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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

Lothar Bisky, Rui Tavares, Eva-Britt Svensson, Patrick Le Hyaric, Willy Meyer, Jean-Luc Mélenchon, Jürgen Klute, Nikolaos Chountis, Marie-Christine Vergiat

on behalf of the GUE/NGL 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 Rule 110(4) of its Rules of Procedure,
- A. whereas the European Union shall guarantee and promote 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,
- B. whereas media pluralism and freedom continues to be a grave concern in the EU and its Member States, 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,

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.

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 the AMSD notably in relation to the obligation of balanced coverage applicable to all audiovisual media service providers, the country of origin principle, 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 the 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 broadcasting¹, 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 homogeneous² 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 society³,
 - F. whereas the media laws consequently should be urgently reviewed on the basis of the 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 media freedom and pluralism,
- 1. Believes that the new Hungarian media law does not adequately guarantee freedom of expression and pluralism and that over-regulation of media is counterproductive to the existence of an effective pluralism in the public sphere;

¹ Analysis and assessment of a package of Hungarian legislation and draft legislation on media and telecommunications, prepared by Dr Karol Jakubowicz for OSCE.

² Letter by OSCE Representative on Freedom of the Media to the EP Chairman of the LIBE committee, 14.01.2010.

³ http://www.coe.int/t/commissioner/News/2011/110201Hungary_en.asp

2. Urges the Hungarian authorities to effectively guarantee freedom and pluralism of the media;
3. Calls the Hungarian authorities to either withdraw or substantially amend the law on the basis of the remarks and proposals made by OSCE, the Council of Europe Commissioner on Human Rights, the Council of Ministers and ECHR jurisprudence and through an open and transparent debate involving all stakeholders, NGOs and citizens;
4. Calls on the Commission to proceed with its thorough investigations in a swift and timely manner, and to set up a timetable within which it is expected to reveal its recommendations regarding bringing the Hungarian media laws into conformity with European legislation;
5. Calls on the Commission to set a strict deadline for its proposals to be adopted by the Hungarian authorities to change the law on the points raised by it, and shall the deadline not be met, proceed with infringement proceedings;
6. Calls the Commission to initiate a debate on media freedom and pluralism before the end of the year with the view of overcoming the inadequacies of the EU legislative framework on media, in order to define at least the minimum standards that all Member States must respect to ensure, guarantee and promote freedom of information and effective media pluralism;
7. Instructs its Civil Liberties Committee (LIBE) to swiftly organise a hearing on media freedom and pluralism in the EU inviting journalists' and citizens' organisations, OSCE and the Council of Europe Commissioner on Human Rights;
8. 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.