[HU] Act on Digital Switchover and Amendment of the Broadcasting Act

IRIS 2007-8:1/23

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In June 2007 the Parliament of Hungary adopted two acts relevant to media regulation.

This included Act LXVII of 2007 introducing a series of amendments to Act I of 1996 on Radio and Television Broadcasting (Broadcasting Act). The aim of these amendments is exclusively to bring the Broadcasting Act into line with EC regulation related to broadcasting and consumer protection. The amendments concern mainly the rules of jurisdiction and the procedure of the *Országos Rádió és Televízió Testület* (National Radio and Television Commission - ORTT). They are mainly of a technical nature.

While Act LXVII of 2007 leaves the general framework of Hungarian media law substantially unaffected, Act LXXIV of 2007 on rules of broadcast transmission and digital switchover (Digital Switchover Act) introduces far-reaching structural changes to the national regulation of broadcasting.

The Digital Switchover Act introduces a clear separation of content regulation and regulation of broadcast transmission. Prior to the adoption of this Act, transmission of audiovisual content had also been covered by the Broadcasting Act. Under the new rules broadcast transmission will be governed almost exclusively by Act C of 2003 on electronic communications and the specific rules provided by the new Digital Switchover Act. This also implies the transfer of certain regulatory tasks from the ORTT to the *Nemzeti Hírközlési Hatóság* (National Communications Authority - NHH). Following the entry into force of the Digital Switchover Act the NHH will be responsible for acting as an authority in questions of broadcast transmission such as safeguarding “must carry” rules.

The Digital Switchover Act also contains a series of provisions aimed at promoting the diversity of the media. In this respect the act introduces several obligations for cable operators and similar service providers for preserving and promoting the national culture, cultural diversity and pluralism of opinion. This includes the re-definition of “must carry” rules.

The most important feature of the Digital Switchover Act is the defining of the legal framework necessary for the introduction of digital terrestrial television services in Hungary. This includes the introduction of interpretative provisions

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such as the notions of “multiplex”, “application programme interface”, “electronic programme guide”, or “interactive digital television service”. The newly adopted Act also provides a clear framework for the utilisation of frequencies for broadcasting purposes and a series of rules promoting competition of digital audiovisual services. Beyond that, the Act specifies the tendering procedure for operators of terrestrial digital broadcast transmission services.

The Digital Switchover Act is generally in line with the Strategy for Digital Switchover recently adopted by the Government (see IRIS 2007-4: 15). While implementing the Digital Switchover Act it will be the task of the NHH and a special parliamentary committee to elaborate and publish the call for tender for multiplex operators in the near future.

2007. évi LXXIV. törveny a müsorterjesztés és a digitális átállás szabályairól

http://jogszabalykereso.mhk.hu/cgi_bin/njt_doc.cgi?docid=109409.518375

Act LXXIV of 2007 on rules of broadcast transmission and digital switchover, Official Journal No. 80 26 June 2007

2007. évi LXVII. törvény a rádiózásról és televíziózásról szóló 1996. évi I. törvény jogharmonizációs célú módosításáról, Magyar Közlöny 80. szám 2007. junius 26 .

Act LXVII of 2007 on the amendment of Act I of 1996 on radio and television broadcasting for harmonisation purposes, Official Journal No. 80 26 June 2007

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