

Brussels, 13. 11. 2013

A(2013) 3245182

Dear Dr Polyák,

Thank you very much for your letter regarding the current legal situation of Klubrádió. As you know, I have expressed on several occasions strong concerns regarding the state of media freedom and media pluralism in Hungary including the situation of Klubrádió.

I can assure you that my services have been following the developments regarding the situation of Klubrádió very closely including the court cases and the legal steps taken by the Media Council.

According to the requirements of the applicable EU rules, set down in the Authorisation Directive, the use of frequencies must be granted on the basis of open, objective, transparent, non-discriminatory and proportionate procedures. My Commission Services are currently analysing the answers received from Hungary to an administrative letter seeking clarifications regarding recent frequency assignment procedures, including related to Klubrádió, to make sure whether they are in line with these requirements. In view of the recent developments, the Commission Services sent an additional letter to ask for further information regarding the planned actions to implement the final ruling of the court. Be assured that the Commission will not hesitate to intervene, if the legal requirements set down by the EU legal framework are not met.

As you are aware, I have also paid particular attention to the state of media pluralism in all Member States and spoke up whenever it was necessary to defend the freedom of expression as these freedoms are fundamental values of democratic societies. I assure you that I will continue to do so in the future.

The Commission aims to ensure the respect of rights and principles enshrined in the Charter of Fundamental Rights, including Article 11 on freedom of expression and information (encompassing media freedom and pluralism). According to Article 51(1), the Charter applies to Member States only when they are implementing EU law. Even where there is no link to EU law, Member States are bound to respect their obligations regarding fundamental rights, resulting from international agreements, the European Convention on Human Rights and from national legislation.

c/o Mr Gabor Polyák Ph.D.
Civil Media
MET Hungarian Europe Society
MÉRTÉK Media Monitor
SEENPM
Székhely: 1042 Budapest, Árpád út 90-92
Hungary

In view of the growing concerns related to media freedom and pluralism in Europe, I set up the independent High Level Group on Media Freedom and Pluralism to deliver policy recommendations in this policy area. The report of the High-Level Group was presented on 21 January 2013. Following this report, the Commission launched two public consultations, one on the recommendations of the group and one specifically on the independence of National Audiovisual Regulatory Authorities. The decision on any possible follow-up actions within the limits of the competences of the European Union, including a possible legislative action in the field of independence of audiovisual authorities, will take account of the responses to those consultations. The Commission services are currently analysing the results of these public consultations.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Medie Kwa". The signature is written in a cursive style with a long horizontal stroke at the end.