[HU] A Wave of Media Legislation

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Following the general elections in spring the newly formed Hungarian Parliament has begun to reshape the legislative framework for the media.

As its first step the Constitution was amended in early July. The amendment defines the role of public service media (which is to contribute "to preserving the national and European identity, to preserving and enriching Hungarian and minority languages, to strengthening national cohesion and to fulfilling the needs of national, ethnic, religious communities and of the family"). Beyond this broad remit a new provision of the Constitution also defines the basic institutions designed to govern and supervise the activities of the public service media. Another new provision declares the right of the citizen to be informed about public affairs as a fundamental one.

As the second element of the ongoing reform of media regulation Act LXXXII of 2010 on the amendment of certain acts on media and telecommunications was promulgated in the *Magyar Közlöny* (Official Journal) on 10 August 2010. This establishes a new "converged" regulatory authority and reshapes the institutions governing and supervising the activities of the public service broadcasters and of the public service news agency.

The new communications authority, the *Nemzeti Média- és Hírközlési Hatóság* (National Media and Communications Authority) is defined by the Act as an autonomous institution. It is the successor of the former telecom regulator, the *Nemzeti Hírközlési Hatóság* (National Communications Authority - NHH). The role of the former Council of the NHH will be taken over by the chairperson of the new authority, appointed by the prime minister for a renewable term of 9 years. The chairperson plays a central role in the new system of institutions: she/he appoints inter alia the director general of the office of the authority, the deputy chairpersons of the authority, the deputy directors general of the office and the director general of the Broadcast Support and Property Management Fund.

The Media Council is to be established in order to regulate the media. This is defined by the Act as a separate autonomous institution attached to the National Media and Communications Authority. Its chairperson and members are to be elected by the Parliament (also for a renewable term of 9 years). The chairperson of the authority becomes *ipso iure* the nominee for the chairpersonship of the

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Media Council. In preparing and executing its decisions the Media Council will be assisted by the office of the National Media and Communications Authority. The council is the successor of the former *Országos Rádió és Televízió Testület* (National Radio and Television Commission - ORTT) with more or less the same powers and duties.

In the previous system of institutions the *Műsorszolgáltatási Alap* (Broadcasting Fund) managed the State resources dedicated to funding public service broadcasting and supporting content production and technical development in the media sector. On the basis of the newly adopted Act this role will be taken over by the *Műsorszolgáltatás Támogató és Vagyonkezelő Alap* (Broadcast Support and Property Management Fund). However, the portfolio of this fund is substantially larger than that of its predecessor: according to the Act a definitive proportion of the properties of the public service broadcasters are to be transferred to and managed by this fund.

The Act also introduces a new system of governance for public service broadcasters. The previously separate governing bodies (the public foundations) of the public service broadcasters are to be merged into a single organ. However, in the new structure the three Hungarian public service broadcasters (Magyar Televízió, MTV; Duna Televízió; Magyar Rádió, MR) and the national news agency (Magyar Távirati Iroda, MTI) will also be liable (to various extents) to several institutions:

- The chairperson of the National Media and Communications Authority is entitled to nominate candidates for the position of CEO of the public service institutions.

- Electing the CEOs of the public service media companies is a task for the *Közszolgálati Közalapítvány* (Public Foundation for Public Service Media). The majority of the board of trustees of this public foundation is to be elected by the Parliament. The board of trustees also acts as general assembly of the public service companies.

- The Media Council of the National Media and Communications Authority adopts the *Közszolgálati Kódex* (Public Service Code) defining the tasks of the public service companies in detail.

- The Public Service Council - to be composed of nominees of non-governmental organisations defined in the appendix to the Act - safeguards the provisions of the Public Service Code as a representative of the Hungarian civil society. It may also propose amendments to the code, however, such amendment is subject to acceptance by the board of trustees of the Public Foundation for Public Service Media.

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- The Broadcast Support and Property Management Fund will become the manager of the main body of the properties of the public service media companies.

- The economic activities of the public service companies will be supervised by a single board of supervision to be elected by the board of trustees of the Public Foundation for Public Service Media.

By the entry into force of the Act on the system of media institutions almost all the decision makers of the former regulatory and supervisory bodies will be relieved of their positions by virtue of the Act. Their successors on the new bodies are to be newly elected. (It has to be noted that due to resignations and cessations of memberships and the lack of new appointments both the NHH and the ORTT have lost their operability in the previous months.) These changes to the institutions do not affect the system of financing of public service broadcasters. Currently this is calculated year by year on the basis of a hypothetical licence fee and paid from the central budget via the Broadcasting Fund.

The third element of the ongoing media legislation still awaits acceptance by the Parliament. The bill, which is dubbed “Media Constitution” by its introducers, is aimed at regulating questions relating to the right to information, journalistic freedoms, right of reply and similar issues concerning media content. The Parliament is expected to make a decision on this bill in the autumn.

Az Alkotmány 2010. július 6-i módosítása - a Magyar Köztársaság Alkotmányáról szóló 1949. évi XX. törvény módosításáról

http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk10114.pdf

Amendment of the Constitiution, 6 July 2010

2010. évi LXXXII. törvény A médiát és a hírközlést szabályozó egyes törvények módosításáról

http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk10129.pdf

Act LXXXII of 2010 on the amendment of certain acts on media and telecommunications, Magyar Közlöny (Official Journal), 10 August 2010.

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