[HU] No Legal Obstacles to the Commencement of Digital Terrestrial Broadcasting Services

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This summer the *Nemzeti Hírközlési Hatóság* (National Communications Authority - NHH) and the parliamentary committee as designated by the Act LXXIV of 2007 on the rules of broadcast transmission and digital switchover (Digital Switchover Act) has completed two tendering procedures by deciding on the licences granting the right to operate terrestrial broadcasting networks. Subsequently the representatives of the authority and the incumbent transmission company Antenna Hungária (AH) have signed the corresponding agreements (see IRIS 2008-9: 14).

However, the decisions closing the tenders were challenged by two actors:

- The KTV Hírtech Kft, a cable TV operator, initiated a legal action against the NHH on the basis of the principle of technological neutrality. It claimed that the obligations of the winner to contribute to the promotion of the digital switchover on the terrestrial platform, as prescribed by the call for tenders, distorted the competition between the various television platforms.

The legal action was rejected by the Metropolitan Court of Appeal (*Fővárosi Ítélőtábla*) on 3November 2008 on procedural grounds.

- The Hungarian public service radio Magyar Rádió(MR) also challenged the concluding of the contract in relation to the future provision of DAB services. In its appeal MR debated the legality of some of the provisions of the call for the tender and of the decision itself.

This legal action was also rejected by the Metropolitan Court of Appeal in a judgement delivered at the end of October.

Following the closure of these procedures no legal obstacles stand in the way of the commencement of digital terrestrial broadcasting services. According to the commitments made by AH, DAB and DTT broadcasting is due to start by the end of 2008.

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