

## **What do we expect from media regulations?**

Before debating the details of the regulatory framework, it is necessary to clarify what type of public sphere this regulation should help bring about. Further regulatory instruments could emerge from an analysis of this particular idea of the public sphere.

## **Does the media have a social role today, and if so, then how is it defined?**

In our view the Hungarian media's ability to create a public sphere that could serve as an arena for social discourse is currently limited. But there can be no democracy without social discourse, without a public sphere that allows for the debate of our public affairs. The public sphere is an indispensable precondition for engendering a debate about public affairs that is fact-based, argumentative, open, and capable of bringing about a rapprochement of diverse viewpoints, or at least a mutually intelligible frame of reference.

## **Considering the existing consumption patterns, in how far does the current selection of media programmes live up to the expectations concerning the media's social role?**

We need to consider that even though the diversity of available media programmes is a fundamental precondition of a well-informed public and of a high quality public discourse that makes the former possible, it is by no means the only necessary safeguard to this end. Research has shown that at this time a significant portion of the audience does not use other news sources - in fact it makes no efforts to inform itself further - apart from those offered by the content providers with the greatest reach, even while those news neither provide comprehensive information nor promote public discourse. Hence the quantity and quality of widely available public affairs content is not in sync with the audience's efforts - or lack thereof - to inform itself about public affairs. Only small parts of the audience make an effort to learn, compile and compare the available wealth of information - in the form of news media services, print and online press products -, which implies that a wide selection is insufficient in and of itself.

The media policy instruments for changing the audience's attitude towards information are rather limited. Promoting awareness and understanding in media consumption would constitute progress in this very area, however.

## **Which media policy measures limit the effectiveness of the media's social functions?**

We would like to emphasise the following among the media policy measures that are the causes of distortions in the public sphere

- the continual narrowing of the limits of expression, the vagueness of the threshold of legal intervention, which leads to excessive caution when it comes to public speech, and the disappearance of relevant opinions;

- lacking transparency in the operations of public service media and in their chains of responsibility, as well as the removal of any substantial review of their operations, which have combined to render the discharge of their public service responsibilities impossible;
- the transformation in the national news agency's activities, the centralisation of public service news services, which indirectly threaten the diversity of information in the entire media system;
- biased, arbitrary and non-transparent frequency tenders, which have led to significant changes in the ownership structure of the radio market, as well as to closer intertwinements between political and business interests than experienced ever heretofore;
- the non-transparent reshaping of the business latitude available to media market players (non-public reduction in fees, arbitrary application of rules on media concentration), which has indirectly exerted a significant impact on the dramatic decline in the ratio and quality of public affairs programming in the commercial television channels' news shows;
- manipulation of the already crisis-stricken advertising market, which has significantly enhanced the political dependence of media market players;
- the substantial impairment of the state of media education, which will impede the emergence of a critical audience.

### **What is the role of commercial media services in shaping public discourse?**

Various media naturally have differing roles in creating public discourse.

It would clearly be wrong to claim that national commercial television channels participate in providing public affairs information only to comply with the relevant legal requirements. Their newly launched channels broadcast news shows with relatively high levels of public affairs content even without being legally obligated to do so. Nevertheless, it would be impossible to expect that commercial television channels' news shows - which openly label themselves infotainment - assume a decisive role in operating public discourse. Even the audience regards them primarily as sources of entertainment. Still, their economic weight and audience share makes it impossible to discount their role in the media system.

In a situation wherein nearly 70% of the audience feel that commercial television channels constitute the most important source of information, these media providers cannot refuse to face up to their social responsibilities. In our view only a competitive regulatory framework can strike a balance between market interests and the social responsibility of media enterprises, however. In our view only a competitive regulatory environment can make a balance between business interest and social responsibility of

media enterprises. Instead of new rules restricting operation of media companies, a new approach is required: advertising market without state distortion, separation of political and business interest are the preconditions for high quality public affairs programmes rather than infotainment programmes creating the illusion of being well-informed.

### **What is the role of public service media in shaping public discourse?**

It is incumbent on the public service media to emerge as the primary forum of public discourse and public sphere. No matter how rich the selection of available new sources may be now, how interactive the public digital spheres have become, universally applicable news forums for debating public affairs have thus far only partially emerged in the digital media system. Even though the domestic experience with public service media offer little cause for overt optimism, our conviction remains that given the current state of the public sphere we need a public service content provision system that works well and efficiently exploits the possibilities inherent in digital content provision, while it is also behaves ethically and is committed to fostering public discourse.

### **To what degree do online services contribute to the emergence of public discourse?**

Various types of online content services are increasingly crucial spaces of social discourse. The possibilities for accessing online content have significantly broadened over the past few years. We assess that these services do not require special content regulation beyond the general legal framework that applies in any case. In designing regulations, however, it is important to be mindful of the fact that even online content services can be subject to bottlenecks that will allow for interventions into the information stream - filtering and blocking data streams, applying different conditions to forwarding individual data packages - by both, state institutions and market players.

Ultimately, the creation of a public sphere that fosters public discourse takes significant efforts on the part of journalists, editorial offices and media enterprises, as well as the audience and political decision-makers. By itself, no kind of regulation is capable of transforming bad practices, attitudes or political culture, for that matter. Nevertheless, without regulations and media policies that provide for a free and open media system we are guaranteed not to make progress towards this end.