

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 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 2023^[1] falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

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

Type of information

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

A) Legislative developments

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

B) 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

C) 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[2])

D) 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.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

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.

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

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

K-Monitor Public Benefit Association

Main Areas of Work

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

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

500 character(s) maximum

k-monitor.hu

Transparency register number

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

361342143111-55

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados

- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon

- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☒ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius

- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia

- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

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 2024 rule of law report.pdf](#)

Questions on horizontal developments

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

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

K-Monitor has the impression that the conditionality mechanism against Hungary has lost its momentum, and core reforms have not been implemented in a satisfactory way within the deadlines. In certain topics the legal framework or its practical implementation have even deteriorated during that period (e.g. asset declarations, proactive disclosure of information of public interest). We are concerned that a failure of the procedure against Hungary will weaken the mechanism as a whole, instead of proving that it is a robust instrument of the EU to step up against systemic corruption in member states. Furthermore, the lack of transparency of the procedure, including the identification and elaboration of remedial measures and milestones undermines public trust towards the instrument and the legitimacy of the measures agreed on.

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). 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.

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

Member State covered in contribution [only one choice possible]

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

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

- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

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

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

5000 character(s) maximum

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

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

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

5000 character(s) maximum

Despite substantial reforms of the Criminal Procedure Code in 2018, that aimed to create a system where cases are adjudicated more expeditiously, processes in major corruption cases are still protracted due to malfunctions of the judicial administration.

In the newly established private prosecution rules in corruption cases, representation by a lawyer is mandatory (817/A. § (3)). However, the law explicitly excludes private prosecutors from getting access to state legal aid (817/A. § (4)). This concept makes private prosecution costly.

No remedy is provided for the private prosecutor against the judgement of the court (817/T. §). By contrast, the person convicted may file an appeal.

Despite the reforms, concerns relating to freedom of information litigation prevail. Although changes to the freedom of information legal framework introduced in 2022 removed some of the most burdensome legal barriers of accessing information, many obstacles remain. The new litigation rules introduced under the conditionality mechanism cover three areas: procedural time limits were shortened, stricter rules on evidence were introduced and contractors are allowed to intervene in the lawsuit, if the state refuses to disclose information claiming that it would violate trade secrets of a contractor. A fundamental shortcoming of the

enacted changes is that none of them addressed the widespread practice of data holders to not comply with requests or to reject them with vague justifications that can only be contested efficiently before court. This empties out the FOI framework for many who do not have capacities to engage in litigation. Furthermore, the reform fails to repeal all legal obstacles thrown in the way of accessing information introduced since 2012, and it omits to amend rules on legal remedies in freedom of information cases, which, at present, do not reflect the principle of equality of arms in a court process, and disproportionately distribute the burden of proof. This results from court precedents that allow for the defendant to present new evidence and invoke new grounds to justify the denial of the public interest information request during the process.

Nevertheless, the new rules have significantly speeded up access to information. Court cases can be closed within months instead of a year and a half. However, the fast-track rules can in many cases be burdensome for the data requester. Under the new rules, it is permitted for the defendant to present its defence orally at the first hearing. In such a situation, the data requester cannot prepare effectively and has to develop their arguments right at the hearing. Adjournment of the hearing in such a case is also only possible in exceptional circumstances. There is a greater need for representation by a lawyer, which makes access to justice more costly. Short deadlines can also be a challenge for courts when hundreds of pages of documents have to be reviewed and assessed properly within the 15-day timeframe. There is no data available on whether court capacities (staff, courtrooms) have been strengthened. Time pressure on judges might decrease the quality of justice. Despite significantly speeding up the procedure before ordinary courts, there is still no rule on the time limit for the Hungarian Constitutional Court to rule on FOI cases upon a constitutional complaint.

The fact that trade secret holders can be involved in the procedure could be justified, but it brings a number of risks for citizens. The increased number of defendants and the risk of high legal costs may discourage data requesters from turning to court.

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

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

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 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)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

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

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

Hungary received two anti-corruption recommendations in the 2023 Rule of Law Report, neither of which was followed upon by the government.

(1) As regards “adopting comprehensive reforms on lobbying and revolving doors, and further improving the system of asset declarations, providing for effective oversight and enforcement” there has been no development. These topics should be covered by the new anti-corruption strategy, but according to the latest publicly available draft of the anti-corruption action plan, lobbying and revolving door mechanism will be governed by soft-law tools (i.e., as a topic to be covered in Codes of Conduct). No guideline is available on the content of future regulations and no dissuasive sanctions are foreseen. Neither the substance of the asset declarations nor the sanctions mechanism associated with them have advanced, notwithstanding the fact that the implementation of sanctions was scheduled to commence in the summer of 2023 as per the Recovery and Resilience Plan. In December 2023, the Integrity Authority published its report and recommendations pertaining to the asset declaration system. However, the government’s acceptance of these materials remains uncertain.

(2) According to the other recommendation Hungary should “Establish a robust track record of

investigations, prosecutions and final judgments for high-level corruption cases.” Obviously, it is too early to assess the full implementation of the recommendation, but in theory the 2022 criminal procedure reform, with the introduction of the ‘motion for revision’, was partly intended to facilitate the prosecution of high-level cases even if they are derailed by the investigating authorities or the prosecution service. According to an analysis by K-Monitor, the new legal instrument has not improved the fight against corruption. The right of representation is only a formal opportunity, and it is costly and risky for individuals. The new provisions do not effectively grant procedural rights. Moreover, no legal or institutional reform took place aiming to change the hierarchical structure of the prosecution service, one of the root causes underlying malfunctions within the system and the failure to take action in prominent corruption cases. In lack of groundbreaking changes, no improvement can be anticipated.

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 and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

In Autumn 2022, mainly in response to EU procedures, the institutional framework for anti-corruption action in Hungary changed significantly with the establishment of new agencies, such as the Integrity Authority, and the Directorate for Internal Audit and Integrity (DIAI). In addition, the Anti-Corruption Task Force was set up as a consultative body manned with representatives of both the government and the non-governmental sector. Moreover, the Directorate General for Audit of European Funds (DGAEF), originally a government agency within the Ministry of Finance, was transformed into an independent (‘autonomous’) state organ. However, the newly created institutions have mainly subsidiary and parallel competencies and rely to a great extent on the powers and cooperation of other, pre-existing institutions; therefore, these amendments had no substantial impact.

The National Protective Service (NPS), through the Ministry of Interior, remained the main coordinator of the government’s anti-corruption policy, while the institutional system as a whole has become even more fragmented. The NPS still lacks the competence to facilitate information exchange between quasi-independent institutions such as the State Audit Office, the Public Procurement Authority, the Competition Authority, the Integrity Authority, the Prosecution Service and the judiciary. Cooperation between such bodies and governmental agencies is mostly based on bilateral agreements.

The Constitutional Protection Authority (CPA) has assumed responsibility for several duties: reliability investigations and corruption detection for basically all government employees except for those working under the Ministry of Interior (law enforcement, health, and education) in 2022, greatly narrowing the purview of the NPS and the Police. The CPA’s 2023 budget has more than doubled, going from around EUR 33 million to EUR 73 million, while the NPS’s workforce and funding have remained mostly unchanged.

The Integrity Authority maintains a nearly 44-million-euro budget and employs over seventy individuals. For reporting malfeasance, it maintains a confidential channel. As of December 2023, 186 reports have been received, and 21 cases involving a total of €315 million in EU funds are under investigation. The majority of the Integrity Authority’s powers can only be exercised when a suspected violation involves EU funds. Its capacities are further restricted because of the lack of legal and infrastructural background to access necessary data for analysis and risk assessment. Another major hindrance results from the lack of empowerment to carry out investigations on its own, which makes the Integrity Authority dependent on other state agencies.

The Anti-Corruption Task Force has no dedicated budget, and there are also uncertainties over its ability to effectively utilise its powers to contribute to the success of the anti-corruption efforts. While the Task Force includes representatives of all governmental and state agencies involved in the anti-corruption action (at least in a consultative capacity), as well as ten non-governmental members with proven track record in the fight against corruption, it plays only a limited and formal role in the anti-corruption coordination. Effective consultation on the anti-corruption framework does not occur in this setting. The Task Force was only formally involved in the drafting of the new anti-corruption strategy. Important legislative amendments, such as the new whistleblowing act, or regulations relating to asset declarations or accessibility of public interest information were not even tabled at the Task Force. On the non-governmental side, where participating members lack the required apparatus and funding, capacity issues are also more pronounced. Hence, three of the ten original members have filed their resignations in less than six months, and no replacement were found despite repeated prolongation of the deadline for applicants.

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

5000 character(s) maximum

Concerns raised in previous contributions prevail. The majority of the state's control institutions are headed by individuals loyal to the government, which undermines their independence. Furthermore, there is a lack of internal autonomy, preventing staff from conducting investigations freely due to the possibility of interference from the leadership of the institution. The Integrity Authority and the DGAEF, which were established or reformed at the end of 2022, enjoy formal autonomy, nevertheless, the powers of these institutions are limited. The Integrity Authority mostly relies on other state agencies to take action upon its signals. Various government agencies preserved some or all of their tasks to combat corruption, such as the National Protective Service, which is a law enforcement agency subordinated to the Ministry of Interior, the National Tax and Customs Administration (subordinated to the Ministry of Finance); and to a lesser degree, the Government Control Office (GCO - subordinated to the Cabinet Office of the Prime Minister). The GCO is the internal control institution of the government and carries out its audits on the basis of annual plans, however its reports are not publicly available. The Government approves the audit plan and has wide powers to order ad hoc audits or to terminate an audit in progress. As a consequence, the Government Control Office can in no way be considered an independent or autonomous institution. Other institutions that are formally independent from the executive branch of the government, such as the State Audit Office (SAO), the Hungarian Competition Authority (HCA), the Public Procurement Authority (PPA), the prosecution service, etc. remain exposed to undue government influence and exhibit low levels of autonomy in performing their functions. This is mainly reflected in the selective way in which these institutions decide whether or not to examine individual cases of suspected corruption. A report by the SAO concerning the 2022 election campaign, which exposed "illicit (foreign) party funding" in the campaigns of opposition parties, invoked allegations of bias for failing to equally sanction similar practices on behalf of progovernment entities.

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

5000 character(s) maximum

The deadline for the implementation of the medium-term anti-corruption strategy for 2020-2022 has been extended multiple times until July 2023, still there is no publicly available evaluation of its implementation. Hungary does not currently have an anti-corruption strategy in place, even though the deadline for a new one was June 2023 according to Hungary's Recovery and Resilience Plan. As of January 2024, the strategy's development is still in progress. Two initial drafts have been released to the public following their distribution to the Anti-Corruption Task Force. Regarding the first draft, the government allowed the Task

Force to offer feedback, yet neither the Task Force nor the Integrity Authority were included in the actual drafting stage. No public consultation took place either, for which the OECD has also criticised the process. The second draft gives only a broad outline of the primary goals of the anti-corruption action plan. One key objective is the implementation of codices of conduct for high-ranking government officials and Members of Parliament, a measure long recommended by GRECO. Although the draft action plan indicates the topics the codices of conduct should cover, it does not give any guidance on the specific rules of conduct and sanctions.

Among other issues, the draft action plan includes, as in previous strategies, a strong focus on various integrity trainings. Some of the proposed measures concern the increase of transparency and tightened controls on public procurement and national and EU subsidies. However, these commitments are in many ways technical and do not fit into a broader vision of reform.

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)

5000 character(s) maximum

As 'integrity' has been the anti-corruption buzzword for the government in the past years, there are numerous mechanisms in place to support the enhancement of integrity for public sector officials, such as annual integrity reporting, training courses on integrity and integrity officers working in state bodies, etc. Doubts, however, remain about their effectiveness. In the Schadt–Völner case, where the prosecution service indicted the former deputy justice minister Pál Völner for allegedly having rigged the appointment of bailiffs in exchange of bribes, several staffers in the Ministry of Justice, who found out about this malpractice did not dare to approach the Ministry's integrity adviser, whom they believed to have been involved in the wrongdoing. Testimonies suggest that strong hierarchical structures in the ministries and other high-level agencies positively obstruct any possibility of action despite the existing mechanisms.

The new Directorate for Internal Audit and Integrity (DIAI), set up at the end of 2022 is tasked to monitor conflict of interest declarations and raise awareness of potential incidents of conflict of interest at national authorities involved with the implementation of European Union support. The DIAI has so far not published any reports relating to its operations and performance, nor has this agency announced the identification of any wrongdoing within its scope of competence.

Moreover, there is still no comprehensive regulation on conflict of interests, lobbying, nepotism, or the revolving door phenomenon despite repeated requests by international stakeholders such as GRECO and the Commission. It is telling that the law requires a colling-off period in the case of only four government agencies – the nuclear energy agency, the Integrity Authority, the concessions bureau, and the public utility agency. Despite regulatory obligations, the government keeps on failing to introduce a general ban on the revolving door phenomenon.

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)

5000 character(s) maximum

The regulatory framework governing lobbying in Hungary has remained unchanged. There is no transparency register in Hungary, although regulations are often tailored in a way to promote the interests of certain groups or individuals, which suggests that undue influence may lurk behind the decisions concerned, exemplified in a recent case, where a legal amendment allowed basically only one company to meet the criteria for cyber security certifications. The company concerned can be linked to the minister in charge of the Prime Minister's Cabinet Office.

Lobbying is also facilitated in the case of so-called priority investments. Until the end of 2023, the government had a free hand to declare any private investment totalling a value of HUF 90 million a “priority” if it contributed to the creation of at least 15 new jobs, which made the entry threshold for lobbying relatively low. This regulation was recently amended, but its actual impact cannot yet be assessed.

The transparency of legislation has not been improved by reinforcing in the second half of 2022 the requirement of the on-line public consultation of draft legislations. Published drafts are not easily accessible for citizens and other stakeholders. According to K-Monitor’s analysis the vast majority of cases the government does not take stakeholder suggestions into account at all. It has also become a practice over the last year that the most problematic legislative texts are only included in the draft legislation’s final reading, in the last stage of parliamentary debate, during the legislative committee’s procedure, which makes it practically impossible for the public to follow such proposals, while in the same time this process is entirely exempted from consultations. This phenomenon was illustrated when the legislative proposal to digitise asset declarations was completely replaced at the very last minute by text on judicial reform.

The scope of public asset declarations was modified in 2022, with the changes primarily impacting senior state and government officials and MPs. Regarding the material scope, the current format of asset declarations contains less detail regarding the declarants’ tangible assets, revenues, and investments than the forms that were operational prior to 2022. The currently used form is far from being comprehensive, specifically with regards to fiduciary relationships, investments into private equity funds, foreign assets, and non-taxable revenues such as royalty insurance. The introduction of a system of digitised and searchable asset declarations was unsuccessful, as the Government swept away the relating draft legislation during the final stage with an amendment by the Parliament’s legislative committee.

The Hungarian government has shifted its attention towards foreign campaign financing in 2023. During the 2022 national Parliamentary election campaign, opposition parties received donations from abroad via unclear intermediary organisations. The opposition parties claim that funding came partially from individual donors from abroad, while domestic funding was collected at events and rallies, using donation boxes. Concerns were raised regarding the origin of funds and the reliability of in-payment reports of donations collected in boxes, therefore the OTP Bank, where the umbrella organisation that raised funds for the opposition holds its account, filed a criminal complaint to the Police. Foreign funding has been highlighted as the primary concern by the government, and the State Audit Office, in charge of overseeing political finances, found irregularities at the end of an investigation into opposition parties’ campaign funding. In its report, still not available publicly, the SAO concluded that the opposition parties have to pay billion forints in sanctions for having unlawfully absorbed almost 4 billion forints from abroad. In the meantime, the SAO overlooks signs of irregular campaign funding on behalf of the governing Fidesz party, which includes, among other things, proxy campaigning by GONGOs and covert financing by the government. TI Hungary requested the SAO to assess the Fidesz party’s 2022 campaign funding, but the SAO denied doing so. In December, the Parliament adopted the bill on the defence of national sovereignty and set up the Office for the Defence of Sovereignty tasked with investigating persons/organisations suspected of representing foreign interests. The new law, which provoked harsh criticism from civil society organisations and independent media, also prohibits foreign funding for candidate organisations and limits domestic support options for them and expands the definition of foreign funding in a way that besides political parties it applies to civil society organisations, too. These provisions might aim to make it even more difficult for the opposition to raise funds either domestically or from abroad, instead of endeavouring to resolve longstanding issues of political financing.

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

Conflicts of interest are governed by sectoral rules. In late 2022, Hungary implemented novel conflict of interest regulations that specifically address public procurements, the institutional structure for allocating EU resources, and the governing bodies of public interest asset management foundations. According to the new procurement rules, it is required that all individuals participating in the procurement procedure make a formal declaration of interest and the contracting authority is entrusted with the responsibility of verifying and administering these declarations. In the absence of a general procedural regulation, the Public Procurement Authority advises that contracting authorities incorporate transparent procedural rules for the prevention and verification of conflict of interest into their procurement regulations.

Individuals operating within the institutional framework responsible for the allocation of EU funds are also required to comply with new, stringent protocols as part of the EU resource allocation institutional system. At each procedural point, they are required to disclose potential conflicts of interest and provide a declaration of interests with details of their affiliations, financial interests, and other data. These declarations are subject to verification by the Directorate of Internal Audit and Integrity (either randomly or on a basis of a whistleblower report).

As a result of the suspension of Erasmus+ and Horizon Funds, the participation of high-ranking public officials in the governing bodies of public interest asset management foundations has generated controversy. Such mandates are not precluded from being held by high-ranking officials, and legal provisions explicitly permit senior public and municipal officials to participate in such bodies.

Despite the forthcoming anti-corruption strategy mandated by the Recovery and Resilience Plan and the conditionality mechanism, regulations pertaining to conflicts of interest remain inadequate, especially concerning high-ranking officials. In its report, the Integrity Authority asserts that the conflict-of-interest policy and the related regulatory landscape is intricate and inadequate. The proposal put forth by the Integrity Authority aiming to digitise conflict of interest declarations and introduce a centralised, risk-based control system was declined by the government.

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

Almost two years beyond the deadline, Hungary transposed the EU Whistleblowing Directive in 2023 by the adoption of Act XXV of 2023. Nevertheless, an analysis by K-Monitor and Transparency International Hungary reveals that the legislation only marginally meets anticipated standards, fails to put adequate safeguards into place for individuals who approach the media, and contravenes European Union legislation. Hungary's new whistleblower protection act (WPA) follows a minimalistic approach when translating the directive's provisions into the national context, which results in disappointingly low levels of protection offered to reporting persons. Moreover, instead of amending the previous whistleblowing protection law to align it with the directive's requirements, the WPA creates a special regime for reports of breaches of EU law in the areas of the directive, while other reports outside the directive's scope are still governed by provisions originating from the pre-existing 2013 law, which proved insufficient both in terms of protection of reporting persons and investigation of reports. This results in the fragmentation of the protection regime, leaving many potential whistleblowers with no or just very feeble protection.

Besides, the WPA lacks stringent provisions on enforcement, as it gives limited competencies to the government's employment agency to monitor the law's implementation. The agency lacks the ability to impose a fine or issue a banning order in case of noncompliance with requirements under the directive. Even more disturbingly the WPA expressly states that disclosures to the press are not covered by whistleblower protection. The only protection available to whistleblowers going to the press is the protection of sources under the Press Act, which is only guaranteed if invoked by the journalist. Consequently, the

WPA intentionally fails to properly transpose provisions relating to public disclosure of whistleblower reports to the press, a clear case of infringement. To call attention to the failed transposition, Transparency International Hungary and K-Monitor jointly submitted a complaint to the European Commission. The new legislation has failed to remove confusion about whistleblowing: it is still unclear where and how citizens and potential whistleblowers can turn to in cases of wrongdoing, how they can preserve their anonymity and be protected from retaliation. In this respect, the forthcoming anti-corruption draft strategy would launch an awareness-raising campaign – at this moment it would be obviously premature to assess its potential impacts.

Despite the general perception that whistleblowing is not prevalent in Hungary, and authorities do little to encourage whistleblowing, numerous authorities and institutions receive reports about incidents of potential wrongdoing. Anonymous whistleblowing regarding EU fraud, for instance, is possible on the anti-lop.hu website, which, from 2023, also provides a brief summary of the reports. Twenty-five reports were received in 2023; of which three are the subject of investigation, while ten have been deemed unfounded or rejected subsequent to investigation. Regarding the remaining cases, the course of action taken is unclear. Conflict of interest cases involving EU funding may also be submitted online through an anonymous whistleblowing channel from the end of 2022. These are investigated by the Directorate of Internal Audit and Integrity. There is no information regarding the number of reports, nor is data relating to the action taken available.

The Public Procurement Authority also receives reports on wrongdoing via the public procurement anonymous chat or the standard procedure, which does not guarantee the anonymity of the submitter. When information is received anonymously, the governing body is not obliged to adhere to any procedural requirements. Based on the most recent annual report, the Public Procurement Authority has received 89 reports in 2022. In 28 of these cases, the President of the Public Procurement Authority commenced ex officio appeal processes before the Public Procurement Arbitration Board. A total of 19 notifications were received through the public procurement anonymous chat during the same period. The whistleblower reports received by the PPA are often not based on insider information, but on publicly available procurement data that are gathered by investigative journalists or enthusiastic citizens.

The Hungarian Competition Authority initiated 39 ex officio oversight processes based on 94 whistleblowing reports. The Competition Authority releases no statistical data regarding the efficacy of anonymous cartel chats. The Integrity Authority manages a safe reporting platform for whistleblowers since July 2023 and this is the only whistleblowing platform that was widely advertised.

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, 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)

5000 character(s) maximum

Public procurement in Hungary faces challenges in risk-based analysis and audit, particularly in cases not covered by EU funding. High-quality public procurement data is essential for identifying corruption patterns, but the government's pledge to allow bulk downloads of data from the Electronic Procurement System has resulted in mixed results.

Central purchasing bodies based on large framework agreements often do not use methods to measure

efficiency or compare procurement value with market prices, leading to monopolization of service markets to government cronies. The government's action plan to boost competition in public procurement is modest, with only two significant innovations: complete anonymous access to public procurement documents in the Electronic Procurement System and a reduction in appeal fees.

Concentration of the public procurement market remains high, and some pro-government players established themselves in leading position, which is a cause for concern. In its Tender Champions project, Transparency International Hungary analysed a total of HUF 12.7 billion worth of public procurement contracts conducted between 2019 and 2021. Among the owners of the winning companies, Lőrinc Mészáros, a childhood friend of Prime Minister Viktor Orbán and László Szíjj were by far the most prominent, with their companies accounting for 8.9 and 6.6 percent of the total public procurement in the period under review, mostly through construction projects. Gyula Balásy, an entrepreneur active in the advertisement market pocketed HUF 295 billion worth of public procurement contracts via three companies: Lounge Design, New Land and Media Dynamics Ltd. Most of this, HUF 293 billion, came from the National Communications Office (NCO) through more than 300 projects. The fact that Balásy's companies account for 65 percent of the money the NCO allocated via public procurement in the three-year period, is indicative of the very low level of competition in this segment, dominating the communications and event management activities of the entire government sector.

The fact that in many cases the true ownership of contracting authorities is not known makes it difficult to assess corruption risks. Recently, owners have been hiding their wealth in private equity funds because this business form does not require the disclosure of the investors' identity. Due to a recent amendment to the law on ultimate beneficial owners, information relating to the identity of investors is not accessible publicly as of 1 Jan 2024. Besides hindering the detection of conflict-of-interest cases, the participation of private equity funds in public procurement processes violates Articles 38(4) and 39(2) of the Hungarian Fundamental Law, which require that national property and public funds are used transparently. In 22 of the 2541 companies examined in Transparency International Hungary's Tender Champions project, 15 private equity funds had a stake in 2022. These 22 companies won public procurement contracts worth a combined HUF 608 billion, accounting for 4.8 percent of all public procurement tenders in Transparency International Hungary's analysis. Among the private equity fund managers, one finds companies linked to István Tiborcz, the son-in-law of Prime Minister Viktor Orbán, as well as well-known oligarchs nurturing close relations with the country's political elite.

Another way of concealing wealth is the use of preferential shares. Hungarian investigative news portal G7 revealed that in 2021, a trust fund linked to László Szíjj acquired preferential shares in Soltút LLC., a company previously owned solely by Kálmán Rencsár. Due to the preferential shares, which enable earlier or higher payout from the company's profits, László Szíjj got hold of 70 percent of the dividends. According to the Tender Champions, Soltút LLC. was awarded more than 206 public procurement contracts with a total value of HUF 231 billion between 2019 and 2021.

Different areas for improvement include domestic state aids, where the control system and transparent allocation of funds are major challenges. State-owned enterprises and state-founded foundations often redistribute resources non-transparently to enrich government cronies. The management of state assets is also problematic, with public bodies or publicly owned enterprises buying assets above market value without any reasonable justification. Deals of this kind occurred most recently when the government undertook in a clandestinely concluded contract to buy out a construction development in Budapest from a crony company named Bayer Construct for a dazzling 244 billion forints, when it was no longer profitable, as well as by the acquisition of the minority stock of Vodafone Hungary in 2023. The planned purchase of Budapest Airport is anticipated to follow the same logic.

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

5000 character(s) maximum

The Parliament amended laws relating to accessibility of public interest information in December 2023 without any previous consultations. According to the new laws, state organs or users of public funds are, as of 1 January 2024, entitled to refuse to comply with a public interest information request in case the information sought is in the possession of a subordinate entity under the control or supervision of the entity to which the request was originally submitted. This is particularly disturbing, because the requirement enshrined in Article 5(2) of the Council of Europe Convention on Access to Official Documents ("Tromsø Convention") to adequately inform the requester of the entity that possesses the data she or he is seeking is not enforced in Hungary, therefore the newly introduced ground for refusal gives even more opportunity for abusive practices by data managers. Another newly adopted provision exempts state owned enterprises from transparency requirements in relation to foreign investments and external relations for a period of ten years. A third amendment, which enters into force on 1 March 2024, empowers the government to keep its resolutions secret for a maximum period of twenty years commencing on the date of issuance of the resolution. These developments indicate that not even the processes commenced by the European Commission and the Council of Europe against Hungary because of the government's poor anticorruption performance prevent the introduction of further restrictions on transparency and accountability.

C. Repressive measures

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

5000 character(s) maximum

Conclusions in the previous contributions by K-Monitor remain relevant. Important development is the adoption of a new regulation enabling private prosecution of high-level incidents of corruption and mismanagement, applicable in cases where the prosecution service fails to take appropriate action. Due to a series of procedural hindrances, however, this new special remedy process to bring private prosecution in corruption cases is unsuitable to provide a meaningful solution if the state fails to prosecute corruption cases. Despite the importance of enabling both private individuals and legal entities under private law to take cases of corruption before justice, concerns regarding the accessibility of casefiles and the shortness of deadlines still remain.

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

Moreover, the new regulation applies only to crimes which are not time-barred due to the statute of limitations, on condition that no decision dismissing a crime report or terminating the proceedings were adopted before 1 January 2023. This not only limits the applicability of the new regulation, but violates commitments made by the Hungarian government under the Recovery and Resilience Plan to introduce a specific procedure in the case of special crimes related to the exercise of public authority or the management of public property ("Milestone 169.")

K-Monitor concluded in an assessment that most of the 170 resolutions on the termination of processes published by the authorities until end of November 2023 related to cases of petit corruption, where the original complainant aimed to articulate his discontent about a government agency's unfavourable decision. According to information received by the members of the Anti-Corruption Task Force, until the end of October 2023, only 22 special remedy complaint was presented, out of which the court has decided in 17 cases, rejecting 15 complaints. The Integrity Authority has filed five motions for revisions, two of which are pending. These suggest that the new special remedy process, though it formally breaks the monopoly held by the Prosecution Service to bring cases of corruption before justice, due to the procedural hindrances, proves unsuitable to provide a meaningful solution if the state fails to prosecute wrongdoing or abuse of

power.

In addition, this amendment to the Code of Criminal Procedure does not tackle structural shortcomings following from the lack of internal checks and balances within the prosecution service and from the possibility of the Prosecutor General and superior prosecutors to unaccountably influence the work of subordinate prosecutors and to interfere in individual cases.

Another alarming change relates to the Constitutional Protection Authority (CPA), which, due to an amendment in 2022, is tasked with the detection of all corruption offences whose supposed perpetrators are employed by the government or by institutions that are significant from a national security perspective. This is a serious cut of the jurisdiction of Police, which carries the general responsibility for combating crimes, including corruption offences. As national security services are exempted from the obligation to report supposed criminal incidents to the investigating agencies on condition that the submission of a criminal complaint would jeopardise the fulfilment of their duties, it cannot be excluded that the CPA, when it detects a supposed incident of corruption, instead of reporting the conduct concerned and forwarding the evidence to the Police, it withholds relevant information, which may result in the impunity of corrupt perpetrators. As part of the government's endeavour to stop corruption in healthcare, the National Protective Service (NPS) examined 105 cases of gratuity payments, which involved 250 perpetrators since March 2021 and reported 19 cases of bribery in healthcare to investigating agencies in 2023. In January 2024, the NPS launched a campaign against gratuity payments, which costs 473 million forints from European Union resources and includes two videos. This indicates that the government is capable of making quite innovative steps in the fight against wrongdoing, at least in cases where the anticorruption upthrust coming from the general public or from stakeholders is not held back by the lack of political will.

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

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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)

5000 character(s) maximum

The conclusions drawn by K-Monitor and Transparency International Hungary in previous contributions regarding impunity in high-level corruption cases due to partiality in the work of law enforcement agencies and the prosecution service continue to be pertinent. The prosecution service reaffirmed in its most recent report that the concept of high-level or grand corruption did not qualify as a criminal offence, and consequently, no such statistics are compiled. As stated in the 2023 report by the Anti-Corruption Task Force, the Task Force commits to "evaluate, with a view to the recommendation by non-governmental members, if it is necessary to define 'high-level corruption', a term widely used in public discourse." The wording is instructive, as it reveals that the Task Force is only looking at the need to define high level corruption, not trying to define it.

Impunity of a supposed high-level perpetrator of grand corruption is most recently exemplified in the Schadl–Völner case, where the prosecution service indicted the former deputy justice minister Pál Völner for allegedly having rigged the appointment of bailiffs in exchange of bribes. Leaked documents of the investigation, such as surveillance transcripts strongly suggest that Judit Varga, who is on the top of the list of Fidesz for 2024's European Parliamentary elections, who served as minister of justice during the time when deputy minister Pál Völner allegedly perpetrated the offences may have been involved in the

commission, or, at least, was informed of the wrongdoing. Still the prosecution service did not interrogate her as a witness, nor was she accused or indicted.

Furthermore, adjudication of major corruption cases is still protracted due to malfunctions of the judicial administration. For example, in the so called “Quaestor-case”, the prosecution service pressed charges in early 2016 for embezzlement and fraud committed in a criminal organisation, and there is still no first instance court decision. The case had to be reassigned and, consequently, the process restarted in the court’s first instance two times, due to a change of the judge hearing the case. In the “Simonka-case”, the prosecution service indicted former government MP Mr György Simonka for budgetary fraud committed in a criminal organisation in 2019 and three and a half years did not suffice for the court’s first instance to decide in the merits of this case. Again, this case was also reassigned twice following indictment, and had to be restarted due to the change of the judge. In February 2024, this process starts from the first hearing for the third time. These incidents indicate that despite the reforms, the judicial administration is still not capable of dealing with complex criminal cases in a timely manner. The protraction of criminal proceedings violates the fair trial principles, and, according to long standing judicial practice, if it is imputable to the authorities, it entails the mitigation of the sanction. Protraction therefore not only places the enforcement of fair trial principles into doubt, but, due to compulsory mitigation, it results in disproportionately soft punishments.

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 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

5000 character(s) maximum

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

5000 character(s) maximum

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

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

5000 character(s) maximum

Safeguards against state / political interference, in particular:

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

5000 character(s) maximum

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

5000 character(s) maximum

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

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

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

5000 character(s) maximum

Access to information and public documents by public at large and journalists (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)

5000 character(s) maximum

The prolonged extension of the deadline to answer Freedom of Information (FOI) requests has been abolished as the earlier state of danger government decree lost its effect from January 1, 2023, thus the deadline to answer FOI requests is 15 days again (as it was before, prescribed by law).

Another welcomed change is that it is not possible anymore to set a fee on the grounds that the request would involve a disproportionate use of human resources necessary for the performance of the basic tasks of the public body. However, there are already bad practices spreading that need to be monitored in the future. Public bodies increasingly provide insight into the requested data only if the data requester appears in person, but do not release the information which is a restriction of the right to distribute data of public interest.

Since 28 February 2023, certain public bodies can opt out from publishing data on contracts on their websites, once publishing them on a new site, the so-called Central Public Data Information Register. The Register is an online repository of contract data where public bodies are required to upload metadata on their contracts. The Register has a limited scope compared to the already existing, but not widely used public data site run by the Government (kozadat.hu). Only public bodies having a budgetary status under the Public Finance Act fall under the scope of law. Municipalities, public interest trusts, state-owned or municipally owned companies, the Hungarian National Bank are not required to provide data to the Register. This exempts a great share of institutions spending vast amounts of national and EU funds from the new repository. The bodies falling out of the scope of the new law are still obliged to publish data in accordance with the so-called General Disclosure List set out in Annex 1 to the FOI Act, but non-compliance is not sanctioned by any institution.

Although the new law requires that data ought to be uploaded in a machine readable and searchable format, the search engine only allows looking up the institutions uploading data, but not the companies that received contracts. Bodies only bi-monthly upload the prescribed data in separate documents, that are not accessible in bulk. The files can only be downloaded separately and after filling out captchas. Information on contracts is also hardly comparable.

New rules provide that the National Authority for Data Protection and Freedom of Information can launch a so-called transparency procedure, if a public body with budgetary status fails to upload or incompletely uploads the information to be published on the new Registry. As many public bodies that use public money, but do not have budgetary status, cannot be subject to a transparency procedure ending in a sanction.

The government, citing the ECJ's ruling in cases C-37/20 and C-601/20, repealed the possibility to access the ultimate beneficial ownership registry kept by the National Tax and Customs Administration. As a consequence, actors outside the governmental sector, i.e., private individuals and other third persons cannot

access the UBO registry save for cases when they provide a written document that proves the legitimate interest of access.

Access to data regarding public funds remains still restricted based on the constitutional amendment that narrowed down the definition of public funds.

The Parliament is still in failure to comply with the legislative duty ordered in a 2020 Constitutional Court decision (HCC decision 7/2020. (V. 13.)) that set a due date of December 31st, 2020, to amend the Act regulating FOI procedures since the current law does not guarantee judicial remedy in case public information is not held by a public authority but by an organization which entered into financial relations with a public body. Currently, this omission results in the lack of legal remedies for those requesting such public data, as courts do not order these data holders to disclose the data referring to the not-yet-existing legal grounds. Currently, a constitutional complaint raised this issue in front of the Constitutional Court.

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

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

[1] This includes also the consultation of social partners

5000 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)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

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

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

Contact

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