



PRESIDENT

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Ugyintéző: Bartók Zita

Thomas O. Melia
Deputy Assistant Secretary
Bureau of Democracy, Human Rights, and Labor
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Dear Secretary O. Melia,

In your July 26, 2011 testimony before the U.S. House of Representatives Committee on Foreign Affairs, Subcommittee on Europe and Eurasia presenting your report on the assessment of current developments in countries of Central and Eastern Europe, including Hungary, you expressed your concerns regarding the status of the Hungarian media.

First of all, as the President of the Hungarian National Media and Infocommunications Authority (NMHH), I wish to thank the U.S. State Department for devoting special attention to the activities of the Hungarian media administration. However, I wish to draw your attention to the fact that the section of your report concerning the Hungarian media regulation contains a number of erroneous or inaccurate conclusions.

In your report you state that „more disconcerting, the board has been given the power to issue decrees and impose heavy fines - up to \$950,000 - for news coverage it considers "unbalanced" or offensive to "human dignity."

Indeed, the Hungarian media act empowers the President of the National Media and Infocommunications Authority to issue decrees. However, the President can only act with respect to infocommunications matters and has no competence in areas relating to the media. Accordingly, the President's authority to issue decrees is rather limited, is not general in nature, and does not extend to issues relating to the media. The Act currently authorizes the President to establish by decree the frequency fees, fees paid for the reservation and use of identifiers, administrative supervisory fees, as well as to determine the extent of fees payable for regulatory procedures, the methods and terms of the payment of the fees, and the rules governing the establishment of fees. In other words, the President is not authorized to issue decrees in any subject that could restrict the free functioning of the media.

Your concern regarding the up to \$950,000 fine that can be imposed on media service providers for unbalanced news coverage is also without foundation, as according to the currently effective media regulations, no monetary fines may be imposed for unbalanced news coverage. It is important to emphasize that the obligation of balanced coverage does not apply to press products and on-demand media services but only to news programs of linear, in other words, traditional television and radio, media services engaged in the provision of information services, and this rule exists in Hungarian law since 1996 just as in the legal system of many other European states (for example, the United Kingdom, Germany, and France). Once the infringement has been established, the Authority may only require the media service provider to have the decision made in the proceeding, as well as the announcement defined therein, published, or to provide the petitioner with an opportunity to publish its position.

I also wish to reassure you regarding the concerns you expressed in connection with the heavy fines imposable on media service providers for the violations of human dignity. Regarding this issue, Article 14(1) of Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content provides the following:

"The media content provider shall, in the media content published by it and while preparing such media content, respect human dignity."

The protection of human dignity against the media is one of the most important foundations of the European media regulations, and in Europe there is a broad consensus in that concrete regulations arising from the recognition of the interest in safeguarding human dignity may legitimately limit the freedom of the press.

Hoping that I succeeded in eliminating your concerns regarding the Hungarian media regulations, I hereby wish to provide you with the English translations of the laws regulating the Hungarian media.

I wish you further great success in your work.

Yours sincerely,



Annamaria Szalai

President

National Media and Infocommunications Authority

