

# Rule of Law and the 2022 Czech Presidency: Strengthening Resiliency and Avoiding Conflicts

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ABSTRACT

The insertion of “resiliency of democratic institutions” into the five key priorities of the 2022 Czech presidency indicates a political commitment to focus on the rule of law agenda. The following text aspires to map the practice of the Czech presidency in the domain of democratic institutions and rule of law and explain the reasons behind its (in)ability to deliver the expected outcomes. Firstly, the article analyses the specifics of the EU regulatory framework for the rule of law, and the impact of the Czech internal political situation after the 2021 parliamentary elections on the presidency’s performance. Secondly, the text covers four key policy issues that required the presidency’s attention in the second half of 2022: the evaluation of the judicial systems of member states, the formation of new EU rules for media freedom and the fight against disinformation, the amendment of the EP election process, and the judicial response to the crimes committed during the Russian invasion of Ukraine.

KEYWORDS

Czech Republic, rotating presidency, Council of the EU, rule of law, judiciary, media freedom, Hungary, international crimes, International Criminal Court, Poland

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## THE EUROPEAN CONTEXT: A RULE OF LAW POLY-CRISIS WITH VAGUE BORDERS?

The debate on the crisis of democratic institutions and rule of law has consumed a substantial amount of the political energy of the EU institutions and the academic community in the last decade (SADURSKI 2019; KRÁSTEV – HOLMES 2019; ZIELONKA 2018; SCHROEDER 2016). In practice, the EU has reacted to the backsliding of democratic institutions and challenges to independence of judiciary in several member states by both triggering already existing instruments (infringement procedures, Article 7 of the TEU procedure) and creating new mechanisms (the rule of law dialogue, the EU budget conditionality) at the EU level, and supporting the relevant academic debate.<sup>1</sup>

The 2022 Czech presidency's activities focused on democratic institutions and rule of law have been influenced by the structural features of the relevant EU policy framework. The catalogue of the EU competencies connected with democratic institutions and rule of law is notoriously vague, as they are scattered throughout the EU treaties and the EU Charter, while being framed by democracy and rule of law as general values of the European integration (KELLERBAUER ET AL. 2019: 23–28). The fluid borders of the relevant EU governance framework can be demonstrated by the fact that the European Commission includes in its annual reports on rule of law not only independence of judiciary and public prosecution, but also media freedom, the anti-corruption framework, institutional issues related to checks and balances, (non)implementation of judgements of the European Court of Human Rights (which is not an EU court), and even the impact of anti-Covid measures (EUROPEAN COMMISSION 2021, 2022B). The specifics of the EU regulatory framework are further strengthened by the EU's strong reliance on external expertise (e.g. the European Court of Human Rights, the Venice Commission, the European Audiovisual Observatory) and judicial case-law (PECH 2021B; KONSTADINIDES 2017: 145).

At the same time, the ambiguity of the EU regulatory framework provides the presidency with a higher flexibility regarding the choice of the institutional platform beyond the most obvious Council formations (the General Affairs Council [GAC], and the Justice and Home Affairs Council [the JHA Council]) and a greater ability to include more relevant actors in deliberations – e.g. inviting the director of the EU Fundamental

Rights Agency to the debate on resiliency of democratic institutions held during the JHA Council meeting in October 2022, or inviting the International Criminal Court (ICC) prosecutor, the president of Eurojust and the Ukrainian Minister of Justice to the informal JHA Council meeting in July 2022.

From the Czech domestic institutional perspective, the vague borders of the EU democratic and rule of law agenda have required the involvement of a variety of governmental institutions - in addition to the Office of the Government, which directly supports the Prime Minister (Petr Fiala) and the Minister of European Affairs (Mikuláš Bek), the Ministries of Justice, the Interior, Foreign Affairs, Finance and even Culture were vested with different democracy / rule of law portfolios (ÚŘAD VLÁDY ČESKÉ REPUBLIKY 2022: 11–62).

## THE CZECH DOMESTIC CONTEXT: A NEW GOVERNMENT WITH A LESSER REPUTATIONAL BURDEN

The internal political situation of a member state holding the presidency has an impact on its performance at the EU level and thus contributes to the success of the presidency itself (QUAGLIA – MOXON-BROWNE 2006; KASSIM – BUTH 2020; COSTA ET AL. 2003). The Czech Republic has not been an exception from this rule, as the fall of the government in the middle of the first Czech presidency in 2009 (KRÁL ET AL. 2009: 26–29) caused significant reputational damage to the country and weakened its capacity to pursue its presidency priorities (KANIOK 2010; BENEŠ – KARLAS 2010, ŠLOSARČÍK 2016: 100–101).

Fortunately, the 2009 scenario was not repeated in 2022 but other challenges emerged. The new government of the Czech Republic was formed in December 2021, i.e. less than seven months before the launch of the presidency. The governmental coalition was composed of five political parties with different preferences regarding the EU input into the formation and control of democratic institutions and rule of law, with the Prime Minister representing a more (euro)sceptical approach (FIALA 2010). In practice, however, the presidency's performance was influenced more by its ability to detach itself from the conflict of interests and political alliances which had burdened the previous administration led by Andrej Babiš. Without the Prime Minister controlling a major print media outlet in the Czech Republic,<sup>2</sup> the Czech government was also able to act more

persuasively as an honest broker during the preparation of the EU legislation for the protection of media freedom. The credibility of the Czech presidency has been further enhanced by the implosion of the political influence of the President of the Republic, Miloš Zeman, who was known for his hostility to critical media and his diplomatic ties to non-democratic regimes, as well as for his cavalier approach to the constitutional limits of the presidential function (NOVOTNÝ 2020: 125–129; KOSAŘ – VYHNÁLEK 2021: 117–119). Finally, the new government has also discontinued the cosy political relations between the Czech and Hungarian governments from the Babiš era,<sup>3</sup> thus reducing another potential reputational burden for the presidency's activities addressing rule of law. In contrast, the government's political alliance with Poland has strengthened in 2022, reflecting the new security situation after the Russian invasion of Ukraine.

The new political profile of the government has been imprinted into new presidency documents. *“Resilience of democratic institutions”*, whose strengthening *“[has] a major influence on maintaining and developing values of democracy and the rule of law in the EU”*, has been listed among the five key priorities of the Czech presidency published in June 2022 (ÚŘAD VLÁDY ČESKÉ REPUBLIKY 2022), with a special focus given to *“transparent financing of political parties, the independence of mass media and an open dialogue with citizens”* (IBID.: 9). This new priority set demonstrates the shift from the older presidency priorities catalogue formulated by the Babiš administration in 2021, which declared only an intention to *“support the debate on respecting rule of law principles”*, with particular attention given to *“the objectivity principle, equal treatment of all member states and [...] a constructive approach to Article 7 of the TEU procedures”* (ÚŘAD VLÁDY ČESKÉ REPUBLIKY 2021: 4), thus reflecting the political alliance with Hungary and downplaying the institutional dimension of rule of law.

## EVALUATING JUDICIAL INDEPENDENCE: DE- ESCALATION OF BILATERAL CONTROVERSIES

Political challenges to judicial independence, in particular the judicial reforms in Hungary and Poland, have occupied a central position in the recent EU political debate concerning rule of law. The changes of the constitutional and legislative environment that were implemented since the electoral victories of Fidesz in Hungary (2010) and the Law and Justice Party (PiS)

in Poland (2015), have strengthened governmental control over judiciary in those countries by a combination of reforms of the constitutional judiciary, new mechanisms for the appointment, promotion and dismissal of ordinary judges, and even constraints imposed on communication between national judges and the Court of Justice of the EU (SADURSKI 2019: 61–79, 96–123; SZELÉNYI 2022: 142–147). The European Union's reaction has been based on a mixture of infringements initiated by the European Commission (BELAVUSAU 2013; HALMAI 2017; PECH 2021A; ANDERS – PRIEBUS 2021), the CJEU's answers to preliminary questions on EU guarantees of judicial independence (KRAJEWSKI – ZIÓLKOWSKI 2020), the initiation of Article 7 of the TEU procedure against Poland and Hungary, and the creation of a new rule of law conditionality for financial transfers from the EU budget (BORGER 2022).<sup>4</sup> At the same time, the EU institutions reacted to criticism accusing them of applying dual standards (and thus discriminating against new EU states) by establishing a new general rule of law dialogue at the EU level (PECH 2021B: 318–327).

Hence, the Czech presidency was expected to manage a complex rule of law (poly)crisis involving several interconnected procedures with different legal bases and institutional designs. In particular, the presidency was expected to unlock the institutional inertia concerning the application of Article 7 of the TEU procedures against Poland and Hungary; both procedures were initiated by the European Commission and the European Parliament in the years 2017–2018 but they have been waiting for the (European) Council's reaction since then.

Particularly during the first months of its presidency, the Czech government stressed the necessity to elaborate general EU evaluation and cooperation mechanisms for rule of law, while downplaying specific controversies. The GAC meeting in September 2022 focused on the European Commission's regular rule of law general report and five country reports (for Poland, Portugal, Romania, Slovenia and Sweden) while the JHA Council held on 13–14 October 2022 dealt with the European dimension of the education of judges. The situation in Poland was addressed during a GAC meeting in October 2022, during which the Czech presidency positively commented on the ongoing or promised Polish judicial reforms, in particular the plans to dismantle the criticised disciplinary panel for Polish judges. The reluctance of Czech presidency to impose a substantial political pressure on Poland thus corresponded both to the new Czech-Polish

political alliance formed after the Russian attack on Ukraine and to the more cooperative Polish political communication addressed to EU institutions in 2022.

Rule of law in Hungary has turned out to be a more complex challenge. In addition to article 7 of the TEU procedure, Hungary was facing an interruption of several EU financing channels in 2022. In the middle of the Czech presidency, the European Commission formally proposed, using the new rule of law financial conditionality mechanism, to suspend 65% of the EU commitments for three Hungarian cohesion programmes. In contrast to Article 7 of the TEU procedure, which is without any binding deadlines, the new rule of law financial conditionality regulation required the Council to react to the Commission's proposal within three months.<sup>5</sup>

Firstly, the Czech presidency addressed Article 7 of the TEU procedure. Regardless of the political pressure applied by the European Parliament for a rigid approach in this case (EUROPEAN PARLIAMENT 2022B) and the disagreement concerning the Hungarian stance on the Ukrainian war, the presidency conclusions from the GAC meeting held on 18 November 2022 were rather timid, as the Czech Minister for European Affairs merely stressed the importance of the ongoing Council-Hungarian dialogue and the potential positive impact of the judicial reforms that Orbán's government promised to implement.<sup>6</sup>

Dealing with the rule of law financial conditionality, the presidency provided the Commission with as broad manoeuvring space as was permitted by the EU procedural rules. Using the full extent of the 3-month deadline, the Czech presidency facilitated a dialogue between Hungary and the European Commission, giving Orbán's government an opportunity to communicate about its domestic reforms (anti-corruption measures in particular) that were to be implemented as a response to the Commission's critique. The Czech reluctance to directly confront Hungary was only strengthened by Hungarian threats to veto several EU initiatives requiring unanimity in the Council, including a multibillion euro package of financial assistance to Ukraine and the new EU global taxation regime. However, the Czech tactic of avoiding controversy by leaving the Commission in the centre of the decision-making failed to deliver the intended de-escalation effect. On November 30, the European Commission refused to withdraw

or modify its original proposal. The presidency's immediate reaction was to negotiate a package deal on four initiatives (a global tax, the financial package for Ukraine, Hungary's post-Covid recovery plan and a de-freezing of the Hungarian cohesion funds) within a single Ecofin meeting scheduled for December 6. This plan collapsed mainly due to the split among the EU states as to whether to reassess (i.e. reduce) the sum to be frozen or support the original "hard" position of the European Commission.<sup>7</sup> The presidency's next step was to prepare an alternative mechanism for financial assistance to Ukraine based on Article 212 of the TFEU,<sup>8</sup> which requires only a qualified majority in the Council, combined with voluntary guarantees given by individual EU states for loans provided within the macrofinancial assistance instrument for Ukraine (MFA+). Simultaneously, the Czech presidency moved the negotiations about the original package of four initiatives to the COREPER level. COREPER, chaired by the Czech ambassador, reached a consensus on all four issues, including the reduction of the blocked cohesion funds from the proposed 7.5 billion to 6.35 billion euros. The COREPER deal then permitted (regardless of the last minute threat by the Polish Prime Minister to veto the package) the European Council meeting scheduled for 15 December to focus on other issues (Ukraine, the energy crisis, national industrial subsidies) than the Hungarian rule of law crisis (EUROPEAN COUNCIL 2022B).

## **THE NEW EP ELECTION RULES: EVOLUTION, NOT REVOLUTION**

Shortly before the beginning of the Czech presidency, the Conference on the Future of Europe concluded its deliberations and produced a final report with several hundreds of recommendations for more-or-less concrete measures amending the EU political, institutional, and regulatory environment, including the domains of rule of law and democratic institutions (CONFERENCE ON THE FUTURE OF EUROPE 2022). While the European Commission's and the European Parliament's response to the Conference's outputs was formulated in an optimistic and pro-active mood (EUROPEAN COMMISSION 2022A; EUROPEAN PARLIAMENT 2022A), the European Council's reaction stressed the necessity to respect formal treaty-making procedures and the distribution of competencies between the EU institutions (EUROPEAN COUNCIL 2022A: 7).

It is the prerogative of the European Council (and not the rotating presidency) to summon a convention to negotiate about potential treaty amendments, or to proceed directly to an intergovernmental conference in this regard (art. 48 par. 3 TEU). However, the rotating Council presidency has a privileged position (both procedurally and politically) within the European Council even in the post-Lisbon EU (WESSELS 2016: 134–135). Further, the Council itself is authorised to trigger simplified formats of EU treaty revisions (PIRIS 2010: 105–109). In practice, the formal follow-up of the Conference has received only limited attention from Czech politicians, and no decision with an ambition to trigger the EU treaty amendment process has been adopted during the Czech presidency. The exception was the debate on the reform of the voting procedure for the European Parliament (ÚŘAD VLÁDY ČESKÉ REPUBLIKY 2022: 13–14). The modalities of the EP elections have been changed several times in the last decades, from changes pertaining to relative procedural technicalities to the highly politicised Spitzenkandidaten experiment in 2014/2019 (VAN HECKE ET AL. 2022). An amendment of the Direct Elections Act<sup>9</sup> for the 2024 EP elections was proposed or at least contemplated by several EU institutions in 2022 (MÜLLER 2022) and the Czech presidency moderated the corresponding debates during several formal and informal GAC meetings. Their rather vague outcome focused on plans to increase the coherency of the EP electoral process, such as the plan to hold the EP elections only within one day, and avoided more radical changes, such as the introduction of transnational candidate lists. The debate on the new EU framework for political advertising (i.e. rules with a potential impact on future EP elections), which was ‘inherited’ by the Czech presidency from its French predecessor, has also delivered only limited progress when sufficient political support for the general approach to the planned regulation was reached (against the opposition of Estonia, Portugal, Austria and Hungary) as late as at the last GAC meeting in December 2022.

## **MEDIA FREEDOM AND THE FIGHT AGAINST DISINFORMATION: THE FIRST STEPS TOWARDS A NEW EU FRAMEWORK**

In contrast to the political debate on judicial independence, where the EU lacked detailed legislative tools, challenges to media freedom and media pluralism in several member states resulted in the proposal of a binding EU legislation in this regard. In September 2022, the European Commission proposed a regulation establishing a common framework for media services



in the internal market<sup>10</sup> (also called the European Media Freedom Act) with new EU rules concerning public and private interference in editorial freedom, protection of journalists' sources, and state-funded advertising. Several other measures, including non-binding standards for media ownership transparency, were inserted into a recommendation<sup>11</sup> adopted by the Commission at the same time as the draft regulation.

The Czech presidency then chaired the negotiation on the regulation within the Council. As mentioned above, Fiala's government role as an honest broker was simplified by the absence of a conflict of interest in the media sector. Due to the length of the ordinary legislative procedure used, the Czech presidency coordinated only the early phases of the negotiations (the Council's Audiovisual and Media Working Party, the presentation of the progress report at the Education, Youth, Culture and Sport Council) and then transferred the dossier to the Swedish presidency. In contrast to its establishing standards for media, the presidency's response to disinformation campaigns limited itself to political declarations and general policy directions, such as when the FAC meeting held in July 2022 called *"the High Representative and the Commission to present options, in full respect of human rights and fundamental freedoms, for well-defined measures that could be taken against Foreign Information Manipulation and Interference (FIMI) actors when this is necessary to protect EU public order and security"* (COUNCIL 2022A).

## CRIMES COMMITTED DURING THE RUSSIAN AGGRESSION AGAINST UKRAINE: BUILDING THE INVESTIGATION CAPACITY AND DEBATING ABOUT THE PROPER JUDICIAL FORUM

Since the end of the Cold War, the international community has created a relatively robust institutional structure for investigation and prosecution of crimes punishable by international law, the most elaborate institutional manifestation thereof being the ICC in The Hague (SCHABAS 2020). The European Union and its member states have been key political and financial sponsors of those efforts, and the EU's dominant role has been only strengthened by the reluctance of several other important international actors (the United States, China, Russia) to participate in the ICC's work (MERTENS 2011: 11–18; SCHABAS 2020: 50). However, the EU institutions have neither the legal capacity nor the expertise to prosecute individual perpetrators of crimes; instead, the EU prefers to support the activities of

specialised international bodies (the ICC, the International Tribunal for Former Yugoslavia [until 2017]) or national judiciaries in this regard.

The extent of the atrocities committed by the Russian forces during their invasion of Ukraine has put into question the capacity and suitability of the existing international structures for prosecution of criminals under international law. Unsurprisingly, the issue of distribution of roles between the EU, its member states and other international actors was mentioned in the presidency program finalised in mid-2022 (ÚŘAD VLÁDY ČESKÉ REPUBLIKY 2022: 29). Fortunately, the Czech presidency as an honest broker and a representative of the EU in 2022 did not suffer from a reputational burden similar to the one in 2009, when the Czech Republic was the only EU state which had not ratified the Rome Statute of the ICC. In contrast, the 2022 Czech presidency could benefit from a reputational capital created by the recent involvement of Czech judges and prosecutors in the work of international criminal courts (HORNÁT ET AL. 2022: 13).<sup>12</sup>

In practice, the Czech presidency focused on political communication with all the relevant EU and international actors, as well as with Ukraine, and on strengthening the institutional capacity to collect evidence of crimes committed in Ukraine; the specification of the appropriate judicial forum for the related prosecution (the ICC, a special tribunal, a mixed tribunal, a national judiciary) was to be determined later. In this capacity, the Czech presidency chaired the JHA Council meetings in October and December 2022, which explicitly supported the idea of prosecution of crimes committed during the Russian invasion, either by the ICC or by a specialised international tribunal. The JHA Council has also expanded the competences of Eurojust and allocated new funds for the ICC. At the same time, the Czech presidency does not have a monopolised leadership in the agenda. For instance, Czech politicians did not object to the decision that the EU would be represented in the multiparty Atrocity Crimes Advisory Group for Ukraine by the European External Action Service (EEAS) and not by the Council, or to the establishment of the new Commission Working Group “Freeze and Seize” for the enforcement of the EU sanctions.

## CONCLUSION: THE VISIBLE BUT LIMITED IMPRINT OF THE PRESIDENCY IN RULE OF LAW

The academic literature tends to evaluate the success of each presidency of the Council of the European Union based on the given state's performance in four roles at the EU level: business-manager, political leader, package-broker and the Council's representative (QUAGLIA – MOXON-BROWNE 2006: 351; HAYES-RENSHAW – WALLACE 2006: 140–152; KANIOK 2010: 24–41; VIDAČAK – MILOŠIĆ 2020: 38–45). How did the 2022 Czech presidency perform in those roles regarding the promotion of rule of law and resilience of democratic institutions?

The Czech presidency had to rely on a relatively inexperienced political team, with the political leaders previously having spent almost a full decade in opposition.<sup>13</sup> A relatively centralised presidency coordination mechanism has been created inside the Czech Republic while the EU negotiation on the rule of law agenda has been divided into several Council formations (the GAC, the FAC, and Ecofin). Regardless of its rhetorical support for the resilience of democratic institutions, the Czech presidency as a political leader and a promoter of initiatives opted for a rather minimalist and reactive approach,<sup>14</sup> with a possible exception being its approach to cybersecurity (ÚŘAD VLÁDY ČESKÉ REPUBLIKY 2022: 10). In its capacity as the business manager of the Council's work, the Czech presidency tended to avoid negotiations on more controversial and time-consuming issues (e.g. Article 7 of the TEU procedure, the follow-up to the Conference on the Future of Europe), and, ideally, postpone them beyond the time horizon of the presidency. From this perspective, it is significant that the Czech presidency benefited from being 'comfortably' located in the middle of the five-year (2019–2024) EU political cycle, thus avoiding political pressure to conclude many legislative dossiers before the end of its term on December 31, 2022.

The capacity of the Czech presidency as the package broker of the Council has been strengthened by the fact that the new Fiala's government, in contrast to the previous government led by Andrej Babiš, had not suffered from a reputational burden connected to rule of law or media freedom. In general, the Czech presidency tended to deescalate the direct critique of Poland and Hungary within the Council, thus eliminating an obstacle to the emerging broader Czech-Polish political alliance. However, the critical test for the Czech brokerage role materialised during

the negotiations on the “Hungary-centred” package of four EU initiatives in December 2022. Regardless of the original collapse of the negotiations at the ministerial level, the Czech presidency was capable of facilitating a compromise using the COREPER “behind closed doors” platform. In contrast, the presidency was not successful in downplaying the importance of rule of law during the JHA Council negotiations in December 2022, when Austria and the Netherlands blocked the expansion of the Schengen area by including Bulgaria and Romania in it due to deficiencies in the (broadly interpreted) rule of law in both countries (but Bulgaria in particular).

In cooperation with other EU institutions, the Czech presidency opted for an inclusive and non-conflictual approach, regardless of the parliamentary critique of its passivity regarding Article 7 of the TEU procedure. In its external representative role, the Czech presidency cooperated closely with the Ukrainian government regarding collecting evidence of crimes committed by Russian troops, while providing space for other international actors, such as Eurojust, the ICC, and multilateral joint investigation teams.

To conclude, the presidency held by the Czech Republic in 2022 demonstrated its ability to prioritise and focus on more pressing EU policy agendas than the rule of law agenda (e.g. the energy security) without openly challenging already existing procedures (the rule of law dialogue, Article 7 of the TEU) or strongly antagonising other EU actors. The government’s lack of direct experience with EU decision-making seems to have been more than compensated for by the absence of a reputational burden and the strengthening of the Czech-Polish bilateral relations. The political decoupling from Viktor Orbán then permitted the Czech presidency to act as an honest broker during the rule of law financial conditionality applied to Hungary and to conclude its term with an event that could easily be interpreted as a political success.

## ENDNOTES

- 1 For instance, the four-year multidisciplinary research project RECONNECT – Reconciling Europe with its Citizens through Democracy and the Rule of Law.
- 2 Andrej Babiš owns / controls dozens of newspapers and journals as well as the most popular commercial radio station.
- 3 For instance, Victor Orbán personally supported Andrej Babiš during the 2021 parliamentary election campaign in the Czech Republic.
- 4 Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget.
- 5 Formally, the regulation operates with a one month deadline, which can be extended by a maximum of a further two months in exceptional circumstances. The Commission's proposal was published on 19 September 2022 – i.e. the maximum deadline for it was 19 December 2022.
- 6 Minister Mikuláš Bek stated that “[...]the dialogue with Hungary on respect for EU values is continuing. In the past months, important developments have taken place on the various issues raised by the Parliament's reasoned proposal. Hungary has presented a list of reforms that are being implemented or are due to be implemented soon and answered ministers' questions on the details of these reforms as well as Hungary's other commitments and the Commission's recommendations. The hearing gave the ministers a timely update of the situation on the ground, including as regards the parallel budget conditionality mechanism” (Council 2022b).
- 7 According to Politico, the group supporting the former position included France, Germany and Italy, while the group supporting the latter was composed of the Baltic, Scandinavian and Benelux states (Politico Brussels Playbook, 2 December 2022).
- 8 Article 212 of the TFEU regulates “economic, financial and technical cooperation measures, including assistance, in particular financial assistance, with third countries other than developing countries”.
- 9 The Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom, amended by Council Decision 2002/772/EC, Euratom of 25 June 2002 and 23 September 2002.
- 10 The Proposal for a Regulation of the European Parliament and the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU, COM(2022) 457 final.
- 11 Commission Recommendation (EU) 2022/1634 of 16 September 2022 on internal safeguards for editorial independence and ownership transparency in the media sector.
- 12 For instance, the Czech judge Robert Fremr was a member of both the International Criminal Tribunal for Rwanda (2006–2008 and 2010–2011) and the ICC (2012–2021), where he served as vice-president in 2018–2021.
- 13 The strongest political party in the coalition, the Civic Democratic Party, last led the government in the years 2010–2013, and the only governmental post held by the incumbent Prime Minister was that of the Minister of Education, which he held in the years 2012–2013.
- 14 For instance, the Czech presidency refused to support the strengthening Europeanisation of the legal framework for hate crimes (MF Dnes 2022).

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