[HU] New Amendments to Media Law

IRIS 2013-4:1/17

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In February 2013, the Hungarian Government submitted another bill amending the media laws to the National Assembly. The amendment is based on the negotiations between the Hungarian Government and the Council of Europe. In May 2012, the Council published a report with a host of recommendations on transforming Hungary's new media regulation (see IRIS 2011-4/2). The amendment of Hungary's media laws, in early summer 2012, addressed parts of these recommendations in a rather incomplete manner (see IRIS 2012-8/100)

Among these recommendations, the ones addressed by the recently proposed amendment − which reflects the agreement reached by the Council of Europe and the Government of Hungary − have to do with safeguards for the independence of the media authority and stipulations regarding media content.

Pursuant to the amendment, the President of the *Nemzeti Média- és Hírközlési Hatóság* (National Media and Infocommunications Authority) will no longer be appointed by the Prime Minister, but by the President of the Republic on the recommendation of the Prime Minister (see IRIS 2010-8/34). In another change, the amendment has empowered professional interest groups and self-regulatory industry organisations to make staffing proposals as part of the appointment procedure. The Prime Minister is not bound to follow these proposals, but has to consider and deliberate upon them.

Additionally, the amendment tightens up the professional eligibility requirements of the authority's president, stipulating ten years' professional experience instead of the previously envisaged three years. "Professional experience" is defined as being connected with an official supervisory function, or a scientific degree in a field related to media or telecommunications, or a track record of relevant teaching in higher education. Finally, the new provisions prohibit the re-appointment of the president for a second term in office.

By leaving the procedure of electing members to the Media Council intact, the amendment does not bring about changes; procedural safeguards that would ensure multi-party presence in the body are not envisaged. In view of the current political power situation in Hungary, the proposed changes do not amend the framework according to which the political independence of the media authority shall be safeguarded. Since the amendments will apply to appointment

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procedures commenced after the coming into force of the new provisions, they will have no effect on the mandate of the current members and the president of the authority. They will stay in office until 2019 when their nine-year term expires.

The other central component of the submitted bill concerns the requirement of balanced coverage applicable to linear media services. The current wording of the Media Act requires news coverage to be “comprehensive, factual, up-to-date, objective and balanced.” If the suggested amendments go through unchanged, the first four of these five adjectives will be dropped, leaving ”balanced” as the only stipulation. The stated reason for this simplification is that the omitted adjectives impose an obligation on radio and television stations that is difficult to interpret. Considering, however, that judicial practice to date has construed the criterion of the ”balanced” quality of reporting as an umbrella concept that semantically covers the formally omitted criteria, the amendment is unlikely to amount to a narrowing down of this provision’s scope of application.

The media law amendments so far have affected an enormous number of sections in the Hungarian media legal framework. To date, these amendments have addressed the structural and conceptual objections articulated in several fora, including international documents, partially and largely confining themselves to specifics of application. Substantial changes, however, have not been implemented. Hungarian non-governmental organisations therefore sent on 4 February 2013 an open letter to the Council of Europe, pointing out that the recent agreement was not in accord with the former requirements of the Council and did not do much to improve the freedom of the media in the country.

T/10051. számú törvényjavaslat a sajtószabadságról és a médiatartalmak alapvető szabályairól szóló 2010. évi CIV. törvény és a médiaszolgáltatásokról és a tömegkommunikációról szóló 2010. évi CLXXXV. törvény módosításáról

http://www.parlament.hu/irom39/10051/10051.pdf

Draft of the Amendment to the Media Act of February 2013

Open letter of Hungarian NGOs to the Council of Europe of 4 February 2013

http://mertek.eu/en/article/letter-of-hungarian-ngos-on-media-legislation-to-mr-thorbjorn-jagland-secretary-general

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