European Parliament: Resolution on Hungary's Media Law

IRIS 2011-4:1/7

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In its resolution of 10 March 2011, the European Parliament assessed and criticized the recent changes to the Hungarian media law (see IRIS 2010-8/34, IRIS 2010-9/6, IRIS 2011-1/37, IRIS 2011-2/3, IRIS 2011-2/30 and IRIS 2011-3/24).

In the light of the values of democracy and the rule of law and especially with regard to guaranteeing and promoting the freedom of expression and of information, the resolution declares that media pluralism and freedom continue to be matters of grave concern in the EU and its Member States. The resolution states that the recent criticism of the media law in Hungary and its constitutional changes illustrate this. Among the critics are the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe Commissioner for Human Rights (see IRIS 2011-4/2).

The resolution mentions the concerns raised by the Commission regarding, for example, the conformity of the Hungarian media law with the Audiovisual Media Services Directive (AVMSD) and the general *acquis communautaire* in relation to the obligation to offer balanced coverage applicable to all audiovisual media service providers. Also its compliance with the principle of proportionality is called into question, as well as its respect for the fundamental right of freedom of expression and information. Further, the resolution brings up some serious concerns raised by the OSCE, among which the politically homogeneous composition of the Media Authority and Media Council, as well as the conflicts between OSCE and international standards of freedom of expression and the most problematic parts of the legislation. The resolution mentions that the European Parliament shares these serious reservations.

It is recalled that the Commissioner for Human Rights recommended in a second opinion of 25 February 2011 that the Hungarian media law would be subject to a "wholesale review". Consequently, the resolution states, the Hungarian media law should be suspended and reviewed in the light of the comments and proposals of the OSCE, the Commission and the Council of Europe. Also, the European Parliament again expresses the need for a directive on media freedom, pluralism and independent governance, which it stresses has become a pressing matter.

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Further, the Parliament calls on the Hungarian authorities to restore the independence of media governance and refrain from state interference with freedom of expression and “balanced coverage”. The Parliament considers the over-regulation of the media to be counterproductive and an endangerment to effective pluralism in the public area. The Parliament welcomes the Commission’s cooperation with the Hungarian authorities, but regrets the Commission’s decision to concentrate on only three points with regard to the implementation of the acquis communautaire by Hungary, as well as the lack of a reference to Article 30 of the AVMSD. It urges the Commission to review Hungary’s conformity with other EU law, including, for example, the EU framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA).

In addition, the Parliament calls on the Commission to keep closely monitoring and assessing the conformity of Hungary’s media law as amended in accordance with European legislation, especially as regards the provisions concerning fundamental rights. Also, it demands that Hungary includes all stakeholders when revising the media law and the Constitution and repeats its call for the Commission to propose a directive before the end of the year. Lastly, it calls on the Hungarian authorities to further examine the media law in the light of the comments, proposals and recommendations made by, among others, the Commission and the Council of Europe Commissioner for Human Rights, as well as the case law of the European Court of Justice and the European Court of Human Rights.

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