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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 110(2) of the Rules of Procedure

on media law in Hungary

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on behalf of the ALDE Group

European Parliament resolution on the media law in Hungary

The European Parliament,

- having regard to the Treaty on European Union¹, the Charter of Fundamental Rights of the European Union² and the European Convention on Human Rights³, and notably their articles related to the respect, the promotion and protection of fundamental rights and of the freedom of expression and information and the right to media pluralism in particular,
 - having regard to Directive 2010/13/EU of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive - AMSD),
 - having regard to the Commission's working document on media pluralism in EU Member States (SEC(2007)0032), the "three-step approach to media pluralism" defined by the Commission and to the independent study carried out on behalf of the Commission and finalised in 2009,
 - having regard to its resolutions of 25 September 2008 concentration and pluralism in the media in the European Union, of 22 April 2004 on the risks of violation in the European Union and particularly in Italy of freedom of expression and information,
 - having regard to the statements by the Commission and the parliamentary questions tabled and debates held in the European Parliament on 8 October 2009 and on 8 September 2010 and in the LIBE committee on 17 January 2011,
 - having regard to the decision by the LIBE Committee to request the Fundamental Rights Agency to issue an annual report on the situation of media freedom in the EU Member States,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the European Union is founded on the values spelled in article 2 TEU and consequently guarantees and promotes freedom of expression and of information, as enshrined in Article 11 of the Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights, for which media freedom and pluralism are an essential prerequisite, and whereas these rights include freedom to express opinions and freedom to receive and communicate information without interference or pressure from public authorities,

¹ In particular its article 2 TEU and those relating to respect for, and the promotion and protection of fundamental rights, and to Articles 11, 25, 49, 56, 103, 107, 114 and 167 of the EC Treaty.

² In particular Article 11.

³ In particular Article 10.

- B. whereas media pluralism and freedom continues to be a grave concern in the EU and its Member States, notably in Italy, Bulgaria, Romania, Czech Republic, Estonia, as highlighted by the recent criticism of the media laws in Hungary introduced between June and December 2010, expressed by international organisations, such as OSCE and the Council of Europe Commissioner for Human Rights, professional organisations of journalists, editors and publishers, human rights and civil liberties NGOs, as well as by Member States and the European Commission,
- C. whereas the Commission has raised doubts and requested information to the Hungarian government in relation to the conformity of the Hungarian media laws with EU law, including the EU Charter of Fundamental Rights and the AVMSD in relation to the obligation of balanced coverage imposed to all audiovisual media service providers, the country of origin principle and the registration requirements, and whereas the Hungarian government responded by providing further information and by declaring their readiness to review the laws and amend them,
- D. whereas OSCE expressed serious doubts in relation to the scope of the regulation (material and territorial scope), freedom of expression and content regulation, the national media and telecommunications authority, public service broadcasting⁴, indicating that the new legislation undermines media pluralism, abolishes the political and financial independence of public service media, cements the negative features for free media for the long term, that the Media Authority and Council are politically homogeneous⁵ and exert a pervasive and centralized governmental and political control on all media; further concerns are the disproportionate and extreme sanctions for debatable and undefined reasons, the lack of an automatic suspension of sanctions in case of appeal to courts against a Media authority sanction, the violation of the principle of the confidentiality of journalistic sources, the protection of family values, among others,
- E. whereas the Council of Europe Commissioner on Human rights called the Hungarian authorities to incorporate Council of Europe standards on freedom of expression and media pluralism when reviewing its media laws, the relevant recommendations of the Committee of Ministers and Parliamentary Assembly of the Council of Europe and notably the binding standards contained in the ECHR and the case-law of the Strasbourg Court; he referred to the use of unclear definitions that may be subject to misinterpretation; the establishment of a politically unbalanced regulatory machinery with disproportionate powers and lack of full judicial supervision; threats to the independence of public-service broadcast media; and erosion of the protection of journalists' sources; whereas he stressed the need for all relevant stakeholders, including opposition parties and civil society, to be able to participate in a meaningful manner in the review of this legislation, which regulates such a fundamental aspect of the functioning of a democratic society⁶,
- F. whereas the media laws consequently should be urgently reviewed on the basis of the

⁴ Analysis and assessment of a package of Hungarian legislation and draft legislation on media and telecommunications, prepared by Dr Karol Jakubowicz for OSCE.

⁵ Letter by OSCE Representative on Freedom of the Media to the EP Chairman of the LIBE committee, 14.01.2010.

⁶ http://www.coe.int/t/commissioner/News/2011/110201Hungary_en.asp

Commission, OSCE and the Council of Europe remarks and proposals, to ensure that it is fully in conformity with EU law and European values and standards on freedom of expression and information, media freedom and pluralism,

- G. whereas despite repeated calls by Parliament for a directive on minimum standards on media freedom and pluralism, the Commission has up to now delayed this proposal, which has become increasingly necessary and urgent and whereas the European Union requires candidate countries to abide by the Copenhagen criteria that include media freedom and pluralism, these principles shall be enforced also in the EU through a such a directive,
- H. whereas concerns arise not only in relation to the Hungarian media laws, but also on the weakening of the Constitutional Court, as well as on the process and projects of revision of the Constitution, which might contain new provisions affecting the independency of the judiciary including the Constitutional Court and several individual rights,
1. Welcomes the initiative of the Commission to call for clarifications on the Hungarian media laws and their conformity with EU Treaties and law, as well as the announcement made by the Hungarian authorities in relation to their readiness to amend the laws;
 2. Calls the Hungarian authorities to amend the law also on the basis of the remarks and proposals made by OSCE and the Council of Europe Commissioner on Human Rights, Council of Ministers and ECHR jurisprudence;
 3. Takes note of the assurances given by the Hungarian authorities on the interpretation and concrete application of the media laws, but underlines that misinterpretation and abuses can only be avoided by ensuring legal certainty through the amending of the laws, hereby dissipating the risk of a chilling effect on the media and of self-censorship within the media profession;
 4. Calls the Commission to set a close deadline for the Hungarian authorities to change the law on the points raised by OSCE, the Council of Europe and the Commission, and take appropriate measures shall the deadline not be met;
 5. Calls the Commission to act, on the basis of Article 265 TFEU, and issue a proposal for a directive on minimum standards on media freedom and pluralism before the end of the year, hereby overcoming the inadequateness of the EU's legislative framework on media, making use of its competences in the fields of the internal market, audiovisual policy, competition, telecommunications, State subsidies, public service obligation and fundamental rights of citizens, in order to define at least the minimum essential conditions that all Member states must respect to ensure, guarantee and promote freedom of information and an adequate level of media pluralism;
 6. Calls the Hungarian authorities to review the media laws in an open and transparent manner, by involving all stakeholders, NGOs, citizens, and to do the same in relation to the revision of the Constitution, which is at the basis of a democratic society based on the rule of law, with appropriate checks and balances to ensure the fundamental rights of the minority against the risk of the tyranny of the majority;
 7. Instructs its President to forward this resolution to the Council, the Commission, the

Council of Europe, the governments and national parliaments of Member States, the Fundamental Rights Agency and the OSCE.