

## **Re-transformation of the polish and hungarian media systems? Changes in media policy**

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### **Abstract**

Since 2010 in Hungary, and since 2015 in Poland, disturbing changes in media policy have been implemented by right-wing governments, with implications for the media's freedom and pluralism in both countries. The worsening situation is evidenced, inter alia, by reports and studies carried out by international organisations such as Freedom House and Reporters Without Borders. An analysis of the regulations introduced and the actions of government elites consisting in interfering in media markets and public media activities reveals many similarities and common elements of media policy. These changes are so severe and so far, removed from European standards and practices in countries which are so-called full democracies that one has to wonder whether the actions of the Hungarian and Polish authorities are not a sign of another transformation, which this time involves a move from a democratic system towards a quasi-authoritarian one. The present study is based on the political-regulatory perspective; it applies selected criteria of comparative analysis according to the concept of Hallin and Mancini, taking into account additional factors, indicated as necessary by researchers dealing with the media systems of Central and Eastern European countries.

Keywords: media systems, media policy, PSM, Poland, Hungary

### **Introduction – theoretical background**

For the comparative analysis of media systems, the criteria proposed by Hallin and Mancini (2004) are most often used, based primarily on the relationship between political actors and the media, which is expressed in terms of political parallelism and the degree of state intervention in the functioning of the media. This approach also considers other essential aspects that translate the relationship between media and politics in a country, such as historical and cultural circumstances. This concept has already been used in many comparative analyses of media systems, also in relation to the Central and Eastern European countries neglected by researchers. More often than not, studies of this region have shown proximity to a polarised pluralism model characterised by a high degree of political parallelism and state intervention, low levels of journalistic professionalism and low press readership (Wyka, 2017; Balčytienė, 2013; Dobek-Ostrowska, Głowacki, 2011). Nonetheless, further media systems research of this region has proved major differences, both within its scope, as well as significant differences with respect to approaches towards Mediterranean model.

The research by Peruško, Vozab and Čuvalo (2013) taking into account some of Hallin and Mancini's criteria have been extended with audience behaviour and media consumption variables and have yielded three main clusters of data. The first cluster consisted of countries in Southern Europe and the former communist bloc, which showed that in terms of public television quality, the circulation of newspapers and the journalistic culture of independence, the results were significantly lower than in other European countries. In the South/East European model, higher scores were shown for political and economic parallelism. The second cluster consisted of countries of the so-called European current, which included the United Kingdom, Ireland, France and Germany, as well as Slovenia and Czechia. The second cluster countries are rather dispersed on the structural variables of media systems, but similarities emerge from party and owner influence and journalistic culture, where they all tend to group around median values. The last cluster is a distinct Scandinavian group, where the countries tend to score higher on public television quality, newspaper circulation and journalistic culture of independence and lower than average on party and owner influence. The research by Peruško, Vozab and Čuvalo shows that the media systems of the Central and Eastern European region share some common features with Western models, as well as that they do not constitute a homogeneous group, but are characterised by diversity and their dynamics (2013, p.145).

In this context, the typology proposed by Dobek-Ostrowska (2015), which refers only to Central and Eastern European countries, confirms the thesis of the diversity of the region and, consequently, the possible diversity of media systems as well. The analysis was based primarily on parameters defining the relationship between the media and politics, evidencing the occurrence of political parallelism and economic indicators providing knowledge on economic development, which plays a significant role in the transformation of the media market. Four main media models were identified: the Hybrid Liberal model, the Politicised Media model, the Media in Transition model and the Authoritarian model. The first group included the Western Slavic countries, i.e. Czechia, Poland and Slovakia, the Baltic States (Estonia, Latvia and Lithuania) and Slovenia. At the time of the study, all countries had free democracies according to the freedom of the World index and flawed democracies in the Democracy Index. It was also noted that the situation of media and freedom of speech in this group was much better than in the rest of the CEE countries. Countries belonging to the hybrid liberal model are characterised by the highest democratic standards and relatively weaker political parallelism than the rest of the countries in this part of Europe and a higher degree of commercialisation, and thus tabloidisation, of the media. Four years after this concept was first published, the data were revised (Dobek-Ostrowska, 2019, pp. 261-262). It was observed that political, economic and social processes in Central and Eastern Europe are still very dynamic, as evidenced by, among others, the changes that have taken place in Poland or Hungary. After reassessment, Poland was included in the second model – the Politicised Media, including Hungary, Croatia, Bulgaria, Romania and Serbia. This group is distinguished by the low standards of democracy and political culture in societies and the high politicisation of public media and the high degree of party control over these broadcasters. The proximity of this group of countries is also confirmed by the results of the indices analysed. The Media in Transition model includes the Balkan region countries (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro) and the two former Soviet republics, Ukraine and Moldova, which are characterised by both low economic and democratic indicators. These countries are still in transition to democracy, which is reflected in a culture with very low journalistic professionalism and high politicisation of the media. The typology is closed by the authoritarian model, which includes Belarus and Russia. Both countries do not meet the conditions of

democratic states, and the characteristics of the media systems reveal features of the analogous model described by Siebert, Peterson and Schramm (1984).

To conclude, several common references can be noted in the research on CEE countries' media systems, correlating with Hallin and Mancini's system approach. Structural variables are an important criterion, based on broadly defined political conditions, the degree of democratisation or consolidation of democracy, which translates into the extent of administrative and political control over the media and institutions regulating the media sector, or simply the degree of their independence. Economic or business criteria determining the media's ownership structure, the degree of concentration and diversity of the market are also a consequence of such an approach. The dimension is determined by the nature, source and extent of financial resources available to the media. Cultural and civilisational factors, which also have their roots in the "heritage of the past," are also not insignificant and may translate into the media's general social conditions. This concerns not only institutionalised democratic rules and values, expressed, for example, in social attitudes and the activities of public institutions, but also the conditions, forms and ways of using the media, the consequences of which may include society's relations with the media environment, expressed, for example, in the degree of trust in journalists.

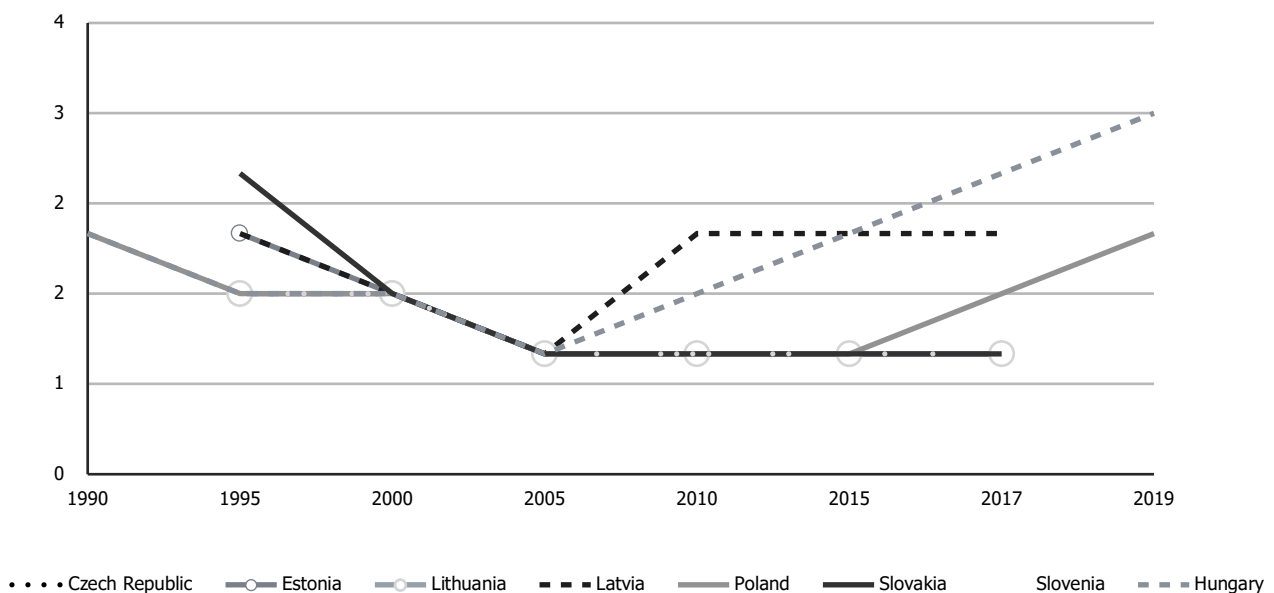
The article's objective is to analyse changes implemented to the system in recent years in Hungary and Poland's media sectors. These two countries have been chosen to the comparison following, among others, Dobek-Ostrowska's research data, but also due to reports of international organisations, such as Freedom House or Reporters Without Frontiers, that point to the high level of similarity of changes and outcomes in policy in the countries in this sphere. That is why, it was decided to verify if and in what range is the correlation between the two countries on the regulatory level. For this purpose, criteria of comparative analysis used by Hallin and Mancini have been chosen as the basis of the analysis. This study relies primarily on formal-institutional criteria indicating the degree of state intervention in the media market's functioning, mostly through regulation and the practice of regulatory bodies. The second aspect of the research is the analysis of the correlation between the political sphere and the media, proving political parallelism.

### **Poland and Hungary against the background of central and eastern Europe**

The process of systemic transformation of the former Eastern Bloc countries took place on many levels and under different political, social and economic conditions, and thus was not homogeneous (Fiszer, 2016, p. 100). In Poland and Hungary, the transformation was based on negotiated agreements between the communist authorities and the new opposition elites, while in countries such as Czechoslovakia and Romania the changes were more violent. System and economic reforms were also carried out differently, which resulted from different political and economic heritage (Zielonka & Manicni, 2012, p. 1). For example, in the initial period, the decrease in the level of production and national income ranged from 18% in Poland to about 65% in Lithuania, and the period of transformation recession lasted roughly from 2 to 8 years. Legislative changes enabling the development of a market economy, the inflow of foreign capital, partnership and then accession to the European Union brought the expected improvement in the economic situation of the countries of Central and Eastern Europe, which was reflected in higher economic growth dynamics than the average of the economies of the so-called top 15 countries. Poland even managed to completely close

the development gap with Portugal and Greece in 2015, which is assessed as an optimistic development forecast for the entire group of countries that joined the European Union in 2004 (Lissowska et al., 2019). As the Freedom House and Economist Intelligence Unit data show, the level of democracy in Central and Eastern European countries has changed significantly over the years. The Freedom House indices, in the first 10 years since the beginning of the transformation – although they made it possible to classify most of the countries in the region as having a free status – it was only in the second decade that they obtained the highest score and were classified as democracies, fully guaranteeing civil liberties and political rights. Similarly, the Economist Intelligence Unit data shows that the region's situation began to stabilise in the first years of the 21st century, with most countries considered "full democracies." Some countries, such as Czechia and Estonia, were even among the world's thirty best-rated democracies.

Figure 1: Freedom in the World report, Freedom House\*



\* Freedom Index: 1.0-2.5 free status; 3.0-5.0 partially free status; 5.5-7.0 no freedom status.

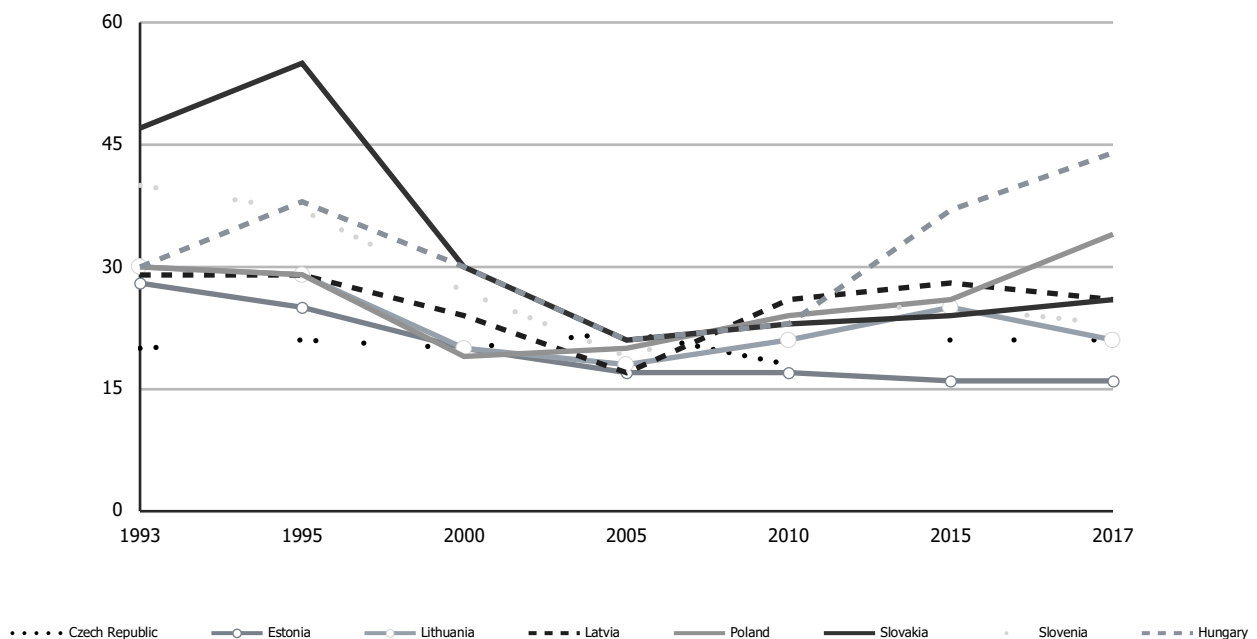
Data presented for a year denotes research relating to the relevant year, meaning that individual reports were presented in the following year.

Source: Country and Territory Ratings and Statuses FIW 1973-2020, Freedom House, <https://freedomhouse.org/report/freedom-world> (20.09.2020)

Since 2010, however, a changing trend in the assessment of the level of democracy can be observed, which is also reflected in the studies of the stability of the Central and Eastern European countries' systems. While an assessment by the Fund for Peace in 2020 identifies most countries in the region as stable or less stable, at the same time an increase in destabilising activities is perceived. Poland, Hungary, Czechia, Slovakia and the Baltic States, inter alia, were identified as those which have experienced a weakening of democratic values and institutions in recent years.

Negative trends in the assessment of the level of democracy of individual countries coincide with the assessment of freedom and pluralism of the media. Freedom House says this is primarily due to the rise of right-wing populism, undermining basic democratic values such as freedom of the press and transparency of public debate, which are opposed by national interests. Populist leaders present themselves to citizens as “defenders of the disadvantaged majority against liberal elites and ethnic minorities.” Over the past five years, as many as one in five countries classified as so-called “free” democracies has seen a marked decline in freedom of the press. Among CEE countries, the regulatory actions and political pressure against the journalistic community that took place in Hungary are particularly critical (Repucci, 2020).

Figure 2: Freedom of the Press, Freedom House\*



\* Index range: 0-30 points – free systems; 31-60 – partially free systems; 61-100 – no freedom

Source: Freedom of the Press (FOTP) Data: Editions 1980-2017, Freedom House, <https://freedomhouse.org/reports/publication-archives>, (10.09.2020)

The Freedom of the Press reports that the media situation has deteriorated significantly in recent years, not only in Hungary but also in Poland. Reporters Without Borders draws similar conclusions, pointing out that government control of the media in Hungary is strengthening with each passing year, while in Poland changes to the judicial system are having a negative impact on journalists and the media.

The instability of the entire CEE region’s political systems is also evidenced by the low rates of political participation of the populations, much lower than in Western democracies. Civil society is less developed and lacks trust in political elites and the institutions of political life (Brzezinski, 2015; Safjan, 2018).

As part of the systemic transformation of the countries of Central and Eastern Europe in the 1990s, transformations were taking place in the area of the media, which until then had functioned under conditions of total structural, organisational and financial dependence on government institutions, performing the function of a political propaganda tube. Mungiu-Pippidi (2008) distinguishes two fundamental common

phases of transition for all countries in the region. The first phase is a phase of liberalisation or complete transformation from a system of full control to limited pluralism, where censorship and repression have been replaced by self-censorship and partial control. The second phase is deregulation resulting from planned as well as spontaneous actions. From this point onwards, three different approaches become apparent in the solutions adopted. Some countries that have opted for full or partial media independence have created the conditions for a competitive and pluralistic market. The second group of countries opted for some form of political or business control. In the third approach, the media were brought back under the full control of government institutions. This scenario primarily affected the countries of the former Soviet Union, while variants one and two were characteristic for the remaining countries of Central and Eastern Europe. Mungiu-Pippidi argues that "media capture," which is characteristic of the second group, has become a feature of the vast majority of countries in the region, including Poland and Hungary. From the perspective of the third decade since the start of the systemic transformation and the regulatory and market changes introduced in recent years in both countries, it can be argued that these countries have departed from their previous course and have decisively embarked on a third approach (2008, pp. 90-91).

### **Changes in media policy in Poland and Hungary – re-transformation?**

In Poland and Hungary, the changes initiated in the 1990s were based on "round tables" agreements, which brought together representatives of the Communist authorities and the opposition at the time. The key preconditions forming the basis of democratic systems were thus agreed. Firstly, principles guaranteeing freedom of speech and the press were adopted. The Polish Constitution explicitly prohibits the existence of any censorship, while the Hungarian acts of 1989 and 1990 no longer contained such unambiguous provisions. Almost simultaneously, it was decided to open the press market in both countries fully. In July 1989, the still Communist Hungarian government issued a decree allowing foreign and domestic investors to buy state-owned and party-owned newspapers. Meanwhile, in Poland, it was decided to privatise the assets of the Workers' Publishing Cooperative Press-Book-Movement [Robotnicza Spółdzielnia Wydawnicza "Prasa-Książka-Ruch"] by transferring individual media to the workers. These different solutions in the first of these countries led to the rapid domination of foreign capital in the market, while in the second country, they led to the liquidation of many newspapers, but also to the fact that the editorial offices of the largest newspapers remained in the hands of Polish capital.

In both Hungary and Poland, the first years of transformation were marked by fights over control of state television. It took Poland three years to find a regulatory consensus, and the proposals for media laws reflected not only political but also ideological divisions in society. Above all, it concerned the public media's obligation to respect the Christian system of values, which was finally included in the Act on Radio and Television Broadcasting adopted in December 1992. There were fights for control over the Hungarian state media in the heated atmosphere of the so-called "media war." During the round table discussion, the principle was adopted that the new media law could only be adopted by a majority of 2/3 of votes, which delayed adopting new regulations until 1996. In both countries, also the first licensing processes, raised objections. For example, in Hungary, referred to by Bajomi-Lazar (2013, p.7), after controversial tendering procedure, an offer from American company CME was rejected, probably for fear of cultural domination.

The licence was granted to European consortiums, German CLT-UFA (RTL Klub) and Scandinavian MTM-SBS grupu (TV2). In Poland, however, in 1994 the first nationwide licence was awarded to a Polish entrepreneur, Zygmunt Solorz, whose offer and capital did not guarantee the fulfilment of the new broadcaster tasks (Polsat TV), and its owner was accused of cooperation with former communist special services, and, what's more, he was accused of a political pact with one of ruling political parties of that times – Polish People's Party (Polskie Stronnictwo Ludowe, PSL), (Braun, 2005, pp. 152-153; Mielczarek, 2007, pp. 323-325).. The decisions taken in the 1990's in the first licensing tenders determined the shape of national markets for decades to come. In Poland, the TV market was dominated by Polish capital, the radio market by foreign capital, while foreign investors dominated the Hungarian market in both segments.

The development of media markets in the following years depended primarily on economic factors and conditions, which to a large extent resulted in an intense concentration and domination of foreign capital. In turn, legislative changes were dictated by the need to adapt the existing regulations to the rules and standards in force, resulting from the accession of Poland and Hungary to the European Union, as well as by technological needs related to digitisation and convergence (Peruško, Popović, 2008, pp. 169-179). This does not mean that political elites' involvement in influencing the media declined during this period, but focused primarily on the public media and the creation of new regulatory conditions formally aimed at increasing market pluralism.

## **Hungary**

Since 2010, the Hungarian media system has been systematically subject to the political elite's actions, leading to the complete subordination of the media and the journalistic community to the interests of the ruling Fidesz party. However, the media colonisation strategy adopted by Prime Minister Viktor Orbán was not limited to the public media, but from the very beginning also covered the private sector, including the press. The centralisation and partisanship of the entire media system was demonstrated by establishing the Central European Press and Media Foundation (KESMA) in September 2018, to which private companies handed over their media, mostly free of charge, a total of 476 editorial offices, two months later. The Foundation's governing bodies include Fidesz party deputies and close associates of the Prime Minister. According to Urbán, Polyák and Szász (2017, p. 137), if even the turning point in the evolution of the media system was 2010 and the media laws adopted by the Orbán government, it was thoroughly prepared by previous government teams.

At the beginning of Hungary's first democratic government, regulations were adopted on the temporary election of state media presidents, dividing powers between the prime minister and the president, which led to sharp conflicts and a war over the media. Finally, in 1996, the Act on Radio and Television Broadcasting was passed, which established the Hungarian market regulator – the National Broadcasting Council (ORTT). The authority members are nominated by each parliamentary faction with one seat on the board (minimum 5 members) and elected by a simple majority. The president of the body was appointed by agreement between the Prime Minister and the President. Formally, council members could not combine their functions with political or media activities, but, as stated by Mihály Gálík (2009), political interests prevailed in practice rather than public interests. From the very beginning, both the ORTT tendering procedures and the

regulator's competencies aroused controversies. On the one hand, the authority set the terms of the tender and selected the "best offers," while on the other hand, it had the tools at its disposal to withdraw licences from media entities effortlessly. According to Bajomi-Lázár (2013, p.15) the organ's structure combined with powers granted fostered politicization of the decision and violated procedures valid at that time. In addition, the act introduced the possibility of appointing advisory bodies consisting of party delegates to the boards of private media what only resulted in enhancing political control.

The act also regulated the functioning of public media. Solutions were adopted, which formally aimed to ensure broadcasters' autonomy by establishing three independent foundations (the Hungarian Public Radio Foundation, the Hungarian Public Television Foundation, the Hungária Public Television Foundation, Duna TV), which were then to create organisations to operate the public channels. Each Foundation was headed by a Board of Trustees with its committee bureau, members were nominated by parliamentary factions (representatives of the ruling and opposition parties had exactly the same number of representatives) and elected by the National Assembly for a four-year term. The Board also included members representing various social organisations, which was mainly modelled on German and Austrian regulatory solutions. In practice, the activity of the supervisory authority resembled more Italian solutions. It was the party delegates who decided on the management staff and elected the directors of each media outlet (Polyák, 2015, p. 282). The balance of parliamentary representation in the public media were disturbed for the first time during Viktor Orbán's first government between 1999 and 2002. In its election slogans, Fidesz criticised its predecessors' policies and called for a "better balance" of public media offerings, while after taking power it focused on full control of broadcasting. Viewership of the main public television channel DUNA TV fell to 10%. The financial situation of broadcasters worsened as well, with their budgets steadily shrinking due to ever-decreasing licence fee revenues. Debts began to be paid with government subsidies, making the public media even more dependent on the ruling elite.

Gábor Polyák (2019, p. 283) points to three fundamental pillars of media policy that the Orbán government has relied on, through which it has created a media environment that is entirely favourable to the ruling elites. Firstly, the regulatory and supervisory authorities became fully dependent on the authorities. Secondly, solutions were introduced to manipulate the market through "soft censorship" and interference in the advertising market. Thirdly, continuous control of public discourse was applied by indirectly influencing media content, whether by defining journalists' working conditions or by manipulating access to public information.

The first step was the adoption of a new media law in 2010, establishing an integrated market regulator. The National Communications and Media Authority (Nemzeti Media és Hírközlési Hatóság, NMHH) replaced Hungary's former National Broadcasting Council and National Information Authority, combining regulatory and supervisory functions over traditional media and the telecommunications sector. However, at the institutional level, Hungarian solutions remain ambiguous, as there are three partially independent administrative bodies within one formally integrated authority (Školkay, 2020, p. 200). Substantive matters are primarily handled by the Media Council, which has a separate and independent legal identity within NMHH, as does the NMHH Office, which is the main administrative authority with independent regulatory powers, including over media content. Consequently, the Media Council and the Office share competencies. The President of the NMHH is also the Chair of the Media Council, is appointed by the Prime Minister and nominated by the President of the republic. Parliament elects a further four members of the Council for a



nine-year term. However, the election procedure is structured in such a way that in practice the body consists exclusively of representatives of the ruling party (Urbán et al, p. 145). The direct dependence of the body on the political elite can be seen in the decisions taken by the Council. Since 2011, this authority not only decides on the entry of new players into the Hungarian media market but can also restrict existing players, justifying the decisions with the need to prevent excessive market concentration, which is no longer the case for companies affiliated with the Fidesz party (Batorfy, 2019a, pp. 31-32, 36-40; Bayer, 2017, p. 23). It is worth noting that the authority's activities are not limited to electronic media, but also extend to the press segment, resulting, inter alia, in the blocking of the merger between the German company Axel Springer and the Swiss Ringier. Ultimately, the blockade led first to the takeover of the largest daily newspaper, *Népszabadság*, by the Austrian investor Heinrich Pecina, which is linked to the Hungarian power elite, and then to the closure of this title, which is critical of the Fidesz government.

The legislation adopted in 2010 was criticised internally by the journalistic community and the political opposition and the international community. The Organisation for Security and Cooperation in Europe (OSCE) called on the Hungarian government to amend the procedures for appointing members of the regulatory body to guarantee political pluralism. The Commissioner for Human Rights, on the other hand, concluded that Hungary's procedures did not meet the Council of Europe's standards for the protection of media independence and pluralism, and urged Hungary to adopt the Council's recommendations (CMCS, pp. 3-4). On 10 March 2011, the European Parliament also reacted by adopting a Resolution calling on the Hungarian government "to restore the independence of media governance and halt state interference with freedom of expression and 'balanced coverage'" (Resolution EU 2012/C 199 E/17). The Hungarian government was not so much turned a deaf ear to the accusations made against it as it used the defensive tactic of a rather broad and free interpretation of the rules applied in other European countries (CMCS, p.ix). The rules of public media were also changed. The task of providing services was entrusted to the private corporation, *Duna Médiaszolgáltató Részvénytársaság*, which belongs to the Public Service Foundation and is supervised by the Supervisory Board. Formally, half of the management board is composed of representatives of the governing party and members delegated by the opposition parties take the other half. However, two additional members and a chair are also appointed for a nine-year term, nominated by the Media Council, which in practice remains under the influence of the ruling party (Polyák, 2019, p. 288). Another significant change, bringing public media activities under the direct supervision of politicians, was the creation of the Media Services Support and Asset Management Fund, to which the ownership of public media and the supervision of the production system and the operation of public programmes were transferred. The Fund is headed by an executive director, appointed and removed by the President of NMHH and the Media Council. This director does not report to the management board or any other external body, including the Civil Service Council, which is formed from representatives of various social and professional groups and formally aims to implement extensive social control measures. In summary, the media law of 2010, and its subsequent amendment of 2014, established a centralised and non-transparent public media system, allowing direct interference in media activities by ruling politicians.

The second pillar of Orbán's government's media policy is the measures taken by subordinate bodies in relation to old and new market players. Media favourably oriented towards the ruling party can count on favourable decisions from regulators, while critical media or those not linked to Fidesz will be subjected to measures that make it difficult for them to operate freely in the media services market. Examples of such

policy were actions connected firstly with supporting the creation of Lajos Simicsk's media empire, and then to its fall (Batory, pp.37-38; Polyák 2019, p.285). Other examples might be the above-described potential merger between Springer and Ringier or the threat of a threshold advertising tax, which was to hit the German Bertelsmann's RTL Klub TV station in particular. Another tool for influencing the media market is the way state advertising is distributed, which in Hungary is entirely based on the principle of direct dependency and relations with the ruling elite, especially after establishing the National Communications Office in 2014 to centralise state bodies' external communications activities, managing the distribution process of state advertising. The media outlets of "friendly" companies favourable to Fidesz and the media agencies entrusted with the distribution of advertising have benefited from this solution. Such a contract was not awarded to the largest media house R-time, which belongs to the RTL Group, but was awarded to Atmedia, inter alia, which belongs to András Tombor, who is associated with the ruling party (Polyák 2019, p.293). The weakening of the advertising market after the 2008 global economic crisis and the market inequality mechanisms applied by the Hungarian government led to the withdrawal of many Western companies from the market and the takeover of Hungarian media groups by investors associated with the political environment of Fidesz (Urbán et al, pp. 141-144). Like that of other parties, the political environment of Fidesz has been involved since the 1990s in building up its propaganda base in the form of favourable press publications and electronic media (Bajomi-Lázár, p. 8). But it is since 2010 that Fidesz's media empire has been intensively built. First by supporting the media company of Lajos Simicska, a close friend of Orbán, with whom the prime minister came into intense conflict in 2015, which ended in Simicska's defeat. Subsequently, the centralised system of propaganda facilities was replaced by a decentralised one in which no one could any longer control the resources to break out into independence (Urbán et al, p. 142). This created a broad but dispersed media base, which was centralised again in 2018, but this time not under the control of one person, but of the KESMA organisation, controlled by Fidesz and Orbán people (Batorfy, 2019b, p. 31).

The third pillar of media policy is the constant control of public discourse by indirectly influencing media content. These activities are both formal and informal. As already mentioned, Hungarian legislation puts both the audiovisual media and the press and the internet under the control of NMHH, which are equally obliged to comply with content regulations, including, inter alia, the requirement to "respect the constitutional order of Hungary" and the prohibition to publish content that "violates public morals" (CM& CS, p.39). Such broad requirements create opportunities for free interpretation and qualification of media entities' activities by the supervisory authority, which may lead to the spread of the phenomenon of self-censorship. It should be mentioned that the Hungarian regulator has been equipped with the tools to impose severe financial and other sanctions on media that violate the adopted rules, which affects not only individual attitudes and behaviour of journalists, but the work of entire editorial teams (Urbán et al, pp.145-146).

Another way of influencing media coverage is to make it difficult for journalists to access public information. Rules on media coverage of the Hungarian Parliament's work have been introduced, including the designation of special zones and working hours for journalist crews. In 2018, all media representatives were excluded from the inaugural session of the newly elected Assembly. However, selective selection of journalists in accessing public information is most common. Employees of some editorial offices that are critical of the ruling party are not even allowed into press conferences or are completely banned from

entering parliament. In practice, it means that the public sphere with reliable public debate representing different positions and opinions is disappearing (Polyák, 2019, pp. 295-296).

Some information policy activities of the ruling party are also covert propaganda, and social media are most often used. This was the case, for example, during the 2015 election campaign, when anti-immigrant sentiments and attitudes were deliberately encouraged in Hungarian society. The crisis and the Hungarians' sense of insecurity brought victory to Fidesz once again, and allowed it to hide uncomfortable critical voices and opinions (Polyák, 2019, pp. 295-296).

The threat to freedom and pluralism of the media in Hungary is confirmed by the results of the Media Pluralism Monitor report (Batorfy, Hammer & Galambosi, 2020). Risk indicators in the areas of market pluralism and political independence have been rising steadily for a decade. As the authors of the document state, the solutions applied by the Hungarian authorities only seemingly comply with democratic standards, but actually consist of the media system's gradual subordination to political interests.

## **Poland**

In Poland, an act adopted in 1992 is still in force, according to which the authority regulating the functioning of both private and public media are the National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji, KRRiT). This authority is enshrined in the 1997 Polish Constitution, which requires it to "safeguard the freedom of speech, the right to information as well as safeguard the public interest regarding radio broadcasting and television." In practice, this general objective has been limited by a closed list of powers, amounting to a system of licensing, monitoring the broadcasting market, preventing concentration by withdrawing concessions from media entities and, finally, governing and supervising the activities of public media (Klimkiewicz, 2017, p. 199). The act was modelled on French legislation, which was clearly visible in the Council's organisation. Before the changes introduced in 2005 by the right-wing coalition government of the conservative Law and Justice (Prawo i Sprawiedliwość, PiS) party, four Council members were elected by the Sejm (lower house of the Polish Parliament), two by the Senate and three by the President. Thus, this authority was supposed to represent the most important political forces, reflect the existing configuration in the Polish Parliament, and the regulator's decisions were supposed to express political compromise. However, according to Karol Jakubowicz (2007, p. 225), this concept led to an irreversible politicisation of the Council and its domination by party interests, which also translated into the appointment of supervisory boards and management boards of public media.

Clashes between the parties nominating the composition of the Council have occurred repeatedly. The first such situation occurred even before the first election of members in the 1990s, when the then president Lech Wałęsa, without waiting for the formal start of the process, imposed his candidate as chair of the authority. In addition to the issue of personal castling and haggling over the appointment of Council members, and thus the supervisory and management bodies of the public media, legislative changes were also important tools of political influence. In December 2005, the ruling Law and Justice party passed an amendment to the law, which limited the Council to five persons appointed for a six-year term. Two members are elected by the Sejm, one by the Senate and two by the President, who also has the power to appoint the body's chair. Officially, the pretext for the changes was the need to adapt the regulations to changing

technological conditions and the establishment of a new Office of Electronic Communications (Urząd ds. Komunikacji Elektronicznej, UKE). In practice, the act interrupted the term of office of the existing composition of the Council and created an opportunity to fill seats according to the ruling coalition's interests. The experience of subsequent years has shown that public media companies have found themselves in direct ideological and political dependence on the ruling parties (Waniek, 2013, pp. 48-49; Chruściak, 2007, p.165).

Such a clear political parallelism was not seen during the governments of the liberal parties: Civic Platform (Platforma Obywatelska, PO) and the Polish People's Party (Polskie Stronnictwo Ludowe, PSL), between 2007 and 2015. However, politicians did not lose interest in public media. In 2010, an amendment to the media law was adopted, making it possible to dismiss members of the Polish Television and the Polish Radio's management boards during their term of office. A positive change was the introduction of the principle of transparency and openness of conducted competitions for members of supervisory boards of these media (Węglińska, 2018, p. 118).

At the end of 2015, when PiS came back to power in Poland, the Sejm passed the so-called Small Media Act, which gave the Minister of the State Treasury the power to appoint members to the management boards of public broadcasters. The adopted legislation received widespread criticism from the public in the country and harsh criticism from the Council of Europe and the European Commission, which launched an investigation on the rule of law in Poland in January 2016 (Połomska, 2019, p. 227). The act not only deprived the KRRiT of its previous powers in this respect but, above all, wholly subordinated the public media to politicians. Representatives of the authorities justified the changes with the need to improve impartiality, but also to increase the visibility of national values in the media. Beata Klimkiewicz (2017, p. 202), referring to the new rhetoric of the "national argument" defending the legitimacy of such profound changes in the functioning of public media, states that while this is not a new argument in politics, no previous government or parliamentary majority has imposed it with such enthusiasm.

The act of 2015 was transitional and was passed mainly to make personnel changes in the public media. The next phase of the "good change in the media" was to adopt a new act profoundly reforming the functioning of the public media, primarily to transform the public service mission into a national one. The draft act on national media envisaged, inter alia, the centralisation of the existing companies into a single entity called "National Media", which would be a state legal entity funded by the National Media Fund, supervised by the National Media Council (Rada Mediów Narodowych, RMN), which was also to have the competence to select the management board of the broadcaster. Far-reaching changes would have required going through the European Union notification procedure, which entailed the possibility of postponing them for many months, so in the end it was decided to adopt another "small act" focusing exclusively on the system of public media management (Klimkiewicz, 2017, pp. 205-207). In June 2016, the Act on the National Media Council was adopted, giving the new body the power to appoint and dismiss directors and management boards of public broadcasting companies and the Polish Press Agency. Three members of RMN for a six-year term are elected by the Sejm, and two – by the President. Membership of the Council cannot be combined with executive functions or employment in central or local government, but this role does not exclude party affiliation or Member of Parliament's office. Besides, the appointments are made on the basis of the political representation criteria of the parliamentary majority and minority, according to which the opposition is allowed to fill a maximum of two seats in the Council. In the first term, the majority were

members of the PiS party, who in fact decided to elect Jacek Kurski, a former activist of this party and associated with the political circle of Jarosław Kaczyński (leader of PiS) since the 1990s, as president of the board of Polish Television, nominated earlier by the Treasury Minister. It should be added that provisions stipulating the necessity of holding open and public competitions for the positions of members of supervisory boards and management boards of public media were removed in the act of December 2015, and the Act on the National Media Council not only did not restore such a system, but also did not include substantive criteria to be met by candidates (Grzesiok-Horosz, 2019, p. 116).

The Commissioner for Human Rights, Adam Bodnar, sent a request to the Constitutional Tribunal regarding the compatibility of the act of 2015 with the Polish Constitution. The then composition of the Tribunal's judges, most of whom had been appointed before PiS came to power, ruled, *inter alia*, on the unconstitutionality of depriving the National Broadcasting Council of some of its powers, which was not included in the act of 2016. In the opinion of some media experts in Poland, the new authority is not only politicised but is even political (Połowska, 2019, p. 233). This opinion is confirmed by data from the latest Media Monitor Pluralism report (Klimkiewicz, 2020). The indicator on Independence and effectiveness of the media authority amounts to only 40%. The potential political influence is also compounded by the weakened autonomy of the judicial system, which poses a direct threat to freedom of the press, especially for journalists and media workers. The highest risk is detected in the field of independence of Public Service Media governance and funding (83%). The strengthening of political control of the public media translates directly into a lack of impartiality in reporting, as has been shown by studies of news content carried out by national research centres, but also as a result of open messages from political elites, who justify the biased content by a necessity to "balance heavy liberal bias" of the majority of private commercial media (Klimkiewicz, 2020, pp. 7-8).

In recent years, the increased polarisation of media coverage, especially of the news media, has become apparent, which may be related both to the lack of mechanisms to ensure independence of journalists from both commercial and political influences and to the "tradition of engaged journalism" (Bajomi-Lázár, Örnebring & Štětka, 2013, pp.19-22). Media pluralism is also hampered by the lack of counter-concentration measures and full transparency of media ownership. The high degree of media concentration became the key argument for the implementation of the idea of media "recolonisation" announced in 2017, which was to be tackled by a specially appointed team in the Ministry of Culture. Barbara Bubula, a former member of the KRRiT representing the PiS party, explained that "recolonisation is not only about limiting the share of foreign capital, but also about reversing the ideological imbalance in the media. Because media whose owners are citizens of the Republic of Poland can also be anti-Polish" (see Kordzińska & Kublik, 2017). Adam Szynol (2017, p. 488) highlights that the concentration problem is most relevant to magazines and not to the news-press. However, since the beginning of the "recolonisation" discussion, the main topic has been the regional daily press, which in the author's opinion, contrary to popular belief, is not dominated by "German investors," although indeed the biggest player in the local market is the Polska Press Group, owned until recently by the German concern, Verlagsgruppe Passau. After several years of attempts to first introduce appropriate legislation enabling deconcentration and then several years of secret talks on the purchase of certain media by state-owned companies, the State-owned fuel Orlen Group finally bought the said company Polska Press from a German publisher on 7 December 2020. In this indirect way, politicians gained access to more than 17 million recipients of the group's media, readers of more than 20 daily

newspapers and 150 regional weeklies throughout Poland, as well as dozens of online portals. Daniel Obajtek, president of Orlen, who is associated with the Law and Justice party, described in public statements the decision regarding the purchase as a "natural tool for doing business" that will allow the development of the non-fuel segment, including retail sales. Media researchers and experts disagree with this explanation, for whom this action is primarily politically motivated, as the local press market has been in crisis for several years, and it is difficult to find a business justification for this investment (Ziomek, 2020).

The government's actions aiming at limiting pluralism of the media in Poland are evident in the latest events from mid-2021. The amendment to the Broadcasting Act which went to the legislative work of the Sejm proposes that the majority owner of the media entity of this sector cannot be companies from outside the European Economic Area (EEA). Fundamentally proposed changes only specify existing legislation, because they add the condition that broadcasting license cannot be awarded to enterprises from EEA dependent on entity outside this area. In the opinion of many experts, journalists and the opposition, this project is aimed directly at the TVN Group, which belongs to a Dutch company owned by an American concern Discovery. TVN is one of three nation-wide terrestrial TV channels considered by the government unfavorable and critical to the current administration. A particular thorn in the side of Kaczyński's conservative party is owned by the concern news channel TVN24. If the bill is adopted, the American company will be forced to resell 51% of its shares in the group, what, according to experts, will no longer have economic sense for the American investment in Poland (Łysoń). In practice, it can result in taking over the television by one of the State companies as it was in the case of the Polska Press Group, and this in turn will lead to complete domination on the media market by enterprises connected with the government and as a consequence it will limit pluralism and freedom of the media in Poland.

## Conclusions

The role of the State in media policy is highly ambivalent, as the State is required to guarantee freedom of and free operation of the media, which at the same time forces it to act in a certain way, and this can lead to excessive intervention and thus restrictions on freedom of the press. Both strong and low impact can threaten the development of a pluralistic media system (Klimkiewicz, 2019, p. 48). In Poland, since the beginning of the transformation period, the State has shown a high degree of intervention in the functioning of the media market, primarily the electronic media, which has also fostered a high degree of political parallelism, in this case primarily towards public broadcasters (Mocek, 2019, p. 198; Bajomi-Lázár et al, pp. 5-6). However, the recent changes, which are not regulatory, prove that the State, or more precisely the ruling elites, are also interested in intervening in the press and Internet segment, which may lead to a real threat to freedom of speech. Considering recent events in Poland, one can hardly fail to notice the parallel between the changes and the Hungarian scenario regarding the media's centralisation and partiocracy. On 24 July 2020, Hungary's most popular news portal, Index.hu, announced the end of its operations as soon as Miklós Vaszi, a businessman associated with Viktor Orbán, gained control of the portal's funding. Index.hu is believed to have been the last independent medium that was significant, also in terms of its reach, in Hungary (Kokot, 2020a; Rényi, 2020). After this incident, smaller, local media, mainly metropolitan, followed Index.hu. In September 2020, the Budapest radio station, Klubradio, announced that its licence

would not be renewed from February 2021. The radio station had lost its nationwide licence a few years earlier and since then, it was broadcasting exclusively within the Hungarian capital (Kokot, 2020b).

In both Poland and Hungary, similar changes can be observed in the field of administrative and political control over public media, regulatory bodies, and to some extent interference in the ownership structure of the media market. Undoubtedly, the State's role in the functioning of media systems is increasing, political parallelism is not only evident but is even becoming obvious. The ruling elites make no secret of their plans to intervene in the State's media policy, justifying them on the grounds of a narrowly defined national interest, which is interpreted by party leaders' statements.

Viktor Orbán has described his way of governing as an "illiberal" democracy. During his speech at Băile Tuşnad, Viktor Orbán openly said: "(...) we have to abandon liberal methods and principles of organizing a society, as well as the liberal way to look at the world" (see Tóth, 2014). According to Orbán, the 2008 crisis has shown that liberalism has lost the balance between individual freedom and the general interest, and that is why only illiberal democracy will solve the problems faced by modern states. He mentioned Singapore, Russia, China and Turkey as examples of well-ordered, democratic societies (Tóth, 2014). This article does not aim to consider different conceptions and criteria of democracy, including the idea of Fareed Zakaria (1997). However, referring to Orbán's statement, one can recall the latest Democracy Index 2019 ratings, according to which the cited countries rank 75, 134, 153, 110 in the world respectively, and Freedom House, apart from Singapore, categorises this group as "not free." Jarosław Kaczyński, leader of the Law and Justice party (PiS), said in October 2011 immediately after the announcement of the parliamentary elections' results in which his party came second: "I am deeply convinced that the day will come when we will have Budapest in Warsaw" (see Czuchnowski, 2011). In the subsequent elections in 2015, the Law and Justice party won, and the Hungarian scenario is gradually being implemented, also in terms of the media. The differences in the pace and nature of the changes in the two countries' media systems are primarily due to underlying differences such as country size, population, diversity and strength of markets. Historical, cultural and social conditions, the degree of diversity of the political scene and the time and circumstances in which changes are introduced are also important.

After more than two decades of democratic reform of the media systems, first in Hungary and, a few years later, in Poland, changes have begun which do not allow these countries to be classified as systems in which pluralism and freedom of the media are preserved in practice. Does this mean that we are just witnessing another transformation, this time moving towards quasi-authoritarian regimes?

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