[HU] Court Decision on the Qualification of a Hungarian Satellite Broadcaster as “National”

IRIS 2008-7:1/23

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In April 2007 the *Országos Rádió és Televízió Testület* (National Radio and Television Commission - ORTT) made a series of decisions establishing that several satellite television broadcasters shall be qualified as broadcasters with a national area of reception. Previously these broadcasters were considered as “regional” broadcasters given their encoded mode of transmission and taking into account their actual presence on the Hungarian cable networks.

As a result the broadcasters affected by the decisions faced a set of new obligations. These included additional limitations on ownership, an increased rate of broadcasting fee, increased rates of royalty fees to be paid to collecting societies and the obligation to produce and broadcast daily news programmes (the ORTT later declared in a decision that it sets aside the latter obligation with regard to the thematic nature of the relevant channels). The majority of the broadcasters concerned decided to submit their appeals to the *Fővárosi Bíróság* (Metropolitan Court of Budapest) asking the court to annul the respective decisions of the media authority.

On 5May 2008 the court issued a decision on one of these cases. According to the judgement, the ORTT was not entitled to declare that the applicant, the broadcaster Viasat3, should comply with the stricter rules governing the operation of national broadcasters and was also not entitled to increase the amount of the broadcasting fee to be paid by the broadcaster.

The regulatory authority submitted an appeal against the judgement. In this the authority emphasised that in other cases the court had explicitly stated that it had the right to examine the area of reception of the television broadcasters concerned. Consequently, the matter is expected to be decided by the *Fővárosi Ítélőtábla* (Budapest Court of Appeal).

Fővárosi Bíróság ítélete, 05/05/2008

http://www.birosag.hu/engine.aspx?page=anonim

Decision of the Metropolitan Court of Budapest of 5 May 2008

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