

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

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

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

Type of information

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

* 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

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

The principle of the rule of law is an organizing principle of state and constitutional order, it is one of our core values that must be enforced. However, one of the generally applied, most important principles of the European Union is the principle of conferral of competences set down in Article 5 of the Treaty on European Union (TEU). According to this Article, the EU can only act within the limits of the competences conferred upon it by the Member States to attain the objectives set out by the Treaty.

However, since the issue of the rule of law was tabled by the European Commission in 2014, we are witnessing the recurring attempt to expropriate this topic by the Commission and use it to force certain Member States into giving up their position in matters of political importance, e.g., migration or family policy. This is happening in spite of the fact that during the constitutional process in 2011, in Hungary, sufficient safeguards for the principle of the rule of law were created by the Hungarian National Assembly. Forming the constitutional system is an organic element of national sovereignty – a competence that was never conferred upon the EU by the Member States. This would also be unconstitutional in the case of Hungary. It is right to say that violating the principles of conferral of competences, subsidiarity and proportionality; disregarding the national sovereignty and constitutional identities of Member States, the Commission is trying to create an EU level control over the application of the principle of the rule of law within the Member States.

The values enumerated in Article 2 TEU are political and philosophical categories, as a consequence, all Member States have a different approach when interpreting these values. It also follows that these values might be co-opted by ideologies and burdened with political content resulting in the prospect of becoming compulsory benchmarks for the Member States, shaped by the prevailing ideological winds. Unfortunately, this is what we have been experiencing in all Commission proposals related to the rule of law, constantly accompanied by the application of double standards relating to the Member States. The 2020, 2021 and 2022 rule of law reports clearly proved that the Member States are not measured by the same objective standards. While in Hungary several issues were put on the table that are factually incorrect, in case of other Member States the Commission did not even mention that there is an ongoing rule of law crisis. Several examples could be brought up when questioning the integrity of the rule of law related proceedings of the European Commission.

Clearly, the rule of law debate is a political debate masquerading as a legal one; its primary aim is to interfere with the sovereignty of the Member States. What is more, recent experience shows that the tools currently available in the EU have been used for political motives, without paying heed to real dialogue, professional or legal arguments. Tools aimed at investigating breaches of the fundamental values of the EU raise the prospect of violations of Member State sovereignty. This cannot be remedied with a soft law toolset, as these categories themselves are unsuitable to determine whether the rule of law prevails in a Member State.

There are differing views on the matter, whether the discourse regarding the application of the rule of law mechanisms as political tools to discipline Member States should play a key role in shaping Europe's future. The arguments of those who wish the Member States should have a weaker role are feeble, at least for the reason, that there are matters more immediate and unprecedented in the history of the EU on the agenda, namely handling the European energy crisis, which should be the priority for all European actors.

The overall view of this topic is contrasting: while the egregious cooperation of the left-wing parties with the antisemitic Jobbik party indeed raised serious concerns, as the political leaders of the cooperation and their legal experts announced to suspend the rule of law and modify the Fundamental Law and cardinal acts with a simple majority (i.e. with only more than 50% of the votes cast) after a potential left-wing win in the 2022 general elections, the EU remained silent. At the same time, however, there is a hardily and steadily fought fight to push the rule of law against the will of the Member States and the letter of the primary law of the EU.

Questions for contribution

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^[1]. 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

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

Hungary implemented or is working to implement almost all of the recommendations from the 2022 rule of law report regarding the judicial system. The Government introduced a judicial reform in accordance with the agreement with the European Commission. The reform is expected to be adopted by the National Assembly until March 2023. Amendments include implementing the following recommendations: strengthening the role of the National Judicial Council (NJC), strengthening eligibility criteria for the president of the Curia and the National Office for the Judiciary, removing the possibility of reviewing the necessity of preliminary references. We will specify these reforms in their respective chapter.

It is important to mention, that the NJC will also have more staff to be able to exercise its duties and competences. This is also an implementation of a recommendation, in this case from the Venice Commission.

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

Under Article 9 section (3) point k) of the Fundamental Law of Hungary, the President of the Republic shall appoint professional judges after a process of application. The presidents of the regional courts of appeal and the regional courts are appointed by the president National Office for the Judiciary (NOJ), the presidents of district courts are appointed by the president of the respective regional court for six years . The president of the Supreme Court (Curia) and the NOJ shall be elected with the votes of two thirds of the Members of the National Assembly from among the judges for nine years on a proposal from the President of the Republic. The Government currently have plans in accordance with the agreement with the European Commission to strengthen the National Judicial Council (NJC). These include providing a preliminary veto right to the NJC regarding the election of the president of the Curia and NOJ. Strengthening the NJC and strengthening eligibility criteria for the Curia and NOJ presidents are also two of the recommendations form the 2022 rule of law report, which will be implemented with the planned amendments.

Article 29 section (1) of the Fundamental Law ensures the independence of the prosecution service. The Prosecutor General shall be elected by the National Assembly with a two-thirds majority from among the prosecutors for nine years on a proposal from the President of the Republic . A Hungarian citizen with a university degree in law and a Bar examination and with no criminal records may be appointed as a prosecutor . They are appointed by the Prosecutor General.

The guarantees of the independence of the Constitutional Court are laid down in a cardinal Act . All Hungarian citizens with no criminal record and eligibility may be elected as members of the Constitutional Court, if they are in possession of a law degree, and are between 45 and 70 years of age. They must be exceptionally skilled lawyers with at least 20 years of relevant experience. The members are elected with the votes of two thirds of the Members of the National Assembly for twelve years which cannot be prolonged.

The president of the Constitutional Court is also elected by the National Assembly from among the members of the Court with a two-thirds majority.

Judicial independence is expected to become even stronger after the planned and above mentioned reform, which is now introduced and is expected to be adopted until March 2023. One important part of the reform will be abolishing possibility to appeal against judicial requests for preliminary ruling of the Court of Justice of the European Union. An amendment like this was also one of the recommendations from the 2022 rule of law report.

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

Judges are independent and only subordinated to Law and their conscience; they cannot be instructed in relation to their judicial activities. Judges may only be removed from office for the reasons and in a procedure specified in Act CLXII of 2011. Removal from office can take place for a number of reasons, such as imprisonment for committing a crime or a conflict of interest. The Constitutional Court has a very important role in protecting the independence of judges.

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

In the appointment of court executives, the right of the judicial bodies to form an opinion on the appointment remains unchanged. Some of the court executives are appointed by the president of NOJ, while a much larger part of the executives is appointed by the presidents of regional courts of appeal and of regional courts.

The powers of the bodies forming an opinion remain intact with regard to all executive appointments. Indeed, the rights of the president of NOJ are more limited than the powers of the presidents of regional courts of appeal and of regional courts. The president of NOJ has to obtain the advance opinion of the National Judicial Council (NJC), if he or she would like to appoint an executive who did not receive the majority of the votes of the body forming an opinion on the appointment. The president of the NOJ shall – at the same time as the appointment – provide a written notification to the NJC and present the reasons for the decision on the next session of NJC, in case of appointing a different person than the one proposed by the body providing an opinion.

The most important element of the system of applications for court executive posts is that the applicants must elaborate on their long-term plans and the way of their realization, and how the post in question can contribute to their plans. The president of the NOJ may initiate legislation in the interest of affecting the courts. According to the planned 2023 reform, this latter right is expected to be granted to the NJC as well. Prosecutors, with the exception of the Deputy Prosecutor General, are appointed to senior and managerial prosecution positions by the Prosecutor General. The Prosecutor General fills the senior and managerial prosecution offices falling within his competence of appointment as well as the prosecutor positions at the Office of the Prosecutor General and the Appeals Public Prosecution Office by application. With the exception of the office of Deputy Prosecutor General, the Prosecutor General may also order the filling of other positions by application. Job advertisements must be initiated by the Prosecutor General. The public job advertisement must contain all conditions necessary for being awarded the position and the deadline for the assessment of applications. Job advertisements must be published in the Prosecutors' Gazette (Ügyészszégi Közlöny) and on the website of the prosecution office. The time limit established for the submission of applications may not be shorter than ten days reckoned from publication on the Internet. Before the assessment of applications, the Prosecutor General acquaints himself/herself with the opinions regarding the candidate of the prosecutors' council.

Allocation of cases in courts

3000 character(s) maximum

According to Act CLXI of 2011 on the organization and administration of courts, the president of the respective court shall define the rules for allocation of cases, exceptions are district courts, where the president of the competent regional court shall define them. In all cases the president of the court shall ask the opinion of the judicial council, which means, that the president decides always in the knowledge of the representatives of the judges affected by the rules. The law prescribes several requirements regarding the rules for allocation. In sum, the allocation of cases is taking place according to in advance defined rules which must be in accordance with law.

With the planned judicial reform, the representative of the judges will have more influence in this aspect. In case they disagree with the court president's proposal, their opinion will be decisive.

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

In Hungary, the central responsibilities of the administration of courts is performed by the president of the National Office for the Judiciary (NOJ). It is the body entrusted with the supervision of the central administration of courts . The president of the NOJ shall be elected from among the judges by the National Assembly for nine years on the proposal of the President of the Republic. The President of the NOJ is elected with the votes of two thirds of the Members of the National Assembly.

There are also other bodies of judicial self-administration (like the NJC) that also participate in the administration of courts. This feature is laid down in the Fundamental Law as well, thus protected at the highest level. The administrative work of the NOJ's president is supervised by the NJC. The powers of the bodies forming an opinion remain intact with regard to all executive appointments. Indeed, the rights of the president of NOJ are more limited than the powers of the presidents of regional courts of appeal and of regional courts. The president of NOJ has to obtain the advance opinion of the NJC, if he or she would like to appoint an executive who had not received the majority of the votes of the body forming an opinion on the appointment. The president of the NOJ shall – at the same time as the appointment – provide a written notification to the NJC and present the reasons for the decision on the next session of the NJC, in case of appointing a different person than the one proposed by the body providing an opinion. Members of the NJC may consult the documents related to the operation of the NOJ and the president of NOJ, and may request data and information from the president of the NOJ. Furthermore, the impeachment of the president of the NOJ may be initiated by the NJC (or the President of the Republic). The President of the Curia is ex officio a member of the NJC, further members are elected by judges among themselves for six years. The Minister of Justice, the Prosecutor General, the president of the Hungarian Bar Association, the president of the Hungarian National Chamber of Notaries and the president of the NOJ participate in the meetings of the NJC with deliberative rights. As a result, NJC meetings are an important platform for interprofessional cooperation. The functioning of the NJC is secured by a cardinal Act. As mentioned above, the Government introduced proposals for the National Assembly to strengthen the role and competence of the NJC. Apart from the proposed veto right regarding the election of the president of the Curia and NOJ, plans include more role for the Council in the administration of courts, also for example veto right in some decisions of the president of NOJ. NJC will also be entitled to propose legislation regarding courts.

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 Hungary judges are independent in their judicial activities. Judges, however, are entitled to the same immunity as Members of the National Assembly. To lift the immunity of judges, the President of the Republic shall make a decision based on a proposal by the President of the NOJ. In the event of a breach of immunity, the necessary measures shall be taken by the President of the Republic based on a proposal by the President of the NOJ.

If the suspicion of a disciplinary breach emerges in respect of a senior court official, the person exercising the right of appointment initiates disciplinary proceedings before the president of the disciplinary court of first instance. If the suspicion of a disciplinary breach emerges in respect of a judge not holding a senior appointment, disciplinary proceedings are initiated by the president of the Curia in the case of the judges of the Curia, by the president of the regional court of appeal in the case of regional court of appeal judges, by the president of the regional court in the case of regional court and district court judges. The president of the NOJ may initiate disciplinary proceedings only against the court executives appointed by him and against a judge assigned to the NOJ.

It should be noted that in 2018, eleven court presidents exercising employer powers initiated disciplinary proceedings against 20 judges. Of the 2,933 judges, 6 were given a written warning.

There is also an Ethical Code of the Jury, which is approved by the President of the NJC.

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 the last several years, there was a gradual increase of the salaries and bonuses of judges and prosecutors in Hungary. In sum, the increase was around 60% for approximately 3.000 judges and 2.000 prosecutors. In 2021, the increase was 12% based on the basic salary level of year 2020, and in 2022 the increase was another 13% of the 2020 basis.

Independence/autonomy of the prosecution service

3000 character(s) maximum

As laid down in the Fundamental Law, the Prosecutor General and the prosecution service are independent and contribute to the judiciary system by exclusively enforcing the State's demand for punishment as public prosecutor. The Prosecutor General is elected by the National Assembly with a qualified (two-thirds) majority from among the prosecutors for nine years on a proposal from the President of the Republic. The Prosecutor General cannot be instructed by anyone, including members of Government or Members of the National Assembly. To provide the autonomy of the prosecution service, prosecutors may not be members of political parties or engage in political activities. To avoid arbitrariness, the detailed rules for the organization and operation of the prosecution service and for the legal status of the Prosecutor General and the prosecutors, as well as their remuneration, must be laid down in a cardinal Act. The independence of the prosecution service is laid down in Act CLXIII of 2011 stating that it is an independent, constitutional organization subject only to the law. The Prosecutor General and prosecutors enjoy the same immunity as Members of the National Assembly. Prosecutors may not engage in gainful activity outside their job, except for academic and educational (coaching, judging, refereeing), artistic, copyright-protected, proofreading and editorial activities, technical creative work and the establishment of an employment relationship as a foster parent.

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

3000 character(s) maximum

The Hungarian Bar Association and the regional bar associations are self-governing public bodies representing the interests of the legal profession, laying down and enforcing professional standards, including through disciplinary measures. To ensure its independency, the Hungarian Bar Association has an independent administrative organization and budget. In Hungary, a lawyer/advocate entitled to practice law shall be a member of a regional bar association. The officers, except for the President, Executive Board, Committees and Members of the Hungarian Bar Association, are elected directly by secret ballot every four years. The preceding exceptions, such as the President, are being elected by the main decision-making body of the Bar, the Delegate's Meeting (which consists of 150 Bar Members). The functioning of the Hungarian Bar Association is protected by Act LXXVIII of 2017.

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

3000 character(s) maximum

Based on the 2018 Eurobarometer Report on the perceived independence of the national justice systems in the EU among the general public, 48 percent of the respondents in Hungary have a very good or fairly good rating in terms of the independence of courts and judges, contrary to 30 percent of the respondents, who have fairly bad or very bad views on that. These numbers remained practically unchanged, showing a stable public perception tendency between 2016 and 2018. The 2022 EU Justice Scoreboard also dealt with the perceived independence of the judicial system. The latest data was for 2022 and showed that almost 45% of the respondents believe that the perceived independence of the judicial system is very good or fairly good in Hungary. In general, we can say that in the last five years, there is no significant change in the public perception, but there is a slight improvement in 2022 compared with 2021.

The 2022 Rule of Law Report, Country Chapter on the rule of law situation in Hungary summarizes that the perceived judicial independence continues to be at an average level among the general public and quite low among companies, although the latest data shows improvement. The level of independence of courts and judges is perceived as average (43% 'fairly or very good') by the general population, but a bit lower (34% 'fairly or very good') by companies. In 2020 the negative trend observed for a number of years has turned, with both indicators improving. This latter trend continued in 2021 and 2022 as well.

Nevertheless, despite the clear progress that Hungary made regarding the public perception of the judiciary, the Hungarian judicial system is under continuous political attacks by Members of the European Commission, most remarkably by Commissioner Vera Jourová. The public statements made by the Commission in this regard aim at undermining public trust in the Hungarian judicial system, which we strongly condemn.

Additionally, members of the Hungarian opposition parties make frequent and unjustified statements regarding the independence of the Constitutional Court. This is a threat to the judicial system. One of the key points in the official political program of the opposition parties for the 2022 Hungarian parliamentary elections was, in case current opposition would have won the elections, to change the Fundamental Law with simple majority, although it requires a qualified majority in Hungary.

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

Article XXVIII section (1) of the Fundamental Law recognizes as a basic human right the right to access courts for everyone. Article XXIX section (1) of the Fundamental Law recognizes national minorities living in

Hungary as a constituent part of state, and they shall have the right to use their mother language. Paragraph 113 of the Civil Procedure Code provides the right of all individuals who belong to a recognized national minority to use their language. The Constitutional Court stated in judgement 2/2021. (I. 7.) that it this right shall be provided equally for all minorities.

In general, it is obligatory to pay procedural fees for court proceedings, but the Civil Procedure Code and Act XCIII of 1990 on legal fees provide a lot of exemptions and discounts based on income and wealth, or in some cases based on the person's legal status (e. g. civil society organisations). There are also exemptions and discounts based on the subject of the case (e. g. lawsuits about protection of personal data or about publishing data of public interest).

Act LXXX of 2003 on legal aid establishes an institutional system to support socially disadvantaged people to access courts. This support includes providing a patronizing lawyer in case they are involved in any form in a lawsuit.

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

Courts constitute a separate chapter in the central budget of Hungary. The proposal for the budget chapter of the courts shall be prepared by the president of the NOJ, and shall be submitted without any modification by the Government to the National Assembly. All in all, every necessary resources are granted to the courts in Hungary, although there is always space to improvements.

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

3000 character(s) maximum

The president of the NOJ is responsible for establishing a training system for judges and trainee judges. The NJC proposes the central training plan and reviews the training system established by the NOJ. The president of every respective court is responsible for organizing the trainings. The Hungarian Judicial Academy is the institution tasked with the training itself for judges and trainee judges. The Academy is integrated into the NOJ.

Prosecutors are obligated to participate in usual trainings. Details of the training mandate are prescribed by the Prosecutor General.

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

Digital communication is widely available in court proceedings. According to the Civil Procedure Code, digital communication is optional and can be requested by every party. Forms for digital communication is easily available for everyone on the website of the courts (<https://birosag.hu/nyomtatvanyok>).

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

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

The Hungarian judicial system is multi-level, but there is no subordination between levels. There are 113 District Courts in Hungary, which means that local courts are available in almost every district (district are smaller administrative divisions than counties). In every county there is a Regional Court, and there are Regional Courts of Appeal with jurisdiction in a number of counties. The Curia and the Constitutional Court have national jurisdiction. According to the respective procedural codes, almost every civil, criminal or administrative proceedings are available in every district or county seat. We think that in general, geographical distribution of courts is satisfying in Hungary.

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

Hungary ensures fair and open proceedings that are completed within a reasonable period as it is a fundamental constitutional requirement. Based on the Constitutional Court’s practice, the reasonable time can be decided according to the circumstances of a case. In practice, the evaluation of the individual circumstances, the complexity of the case, the scope and the length of the evidentiary procedure, etc. predict the length of a proceeding. The violation of the right to be tried within a reasonable time can have legal consequences according to the Act CXXX of 2016 on the Code of Civil Procedure and the Act XC of 2017 on the Criminal Procedure. Both acts ensure the opportunity to lodge an objection which protects the litigants properly. These two acts contributed to achieve even more improvement regarding length of proceedings during the last few years. For example, as for criminal trials, the average length of proceedings reached 362 days in 2016, but have fallen to 262 days in 2020.

In this respect, Hungary continues to perform among the best at EU level, leaving - for example - The Netherlands, France and Finland behind, based on the 2022 EU Justice Scoreboard. In this regard, Hungary ranks 7th among the twenty-three examined Member States.

In January 2023 the Ministry of Justice established a new working group in order to shorten the length of proceedings in those exceptional cases, which are significantly longer, than the average. Other members of the group are the Ministry of Interior (which supervises the police forces), the Curia, the NOJ, the Office of the Prosecutor General, the National Police Headquarters and the National Tax and Customs Administration.

Other - please specify

3000 character(s) maximum

II. Anti-Corruption Framework

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

Besides strict rules helping to fight against corruption, there is a great focus on the prevention and influence of social attitudes capable of combating corruption. The Fundamental Law sets out in Article 39 section (2) that organizations managing public funds must be publicly accountable, furthermore, the public funds and national assets shall be managed transparently and according to the principle of purity of public life.

The State Audit Office of Hungary was commissioned by the National Assembly to strengthen the fight against corruption and has the mission to support accountability of public funds and to contribute to good governance. The president of the State Audit Office is elected by the National Assembly with two thirds majority for twelve years. The post of the president, the vice-president and the auditor are incompatible with the duties of any organization which receives financial resources from the state budget.

In Hungary, procedures against perpetrators of corruption-related crimes are to be carried out by the Police, the Prosecution Service and the National Tax and Customs Administration. The Police is an armed law enforcement service, and is the general investigative authority of Hungary. Its staff consists of trained and armed officers, who are determined to fight against every criminal offence, including corruption. The Prosecution Service also takes investigative steps, if the crime has been committed in the public sector and files and represents the indictment at court. When investigation is done by a different authority, the Prosecution Service supervises the investigation. National Tax and Customs Administration (which also has armed forces) conducts investigation only in special cases, prescribed by law. This includes budgetary fraud, which can be treated as a corruption-related crime.

The National Assembly adopted Act XXVII of 2022, which established the Integrity Authority (IA). IA is an autonomous state administration organ, and is entitled to act in case the responsible organization or authority did not take necessary measures against fraud, conflict of interest, corruption or other violation of law in connection with EU financial interests. This Authority is a special institute which is able to fight against corruption regarding EU funds. Consequently, the Authority is expected to be a good complements of the general system against corruption described above.

In the organization of the IA, the Anti-Corruption Working Group was also set in 2022, with participation of Government officials, civil society organisations and private individuals (representatives of the latter two categories are selected through an independent tender process). This consultative body is supporting the anti-corruption work of the IA with analysis, proposals, and decision preparation. The Working Group is obligated by law to present its first report to the Government until 15 March 2023.

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

In 2022, the Government proposed a large number of amendments to several acts in order to implement the agreement reached with the European Commission. The National Assembly adopted these proposals, which we see as a huge step forward in the fight against corruption. There are three main changes in this aspect. Firstly, as described above, the National Assembly established the Integrity Authority, which function as a new independent state institution to examine corruption and fraud with EU funds in Hungary. Secondly, also mentioned above as well, the Anti-Corruption Working Group is set with participation of Government officials, civil society organisations and private individuals. Thirdly, the National Tax and Customs Administration is obligated to provide support for OLAF on-site inspections. That support includes for example identity checks when necessary or enabling OLAF officers to enter facilities, or utilizing coercive instruments. We reiterate that the National Tax and Customs Administration has armed forces as well, and is endowed with right to investigate in several types of crimes, including budgetary fraud.

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

3000 character(s) maximum

As mentioned above, courts, the Prosecution Service, the State Audit Office and the Integrity Authority are all legally and functionally independent institutions. Officials are not allowed to be member of political parties, it is also prohibited for them to engage in political activities, and they are only subordinated to law. The president and vice president of the Integrity Authority shall not be President of the Republic, Prime Minister, State Secretary, Member of the National Assembly, Mayor or cannot hold any other political office during his or her tenure as (vice) president, and also 5 years before his or her appointment. Same rules apply for senior positions in businesses. Prosecutors (including the Prosecutor General) shall not hold any political office or senior position in businesses (same as the president of the Integrity Authority). The same rules apply for judges. Leaders and officials of the State Audit Office shall not hold any political office mentioned above, and they are also prohibited to hold senior position in any organization which benefits from the state budget. All of the officials mentioned above are entitled to high salary to prevent bribery.

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

In 2020 the Government adopted the Anti-Corruption Strategy 2020-2022, which contained several measures in order to fight against corruption. The Strategy identified three main areas where anti-corruption measures are necessary: technology, rules and values. Since 2018, digital case management is available in every state administration organ for private individuals, and is mandatory for business organizations. According to the Strategy, the Government is constantly working on digitalization of administration procedures, which contributes to a more transparent and less corrupt way of working. The Strategy also included special trainings for police officers and prosecutors to strengthen their competence in recognizing corruption and fighting against it. In 2022 the National Assembly adopted Act XXIX of 2022 on modifying some acts in order to reach an agreement with the European Commission. According to the amendments to Act CXXII of 2010 on the National Tax and Customs Administration, financial officers are obligated to provide support to OLAF officers during their on-site inspections. That support includes for example identity checks when necessary or enabling OLAF officers to enter facilities, or utilizing coercive instruments. We reiterate that the National Tax and Customs Administration has armed forces as well, and is endowed with right to investigate in several types of crimes, including budgetary fraud.

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

As mentioned above, courts, the Prosecution Service, the State Audit Office and the Integrity Authority are all legally and functionally independent institutions. Officials are not allowed to be member of political parties, it is also prohibited for them to engage in political activities, and they are only subordinated to law. The president and vice president of the Integrity Authority shall not be President of the Republic, Prime Minister, State Secretary, Member of the National Assembly, Mayor or cannot hold any other political office during his or her tenure as (vice) president, and also 5 years before his or her appointment. Same rules apply for senior positions in businesses. Prosecutors (including the Prosecutor General) shall not hold any political office or senior position in businesses (same as the president of the Integrity Authority). The same rules apply for judges. Leaders and officials of the State Audit Office shall not hold any political office mentioned above, and they are also prohibited to hold senior position in any organization which benefits from the state budget. All of the officials mentioned above are entitled to high salary to prevent bribery.

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

The Fundamental Law of Hungary guarantees the right to freedom of the press, and the right to access data of public interest, cornerstones of a democratic society. The right of access to information processed by public authorities is regulated by an Act, ensuring that every relevant information processed by state organs and local governments is easily available to anyone, having a proper request lodged with these institutions. The Act CXII of 2011 on the right to informational self-determination and on the freedom of information (Information Act) sets a procedure, whereby anyone can request the public authorities to provide access to data of public interest. The concept of data of public interest encompasses data controlled by anyone carrying out public duties. National Authority for Data Protection and Information Freedom (NAIH) is also regulated in the Information Act and is an autonomous state administration organ; it may not be instructed in its functions and operates independently of other organs and of undue influence. The tasks of the NAIH may only be determined by an Act of the National Assembly. This authority is responsible for controlling and fostering the right to access data of public interest. NAIH is able to conduct inquiries if the controller denies access of the requested information. There are plenty of other rules guaranteeing transparency in several sectors. One of the most important one is the public procurement, where there is an obligation for a fair, transparent and public competition. The Authority for Public Procurements is responsible for examining and controlling the execution of this rule. The Act CXXXI of 2010 on public participation in the drafting of legislation obligates the ministries to hold public consultations during the drafting of legislation. The aim is to ensure that the opinion of every group of society is taken into account, and the new rules to be based on a broad consensus. The administration is obligated to a transparent and accessible cooperation with civil society in this context. The Government shares its Legislative Plan for every parliamentary season as well, and ministers shall have all information made available to the public related to the legislation in their competence. All political parties get financial support from the state budget for their expenses, if they reach at least one percent of the votes cast in the last general election, and also get special support for their campaign costs. Parties must not accept any kind of financial support from legal entities and foreign nationals. The State Audit Office of Hungary is responsible for controlling the execution of these rules. During the 2022 general election campaign, the left-wing opposition parties accepted financial support

indirectly from progressive organisations in the United States of America. We evaluate this as a serious breach of the rule of law, and an unacceptable interference in the Hungarian constitutional system.

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

There are strict rules in Hungary to prevent conflicts of interests in the public sector. The President of the Republic cannot be a member of Government or the National Assembly or the judiciary system. The members of Government can be Members of the National Assembly, but it is prohibited for them to hold higher parliamentary offices, such as Speaker of the National Assembly or chair of a committee. The non-political officials of the Government (deputy state secretaries and public servants of ministries) cannot be Members of the National Assembly, or cannot hold a position in a political party leadership. Mayors also cannot be Members of the National Assembly or Government. Judges cannot be members of political parties; political institutions and every political activity is forbidden for them. The Fundamental Law and the related Acts guarantee their independence in every relevant aspect: they have financial independence and they cannot be instructed in relation to their judicial activities. They are only subordinated to law and their conscience. The president of the NAIH cannot be a member of a political party, cannot conduct any political activities and cannot hold any position in the public sector. The same rules apply for the president of the Integrity Authority and the Prosecutor General. Every public sector official (and politician as well) is obligated to prepare their annual financial statement. In this document they report their valuables, as well as their financial status. If there is a disproportionality between someone's legal income and actual wealth, examination may be conducted. This financial statement is far stricter and more detailed, than the one in the European Parliament. The European Commission also shares this evaluation according to their opposition of the Hungarian adoption of the EP rules. Consequently, Hungary reinstated the strict and detailed system. In addition, obviously the scope of the Criminal Code extends to every single act of corruption.

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

3000 character(s) maximum

The Government took comprehensive anti-corruption measures along with the National Anti-corruption Programme. The corruption related criminal offences became stricter and public bodies have strengthened their anti-corruption activities, which made the Hungarian economy more transparent. In 2020 the Government adopted the National Anti-corruption Programme which defines the prevention of corruption and other measures. The integrity management system was established by Government Decree 50/2013 (II.25) and is mandatory in public administrations. It is responsible for examining the abuses in the institutions, to receive the reports concerning suspected corruption and to notify and provide advice for the leaders and employees of the institution in the arising ethical issues. State administration organs have to be assessed annually on corruption risks and have to make an annual action plan.

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

As part of the agreement with the EU, the Criminal Procedure Code was amended in October 2022, and a new prosecution enforcement procedure in corruption related cases was introduced. According to the new provisions, anyone can ask for a review in court if the investigating authority or the prosecutor's office refuses to prosecute a criminal offence relating to the exercise of public authority or the management of public assets. The investigating judge is empowered to order the opening or continuation of criminal proceedings. A prior review by the Constitutional Court found that the procedure does not violate the principle of the prosecution monopoly and is therefore not unconstitutional.

C. Repressive measures

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

3000 character(s) maximum

The Hungarian legal system contains a wide range of corruption related offences. Chapter XXVII of the Hungarian Criminal Code (Act C of 2012) regulates the corruption related criminal offences. The Hungarian penal system incorporates active bribery, passive bribery. Active and passive bribery in court or in authority proceedings is also sanctioned by law, just as active and passive trading in influence. These offences with regards to their severity and other circumstantial elements can be punished by imprisonment for one to ten years in some cases. Furthermore, the failure to report a corruption criminal offence for a public officer shall also be punished by imprisonment for up to three years.

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

The Hungarian law enforcement and judiciary system is dedicated to the fight against corruption. There are several cases, when the perpetrators of such crimes were punished. Everybody has the right to report alleged crimes, and the authorities will look into these cases and investigate them thoroughly.

For example, one former Member of Parliament, Roland Mengyi was in prison for several years for attempt of budgetary fraud and for trading in influence. Another MP, György Simonka's proceedings are pending before court for similar crimes. MP István Boldog is under investigation for passive corruption and other offences. Although MPs have immunity, the National Assembly is entitled to suspend it if the Prosecutor General initiates that. As of this point, the National Assembly did so in all corruption cases.

There have been three corruption scandals last year in Hungary involving both government and opposition politicians. Pál Völner, former State Secretary of the Ministry of Justice has been accused of corruption and bribery. He resigned once he faced with the charges and is now subject to criminal proceedings. A corruption case has been identified in the network of companies directly linked to MEP Katalin Cseh (Momentum party). The charges are about misusing EU funds by forming a cartel among the companies in

the network. The Hungarian Competition Authority and the OLAF are investigating the case. The National Tax and Customs Administration is also leading an investigation, and recently interrogated one suspect. As for the administration officials, in April 2022 the Central Chief Prosecution Office for Investigation arrested several low-grade officials from the Ministry of Finance and the Office of the Prime Minister. They are accused of bribery, and are currently subject to criminal proceedings.

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

Immunity concerns a number of political and constitutional actors in Hungary. Members of the National Assembly are entitled to immunity and to remuneration ensuring their independence. The member of the National Assembly cannot be held liable before a court or authority from the date of his nomination, during and after his or her term of office for any fact or opinion expressed by him in connection with his or her term of office. Criminal proceeding or – in the absence of voluntarily waiving immunity in the case concerned – infraction procedure can only be instituted or conducted, and a coercive measure under criminal procedure can only be applied against the Member with the prior consent of the National Assembly. Certain criminal offences however are an exception to immunity, and it does not apply to procedures of the Code of General Administrative Procedure. The suspension of immunity is decided with a two thirds majority by the National Assembly.

Immunity also concerns the Commissioner for Fundamental Rights and his or her Deputies, the Members of the Constitutional Court, the President of the State Audit Office and his or her Deputy, Judges, Members of the European Parliament, prosecutors and the Prosecutor General. Nevertheless, immunity can always be lifted thus making the conviction of the respective actors possible.

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

According to the agreement between Hungary and the European Commission, the National Assembly adopted the Government's proposal about a new special procedure, which is now part of the Criminal Procedure Code, and is applicable for crimes regarding public power and handling public property. If the prosecutor's office or the investigative authority refuses to start proceedings despite denouncement, or if they terminate their proceeding, appeal can be lodged, and the court will examine the decision. Entitled to lodge an appeal is the party reporting a crime and the aggrieved party, but in case they don't utilize their right, anyone is entitled to do so instead of them. We evaluate this amendment as a huge step forward in the fight against corruption, as courts and private individuals both get new legal possibilities to urge the authorities to investigate these cases properly.

III. Media Freedom and Pluralism

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

The National Media and Infocommunications Authority (hereinafter: NMHH) was created as an independent regulatory body as defined in the Paragraph 109 section (1) of Act CLXXXV of 2010 on Media Services and Mass Media (Media Act) and is subordinated only to the law. As stipulated in Paragraph 109 section (4) of the Media Act, the President of NMHH reports to the National Assembly annually about the activities of the Authority. The Authority may be required to carry out a task only by law or by a legislation issued under the authority of a law. The authority's independent bodies are the President of the National Media and Infocommunications Authority, the Media Council President of the National Media and Infocommunications Authority and the Office of the National Media and Communications Authority. The President of the Authority reports annually on the activities of the Authority to the National Assembly. According to Paragraph 134 section (1) of the Media Act, the Authority's budget is submitted to the National Assembly by the committee responsible for budgetary affairs of the National Assembly. The Authority's own revenue includes frequency charges, charges for the trying and use of identifiers, as well as fees paid for the administrative procedure, supervisory fees and fines from actors in the communications and film markets. The authority passes enforceable resolutions that can be challenged in court.

The Media Council of the NMHH is an independent body of the Authority, under the supervision of the National Assembly. The Council and its members are subject only to the law and cannot be instructed in the course of their activities according to Paragraph 123 of the Media Act.

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

The NMHH is managed by its President, who is nominated by the President of the Republic on a proposal from the Prime Minister for nine years, which cannot be extended according to Paragraph 111/A sections (1) –(3) of the Media Act. Anyone may be appointed as President who may be elected at the election of Members of the National Assembly, has no criminal record, is not banned from exercising an occupation corresponding to his or her activities, has a higher education degree and has at least five years of work experience in the regulatory supervision of media services or press products, or the regulatory supervision of infocommunications. An alternative to the latter precondition is to have an academic degree recognized in Hungary, or at least ten years of experience as a lecturer in an institution of higher education, with respect to a subject-matter relating to media or infocommunications. The President can appoint two Vice-Presidents. The President furthermore appoints the chief executive officer of the Office of the National Media and Communications Authority.

The President and the four members of the Media Council of the NMHH are elected by the National Assembly for nine years by a simultaneous voting by list. The same conditions apply to their election as to the President of the Authority according to Paragraph 124 of the Media Act. The member's mandate expires

if his or her term expires, with his or her resignation, when a conflict of interest is established, with their dismissal, exclusion or death according to Paragraph 129 section (1) of the Media Act.

It is also worth mentioning that the current President of NMHH, Professor András Koltay is a strong guarantee for the independent operation of the Authority. He was elected as a non-partisan candidate and is a recognised theoretical and practical expert in the field of media law.

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

3000 character(s) maximum

The Media Council is the Authority's body that has autonomous competency and it is a legal entity under the supervision of the National Assembly. The Council's functions are laid down in Paragraph 132 of the Media Act which declares that the Council shall oversee and guarantee the freedom of press under the Act and the Press Freedom Act; ensure the performance of tasks related to the tendering and contract awarding procedure for media service provision rights using state-owned limited resources made available for media services; perform the supervisory and control tasks prescribed by the Act – by recording programme flows or programmes, or examining the programme flows recorded by the media service provider, or by making official requests; it operates a programme flow monitoring and analysis service through the Office; expresses its opinion regarding draft legislation on media and communications; reviews regularly compliance with public contracts; elaborates official positions and proposals with respect to the theoretical aspects of developing the Hungarian system of media services; initiates proceedings with respect to consumer protection and the prohibition of unfair market practices; prepares a report to the European Commission on the fulfilment of obligations with regard to programme quotas; is entitled to propose amendments to the Act as may be necessary vis-à-vis the Minister responsible for audiovisual policy; undertakes a pioneering role in developing media literacy and media awareness in Hungary and, in this context, coordinates the activities of other state actors in the area of media literacy, assists the Government in drafting its upcoming interim report to the EU on the subject matter.

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

There are no special legal rules regarding the allocation of state advertising. Act CLXXXV of 2010 on media services and mass media, among others, contains rules on political advertising. According to it, the one ordering the publication of political advertising, public service announcements and advertising for social purposes, as well as any person with an interest in their publication, may not exercise editorial influence over the media service, except on the timing of publication. Advertisements may also be published by state-owned companies and are subject to the rules governing commercial advertising.

In Hungary, social advertisements published by the government and commercial advertisements by state-owned companies are common in the media. These can be found in both right-wing and left-wing media, for example in the left-leaning Népszava newspaper and the ATV television channel.

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

In act CIV of 2010 on Freedom of the Press, Hungary recognizes and protects the freedom and diversity of the press. A media content provider and any person having an employment or other legal employment relationship with it shall be entitled, as defined by law, to keep confidential the identity of any person providing information to it in connection with its media content provider activities ("source of information") in judicial and administrative proceedings and to refuse to disclose any document, record, object or data carrier that may be capable of identifying the source of information. They are entitled to professional independence and protection against pressure from owners or supporters to influence media content (editorial and journalistic freedom). The owner has no right to retaliate if someone is refusing to carry out an instruction that would interfere with editorial and journalistic freedom. A media content provider, its employees or any other person having an employment relationship with the media content provider shall not be held liable for an infringement committed in connection with the acquisition of information of public interest.

Pursuant to Act CLXXXV of 2010 on Media Services and Mass Communication, public service media operates independently from the state and economic operators, and the managers of public service media services and the persons involved in their activities enjoy professional autonomy within the limits provided by law. The National Assembly established the Public Service Media Foundation to strengthen public service media and news services and to protect their independence. The National Assembly shall elect six members of the Board of Trustees by single vote. Half of the members who may be elected shall be nominated by the governing party and the other half by the opposition political groups. The chairman and one other member are appointed by the Media Council for a period of nine years. The Board of Trustees is responsible for monitoring the independent operation of the public media.

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

The diversity of media services is a particularly important value according to Paragraph 4 of the Media Act. The protection of diversity includes the avoidance of the formation of ownership monopolies and any unjustified restriction of competition on the market. An additional guarantee of the regulation is that the provisions of the Media Act must be interpreted in consideration of the protection of diversity. Should any changes take place to the media service provider's ownership structure or its data indicated in the public contract must be reported to the Media Council within five days according to Paragraph 63 (14) of the Media Act.

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

In Hungary, everyone has the right to freedom of expression. Hungary recognizes and protects the freedom and diversity of the press, and ensures the conditions for the free dissemination of information necessary for the formation of democratic public opinion. The detailed rules relating to the freedom of the press and the organ supervising media services, press products and the communications market is laid down in a cardinal Act. These aspects are protected by the Fundamental Law.

In Hungary, media services may be provided and press products may be published freely, information and opinions may be transmitted freely through means of mass media, and media services originating from Hungary and elsewhere, intended for the general public may be accessed freely. The contents of media services and press products may be determined freely, however, the media service provider and the publisher of press products must comply with the provisions of the cardinal Act.

The owner of the media company can determine the long-term strategy and orientation of the media product, but the selection and compilation of the specific content falls within the competence of the editorial office, which has editorial responsibility. The owner is not involved in the production of media content.

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

3000 character(s) maximum

The police and other law enforcement services are dedicated to ensure every Hungarian citizen's safety. If journalists' safety is in danger, they can press charges against anyone, and the police investigates the case. If the police finds that someone committed a crime against a journalist, criminal procedure is initiated. If the police itself commits any attack, oversteps its authority, or misuses its power, the victim can challenge the actions of the police. The Commissioner for Fundamental Rights has the power to look into the case, and the courts can also carry out their procedure. When the right of the journalist guaranteed by the Fundamental Law is violated by a judicial decision, there is the possibility of submitting a constitutional complaint to the Constitutional Court.

It is important to note that there is no recent example for any serious attack against journalists in Hungary, in contrast to other Member States like Malta or Slovakia.

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

Any person or organ performing state or local government functions, or performing other public duties defined by law, must allow any person to have free access to data of public interest and data accessible on public interest grounds under its control if so requested, with the exceptions provided by an Act.

The name of the person acting within the functions and powers of the organ performing public duties, as well as his functions and duties, executive mandate, his or her other personal data relevant to performing public duties, and his or her personal data to which access is ensured by an Act, is data accessible on public interest grounds. Personal data accessible on public interest grounds are disseminated in compliance with the principle of data processing limited to the intended purpose.

Data of public interest are made available to anyone upon a request presented orally, in writing or by electronic means. Access to data accessible on public interest grounds is governed by the provisions of an Act pertaining to data of public interest.

The organ performing public duties and processing the data of public interest must fulfil the request for access to such data as soon as possible, but not later than 15 days from receiving the request, which may be extended by 15 days on one occasion, if the request concerns data large in number or in volume.

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

Article II of the Fundamental law of Hungary declares that human dignity shall be inviolable. On these grounds there are several means to protect the various aspects of human dignity. The Hungarian Civil Code ensures the personality rights, such as the right to honor and reputation. Defamation (violation of honor) can be sanctioned by several means, such as the grievance award.

Not only civil, but also criminal sanctions are applicable in some cases. The Criminal Code punishes defamation by imprisonment for up to one year, if it is committed in front of a large audience with regard to the performance of the job, public mandate or public interest activity of the injured party. Harassment and humiliation are also penalized.

Of course, not only the rights of journalists are protected. Paragraph 12 of Act CIV of 2010 states that if false facts are stated or disseminated about a person or if true facts related to a person are indicated as false in any media content, such person may demand the publication of a corrective statement suitable to identify the part of the statement that was false or unfounded, or the facts that the statement has distorted, while also presenting the true facts.

Other - please specify

3000 character(s) maximum

The overall picture of the Hungarian media makes certain observers believe, that there is a cleavage between journalists because of their views on their profession. What the experience shows, however, is a bit different from and more complicated than this aspect. For decades on, employees of left-wing and liberal media outlets tend to exclude other journalists stating, that those not keen on going along with their ideological or political views lack professionalism, and – unlike them – not independent from any influence during their work. Albeit factual data contradicts this argumentation, biased left-tilting journalists try still harder to deepen this fragmentation. This phenomenon is also encouraged by certain left-wing politicians, a notable case being Krisztina Baranyi, Mayor of District IX of Budapest, who refused to answer any questions by a right-wing journalist (who works at Pesti Srácok), calling him a “propagandist” in the television show. This process however, might imperil the functioning of the free press in the long term, thus putting in jeopardy the constitutional values Hungarians seek to enjoy.

The Hungarian media system is plural and diverse. The Hungarian media are easily accessible to anyone throughout the country, printed newspapers are (also) distributed by the Hungarian Post (Magyar Posta), which has a national network, and major electronic media have national coverage. Since the change of government in 2010, the number of media outlets critical of the government has increased rather than decreased: 33 left-leaning media outlets were operating in Hungary in 2010, but by 2020 the number had risen to 48. The Hungarian media market is in a state of near equilibrium, with no dominance of either the left or the right media. In the third quarter of 2022, the market leader among the TOP 10 most read online platforms was 24.hu, which is critical of the government. If we look at how many real users a given online platform has, we get the following: left-leaning Index.hu had the most users, followed by right-leaning Origo and Ripost. It says a lot about the freedom of the Hungarian media market that there are media platforms funded by the EU institutions, such as Europoli, Eurológus, which is supported by the European Parliament, while the Commission supports the fact-checker site Lakmusz (444) through the AFP consortium.

IV. Other institutional issues related to checks and balances

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

Prime Minister's Office Decree 12/2016. (29 April) on ex-ante and ex-post impact assessment sets out the requirements for the ex-ante and ex-post impact assessment of the draft proposal by the Government (on adoption or amendment of Fundamental Law, bill, government decree and ministerial decree). Act CXXXI of 2010 on public consultation in the preparation of legislation applies to the consultation of natural persons and non-governmental and non-municipal bodies and organizations on draft legislation prepared by ministers. The forms of consultation are (a) a consultation through the contact details provided on the website (general consultation), and (b) direct consultation of the persons, institutions and organizations involved by the minister responsible for preparing the legislation (direct consultation). According to the law, transparency of the consultations must be provided to the fullest possible level. Draft legislation on matters relating to the organization of the courts is subject to the opinion of the President of the National Office for the Judiciary. According to the plans of the Government, with the adoption of the judicial reform until March 2023, the National Judicial Council which represent judges will be entitled to submit new legislative proposals and their opinions on other legislations. Although the Minister of Justice participates at the meetings of the NOJ and NJC, so the comments are directly channelled now as well.

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

The National Assembly holds two ordinary sessions each year, but an extraordinary session must be convened upon a motion by the President of the Republic, the government, or one-fifth of the Members of Parliament. The Rules of Procedure of the National Assembly allow the proposer to request the proposal to be adopted by urgent hearing or by exceptional procedure. An urgent hearing may be ordered up to six times per six months. An exceptional procedure may be ordered up to four times every six months. These provisions seriously limit the number of acts that can be adopted through these means.

Regime for constitutional review of laws

3000 character(s) maximum

Act CLI of 2011 on the Constitutional Court contains provisions on the ex-ante and ex-post constitutional review of laws. The proposer of the Act, the Government or the Speaker of the National Assembly may, before the final vote, propose that the National Assembly send the adopted Act to the Constitutional Court for examination of its conformity with the Fundamental Law. The Parliament shall decide on the motion after

the final vote, and if the motion is adopted, the Speaker of National Assembly shall immediately send the adopted Act to the Constitutional Court. If the Constitutional Court finds that the law is unconstitutional, the National Assembly shall reopen the debate on the law in order to eliminate the unconstitutionality. The President of the Republic shall propose the review of an adopted law by the Constitutional Court if he or she finds that it might be unconstitutional. If the Constitutional Court finds that the law is unconstitutional, it annuls it, and the law won't take effect.

The Government, a quarter of Members of the National Assembly, the Commissioner for Fundamental Rights, the President of the Curia and the Prosecutor General may initiate an ex-post constitutionality review of an Act. If the Constitutional Court finds that the contested provision is contrary to the Fundamental Law, it annuls it. In such a case, the annulled provision will, as a rule, expire on the day following the publication of the Constitutional Court's decision, but this will not normally affect legal relations already established. The Constitutional Court may, exceptionally, order the annulment of the rule under review retroactively or at a later date, in the interests of legal certainty.

Ex-post review may also be initiated by judges if they have to apply the Act in question during their proceeding, and think that it is unconstitutional.

Citizens are also able to initiate constitutional review, if there is a law that directly affects them, and they think it is unconstitutional.

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

Many COVID-19 measures were adopted in the previous years of the pandemic and a state of emergency was declared according to the rules laid out by the Fundamental Law. Starting last spring, the rules were gradually abolished, and on 31 May 2022, the emergency automatically ended when the deadline previously set out in Act CXXX of 2021 was reached. At the same time, all emergency measures expired if they had not been lifted earlier.

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

The Office of the Commissioner for Fundamental Rights has recently been transformed into a state institution for the protection of fundamental rights, with a broad range of powers, the like of which has never been seen before in Hungary or Europe. Article 30 of the Fundamental Law stipulates that the Commissioner for Fundamental Rights and his/her deputies are elected by the National Assembly for a term of six years by a two-thirds majority of its members. The Commissioner protects fundamental rights and anyone can initiate

their proceedings. The Commissioner shall investigate or have investigated any abuses of fundamental rights of which he/she becomes aware, and shall initiate general or specific measures to remedy them. The Commissioner shall report annually to National Assembly on his or her activities.

The Commissioner has two deputies: a Deputy Commissioner for the protection of the interests of Nationalities Living in Hungary and a Deputy Commissioner for the Protection of the Interests of Future Generations. The status and procedure of the Commissioner for Fundamental Rights and their Deputies is regulated in detail by Act CXI of 2011. From January 2023, the Commissioner for Fundamental Rights also took over the tasks of the independent disability mechanism.

Any person may initiate the proceeding of the Commissioner for Fundamental Rights if he or she considers that an act or omission by a public authority infringes a fundamental right of the person making the application or poses an imminent threat of such infringement, provided that he or she has exhausted all available administrative remedies, including administrative litigation, or has no remedy at all.

Office of the Commissioner for Educational Rights contributes to the promotion of citizens' rights concerning education of children, pupils, students, researchers, educators, teachers, parents and their associations. It is directly and exclusively responsible to the Minister of Education. Any child, pupil, parent, educator, student, researcher, teacher or their associations may file a petition in individual cases, if - in their judgement - their guaranteed rights have been infringed or there is a direct threat of such infringement.

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

The Office of the Commissioner for Fundamental Rights reports annually to National Assembly. The last available report was adopted for the year 2021. In total 7354 cases were initiated at the Office of the Commissioner for Fundamental Rights, 615 at the Office of the Commissioner for Educational Rights and 4265 at the National Authority for Data Protection and Freedom of Information. Ex officio 363 cases were initiated by the Office of the Commissioner for Fundamental Rights and 196 cases by the National Authority. From these, 1229 cases were investigated substantively by the Office of the Commissioner for Educational Rights and 1311 by the National Authority. Reprimand, action or decision was reached in 567 cases total.

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

Act CL of 2016 on the General Administrative Procedure contains rules on the communication of administrative decisions. The authority shall communicate the decision to the client, to the person to whom it applies and to the competent authority that has dealt with the case. The authority shall communicate the order to the person to whom it applies and whose right or legitimate interest is affected. The public authority shall, at the request of the client, issue a copy of the order not communicated to him, without charging a fee or charge. The authority can also communicate the decision by written correspondence as an official document or by electronic means.

Delivery of the decision shall be done by announcement notice if the client is in an unknown place; the delivery encounters other insurmountable obstacles, or the attempt to do so already proves to be ineffective; or it is required by law or government decree. The notice shall be displayed on the notice board of the authority and on its website.

If the range of clients cannot be determined precisely, or if the law or government decree requires so, the authority shall make public announcement of its decision. The authority places the notice on its notice board

and on its website.

The authority keeps an official register of the data specified in the law, if registration in the register, its modification and deletion from the register creates, modifies or terminates the client's rights and obligations, or the purpose of keeping the register is to certify and prove the data contained therein.

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

Act I of 2017 regulates judicial review of administrative decisions. Regional Courts with an administrative collegium, or in special cases the Curia are entitled to review administrative decisions.

The scope of administrative litigation has been expanded considerably in 2020. This means that a person may apply to an administrative court to have administrative decisions reviewed, to have an administrative body's failure to comply with its procedural obligations (e.g. by not having their application examined) infringed, to have a legal problem relating to an administrative contract or a public service relationship or to seek compensation for damage suffered in connection with such a relationship, and to have the facts arising from an administrative relationship established by an administrative court.

Any person whose rights or legitimate interests are adversely affected by an administrative action or the maintenance of a situation created by it may, at any time during the proceedings, apply to the court having jurisdiction to hear the case for immediate legal protection. The following may be requested in the context of immediate legal protection:

- an order for a stay of proceedings;
- lifting the stay of proceedings;
- interim measures (any action necessary to ensure immediate legal protection); and
- an order for a preliminary inquiry.

The court shall decide on the application for immediate legal protection within fifteen days of the date on which it is received by the court.

Court decisions are subject to constitutional review by the Constitutional Court if the client considers them unconstitutional.

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

The law regulates the timing and content of enforcement. As regards the content, it stipulates that the operative part of the court's decision and the reasoning is binding for the administrative bodies acting in the repeated procedure and during the execution of the act ordered by the court's decision. This rule expresses the primacy of the judicial decision in relation to the administrative decision. The time limit for compliance varies depending on whether or not the court sets a time limit for compliance. If it has not, the decision must be complied with on the day following its entry into force and is enforceable from the date of its entry into force. If the court has fixed a time limit for compliance in its decision, the decision is enforceable from the date of expiry of the time limit for compliance. The time limit for compliance with the judgment shall begin to run on the day following the day on which the judgment becomes final. An important statutory obligation for the administrative body is that it must carry out the repeated procedure or perform the administrative act within the time limit set in the final decision or, failing this, within the time limit set by law.

If the decision is not complied with, the law contains provisions on the procedure to enforce compliance. The

applicant or interested party may, within ninety days of the expiry of the time limit for compliance, apply to the court of first instance for enforcement of the decision, which shall, within fifteen days, order the administrative body to comply with its obligation or to provide an explanation for the failure to comply, together with the documents supporting the explanation. If the administrative body fails to provide an explanation for the non-compliance or if the explanation is not substantiated, the court shall impose a compliance fine on the administrative body, in addition to ordering the applicant to reimburse the costs.

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

The main rules concerning civil society organizations are found in the Act CLXXV of 2011 on the Right of Association, Public Benefit Status, and Operation and Founding of Civil Society Organizations. According to the Act, civil society organizations are civil companies, associations registered in Hungary (except political parties, trade unions and mutual insurance associations) and foundations (with the exception of public foundations and political party foundations).

Under the right of association, natural persons and, according to the purpose of their activity and the intention of their founders, legal persons and their organisations without legal personality may establish and operate civil society organisations. Civil society organisations shall be registered by the court, acting in accordance with the provisions of the Act on the Judicial Registration of NGOs and the Rules of Procedure relating thereto. The data of the NGO included in the register are available in a nationally uniform, electronic, public register, accessible free of charge to anyone.

In the event of dissolution of the association without successor, if the association is not insolvent, it shall be subject to liquidation. This is decided by the decision-making body of the association. A simplified dissolution procedure is available if the court dissolves the organisation in a judicial review procedure. The organisation may be subject to bankruptcy and liquidation proceedings.

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

There are no special rules on this question for civil society organisations. They enjoy the same protection against attacks, intimidation and other unlawful behavior as everyone else in the country: they can report the incident to the police or it can start an investigation ex officio or they can initiate legal proceedings in the court (civil action for damage to reputation).

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

In order to have a transparent function, civil society organizations are required to prepare their annual accounting report regarding their assets, operations, finances and revenues. These types of organizations

are also required to report their public benefit activities, their received donations and the 1% personal tax income contributions.

Hungary supports the work of civil society organisations in a unique way in Europe. Every natural person who is liable to pay personal income tax is entitled to decide the allocation of 1+1% of his personal tax income and donate it to a non-profit organisation, a church or a priority budget allocation. More than 30,000 NGOs were registered and eligible for this type of funding in 2022.

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

Civil society organisations can freely participate in public consultations regarding new laws. They are also present in institutions, such as the Anti-Corruption Working Group established by the Government last year.

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

Other - please specify

3000 character(s) maximum

Contact

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