

# 2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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

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

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

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

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

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

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

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

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

## Type of information

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

### **Legislative developments**

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

### **Policy developments**

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

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

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

### **Any other relevant developments**

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

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

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

## About you

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\* I am giving my contribution as

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

\* Organisation name

*250 character(s) maximum*

K-Monitor Association

### 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*

k-monitor.hu

### 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

361342143111-55

\* 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

Sandor

Surname

Lederer

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

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

Overview topics for contribution

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

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*



The European Commission's Conditionality Mechanism against Hungary led to the most significant anticorruption reforms of the last decade. The government was forced to enact a number of long overdue measures, however, a number of relevant topics remained unaddressed. The new regulations were drafted without any public consultation. The Hungarian government implemented the reforms half heartedly, mainly with the aim to get access to EU funds. Hungary's captured oversight institutions were not touched and Hungary did not join the EPPO either.

While trying to please the Commission by the fast-paced introduction of new anticorruption solutions and some new institutions, the government keeps on ruling by decree on the pretence of state of danger due to Russia's war against Ukraine. Even though one of the milestones in the Conditionality Mechanism expects the substantial reinforcement of transparency of government decisions, state organs routinely fail to grant access to information relating to dealings of outstanding relevance, such as key preparatory study on the ongoing healthcare reform. Equally reluctant is the government to undo some of the most questionable steps taken in the areas of management of public assets and provision of healthcare and higher education services. Public interest asset management foundations, endowed with inordinate sums of public money and with public assets of substantial value remain, and top public functionaries, including eight out of twelve ministers, preserve their mandate as members of the board at one or more foundations.

In the Summer, the government further deteriorated the system of asset and interest disclosures to be submitted by public decision makers. The previous system of declarations, though virtually defunct due to lack of effective oversight and control, at least granted insight into assets of political decision makers. As part of the reform, the government introduced the equivalent of the declarations required in the European Parliament, a system even less transparent than Hungary's old regime. Instead of implementing real reforms the government achieved under the conditionality mechanism that the Commission accepted a return to the previous asset declaration system as a sufficient reform.

Amendments to the code of criminal procedure and the newly established Integrity Authority might in theory open new avenues for the fight against corruption. At the same time the new rules are complicated and easy to circumvent by the prosecution service. The Integrity Authority's mandate is limited, as it cannot indict at courts and relies on the cooperation of existing control institutions. Also, reforms regarding access to information do not address data holders' reluctance to respond to data requests. This all means that the role of courts will remain crucial when it comes to the application of the new rules. Therefore, a key question remains if the milestones included in Hungary's RRP will be properly implemented and be able to strengthen the independence of courts in Hungary.

## Questions for contribution

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

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

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

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

Member State covered in contribution [only one choice possible]

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

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☒ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

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

*3000 character(s) maximum*

## 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

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

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

*3000 character(s) maximum*

In 2022, the government of Hungary made some important steps to upgrade the country's rule of law performance, although not in response to the findings and recommendations included in the 2022 Rule of Law Report, but as part of 1) the Conditionality Mechanism triggered by the Commission and 2) the negotiations over Hungary's Recovery and Resilience Plan. The 17 commitments made by the Hungarian government, embedded in the altogether 27 so-called "super" milestones relate to the Hungarian control system aiming at the protection of the financial interests of the European Union.

Hungarian CSOs have closely monitored the process leading up to the definition of the milestones and have assessed the measures taken by the Hungarian government to implement them. The Hungarian Helsinki Committee, K-Monitor and TI Hungary concluded in their joint evaluation<sup>5</sup> published in October 2022 that the Hungarian government delivered its commitments in a disappointing manner, which therefore result "in changes that remain insufficient to protect the Union budget". In lack of substantial progress, the organization reiterated their concerns in November 2022. In addition, K-Monitor summarized a number of topics that remained unaddressed by the remedial measures. Among these are issues covered by the 2022 recommendations, such as lobbying or revolving doors. Neither did the measures deal with creating a better track record of criminal investigations nor did the system of asset declarations fundamentally change. Despite the reforms, Hungary's institutional landscape remains mainly untouched, which guarantees the survival of the ecosystem of corruption and gives reason to suppose that newly devised mechanisms aiming to curb corruption will have limited impact in practice.

\*This contribution was to a great extent co-authored by K-Monitor and TI Hungary.

## 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*

The Ministry of the Interior preserved its first-hand responsibility for anti-corruption coordination, but the competencies of the National Protective Service (NPS) significantly shrank. Since mid-2022, the NPS is only responsible for the prevention of crime among the staff of institutions subordinated to the Ministry of Interior and agencies under its supervision, as well as public health care providers. In respect of these agencies and their personnel, the NPS carries out integrity tests. Integrity tests and crime detection for the rest of Hungary's public administration shall be carried out by the Constitution Protection Office (CPO), one of Hungary's civilian secret services, overseen by the Prime Minister's Cabinet Office. While the detailed budget and information on the staffing of the NPS are publicly available, this does not stand for the Constitution Protection Office. Moreover, shortcomings of the mandate to carry out crime detection remain, as the CPO is not empowered to test the integrity and the reliability of political leaders.

The State Audit Office (SAO), charged to oversee the accountability of the use of public funds is also responsible for the audit of political parties' declarations on campaign expenses. In 2022, the SAO ignored warnings by CSOs about systemic overspending.

In 2022, the government introduced the Integrity Authority as a standalone state agency to protect the financial interests of the European Union.<sup>9</sup> The Authority cannot exercise most of its competences on its own, instead it must invite other state bodies to take action therefore its work is entirely reliant on other government agencies, which have proven reluctant to uncover and combat wrongdoing associated with the government.<sup>10</sup> The Authority's competencies are limited and only supplementary. Public documents show the planned staff is at least 50 persons, however, the president of the Authority stated that he planned to set up a body with a staff of 100-150 employees.

Besides, the government set up an Anti-corruption Task Force (ATF) to assess and to make recommendations to improve the efficiency of the government's anti-corruption policies. The first session of the ATF took place in December 2022. CSOs highlighted its weak jurisdiction and the fact that the ATF was only established after an intense period of anticorruption legislation.

Complementary to the amendments to the code on criminal proceedings, the Buda Central District Court's group of investigative judges would be assigned with an exclusive competence to examine all complaints of individuals challenging termination of investigation in corruption cases. Data proactively published by the court shows the increase in competences has not been followed by an increase in court staff yet.

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

*3000 character(s) maximum*

Concerns raised in previous contributions prevail. Besides the NPS and the SAO, other agencies, such as the tax administration, the competition authority (HCA), the Public Procurement Authority (PPA), the Prosecution Service, the Government Control Office and the Police are also tasked to combat corruption. All these agencies are exposed to undue government influence, although to different extents. Government offices directly administered by the respective minister in charge. However, authorities with an autonomous status, that, by law, shall function independently of the executive branch of government, such as the SAO, the Prosecution Service, the HCA, and the PPA exhibit low levels of autonomy in performing their functions. This demonstrates best in the lack of ambition to examine and sanction incidents of wrongdoing that can be linked to government-near circles.

Legal provisions on the functional independence of these agencies, whether overseen by the government or autonomous, have little or no impact on their performance due to the phenomenon of state capture since 2012. Captured institutions exhibit clear signs of partiality and bias in the performance of their functions. So far, the new Integrity Authority cannot be regarded as a captured institution, however, the appointment of the Authority's board conducted by the EUTAF and the SAO lacked transparency (e.g. name of applicants, CV, assessment criteria). As the Authority's competencies are supplementary, the exercise of its powers depends on captured public authorities.

A newly adopted legislation turned the Directorate General for the Audit of European Funds ('EUTAF'), which has until the end of 2022 functioned as a government agency overseen by the finance minister, into an autonomous state body. The new regulation left the competences of EUTAF unchanged. With regard to the fact that the EUTAF has not objected to the misuse of European Union funds posterior to 2010, it is yet a question if the change in its legal status will have a positive impact on this agency's performance.

To promote cooperation with OLAF, an amendment to the relevant law was also adopted, which would in the future provide financial police support in the event of OLAF investigations and foresee fines for persons and bodies that refuse to cooperate. As of the time of this submission there is no data available to assess the effectiveness of this amendment, but some opinions suggest that it may not represent a significant improvement on the current situation.

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*



There is still no publicly available information on the implementation and the milestones of the Medium-term Strategy 2020-2022, the government's anti-corruption website released just 10 news items, nine of which related to various training courses (the backbone of the medium-term strategy) and one example of stakeholder consultation (the health care rebate phase-out measures; the consultation happened after the measures had already been put in place) – no information on the implementation or monitoring of the strategy was made publicly available. The deadline for implementing the strategy was extended until 2023 – no further delay is expected as the recovery and resilience plan sets out that the main elements of the strategy must be implemented by 31 March 2023 and the strategy as a whole by 30 June 2023. The adopted Resilience and Recovery Plan, however, contains provisions on the content of the following anti-corruption strategy and action plan which shall be adopted by June 30 2023. The new strategy is therefore expected to be more ambitious and comprehensive than the previous one, for example, it will have to include the development of ethical standards for high-level political officials (including the prevention of nepotism, the re-regulation of the revolving door phenomenon and lobbying) and the introduction of effective asset declaration procedures.

The Minister of Justice announced on 10 January 2023, a new working group has been set up to improve the administration of justice's efficiency. The working group consisting of the Ministry of Justice, the Interior Ministry, the Curia, the National Office for Judiciary, the Office of the Prosecutor General, the Police and the National Tax and Customs Administration will assess criminal procedures. Anti-corruption related considerations and plans have not been shared in it.

## 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*

Integrity remains an anti-corruption buzzword for the government, however concerns as regards the reliability of the government's actions to enhance integrity in the public life raised in previous contributions by K-Monitor and TI-Hungary are still prevalent. In addition to existing integrity mechanisms in place at many state organs (integrity officers and reports, trainings) and to integrity and reliability testing by the NPS and newly by the CPO, a new Directorate for Internal Audit and Integrity (DIAI) was set up. The DIAI functions under the direction of the minister in charge of regional development, but has a mandate to monitor conflict of interest declarations and raise awareness of potential incidents of conflict of interest at any national authority involved with the implementation of European Union support. The DIAI will carry out its monitoring tasks by examining random sampled interest declarations and by selecting a given number of declarations based on risk assessments. Its powers related to incidents of conflict of interests are limited to awareness raising and trainings. The DIAI has to operate a reporting platform at a designated website to receive information, including anonymous reports on incidents of conflict of interests.

As included in previous CSO contributions, there is no comprehensive regulatory ban on the "revolving door" phenomenon, however, a cooling off period is required in case of senior officials of certain authorities (such as the newly established Integrity Authority, the Supervisory Authority for Regulatory Affairs, the Hungarian Energy and Public Utility Regulatory Authority and the Hungarian Atomic Energy Authority). Moreover, Act CXXV of 2018 on government administration theoretically provides for the Government to determine sectors and posts that are subject to placement restriction, however, this provision fell into disuse due to the government's failure to adopt the necessary regulation.

The most recent example of the revolving door phenomenon is the case of Mr László Palkovics, who, as described below, jumped from his previous ministerial position to the board of one of Hungary's newly established public interest asset management foundations, without having to wait for the elapse of a cooling off period. Another example is the case of Defense Minister Szalay-Bobrovniczky, appointed this year, who owned a military plane factory (and Casinos) and quickly sold them to a government friendly businessman (and a spin-doctor of the government).

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*

After the pandemic, the government used Russia's war against Ukraine as an excuse to declare state of emergency and to thus enable rule by decree. Since the end of 2022, in an attempt to persuade the EC of its commitment toward the inclusion of stakeholders, the government started to upload legislative drafts to a designated website. However, consultations remain a one-way type of a tick-box exercise with no or just formal feedback. It has also reduced the transparency of legislation by bundling completely different regulatory subjects into omnibus bills.

Deficiencies regarding the asset declarations of MPs and high level political decision makers prevail. Under the conditionality mechanism, Hungary implemented reforms, however, these were to a great extent the reestablishment of its failed asset declaration system, that was purposely deteriorated in the summer of 2022. A serious loophole of the reformed system already in force is the opportunity not to declare a real estate used by the declarant. Another deterioration is that incomes do not have to be disclosed as exact sums, but in broad ranges. Spousal declarations remain non-public. The new Integrity Authority received competences regarding the verification of asset declaration, however, details of the procedure are not fully elaborated. It would be crucial to empower the Authority to verify asset declarations of high level decision makers and high-risk officials (such as leaders of government agencies). In the case of MPs, the SAO should be empowered to carry out these tasks. A new system of sanctions shall be elaborated by the end of 2023. The shortcoming following from the lack of competences of relevant institutions to proactively investigate illicit enrichments remains.

Mandatory registration of lobbyists and the obligation to disclose contact reports are still lacking and the topic of lobbying was not covered by the conditionality mechanism.

The 2022 national elections have shown that political finance remains a serious source of corruption.

According to observations by K-Monitor and TI-Hungary, political parties overspend and fail to sufficiently report on their resources and expenditure. Introduction of dedicated bank accounts to be used by parties for their incomes and expenses to be regularly checked against their reports would be needed. Corruption risks arise from the lack of regulation on third party's engagement in campaigns (such as GONGOs) and the abuse of public administration or government capacities. Use of public funds and financing of political parties is monitored by the SAO, however the SAO interprets its role narrowly and does not check reports against real political expenditures. According to the SAO, the payment obligations it imposes are not fines, therefore cannot be challenged before the court. This practice has been confirmed by the Constitutional Court.

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*

Concerns raised in previous contributions by K-Monitor and TI-Hungary remain relevant. A new phenomenon of conflict of interests emerged pervasively in 2022. Public interest asset management foundations have been substantially endowed at the expense of public resources. While they are tasked to provide public services in the areas of higher education, healthcare and the management of public assets, public interest asset management foundations have the legal status of private law foundations. By 2022, the government has transferred most universities and significant funding at the expense of public resources to public interest asset management foundations.

Boards and supervisory boards of public interest asset management foundations are mainly manned with government loyalists, including ministers, members of the Parliament's Fidesz-group, secretaries of state, government commissioners and mayors of Fidesz-led municipalities. Rights exercised by the boards of public interest asset management foundations include the cooptation of board members and the selection of their own replacement as well as the management of assets. The provision, which allows political leaders to be board members was first removed by 13 October 2022 and reintroduced by another legislative amendment as of 1 November 2022. Two ministers have multiple board memberships: Mr János Lázár, minister of construction and traffic sits on the board of three public interest asset management foundations, and Mr Mihály Varga, minister of finance holds two board memberships. Six out of the eight ministers concerned receive some kind of a remuneration for their board membership. In addition, public interest asset management foundations also exemplify how the revolving door phenomenon remains unaddressed. Mr László Palkovics, former minister of technology and industry, after having resigned, was elected president of the board of a public interest asset management foundation. The monthly remuneration of the president of the board at the very foundation where Mr Palkovics serves amounts to 1,5 million forints.

Minister Marton Nagy's case has shown the ineffectiveness of conflict of interest rules. After it was discovered in summer of 2022 that the Minister had had another post in the corporate sector, he terminated his contract as supervisory board member of the company. His case not only proved that the bodies assigned to examine asset declarations do not check the accuracy of data submitted by officials but that no consequences apply for breaching the law.

Decisions of the National Election Commission and the respective case law related to the general elections of 2022 has shown that there is no strict line set by law between the use of office and public funds by MPs, government officials and campaigning for party interests. It became a common phenomenon that public officials used their infrastructure and positions to campaign for their reelection or the election of party affiliates.

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

*3000 character(s) maximum*

Concerns raised in the previous contributions by K-Monitor and TI-Hungary regarding the availability and the reliability of whistleblower protection remain relevant. Hungary has failed to transpose the Whistleblower Directive (2019/1937/EU) despite the aim to build on whistleblower reports when preventing EU fraud (e.g. in the case of the new Integrity Authority or the DIAI). Hungary's act on whistleblower protection (WPA) is in effect since 2014, which covers many issues addressed in the Directive, but does not meet the detailed requirements set out in the EU-legislation in regard of the level of protection, the handling of the reports and the provided incentives – not to mention the fact, that the WPA only requires the application of mandatory whistleblowing system in the public sector. Especially safeguards such as a reversed burden of proof, unbiased professional investigations, protection for private sector employees, providing protection even in the case of reporting to the public are serious shortcomings. The WPA basically requires whistleblowers to (at least partly) identify themselves. However, in case of complaints and reports against public authorities, citizens might use a designated electronic reporting channel operated by the country's Ombudsperson, the Commissioner for Fundamental Rights. Note also, that by a separate regulation Government institutions' leadership is required to appoint an integrity adviser charged with the management of whistleblower reports. Integrity advisers are not independent from the hierarchy and are often tasked with the oversight of privacy practices, equal treatment policies and disciplinary procedures, a reason why their impact remains very limited. Some government institutions (PPA, Prime Minister's Office, HCA) operate their own reporting channels, but there is little information available on the reports received.

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*

Public procurement and the allocation of EU funds remain interrelated sectors with high corruption risks. Related issues were addressed in the framework of the conditionality mechanism and the negotiations about the RRP. A visible shortcoming is the high proportion of single-bid procurements, therefore the majority of the proposed measures also revolve around this issue. The government proposed to reduce the share of single-bid procurements to 15 %, which is currently more challenging in case of procurements funded from national resources. In the case of EU-funded procurements, where the precondition for successful procurement is often multiple bids, the base figure is closer to the target, at 16 %.

The government has also set up a framework for public procurement evaluation and performance measurement, with the help of external experts, to examine the shortcomings of the Hungarian public procurement system -- its work and findings, as well as the results of the single-bid reporting tool, are not publicly available yet. A development to be welcomed regarding transparency is the somewhat improved access to procurement data. The e-procurement portal now allows structured, machine-readable search and bulk export of all contract award notices, however, a software (API) connecting to the entire database, including the text of all other notices, is still not provided, and it remains unclear why the reform only commits to quarterly updates. At the same time, several data types are still unavailable for bulk download, such as the related EU grant reference number, the name and identifier of unsuccessful bidders, the justification for the use of exceptional procedures, deadlines and information on direct purchasing orders based on framework agreements.

Meanwhile, a number of issues related to the shortcomings of the procurement system have not been addressed during the negotiations, such as the large share of procedures (35 % of all procedures below the threshold) without publication of a contract notice in the national procurement regime, which also facilitates fake bidding; or the high prevalence of framework agreements and conditional procurements. Trust towards the integrity of public procurement is also undermined by the fact that in many cases legislation itself circumvents public procurement principles and directives: the law may allow for the use of exceptional procedures (without examining the substantive conditions), or even exempt certain purchases from the application of the procurement rules (that was the case in the COVID-related procurements).

Rules on Public Procurement were also circumvented by establishing concessions, with which, for example, waste management and the operation of expressways were entrusted to actors for 35 years.

Given that the majority of its members represent governmental institutions or government-close agencies, the independence of the Public Procurement Council is in doubt too.

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

*3000 character(s) maximum*

The Parliament removed some of the most burdensome legal barriers of accessing information and made significant changes to the freedom of information legal framework.<sup>18</sup> However, a number of issues remain unresolved.

An important commitment was the abolishment of rules that allowed data holders to respond to FOI requests in a renewable 45-day period under the emergency regime established during the pandemic and maintained ever since instead of the statutory (renewable) 15-day response deadline. The temporal scope of the law dissolving the 45-day-rule is contradictory. Another step forward, even though with just minimal impact in practice was the removal of the possibility for data holders to require the payment of labour-related costs in advance of servicing an FOI request. New regulations on costs and fees are in line with the Tromsø Convention.<sup>19</sup>

Moreover, newly adopted changes aim to improve proactive data disclosure of public contract data and foresee the imposition of fines up to 50 million forints by the National Data Protection and Freedom of Information Authority if information is not uploaded in the newly designed publicly accessible data repository. Unfortunately data submission to the repository is limited to bodies being part of the state budget. Other agencies performing public services do not fall under the scope of the scheme of disclosure. Another shortcoming is that the repository will only include meta data of contracts, but not the contracts. Thus, data requests will remain an important tool to get access to information on public spending.

Furthermore, deadlines for bringing arguments and contestations in freedom of information litigations have been radically shortened, and courts are obliged in cases commenced after 1 January 2023 to schedule hearings within a shortened timeframe. Although the intention must have been to speed up court cases, this may not result, while shortened deadlines put an incommensurate burden on requesters who turn to the court, as fast paced court procedures are more challenging for requesters of information, who, in general, are under resourced compared to state agencies and publicly owned enterprises, being the usual defendants in FOI litigations.

Despite these steps, fundamental shortcomings remain in the freedom of information framework. One of this is that none of the legal changes addresses the widespread practice of data holders to not comply with requests or to reject them with vague justifications that can only be contested efficiently before court.

Besides, new provisions on proactive publication of data do not apply to, public interest asset management foundations and to state-owned enterprises, nor will they compel the publication of contracts financed at the expense of public resources. Even more disturbingly, the new rules enable entities affected by business secret to engage in court cases as third party litigants.

## C. Repressive measures

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

*3000 character(s) maximum*

Conclusions in the previous contributions by K-Monitor and TI-Hungary remain relevant. Important development is the adoption of a new regulation aiming to enable private prosecution of high-level cases of corruption and mismanagement, should the prosecution service fail to take appropriate action.

The new regulations enable both private individuals and legal entities to submit a complaint to a judge in seek of an assessment if the termination of the investigation by an investigating agency or by the prosecution service was well founded. In response to the complaint, the judge may issue a binding order on the commencement or the continuation of the investigation. If the investigation is terminated again, the complainant may submit a second complaint, in response to which the judge may enable the complainant to act as private prosecutor and take the case before a court of trial. The complainant has one month from the date of termination of the investigation to submit the complaint or to indict as private prosecutor and may only access the anonymized decision on the termination of the investigation and the anonymized excerpt of the casefile.

K-Monitor and TI-Hungary have warned that the very limited accessibility of casefiles and the stringently short procedural deadlines make private prosecution practically impossible.

Moreover, private prosecutors of corruption may not appeal against the court's decision, while the law enables the court of trial to dismiss the case without a hearing if it finds the indictment by the private prosecutor unfounded. Giving more rights as regards appeals to the defendant than to the private prosecutor clearly violates the principle of equality of arms.

Although the Integrity Authority is enabled to submit a complaint under the new regulations, only private individuals and entities under private law may act as private prosecutor. As prosecution of high-level delicts, and especially incidents of corruption is extremely resource intensive, it is more than questionable if private individuals and non-state organs do have the capacity to proceed if the relevant authorities are reluctant to do so.

This new special remedy process, though breaks the monopoly held by the Prosecution Service to bring cases of corruption before justice, due to the procedural hindrances, seems unsuitable to provide a meaningful solution if the state fails to prosecute wrongdoing or abuse of power.

In 2022, the NPS continued to enforce regulations that ban the offer and acceptance of bribes in the healthcare system. Accordingly, the NPS conducted 287 processes relating to healthcare providers, involving 195 healthcare professionals and 291 clients. The NPS submitted criminal complaints in 75 cases, including 11 cases of accepting a bribe. Amount of bribes ranged between 10 thousand and 800 thousand forints. In 2022, the NPS conducted 98 reliability assessments, resulting in two criminal complaints for misbehaviour.

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*



Most concerns raised in our previous submissions still prevail. Access to information related to the implementation of EU funds is limited (contracts, information on subcontracting and data on project evaluations are not disclosed, the Government's official database on EU funds ([palyazat.gov.hu](http://palyazat.gov.hu)) does not allow bulk access or access through an API). The managing and the auditing authorities involved in monitoring and overseeing the use of EU funds under shared management fail to publish comprehensive information in relation to irregularity processes, sanctions and recovered assets. The database on agricultural subsidies under the CAP was comprehensive and more detailed than in many other Member States until last year. Its main shortcoming was the lack of information on the plots the subsidies are applied for. A new piece of legislation adopted in December 2022 introduces the term "funding secret" and referring to compliance with Commission Implementing Regulation (EU) 2022/128 withdraws the addresses of beneficiaries from the data types to be published, without making the publication of unique ID-s compulsory. This will hinder analysts and watchdogs to connect subsidy data among beneficiaries and throughout several years. Detailed statistical information on corruption and related offenses is available only on request submitted to the Ministry of Interior or to the Prosecution Service, both charged with the keeping of crime statistics (basic data on the volume of corruption offenses is available in the annual reports of the Prosecutor General, presented to the Parliament). Court decisions are published in anonymised form, and statistics on criminal convictions are managed by the NOJ, while these are published by the Central Statistical Office.

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*

Conclusions relating to impunity of perpetrators of high-level corruption, which results from partiality in the work of law enforcement agencies and of the prosecution service, underlined in previous contributions by K-Monitor and TI-Hungary remain relevant. Most recently, the case related to an EU funded project called "Bridge to the word of labour" illustrates how prosecution of high-level corruption is hindered. In this case the tax administration terminated the process in 2022 after having investigated into supposed subsidy fraud for seven years in lack of evidence of a criminal conduct. The prosecution service approved this decision, albeit both the Commission (OLAF) and the Hungarian government uncovered signs of serious misconduct. The Commission ordered the repayment of the entire project budget (1.5 billion forints). The decision on the termination of the investigation cites the lack of evidence to sustain that the intention of those in charge of the implementation of the project was to misappropriate the grant. According to the investigating agency, what OLAF took for subsidy fraud was nothing but a series of financial irregularities caused by non-intentional failure to properly implement the project. The beneficiary of the grant was the National Roma Self Government, whose president during the grant period, Mr Florian Farkas used to serve as a government MP. Mr Farkas was not interrogated during the process. The Prosecutor General, in response to a question by an opposition MP, condoned the lack of interrogation of Mr Farkas by saying that none of the persons interrogated during the process referred to Mr Farkas as the instigator of their conduct.

The case of Ms Margit Veres serves as another example of impunity of high-level corruption. In 2018, Ms Margit Veres was sentenced to five years imprisonment for bribery. According to the court's verdict, Ms Margit Veres, the town clerk in Balmazújváros at the time of commission, took bribes in the amount of HUF 5 million aiming to arrange for state subsidies to an entrepreneur. This entrepreneur testified that Ms Margit Veres was brokering the bribe, which the entrepreneur wanted to give to Mr István Tiba, mayor of the town, and, simultaneously, a Fidesz-MP. The prosecution service did not indict Mr István Tiba, who, as a witness, said in his defence that the entrepreneur only intended to borrow the money, and not to bribe him. Mr János Áder, the former president of the republic pardoned Ms Margit Veres in 2022 in response to her pardon petition of 2018. As a pardon petition does not interrupt or delay the enforcement of criminal sanctions, the Justice Ministry must have granted a deferral to Ms Margit Veres.

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*

Concerns raised by K-Monitor and TI-Hungary related to the low efficiency of asset recovery and the lack of information on follow-up measures to be taken by domestic authorities to uncover and sanction supposed irregularities found by OLAF remain relevant.

Another cause for concern is the lack of compliance with court decisions awarded in freedom of information litigations. Noncompliance occurs mostly in high-level cases, where the publication of sensitive information would embarrass the government. Under the Criminal Code, failing to comply with the court's final binding judgement ordering to reveal public interest information is a form of contempt of court and qualifies a misdemeanour. Still, Police and prosecution tend to ignore these unlawful conducts and deny investigating cases. This was exemplified in a freedom of information litigation won by TI-Hungary against the National Institute of Pharmacy and Nutrition, where the court obliged the government to open up the medical documents relating to Covid-19 vaccines purchased from Chinese and Russian makers. Despite the court's ruling, the government removed the most sensitive parts from the document. TI-Hungary reported this case of contempt of court to the Police, which unlawfully denied investigation. By dismissing TI-Hungary's complaint, the prosecution service condoned the wrongful negligence of the Police.

In an incident of noncompliance, the plaintiff may commence a bailiff process against the defendant, however, in freedom of information lawsuits this is not an effective tool, as the only coercive method bailiffs can employ to incentivise compliance with the court's ruling is the imposition of fines. The maximum amount of money to be imposed is 500,000 forints (approx. 1,3 thousand euros), which does not deter state agencies from noncompliance, even if the fine can be reimposed.

Failing to comply with the proactive disclosure rules of FOIA has not had sanctions. Proactive disclosure of public interest data therefore remained non-enforceable. From March 2023, the Freedom of Information Authority might impose administrative fines in such cases. However, companies owned by state or municipality, public interest trusts and other entities performing public duties without a status in the state budget do not fall under the scope of Authority's power.

Other - please specify

*3000 character(s) maximum*

The government keeps on promoting the economic interests of crony elites at the expense of public resources. In 2021, 4iG Ltd. owned by the government-close oligarch Gellért Jászai acquired stocks of the state-owned broadcasting company Antenna Hungária Ltd., which the government had repurchased shortly before this deal from its previous owner. 4iG Ltd. made a series of capital increases in Antenna Hungária Ltd., as a result of which its share in Antenna Hungária Ltd. exceeded 75 percent by April 2022. As the acquisition took place without the purchase of state-owned stocks of the Antenna Hungária Ltd., regulations expecting open tendering of state assets could be circumvented. As a next step, in 2022, the government announced that it was going to buy 49 percent of Vodafone Hungary Ltd., Hungary's second largest mobile telecommunications company, while 4iG Ltd. was to buy the rest of the shares of Vodafone Hungary Ltd. In January 2023, the government first undertook to grant suretyship for a 425 million euro loan to be taken out by the state-owned Hungarian Development Bank with the aim to finance the purchase of the shares of Vodafone Hungary Ltd. by 4iG Ltd. In addition, the government, by a decree, exempted this transaction from the Competition Authority's cartel oversight.

Oligarchs, such as Mr. Jaszai often use private equity funds to hide their assets from the public. Such funds are normally established for investment purposes. In Hungary, oligarchs increasingly apply this scheme for reasons of secrecy, just as if they were offshore companies. Thus, in many cases the investor owning the shares of the fund also controls the fund manager, that is supposed to act autonomously. The ruling of the CJEU that declared rules on open beneficial ownership registers invalid will likely lead to even less transparency regarding the owners of these funds. The economic news site G7 estimated that by 2021, 6.5 percent of Hungarian owned companies' profits were realized in private equity funds.

Another recurring issue is the government's aim to limit the competences and funds of local municipalities, especially those ruled by opposition parties. This was already the case when the government took away certain tax incomes from municipalities as a Covid response policy, while later compensating some of them based on political affiliation. In 2022 the government exempted local governments from the freezing of utility prices. As a result, utility costs increased for some by up to ten times. Again, a compensation scheme was introduced that favored municipalities led by Fidesz mayors. According to calculations by K-Monitor, Fidesz led municipalities received approximately HUF 9400 on average per inhabitant as a compensation, while opposition led municipalities received on average only HUF 4650.

### III. Media Freedom and Pluralism

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

*3000 character(s) maximum*

#### A. Media authorities and bodies

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

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

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

*3000 character(s) maximum*

Safeguards against state / political interference, in particular:

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

*3000 character(s) maximum*

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

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

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

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

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

*3000 character(s) maximum*

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

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

[1] This includes also the consultation of social partners

*3000 character(s) maximum*

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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