicial Office, but also the president of the tribunal has the power to second a judge. These secondments are also extremely numerous and unclear, even though they have a significant impact on the living conditions, workload and even remuneration of judges. The concerns expressed by the NJC also exist for secondments within the tribunal. However, only the President of the NJO could investigate this practice, but no such investigation has been carried out in recent years, despite indications from MABIE and the NJC.

## Promotion of judges and prosecutors (incl. judicial review)

*3000 character(s) maximum*

The following decision by the president of a Court of Appeal has been made public: the president appointed a judge as president of the council whose application was not supported by the majority of the College of Judges, while the candidate who was unsuccessful won a very high rate of the majority of the College. Although the President of the Court of Appeal gave reasons for her decision, which was not contrary to the law, the losing candidate had no right of review under the current legislation.

## Allocation of cases in courts

*3000 character(s) maximum*

The rules and practices for the allocation of cases have not changed.

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

*3000 character(s) maximum*

The National Judicial Council requested amendments to the NJO in a number of areas of the law in order to allow it to fulfil its control and supervision function. The NJC does not have the power to apply directly to the Minister of Justice for a change in the law, therefore the NJC has asked the President of the NJO to initiate the amendment of the law on the courts and the status of judges to the Minister on the points it suggests. It was proposed

- that the law be amended to make the NJC a legal entity, and that the NJC be given a separate title within the judicial chapter of the central budget. They asked for the right of agreement of the NJC to be written into law for budget transfers between the various courts and the Curia.
- to amend the Law on Courts by a request to the President of the NJO to provide information within 15 days of the NJC request and to require the President of the NJO to explain the reasons for all his decisions.
- to change the rules for the President of the NJC so that the mandate of the NJC president and vice-presidents would be for 2 years
- that a representative of the NJC should also be able to participate in parliamentary committee meetings when the agenda item on legislation directly concerning the courts is discussed.
- that the NJC should also be able to take a separate legislative initiative with the right to do so.
- to require prior consultation to determine the detailed conditions and rates of other benefits.
- that it should be written into law that the NJC should annually control the budget not only of the courts but also of the President of the NJO.
- both the vice-president of the NJO and the vice-president of the Curia should be required to give their preliminary opinions.
- to require the agreement of the NJC in the case of a judge being seconded to another court.
- that the President of the NJO should inform the NJC annually of the practice of secondment of presidents of tribunals.
- that the presidents of courts and the presidents of judicial councils could appeal to the NJC if the president of the NJO does not publish an application for a judicial post despite the initiative.
- In the case of applications for judicial posts the NJC proposed that if the NJC does not agree with the proposal of the President of the NJO or the President of the Curia as regards the difference in ranking, the President of the NJO should not make a new proposal and should not decide to declare the application unsuccessful afterwards.
- to provide for the right of agreement of the NJC in cases where the President of the NJO or the President of the Curia wishes to declare a judicial application unsuccessful
- that the NJC should have the right of agreement if the President of the NJO wishes to declare a leadership application unsuccessful despite the fact that there is a candidate supported by the reviewing body.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

*3000 character(s) maximum*

In 2022 the National Judicial Council drafted the Code of Ethics for Judges, after consulting judges and taking into account their comments. The Association of Hungarian Judges also participated in the work of the committee responsible for the drafting of the Code of Ethics and in the drafting of the text. The Code came into force on 15 July 2022 (Courts Day in Hungary).

The President of the Curia was only partially involved in the debate on the Code of Ethics. When the Code was adopted, he was absent from the meeting of the NJC. The dispute between the NJC and the President of the Curia first developed because the NJC omitted to refer in the preamble of the Code of Ethics to the fact that the Code provides for ethical requirements for the exercise of judicial power in accordance with the Fundamental Law of Hungary.

After the adoption of the Code the President of the Curia has appealed against the Code of Ethics for Judges before the Constitutional Court, asking the Constitutional Court to examine and declare the Code unconstitutional, and, in the alternative, to annul the Code.

In his submission the President of the Curia doubted whether the current NJC had any legal authority to amend the Code of Ethics adopted by the previous NJC. In his view, the possibility to create a Code of Ethics was a once-only possibility. He criticised the absence of a reference to the Fundamental Law in the preamble of the Code. In addition the President of the Curia considers that the new Code of Ethics does not adequately regulate the freedom of expression of judges, as the Code significantly extends the right to express opinions. According to him allowing criticism of the judicial system is not in accordance with the law on the status of judges. Furthermore the President of the Curia said that the NJC had established ethical rules for judicial leaders without legal authority, and that the ethical rules were linked only to the position of judge.

Four civil society organisations have filed amicus curiae petitions to the Constitutional Court asking the Constitutional Court to reject the petition of the President of the Curia. The case is currently pending before the Constitutional Court.

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

*3000 character(s) maximum*

In January 2022 judges and prosecutors received the last part of their three-year pay salary increase, averaging 12%. On the other hand in Hungary inflation is expected to exceed 25% in 2022. So despite the January pay rise, the real value of judges' salaries fell in 2022 due to high inflation. Compared to previous years, judges received a much smaller amount of benefits in 2022. There is no year-end bonus in any court in 2022. The financial situation of judges and court staff has deteriorated significantly in terms of value, comparing the significant wage increases in other segments of society, due to inflation, food and utility rate increases, and the reduction in other benefits.

Independence/autonomy of the prosecution service

*3000 character(s) maximum*

## Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

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

3000 character(s) maximum

An online press site has published a series of articles from the investigation files of the ongoing criminal proceedings against the President of the Hungarian Judicial Executive and several of his accused colleagues. According to the material on telephone wiretaps, the President of the executive branch had conversations with the president of NJO and the president of the largest tribunal and made a request to the latter to remove the judge. The court president rejected this but said it is possible to make the judge feel uncomfortable at her workplace. The President of the NJO ordered a targeted investigation at the court, then informed the NJC that the investigation material was qualified as restricted in distribution due to its content and refused to communicate the results of the investigation on the grounds of classified information.

In an interview with a foreign press organ in the summer of 2022 the spokesperson for the NJC said that he and his colleagues had experienced both internal and external attempts to influence the court, with attacks coming from all sides of the political spectrum. The article also interviewed a number of others, including one who said that the current Hungarian government was constantly overstepping its powers to influence the courts. Following the publication a propaganda attack started against the NJC spokesperson. The spokesperson was accused of attacking the government, violating the independence and impartiality of the judiciary. He was described as a blood judge who puts innocent people in jail. The articles also included statements that the NJC was a putty club that made politically motivated attacks on the former president of the NJO. Some articles accused the former President of the Curia of supporting the activities of the NJC.

The US Ambassador to Hungary reported in a Twitter message that he had met with the spokesperson and international representative of the NJC. This was followed by a vicious, personal smear campaign against the two judges. The government media broadcast the case as if the two judges had visited the ambassador not as representatives of the NJC, but as judges without functions, who had called them in. The meeting was considered a brutal interference in the Hungarian judiciary. According to the articles, the judges violated the Code of Ethics and their impartiality was compromised. Several speakers, including members of the government, have called on the judges to resign. There were also calls for the two judges to be kicked out because of the meeting.

The President of NJO described the justification and legality of the meeting as questionable. He explained that the members of the NJC are not entitled to the higher protection afforded to judges in this case. If a member of the NJC accepts to appear in public, he/she is obliged to tolerate a higher level of criticism - with the provision, of course, that criticism in this case must not be offensive to human dignity.

## B. Quality of justice

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section*

*2)*

## Accessibility of courts (e.g. court/legal fees, legal aid, language)

3000 character(s) maximum



No development

## Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

There are no significant changes, the amount of fringe benefits in the court has decreased.

## Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

Most of the training was still done online, for pandemic reasons at the beginning of the year, and later due to the energy price hikes.

## Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

There have been no significant changes, and digitalisation of the courts has generally been of a sufficient standard to allow proceedings to continue even during pandemic restrictions.

## Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

No development

## Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

An amendment to the law, which entered into force at the end of the year, introduces a procedure for criminal proceedings called "proceedings in cases of major offences relating to the exercise of public authority or the management of public property". Until indictment, the functions of the court are performed by a single court, the Investigative Group of the Central District Court of Buda, and after indictment, the general rules on jurisdiction and competence apply. There is no practical experience of the procedure (whether it is efficient) yet at all.

## C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

### Length of proceedings

3000 character(s) maximum

No significant changes compared to the previous report.

Other - please specify

*3000 character(s) maximum*

## II. Anti-Corruption Framework

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Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

*3000 character(s) maximum*

### A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*3000 character(s) maximum*

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

*3000 character(s) maximum*

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

*3000 character(s) maximum*

### B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

*3000 character(s) maximum*

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

*3000 character(s) maximum*

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

*3000 character(s) maximum*

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

*3000 character(s) maximum*

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

*3000 character(s) maximum*

Any other relevant measures to prevent corruption in public and private sector

*3000 character(s) maximum*

## C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

*3000 character(s) maximum*

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

*(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)*

*3000 character(s) maximum*

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

*3000 character(s) maximum*

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

### III. Media Freedom and Pluralism

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

*3000 character(s) maximum*

#### A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

*3000 character(s) maximum*

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

*3000 character(s) maximum*

Existence and functions of media councils or other self-regulatory bodies

*3000 character(s) maximum*

## B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

*3000 character(s) maximum*

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

*3000 character(s) maximum*

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

## C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

*3000 character(s) maximum*

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

*3000 character(s) maximum*

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

*3000 character(s) maximum*

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

## IV. Other institutional issues related to checks and balances

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

*3000 character(s) maximum*

### A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] This includes also the consultation of social partners

*3000 character(s) maximum*

In practice, the problems with legislation remain the same as in the previous report. The pace of legislation remains very accelerated, there is insufficient preparation time before entry into force, and there is no public debate. However, in order to reach an agreement with the European Commission, an amendment to the

legislative law was adopted in October 2022, which provides for more public consultation, which is a key element in the legislative process. No experience has yet been gathered on the practical implementation of this law.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

No development

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

The state of emergency declared in response to the consequences of the coronavirus pandemic was replaced during the year by a state of emergency declared in response to the armed conflict and humanitarian disaster in Ukraine and their consequences in Hungary.

## B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

No development

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

## C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

*3000 character(s) maximum*

No development.

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

*3000 character(s) maximum*

No development.

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

*3000 character(s) maximum*

No development.

## D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

*3000 character(s) maximum*

No development.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

*3000 character(s) maximum*

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

*3000 character(s) maximum*



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Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

*3000 character(s) maximum*

## E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

*3000 character(s) maximum*

No development since the last report

Other - please specify

*3000 character(s) maximum*

## Contact

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