

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

International Press Institute

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

<https://ipi.media/>

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

370877536078-58

* 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

Oliver

Surname

Money-Kyrle

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

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

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

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

In June the Senate passed the updated conflict of interest law which ensures that all elected officials, including MPs, senators, members of the government and now also the President, are banned from owning media. The ban now applies to both the beneficial owner as well s the controlling individual.

Political parties will still be able to publish periodicals.

The immediate consequence of this ban was the sale of Mafra Media by former Prime Minister, and still leader of ANO, Andrej Babis, in September to Karel Prazak. As prime Minister (2017 – 2021) Babis placed his Agrofert company, including the media assets, into a trust to comply with the conflict of interest rules at the time. The new rules no longer accept the use of trust funds for media assets.

The conflict of interest law also prevents public officials from receiving government subsidies or investment incentives in companies they own.

Meanwhile 70 MPs took a complaint to the Constitutional Court against this law. The CC has not yet ruled on the complaint and meanwhile the new law has come into force.

The government finally passed the amendments to the Czech Radio and TV Act in 2023. The reforms include

- expanding the number of members of the board from 15 to 18
- introducing a new role for the upper house of parliament (senate) in the appointment of members whereby the senate appoints six, or one third of members of the TV board, and the lower house appoints 12. For the Radio the Senate appoints 3 and the lower house, 6 members.
- tightening up the nature and credibility of organizations that are able to propose candidates for election. They need to have been established for at least ten years and active in the fields of media, culture and human rights.
- removing the ability of parliament to replace all board members by rejecting the annual report twice consecutively.

IPI believes the passing of this law will offer an important improvement in the level of protection for the political independence of the public media.

In a significant boost to the financial independence and sustainability of the Czech public media, the government also announced its intention to provide an 18% increase in the TV and Radio license fees, the

first increase in fifteen years, (18 years for Radio) to 160 CZK for TV and 55 CZK for radio. Maybe more importantly the categories of those liable to pay the fee have been expanded to include owners of computers and smart phones. Combined, these two actions may significantly increase the revenue after years of underfunding, should they be finally approved.

Lastly, Jan Soucek was appointed as the new Director General of Czech Television in October 2023. Soucek replaces Petr Dvorak who had been at the helm of Czech TV since 2011 during which Czech TV gained a reputation of one of the most effective and independent public broadcasters in central and eastern Europe.

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

The Council for Radio and Television Broadcasting is the executive state administration body for radio and television broadcasting and rebroadcasting. It oversees compliance with legal regulations for radio and television broadcasting and with the conditions set out in the decision to grant the license or registration. The Czech Television Council is the body through which public oversight of Czech Television, the country's public service broadcaster, is exercised. The Council appoints the director-general of the broadcaster, who reports to the Council and has the right to attend its sessions. The term of office for Council members is six years.

The Czech Radio Council is a body through which public oversight of Czech Radio is exercised. Czech Radio has a similar structure with a director-general who is appointed by and reports to the Council.

The Czech News Agency Council is the oversight body of the Czech News Agency (CTK). The News Agency Council also appoints a director-general who reports to the Council.

Candidates to the Czech Television Council and the Czech Radio Council are formally proposed by various civic associations, clubs, unions, employer organizations etc. Parliamentarians then vote for candidates from a short list provided by the parliamentary committee. Since the 2023 reforms the Senate will now appoint one third of the board members – ie 6 of the 18 members of the TV board, and 3 of the 9 members of the Radio board. Additionally the nominating organisations will have to have existed for at least ten years.

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

The Council for Television Broadcasting is expanding from 15 to 18 members who are appointed and removed by the prime minister based on proposals from the Chamber of Deputies and, since the 2023 reforms, also the Senate. The term of office of the Council members is six years.

Both the Czech Television Council consists of 18 members elected and removed by the Chamber of Deputies and Senate of the Czech Parliament in such a manner that they represent important regional, political, social and cultural opinions. Proposed candidates for the members of councils are presented to the Chamber of Deputies by organizations and associations representing cultural, social, trade union, employer, religious, educational, scientific, ecological and national interests. The nominating organisations must have

existed for at least ten years (since 2023 reforms). Political parties are not allowed to nominate. Members of councils are elected for a six-year term. One-third of members are elected every two years. Council members may be re-elected.

Under the previous ANO-led government there was a mighty power struggle for control of Czech Television in 2020 and 2021 leading to an abuse of the appointment process and the appointment of exclusively government-backed members and a breach of Article 4 of the Czech TV Act, which states the council members should be elected with a 'view to due representation of important regional, political, social and cultural opinion trends within the council'.

The new law on public service broadcasting that was passed in 2023 should significantly improve protections for the independence of PSM. Changes include

- increase the number of board members to 18 from 15.
- introduce a role for the upper house in the nomination process such that two-thirds of board members will be selected by the lower house and one third by the upper house
- improve the criteria for organizations that can nominate board members by requiring that they have existed for at least ten years and are active in media culture and human rights
- end the power of parliament to replace the council after rejecting annual reports consecutively.

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

5000 character(s) maximum

While not a regulatory or self-regulatory body per se, the Endowment for Independent Journalism (NFNZ) plays an important role in assessing and promoting quality and independence in Czech media. Its activities should therefore be highlighted. NFNZ was founded in 2016 in response to the 'concentration of ownership of media titles in the hands of people with a great economic and political influence' or the oligarchization of Czech media. It describes its purpose as 'to support editors and individuals who are engaged in serious journalism and honour the principles of liberal democracy. It helps spread free, pluralist and socially important information through grants, awards and professional assistance.'

NFNZ provides grants to journalists and independent media, supports media literacy education, the fight against fake news, and has developed its own unique tool called MediaRating to help readers navigate the vast media market. The Rating measures media trustworthiness and credibility by reviewing issues such as the transparency of their ownership, financing, their adherence to journalistic standards such as separation of news and commentary, quality of sources, etc. This system makes it easier to see which media are truly professional and which websites or news outlets are just promotional and disinformation tools. The independence of the fund is a guarantee of the independence of the rating.

The rating system serves more than just a niche interest, or guidance for NFNZ funding decisions. It has become of central importance in the ability of the small, under-resourced, independent media to reach beyond their bubble to a broader national audience. This is enabled because the country's leading search engine, Seznam, uses the rating to guide selection of articles on its homepage thereby boosting quality journalism and helping diminish untrustworthy news providers and remove disinformation. Unlike in other countries where google algorithms promote the largest and therefore often the most captured media, thanks to this unique set up Czech independent media are able to compete with the oligarch backed media giants.

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

In general, it has been extremely difficult for journalists to obtain clear information on the use and distribution of state advertising to media due to a lack of government transparency and resistance to freedom of information requests.

Reports helped shine a light on how advertising was abused under the government of former Prime Minister Andrej Babis. A report published in January 2022 by Forum and based on the Datlab data analyst company found that media outlets belonging to Mafra, a company owned by Babis, received at least CZK 140 million (€ 5.75 million) between 2018 and 2020. This funding was received despite provisions in the Czech Conflict of Interest Act preventing any company in which a public official owns a stake of 25% or greater from taking part in government procurement and public tenders.

In addition, according to investigative reporting site iRozhlas.cz, Czech Railways alone spent €4.2 million on Mafra media between 2015 and 2019 compared to only €640.000 on media belonging to the Czech News Centre company, which has a comparable media market share to Mafra.

Currently there are no regulations in place, beyond the Conflict of Interest Act, to ensure the transparent and fair distribution of government advertising funds to media.

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

In 2023 the government passed the amendments to the conflict of interest legislation, otherwise known as the Lex Babis law, as it was seen as an attempt to tighten the rules to prevent future prime ministers from also owning large media empires.

The new law, passed by the Senate in June, ensures that all elected officials, including MPs, senators, members of the government and now also the President, are banned from owning media. The ban now applies to both the beneficial owner as well as the controlling individual. This new rule will prevent future political leaders putting their media into a trust, as Andrej Babis did, during his period as Prime Minister.

Political parties will still be able to publish periodicals.

The immediate consequence of this ban was the sale of Mafra Media by former Prime Minister, and still leader of ANO, Andrej Babis, in September to Karel Prazak.

The conflict of interest law also prevents public officials from receiving government subsidies or investment incentives in companies they own.

Measures to improve the independence of the public media have already been highlighted. In the private media sector, the three major media groups are owned by three oligarchs.

Mafra Media Company was sold by Babis ten years after he acquired it in 2013 to Karel Prazak.

The two other major media owners are Daniel Křetínský, who owns Czech News Centre, and Penta, which owns Vltava-Labe-Media. As with Mafra, their media companies are part of broad business empires involved in energy, waste management, banking and gambling among other things. This makes the broader business interests of the media owners dependent on good relations with the state.

In the autumn of 2023 Křetínský owned media was highly critical of a government decision to purchase an energy company, Net4Gas that owned gas pipelines across the country. The government justified the purchase on strategic security grounds, and Křetínský's media failed to declare that their owners had also sought to purchase the same company. The company denied suggestions that it had used its media assets to further the companies own interests in attacking the government over the Net4Gas purchase.

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

When the Council for Radio and Television Broadcasting issues a broadcasting license to commercial radio or TV, it should take into account transparency of the ownership structure of the applicant's company. The Council assesses the reputation of the owners and investors, and the legal form of the founder, its structure, traceability and possible access of the public to information about the company's owners. At the same time, the Council reviews the compliance of the applicant's entry in the commercial register and the transparency of the applicant's registered office. It examines the stability of the ownership structure, exercise of the voting and controlling rights of the applicant, and considers any prospective litigation or disputes over the ownership in the company.

Media that don't require a license (printed and internet) are not regulated and so their ownership transparency is not subject to any legal rules.

The most important media companies are Mafra Media, newly sold to Karel Prazak; Czech News Centre, owned by Daniel Křetínský; and Vltava-Labe-Media, which is owned by Penta. Their media companies are part of broad business empires involved in energy, Agrichemicals, waste management, banking and gambling. This makes the broader business interests of the media owners dependent on good relations with the state.

The Czech media scene includes a range of smaller, high-quality independent media, often led by journalists who resigned from larger media when their standards were compromised through the takeover by oligarchs. One of the country's largest digital media is Seznam, built up from a search engine that for many years was more popular than Google. Seznam's search engine gives priority to articles that receive a high media rating as assessed by the Endowment for Independent Journalism (NFNZ)

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

Protection of journalistic sources is guaranteed by law. An individual who participated in obtaining or processing information to be disclosed or published in periodicals has the right to refuse to give the identity of the source of the information to a court, state authority or public administration body, and the right to refuse submission or release of items that could lead to the identification of the source of the information. The regulations for the protection of information sources includes the right to refuse information which could lead to the identification of a person who provided the information from being disclosed. In addition, the publisher, not the journalist, is liable for the content it publishes.

However, in October 2023 the High Commissioner of the General Inspection of Security Forces (GIBS) illegally pressured journalist Jaroslav Kmenta to hand over source materials on his reporting of suspected extortion, tax evasion at the Institute of Clinical and Experimental Medicine (IKEM). Kmenta, a journalist for Reporter, was threatened with a fine of CZK 50.000 should he fail to comply.

The safety conditions for journalists in the Czech Republic have been relatively good.

However, Alesya Marokhovskaya and Irina Dolinina, two journalists working for iStories, forced to leave Russia for Prague, were under surveillance by pro-Russian actors who sent them a series of threatening messages in March 2023. The Czech authorities opened an investigation.

Czech Public Radio suffered DDoS attacks in June 2023 forcing its website to temporarily crash ahead of a conference it was about to organise on 'Media and Ukraine'.

In addition, there is a wide network of internet trolls and people who use social networks to attack independent journalists. Journalists who publish opinions unfavourable to some politicians can face extremely aggressive verbal attacks, abusive messages and physical threats. Several tens of manipulative and propaganda websites, many believed to be financed from Russia, spread disinformation. They try to influence internet readers and replace serious professional media as a source of news.

More information on incidents against journalists can be found on <https://www.mappingmediafreedom.org/>

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

Journalists have no special right to access public information. Nevertheless the Act on free access to information stipulates the rules of the provision of information, and also regulates the terms and conditions of the right of access to information.

The entities obliged to provide information relating to their operations and scope of authority under the aforesaid Act are State authorities, territorial self-governing units and their bodies and public institutions. Other obligated entities are those entrusted by law to decide on rights and interests protected by law, or obligations of natural or legal entities in the field of public administration within the scope of their decision-

making authority.

In many cases journalists obtain information based on this law, but often it is delayed. Sometimes the access is denied. In such cases journalists may appeal to the courts to rule on access to information, but such procedures may take years.

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

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