

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Hungary

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Hungary	541 (according to the annual report of the ORTT in 2009, and the monthly monitoring of the authority)	Unclear. (AVMS directive not implemented yet). No list of non-linear commercial services.	4

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Hungary	Information requirements (art. 5 AVMS Directive)	Not yet implemented	N/A	N/A	N/A
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Not yet implemented	N/A	N/A	N/A
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Not yet fully implemented (related measures can be found in Act I. of 1996 on Radio and Television Broadcasting)	National Radio and Television Board (ORTT)	N/A	ORTT
	Broadcasting of major events (Art. 14 AVMS Directive)	Not yet implemented (related measures can be found in Act I. of 1996 on Radio and Television Broadcasting)			
	Access to short news reports (Article 15 AVMS Directive)	Not yet implemented (related measures can be found in Act I. of 1996 on Radio and Television Broadcasting)			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Not yet implemented (related measures can be found in Act I. of 1996 on Radio and Television Broadcasting)			
	Hate speech (Art. 12 and 6 AVMS Directive)	ACT I of 1996	No information available	No information available	No information available
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	ACT I of 1996	No information available	No information available	No information available
	Protection of minors (Art. 27 AVMS Directive)	Not yet implemented (related measures can be found in Act I. of 1996 on Radio and Television Broadcasting)	ORTT	N/A	ORTT
	Right of reply (Art. 28 AVMS Directive)	ACT I of 1996	No information available	No information available	No information available
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Not yet implemented	N/A	N/A	N/A

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Hungary	National Radio and Television Board	www.ortt.hu/	1996	HU - 1088 Budapest, Reviczky street 5.

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Hungary	National Radio and Television Board (ORTT)	Yes	No	No	No	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Hungary	National Radio and Television Board (ORTT)	The only reference in statutes/law refers to the number of the Collegiate Decision-making body of the organisation, the Board. The Board consists of at least 5 members according to the Act I. of 1996 on Radio and Television Broadcasting The total number of staff is not stated by law.	122	Fixed by Parliament decision each year. Current is from 2009.	1,564.3m forint (€5.6m)	Act LXXXIII. of the budget of the ORTT in 2009

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Hungary	National Radio and Television Board	Act I. of 1996 on Radio and Television Broadcasting	Act I. of 1996 on Radio and Television Broadcasting

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Hungary	National Radio and Television Board	autonomy	Yes			Act I of 1996 on Radio and Television Broadcasting
	National Communications Authority (NHH/NCAH)	Government agency	Yes		central state administrative organ	Act LVII of 2006 on central state administrative organ

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Hungary	National Radio and Television Board		√ "The Board is an independent legal entity under	Act I of 1996 on Radio and Television Broadcasting

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
	(ORTT)		the supervision of Parliament”	
	National Communications Authority (NHH/NCAH)		√, The Authority is governed by the Government and supervised by the Minister. The Authority is a central budgetary agency of independent management, and shall cover its expenses, related to the performance of its functions, from its own revenues.	Act C of 2003 on Electronic Communications

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Hungary	National Radio and Television Board (ORTT)	Tick boxes	No	√	√
		Areas		Protection of minors, advertising, broadcasting public events, sponsored programmes	Protection of minors, advertising, broadcasting public events, sponsored programmes
		Source		Act I of 1996 on Radio and Television Broadcasting section 41 (1)	Act I of 1996 on Radio and Television Broadcasting

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Hungary	National Radio and Television Board (ORTT)	Quotas	√ monthly	√	√			Act I of 1996 on Radio and Television Broadcasting
		Advertising	√ monthly	√	√			Act I of 1996 on Radio and Television Broadcasting
		Protection of minors	√ monthly	√	√			Act I of 1996 on Radio and Television Broadcasting

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Hungary	National Radio and Television Board (ORTT)	Quotas	√ The issuance of warnings is an automatic process, when the rules on quotas are not respected.	√ (between HUF 10,000 and HUF 1m) (between €34 and €3,475) (fining is discretionary)	√ (automatic)	Unclear The ORTT has no right to suspend or to revoke the licences, but can suspend the broadcasting rights for a fixed period of maximum thirty days. (discretionary)	No	
		Advertising	√ call upon the broadcaster to terminate the unlawful conduct establish the infringement in a written notice, and shall call upon the broadcaster to terminate the	√ (between HUF 10,000 and HUF 1m) (between €34 and €3,475) In the event of unauthorized broadcasting, or program distribution or broadcast retransmission operations	√	Unclear Same as above	No	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
			infringement, and to abstain from the infringement in future	conducted without or in deviation from the notification as prescribed in Act I. of 1996, the Board may impose a fine upon the offender corresponding to double the proceeds obtained unlawfully, or if this cannot be established, in an amount between ten thousand forints and one million forints, which is payable to the Fund.				
		Protection of minors	√ Same as above	√ Same as above	√	Unclear Same as above	No	

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Hungary	National Radio and Television Board (ORTT)	N/A		N/A	√	√	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Hungary	National Radio and Television Board (ORTT)	√	√	√	suspending the broadcasting rights for different periods	N/A

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Hungary	National Radio and Television Board (ORTT) Complaint Committee	Yes, a Complaint Committee exists. Complaints lodged for any violation of the requirement of providing balanced	www.ortt.hu

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)			
Hungary	National Radio and Television Board (ORTT)	Board	at least 5	No	No	No	No	No	No	Parliament parties delegate the members, each party	No information available	Act I of 1996 on Radio and Television Broadcasting

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
									one member		

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Hungary	National Radio and Television Board (ORTT)	<ul style="list-style-type: none"> Decide on human resources Determine internal structure (within limits) Organise tenders to select television channels Operate a complaint committee Monitor programmes Review draft laws on frequency management and telecommunications Nominate members to the National Council of Communications and Information Technology Fulfil responsibilities in relation to broadcasting contracts between broadcasters and maintain a public register of control compliance with broadcasting contracts on a regular basis' Adopt opinions and proposals to improve the 	<p>The weight of the chairman's vote shall correspond to the value of the following fraction:</p> <p>a) if the numbers of the members nominated by the governing and opposition factions are equal, the numerator of the fraction is one, and its denominator is the total number of the members plus one;</p> <p>b) if the numbers of the members nominated by the governing and opposition factions are not equal, the numerator of the fraction is one, while its denominator is double the number of Board members nominated by the governing or opposition factions (the highest one) plus one.</p> <p>The weight of the votes of the Board members shall be calculated as follows:</p> <ul style="list-style-type: none"> if the chairman is allowed to participate in the voting, the weight of the chairman's vote shall be deducted from the total votes, and fifty percent of the votes so determined shall be divided equally among the members nominated by the governing faction, while the other fifty percent shall be divided equally among the members nominated by the opposition faction; if the chairman is not allowed to take part in the voting, fifty percent of the votes shall be divided equally among the members nominated by the governing faction, while the other fifty percent shall be divided equally among the members nominated 	Yes	Yes, on the website. www.ortt.hu/belso_oldal.php?belso_id=25

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		development of the Hungarian broadcasting system <ul style="list-style-type: none"> • Ensure the protection of consumers and ensure the ban on unfair market practices • Set the fees for programme distribution and satellite transmission fees • Report to the European Commission on the fulfilment of quota requirements 	by the opposition faction.		

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Hungary	National Radio and Television Board (ORTT)	Chairman	Yes	President of the Republic and the Prime Minister	The Board is elected by Parliament by more than half of the votes of its Members	No	At l. of 1996 on Radio and Television Broadcasting
		Board members	Yes	Nominated by the Parliament	The Board is elected by Parliament by	No	At l. of 1996 on Radio and Television Broadcasting

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				<p>factions Each faction may nominate one member. If there is only one faction on the governing side or the opposition side, that faction may nominate two members, The candidates shall be heard, without voting, by the Parliament committee competent in cultural and press matters. Any candidate who is renominated by a faction after an unsuccessful election shall not be heard again.</p>	<p>more than half of the votes of its Members</p>		

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Hungary	National Radio and Television Board (ORTT)	Chairman of the board	4 years	No	Yes	At I. of 1996 on Radio and Television Broadcasting
		Board members	4 years	No	Yes	At I. of 1996 on Radio and Television Broadcasting

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Hungary	National Radio and Television Board (ORTT)	Chairman of the board	Must have a diploma of higher education	Must have at least five years of professional experience Professional experience means, in particular, activities in information services, program editing and production, broadcasting, telecommunications, frequency management, as	At I. of 1996 on Radio and Television Broadcasting
		Board members			At I. of 1996 on Radio and Television Broadcasting

Country	Body		Qualifications	Professional expertise	Source
				well as any related technical, legal, administrative, financial, cultural, scientific and public survey activities.	

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Hungary	National Radio and Television Board (ORTT)	Chairman	Yes		The following persons may not serve on the Board: The President of the Republic, the Prime Minister, members of the Government, state secretaries, civil servants, and the close relatives of the above mentioned	The following persons may not serve on the Board: the Lord Mayor, mayors, chairmen of the county general assemblies and their deputies, MPs or their paid employees, officers of the national or regional organizations of political parties; and the close relatives of the above mentioned	The following persons may not serve on the Board: directors and members of the management bodies and managers of broadcasters, program distributors, publishers and newspaper distributors, and those engaged under any form of work-related contractual relationship with broadcasters, program distributors, publishers and newspaper distributors; and those holding a direct or indirect ownership interest in such business associations; members of the board of trustees of the Magyar Rádió Public	Members of the Board may not perform any gainful activities other than scientific, teaching, literary, artistic and other activities falling under copyright protection, and may not accept remuneration from broadcasters for their scientific, teaching, literary, artistic and other activities falling under copyright protection.	No information available	At l. of 1996 on Radio and Television Broadcasting

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
							Foundation, the Magyar Televízió Public Foundation and the Hungária Television Public Foundation, or the employees of these public foundations., and the close relatives of the above mentioned			
		Board members	Yes		Same as above	The same as above plus the Members are not allowed to have any political party activity, or make any declaration related to political parties.	same as above	Same as above	No information available	At l. of 1996 on Radio and Television Broadcasting
		Senior staff		No						

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Hungary	National Radio and Television Board (ORTT)	Chairman	Yes		The same as during the appointment process.	The same as during the appointment process. There is an additional rule which says that the members of the Board may not pursue political activities and may not make political statements on behalf of a party.	The same as during the appointment process. There is an additional rule which says that the Members of the Board and their close relatives may not enter into any work-related contractual relationship, respectively, during the whole term of the broadcasting licence or during the first half of the term of the broadcasting licence with a broadcaster that received the broadcasting right during their term in office.	At l. of 1996 on Radio and Television Broadcasting www.ortt.hu/oldal.php?menu_id=68
		Board members	Yes		Same as above	Same as above	Same as above	At l. of 1996 on Radio and Television Broadcasting www.ortt.hu/oldal.php?menu_id=68
		Senior staff		No				

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Hungary	National Radio and Television Board (ORTT)	Chairman	Yes		Yes, for 6 months	At I. of 1996 on Radio and Television Broadcasting
		Board members	Yes		Yes, for 6 months	At I. of 1996 on Radio and Television Broadcasting
		Senior Staff	Yes		Yes, for 6 months	At I. of 1996 on Radio and Television Broadcasting

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Hungary	National Radio and Television Board (ORTT)	Chairman	Yes		Board	<p>1) If any conflict of interest arises in respect of a member or the Chairman of the Board, and the conflict of interest is not eliminated within 10 days of the time of the meeting establishing the conflict of interest, the plenary meeting of the Board shall adopt a resolution to terminate the Board membership of the member in question or the Chairman.</p> <p>2) Unable to fulfill his vested responsibilities for 3 consecutive months or more for reasons beyond his control.</p> <p>3) Is found guilty by a final verdict</p>	<p>Main rule: only individual members, but there is an exception.</p> <p>The tenders for national radio and television broadcasting rights shall be evaluated as follows:</p> <p>a) in the first round of voting, the chairman of the Board is not entitled to vote. The resolution shall be adopted by a 2/3 majority of those entitled to vote;</p>	At I. of 1996 on Radio and Television Broadcasting section 45 (1)

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
						delivering a term of imprisonment.		
		Individual board members	Yes		No information available	Same as above	<p>b) if no decision was adopted in the first round, the Board shall hold a new vote between. In this round, the chairman, too, has the right to vote. The resolution shall be adopted by a 2/3 majority of those entitled to vote;</p> <p>c) if the second voting also fails, the Board shall be terminated but the chairman shall remain in office.</p> <p>Within thirty days of the termination of the Board, Parliament shall elect new board members. The previous Board may not be nominated.</p>	At l. of 1996 on Radio and Television Broadcasting

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Hungary	National Radio and Television Board (ORTT)	2005-2009	Chairman		No		The members were not dismissed, they rather resigned as it happened with Mr. Majtényi in 2009.
			Individual board members		No		

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Hungary	National Radio and Television Board (ORTT)	Originally foreseen in the Media Act but never imposed in practice	Yes	HUF 28.3m (€101k)	HUF 5,436m (€19.3m)	HUF 210.5m (€749k)	No	ANNUAL REPORT on the year 2009 www.ortt.hu/ogyb/ogyb_2009.pdf ORTT Act I of 1996 on radio and television broadcasting For the year 2010 act. CXXXVII. of 2009

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Hungary	National Radio and Television Board (ORTT)	The Parliament, upon the budget proposal prepared by ORTT. The budget proposal is submitted to the Parliament by the parliamentary committee responsible for budget.	Yes - prepares the proposal and submits it to the parliamentary committee before 31 st August each year.	Parliament	Yes, the Parliamentarian Parties have de facto influence on it.	At I. of 1996 on Radio and Television Broadcasting

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Hungary	National Radio and Television Board (ORTT)	yes	Annual	Yes The State Audit Office shall audit the financial management of the Board.	No	No	Art I. of 1996 on Radio and Television Broadcasting

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Hungary	National Radio and Television Board (ORTT)	Parliament	Yes	Annual report	Art I. of 1996 on Radio and Television Broadcasting
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Hungary	National Radio and Television Board (ORTT)	Parliament/ministry/body/sect or/public (if more than one, cover in separate rows) Parliament	Annual	<p>Previous year activity with an evaluation of:</p> <ul style="list-style-type: none"> the status of freedom of opinion and the dissemination of information in terms of balance changes in the ownership structure media companies frequency management linked to broadcasting the market for broadcasting. <p>The report must be published in the official journal of the ministry directed by the minister in charge of cultural affairs.</p>	Yes see previous column	Yes	No	www.ortt.hu

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Hungary	National Radio and Television Board (ORTT)	Yes	Annual	Yes The State Audit Office shall audit the financial management of the Board.	Yes Private Audit Company	No	Art I. of 1996 on Radio and Television Broadcasting Audit by private company not stated by law.

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Hungary	National Radio and Television Board (ORTT)	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Act I. of 1996 on Radio and Television Broadcasting
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	Act C of 2003 on Electronic Communications
		Are there limitations in	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?						
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Hungary	National Radio and Television Board (ORTT)	External	1 Court 1 - Metropolitan court	No	The party whose right or	The administrative code, Code on civil procedure, Act I. of 1996 on Radio and Television Broadcasting

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
			2 Court 2 - Budapest High Court of Appeal		lawful interest is damaged	

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Hungary	National Radio and Television Board (ORTT)			√	N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Hungary	National Radio and Television Board (ORTT)	√	√		N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Hungary	National Radio and Television Board (ORTT)	Metropolitan Court		√	N/A
		Budapest High Court of Appeal		√	

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Hungary	National Radio and Television Board (ORTT)	No	N/A	Yes	The office may employ external experts by way of contract	Yes

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Hungary	National Radio and Television Board (ORTT)	ORTT Decisions on frequency allocation	ORTT Public	2 consultations are held during the tendering procedure		OIRTT Yes	Act I of 1996 on radio and television broadcasting

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Hungary	National Radio and Television Commission	2009	11
		2008	1
		2007	14
		2006	13
		2005	21

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Hungary	National Radio and Television Board (ORTT)	All kinds of decisions The Board shall publish its final resolution on infringements on its official website and, if necessary, in the official journal of the ministry directed by the minister in charge of cultural affairs, and shall notify the national news agency thereon	Yes Act I. of 1996 Act 63 of 1992 on the access to information of public interest	No	No

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Hungary	National Radio and Television Board (ORTT)	with Hungarian Competition Authority	Broadcasting Act.	no	
		with National Communications Authority	Act I. of 1996 In the interest of the preparation of broadcasting tenders, the Board shall request the National Communications Authority, via the minister in charge of communications, to draw up the list of broadcasting possibilities and the related frequency plans.	no	
	National Communications Authority	with Hungarian Competition Authority	formalised in a cooperation agreement	no	
		National Consumer Protection Authority ("NFH")			

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Hungary	National Radio and Television Board (ORTT)	yes, with the Eastern European countries” regulatory authorities such as Romania, Slovakia, Czech Republic, Poland and Serbia (Eastern European Regulatory Forum) <ul style="list-style-type: none"> • EPRA • Central European Regulatory Forum • Council of Europe (T-TT, CDMC) • European Commission 	Annual Report of the ORTT 2009 no legal basis	
	National Communications Authority	The NCAH takes part actively in the work of advisory organizations of the EU Commission: in the Communications Committee (COCOM) of general competence, in the Radio Spectrum Committee (RSC) and Radio Spectrum Policy Group (RSPG) dealing with radio frequency issues at EU level, in the Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM) etc		