



Brussels, 30 January 2024

Subject: Compliance of the Hungarian government with Article 50(2) of the Digital Services Act

Dear Executive Vice-President Vestager,
Dear Commissioner Breton,

We, the undersigned Members of the European Parliament, are writing to express our concerns about the compliance of the Hungarian government with Regulation (EU) 2022/2065 on the Digital Services Act (DSA) and in particular, Article 50 outlining the requirements for Digital Services Coordinators.

According to the [draft DSA Executive Act as proposed by the Hungarian government](#), the National Media and Infocommunications Authority (*Nemzeti Média és Hírközlési Hatóság, NMHH*) has been appointed as the national Digital Services Coordinator and will take up its tasks as of 17 February 2024.

We are worried that this appointment breaches the independence requirements as stated by the Regulation 2022/2065 (DSA).

Indeed, according to Article 50(2), “*when carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators **shall act with complete independence**. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party*”. In addition, according to Recital 112 of the same Regulation, “*the competent authorities designated under this Regulation should also act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, **including from the government***”.

The Commission has the duty to closely monitor the process of Member States' Digital Service Coordinator (DSC) nominations to ensure they adhere to the DSA's requirements and principles. It shall provide guidance and support to Member States, helping them navigate the nomination process and address any potential challenges.

Furthermore, the Commission will have to closely cooperate with the DSCs to provide efficient enforcement of the DSA all across the EU. Therefore, in October 2023, the Commission



services started signing administrative arrangements with the national regulators and prospective DSCs to ensure effective coordination on the DSA. The first agreements already have been signed with several Member State authorities.

However, the lack of independence of the Media Council, Hungary's media regulator and part of the NMHH, has been widely documented over the last years by the [Council of Europe](#) and [civil society organisations](#). We would like to use this opportunity to remind you of the still pending 2020 complaint to the European Commission regarding Hungary's non-compliance with Article 30 of the Audiovisual Media Services Directive (AVMSD) questioning the independence of the Media Council.

Additionally, the lack of independence of the Media Council constitutes one of the grounds justifying the triggering of the Article 7(1) TEU by the European Parliament, as reminded by the *European Parliament resolution of 15 September 2022 on the proposal for a Council decision determining, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded*. Concerns already [expressed back in 2011 by the European Parliament](#) remain valid, as some parts of the leadership of the Media Council remained unchanged since then.

Furthermore, we want to draw attention to the fact that, on 15 July 2022, the European Commission decided to refer the Hungarian government to the CJEU for breaching EU telecommunications rules with the Hungarian Media Council's decision on highly questionable grounds to reject Klubrádió's application for the use of radio spectrum.

Based on these concerns, we would very much appreciate an answer to the following questions:

1. Does the Commission consider that the NMHH complies with the independence requirements as set out in the Article 50(2) of the Regulation 2022/2065? If not, which action does the Commission plan to take in order to remedy the situation?
2. Is the Commission considering signing an agreement as a sign of acceptance with the Media Council for the enforcement of the DSA?
3. Which action is the Commission planning to take in order to ensure that national Digital Services Coordinators act with complete independence and remain free from any external influence?

Ensuring the fundamental rights of EU citizens in safer digital spaces is a key objective of the DSA, and we hope you will swiftly investigate into this matter.



Sincerely yours,

MEP Gwendoline Delbos-Corfield (Greens/EFA)

European Parliament Rapporteur on the situation in Hungary

MEP Anna Donáth (Renew)

MEP Isabel Wiseler-Lima (EPP)

MEP Patrick Breyer (Greens/EFA)

MEP Pascal Durand (S&D)

MEP Damien Carême (Greens/EFA)

MEP Sylvie Guillaume (S&D)

MEP David Cormand (Greens/EFA)

MEP Petra Kammerevert (S&D)

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MEP Martin Hojsík (Renew)

MEP Caroline Roose (Greens/EFA)

MEP Irena Joveva (Renew)

MEP Mounir Satouri (Greens/EFA)

MEP Karen Melchior (Renew)

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