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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) **(first reading)** - Adoption of the legislative act = Statements

Statement by Hungary

Hungary is committed to the appropriate handling of the issues regulated in the EMFA proposal, such as ensuring editorial independence, excluding secret surveillance of journalists in relation to journalistic sources, or reforming the provisions on public media. We consider unrestricted access to diverse media contents as an important value. We welcome the regulation on giant platforms appearing in the proposal.

However, given the different media structures of the Member States, we still maintain our repeatedly stated position that it would be desirable to create only general, guaranteeing rules and principles for the legal areas regulated in the EMFA. Thus, a directive or a recommendation would be a more appropriate regulatory instrument than a regulation.

We have also indicated several times during the negotiations that in our opinion, the proposal represents an intervention in the sovereignty of the Member States at many points, and the specified legal basis does not provide sufficient justification for the adoption of the Regulation with regard to all its articles. The right of opinion of the European Board for Media Services to be established by the EMFA violates the competence of Member States' authorities. In our opinion, the practical feasibility of the Board's independence from the Commission also raises questions. The provisions of criminal law nature contained in Article 4 may cause legal uncertainty due to the different criminal procedure systems in the Member States. more flexibility and room for interpretation is needed in these provisions in order to deal with the differences in the criminal procedure systems of the Member States.

Statement by the Commission

The European Media Freedom Act ("EMFA") does not aim to harmonise the key concepts of criminal procedure as referred to in Article 4(3) of EMFA, as explained in Recital 22 of EMFA.

Judicial investigation authorities acting in an independent and impartial manner, as clarified in Recital 21 of EMFA, are competent decision-making authorities under national law to resort to the coercive measures referred to in Article 4(3) of EMFA.