[HU] Decision on European Audiovisual Works

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Since 1 May 2004 the day of Hungary's admission to the European Union the requirements of The European Convention on Transfrontier Television and the Directive 89/552/EEC (as amended by Directive 97/36/EC) for a minimum quota of European audiovisual works have become effective in Hungary. This implementation has been achieved through the Hungarian Broadcasting Act.

Article 7 of the Broadcasting Act obliges broadcasters to reserve more than 50% of their annual transmission time for European works. In addition, 10 % of this time should be kept for European works created by producers independent of broadcasters, or obtained from producers of works that are not more than five years old. The law also includes an obligatory ratio concerning Hungarian works: one third of the annual transmission time should be reserved for them (7 % should be independent). If a broadcasting company fails to attain the above-mentioned proportions, it has to prove that its practice had been lawful.

On 5 May 2004, the National Radio and Television Commission (ORTT) published a Decision (627/2004) on the details of these programme-making requirements.

First of all, the document contains a list of those programme services which are exempted from this obligation:

- news, sports events, games, advertising, teletext services and teleshopping;

- television broadcasts that are intended for local audiences and do not form part of a national network;

- television broadcasts using other languages than the official ones of the European Union, the Member States of the Convention or the European Economic Area;

- television broadcasts which are receivable only in third countries and cannot be received neither directly nor indirectly in any Member State of the EU, or the Convention or the EEA.

In addition, Pay-TV-channels could also be exempted from the obligation at their request.

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The ORTT is competent to exempt from the obligation's area of application partially or entirely specialized channels and also channels broadcasting through satellite. The decision depends on whether the broadcaster is, under the given circumstances of the market, able to fulfil the quotas - having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public.

ORTT may accept excuses for failing to meet the quotas in particular in the first three years after the foundation of a new channel however the channel shall fulfill at least the half of the quotas in this introductory period also.

From the year 2005 on all broadcasters except the ones exempt from the obligation shall report annually on the fulfillment of the quotas.

ORTT will work out the principles of exemption until 31 December 2004, based on practical experiences and data provided by the broadcasters.

Az ORTT 627/2004. (V.5.) számú határozata

http://www.ortt.hu/elvihat.php?menu_id=40&elvhat=29

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