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| Are you submitting this complaint on your own behalf? | yes |
| Representative Businesses or organisation | |
| Title | |
| Representative first name | |
| Representative last name | |
| Representative E-mail | |
| Representative street and number | |
| Representative postcode | |
| Representative town | |
| Representative country | Please select... |
| Representative telephone | |
| Businesses or organisation: | Társaság a Szabadságjogokért |
| Title | Ms |
| Firstname | Stefania |
| Surname | Kapronczay |
| e-mail | kapronczay@tasz.hu |
| Language | English |
| Street and number | 15/b |
| Postcode | 1136 |
| Town | Budapest |
| Country | Hungary |
| Telephone | +3612090046 |
| official contact for all correspondence | |
| Authority complained about name | The National Media and Infocommunications Authority and the Media Council |
| Authority complained about contact person | |
| Authority complained about email | info@nmhh.hu |
| Authority complained about | |
| Authority complained about telephone | +361468 0500 |
| Authority complained about address | 23-25., Ostrom street |
| Authority complained about postcode | 1015 |

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| Authority complained about town | Budapest |
| Authority complained about country | Hungary |
| National measures suspected to infringe Union law | <p>The breach of EU law is rooted in the activities of the Hungarian public service media, namely Duna Media Service Nonprofit Private Limited Company, which is the company created by law to fulfil the duties of public service media in Hungary. The violations of EU law by Duna Media Service Nonprofit Private Limited Company (hereinafter referred as Duna Media or public service media) should be prevented by national authorities that are liable to ensure Hungarian media consumers can enjoy programmes compliant with the law, including the compliance with EU law. These national authorities are responsible for omitting the exercise of control over the Hungarian public service media and enforcing the requirements on public service media flowing from EU law. Therefore, the liability for the breach of EU law is shared by the National Media and Infocommunications Authority (NMHH), the Media Council of the NMHH charged with content regulation, and the Board of Trustees of the Public Service Foundation, which is responsible that the Code of Public Service that contains the basic principles of public service media is enforced.</p> <p>The programmes offered by Duna Media serve as a relevant point of orientation for the general public in Hungary, therefore the coverage on the Russian invasion in Ukraine provided by Duna Media and the way public service media (both radio, television stations and online platforms) present the events are the key source of information for many Hungarians. Reports on the war in Ukraine broadcasted by Duna Media from 24 February, 2022 to the present day are in the breach of EU law as elaborated under section 2.2. and so are the national authorities that fail to control the activities of the public service media (see detailed problem description under section 2.3. and the relevant annex attached).</p> |
| EU law you think has been breached | <p>Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine Council Decision (CFSP) 2022/351 of 1 March 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine Article 215 of the Treaty on the Functioning of the European Union (TFEU) Communication from the Commission on the application of State aid rules to public service broadcasting (2009/C 257/01)</p> <p>Council Regulation (EU) 2022/350 and Council Decision (CFSP) 2022/351 were adopted in line with Article 215 of the TFEU introducing restrictive measures on Russia Today and Sputnik aiming to suspend the broadcasting activities of these media outlets in the Union, or directed at the Union to stop the spread of disinformation. The</p> |

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| | <p>sanctions were introduced in view of Russia's actions destabilising the situation in Ukraine. In line with the sanctions, it is prohibited for operators to broadcast or to enable, facilitate or otherwise contribute to broadcast any content by Russia Today and Sputnik through transmission or distribution by any means such as cable or satellite. Besides this, it is also prohibited to participate, knowingly and intentionally in activities the object or effect of which is to circumvent the prohibitions listed above, including by acting as a substitute for Russia Today and Sputnik, which would mean that media providers are expected to take proactive steps to ensure these contents do not appear on their platforms.</p> <p>The role and importance of public service broadcasting for social, democratic and cultural life in the Union is discussed in detail by the Communication from the Commission on the application of State aid rules to public service broadcasting (2009/C 257/01). The Communication refers to recommendation CM/Rec(2007)3 of the Committee of Ministers to member states concerning the remit of public service media in the information society, that calls upon the members of the Council of Europe to 'guarantee public service media (...) in a transparent and accountable manner' and to 'enable public service media to respond fully and effectively to the challenges of the information society'.</p> <p>Directive 2010/13/EU of the European Parliament and of the Council 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) in its preamble refers to the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 25 January 1999 concerning public service broadcasting (1999/C 30/01) which acknowledges the democratic functions of public service broadcasting and its vital significance for ensuring democracy, pluralism, social cohesion and diversity.</p> <p>Duna Media is in violation of Council Regulation (EU) 2022/350 and Council Decision (CFSP) 2022/351 as the messages conveyed previously by Russia Today and Sputnik are continued to spread by Hungarian public service media, as public service media takes over the substance of the contents (i.e. the misleading information) currently banned in the EU, which results in circumventing the measures introduced to suspend the broadcasting activities of Russia Today and Sputnik. Duna media serves as a channel to disseminate the same notions and ideas that serve the narrative of the Russian Federation and its officials. Hungarian public service media fails to fulfill its mission and by transmitting disinformation it fails to respond to the challenges of the information society, democratic functions acknowledged by EU law are not met by the coverage on the war in Ukraine, and the national authorities responsible to enforce compliance of public service media with EU law also are in omission of an act.</p> |
| Problem description | <p>The Hungarian public service media failed to report on the war in Ukraine in accordance with EU law. Duna Media's operation includes several television and radio channels as well as a news agency, among</p> |

others. The public service media has been criticized for years of being heavily politicized and favoring the narratives of the Government and failing to comply with professional standards. However, when a war started in a neighboring country, the substandard nature of the public service media in Hungary became more obvious.

Disinformation is one of the tools the Russian state has been using to disrupt democracy in Europe and propel its war efforts. According to COUNCIL DECISION (CFSP) 2022/351

“The Russian Federation has engaged in a systematic, international campaign of media manipulation and distortion of facts in order to enhance its strategy of destabilisation of its neighbouring countries and of the Union and its Member States.”

“Those propaganda actions have been channeled through a number of media outlets under the permanent direct or indirect control of the leadership of the Russian Federation.

Such actions constitute a significant and direct threat to the Union’s public order and security.”

These actions of the Russian Federation were amplified by the Hungarian public service media in several instances (see attachment) when it disseminated narratives rooted in Russian disinformation. The Hungarian Authorities enable the dissemination of Russian war-propaganda by not sanctioning the public service media in cases when it presents disinformation as truth. Although the public service media used a sophisticated method, as its programs did not directly shared reporting by sanctioned media outlets, it still disseminated the same notions and ideas that serve the Russian narrative. This way the sanctions introduced by the Union fail to reach their goals and are circumvented by the public service media of a Member State without effective control by the designated authorities.

Examples for quoting Sputnik or Russia Today in the public media:

March 13, 2022, on the website of the Public TV:

“Leonid Slutsky, the member of the negotiation delegation with Ukraine, and also, the deputy chair of the foreign affairs committee at the Duma told to RT television that there have been improvement in the negotiation processes, and, according to his expectation, it could lead to some joint opinions by the two delegations, and also, documents to sign”,

<https://hirado.hu/kulfold/cikk/2022/03/13/letrejoget-a-talalkozo-putyin-es-zelenszkij-kozott/&sa=D&source=docs&ust=1648487145022438&usg=AOvVaw16dbaq7hWolC1xCoBMAqAF>

March 18, 2022, on the website of the Public TV:

<https://hirado.hu/kulfold/cikk/2022/03/18/putyin-es-scholz-nem-konnyu-beszalgetest-folytatott-telefonon-kiderult-mirol-esett-szo>

Foreign Minister Sergey Lavrov gave an interview to RT television - that

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| | <p>is regarded to be a propaganda tool and banned in the West. In this interview he told that according to his opinion, Zelensky is hoping that the less responsible members of the US Congress that are fuelled up by the Ukrainian lobby can shift Biden to a more confrontative scenario - even if he knows that the US president won't agree in creating a no-fly zone".</p> <p>Besides these examples, our collection of articles contain many examples of outright Russian disinformation that are undermining the position that were defined in several European Council decisions, on the causes of the war, the usefulness of sanctions, and on who has initiated the conflict.</p> |
| Does the Member State concerned receive EU funding relating to the subject of your complaint | idk |
| Does your complaint relate to a breach of the EU Charter of Fundamental Rights? | yes |
| Please explain how EU law is involved and which fundamental right has been breached | <p>According to Article 52(5) of the Charter, the provisions of the Charter may be implemented by legislative and executive acts taken by institutions, bodies, offices and agencies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. In line with Article 52(4) the Commission shall take action to foster the attainment of the objectives enshrined in the Charter. Taking action against the national authorities listed under Section 2.1. contributes to attain the objective set out by Article 11 of the Charter regarding the right to freedom of expression and information, with a special emphasis on the aspects of media pluralism.</p> <p>As conclusion of the attitude of the Hungarian authorities, these rights do not prevail for EU citizens regardless of frontiers, as in member countries in which public service media covers the war in a fair and equitable manner, Council Regulation (EU) 2022/350 and Council Decision (CFSP) 2022/351 are suitable to protect EU citizens from Russian disinformation, unlike in Hungary.</p> |
| List of documents | <ol style="list-style-type: none"> 1. English translation of the complaint sent to the Media Council of the National Media and Infocommunications Authority 2. Media analysis of Russian disinformation in Hungarian state media |
| Have you already taken action in the Member State concerned to try to solve this problem? | yes |
| What action have you already taken in the | |

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| Member State concerned to tackle the problem? | |
| What type of decision(s) resulted from your action. | <p>The Hungarian Civil Liberties Union drafted a complaint to the National Media and Infocommunications Authority and made it available to the public. According to our knowledge, numerous people filed complaints, however, no one has received a substantial response as of today. Political Capital filed the complaint accompanied with its own analysis of the programming of the public service media, also attached to this complaint.</p> <p>The Hungarian Civil Liberties Union and the Political Capital jointly wrote to the Public Service Board, a consultant but not supervisory body for Duna Media.</p> |
| Has your action has been settled by a court or is pending before a court. | |
| Why didn't you take any action to tackle your problem in the Member State concerned? | |
| Indicate why you are not eligible for particular remedy | |
| Other reason for not taking action in the Member State concerned | |
| Have you already contacted EU institutions or other services dealing with problems of this nature | |
| Petition to the European Parliament | |
| European Ombudsman | |
| European Commission correspondence | |
| European Commission complaint | |
| SOLVIT | |
| Other (please specify) | |
| Are you aware of any action in the Member State concerned covering the issue you raise | no |
| Please specify action you are aware of in the Member State concerned | |

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| Do you authorise the Commission to disclose your identity | yes |
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