

# 2021 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The first annual Rule of Law Report was published on 30 September 2020. It is the core of the new European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues.

In the preparation of the first annual Rule of Law Report, the Commission relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through a targeted stakeholder consultation[1]. The information provided has informed the Member State-specific assessments of the Commission in preparing the Report. Building on the positive experience from the first Rule of Law Report, the Commission is inviting stakeholders to provide written contributions for the preparation of the 2021 Rule of Law Report through this targeted consultation.

The contributions should cover in particular (1) feedback and developments with regard to the points raised in the country chapters of the 2020 Rule of Law Report and (2) any other significant developments since January 2020[2] falling under the 'type of information' outlined in next section. This would also include significant rule of law developments in relation to the COVID-19 pandemic falling under the scope of the four pillars covered by the report.

The input should be short and concise, if possible in English, 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.

Please provide your contribution by 8 March. Should you have any requests for clarifications, you can contact the Commission at the following email address: [rule-of-law-network@ec.europa.eu](mailto:rule-of-law-network@ec.europa.eu).

[1] [https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation_en)

[2] Unless the information was already submitted in the consultation for the 2020 Rule of Law Report.

## 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 and nominations for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the request for input[1])

### Any other relevant developments

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

Please include, where relevant, information related to measures taken in the context of the COVID-19 pandemic under the relevant topics.

If there are no changes, it is sufficient to indicate this and the information covered in the 2020 Rule of Law Report should not be repeated.

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

## About you

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\* I am giving my contribution as

Business association

\* Organisation name

*250 character(s) maximum*

Austrian Federal Economic Chamber

\* Main Areas of Work

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

If "Other", please specify

The Austrian Economic Chamber system represents the interests of the Austrian business community on the regional, national, and international level and provides information and advisory service to its 400.000+ members.

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

*500 character(s) maximum*

[https://www.wko.at/service/Addresses\\_and\\_Contact\\_of\\_the\\_Austrian\\_Economic\\_Chambers.html](https://www.wko.at/service/Addresses_and_Contact_of_the_Austrian_Economic_Chambers.html)

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

10405322962-08

\* Country of origin

Please add the country of origin of your organisation

Austria

\* First Name

Ulrike

\* Surname

Hassmann-Vorbach

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

ulrike.hassmann-vorbach@wko.at

\* 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](#).

## 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

[overview\\_topics\\_for\\_contribution.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

The areas of economic growth and the rule of law are intrinsically interrelated. Rule of Law deficits in one Member State have a negative impact on the Single Market. From the business point of view the economic dimension of the rule of law should be given much greater attention.

In some Member States there is an increasing tendency towards protectionism and the implementation of discriminatory measures with regard to foreign investors. EU investors and service providers are sometimes discriminated against compared to local companies, for example in public procurement or taxation. EU rules are also applied and interpreted inconsistently by national governments, authorities and courts. Non-compliance with and circumvention of European rules distorts competition for companies operating in the Internal Market.

Enforcement of Internal Market rights for companies needs to be improved and speeded up, since the Commission is sometimes reluctant to pursue complaints and the average duration of infringement proceedings is too long.

It would be helpful if the Commission could add an additional category to its report highlighting specifically the economic dimension of the rule of law and the private sector. If no additional category can be set up, the economic dimension of the rule of law should be given much greater attention in the other 4 pillars.

This should cover the increasingly protectionist and nationalist tendencies in some Member States, such as for example the introduction of taxes that mainly affect foreign investors, high fines for marginal infringements and simultaneous omission of the suspensive effect of appeals or the obligation to promote national products.

Only legal certainty can ensure the full functioning of the Single Market.

## Questions on developments in Member States

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The following four pillars are sub-divided into topics and sub-topics. You are invited to provide concrete information on significant developments, focusing primarily on developments since January 2020, for each of the sub-topics which are relevant for your work. Please feel free to provide a link to and reference relevant legislation/documents. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices (as outlined under "type of information").

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.

Please note that, due to the size of the questionnaire, certain elements may be slow to load, especially if selecting many Member States at once. In such cases, it is recommended to wait a few minutes to let the page load correctly.

### Member States covered in contribution [several choices possible]

Please select all Member States for which you wish to contribute information. For each Member State, a separate template for providing information will open. This may take several minutes to fully load.

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

## Justice System - Hungary

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### Independence

Appointment and selection of judges, prosecutors and court presidents

*(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, dismissal and retirement regime of judges, court presidents and prosecutors

*3000 character(s) maximum*

Promotion of judges and prosecutors

*3000 character(s) maximum*

### Allocation of cases in courts

*3000 character(s) maximum*

Independence (including composition and nomination 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 liability of judges

*3000 character(s) maximum*

Remuneration/bonuses for judges and prosecutors

*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*

## 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 "type of information".)

Accessibility of courts (e.g. court 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)

*(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)*

*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

*3000 character(s) maximum*

## 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 "type of information".)*

Length of proceedings

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

## Anti-Corruption Framework - Hungary

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

List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant)

*3000 character(s) maximum*

### Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

*3000 character(s) maximum*

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

*3000 character(s) maximum*

Rules on preventing conflict of interests in the public sector.

*3000 character(s) maximum*

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

*3000 character(s) maximum*

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

*3000 character(s) maximum*

Measures taken to address corruption risks in the context of the COVID-19 pandemic

*3000 character(s) maximum*

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

*3000 character(s) maximum*

## Repressive measures

Criminalisation of corruption and related offences.

*3000 character(s) maximum*

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

*3000 character(s) maximum*

Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation).

*3000 character(s) maximum*

Other – please specify

*3000 character(s) maximum*

## Media Pluralism - Hungary

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### Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources 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*

## Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

*3000 character(s) maximum*

Rules governing transparency of media ownership and public availability of media ownership information

*3000 character(s) maximum*

## Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

*3000 character(s) maximum*

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

*3000 character(s) maximum*

Access to information and public documents

*3000 character(s) maximum*

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

## Other institutional issues related to checks and balances - Hungary

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### The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms) and transparency and quality of the legislative process

*3000 character(s) maximum*

- Entry regulation or its extension: always in the last days before coming into force (e.g. the government regulation on the extension of the entry regulation until 1 March appeared on 29 January 2021 during the night, and comes into force on 1 February 2021).
- EKÁER (Electronic Goods Control System): on the fundamental change of the EKÁER system, the corresponding regulation appeared on 23 December at night. The new regulations are valid from 1.1.2021. Our headline on this can be found at: <https://www.wko.at/service/aussenwirtschaft/elektron-warenlieferungskontrollsystem-ekaer-in-ungarn.html>
- BIREG: this topic caused the greatest uncertainty at the beginning of the year 2021. According to Government Ordinance No. 261/2011. (XII. 7.), modified on 31.12.2020 approx. at 6 p.m., since 1.1.2021 commercial (from 3.5 tonnes) as well as own-account transport (from 7.5 tonnes) of goods in, to, from and through Hungary (i. e. (i.e. also transit deliveries) or cabotage transports carried out in Hungary must be provisionally registered in the publicly accessible IT system of the transport authority (System for Provisional Electronic Licence Registration - BIREG). Sanctions are due since 1.2.2021. The government regulation was modified again at the end of January and since 4 February, international commercial transport of goods carried out with an EU Community licence (according to EU Regulation No. 1072/2009 Article 4) as well as transport of goods within the framework of own-account transport have been exempted from this registration obligation. You can find more information on this on our website here: <https://www.wko.at/service/aussenwirtschaft/ungarn-bireg-elektronische-genehmigungsregistrierung.html>

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*

Entry regulation or its extension: always in the last days before coming into force (e.g. the government regulation on the extension of the entry regulation until 1 March appeared on 29 January 2021 during the night, and comes into force on 1 February 2021).

- EKÁER (Electronic Goods Control System): on the fundamental change of the EKÁER system, the corresponding regulation appeared on 23 December at night. The new regulations are valid from 1.1.2021. Our headline on this can be found at: <https://www.wko.at/service/aussenwirtschaft/elektron-warenlieferungskontrollsystem-ekaer-in-ungarn.html>

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Regime for constitutional review of laws.

*3000 character(s) maximum*

COVID-19: provide update on significant developments with regard to emergency regimes 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 by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- measures taken to ensure the continued activity of Parliament (including possible best practices)

*3000 character(s) maximum*

As part of an opinion survey (the so-called ABC indicator), which has been conducted annually since 2016, we also asked 2020 branch managers of the top export markets about sentiment, reform wishes, investment plans and much more.

A total of 113 Austrian companies based in Hungary (a representative cross-section of Austrian business companies in Hungary) also participated in the survey.

From a regulatory point of view, the companies would like to see improvements in the areas of predictability of economic policy (58%), reduction of bureaucracy (44%), legal certainty (42%) and the fight against corruption and crime (42%).

These topics have become more important, especially in view of the COVID-related rapid legislation.

**Independent authorities**

Independence, 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*

## Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

*3000 character(s) maximum*

Implementation by the public administration and State institutions of final court decisions

*3000 character(s) maximum*

## The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

*3000 character(s) maximum*

## 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, etc.)

*3000 character(s) maximum*

Other – please specify

*3000 character(s) maximum*

## Justice System - Romania

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## Independence

### Appointment and selection of judges, prosecutors and court presidents

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

*3000 character(s) maximum*

#### Independence of judges

The two internationally recognised criteria of independence of judges are the "subjective criterion" (inner feeling of independence) and the "objective criterion" (framework conditions of independence). On the basis of the first criterion, the independence of judges in Romania is largely perceived as good. The conditions, on the other hand, have been significantly weakened over the last four years. Concrete examples of this deterioration include:

- The financial independence of judges was impaired by the abolition of the special pension.
- A specialised authority to investigate offences committed by magistrates (judges and public prosecutors) was newly created in 2018: "Secția pentru investigarea infracțiunilor din justiție" or SIJ. On the basis of some media attention, the perception has arisen that this special institution is more for the purpose of deterring and demotivating of the judiciary. Among other things, the Ministry of Finance, among others, should be empowered to initiate prosecution of complaints. This could be a link to the increasing number of disciplinary proceedings against judges who are critical of the system (in this context, several complaints have recently been lodged with the European Court of Justice, and the cases are still pending).

Following the creation of this specialised authority, numerous recommendations of international bodies (including the Venice Commission, GRECO, the EU) have been made to abolish the new authority or to create sufficient guarantees for its independence.

### Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

*3000 character(s) maximum*

### Promotion of judges and prosecutors

*3000 character(s) maximum*

### Allocation of cases in courts

*3000 character(s) maximum*

### Independence (including composition and nomination 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 liability of judges

*3000 character(s) maximum*

#### Remuneration/bonuses for judges and prosecutors

*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*

In Romania, the following problems of a systematic nature exist with regard to the rule of law:

- Lack of debates and possibility of public participation in parliamentary debates.
- Lack of transparency in the legislative process, also with regard to the publication and already during the drafting of bills.
- Abuse of the instrument of emergency decrees by the government in the past years, by passing the ordinary parliamentary legislative procedure.
- In the context of increasing power of the executive in relation to appointment and dismissal of prosecutors, a potential threat to the independence of prosecutors, and the risk of backsliding in the fight against anti-corruption (influence or control of the Ministry of Justice on State Prosecutors).
- The special department [of the prosecutor's office] created in 2018 to investigating criminal offences committed by judges and prosecutors remains in place and continues to meet concerns about its institutional independence and authority.
- The Constitutional Court is widely regarded as biased.
- There are credible reports that a certain level of corruption continues to exist in the judiciary, although the overall situation has improved.

## 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 "type of information".)

#### Accessibility of courts (e.g. court 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*

#### Quality of the training of judges

In practice, there are two paths to becoming a judge (or a prosecutor) in Romania.

1. direct admission to the exam and 2. the exam for law graduates who have worked in the legal profession for at least 5 years.

In both cases, the examination and the subsequent training of several years is done at the National Institute of the Magistracy ("INM").

Thus, graduates of the INM receive additional knowledge in an additional studies as well as an obligatory practical phase.

The quality of the training is considered to be high. Out of about 3000 candidates only about 200 candidates are selected. Rumanian judges and state prosecutors are subject to compulsory further training.

### 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)

*(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)*

*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

*3000 character(s) maximum*

## 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 "type of information".)*

### Length of proceedings

*3000 character(s) maximum*

For years, the length of proceedings was considered a serious problem of the Romanian judiciary. Excessively long proceedings also led to numerous judgements against Romania before the ECHR. However, the situation has improved considerably in recent years.  
The time it takes for a decision to be handed down does not depend to a small extent on the size of the (court) location and the associated workload of the judges. Thus one can observe clear differences between the duration in courts in large cities and small towns.

### Other - please specify

*3000 character(s) maximum*

Quality of the proceedings: The quality of procedures and decisions has also improved significantly recently. Differences between individual courts can still be found. The quality of the proceedings continues to be impaired in particular by the following factors:  
- uneven jurisprudence in some areas (e.g. on unfair terms)  
- lack of predictability of the law  
- overly formalistic interpretation of laws

## Anti-Corruption Framework - Romania

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

List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant).

*3000 character(s) maximum*

### Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

*3000 character(s) maximum*

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

*3000 character(s) maximum*

Rules on preventing conflict of interests in the public sector.

*3000 character(s) maximum*

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

*3000 character(s) maximum*

List the sectors with high-risks of corruption in your Member State and relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

*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*

Measures taken to address corruption risks in the context of the COVID-19 pandemic

*3000 character(s) maximum*

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

*3000 character(s) maximum*

## Repressive measures

Criminalisation of corruption and related offences.

*3000 character(s) maximum*

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

*3000 character(s) maximum*

Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation).

*3000 character(s) maximum*

Other – please specify

*3000 character(s) maximum*

## Media Pluralism - Romania

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### Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources 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*

### Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

*3000 character(s) maximum*

Rules governing transparency of media ownership and public availability of media ownership information

*3000 character(s) maximum*

## Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

*3000 character(s) maximum*

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

*3000 character(s) maximum*

Access to information and public documents

*3000 character(s) maximum*

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

## Other institutional issues related to checks and balances - Romania

---

### The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms) and transparency and quality of the legislative process

*3000 character(s) maximum*

Finally, a few words on the quality of the legislative process in terms of whether comments are possible within the process and whether or to what extent relevant affected groups are involved:

As in many other countries, there are two main actors involved in legislation in Romania: the government and the parliament.

legislation: the government and the parliament (in that order).

There are two ways of shaping legislation from a formal perspective: (1) Parliament passes laws, whereby the right of initiative belongs to the government, among others.

This [actually usual] way has not been used in Romania to the extent it deserves. In addition to this, the government has a second, significantly faster possibility : the government's emergency decrees [sometimes also called urgent

emergency decree]. These decrees are exempt from the control by parliament and the head of state and for this very reason have been used relatively frequently.

The adoption of emergency decrees by several Romanian governments of different political camps, on a large scale and some of them with very questionable urgency, was constitutionally tolerated in practice over a long period of time.

In this way, the government has, de facto, partially taken over the role of the legislator.

The emergency ordinances are particularly advantageous in cases where the party cannot get support for the respective initiative in parliament.

The Romanian parliament is criticised by observers, among other things, of lack of expertise, disregard for the existing bicameral system and of non-compliance with (also internal) legislative rules.

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 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 by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- measures taken to ensure the continued activity of Parliament (including possible best practices)

*3000 character(s) maximum*

**Independent authorities**

Independence, 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*

## Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

*3000 character(s) maximum*

Implementation by the public administration and State institutions of final court decisions

*3000 character(s) maximum*

## The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

*3000 character(s) maximum*

## 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, etc.)

*3000 character(s) maximum*

Other – please specify

*3000 character(s) maximum*

### Challenges / Problem Areas for Austrian Companies in Romania

- Availability resp. scarcity of labor force (COVID-19 impact has yet to be quantified)
- qualification of labor force
- education, training, dual education (projects of Advantage Austria Bucharest)
- Low absorption of EU funds
- Transport Infrastructure => directly connected to economic and social development of Romanian Moldova
- Legislation by emergency ordinances, non-predictable and stable legislation, unclear or obstructive norms, jurisdiction
- Predictability
- Transparency
- ANAF-audits and inspections, transfer pricing, royalties, Customs Authority
- Red tape (bureaucracy)
- Public procurement and contestations of tenders, duration of contestations (12 – 18 months), arbitrations of claims, arbitration courts
- Contestations of claims by companies, 80 % not defended, 95 % lost
- Corruption | resp. compliance a problem area of its own

### Problem Sectors:

- Banking: Banking Fee, Darea in Plata / Datio in Solutum, Foreign Currency Loans, Law No. 193 => consumer protection => verdict/judgement not for single case, but for category
- Insurances: maximum prices for insurances, arbitrary intervention in administrative costs and commissions, damage assessment by workshop industry association, antitrust suit (Kartellverfahren) for illegal information exchange, damage could be claimed by own insurance, then reimbursed, success rate 2 %, free rental car while repair, high risk clients have to be taken
- Recycling: OTR system was bankrupt, did not work anymore, still does not work, high penalties introduces, environmental landfill tax introduced, landfill price cap
- Mining industry: mining licenses
- Wood industry: purchase of round wood restricted, permanent unfair attacks in the market
- Agricultural land | land: inconsistent cadaster and land book, irregularities in land claims, purchase restricted => certificate of professional competence, commission at communities/municipalities, criteria not defined, notarized pre-emption contract (retroactive!), former ownership structures, restitution cases, lack of documentation (better in Transylvania)
- Energy / Green Certificates: market, liquidity of market, recognition of raw materials, price levels of green certificates | minimum price

## Justice System - Slovak Republic

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### Independence

#### Appointment and selection of judges, prosecutors and court presidents

*(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, dismissal and retirement regime of judges, court presidents and prosecutors

*3000 character(s) maximum*

**Promotion of judges and prosecutors**

*3000 character(s) maximum*

**Allocation of cases in courts**

*3000 character(s) maximum*

**Independence (including composition and nomination 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*

Justice system

For many years, there are concerns regarding the independence and integrity of Slovakian judges and the Slovakian justice system. In April 2020, the new government under Prime Minister Igor Matovič announced reform plans to strengthen judicial independence and integrity, as well as the appointment process for the Constitutional Court.

The Slovak authorities have started to implement a number of reforms aimed at improving both the efficiency and quality of the Slovak justice system. A comprehensive review of the Slovak justice system provided for 62 recommendations on how to improve the efficiency and quality of the Slovak justice system. Many of the expected results are still pending.

**Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges**

*3000 character(s) maximum*

**Remuneration/bonuses for judges and prosecutors**

*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*

## 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 "type of information".)

Accessibility of courts (e.g. court fees, legal aid, language)

*3000 character(s) maximum*

The Ministry of Justice is preparing a reform of the court map, the main goal is to have judges specialise in main agendas and to improve the quality of verdicts. The new setup of courts should concern those of first and second instance, with the aim of reducing ties of corruption in the judiciary. At the same time, the administrative agenda should be excluded from the general judiciary, as a new Supreme Administration Court should be set up. The Slovak Towns and Villages Association (ZMOS) claims the proposed changes to the judiciary roadmap will reduce accessibility of courts for people.

Resources of the judiciary (human/financial/material)

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

*3000 character(s) maximum*

Workload problems in some courts and a large number of old cases result in some court procedures lasting for up to 5 years. Access to the court system is not perceived as equal; the lack of legal support or court-appointed counsel put low-income groups at a disadvantage. The Legal Aid Centre, a state organization is providing legal aid to persons in material need, but their network includes 16 branch offices throughout Slovakia, not covering all of 79 districts.

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)

*(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)*

*3000 character(s) maximum*

There is still a large potential for the use of information technology in courts.

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

*3000 character(s) maximum*

## 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 "type of information".)

Length of proceedings

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

## Anti-Corruption Framework - Slovak Republic

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

List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant).

*3000 character(s) maximum*

## Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

*3000 character(s) maximum*

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

*3000 character(s) maximum*

Rules on preventing conflict of interests in the public sector.

*3000 character(s) maximum*

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

*3000 character(s) maximum*

Whistle-blowers still do not enjoy a necessary level of protection. Therefore only few cases of crimes of corruption are actually being investigated or prosecuted. Also, the capacity of specialised anti-corruption institutions like NAKA (National Crime Agency) to investigate and prosecute is still perceived inadequate. Regulations governing lobbying and postemployment restrictions are still considered lacking in substance.

In February 2021, the first head of the newly created whistleblowers' protection authority (ÚOOPČ) was elected by Parliament.

List the sectors with high-risks of corruption in your Member State and relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

*3000 character(s) maximum*

Public procurement

In Slovakia contracts between the state and the private sector are registered in the central register of contracts which is publicly available: <https://www.crz.gov.sk/central-register-of-contracts/>.

Companies entering into a contractual relationship with the public sector (e.g. state bodies, state companies, municipalities and other entities operating with public finances and properties) are usually obliged to register as Public Sector Partners and reveal their management and ownership structure. The register of Public Sector Partners was introduced in 2017, even before the Transparency registers based on EU Anti-money laundering Directives. The Register of Public Sector Partners is publicly available: <https://rpvs.gov.sk/rpvs/>.

Public procurement takes double the time than in the Czech Republic, according to a research published by the Let's Stop Corruption foundation in February 2020 (analyzing procurements during January 2016 to June 2019). Moreover, about a quarter of procurement tenders is scrapped by the authorities.

At the end of 2020, deputy Prime Minister Štefan Holý proposed a revision to the public procurement law, wanting to speed up public procurement at the expense of transparency and fairness. The amendment has faced vocal criticism from the NGOs, the head of the Public Procurement Office (ÚVO) and even ruling coalition partners, who opined that it does not bring more transparency in the public procurement - quite the opposite. According to Transparency International the prepared public procurement reform might significantly increase space for corruption.

Measures taken to address corruption risks in the context of the COVID-19 pandemic

*3000 character(s) maximum*

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

*3000 character(s) maximum*

## Repressive measures

Criminalisation of corruption and related offences.

*3000 character(s) maximum*

Slovakia has adopted wide-ranging anti-corruption strategies for several years. But only the new government has declared the fight against corruption as one of the key priorities in its political programme.

The Slovak civil society has reacted strongly following the assassination of Ján Kuciak and his fiancée Martina Kušnírová in 2018 and in its aftermath. The trial of Marián Kočner and his accomplices was closely watched by the public and the verdicts are widely considered as the just result for a heinous crime.

In recent months more and more oligarchs and ex-politicians (especially those close to the former coalition government) came under investigation for crimes like corruption and similar others. Some groups complaint that these prosecutions are politically motivated but the large majority of Slovaks welcomes these as just reckoning with the former government.

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 the implementation of EU funds

*3000 character(s) maximum*

Slovakia comes 60th in the latest Corruption Perception Index compiled by Transparency International, down one place compared to a year ago. The drop in the most recent index reflects the absence of an anti-corruption drive of the previous government. The current government's efforts will be reflected in the index next year, due to recent prosecution of top-level corruption. Ranking of neighbouring countries:

countries	2020	2010
Austria	15	15
Poland	45	45
Czechia	49	56
Slovakia	60	62
Hungary	69	53

Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation).

*3000 character(s) maximum*

Other – please specify

*3000 character(s) maximum*

## Media Pluralism - Slovak Republic

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### Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources 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*

### Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

*3000 character(s) maximum*

Rules governing transparency of media ownership and public availability of media ownership information

*3000 character(s) maximum*

### Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

*3000 character(s) maximum*

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

*3000 character(s) maximum*

Access to information and public documents

*3000 character(s) maximum*

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

## Other institutional issues related to checks and balances - Slovak Republic

### The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms) and transparency and quality of the legislative process

*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*

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Other – please specify

*3000 character(s) maximum*

## **Contact**

[rule-of-law-network@ec.europa.eu](mailto:rule-of-law-network@ec.europa.eu)