

MÉRTÉK MEDIA MONITOR

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Four Shades of Censorship  
**LEGAL GUARANTEES  
AND PRACTICAL  
SHORTCOMINGS OF  
INDEPENDENCE OF THE  
MEDIA AUTHORITIES**  
in the Czech Republic,  
Hungary, Romania  
and Slovakia



MERTEK BOOKLETS  
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## INTRODUCTION

Independent media regulators are a fundamental condition for media freedom. Ultimately, the independence of the media regulatory bodies is at stake in whether the public bodies entrusted with these tasks, in ensuring access to scarce media market resources and enforcing media content bans and obligations, promote a free and pluralistic media market and media supply.

In relation to the independence of media authorities, the analysis presents the legal safeguards to ensure that they operate free from unilateral political and economic pressures in the countries under review. On the other hand, the analysis of the practice of the authorities will also show whether there are signs of biased activity in their decision-making practices. Based on the Hungarian experience, the research originally aimed to focus on the practice of frequency tendering. However, in the other three countries, tendering practices were found to be less problematic, and therefore the analysis also paid more attention to the practice of sanctioning media content.

As regards the independence of the media authorities, the general trend is that the Czech and Slovak authorities are basically professionally reliable and impartial, the Romanian authority shows more signs of political interference and the Hungarian authority has serious problems.


According to the Media Pluralism Monitor 2021<sup>1</sup>, the independence and effectiveness of the media authority in the Czech Republic and Slovakia is low risk. Romania also scores low risk in this measure, but with a risk score bordering on medium risk. Hungary is rated as medium risk by the Media Pluralism Monitor on the independence of the authority.

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<sup>1</sup> <https://cmpf.eui.eu/mpm2021-results/>

Key lessons from the analysis:

- The Czech media authority has a rather restrained practice in the application of sanctions. It did not prosecute the largest broadcasters during the period under review, and its proceedings were largely for minor formal infringements.
- The regulatory background and decision-making practices of the Hungarian Media Council also raise serious concerns. While formal guarantees of independence are enshrined in the Media Law, the election of the Media Council's members and chairman clearly ensures the possibility of political influence. As in previous years, the most obvious evidence of politically biased decision making in the period under review was the practice of allocating radio frequencies. The Media Council's practice continues to serve almost exclusively the expansion of those close to the ruling party, effectively eliminating independent local radio.
- In the case of Slovakia, there used to be very close connections between the Council members and political parties. In fact, the members of the Council were interacting with politicians and financiers with interest in the media. Close links may influence their independence, particularly in the area of the licensing or while penalizing broadcasters for breaches of the legislation. However, no such obvious action has either been unveiled by our desk research or reported by any credible source in the past few years.
- In Romania, the National Audiovisual Council has weakened its respect as a media watchdog, and as a key player within the democratic system. Given its' dependence to the political algorithm and the constant critiques of politization and partisanship, the Council has limited scenarios to recover its credibility. The Council should invest consistent efforts to increase its authority among the audiovisual media outlets by proactive interventions when regulatory sideslips occur – especially during electoral campaigns or during various social and political crisis. However, the Council has proven that it does not conflict with the freedom of expression and does not interfere into editorial processes.



## CZECH REPUBLIC

# LEGAL FRAMEWORK – INDEPENDENCE AND COMPETENCES OF THE REGULATORY BODY

**T**he Council for Radio and Television Broadcasting (RRTV) of the Czech Republic is the body responsible for the regulation of broadcasting in the Czech Republic. The function and responsibilities of the RRTV are set out in the Broadcasting Act 231/2001. The Council is an administrative authority which executes state administration in the field of radio and television broadcasting and rebroadcasting, and in the field of audiovisual media services provided on demand under another legal regulation, and supervises the maintaining and further

development of plurality in the program portfolio and information offered in the field of radio and television broadcasting and rebroadcasting; it will promote the independence of the content thereof and fulfill other tasks laid down by the Broadcasting Act and by other specific legislation.

### The Council Composition

The Council consists of 13 members who are appointed and removed by the Prime Minister based on proposal made by the Chamber of Deputies; the appointment should be carried out immediately after receiving the proposal.

Membership in the Council is a public service position. The term of office of Council Members is 6 years. Members have to be Czech citizens of minimum age of 25 years. A person who was in the capacity of Council Member during two consecutive terms of office may not be nominated and appointed again to the same capacity. The Prime Minister suspends the office of any Council Member who has been taken into custody in connection with criminal prosecution, if such suspension is proposed by the Chamber of Deputies.

## The independence and integrity of Council Members

Council Members execute their functions personally and they do not accept any directions or instructions for the execution of their functions. Council Members not assume positions in political parties or movements and act in their favor. Neither Council Members nor persons closely related to them may assume any positions, including unpaid ones, in any bodies of companies that carry out business in the field of mass media, audiovisual production and advertising. Furthermore, neither Council Members nor persons closely related to them may participate in the business of commercial companies that carry out their activities in the field of mass media or in the field of audiovisual production and advertising, or provide directly or through mediation any consultancy or other assistance to broadcasters, rebroadcasters and on-demand audiovisual media service providers in return for payment. Council Members may not be employed or otherwise engaged by any broadcaster, rebroadcaster and on-demand audiovisual media service provider.

## Budget of The Council

The Council manages its own budget and its activities are covered by a separate chapter of national budget of the Czech Republic.

## The Annual Report

Every year the Council submits its Annual report on its activities and on the situation in the field of radio and television broadcasting and in the field of the provision of on-demand audiovisual media services which includes an information about the situation in radio and television broadcasting, information about the licenses that have been granted or changed and about the criteria that have been used as the basis for granting the licenses to applicants and for rejecting the applications of all other parties in the procedure. It also includes an information about the support to European production and European independent production, about securing the prescribed proportion of European production (Section 42) and independent production (Section 43) and about the reasons for not attaining the prescribed proportions in television broadcasting, as the case may be, including also information about support to the production of European works in the provision of on-demand audiovisual media services.

In the Annual report, the Council summarize information about the state and level of self-regulation in the fields of radio and television broadcasting, rebroadcasting and provision of on-demand audiovisual media services, and information about the results of cooperation with self-regulatory bodies, information about the level of media literacy in relation to new communication technologies and about the measures taken by radio and television broadcasters, rebroadcasters and providers of on-demand audiovisual media services and self-regulatory bodies to promote media literacy.

By the end of February of each calendar year at the latest, the Council shall submit its Annual Report to the Chamber of Deputies for approval and simultaneously to the Prime Minister for expressing an opinion. At the same time, the Council makes its Annual Report public. The Annual Report becomes public as at the date of its approval by the Council.

In case that the Council repeatedly and seriously infringes its obligations or if the Annual Report fails repeatedly to be approved due to serious faults, the Chamber of Deputies may propose to the Prime Minister to remove the Council.

## DETAILED ANALYSIS OF THE COMPETENCES REGARDING THE MEDIA MARKET (market entry / frequency tenders, merger control, modification of licenses, competences regarding the state advertisement)

### Competences of The Council

The Council grants, changes and withdraws licenses and its changes for the operation of radio and television broadcasting and supervises compliance with legal regulations in the field of radio and television broadcasting and the conditions stipulated in the decision on granting the licence or in the decision on registration.

The Council also imposes penalties, monitors the content of radio and television broadcasting. It collaborates with the Czech Telecommunication Office on the field of authorization of frequencies and bands.

The Council is responsible for cooperation with European Union authorities and with the regulatory bodies of EU Member States with a similar field of competence, focusing in particular on obtaining and providing data and information required by law, by decisions issued on the basis of law or decisions made on the basis of law, or by the legal acts of the European Union, and carry out other tasks resulting from the membership of the Czech Republic in the European Union.

The government and the state administration authorities cooperate with the Council in all matters related to broadcasting and in particular always request the opinion of the Council in the matters of broadcasting and provide appropriate assistance to the Council within the framework of their powers and duties.

## Licences

Licenses are granted by the Council in the licensing procedure. The Council is authorized to grant license for broadcasting distributed via transmitters, satellites and cable systems and special transmission systems (not indicated above).

A license is granted for a fixed period of time, whose maximum length is 8 years for radio broadcasting and 12 years for television broadcasting.

A licensed radio broadcaster is obliged to start the broadcasting at the latest within 180 days and licensed television broadcaster within 360 days from the date of finality of the decision on the granting of the license. Same periods valid for extending of the license.

An applicant for a licence must meet following requirements stated in the law:

- a) no bankruptcy was declared with regard to the applicant's property and no liquidation was initiated,
- b) evidence is provided that no unpaid tax is registered in taxation records,
- c) evidence is provided that no unpaid premiums for public health insurance, social security or contributions for the government employment policy are outstanding,
- d) the applicant's license or registration has not been cancelled during the period of the last 5 years; this requirement does not apply to the cases where the license or the registration was cancelled on the request of the broadcaster,
- e) no final judgment for wilful offence was declared with regard to the applicant; if a legal person requests granting a license, this requirement shall also apply to the natural persons appointed as the governing body of the applicant or serving as members of the applicant's governing or supervisory body,
- f) the applicant is not a member of any statutory broadcaster or member in commercial companies established by a statutory broadcaster.

Council calls a public hearing for discussing the issues relating to the program structure proposed by the individual parties in the licensing procedure. A public hearing organized within the framework of the licensing procedure for broadcasting other than local television broadcasting must involve issues relating to the proportions of European works, European works produced by independent producers and contemporary European works in the proposed television broadcasting program structure of the individual parties taking part in the television broadcasting licensing procedure.

## Facts relevant to decisions on applications for license granting

In the process of decision-making for granting the license the Council shall assess the financial, organizational and technical preparedness of the applicants for the broadcasting, including the results hitherto achieved by the applicant in the field of radio and television broadcasting, if the applicant has been active in this business, transparency of ownership relations in the applicant's company and benefits of the program structure proposed by the license applicant with regard to the existing diversity of radio or television program offered in the territory to be covered by the radio or television broadcasting.

In the case of TV license the proportion of European production, production of independent European producers and contemporary production in the proposed television broadcasting program structure will be considered as well as the benefits the applicant will provide for the development of original production, the preparedness of the applicant to provide hidden or open subtitles in a certain percentage of the broadcast program units intended for persons with impaired hearing and the benefits for the development of the culture of ethnic and other minorities in the Czech Republic.

During the distribution of licenses for digital broadcasting, the Council shall assess the financial, organizational and technical preparedness of applicants for the broadcasting; the transparency of their ownership structures; the benefits the program will bring to the diversity of the existing program range; and the proportion of European production, European independent production and contemporary production in the proposed television program structure, the benefits the applicant will provide for the development of original production, the preparedness of the applicant to provide hidden or open subtitles in a certain percentage of the broadcast program units intended for persons with impaired hearing and the benefits provided by the applicant for the development of the culture of ethnic and other minorities in the Czech Republic.

## IDENTIFICATION OF THE FIELDS OF THE ACTIVITY THAT ENDANGER THE FREE AND INDEPENDENT FUNCTION OF THE MEDIA OUTLET.

Although the freedom and independence of commercial broadcasters is guaranteed, the council may influence it. Below are the most often and used means of influencing:

### The license issuing process

Granting of licenses to start radio or television broadcasting is the main situation when pressure on the media may be developed. To high extent, the result of the licensing process depends on the council. It may not even influence the result – to grant or not grant the license but also influence the program structure of the media. The same may repeat when the time limited license has to be prolonged.



Nevertheless, there is no evidence that these means of the council were misused for political purposes. But there is an evidence that the council was complicating and delaying the change of program structure of proposed news radio which would be competitor to the news program of the public service radio broadcaster.

## Monitoring the content of radio and television broadcasting, penalties

The council's duty is to monitor the program of broadcasters and to deal with complaints from listeners and viewers. It has wide range of penalties which may punish broadcasters if they violate the law or conditions of their broadcasting which were part of their license application.

Typical violation would be not keeping the ratio of music and news, broadcasting programs not allowed for non-adults before 10 PM etc. From the point of view of political role of broadcasting the frequent complaint is political unbalance – some political representatives are invited more often than others or they have longer time for their presentation in political talk shows etc.

In most cases the council is rejecting such kind of complaints. In most visible cases the council decided to penalize the broadcaster but later the appealing court abolished the fine.

The council also follows how advertising rules are kept and decides about complaints for breaking regulations and laws in advertising.

Absolutely most of council's agenda are administrative acts like changes of names of radio stations, changes license details etc.

Thus, we may conclude that the council doesn't represent the real threat to the independence as same that it doesn't represent the defender of the correctness of the program.

## Analysis of TV programs ordered by the regulatory council

The control of the content of radio and television broadcasting in Czech Republic takes place through monitoring provided by analysts of the Office of the Council for Radio and Television Broadcasting. Monitoring is carried out on the basis of an internal concept, the aim of which is the cyclical control and assessment of all television and radio programs licensed by the Council. When choosing the scope and frequency of control monitoring, both the technical means of program dissemination and spectator interventions of individual programs are taken into account. Monitoring is also motivated by broader audience complaints about specific broadcasts.

What is the output of this monitoring? Analysis that evaluate whether the broadcaster violated the law or the license conditions.

We have decided to check analysis which the Council ordered in last few years We focused mainly on those analysis which are assessing political programs before elections.

In details: we checked the broadcasting of main TV stations before parliamentary elections in 2017, presidential elections in 2018 and European Parliament elections in 2019 and the most interesting cases of potential law violation.

Apart from it we chose one more interesting case that is a little bit older – from 2013. We wanted to demonstrate the means that current Czech PM Andrej Babiš used when entering politics in 2013 – he used his own company promotion before parliamentary election in 2013 to promote his person and thus his political movement in TV's just before elections when – according to the law there should be the "pre-election silence" (the politicians should not be presented in a commercial ads).

## Analysis of program before 2017 Czech parliamentary elections

The most alerting case reflects the case of Czech commercial TV Barrandov whose owner has showed many times his pro-Kremlin and pro-Chinese approach and moreover was the owner of a media agency that provided a political pre-election preferences as well. The analysis of TV Barrandov program before 2017 parliamentary elections was focused on the balance among politicians invited to political debates and balance in reporting about different political parties. TV Barrandov argued that the frequency of presence of politicians in their programs are based on results of surveys of political preference issued by Médea Research agency. The council accepted this explanations without pointing out that the media agency is directly connected with the broadcaster as it has the same owner as the TV station.

On the other hand, analysis of Czech public TV and Czech public Radio at the same time found no breaching of professional standards. The Council said that "the principles of objectivity, balance and impartiality of broadcasted programs were not violated, nor the unilateral favouritism of any of the candidates were found out."

## Analysis of program before 2018 Czech presidential elections

In 2018, the Council launched administrative proceedings with TV Barrandov over a possible violation of law. According to the RRTV, this program seemed to be biased as TV Barrandov private television station of Jaromír Soukup seemed to repeatedly favor presidential candidate and acting president Milos Zeman against his challenger Jiří Drahoš in the programs it broadcast during the Czech presidential campaign. After the explanation provided by TV Barrandov, the Council made a final conclusion: it decided to notice (orally, no fine) TV Barrandov that it violated the law by systematically favoring Miloš Zeman and disadvantageous the other candidate.



In 2018, there was another important case connected with TV Barrandov and his owner Jaromír Soukup.

In the controversial edition of his show, the moderator Soukup devoted to the issue of multinational companies in the Czech Republic and subsidy and investment policy. In the course, he presented data relating mainly to Škoda Auto, for example, “Škoda received 4.6 billion from our taxes in the same period” or “Last year, the government promised for roads and other things for Škoda at its next plant in Kvasiny plant 5.6 billion crowns”. The moderator made similar statements several times. It was by no means shown on the show data source and Škoda Auto received no space to comment. The Council decided that the owner of TV Barrandov Jaroslav Soukup should pay a fine of 400K CZK as the council considered the show to be biased and unbalanced.

After 2 years of legal battle, the Broadcasting Council definitively lost the trial to Jaromír Soukup, the Administrative Supreme Court (NSS) decided TV Barrandov does not have to pay a fine of 400 thousand crowns for Jaromír Soukup’s case. On the contrary, it follows from the judgment that the council will now have to justify before the fine for bias and imbalance in what specifically the broadcast information was false or distorted. The state office warned some time ago that such a legal structure would shift the role of the regulator of television and radio broadcasting to a kind of “arbiter of truth”. However, it does not even have an adequate apparatus for this.

### Analysis of program before 2019 European Parliament elections

Again, analysis of Czech public TV and Czech public Radio at the same time found no breaching of professional standards. The criteria of professional journalist objectivity and balance were met.

As for TV Barrandov, the Council quoted that “the way in which the individual parts of the program are moderated shows a systematic and deliberately unbalanced and biased approach of the moderator to different candidates of different political subjects. The moderator’s strategy had manipulative potential, the moderator repeatedly missed to quote sources of his information, and did not provide space for subjects subjected to criticism or the other party’s point of view, used stereotyping labeling and stigmatizing designations of candidates. Thus he seemed to be violating the principles of objective and balanced information.”

Even in this case, no administrative proceeding has been started, the Council only published the notice.

### Analysis of ad campaign of Andrej Babiš before 2013 Czech parliamentary elections

A very interesting was the case of „Vodňanské kuře” – promotion for the chicken – food product of Mr. Babiš’s business.

It was the commercial with which Mr. Babiš (current PM) entered politics in 2013. This commercial was analyzed by the Council in 2013. Mr. Babiš is – among other businesses – also the owner of the biggest poultry company in the Czech Republic. When he decided to enter the politics, he filmed the commercial ad together with the ice-hockey professional Jaromír Jágr. The commercial was pretending to be the promotion of his poultry business, but, in the reality, it was the promotion of Mr. Babiš himself who circumvented regulations of political promotion this way. The Council was addressed with complaints that thanks to this commercial Mr. Babiš was appearing in the TV much more often than other politicians in the time close to the term of elections to the lower chamber of the parliament. According to the law, politicians and candidates to the parliament should not personally appear in commercials. At the same time, the law doesn’t limit this appearance to the political ads only. Additionally, while there is a limit for the number of political ads, promoting of non-political activities may be a way how to bypass such a limit.

As this commercial was widely broadcasted by all TV stations and thanks to the presence of the most popular Czech ice-hockey player Jágr, it became very popular. The regulatory council explored the case and ordered the independent assessment again. This assessment did not end any clear conclusion. It brought proofs for both: that it was the violation of law, and at the same same it was not. Nevertheless, the council finally decided that the law was not violated.

This specific case illustrates how the council works in fact. Its decisions often look more like academic disputes than like decisions of administrative body. It brings all arguments from all possible views, describes all potential opinions. Finally, taking in consideration all these views and opinions, the council usually decides that the law was not violated. In that way, rather than solving problems the Council chooses to avoid possible conflicts with market players.

## Elaborating analysis about the activity of the regulator

Overview of violations	2018	2019
<b>Overview of misdemeanors decided by the Council for Radio and Television Broadcasting. This overview summarizes all facts on the sections of state administration that fall within the competence of the Council for Radio and Television Broadcasting.</b>		
number of complaints to initiate infringement proceedings	1875	1481
number of deferred cases	523	451
number of notifications of initiation of proceedings	36	61
number of final decisions on the recognition of an accused person guilty of a misdemeanor	47	48
number of stopped proceedings	20	25
number of decisions approving the settlement agreement	0	0
number of final decisions waiving the imposition of an administrative penalty	7	9
number of final decisions exceptionally reducing the fine	2	0
number of reprimands	9	13
number of fines	31	25
average fine (in CZK)	108548	88000
average fine (in EUR)	4000	3200

Overview of licenses issued by the regulator in 2019 – 2020 and in total	Total	2020	2019
Satellite radio broadcasting	22	0	2
Satellite TV broadcasting	101	15	15
Cable and satellite radio broadcasting	0	0	0
Cable and satellite TV broadcasting	9	0	0
Cable TV broadcasting	80	3	1
Terrestrial regional/local radio broadcasting	219	3	10
Terrestrial national radio broadcasting	2	0	0
Terrestrial national digital radio broadcasting	12	2	0
Terrestrial regional/local TV broadcasting	35	1	0
Terrestrial national TV broadcasting	30	4	5
Special broadcasting systems TV broadcasting	70	20	4

## Detailed review of misdemeanors decided by the Council for Radio and Television Broadcasting

Date	Company	Case	Decision
12.1.2018	Studio Moderna	Hair Grow Max/Teleshopping/Nova Cinema – deceiving advertising	reprimand
15.1.2018	iDST	Infochannel Měřín/ licence violation	fine CZK 20 000
23.1.2018	Grepa Networks	unlicensed broadcasting	fine
31.1.2018	HC Kabel	licence violation	decided, penalty waived
1.2.2018	TV Nova	promotion of erection supplement before 22:00	decided, penalty waived
7.2.2018	SVUS Pharma	pretending of false effects of food supplement	fine CZK 50 000
20.2.2018	AIDEM&TV school	not reporting change of board members	fine CZK 10 000
23.2.2018	Vetrisol	missing statement „food supplement“	reprimand
23.2.2018	Swiss Pharmac. Investments	pretending of false effects of food supplement	fine CZK 600 000
5.3.2018	Sazka (lottery)	missing statement about dangerous of gambling	fine CZK 100 000
5.3.2018	Sazka (lottery)	missing statement about dangerous of gambling	fine CZK 100 000
5.3.2018	HC Kabel	bad quality of broadcasting	decided, penalty waived
5.3.2018	S&P Broadcasting	not providing of broadcasting recording	decided, penalty waived
5.3.2018	S&P Broadcasting	not providing of broadcasting recording	decided, penalty waived
12.3.2018	Loterie Korunka	breaching of moral principles	fine CZK 50 000
14.3.2018	Magical Roof	dishonest business practice	fine CZK 200 000
23.3.2018	Telemedia Inter-acTV	dishonest business practice	reprimand
28.3.2018	Česká lékárna holding	dishonest business practice	reprimand
28.3.2018	Saluterm Pharma	dishonest business practice	reprimand
29.3.2018	Jankar Profi	misleading pretending of effects of food supplement	reprimand
29.3.2018	Patron ca	missing statement „food supplement“	reprimand
11.5.2018	Central European Stone Trade Enterprise	dishonest business practice	fine CZK 500 000

Date	Company	Case	Decision
11.5.2018	Central European Stone Trade Enterprise	dishonest business practice	fine CZK 500 000
21.5.2018	S&P Broadcasting	European Production Quotas, refuse of explanation	fine CZK 5 000
26.6.2018	Swiss Pharmac. Investments	pretending of false effects of food supplement	reprimand
3.7.2018	Barrandov TÖRVÉNY	illegal hidden advertising	decided, penalty waived
3.7.2018	Saturn Holešov	Infokanál Boršice – missing logo	decided, penalty waived
16.7.2018	Saturn Holešov	Infokanál Boršice, providing program in the wrong technical quality	fine CZK 10 000
3.8.2018	Magical Roof	JOJ Family TV – European Production Quotas	fine CZK 5 000
6.8.2018	Onapharm	Prima Love TV – misleading pretending of effects of food supplement	fine CZK 10 000
15.8.2020	Celmar Media	teleshopping – not providing of the clinical study	fine CZK 20 000
17.8.2018	Vitabalans CZ	Prima TV – missing statement „food supplement“	fine CZK 10 000
17.8.2018	Terezia company	Nova TV – missing statement „food supplement“	fine CZK 10 000
3.9.2018	Mediashop Holding	teleshopping Nova – dishonest business practice	reprimand
14.9.2018	Provizi	refuse of explanation	fine CZK 5 000
14.9.2018	Provizi	refuse of explanation	fine CZK 5 000
3.10.2018	Vetrisol	misleading pretending of effects of food supplement	fine CZK 1 000
9.10.2018	S&P Broadcasting	European Production Quotas, refuse of explanation	fine CZK 5 000
19.10.2018	Mountfield	dishonest business practice	fine CZK 300 000
13.11.2018	Šlágr TV	unauthorized broadcasting in HbbTV system	fine CZK 300 000
20.11.2018	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
20.11.2018	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
20.11.2018	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
18.12.2018	S&P Broadcasting	European Production Quotas, refusal of explanation	fine CZK 5 000
18.12.2018	Jankar Profi	Šlágr TV – missing statement „food supplement“	fine CZK 10 000

Date	Company	Case	Decision
19.12.2018	Docendo	Rebel TV – dishonest business practice	fine CZK 200 000
7.1.2019	Katro Servis	Infokanál Lávov – providing program in the wrong technical quality	decided, penalty waived
7.1.2019	Katro Servis	licence violation	decided, penalty waived
10.1.2019	White Elephant	Šlágr TV – missing statement „food supplement“	reprimand
22.1.2019	Luxdator	not providing requested information about the producer of advertisement	fine CZK 1 000
23.1.2019	Mediashop Holding	Livingston Prime – misleading and dishonest practice	fine CZK 100 000
24.1.2019	Emporia Style	pretending of false medical effects of food supplement, missing statement „food supplement“	fine CZK 750 000
7.2.2019	Katro Servis	not providing legal information	decided, penalty waived
8.2.2019	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
15.2.2019	Magical Roof	JOJ Family TV – licence violation	decided, penalty waived
21.2.2019	Vědmy	dishonest advertising, false medical recommendations	fine CZK 500 000
6.3.2019	Magical Roof	JOJ Family TV – refusal of explanation	fine CZK 5 000
19.3.2019	Telemedia InteracTV	dishonest business practice, telemarketing	fine CZK 250 000
26.3.2019	Luxdator	dishonest business practice	reprimand
29.3.2019	AMC Networks Central Europe	promotion of erection supplement before 22:00	fine CZK 250 000
18.4.2019	Telemedia InteracTV	dishonest business practice	reprimand
18.4.2019	Telemedia InteracTV	breaching of moral principles	reprimand
18.4.2019	Telemedia InteracTV	dishonest business practice	reprimand
30.4.2019	AIDEM&TV school	licence violation	fine CZK 10 000
3.5.2019	Barrandov TÖRVÉNY	health threat from advertising	fine CZK 200 000
23.5.2019	Barrandov TÖRVÉNY	violation of objectivity and impartiality	fine CZK 200 000
27.6.2019	Barrandov TÖRVÉNY	violation of licence, not broadcasting of news	decided, penalty waived
16.7.2019	Naturprodukt CZ	pretending of false effects of food supplement	decided, penalty waived

Date	Company	Case	Decision
17.7.2019	Katro Servis	not recording of broadcasting	fine CZK 5 000
17.7.2019	Katro Servis	licence violation	fine CZK 20 000
22.7.2019	Magical Roof	not providing evidence on European programs	decided, penalty waived
23.7.2019	3C	not providing of broadcasting recording	fine CZK 5 000
9.8.2019	Doneal	JOJ Cinema, not providing of program recordings	decided, penalty waived
20.8.2019	Teva Pharmaceuticals	pretending of medical effects of food supplement	reprimand
20.8.2019	Katro Servis	bad quality of recordings provided to the Council	fine CZK 10 000
20.8.2019	Barrandov TÖRVÉNY	not providing subtitles for hearing-impaired	decided, penalty waived
26.8.2019	J.D.Production	transfer of share of the company without permission	fine CZK 50 000
2.9.2019	Jankar Profi	pretending of false effects of food supplement	fine CZK 80 000
2.9.2019	Česká muzika	Šlágr TV – not providing of program recordings	decided, penalty waived
9.9.2019	Barrandov TÖRVÉNY	Kauzy JS – violation of objectivity and impartiality	fine CZK 400 000
23.9.2019	Biopol GN	missing statement „food supplement“	reprimand
17.10.2019	MWE Networks	not providing evidence on European programs	fine CZK 10 000
8.11.2019	White Elephant	pretending of medical effects of food supplement	fine CZK 10 000
10.11.2019	Magical Roof	not providing of broadcasting recording	fine CZK 200 000
25.11.2019	Billa	misleading dishonest advertisement	reprimand
27.11.2019	NWE Networks	not providing of broadcasting recording	fine CZK 5 000
28.11.2019	Eva Sojková	missing statement „food supplement“	decided, penalty waived
4.12.2019	Doneal	not providing of broadcasting recording	fine CZK 50 000
4.12.2019	TV Osoblaha	not providing information on media literacy support	fine CZK 5 000
4.12.2019	AIDEM&TV school	not providing information on media literacy support	fine CZK 5 000
4.12.2019	James Dean	not providing information on media literacy support	fine CZK 5 000
14.1.2020	Biopol GN	missing statement „food supplement“ TV Nova Cinema	reprimand
14.1.2020	Biopol GN	missing statement „food supplement“ TV Nova	reprimand

Date	Company	Case	Decision
17.1.2020	Fortuna SK	missing statement about dangerous of gambling – TV Sport 2	reprimand
24.1.2020	Emporia Style	pretending of false medical effects of food supplement, missing statement „food supplement“ – TV Barrandov	fine CZK 150 000
24.1.2020	Emporia Style	dishonest business practice – TV Barrandov	fine CZK 200 000
24.1.2020	TV Barrandov	violation of objectivity and impartiality – reporting on J. C. Decaux	fine CZK 200 000
27.1.2020	Fortuna SK	missing statement about dangerous of gambling – TV Sport 1	reprimand
29.1.2020	Šlágr TV	not providing requested information about the producer of advertisement	fine CZK 5 000
29.1.2020	TV Barrandov	violation of objectivity in news	fine CZK 250 000
11.3.2020	TV Barrandov	pretending of false medical effects – TV Barrandov	fine CZK 250 001
16.3.2020	Bella Salute	missing statement „food supplement“ TV Nova	decided, penalty waived
18.5.2020	AMC Networks Central Europe	broadcasting of program improper for youth in the daytime	fine CZK 100 000
18.5.2020	AMC Networks Central Europe	broadcasting of program improper for youth in the daytime	fine CZK 150 000
22.5.2020	Emporia Style	pretending of false medical effects of food supplement, missing statement „food supplement“ – Kino Barrandov / Klenot TV	fine CZK 100 000
22.5.2020	Emporia Style	dishonest business practice – Kino Barrandov / Klenot TV	fine CZK 100 000
22.5.2020	Emporia Style	pretending of false medical effects – Klenot TV	reprimand
2.9.2020	Emporia Style	dishonest business practice – TV Kino Barrandov / Klenot TV	fine CZK 100 000
15.9.2020	Magical Roof	JOJ Family TV – refusal of explanation	fine CZK 5 000
18.9.2020	TV Barrandov	not providing subtitles for hearing-impaired	fine CZK 50 000
20.9.2020	Hudební televize	not providing requested information	decided, penalty waived
19.10.2020	Plzeňský prazdroj – Pilsner Urquell	pretending of positive effects of alcohol consumption	reprimand
20.10.2020	Palírna u zeleného stromu (destilery)	promoting drinking of vodka as a way to social success	fine CZK 100 000
21.10.2020	Seven Sport	pretending that driving motor bike on the back wheel only is safe	reprimand



Date	Company	Case	Decision
30.10.2020	Magical Roof	JOJ Family TV – improper evidence on European programs	fine CZK 50 000
2.11.2020	O2 TÖRVÉNY	not providing information on media literacy support	decided, penalty waived
11.11.2020	AIDEM&TV school	not providing information on media literacy support	fine CZK 10 000
11.11.2020	James Dean	not providing information on media literacy support	fine CZK 10 001
24.11.2020	White Elephant	pretending of medical effects of food supplement	fine CZK 100 000
18.12.2020	AMC Networks Central Europe	broadcasting of teasers with extremely violent content during the daytime	fine CZK 500 001

## License tenders

### 2018

1. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Domažlice–Vavřinec 103.0 MHz / 100 W, Karlovy Vary–housing estate 105.0 MHz / 200 W, Plzeň–stadium 103.0 MHz / 200 W, Tachov 105.6 MHz / 200 W and Železná Ruda–město 105.6 MHz / 25 W sp.zn. RRTV / 2018/425 /zab with a deadline for delivery of the application to 6 December 2018.
2. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Jihlava–Holý vrch 96.2 MHz / 50 W and Liberec–město 94.1 MHz / 200 W file no. RRTV / 2018/278 /zab with a deadline for delivery of the application by 25 September 2018.
3. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Hodonín–Doly 101.6 MHz / 100 W file no. RRTV / 2017/1095 /zab with a deadline for delivery of the application by 30 May 2018.
4. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Zlín 101.2 MHz / 100 W file no. RRTV / 2018/163 /zab with a deadline for delivery of the application by 28 March 2018.
5. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Mokrá 89.2 MHz / 50 W file no. RRTV / 2018/161 / ab with a deadline for delivery of the application by 28 March.

### 2019

1. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Mariánské Lázně–město 98.8 MHz / 200 W, Prachatice–město 107.9 MHz / 100 W, Bruntál–město 107.5 MHz / 100 W and Litomyšl 93.5 MHz /100 W file no. RRTV / 2019/78 /zab with a deadline for delivery of the application by 30 December 2019
2. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters České Budějovice 100.2 MHz / 100 W and Liberec–město 98.7 MHz /100 W file no. RRTV / 2019/13 /zab with a deadline for delivery of the application to 18 September 2019.
3. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters České Budějovice 100.8 MHz /200 W file no. RRTV / 2019/186 /zab with a deadline for delivery of the application to 22 August 2019.
4. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Luže 93.2 MHz / 100 W file no. RRTV / 2019/451 /zab with a deadline for delivery of the application to 8 August 2019.
5. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Náchod 99.7 MHz / 100 W file no. RRTV / 2019/341 /zab with a deadline for delivery of the application to 8 August 2019.
6. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Kroměříž–město 99.9 MHz / 50 W file no. RRTV / 2019/243 /zab with a deadline for delivery of the application to 8 August 2019.
7. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Radejčín 91.8 MHz / 50 W and Řehlovice 88.4 MHz /100 W file no. RRTV / 2018/976 / zab with a deadline for delivery of the application to 27 June 2019.
8. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Boskovice 101.1 MHz / 200 W, Břeclav 92.4 MHz / 50 W, Domažlice–Vavřinec 90.8 MHz / 200 W, Hodonín–doly 92, 2 MHz / 50 W, Nový Jičín–silo 107.7 MHz / 100 W, Slavič 94.6 MHz / 200 W, Velké Meziříčí 91.6 MHz / 100 W, Žďár nad Sázavou 91.9 MHz /100 W file no. RRTV / 2018/270 / zab with a deadline for delivery of the application by 23 May 2019.
9. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Mikulov 94.2 MHz /50 W file no. RRTV / 2018/1121 /zab with a deadline for delivery of the application to 6 March 2019

## 2020

1. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Šumperk – Kolšov 107.6 MHz /500 W file no. RRTV / 2020/731 /zab with a deadline for delivery of the application by 10 December 2020.
2. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Vsetín 106.7 MHz /100 W file no. RRTV / 2018/883 /zab with a deadline for delivery of the application by 24 November 2020.
3. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Olomouc–Slavonín 92.0 MHz / 50 W file no. RRTV /2020/183 / zab with a deadline for delivery of the application by 24 November 2020.
4. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Blansko–město 101.6 MHz / 50 W, Děčín–Letná 96.7 MHz /100 W, Ústí nad Orlicí 101.3 MHz / 50 W, Pelhřimov 88.3 MHz /100 W sp.zn. RRTV /2020/218 /zab with a deadline for delivery of the application by 24 November 2020.
5. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Písek–město 92.2 MHz / 100 W file no. RRTV /2019/775/zab with a deadline for delivery of the application by 27 May 2020.

## Elaborating the decisions

There are several conclusions from the decisions of the regulator:

1. No public stations were subject of Council's proceedings in 2018 – 2019. (The last proceeding of Czech TV was in 2016. It was only one in that year. In 2015 there were two proceedings of Czech TV).
2. The biggest tv stations TV Nova and TV Prima were not matter of Council's proceeding in 2018–2019 as well. And previous proceedings were rare in 2016 and 2017.
3. Most of Council's proceedings deals with pure formal matters as not providing program recordings, small license violations etc.
4. Only in case of TV Barrandov there were proceedings concerning violation of objectivity and impartiality and missing of news program. But even in this case it was only individual fault.
5. It may be concluded that the Council doesn't interfere in programs of main TV stations and that for doesn't influence it.
6. Concerning tenders for broadcasting, in observed years only tenders for non-important local radio frequencies were announced.

7. Special monitoring and analyses of national broadcasting before 2019 European Parliament elections found no important imperfections in programs as discriminating or preferential treatments of some candidates or political parties nor the violation of the law. Those imperfections discovered were assessed as technical or formal.
8. In 2020, the Council states in its annual report that both activity of the Council and broadcasting of radio and TV organizations were effected by the Covid-19 pandemic. Increased interest as well as disappointment with traditional media did led to an increased interest of "alternative" sources of information which included disinformation outlets. The Council analysed special Covid-19 news coverage and concluded that it was well-balanced – no government or opposition politicians were privileged.

## Relevant sources

### PSM WEB SITES

<https://www.ceskatelevize.cz>  
<https://portal.rozhlas.cz>

### ASSOCIATIONS

#### Association of TV Organizations (ATO)

[www.ato.cz](http://www.ato.cz)

#### Association of Radio Broadcasters (ARO)

<https://www.radiotv.cz/tag/aro/>

### MARKET REGULATOR

#### RRTV – Radio and TV Broadcasting Council

<https://www.rrtv.cz/en/>

### LEGAL DOCUMENTS

#### Bill on the Czech TV

<https://www.ceskatelevize.cz/english/act-on-czech-television/>

#### Bill on the Czech Radio

<https://rada.rozhlas.cz/sites/default/files/documents/03399575.pdf>

#### Bill on Radio and TV Broadcasting

<https://www.rrtv.cz/en/static/documents/act-231-2001/Act-on-RTV-broadcasting-reflecting-AVMSD.pdf>

#### Bill on Advertising Regulations

<https://www.tobaccocontrolaws.org/files/live/Czech%20Republic/Czech%20Republic%20-%20Act%20No.%2040-1995%20on%20Ads%20.pdf>



## HUNGARY

# LEGAL FRAMEWORK – THE MEDIA COUNCIL

### Media laws from 2010

The adoption of the new media laws in 2010 not only laid the foundation for the complete overhaul of the Hungarian media system but at once represented one of the current administration's first measures to scale back constitutional democracy. Fitting in comfortably with the broader arsenal of media policy, the new regulation provides a clear-cut picture of the way the government conceives of democracy. First and foremost, the new regulation is aimed at a structural revamping of the media system in such a way as to cement for the long haul the dominance of the current ruling parties in the public domain, at the very least on the channels of telecommunication that reach the most people in the country. Enterprises and editorial boards forced into compromise; single-party supervisory agencies; media businesses with close ties to the parties in power gaining ground – these are some of the main consequences of the media policy enabled by the new regulatory framework.

At the same time, the adoption of the new media laws has directed the attention of Europe and the world at large to the ongoing marginalization of constitutional democracy in Hungary. From the OSCE to the UN and the European Council, virtually all organizations concerned with fundamental rights have voiced severe criticism over the regulation, and their objections have been seconded by journalist forums and other NGOs.<sup>1</sup> The most comprehensive among them is certainly the expert opinion of the European Council, which essentially recommends a revision of the media laws across the board. Instead of such a summary, then, our aim here is to describe certain idiosyncratic, even eccentric solutions, now aided by the benefit of experience with the application of the new provisions.

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<sup>1</sup> See generally: Mérték Media Monitor *Forced Maneuver: Proposals and Expectations toward the Amendment of the Media Act* (2012) [mertek.eu/en/article/forced-maneuver-proposals-and-expectations-toward-the-amendment-of-the-media-act](http://mertek.eu/en/article/forced-maneuver-proposals-and-expectations-toward-the-amendment-of-the-media-act).

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Following an analysis of the constitutional underpinnings of the media regulation, we will provide a brief introduction to the specific features of the Hungarian media system, which exert a profound influence of the operation of the new provisions. In our account, we focus on the two most prominent risks that follow from the language of the law, namely the chilling effect of excessive content restrictions and the structural revisions threatening the pluralism of media in Hungary.

## The Hungarian regulatory body

The National Media and Infocommunications Authority (Nemzeti Média és Hírközlési Hatóság, NMHH) is a convergent authority, which handles as regulator of the telecommunications and media markets within a single body. Its competences comprise all regulatory issues regarding the telecommunication and the media field, both infrastructure and content. Media Council is part of the NMHH, it has a distinct scope of authority to render decisions and also has a partly distinct apparatus at its disposal. The president of the NMHH is the president of the Media Council at once. The NMHH's president became automatically nominated for the office of chairperson of the Media Council at the time of appointment. The president is authorised to decide alone in telecommunications issues, and he/she is the leader of the Media Council. Being in charge of appointing and relieving of duty the organization of the Media Council and the executive director of the Media Support and Asset Management Fund (MTVA), the president dominates the entire process of preparing for decisions and influences directly the function of the public service broadcasting. Media Council decides as a body, with one vote of all members. Within the NMHH, its Office is also entitled to make decisions in certain telecommunications and media issues.

There are several self-regulatory bodies in Hungary that comprise media service providers. Representative of journalists are the Association of Hungarian Journalists (Magyar Újságírók Szövetsége) the Community of Hungarian Journalists and the Association of Hungarian Catholic Journalists. They have a common ethical codex, but they do not represent all of the Hungarian journalists. Representative of the media undertakings in specific media fields are Hungarian Publisher's Association (Magyar Lapkiadók Egyesülete), the Association of Hungarian Content Providers (Magyar Tartalomszolgáltatók Egyesülete), the Association of Hungarian Electronic Broadcasters (Magyar Elektronikus Médiaszolgáltatók Egyesülete) and the Advertising Self Regulatory Board (Önszabályozó Reklámtanárság); they have regulatory issues within the co-regulation system (see below). A special self-regulatory organisation is the *Forum of Editors-in-Chiefs* (Főszerkesztők Fóruma), composed of editor-in-chiefs of leading media outlets of all media types, which also boasts its own ethics codex. In spite of the diversity of self-regulatory bodies there are no common ethical norms and practices, the influence of the self-regulation on the journalistic activity is weak.

The media law has established a specific co-regulation system as an alternative to official control. This way, the legislator and the regulatory body could moderate the constitutional and international law risks of the strong regulation of all media contents, but in the same time they could ensure the execution of the criticized laws. There was no public debate on the necessity and the form of co-regulation, alike other parts of the media laws from 2010. Excepting television and radio media services, the law made it possible for the operators of the media market to implement the regulations concerning media content within the framework of self-regulatory bodies with an exclusive legal power. According to the law the Media Council shall have the authority to conclude an administrative agree-

ment with the se-regulatory bodies. Based on the agreement the self-regulatory body performs specific tasks related to the scope of official authority, media administration and media policy. The official scope of the self-regulatory bodies extend to the assessment of complaints concerning the activities of the service providers, the settlement of debates between media enterprises and the supervision of the operation of the service providers. The procedure on the part of the self-regulatory body has priority over the administrative procedure of the Media Council. The law emphasises that the self-regulatory body does not have administrative authority.

## The election of the Media Council's president

The president of the NMHH is the president of the Media Council at once. According to the original rules of the media act, the NMHH's president, who was appointed by the Prime Minister, became automatically nominated for the office of chairperson of the Media Council at the time of appointment.\* In 2013 the parliament modified the rules of the election. The objective of the amendment was to enshrine into law the terms of the agreement between the Council of Europe and the Hungarian government. Said agreement aimed to bring some critical aspects of the Hungarian media laws in line with the expectations put forth by the Council of Europe. According to the amendment the president of the NMHH is appointed by the State President, the Prime Minister maintains the right of nomination. A crucial element of the agreement and the resulting March amendment was the adoption of more rigorous professional selection criteria vis-à-vis potential candidates for the NMHH presidency. The amendment, which had been drafted in consultation with the Council of Europe, formulated strict criteria regarding the Authority's president. In addition to a higher education degree in either law, economics or the social sciences, a candidate must also have at least five years of experience "connected to the public oversight of media services or press products or the public oversight of infocommunications", or, alternatively, must have a scientific degree related to media or infocommunications and at least ten years of experience in higher education.

The NMHH's president, Annamária Szalai, who had been appointed for a nine-year term in 2010, passed away in April 2013. Thus commenced the search for a new NMHH president, who has to meet the recently narrowed professional requirements set out in the law and needs to be appointed by the president of the republic pursuant to a corresponding proposal by the prime minister. The Council of Europe also looked to the government to provide for the involvement of civil and professional organisations in the selection process. The law does indeed contain corresponding provisions, though pursuant to its text, the prime minister merely needs to "consider" the suggestions of these organisations, and is not in any shape or form bound by them. A serious deficiency of the effective regulations is that they fail to specify a final deadline for the nomination process. This deficiency gave rise to the very possibility of the currently prevailing scenario, wherein several organisations thusly authorised by the law have suggested candidates who meet the professional criteria required by the pertinent legislation, while the prime minister has to this day failed to satisfy his obligation of nominating a candidate.

\* Mttv, para 125 (1). Because the two posts are indeed filled by one and the same person, for the sake of simplicity hereafter we will refer to both as 'president', whether the president of the media authority or the chairperson of the Media Council is meant.

In 2013, the parliament finally elected Mónika Karas, a lawyer from a media company close to Fidesz, as its president, whose mandate expires in 2022.

## The election of the Media Council's members

The four members of the Media Council are nominated by an ad hoc parliamentary committee<sup>2</sup>, this composed of members with a voting power commensurable with the number of members in the respective parliamentary faction that elected them in turn. In the first round, members are nominated to the Media Council by a unanimous vote of the nominations committee. If a unanimous decision is unavailable, candidates are nominated by a two-third majority of the weighted votes in the second round.

This goes to show that, whenever the ruling parties hold a two-third majority in Parliament – which is the case as we speak —, the nomination and election of members to the Media Council can be accomplished without any contribution by the political opposition or any other social group. A two-third majority in Parliament is obviously an exception to the general rule, but it is an exception that happened to obtain at the time these provisions were adopted. This circumstance must not be disregarded in assessing the new regulation, if only because the Media Act was passed by the same parliamentary majority that became the beneficiary of its application.<sup>3</sup> In the specific case at hand, there was very little chance that the five parliamentary parties would be able to agree on four nominations by a unanimous vote. As expected, the ruling party went on to exclusively support its own nominees in the second round, who were then duly voted into office by the same two-third majority. Another example of abusing the two-third majority is the provision that, whenever Parliament fails to elect a new president to the helm of the Media Council, automatically extends the mandate of the incumbent president until such time as a new president is elected.<sup>4</sup>

Yet even if Parliament succeeded in agreeing on nominees by a unanimous vote, the fact should be borne in mind that the Media Council always remains free to make its own discretionary decisions by a simple majority.<sup>5</sup> For all intents and purposes, no nomination procedure is conceivable today without the ruling parties nominating at least two out of the four members. Along with the president of the Media Council, who is nominated by the Prime Minister, ruling-party delegates are guaranteed to hold a majority. This represents a major setback compared to the former regulations which ensured the right of each parliamentary faction to independently nominate a member, while the votes by the members of the authority were always distributed evenly among ruling-party and opposition nominees, regardless of the number of the members. The president of the predecessor authority would be nominated jointly by the Prime Minister and the President of the Republic, which arrangement alone meant a more solid protection of autonomy, not to mention the fact that the president did not use to have a voting right in the most important matters pertaining to market entry.

<sup>2</sup> Mttv. Section 124.

<sup>3</sup> The European Council has more than once pointed out that the stipulation of the two-third majority vote in itself is insufficient to ensure that the freedom of the media will be upheld, either in the enactment of media laws or in the process of electing members to the relevant bodies. Instead, the European Council recommends that Hungary develop solutions that presuppose a genuine cooperation and consensus between the ruling parties and the opposition.

<sup>4</sup> Mttv. Section 216 (8)

<sup>5</sup> Mttv. Section 144 (4)

Another reason why the nomination of the president of the Media Council by the Prime Minister is cause for concern has to do with the rather broad scope of powers with which the president is vested. Being single-handedly in charge of appointing and relieving of duty, without explanation, the organization of the Media Council and the executive director of the Media Support and Asset Management Fund (MTVA), the president holds direct sway over the entire process of preparing for decisions. In effect, the actual decision after that comes down to a choice among alternatives presented by the organization.<sup>6</sup>

Equally problematic from the point of view of media freedom is the nine-year term for which members of the media supervisory agencies are appointed. The constitutional mission of these agencies is to represent social diversity in their decisions pertaining to the media. Social diversity, however, is not a static fact but a dynamic attribute in constant flux. The excessively long term of appointment increases the risk of perpetuating in media-related decisions a momentary stratification of society that will not reflect actual conditions of diversity in the more distant future. Unlike with such public law institutions as the Constitutional Court or the State Audit Office, the term of appointment to institutions overseeing commercial and public media should be defined in such a way as to ensure independence from the prevailing government majority as well as respect for the criteria of representing actual diversity. Moreover, the term of the appointment will fail to guarantee even a semblance of independence when incumbent officials can be reelected, as both the members and the president of the Media Council certainly can pursuant to the Media Act.<sup>7</sup>

All these practical concerns could hardly be dispelled by formal safeguards, for instance by having the law provide that the Media Council and its members are not subordinated to any authority except that of the law, and shall not be instructed within their official capacity.<sup>8</sup> Even if the Constitutional Court's pertinent opinion as quoted in point 1.2.2. cannot be controverted academically, it can be said with certainty that a solution must exist for nominating and electing council members in such a way as to remove them further out of reach of any political party affiliation. For example, extending the right of nomination to more organizations could be instrumental in reducing the direct influence of the National Assembly and the Government on media content.<sup>9</sup>

In March 2013, the Parliament modified the rules on nominating the NMHH's president. The objective of the March amendment was to enshrine into law the terms of the agreement between the Council of Europe and the Hungarian government. Said agreement aimed to bring some critical aspects of the Hungarian media laws in line with the expectations put forth by the Council of Europe. A crucial element of the agreement and the resulting March amendment was the adoption of more rigorous professional selection criteria vis-à-vis potential candidates for the NMHH presidency. The amendment, which had been drafted in consultation with the Council of Europe, formulated strict criteria re-

<sup>6</sup> Mttv. Section 115

<sup>7</sup> Mttv. Section 125

<sup>8</sup> Mttv. Section 123

<sup>9</sup> As proposed by the expertise of the European Council. E Salomon and J Barata *Expertise by Council of Europe. Experts on Hungarian Media Legislation: Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content and Act CLXXXV of 2010 on Media Services and Mass Media (2012)* <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168048c26f>

garding the Authority's president. In addition to a higher education degree in either law, economics or the social sciences, a candidate must also have at least five years of experience "connected to the public oversight of media services or press products or the public oversight of infocommunications", or, alternatively, must have a scientific degree related to media or infocommunications and at least ten years of experience in higher education.

In July 2013, the Hungarian Parliament adopted again an amendment of the rules for nominating and appointing the president of the NMHH. The amendment softened the professional criteria applicable to the selection of the NMHH's president. This has significantly expanded the range of potential candidates.

In 2019, Fidesz for the first time prevented the Parliament from appointing new members to replace the expiring members of the Media Council: the Fidesz parliamentary group did not nominate a candidate in the election procedure, thus making the whole procedure impossible. In December 2019, however, Fidesz followed the same procedure as in 2010: it did not vote for the opposition candidates in the first round of nominations - this time the opposition parties agreed on the candidates - and voted only for its own candidates in the second round. This is how a former Fidesz parliamentary and municipal representative and the former secretary of the Fidesz parliamentary president were elected to the Media Council. None of the members of the Media Council has any real professional experience, and the independence of the board is still not guaranteed.

According to the law, NMHH covers its expenses related its functions from its own revenues and budgetary contributions. The NMHH's consolidated budget shall be approved by Parliament in a separate act. The own revenues of the NMHH comprise a percentage of the frequency fees, the fees charged for the reservation and use of identifiers and for official proceedings, and the supervision fees. Providers of electronic communications services and postal services have to pay supervision fees. The amount of these incomes depends on the current activity of the authority, for example in connection with frequency tendering. The president is entitled to restructure the resources between the approved allotment accounts of the integrated budget.

The Media Council enjoys financial independence. Parliament approves the Media Council's budget as part of the NMHH's integrated budget. The Media Council shall be entitled to restructure the resources between the approved allotment accounts. The Media Council's support in 2018 was 24 billion forints (71 million Euro). The budget was 76 million Euro in 2019 and 74 million Euro in 2020.

A specific part of the financing of the authority is the Media Service Support and Asset Management Fund (Médiaszolgáltatás-támogató és Vagyonkezelő Alap, MTVA). According to the law, MTVA is a trust and monetary fund appropriated to provide support for the structural transformation of public media services, the Public Service Foundation, community media services and the public media service provider, the production and production support of public service programs, supporting cinematographic works primarily intended for showing in cinemas as well as contemporary musical works. The role of MTVA regarding the Hungarian public service media is analysed in Chapter Public service media – Hungary. So MTVA is part of the budget of NMHH, but the biggest part of MTVA's budget provides the financing of public service media, without any consideration of the authority. The other part of the budget of MTVA, support for program production, is provided for by way of public tender procedures, where Media Council is the decision maker.

## Monitoring and sanctioning competences of the Media Council

The regulator conducts monitoring of the services itself and initiates control process according to the complaints by the public. The Media Council operates a program monitoring and analysing service via the office.<sup>10</sup> The Media Council publishes in advance the annual market control plan, which contents topics and types of services covered by systematic monitoring activities. The monitoring process could be started by the Media Council outside the published surveillance plan. In recent years wasn't typify the indiscriminate monitoring techniques in the monitoring activity of the regulator.

Sanctions that can be used against products of the press and the prospective fines are still factors capable of making the operation of the certain press product impossible. The most serious sanction against dailies and online press products is a fine in the amount of 25 million forints. Audiovisual service providers can be punished by the withdrawal of its licence; the highest amount of the fine against these providers is 200 million forints in the case of a broadcaster with significant powers of influence, and 50 million forints in other cases.<sup>11</sup> The detailed rules – differentiated by the type of media – are the following:

The Media Council and its office may impose the following legal sanctions:

- a) exclude the infringer from participating in the tender procedures published by the Fund for a fixed period of time;
- b) impose a fine on the infringer subject to the following limits:
  - in case of infringement by an so called linear audiovisual media service providers with significant powers<sup>12</sup> media service providers or a media service provider to whom the regulations on the limitation of media market concentration apply, the fine is of an amount up to 200 million forints,
  - in case of infringement by another media service providers, the fine is of an amount up to 50 million forints,
  - in case of a newspaper of nation-wide distribution, the fine is of an amount up to 25 million forints,

<sup>10</sup> Mttv. Section 132 d)

<sup>11</sup> Mttv. Sections 185-187.

<sup>12</sup> SPI media service provider mean any linear audiovisual media service provider and linear radio media service provider with an average annual audience share of at least fifteen percent, provided that the average annual audience share of at least one media service they provide reaches three percent (Mttv. Section 69).

in case of a weekly periodical of nation-wide distribution, the fine is of an amount up to 10 million forints,

- in case of other newspaper or weekly newspaper or periodical, the fine is of an amount up to 5 million forints,
  - in case of an online press product, the fine is of an amount up to 25 million forints,
  - in case of a broadcaster, the fine is an amount up to 5 million forints,
  - in case of an intermediary service provider, the fine shall be of an amount up to 3 million forints;
- c) the infringer may be ordered to publish a notice or the resolution on the home page of its website, in a press product or in a designated program in the manner and for the period of time specified in the resolution;
- d) suspend the exercise of the right to provide media services for a specific period of time, where:
- the period of suspension may last from fifteen minutes up to twenty-four hours,
  - the period of suspension in case of grave infringement may last from one hour up to forty-eight hours,
  - the period of suspension in case of repeated and grave infringement may last from three hours up to one week;
- e) remove the media service from the register, in which the infringement was committed, and may terminate the public contract concluded for the right to provide media services with immediate effect on repeated grave infringement by the infringer. The media service stricken from the register may not be made accessible for the public once it was deleted.

Where the infringement is considered insignificant and no re-occurrence is established, the Media Council and/or its office establish the infringement and issue a warning, and may order the infringer to discontinue the unlawful conduct within a time limit of up to thirty days, to refrain from any further infringement in the future and act in a law-abiding manner, and may also set the conditions thereof.

In case of repeat offenders, the Media Council and its office have powers to impose a fine upon the executive officer of the infringing entity in an amount up to 2 million forints.

The severity of the sanction is of course influenced by other conditions of the sanctioning. Relating to this issue, the law includes some weak guarantees, such as the principle of gradualism and proportion,<sup>13</sup> but the detailed rules are, in several points, unfinished and unrefined. In the meantime the Media Council introduced a practice according to which it strictly applies the principle of gradualism and it imposes the mildest sanction against every media service provider the first time they infringe regulations regardless of other infringements committed under the previous law. The Council largely ignores other aspects of sanctioning especially the seriousness of the infringement.

The Media Council's sanctions practice was initially characterised by warnings and minor fines, apart from a few instances when more substantial financial penalties were imposed - in response to violations of child protection rules.<sup>14</sup> The reason for the mild punishments were basically the principle of gradualness, which was treated as a priority when applying sanctions, and the restrictive interpretation of the concept of a media outlet engaging in "repeated infringements" of the law. It emerged clearly from the Media Council's sanctions policy that starting in the summer of 2011 it opened a new chapter also in the context of media providers that have been operating in the Hungarian market for a long-time now, and had consequently likely received prior penalties. In assessing whether an infringement had occurred repeatedly, the Authority only referred to violations of the new law, even in cases when the rule in question had essentially remain unchanged as compared to the previously effective regulations. In determining its sanctions, the Media Council did not consider the penalties assessed by the previous media authority, that is the providers set out with a clean slate. By consistently following the principle of gradualness, the Authority has arrived at a point where fines - ranging in the amount of a few ten thousand forints all the way to 20 million - tend to predominate among the sanctions levied by the Authority. By the end of the period under investigation, two-thirds of the sanctions levied were fines. The Authority did not incorporate the new sanction instruments laid down in the media law into its practice, and it did not exercise its power of suspending providers' media service privileges.

A list of official decisions on media content is given in the Appendix to this chapter.

<sup>13</sup> Mttv. Section 185 (2) and 187 (2)

Repeated infringement means when the infringer committed the unlawful conduct as established in the definitive official resolution on the same legal basis and in breach of the same provisions of legislation, in the same subject, repeatedly within 365 days, not including insignificant offenses (Mttv. Section 187 (4))

<sup>14</sup> Krisztina NAGY / Zsófia LEHÓCZKI, A médiatartalomra vonatkozó előírások a Médiatechnika gyakorlatában 2011-2013. In: Gábor POLYÁK / Erik USZKIEWICZ (eds.) Foglyul ejtett média. Médiaipolitikai írások, Budapest 2014 105-148.



## Annual report

According to the act the Media Council prepare an annual report for the Parliament on the operation of the Media Council and the office.<sup>15</sup> In the act are detailed only the obligatory elements of the Media Council annual report. In this report shall evaluate: a) the state of the freedom of speech, expression and the press, as well as balanced information provision; b) changes in the ownership status of media service providers and media service distributors; c) the status of spectrum management serving to satisfy needs for media services; d) the economic situation and changes in the financial conditions of media services. The report is published both in printed format and on the websites of the Authority<sup>16</sup> and the Ministry overseen by the Minister responsible for audiovisual policy.

The president of the Media Council has to submit also an other report to the Parliament to give account of the activities of the Authority during the previous year.<sup>17</sup> In this report the President shall: a) evaluate the functioning and development of the electronic communications market; b) evaluate the decisions adopted in protection of the interests of providers and users of electronic communications services, as well as measures taken in the electronic communications sector to promote the development and maintenance of fair and effective competition; c) provide information on the supervision of compliance by entities and individuals engaged in electronic communications with applicable legislation; and d) evaluate the consequences of its management of state-owned limited resources. The report is published both in printed format and on the websites of the Authority<sup>18</sup> and of the Ministry overseen by the Minister responsible for electronic communications.

<sup>15</sup> Mttv. Section 133

<sup>16</sup> [http://mediatanacs.hu/tart/index/993/Orszaggyulesi\\_beszamolok](http://mediatanacs.hu/tart/index/993/Orszaggyulesi_beszamolok)

<sup>17</sup> Mttv. Section 119

<sup>18</sup> [http://nmhh.hu/tart/index/1417/Orszaggyulesi\\_beszamolok](http://nmhh.hu/tart/index/1417/Orszaggyulesi_beszamolok)

## FREQUENCY TENDERS OF THE HUNGARIAN MEDIA COUNCIL, 2018-2021

### General lessons of the frequency tenders

In our analysis, we looked at applications closed between January 2018 and April 2021. In this period, the Media Council closed a total of 77 tenders. A further 21 procedures were ongoing at the time of the closure of the manuscript.

Out of the 77 procedures, the Media Council launched 44 tenders for community media rights and 33 for commercial rights. While according to the law, a community media service provider serves the special needs of a specific social, national, cultural or religious community or group, or of people living in a particular municipality, region or reception area for information or access to cultural programmes, or broadcasts programmes serving the purposes of public service media services for the majority of its broadcasting time (Section 66 of the Mttv.).

Before 2010, community broadcasters were indeed local operators that offered content specific to a community, but after 2010, this legal category became empty and was primarily used to build national radio networks with political and religious themes. Until 2015, Lánchíd Rádió, owned by Lajos Simicska, expanded as a community radio station, and this legal form is used by Catholic Radio, Maria Radio and Radio Europe to build religious radio networks. The basic reason why political talk radio is also attractive to community radio is that the law exempts community media service providers from paying the media service fee. Although social media operators are only allowed to publish 6 minutes of advertising per hour - compared to 12 minutes allowed in commercial media - this has no impact on the operation of the market, which is distorted by public advertising.

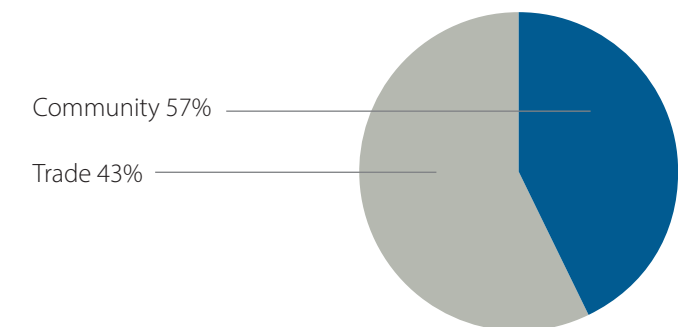


Figure 1: Proportion of commercial and community media service applications (2018.01-2021.04)

Commercial media service providers are required to pay a quarterly media service fee, the minimum amount of which is set out in the call for tenders for the frequency in question. The media service fee is a means of competition between bids in genuine competitive tendering procedures. The Media Act does not provide any criteria for determining the minimum level of the media service fee. In its calls for tenders, the Media Council basically adapts the minimum fee to the size of the coverage area. During the period under review, the lowest amount was HUF 102,000 + VAT (Szekszárd 91.1 MHz) and the highest amount was HUF 111,269,000 + VAT (Budapest 89.5 MHz); both tenders were won by the same network, Rádió 1.

One of the important legislative changes in the period under review was the relaxation of the rules on media concentration in the radio market (Section 71 of the Media Act). Previously, the same media service provider could be licensed to provide up to two regional and four local radio media services or twelve local radio media services. However, in 2019, the legislator amended the law and now a media service provider can be licensed to provide four regional and seven local or nineteen local radio media services. In this way, the legislator has allowed pro-FIDES radio networks to achieve virtually nationwide coverage.

Already in the first half of the 2010s, competition for radio frequencies has been declining significantly. In the period under review, 43 tenders - 55% of all tenders - were won by a single bidder, with an average of 1.6 bidders per tender. For the community radio frequencies, almost only Karc FM and religious-church radio networks competed. In total, there were five Community radio tenders in which bids were submitted by other operators. In these five cases, however, Karc FM and the religious-church radio stations did not participate. This presumably means that media operators are no longer considering these radio options, as they know in advance who will win.

The way in which the Media Council has dealt with competition is also noteworthy. Out of 30 competitive tenders, only six were not eliminated because of formal or substantive invalidity. In these six cases, the competition was for a Community media service and the Media Council's decision was in all cases based on the scores given to the subjective assessment of the programme schedule. This solution is not new either, and was a strong feature of the Media Council's entire operation, and even of the practice of the previous media authority, the National Radio and Television Board. It ultimately makes the whole tendering process arbitrary. On the other hand, the sheer number of formally<sup>19</sup> or substantively<sup>20</sup> invalid tenders also raises fundamental questions about the transparency and fairness of the tendering process, and [an analysis of](#) past practice has also shown that the application of validity criteria can become quite discriminatory, precisely because of the narrowing of the criteria.

The tendering procedures clearly served the expansion of a narrow group of entrepreneurs and of specific worldviews. The period after 2017 followed in its entirety the tendering practice of 2010-2017, as analysed by the Mérték Media Analysis Workshop. The fact that the Media Council has had new members since December 2019 has not

brought any change in this. All the analyses of the previous period revealed a seriously biased tendering practice, which also homogenised the market for local radio stations to a large extent, replacing truly local media providers with a small number of national networks.

A quarter (24.4 percent) of the closed bids were won by the KESMA-affiliated pro-government political talk radio station Karc FM. The winner of 18 percent of the bids was Radio 1, another pro-government music radio network, while another 26 percent of the bids went to a religious-religious radio station. Catholic Radio received 12 frequencies, Maria Radio 5 and Reformed Radio Europe 2. The new pro-government music radio network Best FM acquired 4 frequencies, while KESMA-affiliated Gong Radio gained 3 frequencies in the same period, extending its network to a total of 7 cities. Only 15.4% of the applications - 12 frequencies - were won by applicants not belonging to any network.

Local radio stations are thus not primarily in the interests of the local community and local entrepreneurs, but rather the expansion of pro-government actors and the delivery of political and ideological content favoured by the governing parties to local communities, according to the Media Council's tendering practice.

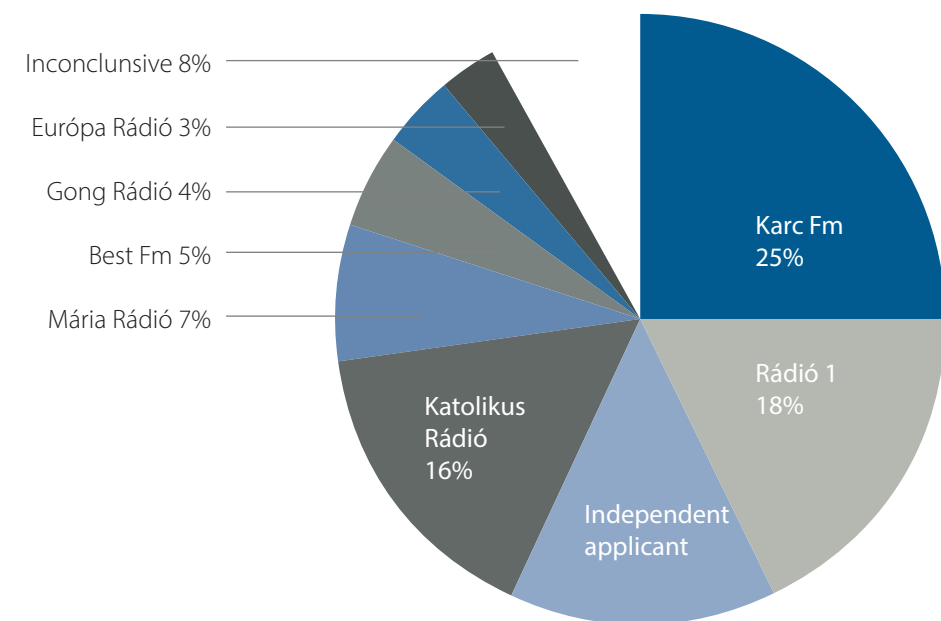


Figure 2: Distribution of application results (2018.01-2021.04)

## Klubrádió

The most high-profile tender procedure in the period under review was the tender for the Budapest Klubrádió frequency. Even in the first half of the 2010s, Klubrádió was only able to obtain a terrestrial frequency after a long legal battle with the Media Council. As a result of the litigation, in February 2014 the radio switched to the Budapest 92.9 MHz frequency from the previously used Budapest 95.3 MHz, and its seven-year media service licence expired in February 2021. It had already lost its rural network in eleven cities in 2011.

<sup>19</sup> According to the law, a tender is formally invalid if.

a) the applicant does not meet the personal, participation and conflict of interest requirements set out in the Act,  
b) the tender was not submitted within the time, place, number of copies and in the manner specified in the invitation to tender,  
c) the application fee has not been paid on time,  
d) the tender does not comply with the formal validity criteria set out in the invitation to tender,  
e) does not contain or does not contain correctly the data listed as mandatory elements in the Act (Section 57 of the Mttv.).

<sup>20</sup> The tender is invalid if.

a) it contains incomprehensible or contradictory or manifestly impossible commitments or conditions among the commitments indicated as evaluation criteria in the call for tenders, which prevent the proper evaluation of the tender,  
b) the tender contains, in the opinion of the Media Council, impossible, excessively high or low or manifestly disproportionate commitments, or contains manifestly irrational or unfounded commitments or conditions which contradict the facts and data available to the Media Council, and thus make it impossible to evaluate the tender in accordance with the criteria set out in the call for tenders,  
c) the tender is not suitable for achieving the objectives set out in this Act or in the call for tenders due to its unsubstantiated nature, or  
d) does not meet the content requirements set out in the call for tenders (Section 59 of the Mttv.).

According to the Media Act, the media service licence can be renewed once for a further five years. Klubrádió has also applied to the Media Council for the renewal of its licence, but the Media Council [has refused to](#) renew it. According to the decision, the reason given by Klubrádió for its refusal to renew was that Klubrádió had committed a so-called repeated infringement during its seven-year operation, which, according to the Media Act, precludes the possibility of renewal (Article 48 of the Media Act). According to the Media Council's decision, Klubrádió had committed a total of six infringements during its seven years of operation. Of these, it failed to comply with its data reporting obligations on three occasions, failed to comply with the obligation to provide the proportion of Hungarian music on a monthly basis on two occasions and infringed the rules on networking on one occasion - on three days. The radio station did not commit a single infringement in its programme schedule, only administrative violations. In 2017, two of these delays occurred within one year, which under the Media Law is sufficient to establish the recurrence of the infringement and thus to refuse the renewal of the media service right.

Even if the Media Council's decision was formally in line with the wording of the Media Act, it is still rather worrying that it did not interpret the provisions so strictly in the case of other radio stations. A journalist for Népszava [revealed](#) that in at least two cases, the licences of the radio stations concerned were renewed despite repeated violations. One of these was Inforádió, one of Klubrádió's main competitors as a political talk radio station. The Media Council's practice is therefore in any case arbitrary and discriminatory against Klubrádió. Klubrádió challenged the decision in court, but the court ignored the evidence of discrimination and [upheld the](#) Media Council's decision.

The Media Council launched a [new tender](#) for the Budapest 92.9 MHz frequency in November 2020, before the end of the renewal process. The call for tenders explicitly favoured talk radio stations with a public interest focus, which often broadcast news blocks, based on the evaluation criteria set out in the call for tenders. The special evaluation of cultural programmes and music offerings other than mainstream also suggested that Klubrádió stood a particularly good chance of winning the tender, as its programme had so far met the Media Council's expectations.

In addition to Klubrádió, two other bidders submitted bids: the Association for Community Radio Broadcasting and LBK Médiaszolgáltató 2020 Kft. The person entitled to represent the Association for Community Radio Broadcasting, which has been operating since 2007, has been Szilárd Sándor Németh, who is also the CEO of ATV news television, since May 2019. At the time of submitting the application, the association was operating a community talk radio station called Spirit FM on the 87.6 MHz frequency of Budapest-Terézváros. LBK Médiaszolgáltató 2020 Kft. is a [Fidesz-linked](#) company owned by Dr Balázs Bíró, former lawyer for Andy Vajna's media interests. The Media Council has excluded the Community Radio Association and LBK Médiaszolgáltató 2020 Kft. from the tender procedure on the grounds of [formal invalidity](#). Both applicants challenged this decision in court. First the Community Association for Radio Broadcasting and then LBK Médiaszolgáltató 2020 Kft. [withdrew](#) their actions, and Klubrádió's submission was accepted by the Media Council.

According to the Media Act, if only one applicant meets the statutory or tender requirements, the Media Council shall declare the applicant to be the winner (Section 62 of the Media Act). On this basis, it appeared clear that, with the two other bidders being eliminated, Klubrádió was necessarily the winner of the tender. However, in March 2021, the Media Council [declared](#) the tender procedure [inconclusive](#), and Klubrádió's bid was found to be invalid in both form and substance. The reasons for the decision were not made public.

According to the decision, the reason for the substantive invalidity was that the tender was unfounded and the content of the programme plan did not comply with the call for proposals, while the formal invalidity was due to the fact that the tender did not or did not adequately contain the mandatory elements of the tender. [Press reports have](#) revealed that the Media Council criticised the negative equity of Klubrádió Zrt. and the fact that the programme schedule for two programmes specified different durations for the original and the rebroadcast. Klubrádió challenged the Media Council's decision in court, but the Court of First Instance upheld the decision. Klubrádió is now operating as an online radio station and has appealed against both first instance rulings, concerning the renewal of the previous licence and the exclusion from the new tender.

In April 2021, the Media Council granted a temporary media service right for the former Klubrádió frequency to Spirit FM, which was otherwise excluded from the original tender. In December 2020, the Parliament amended the rules for the temporary media service. Previously, the Media Council was allowed to grant such a temporary licence for a maximum of 30 days, but since January 2021 this period has increased to 180 days. Spirit FM can now operate on this frequency until the end of October 2021. [In a statement](#), Klubrádió attacked the decision, calling Spirit FM a "pseudo-opposition radio" and a "usurper".

The loss of the Klubrádió frequency inevitably leads to a loss of audience. So far, this has not been accompanied by a decrease in loyalty, and the fundraising campaign in spring 2021 was very successful. The importance of Klubrádió lies on the one hand in the fact that it is a key source of critical information, especially for opposition and undecided voters in Budapest over the age of 50. According to Mérték's 2020 News Consumption Survey, Klubrádió is used as a news source by 11% of the audience on a national average at least on a weekly basis. This is a higher proportion than any national daily newspaper, compared to a radio station that was previously listened to exclusively in Budapest. On the other hand, Klubrádió is also of great importance as a platform not only for opposition parties and politicians, but also for independent NGOs and experts.

## Civil Radio

The termination of the terrestrial broadcasting of Civil Radio was ahead of the Klubrádió case and did not receive as much international attention as the Klubrádió case, but it is of similar importance to the termination of Klubrádió in terms of the functioning of the public.

Civil Rádió has been operating since 1995, and in line with its name, it pays special attention to addressing NGOs and presenting their views. It won the Budapest 98.0 MHz frequency in 2012, and its seven-year licence expired in 2019. [In its decision on the](#) renewal of the media service right, the Media Council found that Civil Radio had committed two repeat infringements, one for repeatedly violating the requirement on the proportion of Hungarian music works and the other for breaching the data reporting obligation. This is therefore a very similar decision to the one taken by the Media Council in the Klubrádió case. Civil Rádió has also challenged the decision in court, primarily with a view to seeking a constitutional review of the relevant provisions of the Media Act by the Constitutional Court as a constitutional complaint. In the lawsuit, the NGO Society for Civil Liberties represented the radio station, with the professional assistance of Mérték. The Civil Radio case could have had a significant impact on the legal position of Klubrádió. The argumentation



of the lawsuit did not even primarily challenge the conclusion of the decision, but whether it was constitutional to punish the same violation twice.

The withdrawal of the right to provide media services always means the re-punishment of an already punished infringement. After the infringement has been committed, the Media Council assesses the infringement and applies the sanction under the Media Act, and in the procedure for the renewal of the right, the Media Council examines whether the already sanctioned conduct falls within the concept of a repeat infringement. In the case of a repeat offence, it will apply the most severe sanction for the operation of the radio station in question, irrespective of the gravity of the offence, without any possibility of appeal on the merits: it will not grant the frequency necessary for the radio station to continue operating.

The Constitutional Court has not only ruled on the prohibition of double assessment (double punishment) (*ne bis in idem*) in criminal cases, but in several cases it has explicitly examined administrative sanctions on the basis of this criterion (Decision 60/2009 (28.5.2009) AB).

According to the practice of the Constitutional Court, when determining a fine, the legislator takes into account aspects such as the nature of the infringement, the seriousness or repetition of the infringement, prevention, the deterrent effect of the sanction, or the damage to the public interest caused by the infringement. The legislator has a wide margin of discretion as to the means by which it intends to deal with each infringement, see. 540/D/2002 AB, six; more recently AB 3092/2014 (IV. 1.) AB order).

On the basis of the provision of the Media Act under examination, the Media Council does not take into account any of the criteria listed by the Constitutional Court when refusing the possibility of extension. In fact, the law does not give the Media Council any discretion at all. At the same time, the legislator itself does not attach any additional conditions to this sanction. The withdrawal of the possibility of renewal is not dependent on the sanction initially imposed by the Media Council and does not distinguish between intentional and unintentional infringements. Ultimately, even very minor infringements, which are subject to the most lenient sanctions imposed by the Media Council, may lead to the loss of the media service right.

Furthermore, the Media Act does not provide any legal remedy against the denial of the possibility of an extension. Thus, neither the media service provider concerned, nor the Media Council, nor the court is in a position to challenge the justification of this severe legal sanction. The right to legal remedy for all is, in the practice of the Constitutional Court, a requirement of the existence of effective legal protection (AB 39/1997 (VII.1); AB 21/1997 (III.26)). The absence of legal remedy is a breach of legal certainty.

In addition, the double penalty of the obligation to disclose information also disproportionately restricts press freedom. Even if such data provision is necessary - which is questionable, if only because the Media Council itself monitors the content of programmes - it is obvious that a violation that does not affect the essence of the media service should not lead to the most serious legal consequence, the loss of the frequency. Since the Media Act does not distinguish between repeated infringements on the basis of their gravity, for example the size of the sanction initially imposed, the regulation is, in our view, unconstitutional.

The court of first instance finally rejected the Civil Radio's claim and the request to refer the case to the Constitutional Court. The radio did not appeal against the first instance judgment and did not go as far as a constitutional complaint. Currently, Civil Rádió's programme is available online. The Media Council launched a new tender for the Budapest 98.0 MHz frequency in November 2020 and the procedure is ongoing at the time of closing the manuscript.

## Karc FM

A quarter of all tenders, 19 procedures, were concluded with the extension of the coverage of the Karc FM service. In 2021, the radio station was also given a new frequency in Budapest. While the previous 105.9 MHz, according to the original [call for tenders](#), reached 1.27 million people, the new frequency (Budapest 95.3 MHz, the first frequency of Klubrádió), according to the call [for tenders](#), now reaches more than 2 million people. In eight other cases, only the broadcaster of Karc FM submitted a tender. By summer 2021, Karc FM will be broadcasting on 27 local frequencies, which means that it can be heard anywhere in the country.

Another interesting aspect of the success of Karc FM is that the station has won every tender it has entered. There were a total of six tenders in which Karc FM was involved with other applicants, typically broadcasters of religious-themed radio stations, and Karc FM won all of them. In each of these cases, the Media Council has chosen to adjust the subjective scoring of the programme evaluation to make Karc FM the winner. Typically, Karc FM scored the maximum 8 points for this aspect, the other candidates scoring 0 points.

Karc FM was launched in February 2016, but until October 2018 it was broadcast exclusively on a single frequency in Budapest (Budapest 105.9 MHz). In 2018, it started to expand on the frequencies vacated by a former right-wing talk radio station, Lánchíd Rádió. [According to the](#) managing director of Karc FM, Ottó Gajdics, with the expansion "our family of listeners has thus partly got back what was taken away from them after G-day" (Magyar Idők, 16.10.2018). The managing director was referring to the fact that Lánchíd Rádió originally operated as a pro-government radio station, but its owner, Lajos Simicska, turned against Prime Minister Viktor Orbán on G-Day in February 2015, and the radio subsequently switched to a tone critical of the government. According to Ottó Gajdics, the current expansion of Karc FM is therefore a return to the pre-February 2015 situation in the talk radio market.

## Religious, religious-themed radio stations

Supporting the expansion of religious radio stations with religious themes has been a well-documented element of the Media Council's frequency tendering practice since 2010. The Catholic Radio Maria and the Reformed Radio Europe were already the main winners in [2010-2011](#). Catholic Radio started its network expansion in [2012](#), until then only on medium wave frequencies.

Hungarian Catholic Radio was established by the Hungarian Catholic Bishops' Conference in 2004 and currently broadcasts [on 25 local frequencies](#). It is expanding partly through networking and partly by extending its coverage. In the period under review, eight cases of coverage expansion and four cases of networking were carried out.

Mária Rádió is the Hungarian media provider of the worldwide foundation Mária Rádió. It started broadcasting in Budapest in 2006 and is currently available on twenty frequencies, mainly in the northern part of Transdanubia. In the period under review, four frequencies were acquired through networking and one through coverage extension.

Radio Europe, owned by two Reformed dioceses, has acquired two frequencies in Northern Hungary. The network now covers a total of five municipalities.

## Radio 1

The Radio 1 network was also a big winner in the period under review. Rádió 1 was launched in June 2016 as a media service of Radio Plus Kft., then owned by Andy Vajna. Andy Vajna, as the government commissioner for film, president of the National Film Fund and the biggest player in the Hungarian casino market - he won five out of seven casino concessions in 2014 - was clearly strongly connected to the governing parties, and as the owner of TV2 he was already a major player in the media market when Rádió 1 was launched. In 2017, he extended this role further in the market for county newspapers and tabloids. After the death of Andy Vajna in 2019, Radio Plus Kft. was taken over by Zoltán Schmidt, who had previously appeared around the business interests of Lőrinc Mészáros. Rádió 1 has still not been merged into KESMA, but it is still clearly the interest of business circles linked to Fidesz.

Rádió 1 started network building in the year of its launch, and by the end of 2017 it was already broadcasting on 31 frequencies, making it the second most listened to radio station in Hungary, behind the public service Petőfi Rádió. After the launch of the national Retro Rádió, Rádió 1's audience ranking was for a while in the third to fourth place nationally, but today it has overtaken Petőfi Rádió and is again in [second place](#). Currently, Rádió 1 is broadcasting on 43 frequencies nationwide.

In 2021, the central media service of the Rádió 1 network, Budapest Rádió 1, will have a new frequency. While the former [Budapest 96.4 MHz has a reach](#) of 1.6 million listeners, the newly acquired [Budapest 89.5 MHz has a reach](#) of nearly 3.5 million listeners. The larger reception area will also allow some of the network's suburban members, previously operating on their own frequency, to be switched off. This process is already underway, with the media service providers [Tatabánya 96.7 MHz](#) and [Székesfehérvár 94.5 MHz](#) terminating their media service contracts in April 2021.

## Best FM

2019 also saw the launch of a new radio network, Best FM. [Tamás Halmi](#) became the owner of Best Radio Kft. in 2020 and [Ferenc Sakalj](#) in 2021. According to press reports, both of them are linked to Lőrinc Mészáros' business interests. The Best FM name was used by a local radio station in Debrecen since 2012, and in 2018 a radio station in Nyíregyháza - until then called Retro Rádió - also changed to Best FM. Best FM Budapest was launched in 2019. In January 2019, the Media Council decided that Media Depo Kft. was the winner of the tender for the Budapest 99.5 MHz frequency, but in September the Media Council approved the announcement of the operator that Best Radio Kft., which was spun off

from Media Depo Kft. Best FM won three additional frequencies in the period under review, and five frequencies were acquired or connected to the network by the previous owner. Best FM's expansion in recent years shows that pro-Fidesz businessmen are appearing around any market initiative that could potentially provide competitive rivalry to pro-Fidesz players.

## Gong Radio

Gong Radio was originally launched in the second half of the 1990s as the radio station of the city of Kecskemét, and was acquired by Lőrinc Mészáros in 2017.<sup>21</sup> However, the Hungarian Competition Authority found that the acquisition would bring the county newspaper and the local radio in the area under one ownership, which would have adverse competitive effects. Mészáros therefore sold the radio to another key player in Fidesz's business circles, László Szijj. Szijj [donated](#) Gong Radio to KESMA in November 2018. From 2021, the sale of the radio's advertising time [will be handled by](#) Atmedia, a company owned by Mészáros.

Gong Radio won three of its seven frequencies during the period under review, one as a network connection and two as a coverage extension. Its coverage is thus similar to that of Best FM. From the expansion so far, it appears that the two music radio networks target different regions of the country, with no overlap in their coverage.

<sup>21</sup> The subject matter of the procedure was the concentration consisting of the acquisition of sole direct control by Lőrinc Mészáros over Konzum Befektetési Alapkezelő Zrt. and, as a result, sole indirect control over OPUS GLOBAL Nyrt. The acquisition covered several different markets, such as advertising sales, real estate development, hotel services and construction.

## APPENDIX

## List of the Media Council decisions regarding the media content

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
16/2018. (I. 9.)	Sláger FM Hálózat Zrt.	Sláger FM	broadcast quotes	36.000 Ft
17/2018. (I. 9.)	Civil Rádiózásért Alapítvány	Civil Rádió	broadcast quotes	39.600 Ft
18/2018. (I. 9.)	Hegyalja Média Kft.	Szent István Rádió	broadcast quotes	18.900 Ft
19/2018. (I. 9.)	„EURÓPA RÁDIÓ” Nonprofit Közhasznú Kft.	Európa Rádió	broadcast quotes	83.500 Ft
20/2018. (I. 9.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió; Szent István Rádió 96,4	broadcast quotes	36.750 Ft
21/2018. (I. 9.)	Gyomaendrőd Kultúrájáért Egyesület	Rádió Sun	broadcast quotes	31.500 Ft
22/2018. (I. 9.)	Mátra Média Kulturális Egyesület	MaxiRádió	broadcast quotes	12.000 Ft
58/2018. (I. 24.)	Progetto Média Kft.	FIX	has not fulfilled its commitments concerning the duration of the programmes	40.000 Ft
59/2018. (I. 24.)	Tilos Kulturális Alapítvány	Tilos Rádió	breach of age categorisation	50.000 Ft
103/2018. (II. 6.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product	100.000 Ft
104/2018. (II. 6.)	Rádió Q Kft.	Rádió Q	breach of the agreed programme structure	100.000 Ft
185/2018. (II. 27.)	Mosoly Média Kft.	RÁDIÓ SMILE	breach of the agreed programme structure	10.000 Ft
215/2018. (III. 13.)	Szabadidős Programszervező Egyesülettel	Tiszavasvári Városi Televízió	breach of the agreed programme structure	10.000 Ft
316/2018. (IV. 10.)	Gong Rádió Kft.	Gong Rádió	breach of the agreed programme structure	80.000 Ft
317/2018. (IV. 10.)	Domino TV Műsorszolgáltató Zrt.	d1TV	disguised commercial communication	40.000 Ft
318/2018. (IV. 10.)	Szabó Ferenc	Rádió Balaton	direct invitation to purchase the displayed product	110.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
359/2018. (IV. 24.)	Tilos Kulturális Alapítvánnyal	Tilos Rádió	breach of the agreed programme structure	10.000 Ft
424/2018. (V. 9.)	PluszRádió Nonprofit Kft.	Győr Plusz Rádió	breach of the agreed programme structure	40.000 Ft
425/2018. (V. 9.)	Helikon Rádió Kft.	Helikon Rádió Kanizsa	deviation from the agreed programme structure	40.000 Ft
426/2018. (V. 9.)	Rádió Zala Egyszemélyes Kft.	Helikon Rádió Egerszeg	deviation from the agreed programme structure	40.000 Ft
481/2018. (V. 29.)	AERIEL Rádió Műsorszóró Kft.	Klasszik Rádió	broadcast quotes	20.000 Ft
482/2018. (V. 29.)	Civil Rádiózásért Alapítvány	Civil Rádió	broadcast quotes	49.896 Ft
483/2018. (V. 29.)	Hegyalja Média Kft.	Szent István Rádió - Tokaj	broadcast quotes	23.814 Ft
484/2018. (V. 29.)	SÁRRÉT MÉDIA Bt.	Sárrét FM	broadcast quotes	18.000 Ft
485/2018. (V. 29.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió, Szent István Rádió 96,4	broadcast quotes	45.045 Ft
486/2018. (V. 29.)	Gyomaendrőd Kultúrájáért Egyesület	Rádió Sun	broadcast quotes	39.690 Ft
490/2018. (V. 29.)	FM7 Heves Kommunikációs és Szolgáltató Kft.	FM7 100,7	deviation from the agreed programme structure	40.000 Ft
493/2018. (V. 29.)	Retro Rádió Kft.	Retro Rádió	the statutory obligations to broadcast programmes in accordance with the agreed programme structure, and the statutory obligations concerning the proportion of programmes and Hungarian music works and of programmes serving public service purposes	140.000 Ft
511/2018. (VI. 5.)	ALBA REGIA Műsorszolgáltató Kft.	ALPHA	deviation from the agreed programme structure	10.000 Ft
554/2018. (VI. 12.)	„VIACOM” Kft.	AKTÍV RÁDIÓ 93,8, AKTÍV RÁDIÓ 102,2	deviation from the agreed programme structure	80.000 Ft
559/2018. (VI. 12.)	Magyar RTL Televízió Zrt.	-	prior calcification	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
629/2018. (VI.19.)	DIGITAL MEDIA AND COMMUNICATIONS Zrt.	4-es csatorna Galaxy TV	advertising volume	600.000 Ft
630/2018. (VI.19.)	FRISS RÁDIÓ Nonprofit Kft.	FM90 Campus Rádió	the broadcasting of a programme in accordance with the agreed programme structure and the proportion of programmes for public service purposes	80.000 Ft
647/2018. (VI. 26.)	Sláger FM Hálózat Zrt.	Sláger FM	broadcast quotes	-
648/2018. (VI. 26.)	Prodo Voice Studio Zrt.	MUSIC FM	broadcast quotes	24.000 Ft
649/2018. (VI. 26.)	Radio Plus Kft.	Rádió 1	broadcast quotes	34.500 Ft
658/2018. (VII. 3.)	Centrum Televízió Kft.	Centrum TV	protection of children and minors	30 000 Ft
659/2018. (VII. 3.)	Budakalászi Média Kft.	Rádió Szentendre	the broadcasting of programmes in accordance with the agreed programme structure and the proportion of programmes with a public service mission	20.000 Ft
661/2018. (VII.3.)	Gyomaendrőd Kultúrájáért Egyesület	Rádió Sun	the broadcasting of programmes in accordance with the agreed programme structure, and the proportion of public service programmes and Hungarian music	10.000 Ft
662/2018. (VII. 3.)	Európa Rádió Nonprofit Közhasznú Kft.	Európa Rádió, Európa Rádió 90,4	deviated from its contractual commitments regarding the daily and weekly rhythm of programmes on local public life, programmes that contribute to local daily life and repeats	120.000 Ft
714/2018. (VII. 10.)	Tatai Televízió Közalapítvány	Tatai Televízió	deviating from its commitment to minimum broadcasting time for news	warning
715/2018. (VII. 10.)	Tatai Televízió segítésére	Tatabányai Televízió	deviating from its commitment to minimum broadcasting time for news	10.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
716/2018. (VII.10.)	Rádió Nonprofit Kft.	HALAS RÁDIÓ	the obligation to broadcast a programme in accordance with the agreed programme structure	10.000 Ft
736/2018. (VII. 17.)	Mátra Média Kulturális Egyesület	Maxi Rádió	the broadcasting of programmes in accordance with the agreed programme structure, and the proportion of public service programmes and Hungarian music	20.000 Ft,
877/2018. (VII.24.)	Lánchíd Rádió Kft.	Lánchíd Rádió	the legal obligations to broadcast programmes in accordance with the agreed programme structure and the proportion of programmes with a public service mission	675.000 Ft
1001/2018. (IX. 4.)	Ipoly Média Kft.	Ipoly Televízió	deviations from the agreed programme structure,	10.000 Ft; 60.000 Ft;
1003/2018. (IX. 4.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió	breaches of the legal requirements imposed on non-profit media service providers and of the legal requirements for networking	200.000 Ft
1127/2018. (X. 11.)	ESSENCE Kft.	105,7 Rádió 1	deviation from the agreed programme structure	25.000Ft
1126/2018. (X. 11.)	ALISCA NETWORK Kft.	94,3 Rádió 1	proportions of local programmes, proportions of local/public service programmes	200.000 Ft
1130/2018. (X.11.)	Rádió Frekvencia Kft.	Mária Rádió Savaria	breach of agreed programme structure	80.000 Ft
1132/2018. (X. 11.)	TV2 Média Csoport Zrt.	TV2	request for rebalancing	-
1161/2018. (X. 16.)	M-Lite Kft.	96,3 Rádió 1	local/public service broadcasting proportions	75.000Ft
1162/2018. (X.16.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
1163/2018. (X.16.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
1192/2018. (X. 30.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	1 250 000 Ft
1194/2018. (X.30.)	MAMBÓ RÁDIÓ Kft.	99,4 Rádió 1, 90,6 Rádió 1	breach of the agreed programme structure	40.000 Ft



Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1195/2018. (X. 30.)	Crossborder Film Kft.	93,1 Rádió 1	broadcasting a programme in accordance with the agreed programme structure	40.000 Ft
1196/2018. (X. 30.)	Médiacentrum Debrecen Kft.	FM 95 – Rádió 1 Debrecen	breach of the agreed programme structure and advertising disclosure	50.000 Ft
1197/2018. (X. 30.)	Kulturális Életért Közhasznú Egyesület	Mustár Rádió	breach of the agreed programme structure	20.000 Ft
1201/2018. (X.30.)	CSABA RÁDIÓ Kft.	104,0 Rádió 1	breach of the agreed programme structure	40.000 Ft
1247/2018. (XI. 13.)	PANNON-SOPRON Kft.	Rádió 1 Sopron 94,1 MHz	deviation from the agreed programme structure	50.000 Ft
1248/2018. (XI. 13.)	AURIS Média Kft.	88.7 MHz, 89.2 MHz Rádió 1	deviation from the agreed programme structure	50.000 Ft
1249/2018. (XI. 13.)	LB Rádió Kft.	94,7 Rádió 1, 98,9 Rádió 1, 100,6 Rádió 1	deviation from the agreed programme structure	150.000 Ft
1250/2018. (XI. 13.)	Aeriel Rádió Műsorszóró Kft.	Klasszik Rádió	deviation from the agreed programme structure	warning
1280/2018. (XI.20.)	Tilos Kulturális Alapítvány	Tilos Rádió	age categorisation and broadcasting date	75.000 Ft
1286/2018. (XI. 20.)	Magyar RTL Televízió Zrt.	RTL Klub	age categorisation and broadcasting date	6 000 000 Ft
1287/2018. (XI. 20.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	1 250 000 Ft
1308/2018. (XI.27.)	Favorit Masters Kft.	Rock FM	breach of the agreed programme structure	warning
1331/2018. (XII. 4.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
1380/2018. (XII.18.)	Magyar RTL Televízió Zrt.	RTL Klub	infringement of the legal provisions on product presentation	150 000 Ft
1383/2018. (XII. 18.)	FW Műsorszolgáltató Kft.	101,3 Rádió 1	breach of the agreed programme structure	50.000Ft
1384/2018. (XII. 18.)	Helyi Rádió Kft.	100,4 Rádió 1	deviation from the agreed programme structure	50.000 Ft
1386/2018. (XII. 18.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
MN/11587-4/2018.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, Duna World, M1, M2, M4, M5, M3	providing sign language interpretation and subtitles accessible to the hearing impaired	110.000 Ft; 1.320.000 Ft; 1.760.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
MN/11590-4/2018.	Magyar RTL Televízió Zrt.	RTL Klub	subtitles, sign language interpretation provided throughout the programme	1.340.000 Ft; 810.000 Ft
MN/21559-4/2018.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, Duna World, M1, M2, M4, M5, M3	subtitles, sign language interpretation should be synchronised with what is happening on the screen	720.000 Ft; 1.440.000 Ft; 160.000 Ft
MN/21561-4/2018.	Magyar RTL Televízió Zrt.	RTL Klub	providing sign language interpretation and subtitles accessible to the hearing impaired	140.000 Ft; 1.095.000 Ft
MN/22836-7/2018.	Auris Média Kft.	88.7 MHz, 89.2 MHz Rádió 1	the duration of advertising	21.000 Ft
MN/24781-6/2018.	TV2 Média Csoport Zrt.	TV2	calling attention before presenting visual or	500 000 Ft
MN/30638-7/2018.	TV2 Média Csoport Zrt.	TV2	sound effects likely to disturb the peace	1.200.000 Ft
MN/30774-4/2018.	Duna Médiaszolgáltató Nonprofit Zrt.	M2, M4, M5	calling attention before presenting visual or sound effects likely to disturb the peace	780.000 Ft; 2.210.000 Ft; 1.690.000 Ft
MN/30776-4/2018.	Magyar RTL Televízió Zrt.	RTL Klub	providing sign language interpretation and subtitles accessible to the hearing impaired	1.580.000 Ft
MN/32901-5/2018.	Hír TV Zrt.	Hír TV	request for rebalancing	-
21/2019. (I. 8.)	FEHÉRVÁR RÁDIÓ Kft.	94,5 Rádió 1	violation of the proportions of programmes	warning
24/2019. (I. 8.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
25/2019. (I. 8.)	LB Rádió Kft.	93,3 Rádió 1	deviated from the permanent designation under the contract in its programme	50.000 Ft
28/2019. (I. 8.)	Magyar RTL Televízió Zrt.	RTL Klub	request for rebalancing	-
29/2019. (I. 8.)	Magyar RTL Televízió Zrt.	RTL Klub	request for rebalancing	-
30/2019. (I. 8.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
48/2019. (I. 15.)	DIGITAL MEDIA AND COMMUNICATIONS Zrt.	Film4, Galaxy4, Story4, TV4	advertising volume	2 340 000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
49/2019. (I.15.)	Szombathelyi Evangélikus Egyházközség	Credo Rádió	breach of the agreed programme structure and of the time allotted for the presentation of public service programmes	10.000 Ft
50/2019. (I. 15.)	TV2 Média Csoport Zrt.	TV2	infringement of the publication of programme trailers	9.420.000 Ft
56/2019. (I. 15.)	XV. Média Nonprofit Kft.	XV TV	requests for the purchase of a supporting product	-
62/2019. (I. 15.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
117/2019. (I. 29.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
119/2019. (I. 29.)	Magyar RTL Televízió Zrt.	RTL Klub	request for rebalancing	-
145/2019. (II. 5.)	TV2 Média Csoport Zrt.	TV2	age categorisation and publication	1.350.000 Ft
168/2019. (II. 12.)	Radio Plus Kft.	Rádió1	age categorisation	350.000 Ft
170/2019. (II. 12.)	MEDIORIX Egészségügyi és Szolgáltató Bt.	Rádió Szarvas	deviation from the contractual programme structure	10.000 Ft
171/2019. (II.12.)	FONTANA MÉDIA Kft.	SOLA RÁDIÓ	incompleteness of the programme structure undertaken	10.000 Ft
172/2019. (II. 12.)	Echo Hungária TV Zrt.	Echo TV	human dignity and exclusion	-
223/2019. (II.19.)	RÁDIÓ HORIZONT Kft.	RÁDIÓ TÖRÖKSZ-ENTMIKLÓS	the proportion of programmes with an agreed programme structure and public service objectives was not met	10.000 Ft
224/2019. (II. 19.)	Lánczos Kornél Gimnázium	Táska Rádió	infringing the minimum weekly duration of public service programmes and Hungarian music programmes	30.000 Ft
225/2019. (II.19.)	Mária Rádió Frekvencia Kft.	Mária Rádió Cegléd	incompleteness of the programme structure undertaken	100.000 Ft
230/2019. (II. 19.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
231/2019. (II. 19.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
257/2019. (II. 26.)	Ripost Média Szolgáltató és Kommunikációs Kft.	<a href="http://Ripost.www.ripost.hu">Ripost. www.ripost.hu</a>	publishing content that is likely to cause exclusion	-
258/2019. (II. 26.)	Magyar Idők Kiadó Kft.	Magyar Idők	publishing content that is likely to cause exclusion	-
260/2019. (II. 26.)	Ipoly Média Kft	Ipoly Televízió	unauthorised network connection	60.000 Ft
261/2019. (II. 26.)	Megafon Rádió Kft	Megafon	unauthorised network connection	60.000 Ft
291/2019. (III. 5.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	50.000 Ft
292/2019. (III. 5.)	Cuttingroom Bt.	Gólya TV	unauthorised network connection	50.000 Ft
293/2019. (III. 5.)	Cuttingroom Bt.	Gólya TV	unauthorised network connection	-
325/2019. (III. 12.)	TV2 Média Csoport Zrt.	TV2	request for rebalancing	correction
401/2019. (III.26.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió 96,4 MHz	incompleteness of the programme structure undertaken	225.000 Ft
402/2019. (III. 26.)	Rádió Helló Kft.	93,7 Rádió 1	deviation from the authorised networking structure	70.000 Ft
440/2019. (IV. 2.)	M-Lite Kft.	96,3 Rádió 1	deviations from the agreed programme structure and infringements of the legal provisions on separation of the advertisements	100.000 Ft
441/2019. (IV.2.)	Alapítvány a Tatabányai Televízió segítésére	Tatabányai Televízió	deviation from its minimum time commitment and from the authorised structure of the network connection	20.000 Ft
443/2019. (IV. 2.)	ALISCA NETWORK Kft.	94,3 Rádió 1	deviations from the agreed programme structure, breaches of the legal requirement concerning the manner of publication of advertisements	240.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
444/2019. (IV.2.)	„EURÓPA RÁDIÓ” Műsorszolgáltató Nonprofit Közhasznú Kft.	Európa Rádió 94,4	breach of the legal obligation to broadcast a programme in accordance with the agreed programme structure	30.000 Ft
496/2019. (IV. 16.)	Békéscsabai Médiacentrum Kft.	7.TV.	disclosure of a disguised commercial communication	10.000 Ft
528/2019. (IV. 30.)	KUN-MÉDIA Kft.	KARCAG FM	deviations from the agreed programme structure, breaches of the legal requirement concerning the manner of publication of advertisements	10.000 Ft
548/2019. (V. 7.)	TV2 Média Csoport Zrt.	TV2	breach of the legal provisions on the protection of minors	1.350.000 Ft
570/2019. (V. 14.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
571/2019. (V. 14.)	Lajta Rádió Kft.	103,1 Rádió 1	call for proposals/requests for the purchase of a supporting product	warning
574/2019. (V. 14.)	B+B Kft.	Pátria Tv	breach of a regulatory decision and a legal obligation concerning the weekly duration of non-repeat programmes produced by the broadcaster itself	warning
663/2019. (V.28.)	Radio Plus Kft.	96,4 Rádió 1	deviation from a contractual commitment	40.000 Ft
667/2019. (V.28.)	Gong Rádió Kft.	Gong FM	breach of the programme structure	50.000 Ft
712/2019. (VI. 4.)	Magyar Múzsza Kft.	Mária Rádió Ibolya	breach of the agreed programme structure and of the time allotted for the presentation of public service programmes	10.000 Ft
713/2019. (VI.4.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	1.450.000 Ft
715/2019. (VI. 4.)	Radio Plus Kft.	Rádió 1 (Budapest 96,4 MHz)	age categorisation	1.050.000 Ft
730/2019. (VI. 11.)	Direx Média Kft.	Kaliber Magazin	advertising of weapons, ammunition and explosives	60.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
731/2019. (VI. 11.)	Lánchíd Rádió Kft.	Karc FM Pécs	deviation from the contractual programme structure	300.000 Ft
736/2019. (VI. 11.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
737/2019. (VI. 11.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
738/2019. (VI. 11.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
786/2019. (VI. 18.)	New Wave Media Group Kft.	Life TV	infringement of the publication of programme trailers	80.000 Ft
788/2019. (VI. 18.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	2.345. 000 Ft
807/2019. (VI.25.)	Progetto Média Kft.	FIX	infringement of a public authority decision	40.000 Ft
810/2019. (VI. 25.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
830/2019. (VII. 2.)	Kalocsa Kulturális Központ és Könyvtár	Kalocsa Városi Televízió	unauthorised network connection	50.000 Ft
900/2019. (VII. 16.)	FRISS MÉDIA Kft.	Friss FM	the broadcasting of programmes in accordance with the agreed programme structure and the proportion of programmes with a public service mission	10.000 Ft
901/2019. (VII. 16.)	BARCIKA ART Kft.	KOLORTV	breach of the legal requirement to be connected to the network	50.000 Ft
902/2019. (VII. 16.)	BARCIKA ART Kft.	KOLORTV	breach of the legal requirement to be connected to the network	-
903/2019. (VII. 16.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	2.800.000 Ft
968/2019. (VII. 23.)	Tilos Kulturális Alapítvány	Budapest 90,3 MHz	reporting obligations	63.000 Ft
1005/2019. (VII. 23.)	Hír TV Zrt.	HÍR TV	age categorisation, publication of programme previews	100.000 Ft; 52.000 Ft



Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1007/2019. (VII. 23.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product, requests for the purchase of a supporting product	75.000 Ft
1012/2019. (VIII. 27.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
1013/2019. (VIII. 27.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
1014/2019. (VIII. 27.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
1094/2019. (IX. 3.)	„A-tól - Z-ig” Bt.	Mega Rádió	deviation from the contractual programme structure	50.000 Ft
1095/2019. (IX. 3.)	LÁNCÍD RÁDIÓ Kft.	Karc FM 100,2	incompleteness of the programme structure undertaken	200.000 Ft
1100/2019. (IX. 3.)	Molnár TV Kft.	Rábaközi Televízió	provisions on discrimination in political advertising and the designation of the advertiser	40.000 Ft
1101/2019. (IX. 3.)	Magyar Katolikus Rádió Zrt.	Magyar Katolikus Rádió	infringement of a public authority decision	warning
1123/2019. (IX. 10.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product, requests for the purchase of a supporting product, undue product placement	800.000 Ft; 375.000 Ft; 275.000 Ft
1124/2019. (IX. 10.)	TV2 Média Csoport Zrt.	TV2	age categorisation, publication of programme previews	1.450.000 Ft; 3.150.000 Ft
1141/2019. (IX. 17.)	Közösségi Rádiózásért Egyesület	Spirit FM	violation of the agreed programme structure, local programme proportions, public service programmes, minimum weekly duration of Hungarian music programmes	80.000 Ft
1164/2019. (IX. 24.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1165/2019. (IX. 24.)	Magyar RTL Televízió Zrt.	-	prior calcification	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1166/2019. (IX. 24.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1183/2019. (IX. 30.)	Civil Rádiózásért Alapítvány	Civil Rádió	breach of the agreed programme structure and of the time allotted for the presentation of public service programmes	100.000 Ft
1184/2019. (IX. 30.)	CITY TV Kft.	CITY TV	requests for the purchase of a supporting product	warning
1185/2019. (IX. 30.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1209/2019. (X. 8.)	DIGART-M Kft.	Szentes TV	deviation from the agreed programme structure	10.000 Ft
1210/2019. (X. 8.)	LÁNCÍD RÁDIÓ Kft.	Karc FM 88,3	breach of the agreed programme structure	10.000 Ft
1211/2019. (X. 8.)	TV2 Média Csoport Zrt.	TV2	disguised commercial communication	700.000 Ft
1214/2019. (X. 8.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
1217/2019. (X. 15.)	Magyar RTL Televízió Zrt.	RTL Klub	age rating and emission date	1.950.000 Ft
1218/2019. (X. 15.)	Magyar RTL Televízió Zrt.	RTL Klub	requests for the purchase of a supporting product, direct invitation to purchase the displayed product	100.000 Ft
1219/2019. (X. 15.)	INFORÁDIÓ Kft.	Inforádió	breach of the agreed programme structure	70.000 Ft
1246/2019. (X. 22.)	TV2 Média Csoport Zrt.	TV2	age categorisation, infringing infringement of the publication of programme trailers ment of the publication of programme trailers	1.550.000 Ft; 3.320.000 Ft
1270/2019. (XI. 5.)	Duna Médiaszolgáltató Nonprofit Zrt.	Duna Televízió	age categorisation	warning
1271/2019. (XI. 5.)	Radio Plus Kft.	Rádió 1 Budapest 96,4 MHz	distinguishing advertising from other media content	160.000 Ft
1272/2019. (XI. 5.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1286/2019. (XI. 12.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	100.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1289/2019. (XI. 12.)	Duna Médiaszolgáltató Nonprofit Zrt.	M5	age categorisation and broadcasting date	200.000 Ft
1333/2019. (XI.26.)	TV2 Média Csoport Zrt.	TV2	request for rebalancing	-
1348/2019. (XII. 3.)	Dunakanyar Rádió Kft.	Dunakanyar Rádió	minimum weekly duration of public service programmes, non-completion of the agreed programme structure	10.000 Ft
1390/2019. (XII. 18.)	DIGITAL MEDIA AND COMMUNICATIONS Zrt.	Story4, TV4, Film4 és Galaxy4	the publication of the age rating of a programme on an internet website hosting a programme	warning
1391/2019. (XII. 18.)	KUN-MÉDIA Kft.	KARCAG FM	breach of the agreed programme structure	20.000 Ft
1392/2019. (XII. 18.)	„EURÓPA RÁDIÓ” Műsorszolgáltató Nonprofit Közhasznú Kft.	Európa Rádió 94,4	broadcasting a programme in accordance with the agreed programme structure	40.000 Ft
MN/14053-4/2019.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, M1, M4, M5	providing sign language interpretation and subtitles accessible to the hearing impaired	750.000 Ft; 4.800.000 Ft; 1.950.000 Ft
MN/14055-4/2019.	TV2 Média Csoport Zrt.	TV2	subtitles, sign language interpretation provided throughout the programme, subtitles, sign language interpretation should be synchronised with what is happening on the screen, providing sign language interpretation and subtitles accessible to the hearing impaired, subtitling availability indication	50.000 Ft; 10.000 Ft; 560.000 Ft
MN/14635-4/2019.	ATV Zrt.	ATV	the duration of advertising	40.000 Ft
MN/1629-5/2019.	ATV Zrt.	ATV	the duration of advertising	30.000 Ft
MN/19365-8/2019.	Sláger TV Kft.	Sláger TV	the duration of advertising	10.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
MN/3577-4/2019.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, Duna World, M1, M2, M3, M4, M5	providing sign language interpretation and subtitles accessible to the hearing impaired, subtitles, sign language interpretation provided throughout the programme	10.080.000 Ft; 3.780.000 Ft; 2.240.000 Ft
MN/3578-4/2019.	Magyar RTL Televízió Zrt.	RTL Klub	subtitles, sign language interpretation should be synchronised with what is happening on the screen, providing sign language interpretation and subtitles accessible to the hearing impaired, subtitles, sign language interpretation provided throughout the programme	340.000 Ft; 1.700.000 Ft; 435.000 Ft
MN/6843-6/2019.	Tilos Kulturális Alapítvány	Tilos Rádió	calling attention before the presentation of visual or sound effects which are offensive to religious, philosophical or other beliefs	30.000 Ft
15/2020. (I. 7.)	Mosoly Média Non-profit Kft.	RÁDIÓ SMILE	deviations from the agreed programme structure, breaches of the requirement for Community media service providers	10.000 Ft
17/2020. (I. 7.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
32/2020. (I. 14.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	political news with reader opinion	warning
33/2020. (I. 14.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product	200.000 Ft
58/2020. (I. 28.)	Radio Plus Kft.	Rádió1	age categorisation	350.000 Ft
59/2020. (I. 28.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
60/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
61/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
62/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
63/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
104/2020. (II. 11.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
107/2020. (II. 11.)	Magyar RTL Televízió Zrt.	RTL Klub	prior calcification	-
116/2020. (II. 18.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
117/2020. (II. 18.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
123/2020. (II. 25.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
173/2020. (III. 3.)	Magyar RTL Televízió Zrt.	RTL Klub	requests for the purchase of a supporting product	500.000 Ft
174/2020. (III. 3.)	Trial Média Kft.	Balaton Televízió	disguised commercial communication, requests for the purchase of a supporting product	55.000 Ft
177/2020. (III. 3.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
201/2020. (III. 10.)	ALBA REGIA Műsorszolgáltató Kft.	Alpha Rádió	breach of the agreed programme structure	30.000 Ft
224/2020. (III. 17.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	750.000 Ft
225/2020. (III. 17.)	Trial Média Kft.	Balaton Televízió	disguised commercial communication	90.000 Ft
243/2020. (III. 24.)	HírTV Zrt.	Hír TV	disguised commercial communication	warning
268/2020. (III. 31.)	Duna Médiaszolgáltató Nonprofit Zrt.	m1	request for rebalancing	-
293/2020. (IV. 7.)	Magyar RTL Televízió Zrt.	RTL Klub	prior calcification	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
348/2020. (IV. 21.)	ACTOR INFORMATIKA ÉS NYOMDA Kft.	Pont Rádió	breach of the agreed programme structure, the obligation to provide airtime for public service programmes	30.000 Ft
349/2020. (IV. 21.)	ACTOR INFORMATIKA ÉS NYOMDA Kft.	Pont Rádió (Mezőtúr 89,9 MHz)	disguised commercial communication	warning
405/2020. (IV. 28.)	ATV Zrt.	Magyar ATV	publishing content that is likely to cause exclusion, restrictions against hate speech	100.000 Ft
503/2020. (V. 26.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	3.300.000 Ft
504/2020. (V. 26.)	Radio Plus Kft.	Rádió 1	disguised commercial communication	warning
548/2020. (VI. 4.)	Balaton Rádió Kft.	Balaton Rádió	deviation from the agreed programme structure, the obligation to provide airtime for public service programmes	10.000 Ft
549/2020. (VI. 4.)	Szarvasi Általános Informatikai Kft.	Szarvasi Kábeltelevízió	call for proposals/requests for the purchase of a supporting product	warning
564/2020. (VI. 9.)	Izsák Város Tájékoztatási és Kulturális Szolgáltató Központ	Izsáki Televízió	unauthorised network connection	50.000 Ft
565/2020. (VI. 9.)	Izsák Város Tájékoztatási és Kulturális Szolgáltató Központ	Izsáki Televízió	unauthorised network connection	-
578/2020. (VI. 16.)	Lánczos Kornél Gimnázium	Táska Rádió	breach of the agreed programme structure, the obligation to provide airtime for public service programmes	40.000 Ft
579/2020. (VI. 16.)	Teleház Egyesület Gyömrő	Signal TV	requests for the purchase of a supporting product	warning
580/2020. (VI. 16.)	Hegyalja Média Kft.	Szent István Rádió – Tokaj	incompleteness of the programme structure undertaken	warning
597/2020. (VI. 23.)	Tilos Kulturális Alapítvány	Tilos Rádió	broadcasting a programme in accordance with the agreed programme structure	20.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
615/2020. (VI. 30.)	M-RTL Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	1.100.000 Ft
617/2020. (VI. 30.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	disguised commercial communication	warning
658/2020. (VII. 14.)	P1 Rádió Kft.	Pécs 101,7 MHz, 101,7 Pécs FM	quota obligation for Hungarian musical works	21.000 Ft
683/2020. (VII. 14.)	TV2 Zrt.	TV2	call for proposals/requests for the purchase of a supporting product	520.000 Ft
684/2020. (VII. 14.)	Radio Plus Kft.	Rádió 1	age categorisation	550.000 Ft
713/2020. (VII. 21.)	Mátra Média Kulturális Egyesület	MaxiRádió	broadcasting a programme in accordance with the agreed programme structure	30.000 Ft
766/2020. (VII. 28.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
811/2020. (IX. 1.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	2.200.000 Ft
833/2020. (IX. 8.)	Digital Media and Communications Zrt.	TV4	age categorisation	50.000 Ft
835/2020. (IX. 8.)	HírTV Zrt.	HÍR TV	advertising volume	warning



## ROMANIA

# LEGAL FRAMEWORK - INDEPENDENCE AND COMPETENCES OF THE REGULATORY BODY

**T**he National Audiovisual Council (C.N.A.)<sup>22</sup> was established in 1992 as the sole autonomous authority in charge with regulating the audiovisual landscape in Romania. Its role became more prominent starting 2002 when a new updated functioning law was adopted by the Parliament (Law no. 504/2002) and the C.N.A activity intensified in the context of the media market expansion. The Council is functioning under parliamentary control and supervision, and, in order to ensure the autonomy and the independence of the institution, its 11 members should have no political affiliation. The entire activity of the Council is guided by Law no. 504/2002 (the audiovisual law) and by Decision no. 220/2011 regarding the Regulatory Code of the Audiovisual Content (secondary legislation adopted by C.N.A., the most comprehensive framework that regulates audiovisual communication from content perspective)<sup>23</sup>. Additionally, the Council is empowered to issue specific administrative and regulatory decisions to update broadcasting and licensing procedures, commercial communication, or specific recommendations in electoral campaigns. The Council has no competencies in promoting legislative initiatives as this role belongs to the Parliament and the Government.

### The Council Composition

The Council consists of 11 members who are appointed by the two chambers of Parliament (The Senate – 3 nominations, The Chamber of Deputies – 3 nominations), by the Government (3 nominations) and by the Presidency (2 nominations). The Council is chaired by a President appointed by the Parliament from among the members of the Council, on their proposal. The mandate of the C.N.A's members is for six years. All C.N.A members are dignitaries and are assimilated to the rank of a Secretary of State.

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<sup>22</sup> [www.cna.ro](http://www.cna.ro)

<sup>23</sup> <https://cna.ro/-Legisla-ie-.html>



Currently, the Council meets two times a week (on Tuesday and Thursday), but occasionally is assembling for exceptional cases. The Council's decisions, instructions and recommendations are valid if there is a quorum of at least 8 members and if the resulted documents are voted by at least 6 members.

## The independence and integrity of the Council Members

In their office, each member of the Council should be completely independent. Thus, no political affiliation is accepted, nor business enterprises that could interfere with their activity, except for pedagogical and educational activities. Should a conflict of interests be found, the member is dismissed by right and his/her position becomes vacant and subject to appointment procedures. Additionally, one only can be dismissed if he/she was incapacitated to perform their duties for more than six months or if he/she has been convicted for criminal offenses and the decision is definitive.

Despite the regulatory framework on members' appointments, in the recent years, the Council has been subject to many critiques for functioning under political control. Since 2017, when massive anti-governmental protests targeted the ruling coalition, that was accused of illiberal tendencies, C.N.A has become one of the most criticized institution<sup>24</sup>. Various media outlets, journalists, and influencers, as well as large number of citizens accused C.N.A of employing discriminatory and selective monitoring and sanctioning practices to protect pro-governmental media outlets, especially Antena 3 and Romania TV that were used by the Social Democratic Party (the ruling party within 2016 and 2019) as main communication channels. The public disapproval<sup>25</sup> on C.N.A's performance has directly affected the activity of the institution, that, as a consequence, had to deal with mass complaints campaigns during 2017 and 2018. Although, statistically Antena 3 and Romania TV, along with Realitatea TV (an anti-governmental national TV station) were the most sanctioned TV stations in the last four years, the public perception that the sanctions were merely symbolic is persistent. The public dissatisfaction and polarization were so intense that petitions were launched for cable service providers to remove from must carry list Antena 3 and Romania TV<sup>26</sup>. Starting 2019, when the political climate has become less tensed, the activity of Council has improved, but the public criticism did not subside.

It is worth mentioning that, for many years, the Council public perception has been also affected by the refusal of the former president of C.N.A. (2012 – 2018), Laura Georgescu, to resign from office, even though she was under a criminal investigation since 2014. In 2019, when she was no longer president or member of C.N.A, after a long investigation and trial Georgescu was sentenced to 4 years imprisonment for abusive conduct and corruption when in office. Georgescu's refusal to submit her resignation of honor has raised

protests within C.N.A's members that openly confronted her on many occasions, but with no success. Back in 2012, Laura Georgescu was appointed by the Social Democratic Government and she has been accused of being loyal to the Prime Minister Victor Ponta and representing his political agenda<sup>27</sup>. Eventually, in 2018, after her six years mandate expired, Georgescu stepped back and did not run for a new mandate. It is worth mentioning that in Georgescu's case the decision is not definitive and it's subject to appeal.

Although all C.N.A's members are not politically affiliated and they are appointed by the Executive (Government and Presidency) and the Legislative (the Senate and the Chamber of Deputies) branch of the state, it's activity has been almost constantly subject to controversies. Starting 2012, the general perception is that the Social Democratic Party appointees held the majority within the Council and that their activity has been politicized. In April 2021, C.N.A's configuration has changed by four new appointments that reflects the new political majority<sup>28</sup> (both the Government and the Parliament are controlled by the National Liberal Party, the Save Romania Union – PLUS and by the Democratic Alliance of Hungarians in Romania). Due to the political algorithm that determines C.N.A's configuration and coherence in decision making processes, and also due to the political tensions in the Romanian society it is extremely difficult to restore C.N.A's perception of political independence<sup>29</sup>. Although it is premature to assess a potential paradigm shift and a potential depoliticization of C.N.A consistent efforts must be invested by the audiovisual body both in their relationship with the media outlets and with the public to restore its credibility.

## The Budget of the Council

The activity of the C.N.A is state financed, and it is provisioned within the national budget. On average, in the last three years, C.N.A's budget was 2,7 million Euros on average (2018 – 2,341,720 EUR, 2019 – 2,883,333 EUR and 2020 – 2,912,629), where 88% of the allocated budget represents staff costs. The budget, the public procurements and staff costs allocation are subject to the same transparency procedures that are applicable to any public body.

## The Annual Report

According to Law no. 504/2002, article 20, the National Audiovisual Council has the obligation to submit the annual report to parliamentary debate and control every year, prior to 15<sup>th</sup> of April. The annual report is subject to debates in the joint Media Committees of the Senate and the Chamber of Deputies, and as well as the Committees on Budget and Finance. Every year, the Council submits a detailed report on its activity, on each of its competencies (eg: licensing and authorizing, legal challenges, European relations, digitalization procedures, monitoring and sanctioning activities etc.), as well as on its budget execution.

<sup>24</sup> [CNA sleep gives birth to media monsters. Call for unblocking and evaluation of CNA activity](#)

<sup>25</sup> [The civic group „Corruption kills” announces new protests in Bucharest and other cities: „The CNA is not doing its job. It's time to visit them](#)

<sup>26</sup> [Petition to remove România TV and Antena 3 from the cable programs. Why it is not possible](#)

<sup>27</sup> [Posters with „Laura Georgescu's resignation” appeared on the CNA halls](#)

<sup>28</sup> [The four names that will change the majority in CNA](#)

<sup>29</sup> [Why politicians do not want to depoliticize the CNA, and televisions like this perfectly](#)

If the annual report is rejected by the Parliament, the President of the Council is dismissed, and new appointment procedures are organized. It is worth mentioning that the possibility of the dismissal of the President was introduced in article 20 of the audiovisual law starting with 2015<sup>30</sup>. At that time, the new provision raised some critiques and concerns, voiced by various media organizations, that the Parliament would have too much control and that C.N.A might be subject to political pressures<sup>31</sup>. Despite the controversies, in the past 5 years the amendment that allows C.N.A's president dismissal has not been enforced.

### **C.N.A.'S COMPETENCES REGARDING THE REGULATION OF THE MEDIA MARKET (market entry / frequency tenders, merger control, modification of licenses, competences regarding the state advertisement)**

According to the Audiovisual Law, article 17, the Council is authorized to:

#### **I. – grant broadcasting and retransmission licenses and authorizations**

- to establish the conditions, criteria and procedure for granting analogue and digital audiovisual licenses;
  - to establish the procedure for granting the retransmission authorization;
  - to issue analogue and digital audiovisual licenses and retransmission authorizations for the operation of broadcasting and television program services
- and to issue audiovisual authorization decisions;

#### **II. – defend and promote public interest**

- to issue, in application of the provisions of this law, decisions with the character of regulatory norms in order to carry out its attributions expressly provided in this law and, in particular, regarding:
  1. ensuring the correct information of the public opinion;
  2. pursuing the correct expression in Romanian and in the languages of national minorities;
  3. ensuring the equidistance and pluralism of opinions;

4. the transmission of information and official communications of public authorities regarding natural disasters, the state of necessity or urgency, the state of siege or armed conflict;
5. protection of minors;
6. defending human dignity and the right to one's own image;
7. non-discriminatory policies on race, sex, nationality, religion, political beliefs and sexual orientation;
8. exercising the right of reply, rectification and other equivalent measures;
9. audiovisual commercial communications, including advertising, product placement, election advertising and teleshopping;
10. sponsorship;
11. rules and regulations for the conduct of electoral and referendum campaigns, in audiovisual program services, in the framework of and for the implementation of electoral legislation;
12. the cultural and scientific responsibilities of audiovisual media service providers;
13. protection of vulnerable social groups, in particular the protection of victims of domestic violence.

#### **III. – develop and adopt secondary legislation**

- to elaborate instructions and to issue recommendations for the development of activities in the field of audiovisual communication.

#### **IV. – have representative role**

- The Council is consulted in the process of defining Romania's position and may participate, through representatives, in international negotiations on the audiovisual field.
- The Council is consulted on all draft normative acts regulating activities in the audiovisual field or in connection with it.

<sup>30</sup> President Iohannis promulgated the amendment of the Audiovisual Law that allows the dismissal of the CNA president", Digi24, July 27, 2015 - <https://www.digi24.ro/stiri/actualitate/politica/klaus-iohannis-a-promulgat-modificarea-legii-audiovizualului-care-permite-demiterea-presedintelui-cna-418396>

<sup>31</sup> Cross-party initiative that is dangerous for CNA independence", Center for Independent Journalism, April 2, 2015 - <https://cji.ro/initiativa-transpartinica-periculoasa-pentru-independenta-cna/>



V. – collect audiovisual market data

- The Council is authorized to request and receive from audiovisual service providers and distributors any data, information and documents relating to the performance of its tasks, with the obligation to maintain the confidentiality of non-public data.

## Facts relevant to decisions on applications for license granting

The audiovisual legislation covers a broad range of licensing procedures, and it encourages media pluralism. C.N.A is mandated to organize public competitions on available analogue frequencies, in close cooperation with the National Authority for Management and Regulations in Communications (ANCOM – the national telecom authority). The two institutions cooperate to assess and verify if licenses' owners or contenders meet the technical broadcasting requirements. Additionally, C.N.A must ensure that the broadcasting market is balanced and to discourage unfair competition and monopoly within the market. In this sense, the Council is in close connection with the Competition Council.

During a license tender the applicant must provide strong evidence on its financial and technical capacities, and, if the case, an editorial plan that will be subject to periodical compliance verifications. If successful, the contender will own a 9-year audiovisual license along with a broadcasting license, both subject to monitoring and evaluation procedures.

The audiovisual license could be reduced by half or even canceled if the owner fails repeatedly to comply with the administrative requirements (e.g.: prior notification of the Council when the shareholders structure is changed), unpaid fines (that were issued by the Council) for at least 6 months or serious and repeated misdemeanors as provided by the Audiovisual Law or of the Decision regarding the Regulatory Code of the Audiovisual Content (no. 220/2011). Also, the Council may decide not to extend the licensing period for another 9 years if the owner fails to bring solid evidence that it is capable to ensure sustainability and consistency in the market.

In the recent years most license suspensions' decisions were made on request, as the license owners decided to reorganize their editorial or broadcasting plans.

## C.N.A'S ACTIVITY THAT ENDANGER THE FREE AND INDEPENDENT FUNCTION OF THE MEDIA OUTLETS

There is no credible or consistent evidence that C.N.A's activity would endanger media independence in Romania, except that generated by its' inactivity. Most of the critiques that targeted the Council in the recent years were generated by the Council's lack of response and determination in enforcing the audiovisual legislation to discourage gross misdemeanors of various media outlets that have contributed with their broadcast to political and ideological manipulation in Romania.

On 15<sup>th</sup> of January 2019, the Council voted for a temporary broadcast suspension<sup>32</sup>, for a 10-minute duration in prime-time, of Realitatea TV, the first all-news channel in Romania. The temporary broadcasting suspension was quite drastic and rare; similar decisions were applied in 2012 and 2013 against other three national TV stations.

The sanction was applied for severe violations of the audiovisual legislation on covering anti-governmental protests from 10<sup>th</sup> of August 2018. At that time, the Council miscommunicated its decision, without publicizing the motivation, and contributed to vigorous public controversies. Various politicians, even the President of Romania, along with many journalists and influencers labelled C.N.A's decision as a political interference within the editorial independence of one of the most vocal anti-governmental media outlets in Romania (at that time). Despite the politicized context, the motivation that was issued by C.N.A in the following days provided consistent and relevant evidence that supported its decision and it was not dismissed by the administrative tribunal. It is worth mentioning that even if the Council's decision was legally justified and proportionate (two key principles in sanctions' balancing), it was nevertheless subject to the critique that C.N.A is operating on double standards, as other pro-governmental media outlets had similar or even worse misconducts and received less drastic sanctions.

In conclusion, the lack of response and the lack of a pro-active attitude, along with the inconsistent and unpredictable evaluation procedures are the most critical aspects that frail C.N.A's authority and credibility among media players and, most importantly, within the public opinion.

## ANALYSIS ON THE ACTIVITY OF THE REGULATOR

Despite its broad means of intervention and the continuous polarization and tabloidization of the media discourse in the last decade, the National Audiovisual Council failed to fully cover its mission as public interest guardian. Both internal and external factors have contributed to various institutional and operational blockages. Although in the last two years some improvements in C.N.A's activity are visible (such as the organizing of regular meetings for analyzing and sanctioning audiovisual media misconduct), yet much progress is to be made for the institution to regain its credibility, especially regarding political biases and even double-standards in interpreting and enforcing the audiovisual legislation.

The public scrutiny on C.N.A increased significantly in the recent years, starting with the electoral year 2016, when the Social Democratic Party (PSD) won the general elections. Prior and during the electoral campaign, some national TV channels (Antena 3 and Romania TV) have openly endorsed PSD leaders and candidates by running coordinated media campaigns against adversaries of PSD. At that time, severe manipulative narratives promoted mostly by the two television channels benefited of the weak and late response from C.N.A. The general frustration escalated dramatically in 2017, when the PSD Government managed to trigger massive street protests against its illiberal policies, and these

<sup>30</sup> CNA sanctions Realitatea TV with temporary suspension of the show for how it reflected the August 10 protest". G4Media, January 15, 2019 - <https://www.g4media.ro/cna-sanctioneaza-realitatea-tv-cu-suspensia-darea-temporara-a-emisiei-pentru-modul-in-care-a-reflectat-protestul-din-10-august.html>

protests continued until 2018. The social and political polarization reflected also in media coverages. To minimize or to discredit the protests, pro-governmental media outlets have promoted conspiracy theories and fake news in prime-time and have promoted a hostile attitude both against the protesters and the opposition parties. The poor promptness and firmness in sanctioning such violations triggered public hostility against C.N.A. that was accused of political partisanship and protection of pro-governmental media. This perception led to coordinated campaigns of mass complaints against Antena 3 and Romania TV, that eventually slowed down the institution's response capacity. Thus, in 2017, C.N.A had to process 4250 complaints against national TV and radio stations, as opposed to the previous year when they recorded only 1178 complaints. In 2018, C.N.A had to process even a higher number of complaints – 5015, and therefore the Council reported 1975 complaints only for the first two months of 2019<sup>33</sup>.

Apart from the external factors, such as the tormented political context, C.N.A has also been affected by internal dysfunctionalities as the 11 members rarely managed to reach consensus in sanctioning the media outlets that failed to serve the public interest. Although the Audiovisual Law provides that administrative fines that could reach up to 40.000 Euros for repeated violations, especially in ensuring pluralism and correct information, can be applied, the highest penalties only reach up to 10.000 euros. Thus, the lack of proportionality and progressiveness in C.N.A's decisions consolidated the perception that the audiovisual body is not consistent when interpreting the regulatory framework and fails to act as a watchdog. Another critical aspect in C.N.A's activity is related to the institutional practice of applying only one sanction for multiple and repeated misdemeanors of a media outlet.

Starting 2019, the activity of C.N.A normalized, as the body managed to overcome all the blockages that were generated by the massive complaints' campaigns from the previous years. Yet, the slow responsiveness and lack of proactiveness were similar, even if two electoral campaigns were on the horizon: April – May 2019 (the elections for the European Parliament) and October – November 2019 (the Presidential elections). As the 2019 electoral climate has been less intense as opposed to previous years, the audiovisual media outlets' legal infringements were less present. Thus, C.N.A issued 10 summons ( public warnings) to various media outlets for misconduct in covering the European Parliament elections, and other 9 summons for the Presidential elections. In 2019, C.N.A reported that it received and processed 2474 complaints (2288 complaints against national TV and radio stations, and 186 complaints against local and regional TV and radio stations). Also, in October 2020, the council canceled Estrada TV<sup>34</sup> (a national generalist TV station) audiovisual license for a series of unpaid fines that the Council imposed between 2015 and 2018, and also decided not to extend Realitatea TV (the first Romanian all-news channel) audiovisual license for not meeting the minimum administrative requirements and procedures<sup>35</sup>. By then Realitatea TV had had a long and tormented history of financial difficulties that ended in 2019 when the bankruptcy was declared by the court<sup>36</sup>. As for 1<sup>st</sup> of November 2019, Realitatea TV continued to air under Realitatea Plus<sup>37</sup> brand and audiovisual license, thus C.N.A's decision did not impede the editorial plans of the outlet. The smooth transition between the two broadcasting licenses was possible as Realitatea TV shareholders had already owned Realitatea Plus license since 2013, as a back-up plan for the potential

bankruptcy of Realitatea TV. Some media reports pointed out that the new beginning of Realitatea brand was not necessarily a clean slate as the company that owns Realitatea Plus license has already cumulated significant debts<sup>38</sup>.

In 2020, despite the COVID-19 pandemic, C.N.A continued to meet online regularly. In the autumn, both local and parliamentary elections took place, and C.N.A issued summons (public warnings) and sanctions for various violations in the electoral coverage. After the local elections in September, C.N.A issued 20 summons, and in December, after the parliamentary elections C.N.A issued 26 sanctions<sup>39</sup>.

In February 2021, C.N.A suspended its weekly meetings for almost three months due to the expiration of mandates of three members of the Council. Thus, the Council could not meet the quorum requirements and has functioned with only seven out of 11 members (another mandate was vacant since October 2020, due to the death of one of the members). The temporary blockage could be explained by the new Parliamentary majority's agenda that did not prioritize C.N.A's new appointment procedures for almost three months.

Due to the poor coordination and prioritization of the new parliamentary and governmental coalition, the appointment procedures were organized only on late, in April 2021. This reflected also in C.N.A's capacity to adopt and submit the 2020 Annual Report to the parliamentary commissions. Currently, C.N.A has a fully functional board and has resumed its activity on 13<sup>th</sup> of May 2021<sup>40</sup>.

<sup>33</sup> Excerpt from 2018 Annual Report

<sup>34</sup> Estrada TV shuts down. The CNA revoked its license

<sup>35</sup> Realitatea TV shuts down. CNA rejected the extension of the television license

<sup>36</sup> Realitatea TV - short history: The first news station, buried by bankruptcy 18 years after its establishment

<sup>37</sup> Realitatea goes on. From Realitatea TV to Realitatea Plus

<sup>38</sup> A new TV scam: Realitatea Plus registered on a company with high losses and debts

<sup>39</sup> C.N.A's 2020 report - voted unanimously by the Council members", Agerpres, May 18, 2021 - <https://www.agerpres.ro/cultura/2021/05/18/raportul-cna-pe-2020-votat-in-unanimitate-de-membrii-consiliului--715168>

<sup>40</sup> CNA, the first meeting after three months: B1 HD, Profit TV HD, Rock FM and Pro FM licenses and much more, on the agenda

## Relevant decisions<sup>41</sup> (2018 – 2020)

2018					
Category	No. of sanctions	Administrative fines	Average amount	Public summons (warnings)	Other sanctions
National TV stations	90	47	6266 EUR	41	2
National radio stations	5	1	2150 EUR	4	
Local TV stations	23	3	16129 EUR	20	
Local radio stations	37			37	
Cable service providers	12	1	2150 EUR	11	

In 2018, C.N.A held 49 public meetings in which it issued 167 summons and sanctions, 54% of them granted to national TV stations. Most of C.N.A's sanctions consisted of public summons, as only 52 of them were administrative fines totaling 1,6 million LEI (approx. 347,000 EUR). 90% of the administrative fines were imposed to national TV stations for various violations as provided by the audiovisual legislation.

2019					
Category	No. of sanctions	Administrative fines	Average amount	Public summons (warnings)	Other sanctions
National TV stations	229	80	3375 EUR	145	4
National radio stations	24	5	2004 EUR	19	
Local TV stations	95	5	1582 EUR	87	3
Local radio stations	75	1	4220 EUR	71	3
Cable service providers	58	7	3918 EUR	50	1

In 2019, the Council intensified its activity and held 79 public meetings where it issued 484 sanctions (375 public summons and 98 administrative fines). The administrative fines, with a total of 1,5 million LEI (approx. 320,000 EUR) were mostly imposed to the national TV stations.

Although the number of sanctions almost tripled in 2019, the total sum is lower than in 2018, and the average amount as well. This indicates that the sanctions were not progressive even if they targeted repeated and constant violations for similar offences of the same media outlet.

<sup>41</sup> 2018 and 2019 statistics were corroborated from C.N.A's annual reports. *Special note: 2020 data were collected by the authors of the chapter, after analyzing all sanctioning decisions that were published by the C.N.A on its website. Some figures may vary, but not significantly.*

In 2020<sup>42</sup>, C.N.A held 79 public meetings where it issued 349 sanctions, of which 260 consisted of public summons and 85 of administrative fines, totaling 1,7 million LEI (approx. 350,000 EUR).

	NATIONAL NEWS TV CHANNELS					
	2018 <sup>43</sup>		2019 <sup>44</sup>		2020*	
	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)
Antena 3	102000	6,32%	155000	11,72%	52500	3%
B1TV	102500	6,35%	135000	10,21%	65000	4%
Digi 24	20000	1,24%	40000	3,02%	5000	0%
Realitatea TV	155000	9,60%	195000	14,74%	not applicable	not applicable
Realitatea Plus	not applicable	not applicable	5000	0,38%	177500	11%
Romania TV	70000	4,34%			115000	7%
TVR 1	not applicable	not applicable	5000	0,38%	not applicable	not applicable
	COMMERCIAL NATIONAL TV CHANNELS					
	2018		2019		2020*	
	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)
Antena 1	200000	12,39%	255000	19,28%	160000	9,48%
Estrada TV	65000	4,03%	270000	20,42%	not applicable	not applicable
Kanal D	585000	36,23%	10000	0,76%	85000	5,04%
Nașul TV	50000	3,10%	27500	2,08%	105000	6,22%
Pro TV	220000	13,63%	42500	3,21%	295000	17,48%

*Special note: 2020 data were collected by the authors of the chapter, after analyzing all sanctioning decisions that were published by the C.N.A on its website. Some figures may vary, but not significantly.*

<sup>42</sup> Due to the fact that the 2020 Annual Report is not public yet the authors could not process in detail sanctions' distribution.

<sup>43</sup> CNA, activity report 2018. Kanal D, the most fined generalist post. Realitatea TV, the most sanctioned news television", Pagina de Media, April 5, 2019 - <https://www.paginademedia.ro/2019/04/cna-raport-de-activitate-2018/>

<sup>44</sup> CNA imposed fines of over 1.3 million lei this year", News.ro, December 31st, 2019 - <https://www.news.ro/cultura-media/cna-a-aplicat-anul-acesta-amenzi-de-pest-1-3-milioane-de-lei-realitatea-tv-si-gold-fm-cele-mai-multe-sanctiuni-1922400031002019121119214255>

National TV stations, both news channels and commercial channels, have the highest share of administrative fines (ranging from 63% in 2020 to 98% in 2018).

In 2018, the most relevant national news TV channels had a share of 28% from the total fines that were imposed, share that increased to 40% in 2019. In the last three years, the news channels who received most of the fines were Realitatea TV, B1TV, Antena 3 and Romania TV.

### Detailed review of violations sanctioned by the C.N.A

For the national news channels, the most predominant decisions issued by the Council in the last three years have sanctioned key ethical sideslips regarding the correct information and pluralism, along with the protection of human dignity and the right to one's image.

In the case of the national commercial TV stations most of the sanctions have been applied for infringements of the child protection legal provisions, respecting the human dignity, and respecting the advertising regulations (especially regarding the duration of advertising segments).

### License tenders

Currently there are 1416 valid audiovisual licenses and retransmission authorizations that are owned by 454 companies and organizations that cover 6144 locations (covering cities, towns, rural areas etc.).

According to C.N.A's 2018 annual report, as a result of the granting, extension or assignment of audiovisual licenses, as well as a result of changes in the shareholders structure, name or registered office of companies, change of name of the program service or its broadcasting area, C.N.A issued:

- 360 audiovisual licenses for terrestrial radio program services and 5 licenses for terrestrial radio networks - national and regional;
- 15 licenses for satellite broadcasting programs;
- 3 audiovisual licenses for television programs with digital terrestrial broadcasting;
- 48 audiovisual licenses for television programs with satellite broadcasting and
- 64 licenses for television programs broadcasted through other communication networks.

In 2019:

- 96 licenses were issued for audiovisual media services for terrestrial radio programs and 4 licenses for terrestrial radio networks - national and regional;
- one license was issued for broadcasting programs with satellite broadcasting;
- 30 audiovisual licenses were issued for television programs with satellite broadcasting, and
- 83 licenses were issued for other television programs communications networks.

In 2020, the Council issued 234 audiovisual licenses:

- 78 audiovisual licenses for terrestrial radio programs services and two licenses for national and international terrestrial radio programs;
- two licenses for satellite broadcasting programs;
- 49 audiovisual licenses for programs satellite television and
- 103 licenses for television programs broadcast via other communication networks.

According to the Audiovisual Law, licensing and authorizing procedures are applicable non-discriminatory for the following formats and services:

1. audiovisual media service - the service under the editorial responsibility of a provider of media services, the main purpose of which is to provide programs for information purposes, by entertainment or education for the general public, through electronic communications networks. Such a Audiovisual media service is either a television / broadcasting program service, (...), or an on-demand audiovisual media service as defined in point 3, and / or a media service that constitutes an audiovisual commercial communication(...);
2. television / broadcasting program service - linear audiovisual media service provided by a broadcaster, in which the programs are broadcast in continuous succession, regardless of the method technique used, having a predetermined content and schedule, for simultaneous viewing / listening of programs, based on a program grid, under a specific name and identified by a logo, in in the case of television, or by an audible signal, in the case of broadcasting;
3. on-demand audiovisual media service - a non-linear audiovisual media service, in which watching programs is done at the individual request of the user and at the time chosen by him, provided by a media service provider based on a catalog of programs selected and put on provided by the media service provider;

4. program - set of moving images, with or without sound, which constitute a whole identifiable by title, content, form or author, within a grid or a catalog made by a audiovisual media service provider, having the form and content of television services or being comparable in form and content to them;
5. generalist television or broadcasting service - a service that broadcasts cumulatively and in balanced proportions audiovisual programs with informative, educational and entertainment content, in the main areas of interest and which address the majority of the public;
5. public television and broadcasting services - television program services offered by the Romanian Television Society and the services of broadcasting programs offered by Romanian Broadcasting Company;
6. community television or broadcasting service - a service that broadcasts programs audiovisuals dedicated to an audience belonging to a specific community;
7. thematic television or broadcasting service - service that broadcasts programs audiovisuals dedicated mainly to a specific field and addressed to a segment of the public;
8. teletext service - all the information made available to the public in the form of a text, encoded inside the image signal, which can be accessed using a standard decoder of the TV receiver at the time, for the duration and for the chosen content;
9. videotext service - all messages made available to the public in the form of text or graphic signs, within a grid or a catalog, made by a media service provider audiovisual media services, having the form and content of television services or being comparable in form and content with them;
10. retransmission - simultaneous capture and transmission of linear audiovisual media services, provided by broadcasters and intended for reception by the public, by any technical means, in their integrity and without any modification of the content;

Despite the broad range of audiovisual services, the terrestrial radio programs are the most flexible and dynamic segment.

## CONCLUSIONS

In the recent years, the National Audiovisual Council has weakened its authority as a media watchdog, and as a key player within the democratic system. Given its' dependence to the political algorithm and the constant critiques of politization and partisanship, the Council has limited scenarios to recover its credibility.

Additionally, the Council must invest consistent efforts to increase its authority among the audiovisual media outlets by proactive interventions when regulatory sideslips occur – especially during electoral campaigns or during various social and political crisis.

Although the Council has proven that it does not conflict with the freedom of expression and does not interfere into editorial processes, given the fake news and conspiracy theories dispersal within the society, the audiovisual body must make use of all legal instruments to redress the phenomena within the media outlets that traditionally outsmart the existing audiovisual legislation.

In this sense, the sanctioning decisions should be proportionate, progressive, and solidly justified both to the media outlets and to the public.

Finally, the Council should restore its public perception by opening the communication to the public as a media literacy promoter.

## RELEVANT SOURCES

- The National Audiovisual Council official website - [cna.ro](http://cna.ro)
- Sanctioning decisions - <https://www.cna.ro/-Decizii-de-sanc-ionare-.html>
- Licensing reports - <https://www.cna.ro/Situa-ii-privind-licen-ele,6771.html>
- Annual reports - <https://www.cna.ro/-Raport-anuale-.html>
- [http://www.cdep.ro/pls/legis/legis\\_pck.htm?act=text&idt=12094](http://www.cdep.ro/pls/legis/legis_pck.htm?act=text&idt=12094)
- Law no. 504/2002 [up to date] – The Audiovisual Law - <http://legislatie.just.ro/Public/DetaliiDocument/37503>
- Decision no. 220/2011 regarding the Regulatory Code of the Audiovisual Content [https://www.cna.ro/IMG/pdf/DECIZIE\\_nr\\_220\\_din\\_24\\_februarie\\_2011\\_versiune\\_consolidata.pdf](https://www.cna.ro/IMG/pdf/DECIZIE_nr_220_din_24_februarie_2011_versiune_consolidata.pdf)





## SLOVAKIA

# LEGAL FRAMEWORK - INDEPENDENCE AND COMPETENCES OF THE REGULATORY BODY

**T**he Council for Broadcasting and Retransmission ( Council) of the Slovak Republic is the body responsible for the regulation of broadcasting in Slovakia. The function and responsibilities of the Council are set out in the Act on Broadcasting and Retransmission Act No. 308/2000 Coll. The Council is an administrative authority whose mission is to enforce the public interest in the exercise of the right to information, freedom of expression, and the rights of access to cultural values and education, and to perform state regulation in the areas of broadcasting, retransmission and the provision of on-demand audiovisual media services. The Council ensures the maintenance of plurality of information in the news programmes of public service broadcasters and licensed broadcasters. It also supervises compliance with legislation regulating broadcasting, retransmission, and the provision of on demand audiovisual media services, and performs state administration in the area of broadcasting, retransmission and the provision of on-demand audiovisual media services in the scope provided for by the Act on Broadcasting and Retransmission.

The main media regulator, the Council is a relatively transparent institution. Most of the documents issued by the Council, including decrees, minutes of meetings, reports on the state of broadcasting and licensing decisions are published on the regulator's website. The licensing decisions and the deliberations around a licensing request were done behind closed doors.

## The Council Composition

The Council consists of nine members who are elected and dismissed by the Parliament and can be nominated by members of the Parliament, professional institutions and civil associations operating in the areas of audiovisual, mass information means, culture, science, education, sport, registered churches and religious societies, and civil associations of citizens with disabilities. A staff of some 30 specialists, known as the Office of the Council for Broadcasting and Retransmission, offer advice and expertise to the Council to help them make in their decision-making processes. The Council usually meets twice a month.

To be able to be elected as a member of the Council the person has to be a citizenship of the Slovak Republic with permanent residence in the territory of the Slovak Republic, aged not less than 25 years, with full legal capacity and integrity and not been convicted of a deliberate crime. A Council member may be elected for a maximum of two terms of office. One third of the Council shall be renewed every two years.

## The independence and integrity of Council Members

Council Members should be independent and are not allowed to hold a function in a political party or a political movement, or act on their behalf or for their benefit. Neither Council Members nor persons closely related to them may be periodic press publisher, a broadcaster, retransmission operator, a provider of on demand audiovisual media service or a member of the statutory body, managing body, control body, or be the statutory representative or an employee of such an organisation. Furthermore, neither Council Members nor persons closely related to them may have a share in the ownership, or a share in the voting rights of an entity that is a broadcaster or retransmission operator or the provider of on-demand audiovisual media service.

Council Members may not be members of the statutory body, managing body or control body or be the statutory representative of an organisation that provides services connected with the creation of programmes, advertisements or technical support for broadcasting, retransmission and the provision of on-demand audiovisual media services. They should also not provide direct or mediated consultation or professional services or assistance for payment or other consideration to the broadcasters, retransmission operators, or on-demand audiovisual media service providers.

In practice, until recently, there were very close links between Council members and political parties. Most of the Council members often interacted with politicians and financiers with an interest in the media. For example, one of the recent members of the Council was Mr Milan Blaha, who was elected to the Council in 2017. He was a veteran journalist, known in the distant past as a propagandist for former Prime Minister Vladimír Mečiar, a controversial politician infamous for his undemocratic practices. Milan Blaha's son, Ľuboš, is a Marxist philosopher and political scientist, since 2012 a member of the National Assembly of the Slovak Republic for Smer-SD.

Ľuboš Blaha is recently known for his significant activity on Facebook, which is typical by its verbal aggression against political and other opponents, as well as his regular use of disinformation and manipulative and false interpretations.

At the same time, however, it should be noted that with the digital switchover, an increasing number of licenses for TV and radio operations is now available which makes licensing somewhat less important than before when only a few television broadcast licenses were available. As such, this increased availability of licenses helped to depoliticize the regulatory process and reduce the amount of pressure on the Council's members. Nowadays, any applicant who meets the set of formal criteria can claim a broadcast license. While a high number of bidders were participating in licensing tenders in the past, today, if a digital license holder wants to air also terrestrially (besides via digital platforms), it has to conclude bilateral agreements with digital multiplex operators.

## Budget of The Council

The Council manages its own budget and its activities are covered by a separate chapter of national budget of the Slovak Republic.

	2014	2016	2017	2018	2019	2020
Revenue	343 514	190 823	270 287	196 660	115 414	469 240
Expenses	1 114 742	1 119 599	1 333 631	1 399 654	1 543 082	1 673 949

Source: Based on data from the Council's annual reports

The Council gets a subsidy from the state budget which was almost 1,4 million EUR in 2018 – an increase in of less than 5% compared to 2017. However, the government has pushed the Council to generate more cash on its own, first time in 2014.<sup>45</sup> International Press Institute (IPI) and South East Europe Media Organisation (SEEMO) both criticized the government's decision stating that by forcing the regulator to impose more fines, the government threatened the Council's independence and instilled fear and self-censorship among media outlets.<sup>46</sup> By the Law on Broadcasting and Retransmission, the Council can impose fines on broadcasters ranging from 99 to 165,959 EUR, depending on the gravity of the violation. It should be noted that the funding the Council generates on its own is returned to the state budget.

The Council's budget for 2020 was approved in the amount of EUR 250,000.00. In total, the Council achieved revenues of EUR 469,240.47, of which revenues from fines for infringements amounted to EUR 466,342.00 and other non-tax revenues of EUR 2,898.47. The implementation of revenue represents 187.70% of the approved budget.

<sup>45</sup> Media Influence Matrix: Slovakia by Marius Dragomir available at <https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1322/mimslovakia2020full.pdf>

<sup>46</sup> Ibid

## The Annual Report

Every year the Council submits an Annual report on its activities, the state of broadcasting, the provision of retransmission services and the provision of on-demand audiovisual media services. The report includes information about the situation in radio and television broadcasting, information about the licenses that have been granted or changed and about the criteria that have been used as the basis for granting the licenses to applicants and for rejecting the applications of all other parties in the procedure.

It also includes statistics on broadcast programmes, statistics of the television broadcasting of European works and independent productions, statistics of the radio broadcasting of Slovak musical works and statistics on the share of European works in the area of on-demand audiovisual media services and their evaluation (Section 5(1)(l)). The Annual report further includes an analysis of the programme services of the public service broadcaster and licensed broadcasters; on-demand audiovisual media services; ownership relations and personal relations in broadcasting (Sections 42 to 44) including an overview of the ownership structure of broadcasters; shares of public interest programmes in broadcasts; the linguistic diversity of broadcast programmes, focussing in particular on the share of the state language and the languages of national minorities in broadcasting; the duties of retransmission operators, in particular the duty to ensure the basic extent of retransmission (Section 17(1)(a)) and the effect of such duties on the provision of retransmission in the Slovak Republic.

The Council submits its Annual Report on the state of broadcasting and Council's activities once a year to the Parliament. Moreover, the Council also submits for review its statutes and rules of procedures to the Parliamentary Committee for the Media and Culture which the committee then submits to the Speaker of the Parliament for approval. The Annual Report becomes public at the date of its approval by the Council.

Council membership is terminated by expiration of the term of office (Section 8(1)); by resignation from office; by dismissal of the council member from office or by the death of the council member. The Parliament can dismiss a Council member in case s/he has ceased to fulfil the conditions for holding office; s/he has been legally convicted of a deliberate crime; s/he has been legally deprived of legal capacity; or his or her legal capacity has been legally restricted; s/he has not performed his or her function for more than six consecutive calendar months; or s/he acts in contravention of the statutes of the Council.

## DETAILED ANALYSIS OF THE COMPETENCES REGARDING THE MEDIA MARKET (market entry / frequency tenders, merger control, modification of licenses, competences regarding the state advertisement)

### Competences of The Council

The Council decides on broadcasting licenses, registration for retransmission services and on the suspension of retransmission of a programme service or in case of serious violations on revoking of the license. It also decides on the assignment of additional frequencies to the public service broadcasters as well as on granting of a terrestrial broadcasting licence. In the Annual report, the Council is responsible to provide ownership relations and personal relations in broadcasting including an overview of the ownership structure of broadcasters.

The publisher of a periodical that is published at least five times a week and is available to the public in at least half of the Slovak territory cannot simultaneously be a licensed broadcaster on the multiregional or national level. It is also not possible for a legal entity or natural person to have a cross ownership connection with more than one licensed broadcaster on the multiregional or national level; nor shall cross-ownership exist with a publisher of periodicals with national circulation. Moreover, a legal or natural person can have a cross-ownership connection with several licensed broadcasters on the local or regional level only if the broadcasting of all of the broadcasters with whom this person has cross-ownership connections can be received by not more than 50% of total population. All forms of cross ownership or personal connection between the broadcaster of a radio program service and the broadcaster of a television program service to each other, or with a periodical press publisher on the national level are prohibited. In case of a breach of these provisions, the Council has power to revoke the license of the broadcaster.

The Council keeps a record of applications for the granting of a licence as well as of granted licences. It also keeps a record of applications for registration of retransmission and of registrations of retransmission as well as information on providers of on-demand audiovisual media service based on notification duty. Also, the Council keeps information on internet broadcasters. The Council publishes (on its web site) a summary of valid licences and registrations for retransmission, the state of usage of the frequency spectrum and a summary of vacant broadcasting frequencies, and a summary of providers of on-demand audiovisual media service and internet broadcasters.

Type of connection/year	2013	2014	2015	2016	2017	2018	2019	2020
Number of registrations for retransmission in total	173	167	167	168	168	165	153	127
Number of households connected via KDS, DVB-C	864 733	733 149	790 042	716 409	493 603	454 352	498 121	684 359
Number of households connected via MMDS, MVDS, internetu and other telecom. Networks	23 071	330 507	276 311	260 921	34 297	49 231	48 230	41 434
Number of users connected via mobile operators	1 210 000	1 210 000	1 371 000	1 372 000	1 398 000	1 418 280	1 429 560	1 420 474
Number of users connected via DVB-T	1 505 600	1 506 150	1 506 700	1 501 250	1 684 831	1 701 700	1 710 840	1 501 450
<b>Total</b>	<b>3 603 404</b>	<b>3 779 806</b>	<b>3 944 053</b>	<b>3 850 330</b>	<b>3 610 731</b>	<b>3 623 563</b>	<b>3 686 904</b>	<b>3 647 717</b>

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

## Licences

Licenses are granted by the Council in the licensing procedure. The Council is authorized to grant at most one license to one legal entity (or one natural person) to broadcast a television program service or one license to broadcast a radio program service. This condition does not apply to a broadcast license granted for a monothematic television program service.

The licenses are granted for 12 years (TV) and 8 years (radio) but it could also be for a shorter period in case the applicant so requests or it is necessary for the efficient utilization of the frequency spectrum (or it is necessary for the performance of obligations stipulated in international treaties).

There are number of obligations that the applicants need to meet when requesting a license, including a detailed information on all owners, available finances, estimated time period and territorial extent of broadcasting, proposed program structure of broadcasting, confirmation of a competent authority that the applicant has no tax arrears in the records of the competent local tax authority, etc.

When granting a license, the Council considers prerequisites necessary to maintain plurality of information and media content; whether the program structure proposed by the applicant is balanced in relation to the existing offer of program services in the area of broadcasting in the territory that should be covered by this broadcasting; the contribution of the applicant in relation to the broadcasting and production of public interest programs, as well as the fact that the applicant should not obtain a dominant position in the relevant market.

The granting procedure is commenced by the Council not later than 18 months before the expiration of the terrestrial broadcasting license of a TV or radio program service on the national and multiregional levels and includes the basic conditions of the procedure (the deadline and the location for submission of applications for the license, the territorial range of broadcasting, the specific frequencies and the date of the public hearing for license applicants).

The broadcaster may apply to the Council for a change of the license or the license extension. The license can be extended only once, for a television program service by 12 years, and for a radio program service by eight years.

## IDENTIFICATION OF THE FIELDS OF THE ACTIVITY THAT ENDANGER THE FREE AND INDEPENDENT FUNCTION OF THE MEDIA OUTLET.

The Slovak media market is shaped by the interests of various powerful ownership groups. Although their influence varies and in some cases tends to control the content, overall the Slovak media environment has so far resisted the more pernicious influence of oligarchisation as we know it from neighboring countries.

There are primarily two areas with potential to endangering the free and independent function of media outlets. More specifically, such problems could occur during the licensing procedures or while penalizing broadcasters for breaches of the legislation. While the Council members should be independent in making decisions on different aspects of the licensing process, they may be influenced by either political or economic interests. This could happen either while making the decision on whether or not to grant the license, but it could also influence the program structure of the media. Also, such impact may be visible in the process of license extension or suspension.

As indicated above, in 2014 the government has pushed the Council to generate more income from its own activities which resulted in an increased focused on imposing fines on broadcasters. However, according to a recent report looking, inter alia, into the activities of the Council, the "Council has not made in recent years any earth-shattering decisions that would negatively or positively affect news media companies. Fines, usually to the tune of thousands of euros, are not life-threatening for the major broadcasters."<sup>47</sup>

<sup>47</sup> Media Influence Matrix: Slovakia by Marius Dragomir available at <https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1322/mimslovakia2020full.pdf>

## Analysis of news programs prior to the 2020 Slovak parliamentary elections

Our analysis based on desk research also did not reveal any obvious actions taking place during the licensing process that would 'endanger free and independent function of media outlets'. However, the Council appeared to have been reluctant to conduct a comprehensive monitoring of TV and radio during elections, based on which they could identify biased coverage and political favouritism towards certain political actors in news and current affairs coverage.

## Monitoring and sanctions during elections

Until 2008, the Council conducted regular comprehensive monitoring of broadcast content (mainly focusing on news and current affairs programs) and published results of such monitoring in a section of its web site titled Monitoring vysielania (monitoring of broadcasting).<sup>48</sup> The last report published on the old version of the Council's web site covers the period 15 September – 15 October 2008 and focused on the prime time news of four national TV broadcasters.<sup>49</sup> Since 2009, such the Council has continued doing regular monitoring (particularly in the context of important political events such as elections) but the results of the monitoring were not presented separately (in the form of individual reports, as in the past) but integrated in the annual reports of the Council on the state of the broadcasting<sup>50</sup>. As such, while there are frequent complaints about political pluralism and objectivity of different broadcasters' news and current affairs programs, those who are interested have to wait for the annual reports and then find a very short summary of the monitoring results. For example, in 2020, the Council conducted only one specific monitoring focusing on news and current affairs programs of TV and radio broadcasters (and monitoring based on complaints) which is summarized on some three pages of the annual report. The main finding of the monitoring conducted by the Council was that there were no violations of the Law on Broadcasting and Retransmission.

By contrast, MEMO 98 found that RTVS failed to meet its role of a public broadcaster – the legal requirement of impartiality during an election campaign was compromised by showing support to parties of the ruling coalition. According to MEMO 98, RTVS dedicated the bulk of its news airtime to the then ruling coalition parties SMER-SD and SNS (Slovenská Národná Strana). Together with the substantial airtime provided to the previous government as such, this was almost two thirds of the total airtime devoted to election and political-related information (these two government parties acquired three times larger airtime than the third coalition partner Most-Híd). Just to compare, RTVS dedicated the total of approx. 17% of airtime to the six parties of democratic opposition, the smallest share among all monitored TV channels. Moreover, we should also take note of the trend of the

notable over-representation of SNS in the discussion programs organized by RTVS. During the campaign, SNS was the most frequently invited political party (6 invitations) despite its much weaker standing in terms of voter preferences. RTVS even made the last-minute change of rules for the final election debate so that SNS could take part as well.

The re-defining of the selection criteria for the final debate on RTVS was also criticized by the OSCE/ODIHR Election Assessment Mission which wrote in its final report that "based on the results of opinion polls, SNS did not qualify for the final debate on RTVS at which the largest audience was expected; however, the SNS candidate was invited following the decision by the public broadcaster to re-define the earlier adopted selection criteria."

Also, MEMO 98's monitoring indicated that privately-owned TA3 allocated the biggest share of its news coverage to the SNS party. TA3 also demonstrated its political favouritism towards the ruling parties in its discussion program titled In politics (V politike) – as many as 41 % of guests were representatives of SMER-SD and SNS. Still, the Council for Broadcasting and Retransmission failed to notice these failures.

The media regulator (The Council for Broadcasting and Retransmission) should actively oversee broadcasting during election campaigns. Moreover, legislative conditions should be established enabling a prompt reaction to any breach of rules, including an adequate sanctioning mechanism. Besides the above, the Council should be obliged to perform monitoring of news and current affairs programs during the campaign.

By contrast, the Czech media regulator conducts comprehensive and regular analysis of TV and radio content prior to all elections in Czechia, some of which are outsourced and the rest conducted inhouse by the regulator's analysts.<sup>51</sup>

## ELABORATING ANALYSIS ABOUT THE ACTIVITY OF THE REGULATOR

### Analyses of the content of radio and television broadcasting, sanctions

The Law on Broadcasting and Retransmission obliges broadcasters to be impartial, objective and ensure plurality of views in news and current affairs programs. The compliance is monitored by the Council. The Council conducts specific monitoring (such as prior to an election) or in connection with complaints from listeners and viewers. The specific monitoring focuses on selected programs of TV and radio channels for a certain period of time. The monitoring conducted in connection with the received complaints is a dominant monitoring activity by the Council, given its capacity and the number of complaints submitted to the Council.

<sup>48</sup> The monitoring section is here: [http://archiv.rvr.sk/spravy/index.php?kategorieId=235&rozbalit-Clanky=235#clanky\\_235](http://archiv.rvr.sk/spravy/index.php?kategorieId=235&rozbalit-Clanky=235#clanky_235)

<sup>49</sup> The report (15 September – 15 October 2008) is available here: [http://archiv.rvr.sk/cms/data/modules/download/1231761671\\_Sprava\\_o\\_komparativnom\\_monitoringu\\_spravodajstva.pdf](http://archiv.rvr.sk/cms/data/modules/download/1231761671_Sprava_o_komparativnom_monitoringu_spravodajstva.pdf)

<sup>50</sup> Annual reports are here: <http://sk.rvr.sk/pre-verejnost-spravy-o-stave-vysielania>

<sup>51</sup> Reports available here: <https://www.rrtv.cz/cz/static/prehledy/analyzy-vysilani/index.htm>



In case the broadcasters violate the law or conditions of their broadcasting, the Council has a wide range of penalties ranging from warning, broadcasting of an announcement about infringement of law, fine or revoking of the license in case of a serious violation.

## The results of monitoring conducted by the Council

In 2020, there were 27 complaints about radio broadcasting checked by the Council of which one complaint was considered as justified while 25 were considered as not justified (one complaint was determined as partly not possible to be checked and partly as not justified). The complaints can be divided into the following five areas: plurality of information, objective and balanced information, protection of human dignity and protection of minors, advertising, and sponsoring (hidden commercial communication).

In 2019, the Council conducted a specific monitoring in the run-up to the 2019 presidential election as well as prior to the EP elections. In addition to these monitoring activities, the Council was involved in monitoring social media platforms as part of ERGA activities. Similar to other year, dominant part in the field of monitoring was monitoring linked with received complaints.

The Council monitored the public broadcaster RTVS in connection with the 2020 parliamentary elections and dealt with the complaints filed in connection with the election coverage. There were 89 complaints about TV broadcasting checked by the Council of which one complaint was considered as partly justified and partly as not justified while 85 were considered as not justified (one complaint was determined as partly not possible to be checked and partly as not justified). Three complaints were considered as impossible to be checked (due to a late submission of the complaint which prevented the Council to request the respective broadcasts from the outlets. Of the complaints filed in connection with the 2020 elections, 24 complaints alleged problems with plurality of views, objectivity and balance. All of them were considered as groundless.

By comparison, private TV Markiza in 2020 was also monitored by the Council. There were 74 complaints about TV broadcasting checked by the Council of which two complaints were considered as justified while 71 were considered as not justified (one complaint was determined as partly not possible to be checked).

The Broadcasting and Retransmission Act contains Art.16, which sets out the basic obligations of television broadcasters. In addition, Art.18 regulates the specific obligations of broadcasters, in particular the public service broadcaster, in the provision of programmes in the public interest.

Article 16 stipulates that the broadcaster is obliged to ensure the versatility of information and plurality of opinion in the programme service broadcast, as well as to ensure the objectivity and impartiality of news programmes and journalistic programmes; opinions and evaluative commentaries must be separated from information of a news nature and to ensure that programmes and other components of the programme service broadcast in the context of election campaigns comply with specific regulations.

Articles 18 to 18c impose specific obligations on the broadcaster to ensure a varied programme mix, in particular a majority of programmes in the public interest, in each programme service it broadcasts (public broadcaster) and obligations setting out the proportion of programmes broadcast accompanied by closed or open captioning, interpreted in sign language for the deaf or in sign language for the deaf, accompanied by voice-over commentary for the blind, and the obligation to clearly identify all such programmes.

In connection with these basic obligations, the Council considered in 2020 a total of 25 complaints

## 2019 & 2020

Program/broadcaster	Date	Violation	Decision by the Council/sanction
<b>Televízia Močenok</b> Kabel TV Močenok, s.r.o. (broadcasting in violation of the license)	13. 6. 2019	§ 16 part 3 letter. d)	RL/2/2020 from 29. 1. 2020, notification on the violation of the law
<b>Info Kanál Komjatice</b> Káblková televízia Komjatice s.r.o. (not submitting the recordings of the broadcasts)	9.6.2019, 16.6.2019	§ 16 part 3 letter. l)	RL/4/2020 from 29. 1. 2020, notification on the violation of the law
<b>JOJ MAC TV</b> s.r.o.(broadcasting in violations of the license conditions)	17.10.2019	§ 16 part 3 letter. d)	RL/7/2020 from 6. 5. 2020, notification on the violation of the law
<b>TV Nové Zámky</b> Novocentrum Nové Zámky a.s. (not submitting the recordings of the broadcasts)	15. 11. 2019	§ 16 part 3 letter. l)	RL/11/2020 from 17. 6. 2020, notification on the violation of the law
<b>TV Raj</b> Raj Production, s.r.o. (not submitting the recordings of the broadcasts)	21.1.2020, 22.1.2020, 27.1.2020, 28.1.2020, 31.1.2020, 1.2.2020	§ 16 ods. 3 písm. l)	RL/12/2020 zo dňa 1. 7. 2020, notification on the violation of the law
<b>TV LUX</b> TV LUX s.r.o. ( <i>Trnavská novína</i> )	16. 11. 2019	§ 16 part 3 letter. a)	RL/13/2020 zo dňa 26. 8. 2020, notification on the violation of the law
<b>Stredoslovenská televízia</b> Stredoslovenská televízia, s.r.o. ( <i>Coffee Stories, Top téma</i> , broadcasting in violations of the license conditions)	From 8.2.2020 until 21.2.2020	§ 16 part 2 letter. c) in connection with § 10 part 3, § 12 part 3 of the Law No. 181/2014 Coll, § 16 part 3 letter. d)	RL/17/2020 zo dňa 19. 11. 2020, notification on the violation of the law
<b>Východoslovenská televízia</b> KREOS, s.r.o. ( <i>Osobnosti</i> )	8.2.2020 až 21.2.2020	§ 16 ods. 2 písm. c) v spojení s § 10 ods. 3, § 12 ods. 3 zákona č. 181/2014 Z. z.	RL/18/2020 zo dňa 19. 11. 2020, notification on the violation of the law
<b>TA3</b> C.E.N. s.r.o. (multimodal access)	April, May, June 2019	§ 18a letter a)	RP/2/2020 zo dňa 15. 1. 2020, fine 3 319 eur
<b>Magio Infokanál</b> Slovak Telekom, a.s ( <i>BBCearth</i> )	14. 6. 2019	§ 16 part 3 letter. e)	RP/12/2020 zo dňa 26. 2. 2020, fine 165 eur

Program/broadcaster	Date	Violation	Decision by the Council/sanction
<b>LocAll</b> KABEL TELEKOM, s.r.o. (Regionálny týždenník, not submitting the recordings of the broadcasts)	23. 7. 2019	§ 16 part 3 letter. b), § 16 part. 3 letter. l)	RP/13/2020 zo dňa 8. 4. 2020, notification on the violation of the law + fine 165 eur
<b>JOJ MAC TV</b> s.r.o. (not submitting the recordings of the broadcasts)	28. 8. 2019	§ 16 part 3 letter l)	RP/14/2020 zo dňa 8. 4. 2020, fine 165 eur
<b>JOJ MAC TV</b> s.r.o. (Kutyil s.r.o., Súdna sieň)	15.8.2019, 22.8.2019, 28.10.2019	§ 18aa part. 1 letter. a), § 18aa part 1 letter b), § 18aa part 1 letter. c)	RP/15/2020 zo dňa 8. 4. 2020, fine 3 319 eur
<b>TA3</b> C.E.N. s.r.o. (multimodal access)	From July till December 2019	§ 18a letter a)	RP/21/2020 zo dňa 6. 5. 2020, fine 3 319 eur
<b>TA3</b> C.E.N. s.r.o. (Pozrime sa na to)	1. 11. 2019	§ 16 part 3 letter e)	RP/23/2020 zo dňa 20. 5. 2020, fine 165 eur
<b>JOJ, JOJ PLUS</b> MAC TV s.r.o. (not submitting the recordings of the broadcasts)	2.10.2019, 6.10.2019	§ 16 part. 3 letter. l), § 19 part 2, § 20 part 3	RP/24/2020 zo dňa 20. 5. 2020, fine 3 319 eur
<b>JOJ MAC TV</b> s.r.o. (statistics about the broadcast programs)	From October till December 2019	§ 16 part 3 letter. m)	RP/25/2020 zo dňa 20. 5. 2020, fine 165 eur
<b>JOJ PLUS</b> MAC TV s.r.o. (not submitting the recordings of the broadcasts)	1. 11. 2019	§ 16 part. 3 letter. l), § 35 part. 3	RP/28/2020 zo dňa 3. 6. 2020, fine 3 319 eur
<b>ŤUKI</b> MAC TV s.r.o. (not submitting the recordings of the broadcasts)	28. 11. 2019	§ 16 part. 3 letter. l)	RP/32/2020 zo dňa 17. 6. 2020, fine 165 eur
<b>Západoslovenská televízia</b> Západoslovenská televízia s.r.o. (not submitting the recordings of the broadcasts)	29.9.2019 till 28.10. 2019	§ 16 part. 3 letter. l)	RP/33/2020 zo dňa 17. 6. 2020, fine 165 eur
<b>JOJ PLUS</b> MAC TV s.r.o. (not submitting the recordings of the broadcasts)	20. 12. 2019	§ 16 part. 3 letter. l)	RP/36/2020 zo dňa 26. 8. 2020, fine 165 eur
<b>Dvojka</b> Rozhlas a televízia Slovenska (not submitting the recordings of the broadcasts)	1. 1. 2020	§ 16 part. 3 letter. l)	RP/37/2020 zo dňa 26. 8. 2020, fine 165 eur
<b>TV REGION</b> MV Média, s.r.o. (not submitting the recordings of the broadcasts)	12. 2. 2020	§ 16 part. 3 letter. l)	RP/41/2020 zo dňa 9. 9. 2020, fine 165 eur
<b>DAJTO</b> MARKÍZA - SLOVAKIA, spol. s r.o. (Dva a pol chlapa)	25. 5. 2020	§ 18aa part. 1 písm. a), § 18aa part. 1 letter. c)	RP/50/2020 zo dňa 19. 11. 2020, fine 3 319 eur
<b>JOJ, JOJ PLUS</b> MAC TV s.r.o. (My dvaja a magor)	14.5.2020, 16.5.2020	§ 16 part. 3 letter. e)	RP/52/2020 zo dňa 2. 12. 2020, fine 165 eur

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

## 2018 & 2019

Program/broadcaster	Date	Violation	Decision by the Council/sanction
<b>JOJ MAC TV</b> s.r.o. (Noviny)	16. 7. 2018	§ 16 part 3 letter. b)	RL/1/2019 from 23. 1. 2019, notification on violation of the law
<b>TA3</b> C.E.N. s.r.o. (štatistika o odvysielaných programoch)	july, august, september 2018	§ 16 part 3 letter. m)	RL/2/2019 from 6. 2. 2019, notification on violation of the law
<b>TA3</b> C.E.N. s.r.o. (multimodálny prístup)	july, august, september 2018	§ 18a letter. a)	RL/3/2019 from 20. 2. 2019, notification on violation of the law
<b>Piešťany TV</b> TV PIEŠŤANY production, s.r.o. (nedodanie záznamov vysielania)	18. 6. 2018	§ 16 part 3 letter. l)	RL/4/2019 from 20. 2. 2019, notification on violation of the law
<b>IN TV</b> IN TV, s.r.o. (nedodanie záznamov vysielania)	30. 4. 2018	§ 16 part 3 letter. l)	RL/13/2019 from 3. 4. 2019, notification on violation of the law
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. (Televízne noviny)	19. 8. 2018	§ 16 part 3 letter. b)	RL/14/2019 from 3. 4. 2019, notification on violation of the law
<b>Spartak TV</b> Spartak TV, s.r.o. (nedodanie záznamov vysielania)	15. 9. 2018	§ 16 part 3 letter. l)	RL/15/2019 from 17. 4. 2019, notification on violation of the law
<b>TA3</b> C.E.N. s.r.o. (multimodálny prístup)	október, november, december 2018	§ 18a letter. a)	RL/16/2019 from 17. 4. 2019, notification on violation of the law
<b>Považie</b> MEDIA COMPANY s.r.o. (Noviny, Púchovský magazín)	12. 10. a 9. 11. 2018	§ 32 part 9, § 16 part 2 letter. c) in connection with s § 14 part 1 Law. 181/2014 Z. z.	RL/17/2019 from 7. 5. 2019, notification on violation of the law
<b>JOJ PLUS</b> MAC TV s.r.o. (multimodálny prístup)	september 2011	§ 18a letter. a)	RL/18/2019 from 7. 5. 2019, notification on violation of the law
<b>Jednotka</b> RTVS (Správy RTVS)	27. 11. 2018	§ 16 part 3 letter. b)	RL/19/2019 from 22. 5. 2019, notification on violation of the law
<b>ATV</b> SEWARE multimedia, v.o.s. (Mestský spravodaj)	9. 11. 2018	§ 16 part 2 letter. c) in connection with s § 14 part 1 Law. 181/2014 Z. z.	RL/20/2019 from 5. 6. 2019, notification on violation of the law
<b>Stredoslovenská televízia</b> Stredoslovenská televízia, s.r.o. (nedodanie záznamov vysielania)	20. 10. až 7. 11. 2018	§ 16 part 3 letter. l)	RL/23/2019 from 3. 7. 2019, notification on violation of the law
<b>Dvojka</b> RTVS (Halali)	12. 1. 2019	§ 16 part 3 letter. a)	RL/26/2019 from 28. 8. 2019, notification on violation of the law

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
<b>Jednotka RTVS</b> ( <i>Občan za dverami</i> )	3. 2. 2019	§ 16 part 3 letter. a)	RL/27/2019 from 11. 9. 2019, notification on violation of the law
<b>Kinet TV</b> Kinet Inštal s.r.o. (vysielanie v rozpore s licenciou, nedodanie záznamov vysielania)	1. - 4. 2. 2019; 8., 10., 11., 15. - 18. 2. 2019,	§ 16 part 3 letter. d), § 16 part 3 letter. l)	RL/29/2019 from 25. 9. 2019, notification on violation of the law
<b>TVT - Turzovská televízia</b> T - services, s.r.o. ( <i>Turzovské aktuality</i> )	8. a 9. 11. 2018	§ 16 part 2 letter. c) in connection with s § 14 part 1 Law. 181/2014 Z. z.	RL/32/2019 from 22. 10. 2019, notification on violation of the law
<b>JOJ MAC TV s.r.o.</b> (multimodálny prístup)	7. a 10. 6. 2019	§ 18b part 2	RL/34/2019 from 20. 11. 2019, notification on violation of the law
<b>Spartak TV</b> Spartak TV, s.r.o. (nedodanie záznamov vysielania)	24. 4. 2019	§ 16 part 3 letter. l)	RL/35/2019 from 20. 11. 2019, notification on violation of the law
<b>TV LUX</b> TV LUX s.r.o. ( <i>Svätá omša</i> )	10. 3. 2019	§ 16 part 2 letter. c) in connection with s § 11 part 7 Law. 181/2014 Z. z.	RL/36/2019 from 20. 11. 2019, notification on violation of the law
<b>WAU MAC TV s.r.o. (Inkognito)</b>	30. 9. 2018	§ 18aa part 1 letter. b), § 18aa part 1 letter. c)	RP/9/2019 from 6. 3. 2019, pokuta 3 319 eur
<b>Kysucké televízne vysielanie (KTV)</b> OTS, s.r.o. (vysielanie v rozpore s licenciou)	16. a 19. 10. 2018,	§ 32 part 9, § 16 part 3 letter. d)	RP/14/2019 from 3. 4. 2019, pokuta 3 982 eur
<b>WAU MAC TV s.r.o.</b> (nedodanie záznamov vysielania)	17. 11. 2018	§ 16 part 3 letter. l)	RP/15/2019 from 17. 4. 2019, pokuta 3 000 eur
<b>WAU MAC TV s.r.o. (Inkognito)</b>	16. 12. 2018, 6. 1. 2019	§ 18aa part 1 letter. a), § 18aa part 1 letter. b)	RP/18/2019 from 5. 6. 2019, pokuta 6 638 eur
<b>JOJ PLUS MAC TV s.r.o.</b> (nedodanie záznamov vysielania)	22. 1. 2016	§ 16 part 3 letter. l)	RP/24/2019 from 3. 7. 2019, pokuta 2 000 eur
<b>JOJ MAC TV s.r.o.</b> ( <i>Policať v akcii</i> )	5. 2. 2019	§ 18aa part 1 letter. a), § 18aa part 1 letter. b), § 18aa part 1 letter. c)	RP/26/2019 from 11. 9. 2019, pokuta 3 319 eur
<b>Jednotka RTVS</b> ( <i>Duel, 5 proti 5, Najväčší Slovák</i> )	15. 2. 2019, 6. 4. 2019	§ 18aa part 1 letter. c)	RP/27/2019 from 22. 10. 2019, pokuta 3 319 eur
<b>TA3</b> C.E.N. s.r.o. (multimodálny prístup)	január, február, marec 2019	§ 18a letter. a)	RP/30/2019 from 6. 11. 2019, pokuta 3 319 eur

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
<b>TV Nové Zámky</b> Novocentrum Nové Zámky a.s. ( <i>rozhovor s primátorom mesta NZ</i> )	6. 3. 2019	§ 16 part 3 letter. b), § 34 part 1	RP/31/2019 from 6. 11. 2019, notification on violation of the law
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Mentalista, Prenasledovaná</i> )	7. a 10. 6. 2019	§ 18b part 2	RP/34/2019 from 20. 11. 2019, pokuta 3 319 eur
<b>JOJ PLUS</b> MAC TV s.r.o. ( <i>Ochrancovia</i> )	11. 7. 2019	§ 18aa part 1 letter. c)	RP/37/2019 from 4. 12. 2019, pokuta 3 319 eur

Source: The annual report 2019 by the Council for Broadcasting and Retransmission

In TV broadcasting, the council issued 27 sanctions in connection with the protection of dignity and humanity and protection of minors in 2020 – out of which in one case, it obliged a broadcaster to make an announcement about the violation of the law and in 26 cases it fined the broadcasters (the fines totaled 131,551 EUR).

## 2019 & 2020

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
<b>Televízia Močenok</b> Kábel TV Močenok, s.r.o. (futbalový zápas)	13. 6. 2019	§ 20 part. 4	RL/5/2020 from 8. 4. 2020, notification on the violation of the law
<b>WAU MAC TV s.r.o.</b> ( <i>C.S.I. Las Vegas</i> )	12. 6. 2019	§ 20 part 3	RP/1/2020 from 15. 1. 2020, fine 4 000 eur
<b>JOJ MAC TV s.r.o. (Zabijaci)</b>	8.6.2019, 9.6.2019, 11.6.2019	§ 19 part 2, § 20 part 3	RP/3/2020 from 15. 1. 2020, fine 16 000 eur
<b>JOJ MAC TV s.r.o.</b> ( <i>Rodinné záležitosti</i> )	18. 6. 2019	§ 20 part 3	RP/5/2020 from 29. 1. 2020, fine 6 000 eur
<b>JOJ MAC TV s.r.o.</b> ( <i>V siedmom nebi</i> )	20. 5. 2019	§ 19 part 1 letter. a)	RP/6/2020 from 29. 1. 2020, fine 30 000 eur
<b>TV MARKÍZA, DAJTO</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Nezastaviteľný</i> )	14.6.2019, 20.6.2019	§ 20 part 3	RP/7/2020 from 12. 2. 2020, fine 12 000 eur
<b>JOJ MAC TV s.r.o.</b> ( <i>Niečo na tej Mary je</i> )	29. 6. 2019	§ 20 part 3	RP/8/2020 from 12. 2. 2020, fine 24 000 eur
<b>JOJ MAC TV s.r.o.</b> ( <i>Policať v akcii</i> )	2. 8. 2019	§ 20 part 3	RP/9/2020 from 12. 2. 2020, fine 5 000 eur
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Libáš jako ďábel</i> )	11. 8. 2019	§ 20 part 3	RP/10/2020 from 26. 2. 2020, fine 3 000 eur
<b>JOJ MAC TV s.r.o. (Smrtonosná pasca: Opäť v akcii)</b>	3. 7. 2019	§ 20 part 3	RP/11/2020 from 26. 2. 2020, fine 7 000 eur



Program/broadcaster	Date	Violation	Decision by the Council/ sanction
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Bláznivý pohreb</i> )	27. 7. 2019	§ 20 part 3	RP/16/2020 from 8. 4. 2020, fine 663 eur
<b>JOJ MAC TV</b> s.r.o. (9-1-1)	13. 8. 2019	§ 20 part 3	RP/17/2020 from 8. 4. 2020, fine 663 eur
<b>JOJ MAC TV</b> s.r.o. ( <i>Čierne vdovy</i> )	24. 7. 2019	§ 20 part 3, § 32 part 4 letter. a), § 36 part 2	RP/18/2020 from 8. 4. 2020, fine 3 319 eur
<b>DAJTO</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>announcements Bournov mýtus, Demolátor, Zakázaná zóna, Zradná hĺbočina</i> )	15.8.2019, 23.8.2019	§ 20 part 4	RP/19/2020 from 8. 4. 2020, fine 3 319 eur
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Farma</i> )	17.9.2019, 9.10.2019, 10.10.2019, 18.10.2019, 5.11.2019, 6.11.2019	§ 20 part 3	RP/20/2020 from 22. 4. 2020, fine 663 eur
<b>DAJTO</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Dva a pol chlapa</i> )	17.9.2019, 23.9.2019, 24.9.2019, 25.9.2019, 26.9.2019, 28.9.2019, 29.9.2019, 2.10.2019, 6.10.2019, 9.10.2019, 14.10.2019, 17.10.2019, 18.10.2019, 4.12.2019, 20.12.2019, 23.12.2019	§ 20 part 3	RP/22/2020 from 6. 5. 2020, fine 663 eur
<b>JOJ, JOJ PLUS</b> MAC TV s.r.o. ( <i>Kuriér 2, announcement Kuriér 2</i> )	2.10.2019, 6.10.2019	§ 16 part 3 letter. l), § 19 part 2, § 20 part 3	RP/24/2020 from 20. 5. 2020, fine 3 319 eur
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>upútavka Atomic Blond</i> )	23.9.2019, 25.9.2019, 26.9.2019, 28.9.2019	§ 19 part 2	RP/26/2020 from 20. 5. 2020, fine 3 319 eur
<b>JOJ, JOJ PLUS</b> MAC TV s.r.o. ( <i>Päťdesiat odtieňov sivej</i> )	8.11.2019, 10.11.2019	§ 20 part 3	RP/27/2020 from 20. 5. 2020, fine 663 eur
<b>JOJ, WAU</b> MAC TV s.r.o. ( <i>Extrémne prípady</i> )	9.10.2019, 19.10.2019, 7.12.2019	§ 20 part 3	RP/31/2020 from 3. 6. 2020, fine 663 eur
<b>JOJ MAC TV</b> s.r.o. ( <i>Santa je stále úchyl!, Krampus: Chod' do čerta!</i> )	21.12.2019, 23.12.2019	§ 20 part 4	RP/34/2020 from 17. 6. 2020, fine 3 319 eur
<b>JOJ PLUS</b> MAC TV s.r.o. ( <i>upútavka Vojak 4: Pohyblivý cieľ</i> )	13. 1. 2020	§ 19 part 2	RP/38/2020 from 26. 8. 2020, fine 3 319 eur

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
<b>DAJTO</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>upútavky Tokarev, Nezničiteľní 3</i> )	28. 12. 2019	§ 19 part 2	RP/39/2020 from 26. 8. 2020, fine 3 319 eur
<b>Jednotka</b> Rozhlas a televízia Slovenska ( <i>Kolonáda</i> )	7. 1. 2020	§ 20 part 3	RP/40/2020 from 26. 8. 2020, fine 663 eur
<b>JOJ, JOJ PLUS</b> MAC TV s.r.o. ( <i>Mike a Dave zháňajú baby</i> )	1.2.2020, 3.2.2020	§ 20 part 3	RP/43/2020 from 23. 9. 2020, fine 663 eur
<b>JOJ PLUS</b> MAC TV s.r.o. ( <i>Osudové leto 2</i> )	8.2.2020, 9.2.2020	§ 20 part 3, § 35 part 3, § 36 part 2	RP/44/2020 from 23. 9. 2020, fine 3 319 eur
<b>JOJ PLUS</b> MAC TV s.r.o. ( <i>Babská jazda</i> )	16. 2. 2020	§ 20 part 3	RP/46/2020 from 7. 10. 2020, fine 663 eur
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Dvë nevesty a jedna svatba</i> )	23. 2. 2020	§ 20 part 3	RP/47/2020 from 21. 10. 2020, fine 663 eur
<b>JOJ PLUS</b> MAC TV s.r.o. ( <i>Laky Royal</i> )	22. 2. 2020	§ 20 part 3	RP/48/2020 from 21. 10. 2020, fine 663 eur
<b>JOJ MAC TV</b> s.r.o. ( <i>Súdna sieň</i> )	21. 4. 2020	§ 20 part 3	RP/51/2020 from 19. 11. 2020, fine 663 eur

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

## 2018 & 2019

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
<b>JOJ PLUS</b> MAC TV s.r.o. ( <i>Mafstory</i> )	8. 9. 2018	§ 20 part3	RP/5/2019 from 23. 1. 2019, fine 8 000 eur
<b>DAJTO</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Parker</i> )	29. 6. 2018	§ 20 part3	RP/6/2019 from 6. 2. 2019, fine 12 000 eur
<b>JOJ PLUS</b> MAC TV s.r.o. ( <i>Mafstory</i> )	29. 9. 2018	§ 20 part3	RP/11/2019 from 20. 3. 2019, fine 8 000 eur
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Televízne noviny, Reflex</i> )	28. a 30. 8. 2018, 13. 9. 2018	§ 19 part1 letter a)	RP/12/2019 from 20. 3. 2019, fine 33 319 eur
<b>JOJ MAC TV</b> s.r.o. ( <i>Ministri</i> )	11. 9. 2018	§ 19 part1 letter b)	RP/13/2019 from 3. 4. 2019, fine 3 319 eur
<b>JOJ MAC TV</b> s.r.o. ( <i>Niečo na tej Mary je</i> )	2. 1. 2019	§ 20 part3	RP/16/2019 from 7. 5. 2019, fine 16 000 eur
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Televízne noviny</i> )	20. 3. 2019	§ 20 part3	RP/28/2019 from 22. 10. 2019, fine 663 eur
<b>TV MARKÍZA</b> MARKÍZA - SLOVAKIA, spol. s r.o. ( <i>Jeho foter to je lotor</i> )	23. 3. 2019	§ 20 part3	RP/29/2019 from 6. 11. 2019, fine 3 000 eur

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
JOJ MAC TV s.r.o. (Súdna sieň)	5. 3. 2019	§ 20 part3	RP/32/2019 from 6. 11. 2019, fine 8 000 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (Všetky moje ex)	2. 3. 2019	§ 20 part3	RP/33/2019 from 6. 11. 2019, fine 3 500 eur
JOJ MAC TV s.r.o. (Deadpool, upútavka na Deadpool)	6. 4. 2019	§ 19 part2, § 20 part3	RP/35/2019 from 4. 12. 2019, fine 8 000 eur
JOJ PLUS MAC TV s.r.o. (Profesionáli)	17. 5. 2019	§ 20 part 3	RP/36/2019 from 4. 12. 2019, fine 3 500 eur
JOJ, JOJ PLUS MAC TV s.r.o. (Tučné babenky)	15. a 16. 6. 2019	§ 20 part 3	RP/38/2019 from 18. 12. 2019, fine 6 000 eur

Source: The annual report 2019 by the Council for Broadcasting and Retransmission

## Complaints about the content of broadcasting

In 2020, in connection with its monitoring processes, the Council initiated proceedings in 151 cases of which 78 cases resulted in imposing sanctions, with the rest of the cases being stopped. In 14 cases, the Council obliged broadcasters to make announcements of the law infringement and as many as 52 fines were imposed totaling EUR 174,914 (of which three fines totaling EUR 695 were imposed on broadcasters of the radio program service). The sanction for suspending the broadcast of the program was not imposed in any administrative procedure in 2020. The sanction for broadcasting a report of a violation of the law was also not imposed in any administrative proceedings in 2020.

Overview of imposed sanctions & decisions in 2020  
(including decision that the law was not breached)

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of imposed sanctions for violation of the law – warning about infringement of law	4	13	0	17
The number of imposed sanctions – obligation to broadcast the announcement about infringement of law	0	0	0	0
The number of imposed sanctions – Suspension of broadcasting a program	0	0	0	0
The number of imposed sanctions - fine	3	49	0	52
The total number of imposed sanctions	7	62	0	69

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of decisions on imposed sanctions	7	62	0	69
The number of decisions on stopping the procedures against broadcasters	2	48	0	50
The total number of decisions	9	110	0	119
The total number of deliberations – infringement of the law not found	0	1	0	1

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

Overview of imposed sanctions & decisions in 2019  
(including decision that the law was not breached)

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of imposed sanctions for violation of the law – notification about infringement of law	3	24	1	28
The number of imposed sanctions – obligation to broadcast the announcement about infringement of law	0	0	0	0
The number of imposed sanctions – Suspension of broadcasting a program	0	0	0	0
The number of imposed sanctions - fine	1	34	0	35
The total number of imposed sanctions	4	58	1	63
The number of decisions on imposed sanctions	4	58	1	63
The number of decisions on stopping the procedures against broadcasters	5	43	1	49
The total number of decisions	9	101	2	112
The total number of deliberations – infringement of the law not found	0	11	0	11

Source: The annual report 2019 by the Council for Broadcasting and Retransmission



*Overview of imposed sanctions & decisions in 2018  
(including decision that the law was not breached)*

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of imposed sanctions for violation of the law – notification about infringement of law	13	24	1	38
The number of imposed sanctions – obligation to broadcast the announcement about infringement of law	0	1	0	1
The number of imposed sanctions – Suspension of broadcasting a program	0	0	0	0
The number of imposed sanctions - fine	5	33	0	38
The total number of imposed sanctions	18	58	1	77
The number of decisions on imposed sanctions	18	58	1	77
The number of decisions on stopping the procedures against broadcasters	4	37	1	42
The total number of decisions	22	95	2	119
The total number of deliberations – infringement of the law not found	4	15	0	19

Source: The annual report 2018 by the Council for Broadcasting and Retransmission

*Comparison of the imposed sanctions – 2019 and 2020*

The number of imposed sanctions	in 2019	in 2020	Difference
Notifications about infringement of the law	28	17	-11
Broadcasting of an announcement about infringement of law	0	0	0
Suspension of broadcasting a program	0	0	0
Fines	35	52	+17
The total number of imposed sanctions	63	69	+6
The number of decisions on imposing a sanction	63	69	+6
The number of decisions on stopping the administrative proceedings	49	50	+1
The total number of imposed decisions	112	119	+7
The total number of imposed decisions – no breach of the law found	11	1	-10

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

*Comparison of the imposed sanctions – 2018 and 2019*

The number of imposed sanctions	in 2018	in 2019	Difference
Notifications about infringement of the law	38	28	-10
Broadcasting of an announcement about infringement of law	1	0	-1
Suspension of broadcasting a program	0	0	0
Fines	38	35	-3
The total number of imposed sanctions	77	63	-14
The number of decisions on imposing a sanction	77	63	-14
The number of decisions on stopping the administrative proceedings	42	49	+7
The total number of imposed decisions	119	112	-7
The total number of imposed decisions – no breach of the law found	19	11	-8

In the area of licenses for broadcasting and registration of retransmission, the Council issued 5 sanctions for violating the law, one to a local radio broadcaster and four to local television broadcasters in 2020 for the violation of obligations related to the use of frequencies or other technical or administrative matters (such as for not broadcasting according to the approved program structure and for not broadcasting longer than 30 days in the whole year). The Council revoked three frequencies from radio broadcasters for not using the frequencies in accordance with the obligations (not using the frequency for what purpose it was assigned to be used) In the area of the registration of retransmission, the Council issues one sanction obligating a broadcaster to announce that it infringed the law.

When it comes to the content of the broadcasting, the Council initiated 11 administrative proceedings against radio broadcasters out of which it enforced 4 times the announcement on infringement of the law and imposed 3 fines (totaling 695 EUR). There were as many as 80 administrative proceedings initiated against TV broadcasters in connection with the infringement of the law. The violation of the provisions of the Law on Broadcasting and Retransmission by the public broadcaster RTVS was found by the Council in 2 administrative proceedings, by the broadcaster MAC TV s.r.o. (program services JOJ, JOJ PLUS, WAU, Jójko, ĽUKI) in 32 administrative proceedings and by the broadcaster MARKÍZA - SLOVAKIA, spol. Ltd. (TV MARKÍZA, TV DOMA, DAJTO program services) in 27 administrative proceedings. The Council imposed 2 fines on RTVS totaling EUR 828 and 11 fines totaling € 31,591 to the broadcaster MARKÍZA. The broadcaster MAC TV s.r.o. received 1 infringement notice and 28 fines totaling € 131,018 were imposed.

#### Decisions by the Council in the area of radio broadcasting

Decision	2018	2019	2020
Decisions on allocating license for analogue broadcasting	5	5	2
Decisions on allocating license for digital broadcasting	0	0	2
Decisions to revoke a license	0	2	6
Decisions to revoke a frequency	3	8	6
Decisions on changing the license	21	47	27
Decisions on stopping the procedures against broadcasters	11	5	4
Decisions on rejecting the requests	11	6	5
Decisions on fines	0	0	0
Decisions on announcing of the violation of the law	6	5	1
Decisions on stopping the procedure	17	17	18
Decision on issuing the agreement	3	3	2
Procedural decisions	0	0	0
Decision to give an exception	0	0	0

Source: The annual reports (2018-2020) by the Council for Broadcasting and Retransmission

#### Decisions by the Council in the area of TV broadcasting

Decision	2018	2019	2020
Decisions on allocating license for analogue broadcasting	0	0	0
Decisions on allocating license for digital broadcasting	14	14	15
Decisions to revoke a license	3	6	0
Decisions to change the license	27	31	26
Decisions on stopping the procedure against broadcasters	17	19	11
Decisions on rejecting the requests	0	5	
Decisions on fines	1	1	0
Decisions on announcing of the violation of the law	4	1	4
Decisions on stopping the procedure	10	9	8
Decision on issuing the agreement	4	1	3
Procedural decisions	0	0	0

Source: The annual reports (2018-2020) by the Council for Broadcasting and Retransmission

#### Complaints submitted to the Office of the Council against the content of the broadcasting

In 2020, the Office of the Council registered 527 complaints concerning the content of the broadcasting. Within this number of complaints, several complaints were investigated simultaneously in some submissions, ie they were directed against several broadcasters, or they objected to various violations of the law in different programs, or several complaints were directed against one program or program component. In total, the complaints related to 428 programs / program components. Of these complaints, the biggest number (174) was directed against RTVS – Jednotka, followed by TV MARKÍZA (99) and JOJ (75). By comparison, only 13 complaints were submitted against regional and local television broadcasters. Compared to 2019, it can be stated that the number of complaints directed against RTVS increased, while the number against the private broadcasters went down. As for radio broadcasting, there were 39 complaints, of which as many as 31 concerned RTVS - Slovak Radio.

Of the total number of complaints registered in 2020 concerning the content of broadcasts, 171 concerned human dignity and humanity, 160 *objected* to the inadequacy of broadcast programs in relation to the protection of minors, 142 related to the objectivity and balance of news and current affairs programs and 56 related to teleshopping, product placement or sponsorship. The remaining 51 complaints were of a different nature or were related to various other provisions of the Law on Broadcasting and Retransmission. Of these complaints dealing with the content of the broadcast, the Council found 19 complaints as justified, 318 unfounded and 5 complaints were in part assessed as justified and in part as unfounded, due to the fact that the complainants objected to several violations of the provisions of the law. In 9 complaints, the Council had to, in total, or in part state that they could not be examined. This was due to the fact that the Council did not have a recording of the broadcast in question because the complaint was received at a time when the broadcaster's 45-day obligation of archiving had expired or the broadcaster did not provide the Council with a continuous recording of the broadcast against which the complaint was directed.

### Complaints related to licenses

In 2020, the Council registered 28 complaints from the licensing area, in 11 cases directed against broadcasters and in 17 cases against retransmission operators. Of the total number of processed complaints, 9 were substantiated, in one case the Council stopped the initiated administrative proceedings because it came to the conclusion that there was no violation of the law. In one case, the administrative proceedings were stopped in part. Some six administrative proceedings initiated in relation to the licensing area during 2020 were not completed by 31 December 2020 and will be decided by the Council in 2021.

	2020	2019	2018
Total number of complaints	555	623	376
- related to licensing and legal matters	28	43	41
- of which related to the content of broadcasting	527 <sup>52</sup>	580 <sup>53</sup>	335
Number of programs complainants complained about	428	594	382
RTVS – Jednotka	174	65	63
RTVS - Dvojka	29	12	20
RTVS – Rádio Slovensko	29	23	28
RTVS – Rádio Regina	1	1	2
RTVS – Rádio Litera	1	-	-
TV MARKÍZA	99	188	74
TV DOMA	10	6	5
DAJTO	27	94	8
JOJ	75	121	51
JOJ PLUS	26	22	16
WAU	20	9	9
TA3	26	21	18
Other programing services	21	24	42
AVMS/IV	5	8	13

Source: The annual reports (2018-2020) by the Council for Broadcasting and Retransmission

## CONCLUSION

In conclusion, it should be said that the Slovak media market is shaped by the interests of a handful of powerful financial groups that have leverage with the government and have invariably attempted to influence the media content, particularly in connection with elections. It is thus regretful that the Council does not seem to pay more attention to regular pre-election media monitoring which would be published in the form of separate reports, as it was done until 2008. Such monitoring would have been very useful during the 2020 parliamentary elections, given the credible allegations of political bias on the public television as well as on a private national channel. While the Council conducts regular monitoring, its results are integrated in the form of short summaries in the framework of the annual reports, published once a year. It would be therefore recommended that the Council considers returning back to its previous practice and devotes more resources, both human and financial, to regular pre-election monitoring and analysis of political pluralism and objectivity of different broadcasters' news and current affairs programs. Moreover, legislative conditions should be established enabling a prompt reaction to any breach of rules, including an adequate sanctioning mechanism.

There are very close connections between the Council members and political parties. In fact, most of the members of the Council are frequently interacting with politicians and financiers with interest in the media. This may influence their independence, particularly in the area of the licensing or while penalizing broadcasters for breaches of the legislation. However, no such obvious action has either been unveiled by our desk research or reported by any credible source in the past few years.

<sup>52</sup> It should be noted that within some complaints, a number of different issues were investigated (for example directed against several broadcasters or objecting to various violations of the law in different programs).

<sup>53</sup> Ibid

## COLLECTION OF RELEVANT SOURCES

### Council for Broadcasting and Retransmission Radio and Television of Slovakia (RVR) – Rada pre vysielanie a retransmisiiu)

#### Website

<http://en.rvr.sk/>  
<http://rvr.sk/>

#### Council basic information

<http://www.rvr.sk/rada-zakladne-informacie>  
<http://en.rvr.sk/the-council-basic-information>

#### Council membership

<http://en.rvr.sk/the-council-board-members>  
<http://www.rvr.sk/rada-zlozenie-rady>

#### Annual reports on State of the Broadcasting

<http://rvr.sk/pre-verejnost-spravy-o-stave-vysielania>

#### Contacts

<http://en.rvr.sk/kontakty>  
<http://www.rvr.sk/kontakty>

#### Social media presence

[https://twitter.com/office\\_cbr\\_sk](https://twitter.com/office_cbr_sk)

## Legal documents

<http://sk.rvr.sk/pravny-ramec-pravny-ramec-slovenska-republika>

Law on Broadcasting and Retransmission No. 308/2000

(Zákon č. 308/2000 Z.z. o vysielaní a retransmisii)<sup>54</sup>

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/308/>

[http://archiv.rvr.sk/cms/data/modules/download/1462523380\\_act\\_on\\_broadcasting\\_and\\_retransmission.pdf](http://archiv.rvr.sk/cms/data/modules/download/1462523380_act_on_broadcasting_and_retransmission.pdf)

Law on Digital Broadcasting No. 220/2007

(Zákon č. 220/2007 Z.z. o digitálnom vysielaní)

[http://archiv.rvr.sk/cms/data/modules/download/1542628092\\_220\\_2007\\_Z.z.\\_-zakon\\_o\\_digitalnom\\_vysielani\\_-\\_stav\\_k\\_31.12.pdf](http://archiv.rvr.sk/cms/data/modules/download/1542628092_220_2007_Z.z._-zakon_o_digitalnom_vysielani_-_stav_k_31.12.pdf)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/220/20210101>

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/220/20210101>

Law on Electronic Communications No. 351/2011

(Zákon č. 351/2011 Z.z. o elektronických komunikáciách)

Law on Advertising No. 147/2001

(Zákon č. 147/2001 Z.z. o reklame)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/147/20190101>

Freedom of Information Act No. 211/2000

(Zákon č. 211/2000 Z.z. o slobodnom prístupe k informáciám)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/211/20210101>

<sup>54</sup> English version of the law is outdated, with the latest amendment from 2015 (No. 278/2015 Collection), while there were 8 other amendments since.

