

Position statement concerning the alert n° 105/2020 submitted with regard to Hungary to the Council of Europe's Platform for the Protection of Journalism and Safety of Journalists and, in a wider context, for guaranteeing freedom of expression,

under the title, "Hungary's Last Independent Radio Station has License Extension Rejected by Media Council"

The Media Council of the National Media and Infocommunications Authority (NMHH) is an autonomous regulatory body, which operates independently from the government, reporting to the National Assembly on annual basis. The NMHH issues independent decisions as per the authority granted by the CLXXXV Law (2010) on Media Services and Mass Media, also known as the Media Law. Considering that the NMHH operates independently from the Government of Hungary, the following response was made in consultation with the NMHH.

In 2011, despite a lawsuit with the Media Council, Klubrádió started broadcasting on the 95.3 MHz commercial frequency of Budapest (i.e. with the obligation to pay a media service fee) for a period of 7 years. As a conclusion of the legal dispute, in 2014 the Media Council entered into an agreement with Klubrádió for the use of the 92.9 MHz Budapest "community" type, i.e. without a media service fee and reimbursed the media service fee to the Klubrádió. Therefore, unlike any other media service provider, Klubrádió broadcasts its program not for 7, but for 10 years, between 2011 and 2021.

The decision of the Media Council is based on the Media Law and the CIV (2010) Law on the Freedom of the Press and the Fundamental Rules of Media Content, which states that broadcasting rights may not be renewed under any circumstances if the holder had repeatedly or severely violated the CIV or the CLXXXV laws. During its seven years of operation when broadcasting on the aforementioned frequency, Klubrádió has repeatedly violated the provisions of the Media Law, which resulted with legal proceedings from the Media Council.

In order to ensure the continuous operation of the 92.9 MHz frequency in Budapest, the Media Council has started preparing the tender procedure for the utilization of the frequency. Despite their repeated violation of the law, the operator of Klubrádió, as the current holder of the broadcasting rights, will also have the opportunity to submit a bid to the tender. It is the intentions of the Media Council that a community radio service should continuously operate on the 92.9 MHz frequency of Budapest.