



September 9, 2019

European Commission

Subject: Media Council, Hungary

To whom it may concern,

We, the undersigned NGOs, write to inform you about the latest events concerning the institutional guarantees of democratic publicity and the regulation of the media in Hungary. Both Mérték Media Monitor and the Hungarian Civil Liberties Union repeatedly emphasized the serious concerns that the 2010 media legislation package raised in relation to media freedom and media diversity.

Enacting a new media legislation in 2010 was one of the first major legislative acts of the freshly elected Fidesz-supermajority in the Hungarian Parliament. Act 104 of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content (hereinafter the Press and Media Act) and 2010 Act 185 on Media Services and Mass Media (hereinafter the Media Law) attracted heavy national and international criticism, and were later amended several times to move them closer to international standards. The most recent events, however, prove that the legislation contains further loopholes that enable to Government to exercise undue influence over the media regulation system.

The main body regulating the media system in Hungary is the Media Council. Apart from the Chairperson, who is nominated slightly differently, the members of the Media Council are elected by the Parliament after being nominated by a parliamentary committee. The four current members were elected in 2010, enjoying the support of only the governing parties and none of the opposition members of the Parliament. Their nine-years term comes to an end in 2019, therefore a new nomination procedure started recently in line with the legal requirements.

According to Section 124 paragraph 3 of the Media Law, “members of the Media Council shall be nominated by an ad hoc nominations committee comprised of one member from each Parliament faction (hereinafter referred to as “nominations committee”) by unanimous vote”,

while paragraph 4 states that “the voting power of members of the nominations committee shall be weighted consistent with the number of members of the Parliament faction on whose behalf they were elected”. The nominations committee gathered on September 5, 2019. Opposition party members mutually supported each other’s candidates, while the governing coalition refused to field a candidate, this way undermining the nomination process. According to Section 124, consecutive nomination rounds ensure the election of the new members.

(6) If the nominations committee is unable to present four nominees (...), the nominations committee shall be authorized to make nomination in the second round requiring at least two-thirds of the weighted votes.

(7) If the nominations committee remains unable in the second round to present four nominees (...), its mandate shall terminate and a new nominations committee shall be installed.

However, opposition members of the nomination committee issued a press statement after the hearing. According to this statement, governmental members’ refusal to field candidates was intentional. The statement underlines that the chair of the committee, MP János Halász described the nomination process as “too strict and bureaucratic”, and predicted an amendment to the law initiated by the Government during this fall. It is worth mentioning that the current rules of nomination were enacted by the same coalition majority in 2013 based on a consultation process with the European Council. Furthermore, the standing members of the committee will stay in office without a time limit: according to Section 216 para 8 of the Media Law, “where Paragraph a) of Subsection (1) of Section 129 applies (*expiry of the mandate of the Media Council*), the date of beginning of the mandate of the new chairperson and members of the Media Council shall be construed as the date of termination of the mandate of the previous chairperson and members.”

Since the governing coalition holds a two-thirds majority in the Parliament and is in a position to easily elect any candidate to the Media Council, this move suggests that the Government intends to keep current members in their position indefinitely and prevent opposition parties from fielding candidates.

We, the undersigned NGOs, kindly ask you to closely monitor the status of the independence of the regulatory body concerning media plurality, the planned legislative process from the aspect of the EU law, including its Fundamental Rights Charter and from the aspect of the obligations regarding the independence of the regulatory bodies laid down in the AVMS directive.

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