[HU] Legal Action against New Channel of the Public Service Television

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In September 2005 three local cable operators launched an appeal against the decision of the Országos Rádió és Televízió Testület (National Radio and Television Commission - ORTT) permitting the Magyar Televízió Rt. (MTV. Rt. - one of the two Hungarian public service television companies) to provide a new national television channel called “m3”.

According to the plans of the MTV. Rt. the programme “m3” would consist of news and related items. The new channel would be distributed via satellite.

Under the rules of Act I of 1996 on radio and television broadcasting (Broadcasting Act), the provision of a television channel via satellite is subject to registration by the ORTT. The public service broadcaster submitted the notification of its new programme to the authority in June 2005. In July 2005 the ORTT decided to accept the notification and to enter the new channel into the official registry.

In their subsequent appeal submitted to the competent Fővárosi Bíróság (Metropolitan Court) the respective cable operators emphasised that - according to their interpretation - the Broadcasting Act does not provide the possibility for the public service broadcasters to launch new channels solely on their own initiative. In this context they also pointed out that as regards channel “m3” the MTV. Rt. lacks the formal legal obligation to provide such tasks as part of the public service remit.

The step taken by the cable companies is in close connection with the “must carry” rules of the Broadcasting Act. These stipulate that cable operators are obliged to distribute all the channels of the public service broadcasters free of charge. In this context the ORTT's decision created a precedent and established the opportunity for the public service broadcasters to launch new thematic satellite channels as subjects of “must carry” obligation without any legal limitation.

Following the registration of “m3” the Duna Televízió Rt. (the other Hungarian public service television company) also announced its plans to provide further thematic satellite channels.

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1489/2005 (VII. 20.) sz. ORTT határozat

http://www.ortt.hu/hatarozatok.php?menu_id=38&h_id=1376

Decision 1489/2005. (VII. 20.) of the Országos Rádió és Televízió Testület (ORTT)

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