

*Recent developments regarding the Hungarian Media Law  
3 February, 2011*

*On 21 January, after a month of the adoption of the Hungarian Media Law, Commissioner Neelie Kroes sent an official letter to the Hungarian government calling for clarification on some of its provisions. Despite the widespread and unprecedented harsh critics, the letter only identified three areas for clarification. These are: the question of balanced coverage; the territorial scope and the requirement of registration. The Hungarian government's reply to the Commission was sent on the 31st January, well before the deadline. In its response, besides expressing the position of the Hungarian government on each criticized items, Deputy Prime Minister Tibor Navracsics has further confirmed the government's willingness to carry out negotiations on the new law, should Mrs Kroes deem it necessary. He also initiated an intense dialogue between experts of the Hungarian government and of the Commission. Mr Navracsics added that, in case the Commission still found necessary to modify some sections of the new law after having examined the reply letter, the government was open to elaborate the modifications and continuously report on the process to the Commission.*

In its letter, the European Commission expressed its concern about the new **rules on "balanced coverage"** with special regard to its extension to on-demand audiovisual media services, such as audiovisual blogs. Tibor Navracsics reminded the Commission that it was the European Union that requested Member States to regulate on-demand media services. He also called the attention that these services would play a much more prominent role in the future and thus needed to be regulated. The minister recalled the fact that the requirement of "balanced coverage" would only apply to services of economic nature. Therefore, in contrast to the EC's assessment, it does not cover audiovisual blogs for example. He reiterated that - if deemed necessary by the Commission - the government would define the conditions of balanced coverage in a more exact way. (However, the definition of the term has evolved by the ruling of the independent Hungarian Courts in the last 14 years.)

The Commission's second criticism referred to the Hungarian Media Authority's right to impose fines and restrict content of **services operated from other Member States**. According to the Hungarian government's response, the provisions of the Audiovisual Media Services Directive do not necessarily state that Member States cannot impose fines on service providers based in other countries in case of severe violations of the law. Mr Navracsics stressed that if the Commission found it necessary the government was open to find alternative methods to safeguard the standards.

The third criticism was in connection with the **requirement to register all media providers**, which practice - according to the Commission - could lead to limit the freedom of expression and information. In its response, the Hungarian government underlined that registration - as a simple form of data notification - would in no way restrict freedom of press. Tibor Navracsics stated that these provisions' aim was to let the regulatory authority clearly identify media service providers that were under its supervision. According to the minister, in order to efficiently identify the spheres of responsibilities, the registration of printed and online service providers could be regarded as a necessity.

On the very same day, the 31st of January, Zoltán Kovács, Minister of State for Government Communication announced that in order to avoid misinterpretations, the government proposed a personal dialogue between experts of the Hungarian cabinet and of the Commission. This way - he said - **any possible modification of the law might be as swift and exact as possible.**