

[HU] Possible Amendments to the Hungarian Media Act

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In December 1999, based on Government Resolution No. 2198 (IX.9.), the Hungarian government prepared modification proposals to Act I on Radio and Television ("Media Act"). The proposed changes consist of 20 articles. The main purpose of the amendments is to harmonise the Media Act with the Council Directive 89/552 EEC as amended by Council Directive 97/36 EC ("Directive") and the European Convention on Transfrontier Television of the Council of Europe ("Convention").

According to the proposal, programme distribution will be considered as broadcasting and will be regulated in a separate chapter. The definitions listed in Article 2 of the current Media Act proved to be complicated, contradictory and incomplete. Therefore, the government draft redefines the notions of broadcasting, broadcaster, advertisement, sponsoring, direct offer and programme, and introduces the concept of European work.

In addition, the government proposal specifies the rules on teleshopping, and further elaborates the rules on advertising, sponsoring, the protection of minors and public morals.

Changes in the Media Act are also predicted with respect to exclusive broadcast rights. According to the proposal, broadcasters under the jurisdiction of the EU may not exercise exclusive broadcast rights to an extent that would prevent the public from learning about events of major importance for society. This part of the proposal grants a one-year grace period for meeting these legal requirements.

The government draft suggests more elaborate provisions aimed at protecting minors with regard to advertising rules concerning television and other programmes. Moreover, it also replaces the concept of direct offer employed by the Act with the definition of teleshopping.

The Media Act imposes different programme structure requirements concerning each type of broadcasters. For instance, the Act stipulates that only public service broadcasters must offer European works for at least 70% of their total annual transmission time. At the same time, neither the Directive nor the Convention allows such discrimination. However, this provision is in harmony with Hungary's OECD obligations. According to the OECD Code on the Liberalisation of Current Invisible Transactions ("Code"), the Member States cannot introduce and maintain

discrimination with regard to invisible transactions between OECD Member States. Section H, Annex 'A' of the Code lists the import, export, distribution and use of films for television broadcasting as being subject to liberalisation. Along with some other OECD Member States of the EU, Hungary has not attached a reservation to section H) Annex "A", while EU Member States are exempted from this rule. Therefore, the proposal provides that European programme structure requirements which are also set forth in the text of the draft, shall only be applicable from the date of Hungary's accession to the European Union.

According to the Hungarian Constitution, the adoption of the amendments to the media law requires a twothirds parliamentary majority.

Bill No. T/1982 amending Act I of 1996 on Radio and Television Broadcasting.

