



Hungarian Helsinki Committee



HUNGARY FACT SHEET 6
SEPTEMBER 2012

MEDIA REGULATION IN HUNGARY

1. **Two new media laws were adopted in 2010.** Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content (FPR Act) regulates media content and the rights and obligations of the media. Act CLXXXV of 2010 on Media Services and Mass Media (MS Act) deals with regulatory bodies and their procedures, tenders, fines, etc. Both cardinal Acts (Media Laws) were submitted by individual Members of the Parliament instead of the Government.
2. The new Media Laws have **two main features**: i) they set **strict content requirements concerning linear, on-demand services, public services, online and print press**; ii) a **single regulatory regime applies to all media**, allowing for hardly any differentiation between different media products.
3. The MS Act established the National Media and Infocommunications Authority. The head of the Authority is appointed by the Prime Minister for **9 years and can be reappointed**. The duties of Head of the Authority and the Chair of the Media Council are vested in the same person. The four members of the **Media Council** are elected by a two-thirds majority of MPs. They remain in office indefinitely until replacements are elected. **The four Members of the Council recently elected were nominated solely by Fidesz-KDNP MPs.**
4. **The competences of the Council and the Authority cover all kinds of media and the amounts of fines set in the MS Act are heavy.** Media Service Providers with Significant Powers of Influence can be fined as much as 200 million forints (around €700,000). Other maximum fines go up to 25 million forints (€85,000) for daily national newspapers and news websites and 10 million forints (€35,000) for weeklies. Private persons can be fined up to one and a half million forints (€ 5,200) in cases of non-compliance during an administrative investigation.
5. International intergovernmental organizations have criticized the media laws from the start. In response to these criticisms, in February 2011 the Hungarian Government agreed to revise some provisions, and the Parliament adopted the following changes **in March**. **The requirement for on-demand media content providers to give “comprehensive, factual, up-to-date, objective and balanced information” was removed**, as well as the prohibition against offending individuals. The modification exempted linear services and on-demand audio-visual media services provided by foreign media from the regime of sanctions for content issues. Registration rules were changed, replacing the “permissive” regime of operation of the media with a “notifying” one.
6. **In December 2011 a decision of the Constitutional Court annulled some important**

parts of the media laws. As a result

- a) the FPR Act does not apply to print and online written press since 31 May 2012,
- b) the CC declared unconstitutional the fact that protection of journalistic sources had been conditioned upon the “public interest” value of the journalism,
- c) the post of Media-Commissioner was eliminated on 31 May 2012,
- d) the Media Council is not entitled to oblige media service providers to reveal data outside of an official procedure.

7. After the CC's decision **the Parliament again amended the Media Laws in May 2012.** Beside the consequences of the CC's decision, and without regard for the Opinion of the Council of Europe issued in March, the following amendments were adopted:
 - a) the protection of sources covers only those formally employed as journalists,
 - b) the post of Media Commissioner was re-established with significantly restricted powers,
 - c) the powers of the Chair of the Media Council in the field of frequency tenders remain unrestricted .
8. Based on the one-and-half year track record of the Media Authority, **no serious sanctions have been imposed against journalists or media services.** However **all complaints filed against public service radio or television were dismissed.**