MERTEK MEDIA MONITOR

# THE FROZEN MEDIA SYSTEM

# Soft Censorship 2022





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#### **THE FROZEN MEDIA SYSTEM** Soft Censorship 2022



#### MÉRTÉK MEDIA MONITOR

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This study was drafted as part of the <u>Hungarian Digital Media Observatory (HDMO)</u> project. In the framework of the 30-month project, the researchers of Political Capital and Mérték Media Monitor studied the spread of disinformation and the efficacy of the measures taken against it; the journalists of the French news agency AFP and the Hungarian online news site Lakmusz performed fact-checking; the staff of the Idea Foundation held trainings about conscious media <u>consumption</u>; while Epresspack provided the digital infrastructure for the HDMO. Just as the project's first phase, the second phase was also co-financed by the European Commission. The members of the HDMO's consortium, which enjoys full independence in all of its activities, were selected in an <u>open competition by the European Commission</u>.





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## INTRODUCTION

The problems of the Hungarian media situation have been widely known for years now. Systemic changes had been implemented already in the 2010s. By now, the contours of the new media regime are manifest. The current situation is largely frozen, although shifts in emphasis still occur. Nevertheless, it is worth documenting the ongoing changes in the Hungarian media system because although we experience a lack of media freedom every day, being able to marshal facts that provide empirical evidence for this perception provides a whole different dimension of analysis.

Like the foregoing *Soft Censorship* analyses, the current study also cannot provide a comprehensive picture of the state of the Hungarian media, which would be a vast undertaking beyond the scope of our capacities. Instead, we focus on a few prominent areas.

The *Overview* section presents the main events concerning the media in Hungary in 2022, organised by topics. This summary unequivocally shows that the efforts to encroach upon the limited space that remains for independent media have continued in all the areas we analysed. Emphasising some select areas of soft censorship, we will use articles published by Hungarian online newspapers to describe how the overall approach is applied.

The report demonstrates the challenges that fact-checking in Hungary must contend with. That is an especially vital issue because while Hungary is only one among many countries that are increasingly exposed to disinformation, the situation here is more challenging than in many of the other affected countries in that in Hungary, the pro-government media are among the most prominent purveyors of disinformation narratives. In many countries, fact-checking can be a potent tool in combatting disinformation. In Hungary, however, the work and success of fact-checkers are further encumbered by the low level of trust in the media along with the high level of social polarisation.

The analysis of the media market clearly shows that after the 2022 national election, the pro-government media machine also felt compelled to confront the problem of decreasing funding. This swiftly led to layoffs and even the shutdown of some media in the aftermath of the election. The incumbent Orbán government's fourth successive two-thirds legislative majority was apparently a message to pro-government media decision-makers that the ruling party's dominance in public discourse is entrenched enough to allow for cost-effectiveness to be taken into consideration. State advertising spending continues to be the main instrument of market distortion. The low market share of independent media is also readily apparent from the data.

Looking at the way the media authority uses the system of radio frequency assignments, it becomes clear that the authority seeks to undermine market diversity. Radios operated by pro-government investors and churches are obviously favoured in the frequency competitions.

In a departure from the structure of the previous reports, we did not dedicate a separate chapter to the operation of the public service media in Hungary. One reason is that among the various segments of the media, the term "frozen" applies most obviously to the public service media. The organisational problems and the lack of transparency in funding have been amply documented in recent years, and we observed no changes whatsoever in these areas. Another reason why we did not include a distinct chapter on public service media in this report is that the researchers at Mérték recently published a study in a prestigious international academic journal in which they presented the disinformation practices of the public service media.<sup>1</sup> We would recommend this article to our readers if they want to learn in greater detail about this particular area.

On the whole, our reports have tracked how an illiberal media system was created in an EU member. The current, most recent edition in the Soft Censorship series documents what this illiberal media system looks like in a state of – at least temporary – consolidation.

<sup>1</sup> Urbán, Á. – Polyák, G. – Horváth, K. (2023). How Public Service Media Disinformation Shapes Hungarian Public Discourse. *Media and Communication* 11:4 pp. 62-72. https://doi.org/10.17645/mac.v11i4.7148

## **OVERVIEW**

One recurring observation in recent years was that the Hungarian media system could not get any worse. Those who embraced this reasoning claimed there must be some limit to the extent to which democratic institutions can be deconstructed in an EU member state. Nevertheless, our experience suggests that there is no objective limit on how far media freedom can be curtailed or how much the media system can be distorted. This year's report – similarly to the previous reports – seeks to analyse and understand those subtle yet robust methods whereby soft censorship manifests itself in Hungary. The 2022 Soft Censorship Report is not a comprehensive overview of the Hungarian media but rather an analysis focused on some critical developments in the media.

Freedom of speech is absolutely vital for successful and effective democratic societies, and one key element in ensuring this freedom is that journalists can perform their work in a safe environment. When journalists are harassed or attacked, or their work is interfered with without a reasonable explanation, that threatens the freedom of society overall.<sup>2</sup> Even though this is widely known, the harassment of journalists and violence against them has been on the rise in recent years. The relevant data are often unavailable in Hungary, and the situation of Hungarian journalists cannot be compared to those of their colleagues who work in war zones or other locations afflicted by violent conflicts. Nevertheless, Hungary is increasingly drifting away from those European democracies where freedom of the press is a fundamental value. The Hungarian media landscape has undergone drastic changes over the past decade, and this is reflected in its increasingly worse position on the annual press freedom rankings published by competent international organisations.<sup>3</sup>

The concept of soft censorship – which is often more insidious and more difficult to define than its overt counterpart – involves indirect methods for controlling and influencing media content. These methods range from financial pressure, selective advertising, and legal and political restrictions all the way to subtle changes in the news narratives. In Hungary, the emerging instruments of soft censorship continue to constitute a major problem. They yield a very different media regime when juxtaposed with the traditional paradigms of press freedom. The new instruments deployed by soft censorship require a detailed and comprehensive examination.

The following categories are merely glimpses into the various forms and mechanisms of the soft censorship prevailing in the Hungarian media system in 2022. Although the picture they present is incomplete, they do illustrate that the methods used are increasingly sophisticated and wide-ranging.

<sup>2</sup> Reporters Without Borders: <u>https://rsf.org/en/new-record-number-journalists-jailed-worldwide</u>

<sup>3</sup> Reporters Without Borders: https://rsf.org/en/country/hungary

#### The exclusion of journalists from public events

The exclusion of journalists is a major restriction of media freedom since it prevents the media from covering events fully and objectively. This method selectively restricts access, generally excluding those media that are critical or independent of the government. Thus, the soft censorship method of excluding journalists constitutes a violation of the freedom of the press and information, and this violation is a threat to the healthy operation of democratic societies. One emblematic example is that the journalists of 444.hu were not allowed to sign up for a Fidesz town hall event. Another is that the journalists of the conservative but independent Magyar Hang were not allowed to attend the government's regular press conference after cabinet meetings, the so-called Kormányinfó (Government Info). These decisions of the government's communications team run afoul of the fundamental principles of press freedom since journalists have the right to attend such public events, gather information, and report about them.

At the same time, we came close to achieving some progress with regard to the exclusion of journalists, which aims to cripple key segments of the media. In February 2022, the Metropolitan Court of Budapest ruled that the Ministry of Human Resources (abbreviated as the EMMI in Hungarian) had not been justified in banning journalists from hospitals. In March 2021, 28 newsrooms wrote a joint letter requesting that press workers be allowed to visit COVID departments in hospitals as well as vaccination centres and that the staff at these institutions be allowed to talk freely to journalists. However, a few days after the judicial ruling, the government issued a decree designating the so-called Operative Council (the body that coordinates the efforts against the pandemic) as the institution with the right to determine how healthcare institutions communicate with the press. The International Press Institute (IPI) issued a statement condemning the new decree.

#### **Interviews rejected**

Many of the important political and other figures of public life, especially those with close ties to the government, regularly refuse to be interviewed by independent media. This practice allows those in power to direct and restrict the flow of information, especially when it comes to critical or inconvenient questions.

The critical online newspaper 444.hu almost secured an interview with the then-Minister of Justice Judit Varga. Válasz Online, a conservative but critical online newspaper, had been promised an interview with the President of the Republic, Katalin Novák. The justice minister at the time cancelled the interview after a lengthy negotiation about the terms, arguing that she had said everything on the subject matter in a statement. The president did not have an issue with the questions but with the journalist who was designated to interview her. VálaszOnline replied that *"no interview subject has the right to determine who will interview them,"* and as a result, the interview never took place. Viktor Orbán has failed to respond to Telex's many interview requests. Responding to a question by the BBC concerning his lack of interviews, Orbán said at a press conference for the international corps: "I will give an interview when I have something to say." One of the most prominent responses by Orbán in 2022 also owed to the perseverance of Telex journalists: "Man, I just came out of church," said the prime minister when he attended a mass with-

out his bodyguards during the advent period. This allowed the journalists to at least put their questions to him, even though they did not receive any answers. Like Orbán, the two leaders of the opposition Democratic Coalition, Klára Dobrev, the head of the shadow government set up by the party, and her husband, party chair and former PM Ferenc Gyurcsány, also do not give Telex's journalists any interviews. At the same time, Dobrev and Gyurcsány claim that they are not deliberately failing to respond to all emails by journalists; they simply lack the human resources to respond to them all. We cannot even estimate the number of emails that weren't answered or the number of phone calls that were neither answered nor returned.

#### Public information that is unavailable

Government and state institutions often either fail to respond to freedom of information requests or provide answers that either lack vital information or are hard to decipher, or are incomprehensible. In so doing, they hinder journalists in their efforts to cover certain issues accurately and comprehensively.

One of the many examples was a request by the investigative online newspaper Átlátszó asking the authorities to give them information about the spread of the COVID-19 pandemic. The competent state institution sent the newspaper a PDF document with unintelligible data that was inserted in bulk rather than organised into tables. The data provided obscured precisely the information that the journalists were actually looking for. In October 2022, the government sought to increase the fees payable for freedom of information requests drastically, but they ultimately rescinded the increased fee in early 2023 as part of the concessions made during the talks with the European Commission.

#### Public service media and the Hungarian state-owned news agency MTI

The lack of critical and independent news sources reduces the transparency of democratic societies and the objectivity of the information provided to citizens. Thus, for example, during the first days of the Russian invasion of Ukraine, the viewers of the Hungarian M1 public service channel were informed about the details of the war through the analyses provided by the "experts" George Spöttle, György Nógrádi, and Balázs Bende; their explanations of the events hewed much closer to the Russian narrative than to reality. Many criticised the president of the National Media and Infocommunications Authority (abbreviated as NMHH in Hungarian) and of the Media Council, András Koltay, as well as the CEO of the Media Service Support and Asset Management Fund (abbreviated as MTVA in Hungarian), Dániel Pap, on account of the "Hungarian state television's dissemination of Russian war propaganda." A total of nine formal complaints were filed with the Media Council concerning the Russian propaganda on the state channel M1, but these were rejected without any substantial review. Based on a study, the Media Council held that the major television channels in Hungary, namely M1, ATV, Hír TV, TV2, and RTL Klub, had covered the war properly. However, there was a slight flaw in this study, namely that it looked at the relevant news shows during the first week of March 2022 rather than the period immediately after Russia launched its invasion, which was the period criticised by many. The Hungarian Civil Liberties Union (TASZ) and the

Political Capital think tank turned to the European Commission after the NMHH failed to investigate the complaints. As they wrote in their communiqué, the Hungarian public service channels uncritically disseminated Russian disinformation and relied on Russian propaganda as their sources.

In its report published before the 2022 parliamentary elections,<sup>4</sup> the Organization for Security and Cooperation in Europe (OSCE) wrote about "systemic political bias" in the public service media. Thus, for example, opposition politicians were either completely absent from news shows or featured only fleetingly. The united opposition's candidate for prime minister, Péter Márki-Zay, received a total of five minutes of airtime before the election (the legally required minimum), not counting the massive campaign directed at discrediting him, of course.

A documentary entitled *Five Lessons on the Elimination of Reality* by Bence Máté, which was published in March 2022, analyses how the state's Media Service Support and Asset Management Fund (MTVA) and the centrally controlled state-owned media operate.

Just a month before the documentary was released, the news production team of the state news channel M1 had been selected to receive the Award for Communication as part of the Value and Quality Grand Prize Competition; they were joined as award recipients by two other media teams that are widely considered to be producers of unvarnished Fidesz propaganda, the tabloid Ripost and the editorial team of the commercial television channel TV2. In its report about the award, 444.hu collected a few examples of what might have qualified the recipients for the prize, such as the lost libel lawsuits against the opposition figures Ákos Hadházy and Péter Juhász (both of whom are known for their efforts at uncovering corruption), or the leaked speech by the prominent anchor Balázs Bende, who openly professed his pro-Fidesz sympathies and said that the same was evidently expected of the entire staff (Bende has since switched employers for unrelated reasons).

Furthermore, state interference in the operations of the state news agency MTI, including instructions to journalists on how they are to cover certain issues, undermines the independence and credibility of the news agency. According to the information uncovered by the investigative news site Direkt36, the state news agency had often received direct instructions from governmental figures on how they were to cover certain issues. Furthermore, the report found that there was an extensive list of topics that were banned; thus, for example, the news agency failed to publish any news about the primaries to select the opposition's joint nominee for prime minister, which was a major event in Hungary.

#### **Articles on order**

In the case of articles that outside figures asked the newsrooms to produce, media contents are generally manipulated to align with some underlying business or political agenda. The resulting pieces are typically biased, only containing information that is favourable to whoever commissioned them. This infringes on the public's right to comprehensive and balanced information.

<sup>4</sup> OSCE Interim Report: https://www.osce.org/files/f/documents/8/e/514318\_0.pdf

Writing about the transformation of the leading online newspaper Index starting in 2020, Direkt36 wrote a major exposé describing the continuous political pressure brought to bear on the newsroom; as a result, after months of tensions, the entire staff quit in protest and founded a new news site, Telex. In response to Direkt36's exposé, Index's editor-in-chief filed a report with the police concerning an audio recording that had been leaked to Direkt36. One of the recorded comments was his assertion that during the period of transformation, Index had been funded for months by Hungary's most prominent oligarch and Viktor Orbán's old friend, Lőrinc Mészáros. The editor-in-chief claimed that this was the reason why the newspaper did not "dig into" stories about the Hungarian billionaire and his wife, Andrea Várkonyi. Index's owner said that the editor-in-chief was wrong about this and had made a very stupid comment.

A few months later, in May 2022, another five staff members quit Index. The CEO of the company claimed that these were unrelated. In an organisation of this size, he said, five departures were not unusual at all. The Index management blocked the publication of an interview with the opposition PM candidate. Then, citing a "reorganisation", they fired the journalist who had conducted the interview, the prominent conservative columnist Matild Torkos.

A politician of the opposition Democratic Coalition, Sándor Szaniszló, who is a Budapest district mayor, had been a recurring guest in a talk show called Straight Talk on the national news channel ATV. According to the 18<sup>th</sup> district municipal government, this was the result of a contract worth several hundred million forints between the municipality and the TV channel. ATV denied that it had invited the mayor for interviews in exchange for money. In any case, Szaniszló was the mayor who appeared most frequently as a guest on the channel in 2022.

The owner of the independent Centrál Media Group, Zoltán Varga, said that he has also often been subject to pressure in connection with the lifestyle magazines in his portfolio. Thus, he was contacted on several occasions to feature Fidesz politicians on the cover of the popular women's magazine Nők Lapja, but he had steadfastly refused (the Central Media Group includes some critical media outlets). He also received messages from the government concerning the contents disseminated by 24.hu, the prominent online newspaper in the Central Media Group, but he said that not a single article had been removed in response to such pressure. In 2022, Zoltán Varga was investigated by the National Tax and Customs Authority (NAV) as a suspect in a case involving alleged fraud at the expense of the public treasury. Talking to Politico, Varga said that he was completely innocent and that the government's actions in the context of this case had raised the pressure on independent players in the media to a whole new level.

# The transformation of the media landscape and the struggle of the print media

In Hungary, major transformations in the media organisations, such as changes in ownership, amendments of the editorial policy, or mass layoffs, often herald a change in the tone of the media outlet or the loss of its independence. The financial struggle of the print press results in another pervasive problem for the media overall. Print media are deeply affected by the unequal distribution of state advertising. For several media outlets, state advertising is essential for survival. Another interference in the free operation of the market is that newspaper stands do not need a permit to operate if they display government advertising. When media outlets undergo internal transformations as a result of political or business pressure, that often leads to the loss of independence in their content and editorial line. On the whole, this limits the media's ability to provide critical and diverse coverage, which is essential for a democratic society. We review these transformations and challenges in more detail in the chapter entitled *The media market in Hungary*.

### The presentation of the LGBTQ community

The lack of information about LGBTQ issues or the distortion of the relevant information is also a problem for press freedom since it effectively restricts public discourse and the diversity of information about various groups in society. Thus, for example, in the case of the Labrisz Lesbian Association, the Budapest Regional Court of Appeal ruled that the pro-Fidesz newspaper Magyar Nemzet had not infringed on the organisation's reputation (i.e., it did not commit libel) when it referred to them as paedophiles. This was a disconcerting ruling because of the ethical standards involved and the lack of objectivity in the newspaper's coverage, especially in the context of sensitive social issues. Labrisz had sued Magyar Nemzet with the help of the Hungarian Helsinki Committee in November 2021. It had won in the first instance, but the Budapest Regional Court of Appeal arrived at a decision that was diametrically opposed to the ruling of the lower court.

#### **Disinformation and media awareness**

In the case of several Hungarian media outlets, their dissemination of disinformation has been a major problem for a while now. For example, a study by the think tank Political Capital<sup>5</sup> highlighted that pro-Russian propaganda and disinformation are primarily spread by the mainstream pro-government media in Hungary. The international hacker group Anonymous appears to have come to a similar conclusion, assessing that there was too much false information being distributed by some pages. In March 2022, it launched an attack on several pro-government media outlets, including the sports newspaper Nemzeti Sport, the free tabloid Metropol, the business news site Figyelő, the political online news sites 888.hu and Mandiner, as well as several county newspapers. Some of the pages became completely inaccessible at the time, while others featured the following text: *"This website is part of the government's propaganda media! We brought you the truth! Independent press rather than propaganda! Look at how the propaganda media deceives you!"* 

In the past years, we have seen some developments that constitute substantial progress in the efforts to combat disinformation in Hungary. In 2021, the online newspaper Telex launched Telex Controller, a distinct section devoted to fact-checking. Early January 2022 saw the launch of <u>Lakmusz.hu</u>, the first fact-checking site in Hungary with its own newsroom. Initially, the site was introduced as part of the first phase of the Lakmusz-HDMO (Hungarian Digital Media Observatory) project, but a year later, the initiative was expanded. In 2022, the public media also launched a site called Fake News Monitoring, although

<sup>5</sup> Political Capital: Oroszbarát propaganda a főáramú médiában, oltásellenesség a széleken https://politicalcapital.hu/pc-admin/source/documents/ hdmo\_pc\_tanulmany\_1\_20230522.pdf

it ended up lasting only a few months. A mere 19 articles ended up being published by the latter, all of them concerning the war in Ukraine. All of the articles bear the familiar hallmarks of the Hungarian state media: the articles have no authors, they offer a biased perspective on the issue they address, are insufficiently sourced, and fail to allow public figures to comment even if they are quoted in the article.

The role of the fact-checking efforts recently launched in Hungary is highlighted in the 2022 Soft Censorship Report.

#### We used the following articles as sources in the introduction of the Soft Censorship Report and our summary of the key media events in 2022:

- 24.hu: Nem tudni, ki dönt arról, hogy a Magyar Hang nem mehet be a Kormányinfóra. [We don't know who decided that the Magyar Hang won't be allowed to attend the government press conference], 23 June 2022. <u>https://24.hu/belfold/2022/06/03/magyar-hang-kormanyinfo-kormany-szovivo-fidesz-gulyas-gergely/</u>
- 24.hu: Ungár az MTVA-vezérnek: Kapott pénzt a Kremltől, hogy kiszolgálja az orosz érdekeket? 2022.02.25. https://24.hu/belfold/2022/02/25/ungar-peter-mtva-papp-daniel-nyilt-level-orosz-propaganda/
- 444.hu: "Húzzál el, Dániel!" skandálják a tévészékháznál a közmédia vezérigazgatójának. ["Just go, Dániel]!" shouted the protestors to the CEO of the public service media organisation at the television headquarters], 4 November 2022. <u>https://444.hu/2022/11/04/megkezdodott-hadhazy-akos-tuntetese-a-kozmedia-kozpontjanal</u>
- 444.hu: A belső Észak-Korea: Bende Balázs megtartotta győzelmi beszédét. [The North Korea within: Balázs Bende delivered his victory speech], 9 April 2022. <u>https://444.hu/2022/04/09/a-belso-eszak-korea-bende-balazs-megtartotta-gyozelmi-beszedet</u>
- 444.hu: A Parlamentben Érték és Minőség Nagydíj Kommunikációért Nívódíjat kaptak a Ripost, a TV2 és az M1 szerkesztői [In Parliament, the [tabloid newspaper Ripost, [tabloid television channel] TV2, and [the state-owned news channel] M1 were awarded a Value and Quality Grand Prize for Communication], 8 September 2022. <u>https://444.hu/2022/09/08/a-parlamentben-ertek-es-minoseg-nagydijkommunikacioert-nivodijat-kaptak-a-ripost-a-tv2-es-az-m1-szerkesztoinek</u>
- 444.hu: Háborúpártizós kampányt indít a Fidesz. [Fidesz launches a campaign to [paint the opposition] as pro-war], 26 May 2022. <u>https://444.hu/2023/05/26/haborupartizos-kampanyt-indit-a-fidesz</u>
- 444.hu: Hadházy Ákos pert nyert a szüleiről hazudozó Ripost és Origo ellen, 1,8 millió forint sérelemdíjat kell fizetniük. [Ákos Hadházy wins lawsuits against Ripost and Origo, which had lied about his parents]. 20 December 2022. https://444.hu/2020/12/20/hadhazy-akos-pert-nyert-a-szuleirol-hazudozo-ripost-es-origo-ellen-18-millio-forint-serelemdijat-kell-fizetniuk
- 444.hu: Így nem interjúztunk Varga Judittal. [This is how we ended up not interviewing Judit Varga], 18 February 2022. <u>https://444.hu/2022/02/18/igy-nem-interjuztunk-varga-judittal</u>
- 444.hu: Kezdődik az elmebaj a közmédiában: Zelenszkij mint Hitler, higgadt oroszok, ukrán világháborús fenyegetés. [Insanity has taken hold of the public media: Zelensky as Hitler, serene Russians, and the Ukraine threatening with a world war]. 25 February 2022 <u>https://444.hu/2022/02/25/kezdodik-azelmebaj-a-kozmediaban-zelenszkij-mint-hitler-higgadt-oroszok-ukran-vilaghaborus-fenyegetes</u>

- 444.hu: Kimondta a bíróság, hogy folytatólagosan hazudott a Juhász Pétert családon belüli erőszakkal vádoló. [The court has ruled that [the newspaper] which accused Péter Juhász of domestic violence had lied repeatedly]. Ripost, 20 April 2022. <u>https://444.hu/2022/04/20/kimondta-a-birosag-hogy-folytatolagosan-hazudott-a-juhasz-petert-csaladon-beluli-eroszakkal-vadolo-a-ripost</u>
- 444.hu: Kizárják a sajtót a Fidesz VIII. kerületi lakossági fórumáról [The press was barred from Fidesz 8<sup>th</sup> district townhall meeting], 1 February 2022. <u>https://444.hu/2022/02/01/kizarjak-a-sajot-a-fidesz-vi-ii-keruleti-lakossagi-forumarol</u>
- 444.hu: Öt lecke a valóság felszámolásáról [Five lessons about the elimination of reality], 27 April 2022. <a href="https://444.hu/2022/03/27/ot-lecke-a-valosag-felszamolasarol">https://444.hu/2022/03/27/ot-lecke-a-valosag-felszamolasarol</a>
- Átlátszó: 90 nap után átláthatatlan diagramot és Word-dokumentumba ömlesztett számokat kaptunk Müller Cecíliáéktól [After waiting 90 days, [Surgeon General] Cecilia Müller sent us an incomprehensible graphic and a mass of figures piled into a Word document], 4 May 2022. <u>https://atlatszo. hu/kozadat/2022/05/04/90-nap-utan-atlathatatlan-diagramot-es-word-dokumentumba-omlesztett-szamokat-kaptunk-muller-ceciliaektol/</u>
- Átlátszó: Az Orbán Ráhelt interjúvoló dizájnlap 89 millió forintot kapott a Batthyány Lajos Alapítványtól [The design magazine that interviewed [Orbán's daughter] Ráhel received 89 million forints from the Lajos Batthány [public] foundation], 20 May 2022. <u>https://atlatszo.hu/kozpenz/2022/05/20/ az-orban-rahelt-interjuvolo-dizajnlap-89-millio-forintot-kapott-a-batthyany-lajos-alapitvanytol/</u>
- Direkt36: "Please, don't report about this at all! Thanks!" How the Hungarian state news agency censors politically unpleasant news. 7 March 2022. <u>https://www.direkt36.hu/en/ne-ird-meg-semmilyen-formaban-koszi-igy-hallgatja-el-a-kormanynak-kinos-hireket-az-allami-hirugynokseg/</u>
- Direkt36: Inside Viktor Orbán's war for Index, Hungary's most influential news website. 18 March, 2022. <u>https://www.direkt36.hu/en/az-index-ostromanak-szinfalak-mogotti-tortenete/</u>
- Direkt36: Leaked documents show how Orbán's circle dictates the news at Hungary's state news agency. 4 March 2022. <u>https://www.direkt36.hu/en/kiszivargott-iratok-mutatjak-hogyan-diktal-nak-orbanek-a-nemzeti-hirugynoksegnek/</u>
- Hirado.hu: Fake News Figyelő [Fake News Monitor]. <u>https://hirado.hu/tema/fake-news-figyelo/</u>
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- Media1: Hadházy Ákos blokádot hirdet az MTVA-hoz [Ákos Hadházy announces a blockade at the MTVA], 28 October 2022. <u>https://media1.hu/2022/10/28/hadhazy-akos-blokadot-hirdet-az-mtva-hoz/</u>
- Media1: Hiába jelentették fel kilencszer az M1 tévécsatornát orosz propaganda terjesztése miatt a Médiatanácsnál [The [state-owned] M1 news channel was reported to the Media Council nine times for disseminating Russian war propaganda – but the complaints went nowhere], 7 April 2022. <u>https:// media1.hu/2022/04/07/hiaba-jelentettek-fel-kilencszer-az-m1-tevecsatornat-orosz-propaganda-terjesztese-miatt-a-mediatanacsnal/</u>
  - Media1: Letiltotta az Index vezetése a Márki-Zay Péterrel felvett egyórás nagyinterjút, majd elbocsátották a beszélgetést készítő súlyos beteg főmunkatársat [Index's management stopped the publication of the one-hour interview with [opposition PM candidate] Péter Márki-Zay, and then fired the severely ill staffer who conducted it], 7 July 2022. <u>https://media1.hu/2022/07/07/letiltotta-az-index-vezetese-a-marki-zay-peterrel-felvett-egyoras-nagyinterju-megjeleneset-majd-elbocsatottak-a-beszelgetest-keszito-sulyos-beteg-fomunkatarsat/</u>
  - Media1: Megérkezett a Médiatanács válasza, miért nem lép fel az előválasztás híreit elhallgató MTI-vel szemben [We received a response from the Media Council on why they will not take action against the state news agency's suppression of news about the opposition primaries],18 November 2021. https://media1.hu/2021/11/18/megerkezett-a-mediatanacs-valasza-miert-nem-lep-fel-az-elovalasz-tas-hireit-elhallgato-mti-vel-szemben/

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- Media1: Megtiltották az MTI munkatársainak az ellenzéki összefogás kifejezés használatát további érdekességek az állami hírvállalat tiltólistájáról [The journalists at the state-owned news agency MTI are barred from using the term "opposition alliance" further interesting details emerge about the state-owned news corporation's list of banned words], 7 March 2022. <u>https://media1.hu/2022/03/07/megtiltottak-az-mti-munkatarsainak-az-ellenzeki-osszefogas-kifejezes-hasznalatat-tovabbi-erde-kessegek-az-allami-hirvallalat-tiltolistajarol/</u>
- Media1: Orbán Viktor ünnepi beszédét ismételte az M1, mielőtt és miután Márki-Zay Péter 4 év után először 300 másodpercnyi megszólalási lehetőséget kapott az állami tévétársaságtól[[State-owned news channel] M1 aired Orbán's speech again before and after giving [opposition PM candidate] Péter Márki-Zay 300 seconds of airtime after four years], 16 March 2022. <u>https://media1.hu/2022/03/16/or-ban-viktor-unnepi-beszedet-ismetelte-az-m1-mielott-es-miutan-marki-zay-peter-4-ev-utan-eloszor-300-masodpercnyi-megszolalasi-lehetoseget-kapott-az-allami-tevetarsasagtol/</u>

- Media1: Polyák Gábor felszólította a Médiatanács elnökét, szüntesse meg az orosz propagandát a közmédiában és távolítsa el Papp Dánielt, az MTVA hírhamisító vezérigazgatóját [Gábor Polyák has called on the president of the Media Council to put a stop to Russian propaganda in the public media and to remove [public service media CEO] Dániel Papp], 26 February 2022. <u>https://media1. hu/2022/02/26/polyak-gabor-felszolitotta-a-mediatanacs-elnoket-szuntesse-meg-az-orosz-propagandat-a-kozmediaban-es-tavolitsa-el-papp-danielt-az-mtva-hirhamisito-vezerigazgatojat/
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- Telex: Gyurcsány Ferenc azért nem ad interjút a Telexnek, mert szerinte nincs közös téma és közös érdeklődés [Ferenc Gyurcsány won't give Telex an interview claiming they are no mutually interesting issues], 19 October 2022. <u>https://telex.hu/belfold/2022/10/19/demokratikus-koalicio-arnyekkormany-dobrev-klara-sajto-interju</u>
- Telex: Indul a Telex Akadémia [The Telex Academy has been launched], 8 December 2022. <u>https://telex.hu/belfold/2022/12/08/indul-a-telex-akademia</u>
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- Telex: Orbán: Ember, most jövök ki a templomból [Come on, man, I'm just coming out of a church], 12 December 2022. <u>https://telex.hu/video/2022/12/12/orban-viktor-matolcsy-gyorgy-oktatas-tunte-tesek-interju</u>

# **FACT-CHECKING**

Fact-checking is an integral part of journalism. Through their long joint history, journalism and fact-checking have been formed and evolved together. Traditionally, fact-checking referred to the internal review process before an article was published; that is, it involved verifying the credibility of the facts and data. This practice emerged in American journalism in the 1920s and 1930s, together with the emerging norm of journalistic objectivity.<sup>6</sup> Traditionally, fact-checking was an important component of journalism, the measure of how reliable and credible a media outlet is. Nevertheless, not all newspapers can afford to operate a dedicated fact-checking team. Over time, internal fact-checking was relegated to the background due to a lack of resources and changes in the media market. Today, only the largest newsrooms can afford a separate fact-checking division.<sup>7</sup>

In a media market that is massively shaped by social media and the internet, the traditional watchdog role of journalists has been transformed. The information disseminated in large segments of the media is no longer necessarily filtered by journalists since political figures and opinion leaders can share their messages directly with their audiences. This has given rise to retrospective public and professional fact-checking. In the early 2000s, the concept of fact-checking took on a new meaning, encompassing phenomena beyond monitoring the accuracy of individual newsrooms. The slogan "We can fact-check your ass!" became popular in the late 90s and early 2000s, symbolising the growing role of ordinary citizens in checking the claims made by journalists and public figures.

Looking at its role within the profession of journalism overall, we can also think of fact-checking as a particular kind of fact-based journalism. In other words, it is "an evidence-based method for assessing political claims."<sup>8</sup> The Code of Principles of the International Fact-Checking Network (IFCN) defines it similarly; "non-partisan reports on the accuracy of statements by public figures and prominent institutions and other widely circulated claims related to public interest issues."<sup>9</sup> In the United States, external or "post-publication" fact-checking sites started to crop up in the first decade of the 21<sup>st</sup> century. Dubious claims were first debunked on FactCheck.org, The Washington Post's FactChecker, and PolitiFact.<sup>10</sup> An important milestone for the profession was when the work of PolitiFact was awarded a Pulitzer in 2009, barely a year after it started publishing analyses.<sup>11</sup>

Even though fact-checking emerged as a corollary of journalism, these days there is no consensus within the profession on whether it qualifies as a journalistic activity, a journalistic genre, activism that uses the instruments of journalism, or research. Even among the experts who work for fact-checking organisations, there is no uniform assessment as to whether they identify as fact-checkers or journalists. Nevertheless, the question of how they define themselves or what they do has no impact on their common goals and methods.

<sup>6</sup> Graves, L. - Amazeen, M. A. (2019): Fact-Checking as Idea and Practice in Journalism. In Oxford Research Encyclopedia of Communication. Graves, L., and Michelle A. Amazeen. "Fact-Checking as Idea and Practice in Journalism." Oxford Research Encyclopedia of Communication. 25 February 2019; Accessed 24 November 2022. https://oxfordre.com/communication/view/10.1093/acrefore/9780190228613.001.0001/acrefore-9780190228613-e-808

<sup>7</sup> Ireton, C. - Posetti, J. (szerk.) (2018): Journalism, 'Fake News' & Disinformation. Handbook for Journalism Education and Training. United Nations Educational, Scientific and Cultural Organization. UNESCO. pp. 128. ISBN: 978-92-3-100281-6

<sup>8</sup> Mena, P. (2018): Principles and Boundaries of Fact-checking: Journalists' Perceptions. In: Journalism Practise, 13. évf. 6. sz. p. 657-672. https://doi.org/10.1080/17512786.2018.1547655

<sup>9</sup> IFCN (International Fact-Checking Network) (2016). "International Fact-checking Network Fact-check-ers' Code of Principles." Poynter Institute. http://www.poynter.org/fact-checkers-code-of-principles/

<sup>10</sup> Mena, P. (2018): Principles and Boundaries of Fact-checking: Journalists' Perceptions. In: Journalism Practise, 13. évf. 6. sz. p. 657-672. https://doi.org/10.1080/17512786.2018.1547655

<sup>11</sup> Ireton, C. - Posetti, J. (szerk.) (2018): Journalism, 'Fake News' & Disinformation. Handbook for Journalism Education and Training. United Nations Educational, Scientific and Cultural Organization. UNESCO. pp. 128. ISBN: 978-92-3-100281-6

Since 2018, the EU has also taken serious action to scale back disinformation. The European Commission has set up an expert work group responsible for drafting policy initiatives and recommendations that can be used to combat online fake news and misleading information. The report<sup>12</sup> proposes a multidimensional approach for the EU and lays out several measures which are connected and mutually reinforcing.

The following are the five most important pillars of the proposal:

- · Increasing the transparency of online news.
- Strengthening media and information literacy in other words, preparing consumers for handling disinformation.
- Stimulating the diversity and sustainability of the European news ecosystem and drafting a European Code of Conduct.
- The development of technical instruments that can help both users and journalists filter disinformation while at the same time they foster a positive attitude towards technological progress.
- Supporting research on the impact of disinformation that can help evaluate the actions of specific players and come up with the appropriate response.

When the European Digital Media Observatorium (EDMO) was launched in 2020, its goal was to implement this fundamental policy proposal. EDMO is a platform that brings together the experts and organisations active in the field of fact-checking, including scholars, media experts, fact-checkers, and digital literacy experts. The project, which involves the 27 EU member states and Norway, has 14 national and regional centres that collaborate on achieving an improved understanding and analysis of online disinformation. The EDMO's Hungarian centre is Lakmusz-HDMO, the Hungarian Digital Media Observatory, which is based on the cooperation of several autonomous organisations.

The group's fact-checking is performed by the journalists of <u>Lakmusz</u> and the <u>AFP</u> news agency; the researchers at <u>Mérték Media Monitor</u> and <u>Political Capital</u> study the domestic spread of disinformation and false narratives and the effectiveness of the measures taken against them; and the <u>Idea Foundation</u> offers training and education on awareness in media consumption.

Several independent initiatives have already tried to scale back disinformation in Hungary. Some have used education to shore up the ability of readers to sort out fake news. Since 2020, we also have dedicated fact-checking organisations in Hungary. The <u>Urban Legends</u> page launched by Iván Marinov in 2024 primarily published debunks by other fact-checkers. Working with the Idea Foundation, they created an <u>online course</u> for youths, teaching them a better understanding of fake news, advertising, and other news. Another best-practice-focused effort to promote learning for youth is the website <u>Álhír-vadász</u> (Fake News Hunter) launched by the investigative news site Átlátszó. The blog <u>Tényleg?!</u> (Really?) is not as widely known; it was created by a history teacher in 2013 to identify myths and misconceptions surrounding historical events. The site <u>Ténykérdés</u> (A Matter of Fact) started in March 2021 as part of the AFP's global fact-checking network, relying on the work of a single Hungarian journalist to rebut

<sup>12</sup> A multi-dimensional approach to disinformation, Report of the independent High Level Group on fake news and online disinformation https://op.europa.eu/en/publication-detail/-/publication/6ef4df8b-4cea-11e8-be1d-01aa75ed71a1/language-en

Hungarian-language online fake. The <u>Telex Ellenőrző</u> (Telex Monitor) was launched in 2022 as a fact-checking section of the eponymous online newspaper. January 2022 saw the launching of <u>Lakmusz</u>. <u>hu</u>, the first Hungarian fact-checking site that operates as a distinct newsroom dedicated to this mission. It started as the first phase of the abovementioned <u>Hungarian Digital Media Observatory (HDMO)</u> project, which was expanded a year later.

### The experience of fact-checkers in Hungary

We contacted the abovementioned news teams that either focus entirely on fact-checking or place an emphasis on fact-checking in their overall work, asking them to share their experiences and opinions on the subject. Ede Záborszky talked to us on behalf of AFP, Zita Szopkó represented Átlátszó, while Eszter Neuberger and Máté Világi work for Lakmusz and Telex, respectively.

All the journalists we talked to have the same assessment of the social role of fact-checking, but they nevertheless approached the overall issue from different angles. Previously, when there were huge newsrooms with 100-120 staff members, they used to have people who were specifically in charge of fact-checking. Nevertheless, as an additional layer of quality control, editors and the editors-in-chief also read the articles before they were published. Making sure that the information in the articles was accurate and factual was seen as a vital objective. However, the rise of the internet and, subsequently, of social media resulted in a vast change in the way domestic media operate. As Máté Világi noted, when anyone can share news that could potentially reach as many as two or even 10 million people, *"websites or newspapers that focus on fact-checking could provide a vital counterpoint to the wave of misinformation and disinformation that is spreading [as a result of this development]. They could perform fact-checking and either provide the proper context to understand the fake news or distorted news items or refute them."* 

The journalist Ede Záborszky Ede works for the Fact Check division of Agence France-Presse (AFP). His Hungarian language fact-checking articles are published on the AFP's Ténykérdés (Matter of Fact) website. He believes that the fact-checking work they perform at AFP is socially important, and he focuses on news related to life and health. As an example, he mentioned the potentially dangerous narratives concerning the COVID pandemic. He referred to instances when people were urged not to avail themselves of healthcare services. Another area of focus concerns the incitements against minorities that result in physical attacks. A very different but nevertheless key area focuses on the public's trust in elections. On the whole, they investigate areas where false information is likely to impact people's lives negatively, claims that could make their lives worse or even endanger them.

When they launched Lakmusz, Eszter Neuberger and her colleagues clearly perceived that "the disinformation and fake news emanating from the [government]-controlled public media and the continuously increasing amount of government propaganda were on the rise. We sought to promote a fact-based and dispassionate discourse through our work because the latter could play a vital role in voter behaviour, for example, in the decisions that citizens make and the information they base these decisions on." They believe that the impact of US politics has increased the prominence of this issue because "it was during the Trump presidency that we could palpably see how much damage it can cause to a democracy when a leader assumes power who has a flexible view of facts and uses the term fake news as a weapon. The European Union also treated this issue as a priority; there was real political will behind combatting it, and they offered resources, too, to set up hubs that work to debunk disinformation. The problem of disinformation moved to the fore in other areas as well, such as COVID, the Russian-Ukrainian War, and climate change. Our experience is that when it comes to these issues, people have an especially pronounced desire to obtain credible information."

Both AFP and Lakmusz treated fact-checking concerning the COVID pandemic as a priority. As Eszter Neuberger put it, *"This is an area where lives might be at stake depending on the information that people have access to."* 

That was one of the reasons why they applied for EU funds allocated to fact-checking during the COVID pandemic. They treated the rebuttal of disinformation concerning the pandemic as their primary mission. However, over time, their priorities changed because they realised that they would not be able to reach many of the victims of disinformation, for example, those living in segregated communities that suffer from deprivation and low education. These are only reached by propaganda. Since their news-room operates in an extremely polarised society, it often doesn't help readers to encounter Lakmusz's content because their prejudices will likely prevent them from even reading fact-checking articles.

Zita Szopkó of <u>atlatszo.hu</u> said that they do not engage in classical fact-checking. Instead, they approach the issue from the angle of disinformation. That is, they do not review a distinct article or specific media content but instead try to present the broader background. As an example, she mentioned their investigation into the communication of the state-owned and other pro-government media outlets. Their findings included a review of the international news agency called V4Na. The Hungarian government liked to cite this source, even though, in fact, the presumably international agency operates in the Budapest district of Óbuda. They also found that before the 2022 national election, the pro-government media conducted interviews with the staff of various NGOs under false pretences. Subsequently, these interviews were published as investigative scoops in the flagship pro-government daily Magyar Nemzet. According to Zita Szopkó, *"One of the phenomena generally associated with disinformation is that these fake news sites often operate without a masthead; the reader doesn't know who writes the articles. This is clearly a problem because when unverifiable information is published, you don't know where and to whom you can complain. Nor are they listed among the press organisations registered with the National Media and Info-Communications Authority, and hence, the rules that normally apply to the press do not apply to them."* 

The last sentence highlights several important issues stemming from the ongoing changes in the sphere of the media. The role of print media is continuously diminishing, and people are increasingly likely to go online to find the news that is relevant to them. This was also reinforced by Mérték's own study on news consumption, which was published in 2023. In this study, we found that among the news sources ranked in the top 20 by the number of mentions, television channels and online news sites predominated. Radio stations only cropped up in the bottom half of the Top 20 list, while print newspapers did not make it onto the list at all.<sup>13</sup> This meshes with the abovementioned results that present the preeminent role of television and the internet in the information of the public. Another question this raises is to what extent the role of journalists has changed in a situation when many users without any traditional journalistic training appear as content producers on various online platforms.

The kind of fact-checking discussed above still qualifies as a new activity in Hungary, and in fact, the journalists among our interview subjects all identified as journalists who also perform fact-checking as part of their work. By comparison, in many European countries, newsrooms that focus only on fact-checking are highly recognised by readers, and working for such outlets is considered prestigious.

<sup>13</sup> Hann E. – K. Megyeri, - Á. Urbán Á. - K. Horváth – P. Szávai - G. Polyák (2023). News Islands in a Polarised Media System. Mertek Media Monitor. https://mertek.eu/wp-content/uploads/2023/07/Mertek-fuzetek\_30.pdf

Some identified fact-checking as a special genre of journalism. Thus, Ede Záborszky said that *"many people tend to read too much into this issue. If we look at fact-checking, it's a newspaper article with expert opinions, sources, a topic, a lead, and subheadings. Their style is slightly different, more didactic." Záborszky follows the practice of the AFP news agency, and his articles do not feature the more relaxed, occasionally ironic language that readers are accustomed to from articles on Hungarian online news sites. Záborszky stressed that the editorial processes are very strict, and it is vital that they verify the information in their articles from all angles, and if there are any doubts about its accuracy, they don't publish it.* 

Máté Világi, who created a page within <u>Telex.hu</u> called Ellenőrző (Monitor), mentioned that foreign fact-checkers like to distinguish themselves from journalists and tend to refer to themselves as fact-checkers. However, he assessed that there are *"no differences in the instruments"* they use.

One experience that the journalists interviewed shared was that fact-checking articles take a lot of time and are tedious to write. AFP primarily focuses on harmful contents that go viral in social media; Lakmusz seeks to promote a fact-based and dispassionate public discourse "because this is of special importance, for example, *through its impact on voter behaviour, the decisions that we as citizens make and the information based on which we decide.*" Máté Világi of Telex said that *"Generally, we find fake news, it doesn't find us.*" Since they applied for the IFCN, they have their own methodology, and their section has its email address, but they do not tend to receive emails suggesting fact-checking. Instead, it crops up in the context of other issues or some articles.

Zita Szopkó believes that it is useful to have newsrooms which are dedicated to fact-checking. In addition to stressing its importance, she also said that education matters, *"teaching the people a little bit of awareness, that they shouldn't believe everything they read someplace."* At the same time, she is sceptical of the power of these articles to change narratives or lines of thought that have become entrenched in people's minds.

According to Eszter Neuberger, the most widely read topics are the fact-check reviews of popular articles; these tend to reach considerable audiences. As an example, she mentioned a fake image shared by the celebrity Tímea Vajna, which depicted a house in Ukraine that had exploded. The question was whether a bomb had struck or whether the damage resulted from a gas explosion. The checking of some comments by the radio host Balázs Sebestény or the fitness and nutrition guru Norbi Schobert also tends to draw many readers. In the political realm, the fact-checking of Viktor Orbán's speeches, such as his annual address on the state of Hungary, tends to interest the public. Animal-related news also tends to receive a lot of clicks; thus, people were very interested in reading about the fact-checking of tabloid news about a wolf that had trekked through Europe and was shot in Hungary or about a pig that was allegedly roasted at a festival while it was still alive. According to Máté Világi, tabloid contents tend to reach many readers. Otherwise, the popular issues tend to be seasonal. For a time, COVID-related news attracted many readers. Another driver of interest is when the underlying claim is dubious to start with, which allows readers to say immediately in the comments "how stupid" other people are. His experience is that the most typical FB reaction to fact-checking articles is the laughing emoji rather than sharing, which would ensure that others, too, get accurate information. But some people are genuinely happy to see that a given issue was fact-checked.

In response to the question of how their fellow journalists view their fact-checking work, Ede Záborszky said he had not received any feedback from colleagues, which suggested that they disagreed with this effort. When they launched, the pro-government media wrote extensively about them, claiming that

"the Facebook censorship has arrived." However, Záborszky is confident that the articles on their website<sup>14</sup> that he has either written or edited are exhaustive analyses and that it would be difficult to find an issue with their fact-checking. Eszter Neuberger said that her colleagues' attitude towards the job was somewhat divided. On the one hand, they know that it is necessary and in demand. Nevertheless, several of them have experienced journalists occasionally viewing the genre as a restriction of their professional freedom. "Opinion journalism has become very prominent, and this can lead to tensions with fact-based journalism. Commentators may be sensitive when it comes to these tensions. Another issue I have experienced is that many news sites simply do not have the capacity to fact-check the information disseminated by the government at press conferences or in Orbán's 'State of Hungary' address. It would be great if they could immediately point out potential inaccuracies or distortions in the live coverage of these events. We have been doing this work at Lakmusz for a year and a half now and can easily recognise distortions and how politicians use stump speech elements. This kind of knowledge is a useful addition to the work of news sites. Nowadays, with this type of experience behind us, we can react swiftly, as we did this year concerning the speeches at the annual Fidesz [festival in Transylvania]."

As for the difficulties they encounter in their work, Máté Világi said those are typically the same that traditional journalists tend to struggle with: "The ministers and the government or other high officials do not respond to questions. This is true of almost every public body in Hungary. Not always, though. Universities are much better in this respect, but in their case, too, the experience is often that their answer is so vague that it's useless. In my opinion, this is a major problem." Ede Záborszky struggles with the jargon used in social media posts because when they perform fact-checking, they are often forced to look up hurtful and vile terms. Thus, for example, when one is looking for disinformation about the LGBTQ community, one does not use regular search terms but looks specifically for vulgar recriminations.

Máté Világi recounted that one of the most memorable fact-finding articles published by <u>Telex.hu</u>'s fact-checking site concerned the Bucha massacre. The Russians claimed that no one had been murdered in Bucha. *"So I went through all the satellite photos and the photos of the news agencies and checked where the bodies of the dead were and found that they had been there days, even weeks before. I looked at an immense number of images featuring blood and body parts."* Half a year later, he saw that in the comment section under an article, where some commenters claimed that these were not dead people but actors, someone noted that this claim had already been fact-checked and debunked by Telex. He also noted a fact-check concerning the amendment of the Act on Residential Condominiums. Their rebuttal of virally spreading claims that all flats would be taken from their owners spread quickly.

At Lakmusz, one of the articles that drew considerable attention was when they described how the state-level dissemination of fake news works. "The government conducted this national consultation, and the results were subsequently presented as saying that 97% of Hungarians said 'no' to the sanctions [against Russia]. That was easy to correct. Our calculations showed that about 16.5% of eligible voters had said 'no' [the government's position] to the questions in the consultation. We filed a freedom of information request asking how much had been spent on this campaign, and that made for a nice, well-rounded story. It was even picked up by international media. With this particular article, we moved beyond the classic fact-checking role, which was a good experience. A whole other area is the research that our colleague Szilvia Német performs on unmasking the networks that spread Russian disinformation."

<sup>14</sup> https://tenykerdes.afp.com

At AFP, one of their more memorable and most widely shared revelations concerned a military unit under the name Red Army Ukrainian Front, which had been active during World War II. Furthermore, in another country, a study was withdrawn after the AFP showed that it was based on a faulty methodology.

A few years ago, Zita Szopkó had worked on a project that focused explicitly on disinformation. As part of this project, they mapped fake news sites. The website called Világ Helyzete (The State of the World) was one of their focal projects, and it was taken down after their article was published, although it has been relaunched since then. It was interesting to reach out to the educator from Nyíregyháza who operated this site. It took them several months to get him to talk to them. Once they did, he explained in a lengthy correspondence what methods he uses to write his articles and that he believes that the mainstream media spread fake news while he shares the truth. The other website, Minden Szó (Every Word), was considerably more profit-oriented; they couldn't reach the operators. They described the operation of the page in two articles, highlighting what it does and why its activities are problematic.

An important question was whether any of the journalists had received threats because of fact-checking articles. None of them were surprised by this question.

Ede Záborszky used to receive many threats. First, in connection with his past work as a journalist at Index (when it was still a critical news site), and then because he started to work on fact-checking. The far-right page <u>Vadhajtasok.hu</u> (Wildings) wrote about him earlier, and as a result, he received massive threats, but over time these subsided. He and the newsroom had also received letters from Covid deniers in which they were told that the journalists would be tried in court for their involvement in a "genocide." He did not take these very seriously. He said the quantity of the threats depends on the topic; the higher the stakes – vaccinations or political issues, for example – the more likely it is to elicit more emotionally charged responses. Eszter Neuberger said that the most threatening situation may have been when they dealt with the far-right Our Homeland Party. The article she wrote was mentioned in a video by the party's leader, László Toroczkai, who talked about Lakmusz and said they had "homed in" on him. "At that point, we received several messages telling us that in other parts of the world, there is a death penalty for the things that we do, and some started [using antisemitic slurs as an insult]." Máté Világi has also received threatening messages, but he added that his female colleagues receive such messages more often. He said that the attacks tend to be triggered by specific articles, but the content of the menacing letters generally diverges from the issue in the article.

Since this is a widespread problem in the media market, the newsrooms that employ our interview subjects have policies that either advise journalists on how they can handle such a situation or assist them in dealing with the threats. At Lakmusz, the staff always informs the management about threats, and when a legal recourse is possible, then this option is open to them. According to Eszter Neuberger, the publisher has never taken legal steps in response to hateful messages. The AFP, too, has a policy in place to respond to threats. There were instances in other countries when the threats became a police issue or an editor decided to handle it and responded directly to the person who had made the threats. Harassing messages tend to be ignored unless they also feature a specific threat, in which case the AFP may notify the police. In Germany, there was a case when the local newsroom was threatened with a bomb attack, which they immediately reported to the police. As a journalist, Ede Záborszky had encountered such behaviour from readers before, so he was not shocked by it.

An ongoing issue for newsrooms is how they could operate more efficiently. In addition to the call for more money, the answers also included AI-based instruments that could make it easier to monitor what is happening online. According to the AFP, for fact-checking to become more effective, it is definitely

necessary for media companies to take it seriously and be partners in its implementation. This is the case at Facebook, for example. But if the fact-checking organisations that supply Facebook would employ more journalists, they could also take on more issues. Furthermore, the EU should also support more fact-checking, as it does with the Lakmusz project in Hungary. Ede Záborszky said that there is no other "secret" method that could make their work easier. At Telex, they'd be pleased if they had colleagues on staff who work full-time on fact-checking.

The journalists interviewed also had similar assessments about the reactions of the online media audience: some readers already have a desire to see facts checked and share fact-checking articles in comments. At the AFP, they also saw that there are readers who want more censorship. They believe it would be easier if an article featuring fake news were not disseminated in social media in the first place, and they think such articles should be deleted rather than flagged as disinformation. At Telex, the staff are regularly called "Soros lackeys" by some readers or comments, who want to imply that they must be lying. At the same time, Máté Világi says that such comments appear under all of their articles; it's not novel.

At Lakmusz, some of the regular commenters react to troll-like activities. Thus, Lakmusz's express policy is not to moderate comments that disseminate fake news in the comments section of their articles because they are confident that some readers will set the record straight. They only moderate comments that feature unacceptable language.

One of Lakmusz's undertakings to the European Union was that they would reach out to specific groups that may be particularly susceptible to disinformation. "We had a cooperation with the Civil College Foundation concerning youths. We joined them in visiting [extracurricular] education programmes to teach youths about fake news and how it can be recognised. We have knowledge that cannot be directly conveyed to children or adolescents, and thus, we search for partners that can assist us in this endeavour because they have the educational tools that can reach these target groups. In our current EU project, we work with the IDEA Foundation, which mostly provides training for teachers concerning media awareness. Only some older people use social media, and we primarily reach pensioners through the Independent Media Centre. They have a successful media awareness programme for that age group. The solutions available cannot help reach out to all of the target groups that may be difficult to get in touch with, but nevertheless, they provide a lot of information about what type of news and information these groups consume and what they see as the most pressing issues. I received a lot of feedback from social work experts on the issues that would be worth addressing. Thus, for example, we compiled the materials we had gathered during the student demonstrations and sent them out to the organisations that are involved in such cooperations. We got very positive feedback in response. These are activities far beyond the scope of traditional journalism; they are more akin to activism, and sometimes this raises conflicts of interest."

In summary, we can say that according to the journalists interviewed, fact-checking is severely encumbered by the vast increase in the spread of disinformation. In the long run, only increasing media awareness can keep this development in check. However, when it comes to media awareness, there are massive disparities between various countries. The newsrooms have plans to increase media awareness among youths and older people through workshops, gamification, or direct outreach to educational programmes. They also offer training for journalists, and there is even an animated training film.<sup>15</sup> The articles are structured in a way that allows the readers to follow the steps taken by the journalists. Thus, the readers can also learn the methodology, which allows them to use it themselves in the future.

<sup>15</sup> Reverse image search, AFP Fact Check, <u>https://www.youtube.com/watch?v=Ts3VVM64B28</u>

# THE MEDIA MARKET IN HUNGARY

By 2022, the new structure of the Hungarian media market had become consolidated. The ruling party had already implemented the most important structural changes in the 2010s. Today, the ownership structure in the media market is highly concentrated. Furthermore, the distribution of state advertising (still an important slice of the advertising market) is centralised and can thereby massively distort the media market. Finally, as a result of the media authority's frequency distribution policy, independent radio stations have been pushed out of the market. The Central European Press and Media Foundation (abbreviated as KESMA in Hungarian) continues to be the key player in the Fidesz-controlled media market, acting as a holding company of sorts. It was established in November 2018 when private media owners with close ties to the government simply donated their media companies to the foundation without any compensation. It bears pointing out that these were not insubstantial donations; many of the companies in question were highly valuable. Although the main features of the media system had already become established by 2022, that does not mean that 2022 was altogether uneventful. After the 2022 national election, the fine-tuning of the media system commenced. In contrast to previous years, some pro-government media ended up losing out as a result of the restructuring at the time, which marked a significant reversal after many years of continuous growth owing to state funding.

### The most important market developments in 2022

The most important event of 2022 was indubitably the national parliamentary election, which resulted in another two-thirds majority for Fidesz in the Hungarian National Assembly. From the perspective of the media, this was a pre-eminently important development for two reasons.

First, to a significant extent, the election result was a reflection of the ruling party's successful campaign. This included massive disinformation efforts and the active use of social media. Following the municipal elections of 2019, when the opposition achieved its first electoral success since 2010 by winning control of a handful of major cities, including the capital, Budapest, Fidesz visibly shored up its social media presence. They spent vast amounts on social media, primarily on Facebook and YouTube, while they also created a group of political influencers called Megafon, which spent billions of forints disseminating pro-Fidesz messages.<sup>16</sup>

The ruling party's increased social media activity and the advertising money they invested into their social media presence had a discernible impact on the pro-government media. Legacy media, especially print, had been struggling for years, plagued by an ageing readership and declining popularity. Furthermore, by 2022, the ruling party had also recognised that social media offered unprecedented effectiveness in terms of reaching voters with targeted messages. Consequently, a growing share of political advertising was transferred to digital platforms. This led to previously inconceivable cutbacks, and after the 2022 election, several media outlets that used to be pivotal players in the pro-government media

<sup>16</sup> Hanula, Zs. (2022). Újabb álomhatárt értünk el: egymilliárd forint felett a Megafon facebookos reklámköltése [We've passed another new milestone: Megafon's Facebook advertising has topped one billion forints]. Telex.hu https://telex.hu/belfold/2022/03/28/ujabb-alomhatart-ertunk-el-egymilliard-forint-felett-a-megafon-facebookos-reklamkoltese

landscape were discontinued.<sup>17</sup> Previously, these media outlets had generated substantial revenue from state advertising and had been shielded from the increasingly harsh market environment. Bereft of revenue from the state, they had no prospects of survival.

Most of the media thus affected were print newspapers. Already in the first week after the election, all but one of the newspapers in the City7 newspaper group were shut down. Originally, these had been launched as free newspapers in 2021 in the cities where Fidesz had lost in the municipal elections of 2019. They were followed on the chopping board by the print editions of some established newspapers with extensive history, namely the daily Magyar Hírlap and the business newspapers Világgazdaság and Figyelő (the latter was a weekly). Although the online pages of these newspapers continue to operate, they do not play a significant role in the Hungarian media market. Other KESMA newspapers have also been affected by the declining revenues (e.g., the county newspapers, the tabloid Bors, and the free newspaper Metropol) and were compelled to downsize.

A few days after the election, the Pesti TV television channel – one of the few pro-Fidesz media outlets that was not part of the KESMA empire – was also shut down. It is no coincidence that the outlets that were discontinued were print newspapers and one television channel. These are expensive to produce, and given their limited audience reach, their continued operation no longer made sense financially.

From the perspective of the KESMA portfolio overall, the most surprising development was the nationalisation of the major Hungarian sports newspaper, Nemzeti Sport. The National Sports Agency acquired the prime minister's favourite sports newspaper in October 2022. It has since been revealed that the newspaper depends on substantial financial infusions from the state to survive.<sup>18</sup>

Outside the pro-government media empire, too, there have been some changes. In August 2022, the news site Azonnali was shut down. It had been owned by the opposition MP Péter Ungár, who is also the scion of an extremely wealthy family with close ties to Orbán. The print edition of the once prestigious weekly 168 óra was also terminated. The newspaper, with a history dating back to the time of regime transition, had increasingly shifted into Fidesz's orbit as a result of changes in its ownership. The mass layoffs and resignations at the business news site <u>Napi.hu</u> were another noteworthy development in 2022. <u>Napi.hu</u> had been taken over by pro-Fidesz business interests back in 2020, at the same time as the leading online newspaper <u>Index.hu</u>. The new owners waited over two years before they proceeded to revamp the newsroom completely.

Somewhat surprisingly, despite Fidesz's victory in the 2002 election, pro-government media and media that were not critical towards the ruling party were hit harder by the changes in the media that manifested themselves immediately after the election. By contrast, independent media organisations experienced no sudden dramatic changes after the election. Several media outlets in the independent segment of the market rely to an increasing extent on reader contributions (either in the form of subscriptions or donations), while others are trying to get by with revenue from the increasingly tight advertising market. A growing number have decided to escape forward and try to remain competitive by innovating and offering new types of content, such as podcasts or video channels, using war correspondents who report directly from the war zone, or publishing books.

<sup>17</sup> Előd, F. (2022). A facebookos propaganda felfalja a régimódi kormánysajtót [Facebook propaganda devours the traditional pro-government press]. Telex.hu https://telex.hu/komplex/2022/07/27/a-facebookos-propaganda-felzabalja-a-regimodi-kormanysajtot

<sup>18 &</sup>lt;u>Hvg.hu</u> (2023). Tízezer példányban fizeti elő a nyomtatott Nemzeti Sportot az állam [The Hungarian state has subscribed to thousands of copies of [the sports daily] Nemzet Sport]. HVG. <u>https://hvg.hu/gazdasag/20230612\_k\_monitor\_nemzeti\_sport\_tizezer\_nyomtatott\_peldany\_elofizetes</u>

### The financial situation of the media companies

The market distortion experienced in the Hungarian media, which stems mainly from the impact of state advertising, has been a recurring topic of discussion in innumerable publications and professional conversations. As is widely known, state institutions primarily advertise in media that are loyal to the government, thereby generating substantial revenue for the media enterprises in question. At the same time, there are hardly any advertisements by state institutions in the media that are critical of the government. This is the source of an enduring competitive advantage for pro-government media, all the while critical media outlets are continuously struggling to survive. The distorted relations in the market are clearly reflected in the media companies' 2022 revenues, which we review below.

In our examination of the revenue data, we only considered media corporations that own at least one media product which is active in the news and public affairs segment of the media market. We did not look at companies that produce only entertainment content. Evidently, we could not consider all the companies that are active in the target segment since examining the entire local market was beyond our capacities. For the same reason, we could only consider a portion of the seemingly unlimited array of online content services. The list below features the media corporations that have a discernible impact on Hungarian public discourse and a substantial audience reach.

We started by looking at the data of media corporations that have well-documented ties to the government. This segment consists of comparatively large corporations; the pro-government media empire has become highly concentrated since the establishment of the Central European Press and Media Foundation (KESMA).

Media brand	Company	Net revenue from sales ('000 HUF)
County dailies, national newspapers, radios, television channels, online media	Mediaworks Hungary (KESMA)	71,651,782
TV2	TV2 Media Group	47,805,027
Pestisracok.hu (PestiTV)	Media Vivantis	2,544,808
Index	Index.hu	1,563,015
Rádió1	Radio Plus	1,241,488
Demokrata	Artamondo	622,670
Magyar Hírlap	Magyar Hírlap	536,492
Total		125,965,282

Table 1: The revenues from sales of pro-government media in 2022

Source: annual financial reports (http://e-beszamolo.im.gov.hu/oldal/kezdolap)

The next group includes the media corporations we classified as being in the "grey zone"; they are not part of the pro-government propaganda machine but they depend on the state to some extent or are connected to it in some way. We distinguished between two types of such companies. For one, the connection may stem from the personal ties of the owner(s) to figures directly or indirectly associated with Fidesz. An example of the latter is the owner of 168 óra (Michaeli, Schwartz & Brit Média Holding Inc.), who is widely known to nurture close ties to highly-ranked figures in the government.<sup>19</sup> Furthermore, the connection between Fidesz and the leaders of the evangelical church that owns the news channel ATV and the weekly Hetek is also well-documented.<sup>20</sup> In the case of several other media corporations, the indicator of a political connection between the media outlet and the ruling party is not the person of the owner but the strikingly high level of state advertising featured in the given media. We consider these to be captured media corporations which would be unlikely to survive financially were it not for state assistance and hence cannot be regarded as independent (e.g., Népszava, Blikk, Inforádió).<sup>21</sup>

The direct political control that characterises propaganda media is not present in the grey zone media. Indeed, in some cases, we even find outstanding journalistic work. Nevertheless, on the whole, the ruling party obviously exercises some influence over the content – be it through its connection with the owners or its control over the revenues – at least at the level of proscribing the coverage of certain topics. The media outlets in the grey zone tend to be smaller media enterprises in terms of their revenue, but they nevertheless play an important role in Hungarian public discourse. Previous research has shown that these media outlets are effective at reaching opposition voters as well as voters who do not consume pro-government media regardless of their partisan preferences.<sup>22</sup> Thus, capturing these media makes it possible for Fidesz to reach beyond the "wall" separating pro-Fidesz media from critical media and exert some type of influence even on the segment of the public that deliberately eschews propaganda media.

Media brand	Company	Net revenue from sales ('000 HUF)
168 óra	168 Media Group	118,141
ATV	ATV	3,075,210
Hetek	<u>Hetek.hu</u>	154,265
Népszava	XXI Century Media	1,884,414
Blikk	Blikk	5,643,500
Inforádió	Inforádió	638,229
Total		11,513,759

Table 2: The revenues from the sale of the grey zone media corporations in 2022

Source: annual financial reports (http://e-beszamolo.im.gov.hu/oldal/kezdolap)

<sup>19</sup> Szalay, D. (2021). "Rogán Antal tíz éve a barátom, de soha nem volt közös üzleti ügyünk" – Interjú a 168 Óra kiadójának új társtulajdonosával, Shabi Michaeli izraeli-grúz üzletemberrel ["Antal Rogán has been my friend for ten years, but we've never had any business dealings." Interview with the new co-owner of the publisher of 168 Óra, the Georgian-Israeli businessman Shabi Michaeli]. Media1.hu https://media1.hu/2021/07/27/shabi-michaeli-interju-168-ora-brit-media-befektetes/

<sup>20</sup> Rényi, P. D. (2018). A baloldal fellegvára volt, most bulvártévét csinálnak belőle a Fidesznek (lt used to be a left-wing bastion, now they use it to produce a tabloid television for Fidesz]. 444.hu https://444.hu/tldr/2018/01/10/a-baloldal-fellegvara-volt-most-bulvartevet-csinalnak-belole-a-fidesznek

<sup>21</sup> According to the Kantar Media Database, the share of state advertising as a percentage of total advertising revenue is 79% in the case of Népszava, 49% in the case of Blikk, and 42% for Inforádió.

<sup>22</sup> Polyák, G. – Szávai, P. – Urbán, Á. (2022). Information Patterns and News Bubbles in Hungary. Media and Communication. 10(3) 133-145. https://doi.org/10.17645/mac.v10i3.5373

We qualify media enterprises as independent if they have no verified connections to any political party and there is no indication that they receive any discernible share of their revenues from the state. It is important to note that several independent media businesses are active in soliciting crowdfunding, and the revenues from these campaigns are not included in their balance sheets as revenues from sales.

The list includes those media that have some substantial impact on Hungarian public discourse and shape public opinion. There are innumerable content providers in the digital world, and a substantial share of these are independent of political parties. However, it would be impossible to tally all of the players that participate in the public discourse on politics.

The operators of Euronews and Szabad Európa (Free Europe) are foreign companies, and we do not have information about the financial records of their operations in Hungary.

Media brand	Company	Net revenue from sales ('000 HUF)
RTL	Magyar RTL	47,184,120
24.hu (+ magazines)	Central Media Group	13,616,361
HVG	HVG	4,511,769
Magyar Hang	Alhambra-Press	296,352
Magyar Narancs	Magyarnarancs.hu	242,955
Élet és Irodalom	Irodalom	223,502
Jelen	Liberty Press	99,641
Klubrádió	Klubrádió	63,559
Partizán	Partizán	12,686
444	Magyar Jeti	1,054,557
Telex	Van Másik	637,218
Portfolio	Net Média	3,319,079
G7	<u>G-7.hu</u>	129,031
Válasz Online	Válasz Online	8,431
Átlátszó	Atlatszo.hu	3,962
Direkt36	Direkt36	2,070
Total		71,405,293

#### Table 3: The revenues of the independent media corporations in 2022

Source: annual financial reports (http://e-beszamolo.im.gov.hu/oldal/kezdolap)

It is useful to review the revenue data in the table above based on our political categorisation. It is readily apparent that pro-government media is by far the largest category in terms of revenue. Independent media generated a little over half as much in revenue as the pro-government media, while the grey zone media are negligible in terms of their turnover.

Considering that the public service media are an important segment of public discourse, they can hardly be left out of such a report. Thus, we looked at the public service media as a distinct category. However, since these are not-for-profit organisations, we looked at budget allocations instead of revenue from sales.<sup>23</sup>

Table 4: The revenue of various media categories in 2022

	sum ('000 HUF)	per cent
pro-government media	125,965,282	37.2%
"grey zone"	11,513,759	3.4%
public service media	130,141,300	38.4%
Independent media	71,405,293	21.1%
Total	339,025,634	100%

Source: annual financial reports (<u>http://e-beszamolo.im.gov.hu/oldal/kezdolap</u>)

The numbers show that if we include the budget allocation of the public service media, the companies active in the news market generated a total revenue of 339 billion forints. As is apparent, the pro-government media and the public service media are the biggest players in terms of revenue. From the perspective of individual media consumers, the two categories are barely distinguishable since the public service media also disseminate pro-government propaganda. Nevertheless, we list them separately because they are different types of organisations (business enterprises as opposed to public service media).

It is striking that the independent media only generated 21.1% of the total market revenue. Their low share of advertising revenue also reflects the politically motivated distortion of the market and the competitive disadvantage of independent news organisations.

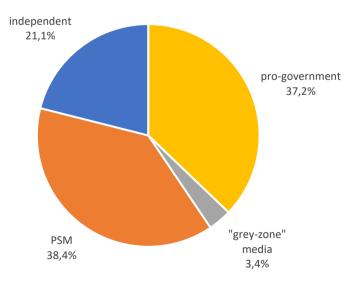


Figure 1: The distribution of market revenues by media categories (2022)

<sup>23</sup> Act CXXVII of 2021 on the consolidated 2022 budget of the National Media and Info-Communications Authority. https://njt.hu/jogszabaly/2021-127-00-00

It is important to highlight once more that in the case of the business enterprises in the figure above, we looked at the category of net revenues from sales, a number that does not include donations from consumers or grants. The latter are not market-based revenues but forms of support, and our analysis focused on the business end of media operations. In light of the fact that several of the independent media outlets rely on donations and grants, in reality, the independent media have more financial resources at their disposal than the data above shows. However, the media corporations behind them typically turn towards crowdfunding and grant applications because there is no chance of fair competition in the distorted Hungarian media market, and hence they need to rely on alternative sources of funding.

It is also important to stress once more that the media we looked at are those that have the greatest impact on public discourse; in other words, they are just the tip of the iceberg. The data we collated also extends to some local media, including the free newspapers published by municipal governments. However, it does not include local radios; in fact, even a major portion of regional radios are missing. Nor do we have data for most of the rapidly expanding number of online content providers or political influencers in social media.

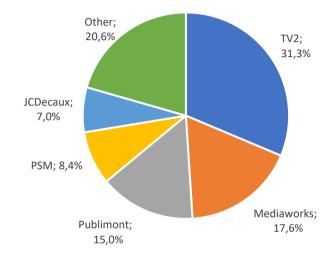
### State advertising spending

The primary source of market distortion in the Hungarian media market continues to be state advertising spending. The organs of public administration, state-owned enterprises, and publicly funded institutions advertise in media that are loyal to the government, thereby creating highly unequal conditions in the market.

Our analysis draws data from the Kantar Media database, which contains so-called list prices for advertising. The figures in the database are the officially published list prices of the media companies, and we calculated the revenue from ad sales based on this data. The Kantar Media database includes the media organisations that are relevant from a market perspective. However, media corporations tend to offer steep discounts to major campaigns. Thus, looking at the specific forint figures might be misleading. A better way to interpret the impact of state advertising is to compare how individual media companies fared relative to one another.

The data for businesses in the online market are based on self-reporting. As of 2022, Salesworks, which is the online arm of the largest player in the market, the pro-government Mediaworks corporation, stopped providing advertiser-level data. As a result, the database no longer allows for analysing the online market overall.

Based on list prices, state advertising spending in 2022 amounted to 89.7 billion forints. Interestingly, Salesworks's revenue from state advertising was nearly 17 billion forints based on list prices, and hence, the lack of detailed information about its revenue has a discernible impact on the overall picture. At the same time, despite its shortcomings, the data on state advertising spending clearly demonstrates how the prevailing advertising practices distort the Hungarian media. The biggest beneficiaries of the 89.7 billion forints in state advertising spending were the commercial television channel TV2, Mediaworks (excluding the online business), and the outdoor advertising company Publimont. Other noteworthy players are the Duna Media Service Provider, a public service company, and the foreign-owned JCDecaux. The heavy concentration of state advertising spending is apparent in the fact that the five largest companies received 80% of the total amount. Apart from these five, 81 other media corporations received money from state advertising spending. However, their aggregate share of the total was only around 20%.

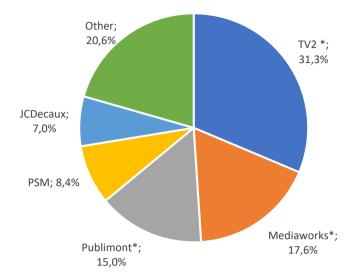


#### Figure 2: The distribution of state advertising spending based on list prices (2022)

As is widely known, TV2, Mediaworks, and Publimont are all corporations with close ties to the government, while the Duna Media Service is also indubitably part of the government's propaganda machine. With 7% of state advertising spending, JCDecaux was clearly the largest recipient of state advertising spending without ties to the ruling party.

We receive a figure very much like the previous one if we focus on the single largest state advertiser, the Prime Minister's Office (PMO). The PMO organises the major governmental media campaigns, and it spent 34.5 billion forints on advertising in 2022 (35.8% of total state advertising spending). As Figure 3 shows, its spending was even more concentrated than state advertising spending overall.

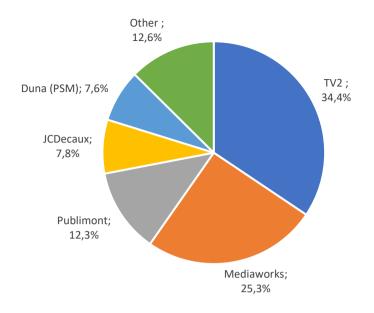
Source: Figures from Kantar Media database edited by the authors



Source: Figures from Kantar Media database edited by the authors

The similarity of the two figures is also striking since, in principle, the communication of the Prime Minister's Office ought to reach all of Hungarian society and not focus on special target groups. Theoretically, there may be state advertisers, such as cultural institutions or state-owned enterprises, that aim their ads at target groups that can only be reached through pro-government media. However, even if that were the case, this assumption cannot apply to the entirety of state advertising, and it is especially not true of the communication of the Prime Minister's Office.

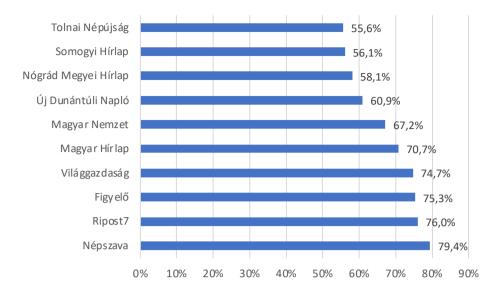
The massive impact of market distortion is also readily apparent if we consider to what extent some pro-government media depend on state advertising. The table shows that in the case of some pro-government media, a major portion of their entire revenue from ads comes from the state. These media organisations would be unlikely to survive if left to the vagaries of the market. Many readers may be surprised by the role of Népszava, which is generally considered a left-wing newspaper. It is no coincidence that we previously referred to it as a so-called grey zone media outlet: the content is predominantly critical towards the government, but since it is obviously the government's intention to keep the newspaper afloat, there are limits to journalistic freedom at Népszava.



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Source: Figures from Kantar Media database edited by the authors

The data above show that the share of revenue from state advertising is extraordinarily high in the case of these newspapers; independent newspapers feature far lower numbers. Thus, for example, a mere 2.3% of HVG's advertising revenue comes from the state, while in the case of Forbes, the relevant figure is 3.1%, and at Magyar Narancs it's 8.9%. The difference between media that survive based on market income and those that are state-funded is thus striking.

### The role of the media ecosystem

As we noted in previous Mérték studies, in addition to the situation of individual media corporations, we also need to look at the media ecosystem as a whole. The term media ecosystem refers to those enterprises and sectors that do not produce content but nevertheless exert a major impact on the operation of media enterprises. These include, for example, the major players in the advertising market or the companies that specialise in selling the content produced by other media organisations.<sup>24</sup>

Today, in terms of their overall impact, media agencies are the most significant elements of the Hungarian media ecosystem. Advertisers commission media agencies to plan advertising campaigns, purchase the necessary ad space or airtime, and monitor whether the ads were published. In effect, they plan and execute campaigns. Thus, media agencies are intermediaries of sorts between media corporations and advertisers. These are, of course, business enterprises with a knowledge of the market, and they also have the know-how and IT background to plan and implement such campaigns. Theirs is a classic example of a commercial market in which the state should normally not play a substantial role.

<sup>24</sup> Mérték (2021): Media Landscape After a Long Storm. The Hungarian Media Politics since 2010. Mérték Media Monitor, Budapest. <u>https://mertek.eu/wp-content/uploads/2021/12/MertekFuzetek25.pdf</u>

In Hungary, the management of state advertising became massively concentrated after 2014, when the government set up the National Communications Office. The National Communications Office issues tenders and concludes framework agreements with the media agency or media agencies that submit winning bids. As a result, the entire public communication of the public sphere is implemented on the basis of these framework agreements. Given the massive volume of state advertising spending, managing to secure such a framework agreement with the National Communications Office gives the businesses involved an extraordinarily strong position in the media market, especially when there are only a few state partners.

In the first years under Fidesz, several agencies won such contracts. However, at the end of 2016, the consortium comprising New Land Media Ltd and Lounge Design Ltd. appeared as a new contractual partner of the National Communications Office. For reasons unknown, the Office terminated all its contracts with other agencies, and since that time, the consortium mentioned above has been the only agency that has a framework agreement with the government to handle state advertising. Effectively, this makes them a monopolist in this vital market segment. In reality, the consortium is a single business since both of the companies involved are owned by the oligarch Gyula Balásy. By 2022, the total revenue of the two companies had reached 98.8 billion forints.

### Conclusion

The massive interference of the state and its distorting impact on the Hungarian media market continues to be very visible. Looking at the media corporations that publish political content and have a significant audience reach in the Hungarian market, we found that 20% of the revenues from sales have gone to independent media, while the pro-government media empire has been able to operate with vast amounts of primarily state-provided funding.

The level of state advertising spending continues to be strikingly high. Given that for many years now, the main beneficiaries of state advertising campaigns have been the same corporations, for all intents and purposes, state advertising spending may be considered a subsidy of sorts designed to help the pro-government media. This is obviously a major competitive advantage for companies with ties to the government, while at the same time it is a competitive disadvantage for independent media.

In conclusion, our finding is that the Hungarian media market continues to distort public discourse. Market mechanisms do not effectively shape the media; there is no strong connection between revenues and the success of a company in terms of reaching audiences. Independent media struggle to survive, and in addition to advertising and revenue from subscribers and occasional readers, donations of various kinds play an increased role in their funding. Currently, no media company has developed a sustainable business model. For independent media, the recent and coming period is primarily about survival.

# THE CHANGES IN THE LEGAL ENVIRONMENT OF THE MEDIA AND THE MEDIA COUNCIL'S RADIO FREQUENCY TENDERS

# Changes in the media law environment between 2021 and 2022

We last analysed the Media Council's application of the law in frequency tenders and the changes in the legal environment for the media in 2021 as a part of a four-country survey. The most controversial amendment of the Media Act in this period was part of a bill which many people in Hungary colloquially referred to as the "Homophobic Act."<sup>25</sup> Specifically, the amendment said that programmes which involve the "propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change, or homosexuality" shall be "rated as [...] not appropriate for audiences under the age of eighteen," with the applicable designations and restrictions concerning the time of broadcasts. The amendment posits that any broadcast that could exert an adverse impact on the proper physical, intellectual, and moral development of the child, especially if a defining element of the show involves gratuitous portrayals of sexuality, pornography, or the promotion or depiction of transgender identity, gender reassignment, and homosexuality, shall not qualify as public service announcements or advertising.

The Media Council cited this law when it penalised RTL Hungary for airing a film that was part of the *A Family is a Family* campaign, which seeks to promote sexual tolerance.<sup>26</sup> However, a court ruled that the Media Council's decision had been unlawful. The Media Council probably won't be able to enforce the provisions of the homophobia law against television or streaming providers that operate in foreign countries and under the auspices of other countries' media authorities. Although the Media Council has regularly tried to turn to foreign media authorities with such complaints, they have had no success thus far.<sup>27</sup>

The rules concerning media service providers with a "significant influence" have also changed. In the case of radio media services, the concept of "significant influence" has been amended: a radio station with an average annual audience share of 20% also qualifies as having "significant influence" as long as at least one of its media services boasts an average audience share of at least 5% (Art. 69 of the Media Act).

26 Kasza, J. (2022). Jogsértőnek találta az RTL Klubon sugárzott, A család az család-kampányt a Médiatanács, míg a kormánypárti lapok LMBTQ-témájú interjúját nem találták problémásnak [The Media Council found that the "family is family" [anti-homophobia – the authors] campaign broadcast on RTL Klub violates the law, while the LGBTQ-focused interview in the pro-government newspapers did not run afoul of the laws], <u>Media1.hu</u>, 4 February 2022. <u>https://media1.hu/2022/02/04/jogsertonek-talalta-az-rtl-klubon-sugarzott-a-csalad-az-csalad-kampanyt-a-mediatanacs-mig-a-kormanyparti-lapok-lmbtq-temaju-interjujat-nem-talaltak-problemasnak/</u>

<sup>25</sup> Act LXXXIX on taking more severe action against paedophile offenders and amending certain Acts for the protection of children

<sup>27</sup> Kasza, J. (2022). Sorra visszadobják a külföldi társhatóságok a magyar Médiatanács próbálkozásait, amikor a propagandatörvény alapján kér segítséget médiaszolgáltatók ellen [Foreign media authorities keep rejecting the Hungarian Media Council's request for legal aid against media services alleged to have violated the propaganda law in Hungary], Media1.hu, 2 November 2022. https://media1.hu/2022/11/02/sorra-visszadobjak-a-kulfoldi-tarshatosagok-a-magyar-mediatanacs-probalkozasait-amikor-a-propagandatorveny-alapjan-ker-segitseget-mediaszolgaltatok-ellen/

However, these criteria do not apply to public service, community, and thematic media service providers; that is, regardless of their audience share, they cannot qualify as media service providers with significant influence as defined in the law. Through this exemption, the legislator has comprehensively removed political and religious community radios from the greater regulatory burdens that apply to media services that qualify as having a significant influence based on the definition in the law. Since the only nationally broadcasting commercial radio station, Retró Rádió, also qualifies as a thematic media service, it is also exempt from the stricter rules. Detailed information about the sanctions practice of the Media Council is available in the authority's annual reports to the National Assembly.<sup>28</sup>

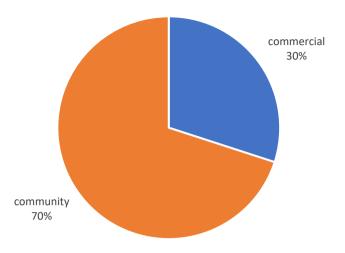
There has been no progress whatsoever with regard to the independence of the Media Council. In 2021, Mónika Karas, the president of the National Media and Info-Communications Authority at the time, resigned before the end of her term. This gave Fidesz an opportunity to use its two-thirds majority to elect her successor before the 2022 parliamentary election. This was seen as a precautionary measure in the event that the ruling party would fail to secure another two-thirds majority. Ultimately, Fidesz won another two-thirds majority in April 2022, but in any case, the term of the new president of the Media Council and the National Media and Info-Communications Authority, András Koltay, will only end in 2030. Koltay had already served as a member of the Media Council between 2010 and 2019, and he had voted for all the Media Council's decisions that violated media freedom. At the same time, Mónika Karas became the new president of the State Audit Office of Hungary.

#### **Developments in radio frequency tenders**

In our analysis, we examined the tenders concluded between January 2021 and December 2022. In this period, the Media Council concluded a total of 64 frequency tenders. These numbers were not equally distributed during the period under investigation, as only 16 frequency tenders were launched in 2022.

Among the 64 tenders announced during the period, the Media Council called for applications for community media service licences in 45 cases, while only 18 frequencies were offered for commercial radios. The law defines community media services as services either *"intended to serve or satisfy the special needs for information of and to provide access to cultural programs for certain specific social, nationalities, cultural or religious communities or groups, or residents of a given settlement, region, or area of transmission"* or *"used for broadcasting programs aimed at achieving the objectives of public media services [...] in the majority of their transmission time"* (Media Act, Article 66).

<sup>28</sup> See the National Assembly Report on the activities of the National Media and Info-Communications Authority in 2021 (in Hungarian), <a href="https://nmhh.hu/dokumentum/229486/nmhh">https://nmhh.hu/dokumentum/229486/nmhh</a> orszaggyulesi beszamolo mediatanacs tevekenyseg 2021.pdf; See the National Assembly Report on the activities of the National Media and Info-Communications Authority in 2022 (in Hungarian), <a href="https://nmhh.hu/dokumentum/240507/nmhh">https://nmhh.hu/dokumentum/240507/nmhh</a> orszaggyulesi beszamolo mediatanacs tevekenyseg 2021.pdf; See the National Assembly Report on the activities of the National Media and Info-Communications Authority in 2022 (in Hungarian), <a href="https://nmhh.hu/dokumentum/240507/nmhh">https://nmhh.hu/dokumentum/240507/nmhh</a> orszaggyulesi beszamolo mediatanacs tevekenyseg 2022.pdf</a>



Before 2010, those media outlets that operated as community broadcasters were genuine local media providers which created unique content for the given community. However, the changes enacted subsequently hollowed out the legal concept of community broadcasting, and this process mainly benefitted the building of political and religious national radio networks. Thus, up until 2015, Lánchid Rádió, which was owned by Lajos Simicska (who was Orbán's main oligarch at the time, but the two ended up turning on each other), expanded its network as a community, and the same legal form was used by the religious radio networks Katolikus Rádió, Mária Rádió, and Európa Rádió. The fundamental reason why the community radio status is attractive for political broadcasters is that community media providers are exempt from paying the media service fee. Although community media providers may only broadcast six minutes of advertising per hour – as opposed to the 12 minutes that commercial providers can air – this limitation has barely any impact in an advertising market heavily distorted by state advertising.

In the period investigated, 4 of the 46 tenders for community media service providers were concluded without a winner. In 21 cases, religious/church-owned networked providers won. Over the two-year period we looked at, the pro-government Karc FM network won 16 licences as a community media service provider. Only four radios – Rádió Dikh, Sportrádió, Spirit FM, and Tilos Rádió – which operate as autonomous radio providers won frequencies during this period.

Commercial radios have to pay a media service fee each quarter, the minimum amount of which is specified in the tender announcement for the given frequency. In genuinely competitive tenders, the media service fee undertaking is one of the areas where applicants have the greatest leeway to be competitive. The media law does not provide any guidelines for determining the minimum fee to be paid. Generally, the Media Council tends to make the amount commensurate with the size of the coverage area. In the period examined, the lowest amount was 548,000 HUF + VAT per year (Békés 94.4 MHz), while the highest amount was 111,269,000 HUF + VAT per year (Budapest 89.5 MHz, the central frequency of Rádió 1). However, starting in the second quarter of 2020, the government suspended the obligation to pay a media service fee. Initially, it cited the Covid crisis as the reason for pausing this obligation; subsequently, the Russian attack on Ukraine was used as the justification.<sup>29</sup> A 2020 amendment of the Media Act allowed for paying the media service fee in monthly instalments (Article 44).

Already in the first half of the 2010s saw a significant drop in the competition for radio frequencies. During the period examined, 88% of the frequency tenders featured only a single applicant. Today, radio frequency tenders no longer stimulate competition between potential media providers. This is clearly a result of the Media Council's approach towards frequency tenders; since 2010, everyone basically knew already from the start who the winner of each frequency tender would be. There were only four genuinely competitive tenders for community radio frequencies during this period. Two of these concerned the 92.9 MHz frequency in Budapest (which was previously used by the sole remaining critical talk radio, Klubrádió, which had to reapply for its frequency). The 2021 tender saw three applicants, and it failed to yield a winner. In 2022, only Klubrádió and Spirit FM tried again, and ultimately, this tender resulted in Klubrádió losing its last terrestrial frequency (it had already been stripped of its coverage area outside Budapest).

The way the Media Council handled competitive situations was also striking. Among the tenders that featured actual competition, there were only two cases in which the losing competitors' application was not disqualified on the grounds of formal or content-related problems. In the two cases in which the losing applicants were not disqualified, the Media Council's decision was rendered based on the subjective assessment of the score awarded for the broadcasting plan. Spirit FM won Klubrádió's frequency with a single-point victory over the user of the frequency at the time; the single-point difference between the two applications stemmed from the category "subjective assessment of the broadcasting plan." At the same time, the striking number of applications that were disqualified on formal or substantial grounds cast doubt on the transparency and fairness of the tender procedures. In fact, previous analysis has shown that precisely because of the increasingly limited competition, the Media Council's use of the validity criteria could be discriminatory.<sup>30</sup>

Since 2010, the tender procedures have been clearly designed to benefit the expansion of a small group of entrepreneurs as well as shows with a designated ideological worldview.<sup>31</sup> In this context, the fact that the Media Council has been made up of new members since December 2019 changed nothing about this. An analysis of the foregoing period demonstrated that the tender procedures were severely biased, and this led to a homogenisation in the market of local radios. Genuinely local independent media providers have been replaced by a few large national networks.

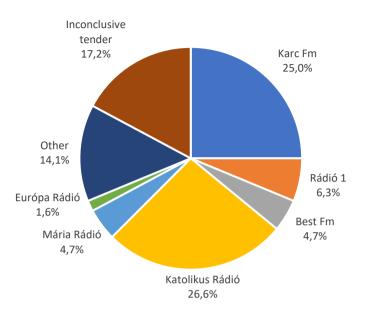
KARC-FM, a pro-government radio owned by the Central European Press and Media Foundation (KESMA), won a quarter of the successfully concluded tenders. The music radio network called Rádió 1 – which is also owned by figures with ties to the government – won 6% of the tenders, while a third were won by religious/church radios: the Catholic station Magyar Katolikus Rádió 17, Mária Rádió 3, and Európa Rádió 1 won licences. The pro-government music radio network Best FM won three frequencies. Surprisingly, the biggest winner of the previous period, the KESMA-owned Gong Rádió, did not compete in any tenders in 2021-2022. A mere 14% – nine frequencies – were won by independent media providers that are not associated with any networks.

<sup>29</sup> See Government Decree No. 132/2020. (IV. 17.) on the different application during the state of emergency of certain statutory provisions concerning the requirements for electronic identification, the execution of judicial orders, and the media service fee; Government Decree No. 165/2021. (IV. 7.) on the different application during the state of emergency of the rules concerning the media service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement laid down in Act CLXXXV of 2010 on Media Service fee requirement lai

<sup>30</sup> Mertek blog (2015). A médiaszabályozás leghátsó oldala [The small print in the media regulations.] https://mertek.atlatszo.hu/a-mediaszabályozas-leghatso-oldala/

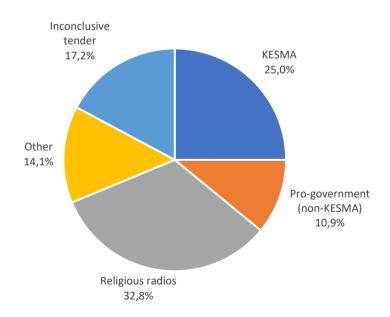
<sup>31</sup> See Krisztina Nagy: Frekvenciaosztogatás. A Médiatanács frekvenciapályáztatási gyakorlata 2010–2015 [The distribution of radio frequencies and the Media Authority's frequency tenders], Médiakutató 2016/03, pp. 125-136. https://mediakutato.hu/cikk/2016\_03\_osz\_tel/10\_frekvenciaosztogatas.pdf

In other words, for the most part, the Media Council's tender practices did not serve the interests of local communities and local entrepreneurs but the expansion of media owners with ties to the government and the delivery to local audiences of contents that align with the government's/governing party's views and ideology.



*Figure 6: The distribution of tender results by media providers (January 2021 – December 2022)* 

Figure 7: The results of frequency tenders by types of providers (January 2021 – December 2022)



## The tenders for Klubrádió's frequency

One of the most controversial frequency tenders during the period examined concerned the frequency used by the Budapest station Klubrádió. Already in the first half of the 2010s, Klubrádió had only managed to secure a terrestrial frequency after a prolonged lawsuit against the Media Council. As a result of the litigation, the station switched from the previous 95.3 MHz frequency to the 92.9 MHz frequency in Budapest. Hence, its seven-year licence expired in February 2021. It had already been stripped of its network outside Budapest, which had spanned 11 cities in Hungary, in 2011. According to the Media Act, a licence for local media services may be renewed once without a tender, and in that case, the renewed licence will be valid for a period of five years. Klubrádió asked the Media Council to renew its licence, but the Media Council denied the request.<sup>32</sup>The decision said that the reason for denying the licence renewal was that during the seven years when it used the radio frequency at issue, Klubrádió had committed legal infringements on several occasions and that under these circumstances, the media law rules out the possibility of renewal (Art. 48 of the Media Act). The Media Council's decision alleged that Klubrádió had committed six legal infringements during its seven years of operation with the frequency it had been given in 2014. Specifically, the claim was that Klubrádió had failed to comply with its data reporting obligations to the media authority; on two occasions, it had also failed to comply with the requirement concerning the share of Hungarian music each month; and on one occasion – spanning a period of three days - it had violated the rules concerning being connected into a network. None of the contents broadcast by Klubrádió had violated the law, all the alleged infringements concerned administrative rules. Among these, the instances of late data reporting occurred within a single year in 2017. According to the Media Act, this was enough for the Media Council to make out repeated infringements of the law and to deny the renewal of the media service licence on those grounds.

Although the Media Council's decision was formally in compliance with the relevant provisions in the media law, it is still disconcerting that its interpretation of the law tends to be more lenient when it comes to other stations. An investigation by a journalist of the daily Népszava found that there had been at least two cases when radio licences were renewed despite repeated infringements.<sup>33</sup> Furthermore, one of these stations was Inforádió, which is a political talk radio and, as such, one of Klubrádió's main competitors. Thus, in the case of Klubrádió, the Media Council's application of the law was clearly arbitrary and discriminatory. Klubrádió appealed the Media Council's decision in court, but the court failed to consider the previous evidence showing discriminatory practices and affirmed the Council's decision.<sup>34</sup>

In November 2020, already before the lawsuit concerning the renewal of the licence had been concluded, the Media Council issued a new tender for the 92.9 MHz frequency in Budapest.<sup>35</sup> Based on the evaluation criteria in the tender notice, it was clear that a public affairs-focused talk radio with frequent news broadcasts would be preferred. The requirement for cultural shows and a selection of non-mainstream music also suggested that Klubrádió was well positioned for this tender, especially since its previous broadcasts had consistently matched the requirements put forth by the Media Council.

<sup>32</sup> https://nmhh.hu/cikk/214773/A\_Mediatanacs\_8302020\_IX\_8\_szamu\_dontese

<sup>33</sup> Unyatyinszki, Gy. (2020). A Klubrádiót nyíltan diszkriminálták [Klubradio was openly discriminated against] Népszava <u>https://nepszava.hu/3099072\_a-klubradiot-nyiltan-diszkriminaltak</u>

<sup>34 &</sup>lt;u>Klubradio.hu</u> (2021). Döntött a bíróság, le kell kapcsolni a Klubrádiót a 92.9-en [The court has ruled, Klubrádió must stop broadcasting on the 92.9 frequency] <u>https://www.klubradio.hu/adasok/dontott-a-birosag-le-kell-kapcsolni-a-klubradiot-a-929-en-116163</u>

<sup>35</sup> https://nmhh.hu/dokumentum/215879/budapest\_92\_9\_mhz\_palyazati\_felhivas.pdf

In addition to Klubrádió, there were two other applicants: the Association for Community Radio Broadcasting (Közösségi Rádiózásért Egyesület) and LBK Media Service Provider 2020 Ltd (LBK Médiaszolgáltató 2020 Kft). The aforementioned association was legally established in 2007, and Sándor Szilárd Németh has been registered as the chief executive since May 2019. Németh, a member of the family which leads the pro-Fidesz evangelical Assembly of Faith congregation, is also the CEO of the news television channel ÁTV. At the time when it submitted its application, the Association had been operating the talk radio Spirit FM as a local community radio in the Terézváros area of Budapest on the 87.6 MHz frequency. The LBK Media Service Provider 2020 Ltd is an enterprise with close ties to Fidesz, owned by Dr Balázs Biró, the attorney who had previously served as the legal representative of Andy Vajna's media holdings.<sup>36</sup> Citing formal problems in their applications, the Media Council disqualified the Association for Community Radio Broadcasting and LBK Media Service Provider 2020 Ltd from the frequency tender.<sup>37</sup> Both applicants appealed the decision in court. However, the Association ended up withdrawing its appeal, and LBK Media Service Provider 2020 Ltd. soon followed suit. Meanwhile, the Council requested that Klubrádió amend its application, and the radio station complied. The Media Council accepted its submission.<sup>38</sup>

The Media Act provides that in the event that there is only one applicant that complies with the requirements set out in the law and in the tender procedure, the Media Council has to select it as the winner (Article 62 of the Media Act). Based on the relevant provision in the law, it seemed obvious that since the other two applicants had been disgualified. Klubrádió's success at the tender was inevitable. However, in March 2021, the Media Council invalidated the entire tender procedure and determined that Klubrádió's application had been both formally and substantially invalid.<sup>39</sup> The reasoning underlying the decision was not published. The text of the decision only revealed that the authority took issue with the contents of the application; it determined that the entire application was wanting in substance and that the broadcasting plan did not match the tender requirements. As for the formal issues, the Media Council claimed that the application did not include or did not accurately include the mandatory elements. It emerged from press reports that the Media Council's problem was in part that the company owning Klubrádió had negative equity and that the broadcasting plan scheduled different broadcasting times for first broadcasts and rebroadcasts.<sup>40</sup> Klubrádió appealed the Media Council's decision in court, but the court of first instance affirmed the authority's decision. Currently, Klubrádió operates as an online radio station, but it has appealed both first-instance judicial rulings concerning its frequency, that is, the decision not to renew its previous licence as well as the decision excluding it from the tender.

In April 2021, the Media Council issued a temporary licence for Klubrádió's previous frequency; the frequency was awarded to Spirit FM, one of the applicants that had been disqualified from the tender. In December 2020, the Hungarian National Assembly amended the rules concerning temporary media services. Based on the previously applicable provisions in the law, the Media Council could only issue temporary licences for periods of up to 30 days. Since January 2021, the maximum length of a temporary licence has been increased to 180 days. Based on the new rules, Spirit FM was allowed to broadcast on the given frequency until the end of October 2021. In its public statement criticising the decision, Klubrádió described Spirit FM as a "fake opposition radio" and a "usurper."<sup>41</sup>

<sup>36</sup> Szalay, D. (2021). Kormányközeli ügyvéd is pályázik a Klubrádió frekvenciájára [An attorney with ties to the government has applied for Klubrádió's frequency] Media1.hu. https://media1.hu/2020/12/14/lbk-mediaszolgaltato-2020-kftbiro-balazs-klubradio-92-9-mhz/

<sup>37</sup> https://nmhh.hu/cikk/216958/Ujabb\_szakaszahoz\_ert\_a\_Budapest\_929\_MHz\_frekvencia\_palyazati\_eljarasa

<sup>38</sup> https://nmhh.hu/cikk/218153/Folytatodik\_a\_Budapest\_929\_MHz\_frekvencia\_palyazati\_eljarasa

<sup>39</sup> https://nmhh.hu/cikk/219035/A\_Mediatanacs\_1802021\_III\_10\_szamu\_dontese

<sup>40</sup> Szalay, D. (2021). Bréking: ítéletet hirdetett a Klubrádió frekvenciapályázata kapcsán a Fővárosi Törvényszék [Breaking news: the Metropolitan Court of Budapest has ruled on Klubrádió's frequency application], <u>Media1.hu</u>.
https://media1.hu/2021/05/06/broking.itelet hirdetett a klubrádio frekvenciapalyazeta kapcsán a fővárosi Törvényszék [Breaking news: the Metropolitan Court of Budapest has ruled on Klubrádió's frequency application], <u>Media1.hu</u>.

https://media1.hu/2021/05/06/breking-itelet-hirdetett-a-klubradio-frekvenciapalyazata-kapcsan-a-fovarosi-torvenyszek/ **41** Klubradio.hu (2021). Hamis lap a pakliban. A Klubrádió közleménye [Fake card in the deck. Klubrádió's statement]. https://www.klubradio.hu/adasok/hamis-lap-a-pakliban-117609

When a new tender was issued for the frequency in 2022, Klubrádió Corporation and the Association for Community Radio competed for the Budapest 92.9 MHz frequency. The Association and its Spirit FM broadcasting service won the tender by a single-point margin. The single-point advantage was achieved in the category of the subjective evaluation of the broadcasting plan. On this evaluation criterion, the tender notice merely stated that the *"Media Council may subjectively evaluate any of the elements in the broadcasting plan that were not included in the evaluation categories in the original Tender Notice, and which the Media Council views as providing an added value in terms of the broadcasting plan."*<sup>42</sup>

In determining the score of the application for this particular criterion, the Media Council reviewed and evaluated the applicants' undertaking concerning "rebroadcasts during the weekly broadcasting period excluding the night hours (thus, the period between 5 AM and 11 PM)." Based on this review, "a maximum of 8 (eight) points could be awarded to applications (...) that contained the lowest airtime for rebroadcasts during the weekly broadcasting period excluding the night hours (thus, the period excluding the night hours (thus, the period between 5 AM and 11 PM)." The other applicant's score was calculated to be proportional with its undertaking as compared to the applicant that received the highest score on this criterion."<sup>43</sup>

Klubrádió appealed the Media Council's decision in court,<sup>44</sup> arguing the following:

"1. The tender notice did not include any evaluation criteria concerning the evaluation of the share of rebroadcasts. At the same time, the Media Act provides that frequency tenders may only be evaluated based on the criteria expressly laid out in the tender notice. In its review of the applications, the [Media Council] may not add evaluation criteria that had not been included in the original tender notice. The evaluation of the applications submitted on the basis of the original tender notice may not be subsequently augmented by criteria that the applicants were not aware of when they submitted their applications."

2. The broadcasts of the winning applicant include a substantial share of audio broadcasts of television shows that had been previously aired on the television channel ATV. The authority qualified these as original new radio shows rather than as rebroadcasts, [with the implication that they are equal to] those new Klubrádió shows that are genuinely aired for the first time. Thus, Klubrádió fell behind in the evaluation criterion concerning the share of new shows despite the fact that it airs a substantially higher number of new shows and far fewer rebroadcasts than the winning applicant.

3. Thus, the winning applicant was also in serious violation of the provisions concerning the fairness of the tender procedures in that its temporary broadcasts – which had already spanned a year at the time of the tender – had constituted an ongoing violation of the relevant provisions in the Media Act. The current winner of the frequency tender has been broadcasting on the Budapest 92.9 MHz frequency for over a year now, even though the Media Act provides that a temporary frequency licence may only be issued to each media service provider once for a period not exceeding six months. In cahoots with the Media Council, the winner of the tender circumvents the applicable rules by transferring the same radio program to ever new organisations that are formally distinct media organisations. Yet, the beneficial owner of these organisations is always the same circle of persons. Furthermore, even with these measures, they did not manage to comply with the legal requirement that any single media service provider shall not be allowed to broadcast with a temporary licence for a period exceeding six months. The Media Council has simply decided to ignore this violation. That's why a company called Németh Média Ltd [named after the family that operates the evangelical congregation called Assembly of Faith—the authors] could broadcast on the frequency in question, even though another organisation

- 42 https://nmhh.hu/dokumentum/225806/budapest929palyazatifelhivas.pdf
- 43 https://nmhh.hu/cikk/229950/A Mediatanacs 5322022 VI 14 szamu dontese

<sup>44</sup> Klubrádió (2022). A Klubrádió közleménye a Médiatanács határozatával kapcsolatban [Klubrádió's statement on the decision of the Media Council] https://www.klubradio.hu/adasok/a-klubradio-kozlemenye-127952

isation, the Association for Community Radio Broadcasting, had actually competed in the tender (and won). Another specific legal violation by the winner of the tender and the Media Council, which cooperates with the former, is that when two media service providers are each given a six-month temporary licence, there needs to be a break of at least 15 days between their broadcasting periods. One might say there needs to be radio silence. By contrast, Spirit FM has been continuously broadcasting on the 92.9 MHz frequency since 3 May 2021, with the result that it has operated as an unlawful pirate radio for two 15-day periods – without any repercussions, of course."

Even though the arguments presented by Klubrádió – and especially the second and third points – seem legally well-founded, the court of first instance denied the petition.<sup>45</sup>

For Klubrádió, the loss of its frequency inevitably resulted in a drop in the number of their listeners. One key aspect of Klubrádió and its role in the Hungarian media ecosystem is that it is a vital source of critical information for opposition Budapest voters over the age of 50. Mérték's annual news consumption survey of 2023 found that, on average, 6% of the Hungarian public listen to Klubrádió regularly (at least once a week). This is a substantial drop when compared to 2020 when this figure was 11%, but it is still higher than any of the annual figures recorded between 2014 and 2016. Given the limitations it was faced with, Klubrádió has been relatively successful in terms of its transition to online broadcasting. However, its financial records in 2022 showed that the donations by listeners had dropped by 35%.<sup>46</sup>

# Other community radios

Rádió Dikh started operating in 2022. The circle of owners is the same as in the case of Díkh TV; in fact, the radio station refers to itself as the radio of Díkh TV.<sup>47</sup> Press reports have found links between these owners and the prominent Orbán-advisor and businessman Árpád Habony. The radio station broadcast entertainment shows primarily aimed at Roma audiences.<sup>48</sup>

The media service provider of Spirit FM is the Association for Community Radio Broadcasting. As we noted in the context of Klubrádió's lawsuit, other providers had also broadcast the same radio shows during the period when Spirit FM was operating with a temporary licence. The official representative of the association is still Szilárd S. Németh. The radio operates as public affairs talk radio, sometimes airing shows originally broadcast on ATV.

Sportrádió is operated by Online Sportmédia Ltd, a company registered in the prime minister's home village. It is owned by György Szöllősi, the editor-in-chief of the sports daily Nemzeti Sport and the "ambassador extraordinary and plenipotentiary of Hungarian football." Szöllősi boasts excellent ties to the government. The radio is also broadcast on the website of the Nemzeti Sport newspaper, <u>nso.hu</u>. In addition to the tens of thousands of subscriptions for public institutions ordered by the Orbán government, this is another form of special subsidy for the newspaper.

<sup>45</sup> Klubrádió (2023). A Klubrádió pert vesztett a Médiatanács ellen [Klubrádió has lost a lawsuits against the Media Council] https://www.klubradio.hu/hirek/a-klubradio-pert-vesztett-a-mediatanacs-ellen-134387

<sup>46</sup> Gulyás, B. (2023). Jelentősen csökkent a Klubrádió adományokból származó bevétele és a vállalat profitja (A significant drop in Klubrádió's income from donations and in its corporate profits). <u>Media1.hu</u> https://media1.hu/2023/05/30/jelentosen-csokkent-a-klubradio-adomanyokbol-szarmazo-bevetele-es-igy-a-vallalat-profitja/

<sup>47</sup> https://radiodikh.hu/oldal/rolunk

<sup>48</sup> Szalay, D. (2020). Új befektető szállt be a Dikh TV-be [A new investor at Díkh TV] Media1.hu, https://media1.hu/2020/02/20/uj-befekteto-szallt-be-a-dikh-tv-be/

Among the radios with their own media service licences, Tilos Rádió is the only one that had been operating already before 2010. It has been broadcasting its shows since 1991. Until 1995, it did so without a legal licence, practically as a pirate radio. It is an emblematic example of civic journalism and community radio broadcasting; Tilos Rádió is completely independent of the government and all political parties.

#### **Karc FM**

In 2021, a third of all frequency tenders (16 overall) resulted in the expansion of Karc FM's coverage area. In 2021, the radio station received a new frequency in Budapest, too. While the frequency it had previously successfully applied for, 105.9 MHz, reached 1.27 million people according to the tender notice,<sup>49</sup> its new frequency (Budapest 85.3 MHz, which used to be Klubrádió's first frequency) covers a broadcasting area with a population of over 2 million according to the tender notice.<sup>50</sup>

Karc FM was launched in February 2016. However, until October 2018, it was only broadcasting on a Budapest frequency (Budapest 105.9 MHz). In 2018, it began its expansion by taking over the frequency of the right-wing talk radio that went out of business at the time. The CEO of Karc FM, Otto Gajdics, said that with this expansion, "our listeners have partially reclaimed what was taken from them when [the erstwhile oligarch Lajos Simicska had a falling out with Viktor Orbán and turned his media into critical outlets - the authors.]"<sup>51</sup> What the CEO alluded to was that originally, Lánchíd Rádió had been a pro-government station and only turned into a critical outlet when the owner at the time, Laios Simicska, publicly broke with Prime Minister Viktor Orbán in February 2015. In other words, Gajdics suggested that Karc FM's current expansion was a restoration of the pre-February 2015 status quo in the talk radio market.

By the end of 2021, Karc FM was broadcasting on 29 local frequencies, which means that it is now available in every corner of the country.<sup>52</sup> Karc FM did not win further frequencies in 2022.

Another curious aspect of Karc FM's success in the tenders is that it has not faced competition in any of the tenders in which it submitted an application during the period under investigation. Since the radio station was launched in 2016, there have only been six tenders in which Karc FM had to face a competitor in its quest for radio frequencies – typically, the other applicant was a religiously focused radio. Karc FM won all of these tenders. In each of these cases, the Media Council decided to assess the subjective evaluation of the broadcasting plan in a way that gave Karc FM the highest possible score on this criterion. Typically, Karc FM would receive a maximum of eight points for this category, while the other applicants were given a score of zero. During its period of expansion, Karc FM did not lose a single tender in which it participated.53

https://media1.hu/2023/05/15/elbocsatjak-a-karc-fm-stabjanak-jelentos-reszet-hirty-s-musorokbol-all-majd-a-hir-fm-adasanak-jelentos-resze/

<sup>49</sup> https://nmhh.hu/dokumentum/163426/pf\_bp\_1059.pdf

<sup>50</sup> https://nmhh.hu/dokumentum/217518/budapest\_95\_3\_mhz\_palyazati\_felhivas.pdf

<sup>51</sup> Szilágyi, A. (2018): Egyre több településen hallható a Karc FM [Karc FM is available in a continuously growing number of municipalities], Magyar Idők, https://www.magyaridok.hu/belfold/egyre-tobb-telepulesen-hallhato-a-karc-fm-3578126/

<sup>52</sup> https://fmscan.org/net.php?pxf=H%EDr+FM&itu=HNG

<sup>53</sup> However, in 2023, the radio changed its name, and it is currently broadcasting as Hír FM. At the same time, the station also laid off a substantial portion of the newsroom. Now, it mostly rebroadcasts shows that previously aired on Hír TV. See Szalay, D. (2023). Elbocsátják a Karc FM stábjának jelentős részét, HírTV-s műsorokból áll majd a Hír FM adásának jelentős része [Most of Karc FM's staff will be laid off, a substantial portion of the station's airtime will be taken up by shows from Hír TV], Media.hu

# Church radios and religious stations

The support for radio stations operated by churches and religiously focused stations has been a well-documented component of the way the Media Council has handled frequency tenders since 2010. Already in 2010-2011, Mária Rádió, operated by the Catholic Church, and Európa Rádió, which is operated by the Reformed Church in Hungary, had been the most prominent winners of frequency tenders.<sup>54</sup> Another Catholic station, Katolikus Rádió, began its network expansion in 2012; prior to that, it was only available on medium frequency.<sup>55</sup> During the period investigated, 21 frequency tenders – 33% of the total – were won by stations with a religious focus.

The Magyar Katolikus Rádió was created by the Conference of Catholic Bishops in Hungary in 2004. Currently, it broadcasts its shows on 24 local frequencies.<sup>56</sup> Its expansion is partly based on the enlargement of its network and in part on expanding the coverage area of the network's existing stations. During the period investigated, 15 of Katolikus Rádió's 17 successful tender applications resulted in expanding the coverage area; one owed to network expansion, and one – the Budapest 102.1 MHz frequency – concerned a separate media outlet which operates as a central provider in the network.

Mária Rádió is the Hungarian branch of the international Radio Maria Foundation. It began broadcasting in Budapest in 2006 and is currently available on 25 frequencies.<sup>57</sup> During the period examined, it won two frequencies with network expansion and one with the expansion of its coverage area.

Európa Rádió, which is owned by two church districts of the Reformed Church in Hungary, also received a frequency. Currently, this frequency covers five municipalities.<sup>58</sup>

#### Radio 1

As compared to previous years, Rádió 1 expanded more slowly during the period examined. It won a single frequency in 2021 and three in 2022. In 2023, its expansion picked up pace again; that year it won another five frequencies. Currently, Rádió 1 can be heard in a total of 40 broadcasting districts, which span most of Hungary.<sup>59</sup> During the period examined, all its successful tender applications were filed by Radio Plus Ltd., but its network includes other companies as well (e.g., Mambó Rádió Ltd., Alisca Network Ltd., LB Rádió Ltd., and Echo Penisola Ltd. since 2023).

Rádió 1 was launched in June 2016 as a media service of Radio Plus Ltd., which was owned by the late Andy Vajna at the time. As the government's film commissioner, the president of the Hungarian Film Fund, and the largest player in Hungary's casino market (he received five of the seven casino licences awarded by the government in 2014), Vajna obviously had strong ties to the governing parties. As the

<sup>54</sup> Mertek Media Monitor (2012). A Médiatanács frekvencia-pályáztatási gyakorlata (How the Media Council handles frequency tenders), Mertek.eu https://mertek.eu/2012/02/22/a-mediatanacs-frekvencia-palyaztatasi-gyakorlata/

<sup>55</sup> Mertek Media Monitor (2013). A Médiatanács frekvencia-pályáztatási gyakorlata, 2. jelentés (How the Media Council handles frequency tenders, Report No 2), <u>Mertek.eu https://mertek.eu/2013/01/08/a-mediatanacs-frekvenciapalyaztatasi-gyakorlata-2-jelentes/</u>

<sup>56</sup> https://www.katolikusradio.hu/veteli-lehetosegek

<sup>57</sup> https://fmscan.org/net.php?r=f&m=s&itu=HNG&pxf=M%E1ria+R%E1di%F3

<sup>58 &</sup>lt;u>https://fmscan.org/net.php?r=f&m=s&itu=HNG&pxf=Eur%F3pa+R%E1di%F3</u>

<sup>59</sup> https://fmscan.org/net.php?pxf=R%E1di%F3+1&itu=HNG

owner of TV2, Hungary's second most-watched commercial television channel, he had already been a vital player in the media market at the time when Rádió 1 was launched. His influence expanded further in 2017 with the acquisition of county newspapers and tabloid newspapers. Following Vajna's death in 2019, the company operating Rádió 1, Radio Plus Ltd., was acquired by Zoltán Schmidt, a figure with ties to Lőrinc Mészáros's business interests. Rádió 1 was not incorporated into the KESMA empire, but it is nevertheless obviously part of the Fidesz-aligned business sphere.

Rádió 1 began building its network already in the first year of its launching. By the end of 2017, its shows were broadcast on 31 frequencies. At the time, it had the second largest radio audience after the public service music radio Petőfi. After Retro Rádió was launched, it temporarily dropped into third-fourth place nationally. However, since then, its audience figures have surpassed Petőfi Rádió, and now it is once again ranked second nationally.<sup>60</sup>

In 2021, the central media service provider of Rádió 1, the Budapest Rádió 1 station, received a new frequency. While the coverage area of its previous Budapest 96.4 MHz frequency was home to a population of 1.6 million, its new frequency, Budapest 89.5 MHz, covers a population of nearly 3.5 million.<sup>61</sup> The larger coverage area has also allowed the network to turn off some of its stations near Budapest, which had been broadcasting on their own frequencies until now.

#### **Best FM**

In 2019, a new radio network called Best FM was launched. This network, too, is owned by figures with close ties to Fidesz. In 2020, Tamás Halmi became the owner of Best Radio Ltd. He was succeeded by Ferenc Sakalj in 2021.<sup>62</sup> Press reports found that both are associated with Lőrinc Mészáros's business empire. Since 2012, the name Best FM has been used by a local radio station in Debrecen. In 2018, another station, the former Retro Rádió in the town of Nyíregyháza, also switched to the name Best FM. Budapest Best FM was launched in 2019. According to the Media Council's decision of January 2019, the winner of the tender for the Budapest 99.5 MHz frequency was the Media Depo Ltd. However, in September, the Media Council approved the provider's announcement that the broadcasting services would be provided by Best Radio Ltd., a corporate spin-off of the Media Depo Ltd. In the period examined, Best FM won three frequencies and is now available in 10 coverage districts. Since 2021, it has tried to distinguish itself from its competitors in the radio market by branding itself as a rock music radio. The expansion of Best FM in recent years is another example which highlights that businesspersons with ties to Fidesz will always crop up when there are market initiatives that could potentially emerge as competitive alternatives to Fidesz-associated businesses.

**<sup>60</sup>** Budapesti és országos napi rádióhallgatottság (2023. március-május), [Radio audience figures in Budapest and nationally, March-May 2023 https://nmhh.hu/cikk/237456/Budapesti es orszagos napi radiohallgatottsag 2023 marciusmajus

<sup>61</sup> https://nmhh.hu/dokumentum/216617/budapest\_89\_5\_mhz\_palyazati\_felhivas.pdf\_

<sup>62</sup> Szalay, D. (2020). Mészáros Lőrinc embereihez került a Rádió 1 és a Best FM [Lőrinc Mészáros's man takes control of Rádió 1 and Best FM] Media1.hu https://media1.hu/2020/01/21/meszaros-lorinc-embereihez-kerult-a-radio-1-es-a-best-fm/

