

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

Res Iudicata Judges for Social Awareness 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

www.resiudicata.hu

The purpose of the Res Iudicata Association is to promote the legal awareness and acceptance of the values of rule of law in society, to deepen the recognition of the judicial profession and to increase public confidence in the judiciary. Our association became a member organization of Magistrats Européens pour la Démocratie et les Libertés (MEDEL) in 2023.

Transparency register number

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

* Country of origin

Please add the country of origin of your organisation

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

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

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

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

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

First name

Adrienn

Surname

Laczo

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

Our association is experiencing with increasing concerns the recent trends in more EU Member States regarding the freedom of speech of judges: court decisions and judges in person are subject of strong critical attacks, even political remarks, especially on behalf of political actors. A few recent examples: the criticism of the decision of a Catania judge in an immigration case and after that the attacks against Judge Silvia Albano in Italy, disciplinary cases in Romania, challenging the Code of Ethics in Hungary, debate on the freedom of speech of judges in France.

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

The most important change was the Act X of 2023 on the Amendment of certain laws on judiciary matters related to the Hungarian Recovery and Resilience Plan entered into force from the 1st of June 2023 and amended the Act CLI of 2011 on the Constitutional Court, the Act CLXI of 2011 on the Organization and Administration of the Courts (Bszi.), the Act on the Legal Status and Remuneration of Judges (Bjt.), and the Act LXVIII of 1997 on the Status of the Judicial Appointees (Iasz.). The most important changes in this law are regarding the status of the National Judicial Council, which was strengthened, together with the position of the members of the Council. It is a very important development, but some guarantees are still seemed to be missing to avoid systematic problems in the functioning of the Hungarian judicial system. And in the practice some organizational gaps, e.g. the missing of a proper office of the Council, are also going to make difficult the proper and efficient functioning of the Council, which can lead to the need of new legal solutions or amendments.

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

According to Act X of 2023 the powers of the National Judicial Council increased significantly. The Council exercises the right of assent to the decisions of the President of the NOJ and of the President of the Curia on terminating the designation of a judge to hear cases from specialised fields of law without the consent of the judge, on declaring an application for a judgeship to be ineligible, if at least one candidate who was a valid applicant in the ranking list of the Council of the Judiciary and who fulfilled the conditions took part in the competition, on declaring an application for a leader judicial position to be ineligible, if at least one valid candidate who fulfilled the eligibility criteria and was supported by the reviewing body or bodies took part in the competition,

The Council also issue a binding opinion on the suitability of the candidate for the office of President of the Supreme Administrative Court and President of the Curia

In a way this latter regulation is a step forward since the opinion of the NJC is binding. In other respects it may be also considered as a step backwards regarding the fact that the NJC may only decide if the applicants meets the requirements provided by law but may not give an overall opinion about them. (Same goes to the election of the president of the Supreme Court.)

As the NJC itself wrote it previously, this solution is completely formalistic and does not meet common sense when it practically only makes the compliance of the applicant's curriculum vitae with the legal requirements subject to scrutiny by the National Judicial Council. The assessment of compliance with the legal conditions is not a valid alternative to a mandatory opinion on the suitability of the candidate. In fact, the examination of suitability must involve a much broader assessment of whether the candidate's known and perceived abilities, administrative and professional experience and practice, administrative management record, ability and willingness to act are such as to qualify that person to perform the central functions of the administration of the judicial organisation or to head the highest professional judicial forum. The NJC proposed in its comments that the law should fully guarantee the right of the National Judicial Council to give its opinion on the suitability of candidates, while at the same time making it binding on the admissibility of election or appointment

Act X of 2023 also annulled the possibility of Constitutional Court judges to apply for an appointment to become ordinary judges at a court of appeal of their choice, even at the Supreme Court without having to participate in the competition.

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

According to Act X of 2023 the powers of the National Judicial Council increased significantly. It exercises the right of assent to the decisions of the President of the NOJ on the assignment of a judge to the Curia and other authorities or on assigning a judge to another court.

These new powers enable the Council to effectively influence the one-person decisions of the president of the NOJ. In practice the Council has started to exercise these powers and has several times refused to give consent regarding assignment of judges to the Ministry of Justice or to another court, if they've found the proposal to lack sufficient reasoning.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

According to Act X of 2023 the National Judicial Council gives a binding opinion on the draft decree of the Minister for Justice on the detailed rules for the assessment of judicial candidacies and the scores to be awarded in the ranking of candidates, from which the Minister for Justice may not depart. The Council also may propose legislation affecting the courts and give its opinion on draft legislation affecting the judicial system. (And it already has done so regarding the ranking of candidates and scores given during the application process)

Allocation of cases in courts

5000 character(s) maximum

Act X of 2023 amended the rules of the case allocation at the Supreme Court (Curia). According to the current legislation cases are registered electronically, the case gets a case number automatically, without human intervention, the assignment of the case to the judicial panel is made according to a method for the allocation of cases based on predefined objective criteria.

Once the designated judicial panel has been assigned to a case, the members of the adjudicating panel actually hearing the case, are automatically assigned from among the members of the assigned panel by means of an electronic system using a predefined algorithm.

The Curia's case allocation system keeps a log of the entire case allocation process per case, which is published on the Curia's website. The logging shall record the details of the validation of the criteria referred above and, where a derogation is made, the reasons for the derogation.

The actual situation however does not fulfill these requirements, the data which are needed to the assignment are still given by court staff and there is no algorithm that decides which case goes to which panel. The actual allocation still involves personal activity.

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

As seen above the powers of the National Judicial Council increased significantly. Act X of 2023 also consists of many rules which strengthen the status and the functioning of the NJC and strengthen the position of the members of the NJC.

A huge step forward that the NJC becomes an autonomous budgetary body, and the members of the NJC, to perform the duties arising from his or her membership, shall be exempt from judicial work to the same extent as the presidents of the regional courts.

According to the law the NJC has access to all documents, information and data, including personal data, related to the administration of courts, and in certain cases the NJC may appeal to the Constitutional Court. The NJC may file a lawsuit against the NOJ or the Supreme Court for failure to comply with a statutory obligation towards the NJC.

To understand the importance of these changes let us point out that in the past the president of the NOJ has refused to provide data to the NJC about extra payments received by the judges and assistants working at the NOJ.

These is a very important development, but some guarantees are still seemed to be missing to avoid systematic problems in the functioning of the Hungarian judicial system.

Regarding the NJC it is more important what is not among the amendments: There is no change in the composition of the council: 14 judges elected by the judiciary and the current President of the Supreme Court. The president and deputy president of the NJC are elected by the members of it among themselves for a term of 3 years and the President of the Supreme Court can be elected as President of the NJC like any other member.

Furthermore, it is still possible to elect court leaders into the NJC, including court leaders (but ironically not their relatives) who are appointed by the President of the NOJ although the NJC's main duty is to counterbalance the power of the President of the NOJ. The members of the current NJC were elected on January 30 in 2018 for 6 years. The new elections were held on January 8th where the new members got elected while the substitutes will be elected on 15th January. And the possibility described above indeed became true: the leader of the Court of Gyula, appointed by the president of the NOJ got elected to be a member of the new NJC. We consider this factor a real threat, though we experience that quite a lot of judges do not approve.

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

no significant changes in 2023

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

Although the Rule of Law Report 2023 emphasized the fact that the salaries of Hungarian judges is not automatically raised following the inflation rate, there are no changes to mention in this field. The salaries are based on a specific amount, called the base salary. This number is stated each year in the Act of National Budget. The amount (approx. 1400 euros/month) has not changed for 2 years, although the inflation rate is among the highest in Europe, 25 % at the end of 2022 and about 10 % at the end of 2023. This led to the situation that the real value of salaries of Hungarian judges have radically decreased. Since the salaries of the court staff are also based on this base amount, they have not changed either and newcomers barely reach the minimum wage. Even court staff with long experience do not earn significantly more than that. This led to the circumstances where several court is struggling to find sufficient court staff. Fluctuation reached such a level that is almost impossible to handle, especially at the largest district court, the Central District Court of Pest. The lack of court staff is already threatening the efficiency of court proceedings and also the dignity of judges.

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

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

5000 character(s) maximum

no significant improvements, no worsening either. However all aspects considered the lack of sufficient financial tools and human resources can affect the dignity of courts which can reach a point where the public would lose faith in the independence of judiciary. Political actors often refer to the extreme length of specific courtcases without pointing out the fact that the length of a procedure is highly influenced by the circumstances judges work under. It is worth mentioning that the vast majority of cases end within an absolutely reasonable timeframe (e.g. one year in criminal cases). Obviously the so-called huge cases which draw public attention are usually not among them, therefore the ordinary people have the perception that going to court with any matter of law could take years. Open court communication and more transparency needed here, which is currently not provided.

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

-

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

Since the last report, the number of court staff, who work together with the judges, is dramatically decreased. Many staff member are leaving the court, especially in the central region, because of the extreme low salary, the increasing workload and the tense atmosphere. There are not enough staff members to support the judges, which causes several mistakes and delays in the cases, it endangers the proper functioning of the court and the the dignity of the judges.

During 2023 the inflation of the country annulled the last increase of the salary of judges, which is on a level that can endanger the judicial independence. And there are no plans for a recent increase.

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

5000 character(s) maximum

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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

Digitalisation functions still on a quite good level, but since the last report new tools and technologies are not introduced, although with the missing staff member e.g. speech recording programs would be very useful. The out-of-date electronic tools (laptops) are not replaced, or only with difficulties and many times with the use of other used electronic tools.

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

See what's written above about the perception of the public. Without going into statistics, the situation in different regions are completely different. Not surprisingly the problems with extreme long length of proceedings occur mostly in the central region. E.g. in the criminal department of the Metropolitan Court of Budapest the rate of proceedings with length of more than 2 years has increased from 10 % to 35 % in five years time. This deeply affects both the public opinion of courts and the outcome of the criminal proceeding.

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

Please note that being an association of judges we only feel ourselves entitled to make statements about the questions regarding the justice system of Hungary.

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

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

5000 character(s) maximum

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

5000 character(s) maximum

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

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

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

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

5000 character(s) maximum

C. Repressive measures

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

5000 character(s) maximum

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

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

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

Please note that being an association of judges we only feel ourselves entitled to make statements about the questions regarding the justice system of Hungary.

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

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

Please note that being an association of judges we only feel ourselves entitled to make statements about the questions regarding or at least related to the justice system of Hungary.

According to Act X of 2023 a petitioner exercising public authority is not allowed to file a constitutional complaint any more.

What's a constitutional complaint? Since 2012, the Fundamental Law of Hungary has provided that the Constitutional Court shall review the conformity of judicial decisions with the Fundamental Law on the basis of a constitutional complaint: any person or organisation is entitled to submit a constitutional complaint to the Constitutional Court if the ordinary court's judgment violates their rights laid down in the Fundamental Law and the possibilities for legal remedy have already been exhausted.

An amendment to the Act on the Constitutional Court in 2019 confirmed that the exercise of public power does not exclude the possibility of lodging a constitutional complaint. Under the new provisions in the case of a petitioner exercising public authority, it must be examined whether the right guaranteed by the Fundamental Law, as stated in the complaint, is granted to them.

To point out the significance of the change let us draw attention to the fact that by a constitutional complaint it is possible to challenge the decisions of the Supreme Court before the Constitutional Court also in electoral and referendum matters as it truly happened before, for example in the following case:

The Minister of Justice proposed the following question for referendum: "Do you support access to gender reassignment treatments for underage children?". The National Election Commission certified the question. However, the Supreme Court refused to certify the question proposed for the referendum. Subsequently, Hungarian Government filed a constitutional complaint at the Constitutional Court, which found that the order of the Supreme Court was unconstitutional and therefore annulled it.

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

As of 1 January 2024, Article 115(5) and (6) of the General Administrative Act and Article 83(7) and (6) of the Administrative Procedure Act entered into force, which allow the amendment or revocation of decisions within the time limit for referral to court, so that if the client does not declare acceptance or contestation of these decisions within 8 days, the statement of claim becomes invalid and the case does not need to be referred to court. In substance, this means that whereas previously it was possible to bring an amended action before the court within a fair and reasonable time limit, it is now possible to bring a new action against the amended decision within a strict 8-day time limit. The time limit for bringing an action in these cases is therefore reduced from 30 to 8 days. On the other hand, the legislation requires that no decision may be taken to the detriment of the plaintiff, but only to his/her advantage, from the time the defence is lodged. Since the presentation of a statement of defence is not mandatory, it is possible, as a general rule, to modify the decision to the detriment of the client at any time until the case is referred to the court or even until the

administrative proceedings are terminated, for example, a fine of HUF 5 million may be imposed instead of HUF 500 000, provided that the legal conditions are met. This not only nullifies existing good jurisprudence, but is also an explicit disincentive to appeal, which is not in line with Strasbourg jurisprudence. (Deweert v. Belgium judgment of 27 february 1980, Series A no.35.); és Marpa Zeeland B.V and Metal Welding B.V. v. Netherlands judgment of 9 November 2004, no. 46300/99)

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

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