[HU] Regulatory Authority Considers Telephone Games as Teleshopping

IRIS 2009-9:1/19

Mark Lengyel
Attorney at law

On 2 September 2009 *Országos Rádió és Televízió Testület* (the National Radio and Television Commission, ORTT) decided to qualify TV programmes consisting of games (for prizes) where viewers can take part via telephone as teleshopping.

The basis of the decision was judgment C-195/06 of the European Court of Justice. In this judgment (see IRIS 2008-1: 4) the Court inter alia expressed that "a broadcast or part of a broadcast during which a TV broadcaster offers viewers the opportunity to participate in a prize game by means of immediately dialling a premium rate telephone number, and thus in return for payment, is covered by the definition [...] of teleshopping if that broadcast or part of a broadcast represents a real offer of services having regard to the purpose of the broadcast of which the game forms a part, the significance of the game within the broadcast in terms of time and of anticipated economic effects in relation to those expected in respect of that broadcast as a whole and also to the type of questions which the candidates are asked."

Following the examination of a number of such games broadcast in the programmes of Hungarian broadcasters the ORTT concluded that the Court's interpretation is also valid in relation to them. As a consequence these games are also to be qualified as teleshopping on the basis of Act I of 1996 on Radio and Television Broadcasting.

This qualification leads to a number of consequences for broadcasters in the future:

- they have to mark such programmes clearly as teleshopping;

- they have to apply to such programmes the time-limits defined for teleshopping and teleshopping windows;

- the content of these games has to comply with the content rules defined for teleshopping;

- they have to treat incomes from such games as advertising incomes and therefore they have to dedicate 6 % of those to the production of programmes originally made in the Hungarian language.

© European Audiovisual Observatory (Council of Europe) 2026

As emphasised in the decision, broadcasters have to ensure the compliance of their telephone games with the rules of teleshopping by 30 September 2009 at the latest.

Az interaktív televíziós nyereményjátékok a jövőben televíziós vásárlásnak minősülnek a médiahatóság joggyakorlatában

http://www.ortt.hu/hirek.php?hir_id=432

Press release of the ORTT on its decision 1712/2009. (IX. 2.)

http://www.ortt.hu/hirek.php?hir_id=432

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026