Learning from Poland's Imperfect Reform

How Hungary Can Get Media Transition 2.0 Right

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10.06.2026 doi: 10.59704/9285551e3282e0a0

If Hungary under the government of Péter Magyar and the TISZA party is to learn from the uneven, protracted, yet ongoing and open-ended democratic repair pursued under the coalition government of Donald Tusk in Poland since December 2023, it is that a comprehensive and swift reform of the media ecosystem is crucial.

A meaningful media system reform does not simply entail taking control of public service media but rather transforming the broader ecosystem to enhance media freedom and pluralism while ensuring the independence of the state institutions that are essential to safeguarding them. The reform should lead to fulfilling the obligations arising from the European Union media law, notably the European Media Freedom Act (EMFA), and implement the Court of Justice's case law. Soft law standards developed by the Council of Europe also provide specific guidelines for such reform.

Crucially, the media reform should not only be lawful but also perceived as legitimate; to this end, it is important that changes are made in good faith, take effect as swiftly as possible, are properly and publicly reasoned, and are proportionate to the aim pursued. The reform should aim to make state institutions, such as media regulators and public service media, more independent and pluralistic. It should also bring to an end the model of illiberal capitalism and dismantle the media capture model. Instead, the reform should introduce genuine competition into the internal market for media services, while at the same time contributing to the preservation of the values enshrined in Article 2 TEU, including through improvements in media freedom and pluralism.

Why Media Reform Is a Priority in Transition 2.0

After democratic backsliding, comprehensive reform of the media ecosystem is not only a sectoral policy exercise but an essential component of Transition 2.0. A key issue in debates on post-backsliding democratic reform concerns the temporality and sequencing of measures across different institutions. Tom Gerald Daly, in his theory of comparative constitutional repair, argues that a reformist government must first clearly identify the areas requiring repair, decide when reforms should be undertaken, and establish priorities among them, determine what is feasible, and act in a proportionate way. Tom Ginsburg and Aziz Huq, in their theory of 'democratic front-sliding', also emphasise the importance of sequencing. They argue that the first step should be to preserve 'epistemic institutions', which generate neutral information and can counter disinformation about the reform process.

Given the specific context of post-backsliding settings, in which 'autocratic enclaves' operate within state institutions and seek to delegitimise, obstruct, or delay the reforms pursued by a new government, ensuring the independence of such knowledge-producing institutions becomes particularly important. Democratic backsliding characteristically produces an 'illiberal public sphere'. This emerges through the politicisation of media regulatory bodies, the partisan capture of public service media and their transformation into instruments of partisan propaganda, media capture – meaning buyouts of private media by government proxies –, the discriminatory allocation of public funds to pro-government outlets, and the creation of various legal, administrative, and financial obstacles for independent private media.

A paradigmatic illiberal media sphere, or even 'illiberal informational autocracy', was created in Hungary under Fidesz between 2010 and 2026. In its "2026 World Press Freedom Index", Reporters Without Borders ranked Hungary 74th out of 180 countries; within the EU, only Cyprus (80th) and Greece (86th) performed worse.

Recent EU media legislation, in particular the EMFA, has effectively rendered such illiberal media policies unlawful under EU law and imposed new obligations on Member States to review their legal frameworks and ensure compliance.

Reforming the media ecosystem is of central importance in *Transition 2.0*, because post-backsliding societies often experience very high levels of affective polarisation. The previously governing party typically remains the largest political force in opposition and retains significant capacity to shape public debate and influence voters through networks and institutions established during democratic backsliding, including 'captured' public service media and private media outlets. Whoever prevails in the narrative surrounding the democratic repair may ultimately gain a decisive advantage in the next elections. This also applies to Hungary.

The Ambivalent Polish Lesson

The political and institutional conditions in Hungary following the 2026 parliamentary elections differ significantly from those in Poland after the 2023 elections. While the scale of the problem in Hungary appears greater, the institutional room for manoeuvre also seems considerably broader. In Hungary, TISZA enjoys a constitutional majority, which creates the possibility of enacting a new constitution, although there are important voices advocating swiftly passing targeted amendments instead. The new governing majority will also be able to enact legislative changes.

By contrast, in Poland's system, formally parliamentary in nature, yet granting the President a strong veto power and significant capacity to obstruct the government, cohabitation under conditions of deep political polarisation means that the government experiences legislative paralysis, as crucial laws adopted by parliament may ultimately not enter into force. However, a major weakness of the Polish *Transition 2.0*, irrespective of the presidential veto power, has been the government's failure to prepare and adopt legislation swiftly. This has also weakened the legitimacy of the reformist aims of the Polish government.

Ending propaganda in public service media had been one of the central promises of the parties forming the current Polish government. Immediately after it was formed in December 2023, the government moved to take control of public media, promising to restore their independence and impartiality. The Minister of Culture, acting as the sole proprietor of the state-owned media companies, invoked the Commercial Companies Code and replaced the management boards of the public television broadcaster, public radio, and the state press agency. However, under the existing legal framework, the boards of public media entities should have been appointed by an independent media regulator. The previous government of the PiS (Prawo i Sprawiedliwość) party had removed these competences from the constitutionally established National Broadcasting Council (KRRiT) and transferred them to a newly created media regulator, the National Media Council (RMN). Both bodies had been staffed by individuals appointed by the PiS government, and they attempted to block the changes in the public media, as other autocratic enclaves did, notably the Constitutional Tribunal. Eventually the public service media companies were placed into liquidation, allowing management by liquidators; this arrangement continues, although no dissolution is intended. An unconventional solution, initially raising concerns as to its legality, was ultimately approved by the court registers.

The government's approach to public service media, in the form inherited from the democratic backsliding era, initially triggered protests and a short-lived boycott of the 'new' public broadcaster by opposition politicians from the PiS party and affiliated circles. However, PiS politicians returned to public television ahead of the 2024 European Parliament elections. Many media workers in public service media, who had been clearly aligned with the previous

government and are now supportive of the opposition PiS, moved to rapidly expanding commercial, right-leaning news outlets, illustrating how years of illiberal media policy had cultivated audience preferences for particular types of political content.

In Poland's highly polarised society, trust in public service media remains divided. Although positive assessments of public television increased in 2024, reaching 42 per cent – its highest level since 2016 – it remains moderate; in 2014 it was at 84 per cent. Public media continue to be perceived through the lens of political polarisation and accusations of bias. Studies further indicate that trust in public television rose among supporters of the new government, while declining among PiS supporters.

The Polish case suggests that the credibility of *Transition 2.0* depends on swift legislative action. Although media reform was presented as a priority, the draft media bill, intended to implement the EMFA and other EU media regulation, such as the Audiovisual Media Services Directive (AVMSD) and the Digital Services Act (DSA), was unveiled almost two years after the current government took office. After public consultation, it has yet to be scheduled for parliamentary consideration. The Minister of Culture has announced that this is expected to take place in the second half of this year. The bill carries a high risk of being vetoed by President Nawrocki, even though it aims to depoliticise the public media. In January, the President vetoed the act implementing the DSA in Poland.

The measures adopted by the current Polish government with respect to public service media contributed to further polarisation, yet they proved effective: the PiS-era propaganda in state media ended. However, some programmes broadcast today on TVP and TVP Info, the public news channel, have not become fully impartial, despite the new management's earlier promises to that effect. Politicians from the governing party receive the largest share of airtime by far, and individual programmes are criticised for failing to scrutinise the government more robustly. It must be emphasised, however, that the situation is by no means comparable with the propaganda-driven era in 2015–2023. The performance of the regional branches of the public broadcaster, which comprise 16 stations, is assessed rather positively today. Particularly concerning, however, were recent reports from TVP3 Wrocław, where employees accused management of censoring material concerning the city's mayor. Under the PiS government, some regional stations were misused to conduct hateful smear campaigns against opposition politicians. Such practices are no longer taking place today. Moreover, the Polish Press Agency now operates independently, and allegations of political bias have not been directed against it.

The Polish case also demonstrates that questions of accountability for past abuses remain important. In the media domain, in July 2025 the governing majority in the Sejm voted to bring Maciej Świrski, the chair of KRRiT elected in 2022 for a term expiring in 2028, before the State Tribunal. The motion concerned eleven charges, including unjustifiably delaying broadcasting licence proceedings and arbitrarily imposing fines on private broadcasters. Following the initiation of the proceedings, the KRRiT decided to remove him from the position of chair. On the question of accountability for past abuses, then-Minister of Justice Adam Bodnar established a commission composed of lawyers and researchers to investigate mechanisms of repression directed against civil society between 2015 and 2023. The commission published a report on abuses of power targeting independent media, including the use of SLAPP lawsuits. The parliament adopted a bill implementing the EU Anti-SLAPP Directive in Poland, although it remains unclear whether it will be signed by the President.

The current Polish government promised to dismantle the media capture legacy of the democratic backsliding era, meaning the acquisition of media outlets through political-party proxies. In Poland, this notably concerned the 2021 acquisition of the regional newspaper and online portal group Polska Press from Verlagsgruppe Passau for PLN 201 million (EUR 46.99 million) by PKN Orlen, the largest oil and gas company in Central and Eastern Europe. The Polska Press group includes 20 regional daily newspapers, local weeklies, and free press outlets. Following the change of govern-

ment, the new management of PKN Orlen announced plans to restructure the company and eventually sell the media group after increasing its value, a position also supported by the Minister of State Assets, who oversees state-controlled companies such as PKN Orlen. Here, however, purely business considerations intersect with democratic concerns, particularly in the context of the parliamentary elections scheduled for 2027. The company's financial performance is not the only issue at stake; it is also necessary to fulfil the promise of ending the negative practices associated with the previous government.

Despite media reform having progressed slowly and not all electoral promises having been fulfilled, Poland moved in 2026 to 21st place globally in the Reporters Without Borders Press Freedom Index. The media market is dynamic, and commercial projects supportive of the current opposition have been developing successfully. However, the diversity and richness of the media landscape also distinguished Poland from Hungary during the period of democratic backsliding.

The Polish case provides the following preliminary lessons for democratic repair in other jurisdictions. First, extraordinary measures that breach the law, even if taken to pursue a higher constitutional goal, must remain exceptional and proportionate. In a context of deep political polarisation, such measures significantly weaken the legitimacy of the broader democratic-repair process. Second, to enhance the legitimacy of its reform, a comprehensive legislative reform package should be presented swiftly. The reform should strengthen the independence and impartiality of state institutions responsible for media freedom and pluralism, such as media regulators and public service media. Third, EU law provides robust standards for the direction of reform, and adapting the domestic legal framework to them is a legal obligation. Fourth, those managing public service media should ensure that they act, and are seen to act, as impartially as possible. Fifth, it is also necessary to swiftly dismantle the legacy of media capture exercised through proxies linked to the previous ruling party. Sixth, accountability for past abuses of power in the media sphere may be pursued through differentiated measures, such as political accountability mechanisms and criminal proceedings as well as independent commissions established to investigate past practices and produce public reports. Seventh, it is necessary to create a framework for the functioning of a competitive internal market for media services.

The Roadmap for Hungary

Péter Magyar's government has an opportunity to complete Hungarian *Transition 2.0* in the media sphere more effectively than Poland did. Such reform should be guided by the standards of EU media regulation, notably the EMFA.

The legal problems affecting Hungary's media ecosystem have already been thoroughly identified and precisely diagnosed by EU institutions. In particular, the European Commission's annual Rule of Law Reports have consistently recommended strengthening the *functional* independence of media regulatory bodies (Article 7 EMFA and Article 30 AVMSD) and public service media (Article 5 EMFA), increasing transparency and fairness in the allocation of state advertising (Article 25 EMFA), enhancing transparency of media ownership structures (Article 6 EMFA), expanding access to information under freedom of information legislation, and improving working conditions for journalists.[1] These concerns are also reflected in ongoing EU infringement proceedings based on the EMFA and the Audiovisual Media Services Directive.

Under Fidesz governments, Hungary systematically rejected these assessments and the obligations stemming from EU law, including those introduced by the EMFA, which it challenged before the CJEU. The new government now has an opportunity to reverse this approach and guide its reforms accordingly. The specific legislative changes required to bring the Hungarian framework into compliance with EU standards have already been identified in detail. After years of democratic backsliding negatively affecting media freedom and pluralism, Hungary now has an opportunity to act in line with the requirements of Article 3 of

[1] Editorial remark: The legal provisions referred to here were amended and corrected on 25 August 2026.

the EMFA, which guarantees the rights of recipients of media services, both individuals and legal persons, and establishes conditions enabling them to access a plurality of editorially independent media content. The task is daunting, but by drawing on Poland's experience, the Hungarian government is well placed to do better.

The work was supported by the National Science Centre, Poland, under the research project 'The European Union media regulation and the protection of media freedom in Member States. The case of Member States experiencing the rule of law crisis', 2024/52/C/HS5/00156 SONATINA 8.

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SUGGESTED CITATION

Wójcik, Anna: Learning from Poland's Imperfect Reform: How Hungary Can Get Media Transition 2.0 Right, Verfassungsblog, 10.06.2026, doi: 10.59704/9285551e3282e0a0.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260610-190716-0.