

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

2023 was another dark year for media freedom in Hungary. No progress was made on any of the recommendations outlined in the 2023 Rule of Law report. No progress was made on introducing mechanisms to enhance the functional independence of the media regulator taking into account European standards on the independence of media regulators. Rather, the Media Council remains dominated by Fidesz appointees with clear political ideologies and biases. No progress was made in strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media. Rather, vested ownership of media by government business allies, weak firewalls between newsrooms and ownership, self-censorship, weak media pluralism and non independent governance of the public broadcasters and state news agency continues unabated. No progress was also made on adopting legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies. Rather, Hungary continues to be the only country in the EU in which the government is the biggest advertiser in the media market. The office of the Prime Minister specifically is the largest advertiser, wielding massive impact on editorial policies of media that require state support to stay afloat economically. State advertising continues to be allocated in a highly discriminatory manner, down political lines rather than market principles.

The ruling party meanwhile continues to enjoy unprecedented influence over private and public media, allowing it to muzzle the independent press and distort the market to entrench a dominant pro-government narrative. The public broadcaster remains an audio-visual propaganda tool of the government. The bulk of major print, radio and television media were acquired by business figures connected directly or indirectly to the ruling party, in some cases with the help of loans from state-controlled banks. Estimates vary, but studies identify Fidesz as continuing to be in direct or indirect control of between 70-80 percent of the media market. This represents the most advanced model of media capture created in the European Union.

The politically-motivated allocation of government advertising budgets – the lubricant of Fidesz’ model for co-opting the press – continues unabated. High levels of control over public broadcaster Magyar Televízió remains entrenched, resulting in clear bias in their news reporting and programming. Political control over the state news agency is extremely high, with the prime minister’s press office shown to explicitly dictate coverage. At the same time, Fidesz’s influence over the Media Council has been locked in for years to come following the appointment of its new chair on a nine-year mandate.

2023 saw a major wave of cyber attacks on media organisations. Since April 2023, at least 40 different

media websites in Hungary faced Distributed Denial of Service (DDoS) attacks, a form of cyber-attack which temporarily slows or crashes websites by overloading their servers with millions of simultaneous access requests, leaving readers unable to access news and information for hours at a time. While the specific motive of these attacks remains unconfirmed, the majority of portals targeted in the DDoS attacks include many of the country's leading independent media, including Telex, HVG, 444.hu, Magyar Hang, and Népszava, which are critical of the government of Prime Minister Viktor Orbán. With more than 40 different media websites targeted, some multiple times, this campaign of DDoS attacks is understood to be one of the broadest cyber-attacks against an independent media community within a European Union member state to date. While some of the media involved have filed police reports, investigations have so far yielded no discernible progress.

Another major threat to media freedom in 2023 was the passing in late December of the National Sovereignty Protection Act. Media freedom groups condemned the law for its vague definitions and possibility of discriminatory application against critical media reporting. They warned that while media were not named directly within the text of the draft bill, the intentionally vague language and broad scope for application of the proposed law would effectively open the door to state-sponsored pressure on those media which receive foreign funding and produce journalism critical of the government.

<https://ipi.media/hungary-draft-sovereignty-protection-act-poses-fresh-threat-to-independent-media/>
<https://ipi.media/analysis-one-year-after-election-media-freedom-in-hungary-remains-suffocated/>
<https://ipi.media/hungary-ddos-cyber-attacks-pose-major-new-threat-to-media-freedom/>

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

Hungary's system of media regulation, as in previous years, remains under direct political control. The Media Council, the sector regulator, composed of five members, were all nominated by the Fidesz party for a nine-year term in November 2019 and remain in post. All demonstrate clear political affiliations and biases towards the ruling party and some are former Fidesz politicians.

Under laws passed by Fidesz in 2010, the Media Council continues to wield significant power in shaping the media market. This includes sole control over the body overseeing public broadcasting, the MTVA, the ability to decide on the tenders for broadcast licences in the television and radio market, and ruling on media mergers. Its president is nominated by the Prime Minister, undermining their independence.

As a result tendering decisions are often made in discriminatory and politically motivated manners. The Council's decisions on radio frequencies have for years been made along clear political lines to silence critical voices.

The country's last remaining independent radio broadcaster, Klubrádió, remains off air, after its appeal against the Media Council's refusal to renew its licence made in September 2020, was rejected by a court. Klubrádió was denied its licence renewal on spurious and clearly discriminatory grounds. The Media council's ruling was upheld by the high court in September 2021. The European Commission launched an infringement process in June 2021 against the decision as a possible breach of EU law. In 2022, Klubrádió broadcasts solely online. Infringement proceedings continue.

In 2023, there were no further documented instances of discriminatory regulatory activity by the Media Council. As many others have already lost their licenses or been acquired by pro-government investors, few major stations remain which could become a legitimate target for the Media Council.

According to the Mérték Monitor, between 2018 and 2021 a quarter of all tenders for local radio were awarded to a government-friendly political talk radio; another quarter to Catholic or church-themed radio stations; and 18 per cent to Radio 1, a network with owners close to Fidesz. These decisions drastically reduced the pluralism of Hungary's community media sector.

The government has removed the public broadcaster from scrutiny through what amounts to a shell-company construction. The actual work of public service broadcasting – including control over content and contracts – is performed by an entity, MTVA, that is not subject to the law on public service broadcasting. There is no transparency around the funding or work of the public broadcaster. Hungary's public service media have been deformed into state media.

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

Hungary's system of media regulation, as in previous years, remains under direct political control. The Media Council, the sector regulator, composed of five members, were all nominated by the Fidesz party for a nine-year term in November 2019 and remain in post. All demonstrate clear political affiliations and biases towards the ruling party and some are former Fidesz politicians.

Fidesz's influence over the Media Council, the country's powerful media regulator, has been locked in for years to come following the appointment of its new chair on a nine-year mandate. All figures serving on the regulator have been selected by the government.

<https://ipi.media/analysis-one-year-after-election-media-freedom-in-hungary-remains-suffocated/>

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

5000 character(s) maximum

Government plans to establish a high chamber of journalists is highly disturbing. It appears to have been put on hold, for now. But should be closely monitored.

Self-regulation of the work of journalists must remain in the hands of the journalist community itself without any government interference. Such a body can issue its own accreditation through press cards but cannot be used to limit access to the profession.

For example, the Hungarian Journalists Association Magyar Újságírók Országos Szövetsége (MÚOSZ) has its own ethics council which reviews complaints against its members for breaches of the association's journalist code of ethics.

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

The politically-motivated allocation of government advertising budgets – the lubricant of Fidesz’ model for co-opting the press – continues unabated.

On 9 October 2023, independent broadcaster RTL revealed that in the past two years, independent media in Hungary suffered financially from highly unfair and discriminatory allocation of advertising from state-owned power company Magyar Electric Works (MVM), which was instead handed solely to pro-government media in contradiction of market logic and principles of public interest. MVM, one of the largest state advertisers, published advertisements worth more than HUF 8 billion (EUR 21 million) in two years, and three-quarters of this amount went to pro-government media. The remaining HUF 2 billion was used for advertising in news outlets with government connections, and a small minority of the funds was allocated to media critical of the government. There were independent news outlets with a significant reach, critical of the government, which did not receive a single order from MVM, while tens of millions worth of advertisements were published on many less visited, pro-government media. The highest value orders were received by the Tv2 group and media belonging to the pro-government media conglomerate Central European Press and Media Foundation (KESMA). <https://www.mapmf.org/alert/30945>

The only market sector where independent outlets can rival pro-government players is online news, where multiple independent media have high daily readership. However, the government’s market-distorting practices and systematic discrimination limit their reach and impact as well as their financial sustainability. Only one television station with national reach retains a critical editorial line, the foreign-owned broadcaster RTL Klub, while the last major radio broadcaster, Klubrádió, was taken off the airwaves in 2021.

In Hungary the state is the largest advertiser in the media market. Compared to other countries in the region, in 2023 Hungary spent the highest proportion of its state budget on advertising. The country’s single largest advertiser remains the Prime Minister’s Office.

This oversized financial influence, which has continued to increase year on year, has allowed Fidesz to calibrate the market in its favour by rewarding alignment with its narrative while starving critical media of advertising funding. This carrot-and-stick approach has seen independent media excluded from advertising and other subsidies altogether, with public money instead used by agencies to finance Fidesz’s media empire.

<https://mertek.eu/wp-content/uploads/2021/03/State-advertising-Hungary.pdf>
<https://ipi.media/analysis-one-year-after-election-media-freedom-in-hungary-remains-suffocated/>
<https://kreativ.hu/cikk/negy-hetilap-all-bele-a-kormanyba>

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

Government interference in public and private media remained a major concern in 2023. Under a decade of Fidesz rule the public television and radio have been distorted into state media, uncritically echoing the messaging of the government and acting as a year-round campaign tool of the ruling party.

The public broadcaster has long been deformed into an audio-visual propaganda tool of the government. The bulk of major print, radio and television media were acquired by business figures connected directly or indirectly to the ruling party, in some cases with the help of loans from state-controlled banks. Estimates vary, but studies identify Fidesz as being in direct or indirect control of between 70-80 per cent of the media market. This represents the most advanced model of media capture created in the European Union. High levels of control over public broadcaster Magyar Televízió remains entrenched, resulting in clear bias in their news reporting and programming. Political control over the state news agency is extremely high, with the prime minister's press office shown to explicitly dictate coverage.

Oversight of Hungary's public service media bodies - three national television channels, three radio stations and the national news service, the MTI - are supervised by a single entity, the Media Services and Support Trust Fund (MTVA), which controls editorial content and appointments. MTVA is not subject to the law on public service broadcasting, a loophole that means there is no proper scrutiny of the public broadcaster. Its director general, all directors and all members of the MTVA's supervisory boards are appointed by the chairperson of the Media Council, itself controlled exclusively by Fidesz appointees, essentially handing the ruling party a direct chain of command over public media. MTI is effectively operating as a taxpayer-funded communication tool of the government.

Although trust in the broadcaster has plummeted in recent years, it still plays a role in helping influence public discourse and skew the playing field in favour of Fidesz.

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

Overall, the ownership of media in Hungary remained relatively transparent in 2023. The public are broadly aware of who owns which media outlets. There are few cases of beneficial ownership. Media ownership information is broadly available online. Media ownership transparency is not considered to be a major issue in Hungary.

However, over the past 10 years, the Hungarian government has progressively assumed control over a huge segment of the country's media by placing the media under effective government control, at first through a network of pro-government investors. Later, this deliberate media concentration plan reached a provisional apex in 2018 when pro-government investors "donated" 467 media outlets – many of which were originally acquired with loans from state banks, i.e., taxpayer money – to the Central European Press and Media Foundation (KESMA), which is under effective government control and facilitates financial management and content control regarding pro-government media.

The Hungarian government has taken clear steps to reduce scrutiny of media ownership concentration. In the case of KESMA, the government exempted by decree the merger and the foundation's activities from oversight by the Hungarian Competition Authority and the Media Council, even though these bodies are already controlled by the ruling party – underscoring how blatantly the merger flouted competition law.

For its part, the European Commission has not sufficiently enforced EU law in the area of competition law and state aid. These cornerstone elements of the single market have been systematically abused by

Hungary to silence the media. The European Commission has not acted on at least two complaints in these areas, one regarding the state aid to the public broadcaster, filed in 2016, and one regarding state aid in the form of public advertising, filed in January 2019.

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

Hungary is one of the countries in the European Union where there is credible evidence that the state's law security services used Pegasus spyware to surveil its own journalists. Forensic analysis indicates that at least five media actors had their phones accessed using advanced technology developed by Israeli company NSO: two leading investigative reporters, the editor of a critical newspaper, a photojournalist documenting the luxury travel of Fidesz politicians, and a businessman who owns several independent media outlets. To date, no journalist surveilled using spyware in Hungary has achieved accountability.

The confirmed use of the spyware to break into the journalists' mobile phones and monitor private communications represents a flagrant attack on the fundamental principles on press freedom, privacy and source protection and poses serious questions over appropriate oversight and democratic safeguards. Due to a lack of accountability, Hungarian journalists are taking legal action against the state and NSO over alleged breaches of their privacy.

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

5000 character(s) maximum

Starting on 22 August 2023, Hungarian pro-government media, including news outlets such as Origo, Magyar Nemzet, TÉNYEK and HIRADO, launched a coordinated smear campaign against Átlátszó Erdély journalist Tünde Szabó and MÉRCE reporter Árpád Kulcsár, and the independent news outlets. MÉRCE is based in Hungary and Átlátszó Erdély is a Hungarian language media based in Transylvania, Romania. <https://www.mapmf.org/alert/30663>

To pile further pressure on the remaining independent media, 2023 saw a coordinated smear campaign aimed at their foreign funding. This has included labels of "dollar media" and accusations that they tow the line of the United States or Hungarian-born billionaire George Soros, leading to increased online harassment. Attacks on media such as Atlatzo.hu by pro-government groups are picked up by the public broadcaster and news agency and then reported in a coordinated manner in Fidesz-supportive media. Journalists are accused of spreading "fake news" or being national traitors for reporting critically on the government or its stance on the war in Ukraine. The result is that independent media remain marginalized, under pressure, and facing distrust from a growing segment of the population.

Journalists working for independent media are publicly vilified, including on pro-government media, as opposition political activists, foreign agents, traitors or even as "Hungary-haters". The claim that independent journalists are "political activists" is repeated by the government's spokesperson.

Online attacks remain commonplace, though often take the form of insults or harassment from trolls rather than serious intimidation or death threats. The public broadcaster sometimes disseminates smearing pieces

about independent journalists, which are then picked up and spread through a network of online pro-government media. Female journalists in particular face gendered attacks online. Physical acts of violence against journalists in Hungary remain very rare.

Female journalists note that gender is used as an additional excuse to diminish their critical work. Some also highlighted gender-based online harassment and reported receiving rape threats following reporting on sensitive topics.

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

Independent journalists in Hungary continued to face major barriers and systematic discrimination by the state in terms of accessing information in 2022. This restrictive climate for the free flow of information worsened during the pandemic. Since the beginning of the health crisis, all independent journalists were barred from reporting from or filming within hospitals. Only reporters from MTV and the state news agency MTI were given permission. Hungary was the only EU Member State to have enforced such strict restrictions.

In 2023, journalists in Hungary continued to be regularly denied access to publicly held information via Freedom of Information (FOI). Replies from state authorities take weeks and deadlines for responding are often extended, undermining timely investigative reporting. Public bodies often refuse requests, qualifying the information as business secrets or classified information.

Officials from Fidesz refused to grant interview requests to certain media, instead favouring softball questions from uncritical broadcasters. Meanwhile, journalists from independent media were frequently excluded from official party events or press conferences, with invites sent exclusively to pro-government titles. On some occasions, independent journalists were arbitrarily denied entry by security guards to press conferences by the prime minister, despite registering in advance.

On 17 March 2023, the Capital Court of First Instance ruled in favour of news outlet hvg.hu in a Freedom of Information (FOI) case initiated in August 2022. According to the non-final judgment, the contents of more than 30 government decisions made between 2010 and 2012, which were withheld from the public for more than 10 years, should be revealed. Hvg.hu launched a FOI lawsuit in April 2022, after the government refused to release dozens of previously unpublished decisions to the news outlet. <https://www.mapmf.org/alert/30131>

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

Criminal sanctions and defamation lawsuits against journalists and media outlets, while problematic, are not as widespread in Hungary as in other EU Member States.

No action was taken to safeguard against manifestly unfounded and abusive lawsuits.

Hungarian MEP voted against EU anti-SLAPP legislation in the European Parliament. While lawsuits remain relatively rare, some instances were documented in 2023.

On 25 July 2023, Csaba Horváth filed a complaint to the Constitutional Court, claiming his reputation, his right to fair trial, and the constitution were violated by the TV2 Tények article claiming he was corrupt and the lawsuits following it. Horváth is the Mayor of Zugló, which is the 14th district of Budapest, and a politician of the Hungarian Socialist Party (MSZP). The complaint and the lawsuits that preceded it are due to an article headlined "Another luxury villa may be linked to Csaba Horváth of the MSZP" which was published on the TV2 Facts website [tenyek.hu](https://www.tenyek.hu) on 18 March 2022. The article claimed that the mayor of Zugló, who is suspected of corruption and has a luxury lifestyle, started building a real estate empire, and personally managed the construction of a luxury villa worth hundreds of millions of euros. Following the publication of the article, Horváth sent a correction request to the outlet, but the request was not complied with. On 9 May 2022, he initiated a rectification lawsuit which he won in Budapest District Court, on 14 June 2022. The defendant was ordered to publish a corrective statement and pay the court costs. Instead, TV2 Tények filed an appeal against the first-instance judgment on 5 July 2022, and on 25 October, the Capital Court of Justice changed the verdict and rejected Horváth's claim. On 20 December, Horváth appealed to the court for review, but unsuccessfully, and the highest judicial forum upheld the final judgment with its judgment dated April 19, 2023. Having exhausted all legal remedies available to him, Horváth turned to the Constitutional Court. The constitutional complaint, which arrived on 1 August, mentions the following articles of the Fundamental Law of Hungary: Article VI (1), Article IX (4) and XXVIII (1) and (2). <https://www.mapmf.org/alert/30606>

On 3 May 2023, independent news outlet Átlátszó reported that Mihály Filemon, the Mayor of Nyírmártonfalva, filed a defamation lawsuit against its newspaper, as well as its publisher and editors, in relation to their reporting on an alleged misuse of EU grant money. On 23 March 2023, Átlátszó had published an investigative report about a canopy walk in the middle of an empty field the mayor reportedly built with an EU grant of 60 million HUF (161,400 EUR). The canopy was built in an area owned by the mayor, and the forest was cut down around the structure during the construction. The news was quickly picked up by several Hungarian media outlets. The mayor drew public criticism as a result. In his claim sent to Átlátszó, Filemon demanded corrections and an apology from the news outlet for "violating his personal rights and reputation", after the news outlet refused to comply with his initial request for correction. According to Átlátszó's investigation, Filemon won the EU grant for the investment as a private individual. The canopy walkway was paid for by EU taxpayers, and the payment was made from a tender of the EU-funded Rural Development Program. According to the EU application register, the grant was awarded to him in 2021, and he submitted the application in 2018. Filemon has been the mayor of Nyírmártonfalva since 2019. On 12 May 2023, a judge ruled that Átlátszó had not defamed the mayor and dismissed the lawsuit in the first instance. The judge dismissed all claims of defamation. The judgment is not yet final. On 14 July 2023, a judge ruled in a final decision to dismiss in its entirety the lawsuit brought by the Fidesz mayor. The court sided with Átlátszó and ruled that the mayor must also pay the court costs. <https://www.mapmf.org/alert/30247>

Other - please specify

5000 character(s) maximum

In 2023, there were no more takeovers of major independent media houses; no silencing of critical media through discriminatory regulatory decisions. However, far from a sign of improvement in the government's press freedom record, this period of relative stasis was reflective of something far more sinister: the overwhelming success of Fidesz's decade-long campaign to muzzle critical voices and establish a government-friendly media empire.

In 2023, Fidesz appeared content to reap the political benefits from its decade-long campaign to calibrate the media market in its favour. Given that this media ownership system helped deliver the party a landslide victory in the last parliamentary election, there appears to be little necessity for radical change. Likewise, because the EU Commission failed to specifically tie any of the conditions for the release of EU funds to improving media freedom, the Hungarian government has no incentive to relinquish control or undertake reforms. For the meantime, the impact that the European Commission's draft Media Freedom Act will have on safeguarding independent journalism in Hungary remains questionable. Looking further ahead, observers expect that if further interventions in the media market are required, Fidesz and its allies are more likely to make their move ahead of the next elections, when the party will defend its legacy and seek an unprecedented fourth term in office. Many things can change between now and then. But as long as the status quo persists, the outlook for independent journalism in Hungary will continue to look grim.

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