

Resolution on media law in Hungary

2011/2510(RSP) - 10/03/2011 - Text adopted by Parliament, single reading

Following the debate on 16 February 2011, the European Parliament adopted 316 votes to 264 with 33 abstentions a resolution on media law in Hungary which was enacted in Hungary between June and December 2010 together with certain constitutional changes.

The resolution was tabled by the S&D, ALDE, Greens/ALE, and GUE/NGL groups.

Parliament notes that criticism of the media law has been voiced by international organisations, such as the OSCE. It calls on the Hungarian authorities to restore the independence of media governance and halt state interference with freedom of expression and 'balanced coverage', believing that over-regulation of the media is counterproductive, jeopardising effective pluralism in the public sphere. Parliament shares the serious reservations expressed by the OSCE in relation to the politically homogeneous composition of the Media Authority and Media Council, the timeframe, the exertion of a pervasive and centralised governmental, judicial and political control over all media, the fact that the most problematic features of the legislation contravene OSCE and international standards on freedom of expression, (for example by doing away with the political and financial independence of public-service media) the scope of the regulation (material and territorial), and the decision not to define key terms, making it impossible for journalists to know when they may be breaking the law.

Parliament calls on the Hungarian authorities to review the media law further on the basis of the comments and proposals made by the European Parliament, the Commission, the OSCE and the Council of Europe Commissioner for Human Rights, the recommendations of the Committee of Ministers and Parliamentary Assembly of the Council of Europe, and the case law of the European Court of Justice and the European Court of Human Rights and, in the event that it is found to be incompatible with the letter or spirit of the Treaties or EU law, the Charter of Fundamental Rights or the ECHR, to repeal and not to apply the law or those elements thereof that are found to be incompatible.

Whilst welcoming the Commission's cooperation with the Hungarian authorities to bring Hungarian media law into conformity with EU Treaties and law, and the commencement of the amending process at national level, Parliament deplores the Commission's decision to target only three points in connection with the implementation of the *acquis communautaire* by Hungary and the lack of any reference to Article 30 of Directive 2010/13/EU (Audiovisual Media Services Directive). This has the effect of limiting the Commission's own competence to scrutinise Hungary's compliance with the Charter of Fundamental Rights when implementing EU law. Members urge the Commission to examine Hungary's compliance with the liability arrangements laid down in Directive 2000/31/EC on electronic commerce and Hungary's transposition of the EU framework decisions on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA) and on combating terrorism (2008/919/JHA), which include references to freedom of expression and circumventions of the rules on media freedom. They also want the Commission to monitor conformity of Hungarian media law as amended in accordance with the Charter on Fundamental Rights.

Furthermore, Parliament calls on the Commission to act by proposing a legislative initiative pursuant to Article 225 TFEU on media freedom, pluralism and independent governance before the end of the year, thereby overcoming the inadequacies of the EU's legislative framework on the media. The Commission must make use of its competences in the fields of the internal market, audiovisual policy, competition, telecommunications, State subsidies, the public-service obligation and the fundamental rights of every person resident on EU territory, with a view to defining at least the minimum essential standards that all Member States must respect in national legislation in order to ensure freedom of information and an adequate level of media pluralism and independent media governance.

Lastly, Parliament calls on the Hungarian authorities to involve all stakeholders in the revision of the media law and of the Constitution, which is the basis for a democratic society founded on the rule of law, with appropriate checks and balances to safeguard the fundamental rights of the minority against the risk of the tyranny of the majority.