

Dear Minister,

Thank you for your letter of 10 January 2012 about recent developments in connection with the Hungarian media regulation.

I want to stress that the respect of media freedom and media pluralism is not only about the technically correct application of EU and national law but also, and more importantly, about implementing & promoting these fundamental principles in practice. The Commission will remain particularly vigilant on both aspects.

I take note of the Hungarian Government's intentions to respect the recent decision of the Hungarian Constitutional Court and I request that you keep the Commission's services informed of the subsequent amendments made to the Hungarian media regulation and other legislative instruments.

Nevertheless, I have noted the criticism voiced by international organisations like the OSCE and the Council of Europe and civil society organisations such as Amnesty International and international press freedom groups. Even if these criticisms concern aspects outside the current scope of EU law, they should be adequately addressed, in order to dispel doubts about Hungary's full adherence to European values. The other complaints submitted to the Constitutional Court in 2011 with regard to the media legislation that were not dealt with by the Court, should thus be addressed in a rapid, suitable and transparent manner.

Furthermore, I would like to refer to our earlier correspondence. In your letter of 29 December 2010, you stated that no part of the Hungarian media regulation contains provisions not found in the legislation of one or more Member States. However, a recent analysis¹ indicates that Hungary's media laws may go beyond the European practices and norms cited by you, not so much as regards certain specific aspects, but more generally as regards their overall scope and effect. I refer in particular to the combination of provisions regarding the Media Authority's independence and centralised structure, its cumulative powers including in particular its sanctioning powers, and the wide scope of application of the media laws (regulating the print and online press in a manner broadly equivalent to the audiovisual/broadcasting media).

Given the widely perceived risk that such far-reaching powers across the various types of media lead as a whole to a disproportionately centralised control of the media, without apparent precedent in other European jurisdictions, this further underlines the need I have mentioned above to remove concerns about overall compliance with European values.

With regard to the assignment of radio frequencies, I recall that according to EU rules, rights to use frequencies must be granted on the basis of open, objective, transparent, non-discriminatory and proportionate procedures. From this point of view, I take note of the decision to proceed with an open procedure to the attribution of a new licence for the 95.3Mhz frequency in the region of Budapest, which is currently attributed to Klubrádió. However, I draw your attention to the widespread expressions of concern about the effect of this decision on the overall objective of a free and pluralist media landscape, in particular as regards the range of political commentary in broadcast media. In addition, I am informed that in a sequence of recent decisions, Klubrádió has been unable to renew frequencies used by it in other regions of Hungary. I also draw your attention to the fact that the EU does not place a limit on the number of radio licences a Member State can issue and that other frequencies are still available, subject to pending litigation.

Obviously, I continue to observe the protection of media freedom in other Member States as well and I shall raise my voice where needed.

Finally, I provide you with some information on the High-Level Group on Media Freedom and Pluralism, as requested.

Some months ago I decided to invite a small group of high-level personalities to examine risks in the field of pluralism and freedom of the media in the EU and make recommendations on how to address them. In October 2011 the High-Level Group on Media Freedom and Pluralism chaired by former Latvian President Prof. Vike-Freiberga held its first meeting. The second meeting has been scheduled for 25 January 2012. The Group members organise their work in an independent way – as such they had already decided in October last year to deliberate on Hungary at their next meeting. They may decide to hold consultations and hearings with experts to feed their reflection. The Group is invited to deliver a report with concrete recommendations to the EU, Member States and/or other bodies for the protection, support and promotion of freedom and pluralism of the media in Europe. You will find the Group's Terms of Reference in the annex.