

# 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](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*

## 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*

Ahead of the 2022 general election, the Fidesz government of Prime Minister Viktor Orbán continued its efforts to systematically erode media pluralism, muzzle what is left of the independent press and manipulate the market to further entrench a dominant pro-government narrative. To achieve this unprecedented level of political control over the country's media ecosystem, Fidesz pursued the most advanced model of media capture ever developed within the European Union. This process has involved the coordinated exploitation of legal, regulatory and economic power to gain control over public media, concentrate private media in the hands of allies, and distort the market to the detriment of independent journalism.

In 2022, the engine of this media capture continued to be a network of proxies: state-dependent businesses and oligarchs close to the prime minister who have acquired many of the major television, radio and print media, in many cases from foreign owners and multinationals who exited the country. These previous acquisitions were frequently facilitated by politically driven regulatory decisions and loans from state-controlled banks. Many media brought under Hungarian ownership were either converted into pro-Orbán mouthpieces or closed.

The economic lubricant for Fidesz's media capture in 2022 continued to be exorbitantly large state advertising budgets, which for years have been used to warp the media market in favour of a pro-government narrative. These resources continue to be pumped into media echoing the party line while financially starving critical journalism.

High levels of political control over the system for media regulation is central to the erosion of media pluralism. The Fidesz-appointed Media Council has used its power over the market to arbitrarily block and deny broadcast licences, forcing critical voices such as Klubrádió off the airwaves. Meanwhile, the country's competition watchdog has blocked mergers of independent media while approving market-distorting fusions of pro-government outlets, further facilitating the concentration of media ownership in the hands of Fidesz's business circle.

In 2022, Hungary's public service media continued to act as an audiovisual propaganda tool. Editorial independence is virtually non-existent for news programming at the public radio and TV, which uncritically amplify Fidesz's messaging. During the 2022 election campaign, the public broadcaster provided unbalanced and unprofessional news coverage. The leader of the opposition received almost no airtime on the public television. Political control over the state news agency remains extremely high, with the prime minister's press office explicitly dictating coverage.

While independent media still existed in Hungary in 2022, the government's market-distorting practices and systematic discrimination limit their reach and impact as well as their financial sustainability.

#### A. Media authorities and bodies

## 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

Hungary's system of media regulation is under direct political control. The Media Council, the sector regulator, composed of five members, were all nominated by the Fidesz party for a nine-year term in November 2019.

Under laws passed by Fidesz in 2010, the Media Council continues to wield significant power in shaping the media market. This includes sole control over the body overseeing public broadcasting, the MTVA, the ability to decide on the tenders for broadcast licences in the television and radio market, and ruling on media mergers. Its president is nominated by the Prime Minister.

As a result tendering decisions are often made in discriminatory and politically motivated manners. The Council's decisions on radio frequencies have for years been made along clear political lines to silence critical voices.

In February 2021, Klubrádió was forced off air, after its appeal against the Media Council's refusal to renew its licence made in September 2020, was rejected by a court. Klubrádió, Hungary's last major independent radio, was denied its licence renewal on spurious and clearly discriminatory grounds. The Media council's ruling was upheld by the high court in September 2021. The European Commission launched an infringement process in June 2021 against the decision as a possible breach of EU law. In 2022, Klubrádió broadcasts solely online.

In April 2022, the Media Council blocked the licence renewal of Tilos Rádió. Tilos began broadcasting as a pirate radio station in Budapest in the 1990s and became the first non-profit independent radio station in Hungary, making it a symbol of the fight against state censorship. Since 2015, the station has provided cultural and political programming critical of the government. The Media Council justified its licensing decision on the grounds that the station's media service provider had violated rules regarding age rating and the watershed four times since 2015. Four other violations cited included two failures to provide data to the authority and two minor irregularities regarding annual reports. The station reapplied for the frequency tender and won it in September 2022, being the only bidder.

According to the Mérték Monitor, between 2018 and 2021 a quarter of all tenders for local radio were awarded to a government-friendly political talk radio; another quarter to Catholic or church-themed radio stations; and 18 per cent to Radio 1, a network with owners close to Fidesz. These decisions drastically reduced the pluralism of Hungary's community media sector.

The government has removed the public broadcaster from scrutiny through what amounts to a shell-company construction. The actual work of public service broadcasting – including control over content and contracts – is performed by an entity, MTVA, that is not subject to the law on public service broadcasting. There is no transparency around its funding or work. Hungary's public service media have been deformed into state media.

## 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



Hungary's system of media regulation is not independent. In particular, the Media Council, the sector regulator, is composed of five members, who were nominated by the Fidesz party for a nine-year term in November 2019. In practice, the Media Council's decision discriminate against media that do not toe the government line.

The Chair of the media council, Monika Karas, resigned in October 2021 one year before the end of her nine year term. The move enables Fidesz to appoint a replacement for another nine years, locking in their control of the council in the event of defeat in the 2022 elections.

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

*3000 character(s) maximum*

Government plans to establish a high chamber of journalists is highly disturbing. It appears to have been put on hold, for now. But should be closely monitored.

Self-regulation of the work of journalists must remain in the hands of the journalist community itself without any government interference. Such a body can issue its own accreditation through press cards but cannot be used to limit access to the profession.

For example, the Hungarian Journalists Association Magyar Újságírók Országos Szövetsége (MÚOSZ) has its own ethics council which reviews complaints against its members for breaches of the association's journalist code of ethics.

## 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*

Over the last decade the Fidesz government of Viktor Orbán has undertaken a coordinated effort to engineer the forcible closure or takeover of once-independent media by Fidesz-friendly business allies and oligarchs. This fate has met numerous media outlets with critical editorial lines on the government. Media ownership is now heavily concentrated in pro-government hands, mainly through the Central European Media Foundation (KESMA).

Pro-government media continue to enjoy a quasi-monopoly in the daily print media and radio sectors and are dominant overall in the television sector, according to research by the Mérték Media Monitor. In the last few years, pro-government ownership in local and regional media has also increased significantly. All regional daily newspapers are part of KESMA, meaning citizens in rural areas have very little access to independent news sources. Many of these media show little regard for journalistic ethics, and some have become hubs for spreading disinformation and pro-Russian propaganda.

The only market sector where independent outlets can rival pro-government players is online news, where multiple independent media have high daily readership. However, the government's market-distorting practices and systematic discrimination limit their reach and impact as well as their financial sustainability. Only one television station with national reach retains a critical editorial line, the foreign-owned broadcaster RTL Klub, while the last major radio broadcaster, Klubrádió, was taken off the airwaves in 2021.

In Hungary the state is the largest advertiser in the media market. In 2020 government bodies, ministries and state-owned companies spent €79 million euros on advertising - around one third of the total advertising revenue of the media market. This was a 21% increase on the previous year, according to studies, with 78% of the money spent on pandemic-related messages. Compared to other countries in the region, in 2020 Hungary spent the highest proportion of its state budget on advertising. The country's single largest advertiser is the Prime Minister's Office.

This oversized financial influence, which has continued to increase year on year, has allowed Fidesz to calibrate the market in its favour by rewarding alignment with its narrative while starving critical media of advertising funding. This carrot-and-stick approach has seen independent media excluded from advertising and other subsidies altogether, with public money instead used by agencies to finance Fidesz's media empire.

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*

Government interference in public and private media remained a major concern in 2022. Under a decade of Fidesz rule the public television and radio have been distorted into state media, uncritically echoing the messaging of the government and acting as a year-round campaign tool of the ruling party.

This continued during the election campaign in 2022. News coverage was neither fair, balanced nor impartial. Opposition politicians were side-lined, with Fidesz and government officials awarded a disproportionate amount of airtime. Experts and commentators displayed clear political affiliation. Leaked recordings have shown how reporters are given orders of how to report on issues such as migration, the EU, and the opposition, with those unwilling told they were welcome to resign.

The level of direct political control over the state press agency, Hungarian Telegraph Office (MTI), is also extremely high. Investigative reporting in 2022 showed how ministers directly dictate coverage at MTI. MTI reporters receive instructions from ministry press officers on how to report issues, including the PM's public appearances. Journalists are banned from modifying government press releases. MTI is effectively operating as a taxpayer-funded communication tool of the government.

News coverage was severely biased during the 2022 election, despite legal requirements for equal coverage of all parties under the Media Act. Opposition candidates were portrayed in a deeply negative light or ignored altogether. The united opposition candidate Péter Márki-Zay only airtime on public television M1 lasted 300 seconds at 7.55 am on March 16.

Oversight of Hungary's public service media bodies - three national television channels, three radio stations and the national news service, the MTI - are supervised by a single entity, the Media Services and Support Trust Fund (MTVA), which controls editorial content and appointments. MTVA is not subject to the law on public service broadcasting, a loophole that means there is no proper scrutiny of the public broadcaster. Its director general, all directors and all members of the MTVA's supervisory boards are appointed by the chairperson of the Media Council, itself controlled exclusively by Fidesz appointees, essentially handing the ruling party a direct chain of command over public media.

Although trust in the broadcaster has plummeted in recent years, it still plays a role in helping influence public discourse and skew the playing field in favour of Fidesz. The vast sums of public money pumped into the broadcaster ahead of the election - 130 billion HUF (about €340 million) in 2022 - only increases its reliance on, and subservience to, the government. This anti-competitive system of funding of the public media is the subject of State Aid complaint No. 45463 to the European Commission.

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

Overall, the ownership of media in Hungary remained relatively transparent in 2022.

Over the past 10 years, the Hungarian government has progressively assumed control over a huge segment of the country's media by placing the media under effective government control, at first through a network of pro-government investors. Later, this deliberate media concentration plan reached a provisional apex in 2018 when pro-government investors "donated" 467 media outlets – many of which were originally acquired with loans from state banks, i.e., taxpayer money – to the Central European Press and Media Foundation (KESMA), which is under effective government control and facilitates financial management and content control regarding pro-government media.

The Hungarian government has taken clear steps to reduce scrutiny of media ownership concentration. In the case of KESMA, the government exempted by decree the merger and the foundation's activities from oversight by the Hungarian Competition Authority and the Media Council, even though these bodies are already controlled by the ruling party – underscoring how blatantly the merger flouted competition law.

For its part, the European Commission has not sufficiently enforced EU law in the area of competition law and state aid. These cornerstone elements of the single market have been systematically abused by Hungary to silence the media. The European Commission has not acted on at least two complaints in these areas, one regarding the state aid to the public broadcaster, filed in 2016, and one regarding state aid in the form of public advertising, filed in January 2019.

## 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*

Hungary is the only country in the European Union where there is credible evidence that the state's law security services used Pegasus spyware to surveil its own journalists. Forensic analysis indicates that at least five media actors had their phones accessed using advanced technology developed by Israeli company NSO: two leading investigative reporters, the editor of a critical newspaper, a photojournalist documenting the luxury travel of Fidesz politicians, and a businessman who owns several independent media outlets. The confirmed use of the spyware to break into the journalists' mobile phones and monitor private communications represents a flagrant attack on the fundamental principles on press freedom, privacy and source protection and poses serious questions over appropriate oversight and democratic safeguards. Due to a lack of accountability, Hungarian journalists are taking legal action against the state and NSO over alleged breaches of their privacy.

On 9 June 2022, it was revealed that Hungarian diplomats working in EU countries have been monitoring the visits of Hungarian journalists to media outlets abroad. Reports monitored which media Hungarian journalists had visited for trainings, exchanges and meetings, with special attention given to foreign newspapers critical of the government. The results were sent to the Ministry of Foreign Affairs and Trade (KKM). The monitoring was revealed by Direkt36, which obtained the telegrams via a public interest data request lawsuit in cooperation with the Hungarian Civil Liberties Union (HCLU).

In 2022, the government continued to divide the country's journalistic community down political and ideological lines, portraying journalists asking challenging questions as "political actors". Media that do not follow the government's line were stigmatised as organs of misinformation spreading "fake news" in service of political opposition. Well-known independent journalists were often denigrated and discredited. Journalists working for independent media are publicly vilified, including on pro-government media, as opposition political activists, foreign agents, traitors or even as "Hungary-haters". The claim that independent journalists are "political activists" is repeated by the government's spokesperson.

Online attacks remain commonplace, though often take the form of insults or harassment from trolls rather than serious intimidation or death threats. The public broadcaster sometimes disseminates smearing pieces about independent journalists, which are then picked up and spread through a network of online pro-government media. Female journalists in particular face gendered attacks online. Physical acts of violence against journalists in Hungary remain very rare.

Female journalists note that gender is used as an additional excuse to diminish their critical work. Some also highlighted gender-based online harassment and reported receiving rape threats following reporting on sensitive topics.

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

*3000 character(s) maximum*

Overall, physical attacks on journalists in Hungary remained rare in 2022.

On 16 November 2022, a far-right extremist website published an opinion piece which suggested that all journalists at one of Hungary's leading independent news platforms, 444.hu, could easily be beaten to death. The headline of the article on Vadhajtasok.hu read: "You could easily beat all the journalists of 444 to death". The sub-header followed: "We think that's why, quite rightly, if someone beat them to death, nothing bad would happen..." The post, which was not attributed to an author, appeared to be linked to an article 444 published earlier that day about a weekly government press briefing. While the website has attacked the news portal previously with threats about "extermination", this was the most serious threat yet.

On 5 October 2022, reporter Márk Móna from Hungarian private broadcaster Hír TV was pushed off a platform by a protester while he was speaking live from a protest in central Budapest. Móna was speaking to camera with the crowd in the background and was reporting on the demonstration when a man pushed him off a small platform he was standing on above the crowd. The reporter was knocked off but managed to keep balance when he landed and was not injured.

On 30 July 2022, veteran Formula 1 photographer Mark Thompson was assaulted by a trackside security guard as he was working at the Hungarian Grand Prix at Hungaroring, in Mogyoród near Budapest. Thompson, who works for Getty Images, was covering the practice race on Saturday afternoon when he got into an altercation with a member of the Hungaroring security team. According to Thompson, after an exchange of words the security guard became aggressive and slapped him on the face, causing a cut on the upper lip.

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*

Independent journalists in Hungary continued to face major barriers and systematic discrimination by the state in terms of accessing information in 2022. This restrictive climate for the free flow of information worsened during the pandemic. Since the beginning of the health crisis, all independent journalists were barred from reporting from or filming within hospitals. Only reporters from MTV and the state news agency MTI were given permission. Hungary was the only EU Member State to have enforced such strict restrictions.

After a decision by the Supreme Court ruled that the government's Department of Human Resources could not bar journalists, and that power lay with individual hospital directors, the government passed a decree which bypassed the ruling. During the pandemic, all COVID-19 related questions were channelled through the centralised Operational Group, which only responded to pro-government media inquiries. As press conferences switched online, pre-submitted questions from critical journalists were rarely selected, shielding government officials from scrutiny.

In 2022, journalists in Hungary continued to be regularly denied access to publicly held information via Freedom of Information (FOI). Replies from state authorities take weeks and deadlines for responding are often extended, undermining timely investigative reporting. Public bodies often refuse requests, qualifying the information as business secrets or classified information. During the pandemic, the government temporarily trebled the maximum FOI response time to 90 days. At the same time, standard requests for information sent to individual ministries or politicians linked to the government are often ignored.

Officials from Fidesz refused to grant interview requests to certain media, instead favouring softball questions from uncritical broadcasters. Meanwhile, journalists from independent media were frequently excluded from official party events or press conferences, with invites sent exclusively to pro-government titles. On some occasions, independent journalists were arbitrarily denied entry by security guards to press conferences by the prime minister, despite registering in advance.

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*

Criminal sanctions and defamation lawsuits against journalists and media outlets, while problematic, are not as widespread in Hungary as in other EU Member States.

On 11 July 2022, Endre Varga, the director of Hungarian media outlet Index.hu and the managing director of Totalcar, who was recently elected as the president of the Hungarian Content Providers Association (MTE), filed a legal complaint against Media1 for alleged violation of his privacy rights over the publication of a photo of his face. Varga demanded 500,000 HUF (€ 1,260) in damages due to Media1 publishing a photo of him in an article regarding his election as the head of MTE. In addition to the main claim, the complaint demands an additional 53,000 HUF for legal costs.

On 9 March 2022, Hungary's National Data Protection and Freedom of Information Authority (NAIH) launched an investigation into Direkt36 journalist Szabolcs Panyi, claiming that he was illegally storing the telephone number of a secret service officer and was therefore carrying out illegal data management. Panyi had reported extensively on the Hungarian government's use of Pegasus spyware and was one of the people targeted with it by state intelligence services. After the scandal about the surveillance of journalists in Hungary broke, the NAIH investigated Panyi's case and declared in January 2022 that the Hungarian state's use of Pegasus against him was legal. This conclusion drew criticism from press freedom organisations, who raised concerns about the lack of transparency or proper justification for the decision. Journalist's rights groups said the separate probe into Panyi by the NAIH over the questions he asked about his own surveillance was absurd and unfounded.

Independent newsrooms do occasionally face spurious lawsuits from government linked entities over their investigative reporting, though lower courts tend to dismiss vexatious cases and rule in favour of media outlets.

Journalists are however regularly threatened with legal action particularly by business interests for breach of privacy using the General Data and Protection Regulation (GDPR) provisions to conceal information that would otherwise be publicly available and publishable in the public interest.

The cases are now part of drawn out and expensive court cases that should never have been started. Unlike most other EU countries, Hungary has not exempted journalists from the GDPR constraints on handling data.

This misapplication of GDPR against journalists threatens to seriously undermine access to independent information in the public interest on, for example, how businessman benefit from state subsidies.

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

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

