

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

International Press Institute

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

<https://ipi.media/>

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

370877536078-58

* 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

Oliver

Surname

Money-Kyrle

Email Address of the organisation (this information will not be published)

[REDACTED]

*** 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

[REDACTED]

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

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

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

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

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

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

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

Independence/autonomy of the prosecution service

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

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

3000 character(s) maximum

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

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

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

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

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

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

B. Prevention

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

C. Repressive measures

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

3000 character(s) maximum

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

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

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

The government finally presented a bill to parliament in November to reform the process of appointing members of the governing board of the public service broadcasters. The reforms include

- expanding the number of members of the board from 15 to 18
- introducing a new role for the upper house of parliament (senate) in the appointment of members whereby the senate appoints 6 members and the lower house 12.
- tightening up the nature and credibility of organizations that are able to propose candidates for election. They need to have been established for at least ten years and active in the fields of media, culture and human rights.
- removing the ability of parliament to replace all board members by rejecting the annual report twice consecutively.

The bill passed the lower house in November and is currently being reviewed by the media committee of the senate before being presented to the full chamber. Should these reforms finally become law, IPI believes they will offer an important level of protection for the political independence of the public media.

However, the government has refused to consider raising the license fee for public media, which is important both for maintaining quality service and guaranteeing independence from political interference.

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 Council for Radio and Television Broadcasting is the executive state administration body for radio and television broadcasting and rebroadcasting. It oversees compliance with legal regulations for radio and television broadcasting and with the conditions set out in the decision to grant the license or registration. The Czech Television Council is the body through which public oversight of Czech Television, the country's public service broadcaster, is exercised. The Council appoints the director-general of the broadcaster, who reports to the Council and has the right to attend its sessions. The term of office for Council members is six years.

The Czech Radio Council is a body through which public oversight of Czech Radio is exercised. Czech Radio has a similar structure with a director-general who is appointed by and reports to the Council.

The Czech News Agency Council is the oversight body of the Czech News Agency (CTK). The News Agency Council also appoints a director-general who reports to the Council.

Although candidates to the Czech Television Council and the Czech Radio Council are formally proposed by various civic associations, clubs, unions, employer organizations etc. the vote is taken by parliamentarians in the lower chamber of the Czech Parliament. From all candidates nominated, the parliamentary committee selects a short list of those who qualify for the election in the lower chamber. Candidates for the Czech Press Agency Council are appointed and voted directly by parliament. Members of the Council for Radio and Television Broadcasting are appointed by the prime minister on the recommendation of Parliament's lower chamber.

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 Council for Radio and Television Broadcasting consists of 13 members who are appointed and removed by the prime minister based on proposals from the Chamber of Deputies. The term of office of the Council members is six years.

Both the Czech Television Council and Radio Council consist of 15 members elected and removed by the Chamber of Deputies of the Czech Parliament in such a manner that they represent important regional, political, social and cultural opinions. Proposed candidates for the members of councils are presented to the Chamber of Deputies by organizations and associations representing cultural, social, trade union, employer, religious, educational, scientific, ecological and national interests. Political parties are not allowed to nominate. Members of councils are elected for a six-year term. One-third of members are elected every two years. Council members may be re-elected. The council shall be removed by the Chamber of Deputies if it repeatedly fails to comply with its duties or if the public media's annual report fails to be approved by the Chamber of Deputies twice in sequence. In several past years the Chamber of Deputies did not approve annual reports of Czech Television.

Under the previous ANO-led government there was a mighty power struggle for control of Czech Television in 2020 and 2021 leading to an abuse of the appointment process and the appointment of exclusively government-backed members and a breach of Article 4 of the Czech TV Act, which states the council members should be elected with a 'view to due representation of important regional, political, social and cultural opinion trends within the council'.

A new law on public service broadcasting that passed the lower house in November 2022 would significantly improve protections for the independence of PSM. If fully passed, the new law would:

- increase the number of board members to 18 from 15.
- introduce a role for the upper house in the nomination process such that two-thirds of board members will be selected by the lower house and one third by the upper house
- improve the criteria for organizations that can nominate board members by requiring that they have existed for at least ten years and are active in media culture and human rights
- end the power of parliament to replace the council after rejecting annual reports consecutively.

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

3000 character(s) maximum

While not a regulatory or self-regulatory body per se, the Endowment for Independent Journalism (NFNZ) plays an important role in assessing and promoting quality and independence in Czech media. Its activities should therefore be highlighted. NFNZ was founded in 2016 in response to the ‘concentration of ownership of media titles in the hands of people with a great economic and political influence’ or the oligarchization of Czech media. It describes its purpose as ‘to support editors and individuals who are engaged in serious journalism and honor the principles of liberal democracy. It helps spread free, pluralist and socially important information through grants, awards and professional assistance.’

NFNZ provides grants to journalists and independent media, supports media literacy education, the fight against fake news, and has developed its own unique tool called MediaRating to help readers navigate the vast media market. The Rating measures media trustworthiness and credibility by reviewing issues such as the transparency of their ownership, financing, their adherence to journalistic standards such as separation of news and commentary, quality of sources, etc. This system makes it easier to see which media are truly professional and which websites or news outlets are just promotional and disinformation tools. The independence of the fund is a guarantee of the independence of the rating.

The rating system serves more than just a niche interest, or guidance for NFNZ funding decisions. It has become of central importance in the ability of the small, under-resourced, independent media to reach beyond their bubble to a broader national audience. This is enabled because the country’s leading search engine, Seznam, uses the rating to guide selection of articles on its homepage thereby boosting quality journalism and helping diminish untrustworthy news providers and remove disinformation. Unlike in other countries where google algorithms promote the largest and therefore often the most captured media, thanks to this unique set up Czech independent media are able to compete with the oligarch backed media giants.

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

In general, it has been extremely difficult for journalists to obtain clear information on the use and distribution of state advertising to media due to a lack of government transparency and resistance to freedom of information requests.

However, recent reports have helped shine a light on the situation, at least it related to the government of former Prime Minister Andrej Babis. A report published in January 2022 by Forum and based on the Datlab data analyst company found that media outlets belonging to Mafra, a company owned by Babis, received at least CZK 140 million (€ 5.75 million) between 2018 and 2020. This funding was received despite provisions in the Czech Conflict of Interest Act preventing any company in which a public official owns a stake of 25% or greater from taking part in government procurement and public tenders.

In addition, according to investigative reporting site iRozhlas.cz, Czech Railways alone spent €4.2 million on Mafra media between 2015 and 2019 compared to only €640.000 on media belonging to the Czech News Centre company, which has a comparable media market share to Mafra.

Meanwhile, during the Babis government, editors from smaller independent media said that they were not only excluded from government advertising but also that they lost other advertising clients who feared repercussions if they advertised in media that investigated the government's record.

Currently there are no regulations in place, beyond the Conflict of Interest Act, to ensure the transparent and fair distribution of government advertising funds to media.

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

The last three years under the ANO-led government saw a struggle for influence and control over the Czech public broadcasters particularly Czech TV as ANO attempted to win control of the TV Council and seek to remove General Director Peter Dvorak. Czech TV has a reputation of being one of the most independent public broadcasters in Central and Eastern Europe, enjoys strong popularity with the public, and steers an independent editorial policy. However, it is not immune to pressure and was forced to compromise some of its standards during the ANO government.

In the private media the three major media groups are owned by three oligarchs.

The most important is Mafra Media Company, which was acquired by Babis in 2013 before he became a member of the government and prime minister, and offered him an important public platform.. As prime minister, Babis put his businesses, including Mafra Media, in a trust under the control of people appointed by him. However media experts, politicians and both the European Commission and European Parliament have found this insufficient to remove concerns about conflict of interest.

Now, as the opposition leader, Babis's ownership of Mafra gives him a unique tool to promote his political position and offers an unfair advantage in his campaign to become the country's next president.

The two other major media owners are Daniel Křetínský, who owns Czech News Centre, and Penta, which owns Vltava-Labe-Media. As with Mafra, their media companies are part of broad business empires involved in energy, waste management, banking and gambling among other things. This makes the broader business interests of the media owners dependent on good relations with the state.

There are strong grounds to believe that ANO took advantage of this dependency to pressure these media to maintain a positive editorial policy towards the ANO government in exchange for favourable conditions in their other business sectors. Former Deputy Finance Minister Ondřej Závodský, for example, claimed that Babiš used his threat of raising taxes in the gambling industry to influence editorial policies in Penta-owned 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

When the Council for Radio and Television Broadcasting issues a broadcasting license to commercial radio or TV, it should take into account transparency of the ownership structure of the applicant's company.

The Council assesses the reputation of the owners and investors, and the legal form of the founder, its structure, traceability and possible access of the public to information about the company's owners.

At the same time, the Council reviews the compliance of the applicant's entry in the commercial register and the transparency of the applicant's registered office. It examines the stability of the ownership structure, exercise of the voting and controlling rights of the applicant, and considers any prospective litigation or disputes over the ownership in the company.

Media that don't require a license (printed and internet) are not regulated and so their ownership transparency is not subject to any legal rules.

The most important ownership case in the Czech Republic's media scene is that of Mafra media company. It was acquired by Babis in 2013 before he became a member of the government and prime minister. When prime minister, he put his businesses including Mafra Media in a trust under the control of people appointed by him. However media experts, politicians and both the European Commission and European Parliament have found this insufficient to remove concerns about conflict of interest.

The two other major media owners are Daniel Křetínský, who owns Czech News Centre, and Penta, which owns Vltava-Labe-Media. As with Mafra, their media companies are part of broad business empires involved in energy, waste management, banking and gambling. This makes the broader business interests of the media owners dependent on good relations with the state.

The Czech media scene includes a range of smaller, high-quality independent media, often led by journalists who resigned from larger media when their standards were compromised through the takeover by oligarchs.

One of the country's largest digital media is Seznam, built up from a search engine that for many years was more popular than Google. Seznam's search engine gives priority to articles that receive a high media rating as assessed by the Endowment for Independent Journalism (NFNZ)

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

Protection of journalistic sources is guaranteed by law. An individual who participated in obtaining or processing information to be disclosed or published in periodicals has the right to refuse to give the identity of the source of the information to a court, state authority or public administration body, and the right to refuse submission or release of items that could lead to the identification of the source of the information. The regulations for the protection of information sources includes the right to refuse information which could lead to the identification of a person who provided the information from being disclosed. In addition, the publisher, not the journalist, is liable for the content it publishes.

Media independence in the Czech Republic in recent years has been negatively affected by the influence of oligarchic media owners, especially former PM Andrej Babis, who is widely considered to have used the media he owns through Mafra to further his political career. There were cases (proven by leaked recordings) of Babis directly ordering journalists how, when, and, what to write about opposition politicians.

The safety conditions for journalists in the Czech Republic have been relatively good. However, there were two recorded cases in which journalists were roughed up by security officials for Babis in 2021.

In addition, there is a wide network of internet trolls and people who use social networks to attack independent journalists. Journalists who publish opinions unfavorable to some politicians can face extremely aggressive verbal attacks, abusive messages and physical threats. Several tens of manipulative and propaganda websites, many believed to be financed from Russia, spread disinformation. They try to influence internet readers and replace serious professional media as a source of news.

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

3000 character(s) maximum

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

3000 character(s) maximum

Journalists have no special right to access public information. Nevertheless the Act on free access to information stipulates the rules of the provision of information, and also regulates the terms and conditions of the right of access to information.

The entities obliged to provide information relating to their operations and scope of authority under the aforesaid Act are State authorities, territorial self-governing units and their bodies and public institutions. Other obligated entities are those entrusted by law to decide on rights and interests protected by law, or obligations of natural or legal entities in the field of public administration within the scope of their decision-making authority.

In many cases journalists obtain information based on this law, but often it is delayed. Sometimes the access is denied. In such cases journalists may appeal to the courts to rule on access to information, but such procedures may take years.

Politicians and governmental bodies do not treat all media and journalists equally when it comes to access. Many journalists and media organizations are refused access to official press conferences or press coverage of official events such as state visits, etc. Some politicians never give interviews to some independent media etc.

During 2021 there were several cases of independent journalists being excluded from press conferences most notably when Czech President Zeman banned the weekly Respekt, the Seznam Zpravy, Denik N, Czech TV staff working for 168 hours and others in May 2021.

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

The largest legal case was the decision by the Czech Deputy PM, Jan Hamacek, to sue Seznam Zpravy in 2021 over an article alleging Hamacek planned to visit Moscow and offer to cover up the alleged involvement of Russian agents in a 2014 explosion that killed two people, in return for the provision of one million doses of Russia's Sputnik V Covid-19 vaccine.

Other - please specify

3000 character(s) maximum

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

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

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

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

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

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

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

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

3000 character(s) maximum

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

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

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

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

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

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

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Contact

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