

## **Monitoring the implementation of the European Media Freedom Act**



# **EMFA's Hungarian implications and impact on the Hungarian legal environment**

## **Monitoring Report II. (November 23, 2025)**

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In cooperation with Mérték Media Analysis Workshop and Connect Europe, we continuously monitor the European Media Freedom Act (official name: European Media Freedom Act; hereinafter: EMFA) and its implementation into the Hungarian legal system, as well as its domestic and European application. However, the legal form of the EMFA is a regulation, which, in principle, does not require implementation by the Member States, since the regulation can be directly invoked before national courts. However, many provisions of the EMFA require further action by Member States due to the lack of detailed rules or because existing Member States' legislation provides regulatory solutions that differ from those of the EMFA. The European Commission is currently consulting with the Member States' governments to ensure the full applicability of the EMFA. The provisions of the EMFA entered into full force on 8 August 2025.

In the first part of the report, we summarise those provisions of the European Media Freedom Act that explicitly impose legislative or other action tasks on Member States and designated authorities. We then examine the extent to which the Hungarian state and the relevant authorities have complied with the EMFA's provisions since its entry into force. In the third part of the report, we examine the activities of the Media Services Supervisory Authority (the Authority), established by EMFA and replacing the European Group of Audiovisual Media Regulators (ERGA). The primary objective of establishing the Authority is to ensure the consistent implementation of European media regulation. To this end, the Authority brings together and coordinates the operations of national regulatory authorities and bodies.

## **Executive summary**

Based on Regulation (EU) 2024/1083 on Freedom of Information (EMFA), which entered into force on 8 August 2025, Member States have a legislative obligation affecting several areas. On the other hand, it imposes several tasks on national regulatory authorities and organisations and, in some instances, on different public administration bodies.

The Hungarian legislator must definitely amend the provisions on intrusive surveillance

systems and other uncovered devices. In addition, a procedure for notifying market mergers must be established, and an authority responsible for investigating media market mergers must be designated.

The EMFA addresses public service media providers in a separate article. According to the regulation, the legislator must establish a transparent, non-discriminatory, and objective process and a set of criteria for selecting the heads of public service media providers.

The EMFA requires the regulatory authorities or bodies of the Member States, i.e., the NMHH in Hungary, to establish a system of criteria for assessing media market mergers based on the principles and criteria defined in the EMFA. In addition, the NMHH must establish a public database that makes the ownership background of media service providers transparent and accessible.

According to EMFA regulations, NMHH should have also investigated the acquisition of Ringier Hungary by Indamedia and should have sought the opinion of the European Media Services Board established by EMFA on the matter.

The National Communications Office (NKOH) would also have a task under the EMFA. The NKOH must establish an objective, transparent and non-discriminatory procedure and criteria system, based on which it will decide which media service provider to enter into a publicly funded contract for state advertising or other services. The NKOH must make this criteria system accessible.

Hungary and the national regulatory authorities and bodies have not fulfilled any of their obligations under EMFA at the time of the report, and based on the available information, no preparatory work is currently underway.

The report also examines the European Media Services Board (Board), established by EMFA and operational since February 2025. Based on the documents it issued, the Board did not address the implementation of EMFA at Member State level, including the Hungarian situation. Until the publication of the Report, the Commission had not taken any steps to ensure that Hungary fulfilled its obligations under EMFA.

## 1. EMFA provisions on the activities of national legislators and other bodies

This chapter summarises the EMFA provisions requiring Member States to carry out specific activities, as well as those requiring regulatory bodies and authorities operating in the Member States to do so.

Article 4 of EMFA is 2025. released on August 8 first, entitled EMFA's Hungarian

implications and impact on the Hungarian legislative environment in our report. We wrote in detail, but no progress has been made on the report since its contents. In our opinion, based on the Hungarian legal environment and the provisions of Article 4 of the EMFA on the licensing of intrusive surveillance systems, or on the provisions of Act CXXV of 1995 on National Security Services (hereinafter referred to as the NBS), Act XC of 2017 on Criminal Procedure and Act CIV of 2010 on Freedom of the Press and Basic Rules for Media Content on source protection, it is necessary to amend the provisions of the Act CIV of 2010 on the protection of sources. The modifications must contain. The activities listed in Article 4 must be authorised by a court or an independent authority.

In addition to the above, special mention should be made of the second sentence of Article 4(8) of the EMFA, which states that:

*„A Member State shall entrust an independent authority or body with relevant expertise to assist the persons referred to in the first subparagraph in exercising that right. In the absence of such an authority or body, those persons may also seek assistance from a self-regulatory body or mechanism.”*

There is currently no designated authority or other organization authorized to perform the required task, nor has such an authority or organization been established. Additionally, there is no self-regulatory body or mechanism available for the persons referred to in Article 4(8) to seek assistance from.

### 1.1. Article 21 Rules concerning media market service providers

Article 21 is, in some ways, an exception to the other provisions discussed in this report, since this article pertains to future legislative acts. Article 21 states that:

*(1) Legislative, regulatory, or administrative measures taken by Member States that may impact media pluralism or the editorial independence of media service providers operating within the internal market must be justified and proportionate measures shall be justified, transparent, objective, and non-discriminatory.*

*(2) National procedures for the adoption of administrative measures referred to in paragraph 1 shall follow pre-established time limits. Such procedures shall be carried out without undue delay.’*

Paragraph 1 of the Article does not apply mutatis mutandis to already adopted legislative, regulatory, or administrative measures. However, for example, if T/11923 on the transparency of public life, Bill No. 1, submitted and withdrawn in spring 2025, is submitted again, in its known form, it contradicts what is outlined in Article 21 of the EMFA and its regulations.

The situation is similar to paragraph (2) of the article, which also does not apply to administrative measures taken before August 2025, 2025, the date when the regulation comes into effect. However, administrative measures taken since then are already subject to the

regulation. Based on this, the National Media and Communications Authority must definitely adjust certain procedures to comply with EMFA regulations. This is especially true for frequency allocation and the supervisory activities carried out by NMHH.

## 1.2. Article 22 - media market mergers

EMFA concentrates on mergers and ownership changes in the media industry, as high market concentration threatens media pluralism and editorial independence.

Article 22 of the EMFA requires Member States and their regulatory bodies or authorities at the national level to comply. The first paragraph of Article 22 states that Member States must establish substantive and procedural rules to evaluate concentrations in the media market that significantly affect media pluralism and editorial independence.

The regulation to be established must be objective, transparent, and non-discriminatory; the merger must be notified in advance to a designated public body or authority; it must specify a national regulatory body or authority; the notified merger must be assessed according to objective, transparent, and non-discriminatory rules; and a time frame must be set for the assessment of the notification.

At the time of writing, the Hungarian legislator had not yet established either the rules on notification or the criteria for notified mergers. It is worth noting that, under the current regulations, mergers in the media market are evaluated by both the Hungarian Competition Authority and the Media Council. However, neither the GVH nor the Media Council (or the NMHH) has been designated to undertake the additional requirements and tasks outlined in Article 22.

### 1.2.1. The task of the NMHH under Article 22

Pursuant to Article 22(4), the national regulatory body or authority has the right to: mediate in cases where a concentration may affect the functioning of the internal market for media services. It shall consult the Board in advance before issuing its position or opinion. In such cases, it considers the Board's position to the fullest extent possible.

The NMHH must consider the following points during its investigation, in accordance with Breamble 22(2) of the EMFA.

- The anticipated impact of the media merger on media pluralism, including its effect on public opinion, the diversity of media services, and media offerings available in the market, considering the online environment and the parties' interests in, relationships with, or activities in other media or non-media businesses.
- measures taken by media service providers to safeguard editorial independence and ensure the autonomy of editorial decisions;
- considering whether, without media market concentration, the involved parties would stay economically viable, and whether there are alternatives to support their economic sustainability;

- where applicable, the findings of the Commission's annual rule of law report on media pluralism and freedom of the media; and
- where applicable, commitments made by any party to the media concentration to safeguard media pluralism and editorial independence.

### 1.2.2. Practical significance, Indamedia and Ringier Hungary

The provisions of Article 22 became relevant at the time of the report, as Indamedia Network acquired Ringier Hungary on October 30, 2025. As a result, Blikk, Kiskegyed, and Glamour, along with their online platforms, were added to Indamedia Network's portfolio.<sup>1</sup> According to Article 22 of EMFA, the transaction should have been notified in advance, even though, according to the GVH, this was not feasible under Hungarian law. Since the GVH did not initiate an investigation, the Media Council was not required to issue an expert authority position statement under Hungarian law. However, EMFA mandates that national regulatory bodies and authorities investigate any merger in the media market that could significantly impact media pluralism and editorial freedom.

At the time the Report was prepared, the NMHH and the Hungarian legislator had not fulfilled any of their obligations under Article 22, so the NMHH could not make a legal decision in the matter. At present, the European Commission and the Board have not taken any action. However, the case of Indamedia Kft. and Ringier Hungary tests the practical applicability of EMFA and the consistency of the Commission, because, based on EMFA, it is at least questionable to what extent the in-question media market merger<sup>2</sup>

### 1.3. Article 6: Transparency and ownership background

Article 6 of the EMFA mainly imposes responsibilities on media service providers to ensure that users know the ownership backgrounds of their service providers and to identify and evaluate potential conflicts of interest. According to the EMFA Preamble (32), this is crucial for citizens to develop an informed opinion on public issues. Having an overview of ownership backgrounds also promotes a transparent and fair market environment and reduces the risk of interference that could threaten editorial independence. Ultimately, transparency helps improve the quality of services offered by media service providers.

Therefore, Article 6 (1) of EMFA mandates media service providers to publish

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<sup>1</sup> Ringier Hungary's portfolio also included Egészsékgalauz.hu, Rúzs online, Glamour Univerzum, Recepttár.hu, and other complementary products of the newspapers listed above. After the acquisition, Ringier Hungary retained ownership of Sportal.hu and Profession.hu.

<sup>2</sup> The transaction deserves special attention and is of particular significance in the Hungarian media market because, according to HVG's information, Miklós Vaszily, co-owner of Indamedia Network, who is chairman of the supervisory board of Magyar Bankholding, which is part of Lőrinc Mészáros's business interests, and also CEO of TV2, which is also linked to Mészáros, received a loan of HUF 12.9 billion from Magyar Bankholding shortly before the transaction.

- their company name and contact details
- the name or names of their direct or indirect owner or owners with a stake that enables them to influence operations and strategic decision-making, including when their direct or indirect owner is the State or a public administrative body or organization
- the name or names of their beneficial owner
- for them to finance state advertisements, including the total annual amount allocated and the yearly total of advertising revenues received from public administrations or organizations in third countries

Article 6(2) of EMFA requires that, for transparency, Member States assign their national regulatory authorities the responsibility of creating national media ownership databases with the information specified in paragraph (1).

At the time of the report, neither the order had been placed nor the database created; that is, the NMHH does not comply with EMFA regulations.

#### 1.4. EMFA Article 25 - government advertisements

EMFA requires that contracts made by public authorities with media service providers or online platforms for public advertising or other services, whether direct or indirect, funded by public money, must be awarded based on transparent, objective, and non-discriminatory criteria. These criteria should be published in advance in a clear, user-friendly online format. Such public funding must be allocated through open, proportionate, and non-discriminatory procedures.

Paragraph (2) requires the relevant public bodies to make available and publicly disclose information on their annual public advertising expenditure. The published information shall include at least the following data:

- the names of media providers and online platforms where services were ordered
- where applicable, the official name of the business groups to which the media service providers or online platform service providers mentioned in point (a) belong;
- the total annual amount spent and the yearly amounts spent per media service provider or online platform operator.

Based on the information above, the national regulatory authority or agency should oversee public advertising spending and report on it yearly.

In Hungary, the National Communications Office (hereinafter: NKOH) oversees government advertising expenses. By establishing the NKOH, the Hungarian government centralized public procurement for advertising, allowing government agencies to access the communication services they need through the Office.

It follows from centralization that the procedure and conditions for public financing of state advertisements, as outlined in Article 25 of the EMFA, must be established, published, and followed by the NKOH.

In this context, the Mérték Media Analysis Workshop submitted a public interest data request to the NKOH.<sup>3</sup> We requested all relevant data, including documents, contract terms, informational leaflets, or other materials that demonstrate whether, in public procurement procedures or in contracts related to the placement of state advertisements with NKOH—including framework agreements—, and in strategic, policy, or other professional documents regarding the strategy, principles, and concept of distributing state advertisements—whether related to NKOH's own operations or the legal relationships between NKOH and its contracted partners—NKOH ensures that the criteria for distributing state advertisements, as outlined by the European Regulation on Freedom of the Media, are upheld.

The NKOH's response is rather nonsensical:

*Due to its role as a central purchasing body, the Office does not participate in the implementation of individual communication tasks, including advertising campaigns. However, we would like to draw your attention to the fact that, as a result of the difficulties in interpreting the EU regulation on political advertising, social media service providers will not accept public service advertisements in the future, or will do so to a minimal extent. Therefore, in the uncertain legal situation, a decline in advertising on such platforms can be forecasted.*

At the time of the report, NKOH did not meet the requirements of either Article 25 (1) or (2) of the EMFA. Therefore, if a contract is made with a media service provider or online platform as described above after the EMFA takes effect, it does not comply with the EMFA and is considered unlawful.

Mérték will pursue the data request through the court system.

As long as the NKOH does not act in accordance with the EMFA regulations, the NMHH, as a regulatory authority, cannot conduct the necessary procedures for monitoring and cannot prepare a report.

### 1.5. EMFA Article 5 - public service media

The EMFA Preamble emphasizes that public service media providers play a crucial role in the media market, as they are responsible for ensuring that citizens and businesses have access to high-quality, diverse information. Public service media would serve an essential function in defending the fundamental right to freedom of expression and information and in promoting the values of democracy, social cohesion, and social diversity.

The values outlined in the Preamble are what EMFA aims to uphold through the rules established for public service media in Article 5. Article 5(1) mandates that public service media be editorially independent and provide a diversity of information to their audiences in an unbiased manner.

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<sup>3</sup> [https://kimittud.hu/request/az\\_allami\\_hirdetesek\\_elosztasana#incoming-39831](https://kimittud.hu/request/az_allami_hirdetesek_elosztasana#incoming-39831)

Regarding editorial independence, it is important to note that Article 82 of Act CLXXXV of 2010 on Media Services and Mass Communication (Mttv.) Section (1) states that public service media providers operate independently of both government and market actors and are funded by the government.

The Report is not responsible for judging how well the current operation of the Hungarian public service aligns with this legal requirement. Nevertheless, it is generally accepted that, even before the EMFA, the public service media provider was expected to operate independently, and legal safeguards ensure editorial autonomy. Verifying the implementation of impartial and diverse information is relatively straightforward, unlike assessing editorial independence. However, the EMFA does not specify legal penalties if a public service media provider fails to meet the requirements outlined in this paragraph. Nonetheless, Hungarian law states that the Media Council should take action in cases of non-compliance with the EMFA.

Article 5(2) requires that the heads of the public service media provider be chosen through a transparent, open, efficient, and non-discriminatory process. According to the relevant parts of the Media Act, the CEO of Duna Média Szolgáltató Zrt. shall be elected by the Board of Trustees. However, the Board of Trustees may only select two candidates, proposed by the Media Council upon the President of the Media Council's recommendation. If the Board of Trustees cannot reach a two-thirds majority, the Media Council shall suggest two new candidates. In this case, a simple majority of the Board of Trustees, including the President of the Board of Trustees, delegated by the Media Council, shall suffice.

Regarding media service providers that offer public services, the Media Service Support Asset Management Fund must be mentioned. The Fund's role is to deliver public services according to Section 136 of the Media Service Act, including producing and supporting public service programs. As a program producer, the Fund naturally has a significant influence on the operation of the public service media provider and is therefore subject to the EMFA. Consequently, it is not appropriate under the EMFA that there are essentially no specific rules for appointing the Fund's CEO. The Media Act simply states that the President of the Media Council appoints the CEO, but it does not specify any other conditions or procedures.

## Summary

Based on the EMFA provisions, the Hungarian Parliament must amend several laws. First, it needs to revise the provisions concerning investigative activities, especially regarding intrusive surveillance tools. Additionally, a procedure for notifying market concentrations should be established, and the responsible authority for reviewing such concentrations should be designated. Furthermore, detailed rules are necessary to ensure a transparent, objective, and non-discriminatory process for selecting managers of media service providers involved in public broadcasting. The NMHH should create criteria for evaluating media market concentrations and establish a publicly accessible database that reveals the ownership backgrounds of media service providers. Moreover, the NMHH should have also examined

the acquisition of Ringier Hungary by Indamedia. Under the EMFA, the NKOH should develop an objective, transparent, and non-discriminatory process and criteria for deciding which media service provider qualifies for a publicly funded contract for state advertising or other services. As of the publication of the report, Hungary has not met any of its obligations under the EMFA, neither in legislation nor through the relevant state agencies, and there is no public information indicating whether any related activities have even started within the institutions. This also includes that neither the European Media Service Providers Board, described in the next section of the report, nor the European Commission has yet addressed the implementation of the EMFA in the member states.

In addition, the NMHH should examine the extent to which the programs of public service media providers comply with the EMFA regulations.

## 2. European Media Service Providers Association

In this section of the report, we outline the European Media Service Providers Board (the Board) established by EMFA, the rules that govern the Board, and its activities to date.

The Board was established by Article 8 of the EMFA, as detailed in the Preamble, to promote cooperation among national regulatory authorities and bodies, succeeding the European Regulators Group for Audiovisual Media Services (ERGA). The Board serves as a forum for high-level officials from these authorities or bodies to meet and consult. Therefore, in accordance with Article 10 of the EMFA, the Board consists of representatives from national regulatory authorities or bodies. Each member has one vote, and decisions are made by a two-thirds majority of the voting members.

### 2.1. Article 13 - Tasks of the Board

The main responsibility of the Board, according to Article 13 of the EMFA, is to offer support and advice to the Commission on matters within the Board's scope and to encourage the consistent application of the EMFA provisions and Directive 2010/13/EU.

The Board's activities are governed by Article 13 of the EMFA, which outlines all relevant provisions. In the Report, we focus only on those activities of the Board that directly or indirectly impact the operation of national regulatory authorities or agencies.

To fulfill its duties outlined in Article 13, the Board shall provide the Commission with technical and professional support for implementing the provisions of the EMFA and Directive 2010/13/EU. It shall also promote cooperation among national regulatory authorities and bodies in enforcing Union and Member State rules on media service providers. Additionally, the Board shall issue opinions on technical and factual matters related to Articles 2(5c), 3(2) and (3), 4(4)(c), and 28a(7) of Directive 2010/13/EU. Moreover, the Board shall prepare opinions based on requests from national regulatory authorities or bodies, which may involve cooperation between authorities or enforcement actions if there are disagreements between the requesting and the requested entities.

Another important task of the Board is to issue, either on its own initiative or at the request of the Commission or an interested party, an opinion on regulatory or administrative decisions that are likely to significantly affect the operation of media service providers in the internal market for media service providers, in accordance with Article 13(f). It also issues an opinion on its own initiative or at the request of the Commission regarding media market concentrations that are likely to impact the operation of media service providers in the internal market.

In addition to the above, the Board primarily acts as an intermediary and support entity for the relevant actors specified in Article 13 and the Commission.

## 2.2. The Board's activities so far

The operation of the Board is outlined based on documents published by the Board since February 2025. Since its establishment, the Board has published ten documents, including the list of Board members and its general rules of procedure. Of the remaining eight published documents, two position statements can also be considered relevant to the Report.

The position paper published on August 1, 2025, relates to Article 18 of the EMFA. Article 18 requires major platforms to give media service providers the opportunity to declare that they are indeed media service providers, comply with the transparency requirements of Article 6, are editorially independent, are subject to certain national regulatory bodies or authorities, and provide specific data required by the EMFA. It seeks to address the fact that, for many consumers, major platforms serve as the gateway to access media content and service providers. Therefore, it is crucial for consumers to be informed and to receive reliable information indicating that media service providers identified as such on major platforms meet certain transparency and professional standards.

## 2.3. Board Resolution on the Implementation of Article 18 of EMFA

In its position statement, the Board first clarifies the interpretation of the concept of media service provider, extending it to include freelance journalists so that they are also protected by Article 18 if they act in their professional capacity and provide services of an economic nature. It may be relevant for the Hungarian media landscape that, based on the Board's proposal, the list of media service providers should be reviewed annually, and warnings should be added to the system. During the annual review, media service providers should declare that they continue to meet the criteria outlined in the first paragraph of Article 18. The proposal also states that supporting documents should be attached to this declaration to verify its contents. The Board offers the example of editorial independence, which, according to the position statement, could be demonstrated through codes of conduct, links to press ethics principles that the editorial office accepts as binding, or documents from certain self-regulatory bodies. However, the resolution emphasizes that the absence of supporting documents should not lead to automatic rejection by major platforms.

Based on the declarations made this way, large platforms must create a list of media service

providers under contract with them, so that civil society representatives and consumers can report if a media service provider does not actually meet the required transparency and independence conditions, despite what is stated in the declaration.

In the increasingly extreme polarization of the Hungarian media environment, it is questionable how giant platforms will evaluate - before the 2026 (April) Hungarian elections - clearly pro-government media outlets operating with significant state resources. On the other hand, it is uncertain how they will handle media providers close to the government that are independent of election campaigns but especially active during campaigns, using substantial resources. Civil organizations they refer to as "independent" NGOs claim to represent independent media.

However, at present, the giant platforms have not published a list relevant to Hungary.

#### 2.4. Board resolution on the Regulation on Transparency and targeted continuation of political activities

In its position statement, the Board gave a broad review of the Regulation on Transparency and Targeted Political Activities (TTPA). The Board mainly points out interpretive issues related to the TTPA.

The Board begins by stating that this position paper continues ERGA's work. ERGA previously released the TTPA implementation guide. In the Board's view, the guide offers sufficient assistance, given that the concept of political advertising as defined in Article 3 of the TTPA is too broad. This broad definition risks including advertisements that do not strictly qualify as political advertising. Additionally, determining whether something is political advertising becomes complicated when the advertisement doesn't directly mention political actors but instead refers to political issues.

However, the Board notes that the 2024 European election campaign has seen the rise of issue-based ads, which are frequently used by influencers and individuals not directly involved in politics to promote the agenda of certain parties or candidates. This trend clearly makes it more challenging for both authorities and large platforms to classify a given ad.

Additionally, the Board notes that several platforms claim they no longer accept political advertising and are therefore not subject to the provisions of the TTPA. These platforms typically broadcast issue-based advertising, which may actually fall under the scope of political advertising in this context. The Board emphasizes that this is accurate, even though it recognizes that the classification of issue-based advertising as political advertising during elections can vary over time and between countries.

The Board also proposes solutions to the problems mentioned above in the resolution. One of the Board's practical suggestions is to publish topics that could be considered political issues before elections and referendums. This approach would guide platforms and promote a more consistent application of the Regulation.

The Board also recommends that, to combat interference from third countries, the Commission issue guidelines on how publishers, advertisers, and regulators should monitor the financial supporters of political parties and what actions to take if the information received is incomplete or clearly misleading.

For monitoring purposes, the Board's report specifically recommends that the Commission include in its guidelines a requirement for advertisers who create data repositories to provide appropriate access to the stored data.

#### The Board's operations so far - summary

Based on the documentation issued to date, the Board is mainly fulfilling its duty to provide opinions, thereby supporting the Commission's work and promoting the consistent application and interpretation of both the EMFA and other regulations. However, the Board has not produced any document demonstrating the practical application of EMFA in a specific case, either in Hungary or another Member State. For Hungary to properly implement EMFA, more decisive actions are required from both the Board and the Commission.