[HU] New Act on Mass Media Adopted

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On 21 December 2010 the Hungarian Parliament adopted Act CLXXXV of 2010 on Media Services and Mass Media (Media Act). The new Act replaces Act I of 1996 on Radio and Television Broadcasting and Act II of 1986 on the Press. By adopting the new Media Act the Hungarian Parliament has completed the fundamental reform of the Hungarian media regulation (see IRIS 2010-8/34 and IRIS 2011-1/37).

The main issues and features of the Media Act are as follows:

- The Act implements the European Directive on Audiovisual Media Services. In line with the Directive it loosens advertising rules to a certain extent and allows product placement.

- The new Media Act redefines the rules on the protection of minors, human dignity and other constitutional values.

- It reshapes the system of public service media by redefining its purpose, supervision and financing.

- It introduces a system for the protection of media pluralism based on the actual power of media undertakings to influence public opinion. Similarly to the German system this power is to be assessed on the basis of ratings.

- The new Act also introduces a co-regulatory system. In this framework professional self-regulatory media organisations may enter into agreement with the *Nemzeti Média- és Hírközlési Hatóság* (National Media and Communications Authority - NMHH), gain official recognition to their codes of conduct and receive support for performing their self-regulatory activities.

- By amending Act LXXIV of 2007 on the Rules of Broadcast Distribution and Digital Switchover (see IRIS 2007-8/23) it postpones the deadline for the digital switchover to the end of 2014.

Certain features of the Media Act became subjects of special international attention and also subjects of analysis by the European Commission (see IRIS 2011-2/3). In this regard the most important points can be summarized as follows:

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- The scope of the new Media Act covers a variety of media content ranging from the print press across traditional radio and television, to non-linear services and internet newspapers or news portals. The scope covers exclusively services ”which are offered as a business service, for the content of which a natural or legal person, or a business entity with no legal personality has editorial responsibility, and the primary purpose of which is to deliver textual or image content to the general public for information, entertainment or educational purposes, in a printed format or through any electronic communications network”. As a consequence private websites and online content services not dedicated primarily to presenting news on professional basis are not regulated by the new rules.

- The act maintains the requirement of balanced coverage of news in case of radio and television broadcasting. It also extends this requirement to presentation of news by on-demand audiovisual media services. However, balanced coverage is still not a legal obligation for the print media and internet news services under the current Hungarian regulation. It can also be noted, that no fines can be applied in case a media service provider fails to meet this criterion.

- The Media Act also defines the legal status of the Media Council (Médiatanács) of the NMHH. This body is responsible for performing the tasks of the regulatory authority for the media. The Media Council is comprised of members elected by the Parliament by a two-thirds majority for a term of 9 years. The act provides a set of rules with the purpose to ensure their independent conduct in their office: in performing their duties, members of the Media Council shall not take orders from anyone; they cannot be recalled; and they have to comply with a set of incompatibility rules. The elected members of the Media Council are expected to have no ties, either formal or informal, with any political party or with the government.

The new Media Act entered into force on 1 January 2011.

2010. évi CLXXXV. Törvény a médiaszolgáltatásokról és a tömegkommunikációról

http://www.mhk.hu/mhknew/i_online/Cache/71658031729902828481853096198552/001867190000.htm

Act CLXXXV of 2010 on Media Services and Mass Media

http://www.nmhh.hu/dokumentum.php?cid=25694

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