

# 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

Századvég

### Main Areas of Work

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

If "Other", please specify

The mission of the Századvég is to help answer questions of strategic importance in the fields of training, research and analysis, information and international networking.

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

500 character(s) maximum

<https://szazadveg.hu/en>

### Transparency register number

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

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan

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

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

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

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

- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

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

**\* Publication of your contribution and privacy settings**

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

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

☒ I agree with the personal data protection provisions.

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

## Questions on horizontal developments

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

Overview topics for contribution

[list\\_of\\_topics\\_2023\\_Report.pdf](#)

Please provide any relevant information on horizontal developments here



## 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*

Hungarian government is committed to meet with the expectations of the EU. That is why the Hungarian government accepted a 27 points partnership agreement with the EU. This agreement contains 4 commitment which was asked by the EU. This agreement was both accepted by end of 2022.

### A. Independence

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

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

*3000 character(s) maximum*

The Hungarian government is going to fortify the powers of the National Judicial Council. The National Judiciary Council will have a right to make binding opinion about the president of High Court. The secondments to the High Court and the leader appointments also will be subject to their opinion.

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

*3000 character(s) maximum*

Judges cannot be removed before retirement. Other also will be governed by the previous topic.

Promotion of judges and prosecutors (incl. judicial review)

*3000 character(s) maximum*

Governed by the first topic.

Allocation of cases in courts

*3000 character(s) maximum*

One of the commitments that the allocation of cases in court will be automatized.

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*

Also will be governed by the National Judiciary Council.

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*

The judges has got liability only before the Judicial Ethical Body, but not for them decisions, except if they are abnormally incomplicated with the governing law. (professional incompetence)

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*

The remunerations of judges and prosecutors are growing in the last years.

Independence/autonomy of the prosecution service

*3000 character(s) maximum*

The prosecution service is only liable for the Attorney General. The Home Secretary has got any chance to influence the prosecution service. (not like at other countries)

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

*3000 character(s) maximum*

The Hungarian Bar Association is fully independent from the government. According to a court decision, the Hungarian lawyers enjoy protection for a person with a public service mission.

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

*3000 character(s) maximum*

Unfortunately, the oppositional media - in favor of its readability - give a wide publicity about every step and decision of the judges, so the daily news can cause big damage to see the wider and realistic picture. Only the bad news get publicity, the good ones get none.

## 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*

All courts are accessible by wheeling chair. The digitalization of the court processes (including the first steps) are unique in EU. Every person has the right to appoint an interpreter and if somebody is obstructed by its income, the law can allow legal aid or record cost to the end of the procedure.

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

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

*3000 character(s) maximum*

All the judgement position is filled right now. The financial sources of the judiciary are growing in the last years. The only bad news come from the high energy prices.

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

*3000 character(s) maximum*

There are no arising problems with that. The training is secured of all professionals.

## 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*

The digitalisation of the Hungarian Court System is unique in EU. Every person can start a procedure online, but the legal entities and authorities can start a court procedure only online. During the COVID-19 the court procedures were held online with help some applications (Zoom, Skype, etc). There were no shut down during the COVID-19.

## 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*

There are a lot of statistics, but only it Hungarian language. (<https://birosag.hu/birosagokrol/statisztikai-adatok/obh-statisztikai-tevekenysege>)

## 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*

Hungary got 113 court of first instance, 20 court of second instance by counties (first instance in matters of paramount importance as defined by law), 5 court of appeal (this is the second instance from the 20 court of second instance), and the High Court (Curia). The 113 court of first instance got the smaller and ordinary cases. The 20 court instance by counties got the economically priority cases and this is the first instance in cases of corruption.

## 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*

If a proceeding takes too much time, the person is entitled to sue the court for compensation. The law of civil procedure has fixed deadline about almost every step of the procedure.

### 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*

The Hungarian Government accepted - on the last days of december 2022 - a 27 points partner agreement with EU. This agreement has 14 point - and commitment - about anti-corruption issue.

## 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*

Newly established Integrity Authority, Anti-Corruption Workteam (under the Integrity Authority's administration), EUTAF, Police with national competence (National Protective Service). The prosecution is represented by the prosecutor's office. In case of rejection about investigation, the reporting person can appeal at the court to continue the investigation in corruption case. According to the positive decision of the court, the police must continue the investigation. The Integrity Authority has the same power. The Integrity Authority's budget is ascertained by its own and cannot modified by the government, furthermore, the

government must submit it without modification before the parliament. The Integrity Authority - as an independent authority against corruption - must report to the OLAF and to the European Prosecution about any starting cases in corruption, fraud and incompatibility. The Integrity Authority's president and vicepresidents are chosen by an independent and professional council (Suitability Committee).

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

*3000 character(s) maximum*

Described beforehand.

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*

The Hungarian Government accepted new strategy about anti-corruption framework on 14 November 2022. link: <https://magyarkozlony.hu/hivatalos-lapok/mjvqKAHG7aTsBBBPtJRZ636c0c0ddb8b3/dokumentumok/f08b6750dd0d75f61aa0fdec59d2eeb21cb385ca/letoltes>

## 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*

A Directorate for Internal Audit and Integrity (BEII) is established in the Prime Minister's Office to investigate suspicions of conflicts of interest. The selection of BEII staff is supervised by the Integrity Authority.

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*

Every public decision is published in the Official Gazette. The Hungarian law on lobby activity also requires transparency from its establishment. The new asset disclosure rule was the same like in the institutes of EU, but that was not enough, so the Hungarian government extend it to the relatives' assets again - like it was before. Every political party financing is reachable and transparent at the website of State Audit Office.

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*

A Directorate for Internal Audit and Integrity (BEII) is established in the Prime Minister's Office to investigate suspicions of conflicts of interest. The selection of BEII staff is supervised by the Integrity Authority. That will monitor every officials.

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

*3000 character(s) maximum*

Any person can submit an anonim report to the Integrity Authority.

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*

That is listed in the newly adopted Anti-corruption Strategy.

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

*3000 character(s) maximum*

Public procurement procedures will be monitored online, every winner must published its contract, the online system will be extend to the subcontractor's contracts and datas. The Arachne system will be applied.

## C. Repressive measures

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

*3000 character(s) maximum*

Any bribery - despite of that is foreign or domestic - is punished by the law. There is no difference between the two. Other crimes similar with corruption are already governed by the Hungarian Penal Code. (bribery, official bribery and its adoption, bribery in official or judicial procedure and its adoption, buying influence, influence trading, failure to report a corruption offence)

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*

Reachable on the website of prosecution.

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*

The governing law fully meets with the obligatory EU law and with international agreements.

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*

This question requires such a broad answer that the entire system of administrative, municipal and misdemeanor penalties could be described. It is recommended to narrow down this issue or break it into parts.

Other - please specify

*3000 character(s) maximum*

### III. Media Freedom and Pluralism

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

*3000 character(s) maximum*

The Hungarian government is committed to upholding free speech and mediapluralism. Access of information and the safety of journalists are key to a diverse media scene as referenced in the 2022 report, accordingly the Hungarian government provides a broad access to politicians, many occasions to ask questions, giving the space and time for honest and in-depth endeavours, with regular invites of local and foreign journalists.

#### A. Media authorities and bodies

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

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

*3000 character(s) maximum*

The main goal of The Hungarian National Media and Infocommunications Authority (NMHH) is to contribute to the development of the Hungarian information society and infocommunications services as a supporting and monitoring partner. To this end, it develops productive cooperation with market players, organising professional forums, publishing publications and conducting research. This cooperation also reflects the objectives of the government, which is why it provides the supervisory body with broad support to help it achieve its goals.

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

*3000 character(s) maximum*

The procedure regarding the appointment and dismissal of the heads of the media regulator is fully in line with the practices in developed western countries and represents the fundamental values of the EU, such as independence or effectiveness.



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

*3000 character(s) maximum*

The National Media and Infocommunications Authority (NMHH) is an autonomous regulatory body in Hungary, and its head can issue legislation (regulations) under the Constitution. The President of the NMHH can issue regulations on the basis of the authority of Act CLXXXV of 2010, commonly known as the second media law, on frequency fees, fees for the assignment and use of communications identifiers, and supervisory and regulatory procedural fees. The independence of this body and its wide scope of authority reflects the government's commitment to media freedom and independence.

## 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*

State advertisements are regularly published in both public service media and in commercial outlets, thus ensuring that the widest possible range of citizens have access to information of public interest, regardless of media preference and other aspects of media consumption.

Safeguards against state / political interference, in particular:

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

*3000 character(s) maximum*

The power of publicity and a well-developed, diverse and active civil society, combined with a fair and balanced system of justice, allow for self-regulation and the prevention of political interference in the media.

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

In Hungary, the public has access to the ownership structure of the media, thus citizens' right to information is well upheld by laws and practices.

## 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

The Hungarian law enforcement authorities give priority to the protection of the freedom of the press, and accordingly, the personal protection of journalists and the security of their identity are of the utmost importance.

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

3000 character(s) maximum

It is a very rare occurrence in the functioning of Hungarian democracy that certain demonstrations and social marches end up in situations that endanger personal safety. This has not always been the case, but the present government provides adequate personal and technical conditions for the safe exercise of the right of assembly, including special protection for representatives of the press.

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

Citizens can easily contact the competent authority for any information of public interest. Information is facilitated by modern and digital interfaces in public administration and by the lively and diverse social dialogue that accompanies public affairs. An integral part of this process are the media outlets that give voice to a wide range of opinions and voices.

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

Open and lively public attention is paid to the activities of the press in Hungary, which means that divisive issues and cases receive the necessary social attention. Thanks to this, and to the well thought out hungarian legal environment and orderly judicial proceedings, members of the press are able to carry out their work freely and safely, regardless of their political affiliation or employer.

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

For example, the conflicts of judicial organizations prove just how well the system of checks and balances works, since such lively professional debates can take place in Hungary. Furthermore, for example, the prosecutor's office is not planned to be brought under the jurisdiction of the National Court Office (OBH).

## 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*

The final stage of all codification work is the ex post impact assessment. To this end, the government analyzes the experience of law enforcement after the creation of all significant legislation and takes the necessary organizational or codification measures. The government therefore enforces the requirement that draft legislation be submitted to the government together with a complex socio-economic impact assessment.

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*

In an urgent procedure, the Parliament adopts legislation primarily affecting the state administration and the public administration organization. In an exceptionally urgent procedure, the Parliament discusses mainly politically sensitive economic and tax-related laws. This method is regulated in accordance with European practice, and the number of laws adopted in the urgent procedure - with the exception of the 2010-14 parliamentary cycle - cannot be said to be significant.

Regime for constitutional review of laws

*3000 character(s) maximum*

Preliminary norm control: Based on a motion made before the final vote, the Parliament can send the adopted law to the Constitutional Court for examination of its compatibility with the Basic Law. The Parliament decides on the motion after the final vote. If the motion is accepted, the President of the Parliament will immediately send the adopted law to the Constitutional Court for examination of its consistency with the Basic Law. Subsequent norm control: At the initiative of the Government, a quarter of the members of the National Assembly or the Commissioner for Fundamental Rights, the Constitutional Court reviews the consistency of legislation with the Basic Law.

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

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

*3000 character(s) maximum*

The Constitutional Court reviewed the legislation created during the state of emergency. Paragraph 1 of Article 54 of the Basic Law stipulates that the exercise of fundamental rights can be suspended in a special legal order - with the exception of the fundamental rights established in Article II, Article III and paragraphs (2)-(6) of Article XXVIII, or may be restricted beyond the extent according to Article I, paragraph (3).

## 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*

On January 1, 2012, with the entry into force of the Basic Law, the posts of the three specialist ombudsmen were abolished, and the ombudsman continued to act as the Commissioner of Fundamental Rights.

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*

In the ombudsman's office - in 2022 - cases related to the epidemic and those different from it were no longer very separated. The office was faced with a multifaceted challenge: not only did it have to maintain continuous operation technically, but it also had to constantly be in the picture and monitor the rapid changes in the rules and the complex law enforcement situation. According to its own information, the office issued 57 reports (including recommendations) in 2019, 102 in 2020, and 147 in 2021. The total number of cases was 5,963 in 2019, 7,190 in 2020, and 7,354 in 2021. In 2021, the office closed nearly six thousand cases.

## 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*

Officials must enforce this principle of administrative procedure from the initiation of the public administrative procedure, through the conduct of the procedure, to its completion, and to the implementation of the decision made. This principle and practice therefore includes the obligation to establish the facts. The authority establishes the facts ex officio and determines the method and scope of the proof. Within the framework of the relevant law (Ákr.), the authority can review its own decision and the procedure of the authority under its supervision. The latter gains importance in the renewed system of the procedure, in that if there is no second-degree procedure, the authority also reviews the decision and procedure of the authority under its supervision ex officio.

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*

According to Act I of 2017 on Public Administrative Procedures (Kp.), a claim for initiating a lawsuit related to the public administration activity of the authority must be submitted to the authority within a specified period of time after becoming aware of the disputed act (decision, measure).

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*

In Hungarian practice, an enforceable document (court judgment or deed) is required to initiate enforcement. Enforcement procedures and the authorities that execute them (court, debt collection office or bailiff) are determined by separate legislation.

## D. The enabling framework for civil society

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

*3000 character(s) maximum*

The Act CLXXXI of 2011 ("Civil Act") regulates organizations created on the basis of the right of association, the bankruptcy and liquidation procedures of non-governmental organizations, the legality control of non-governmental organizations, the registration, management, bookkeeping, and reporting procedures of non-governmental organizations. It provides for the rules of public benefit legal status, civil information centers, special rules for state support of civil organizations and the National Cooperation Fund.

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*

According to the definition of the current legal regulations, the legal protection of a civil organization covers: civil companies, associations registered in Hungary (with the exception of parties, trade unions and mutual insurance associations), and foundations (with the exception of public foundations and party foundations). The scope of the law does not extend to foundations that were established outside the law of association.

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*

According to the Act CLXXXI of 2011 ("Civil Act"), those civil organizations may benefit from monetary or non-monetary benefits provided by the state, which the sponsor does not primarily provide in return for compensation, but for the implementation of a specific program or for the organization's operation of the sponsored during a specified period. You can find out about the calls for tenders, grant decisions and the basic data of grants on the Civil Information Portal (<https://civil.info.hu/>) operated by the state.

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

*3000 character(s) maximum*

Civil organizations participate in legislative work, so for example ministries involve such organizations in preparatory work (e.g. when commenting on draft decrees). Civil organizations have a continuous dialogue with the government and the political administration.

## 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*

Since 2010, the government has built its planned measures on the basis of dialogue with the electorate. Within this framework, since the change of government in 2010, voters' opinions on political and public issues have been asked orally, through questionnaires, and by mail during events. According to the official information, they established contact with millions of people during the process. From 2010 to 2015, the national consultation questionnaires were sent out using questionnaires supervised by the Prime Minister's Office. The evaluation was carried out by the Central Office of Public Administration and Electronic Public Services (KEK KH).

Other - please specify

*3000 character(s) maximum*

## Contact

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