



MEDEMAP

Legal and (self-)regulatory frameworks in ten European countries – Country reports

Josef Seethaler and Maren Beaufort

With contributions from

Tatiana Chervyakova, Rosemary Day, Nuša Detiček,
Anastasiia Iufereva, Beata Klimkiewicz, Morgane Le Guyader,
Inna Lyubareva, Alessandro Nani, Helmut Peissl,
Brankica Petković, Monika Szafrńska, Karolína Šimková,
Ernest Thaqi, Barbara Thomaß, Nuno Cintra Torres,
Katarzyna Vanevska and Jeffrey Wimmer

DELIVERABLE 3.2

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1. Executive Summary

As work packages 4 and 5, WP 3 also reflects the methodological approach, which is common to the entire project: a combination of various quantitative and qualitative research methods. Deliverable 3.1 presented quantitative data on media legislation, regulatory standards and self-regulatory measures in EU Member States based on a large-scale, source-critical analysis of 21 European and international studies and databases. Of course, it was not just about any data, but about data that allows to evaluate the democratic implications of the legal and regulatory frameworks of the national political information environments. Therefore, an analytical model has been developed that guided the critical assessment of the data provided by these sources. This resulted in a first dataset, which was revised and extended for Deliverable 1.3, which encompasses data not only concerning legal and regulatory frameworks but also media supply (WP 4) and media use (WP 5) – data that will be transferred into the map of political information environments in the European Union, which represents one of the MeDeMAP's milestones. The analytical model acts also as a basis for the qualitative research part of WP 3 (Task 3.2), the first result of which are the ten country reports provided in this deliverable.

Task 3.2 focused in particular on semi-structured interviews with representatives of regulatory authorities, self-regulatory bodies and civil society associations and initiatives, but also with independent experts, supplemented where necessary by a literature review. The questionnaires developed for this purpose are tailored precisely to the expected expertise of the representatives of these three groups by adapting the wording of the questions to the three perspectives (when appropriate).

Quantitative and qualitative approaches are interlinked in that they enable the indicators derived from the analytical model to be substantiated with comprehensive and reliable information on the one hand, and on the other hand allow the knowledge and insights generated from both types of data to be related to each other and thus mutually illuminated. While this comparative analysis of the strengths and weaknesses of legal and (self-)regulatory frameworks with regard to democratic requirements will be carried out in Deliverable 3.3 (which will be completed at the end of October 2024), this deliverable



provides the first methodological steps necessary for this, in that the partners in all ten countries (1.) distilled the “key messages” from the answers to the interview questions and (2.) provided the background necessary for understanding the interviews.

In the overall structure of the project, WP 3 consists of only two tasks and takes up a comparatively short period of time (from March 2023 to October 2024) and only about half of the person-months of work packages 4 and 5 (34 person-months). This is due to the fact that the results of the analysis of the legal and regulatory framework conditions must be available when the other empirical work packages start with their comprehensive comparative studies, because media production and media use take place under these framework conditions. Research-based insights in the complex relationships between legal and regulatory measures, media supply structures and usage patterns are necessary to derive guidelines for media policy and regulation that may help to intervene precisely at the democratically relevant points.



2. Introduction

The overarching objective of the project is to set out future-proof pathways to strengthen democracy through improving accountability, transparency and effectiveness of media production and expanding active and inclusive citizenship. To achieve this objective, the project aims to clarify which media under which legal and regulatory conditions perform which democratic functions for which audiences, thus making it apparent what is at stake for democratic media—and for democracy itself. Accordingly, this general objective is addressed in detail within the framework of five specific (sub-)objectives, which are mainly related to one of the five scientific work packages. In WP 3, a value-based approach close to EU policy offers a real-world starting point for analyzing the democracy-related potential of media law and (self-)regulation.

Based on the discursive-material approach to democracy presented in Deliverable 2.1 (Carpentier & Wimmer, 2023), and given the increasing importance of value studies in legal and regulatory research, this approach seems best suited to answer the question of the extent to which legal and (self-)regulatory frameworks reflect the democratic foundations of the European Union as well as the current changes in the perception of democracy in Europe and thus the value-driven struggles over the role expected of the media in a democratic society. This basic question comprises two strands:

- To what extent is a democratic media system fundamentally protected? In compliance with the constitution of EU Member States it is to be expected that this basic protection has generally been provided from the perspective of representative democracy (Oster, 2017). It should serve to enable and support the role of the media in *informing people* and *controlling the powerful*. This function aims to support participation *through* the media.
- To what extent do newer approaches in EU policies encourage to include more recent functions of the media in media law and (self-)regulation: the role of *providing a forum and curated content*, the *representational* and the *participatory* role. These three functions aim to support participation *through* the media in a way that responds to changing notions of democracy in European societies, but also (to various degrees) *in* the media (Carpentier, 2011).



2.1. *The analytical model – a short summary*

The aim of the analytical model (Seethaler & Beaufort, 2024) was to integrate democratic theory into the analysis of legislation and regulatory measures in such a way as to be scientifically sound and close to media policy at the same time.

Starting point was the observation that, in recent years, debates about values – and democratic values in particular – have intensified in the context of shaping a European political and legal order. Some researchers even speak of “a new type of narrative” in EU politics, a “new mode to relate to identity and memory” (Foret & Calligaro, 2018, p. 2) after the failures of both the functionalist market-orientated narrative (that claims that the EU can be legitimized by its outputs) and the nation-building narrative (illustrated by the debate on the Christian heritage of Europe). That doesn't seem to be a bad idea, because “law consists of a number of norms which constitute obligatory rules of behaviour for the members of the society. These legal norms are closely related to various social values, being either a direct expression of them or serving them in a more indirect way” (Dror, 1957, p. 440). Laws, norms and rules can thus be seen as “applications of values” (Heinich, 2020, p. 221) and, in a democratic environment, of democratic principles on which they are grounded and which they, at least implicit, promote (Seethaler & Beaufort, 2017).

However, neither values in general nor democratic principles are to be understood as something that is given once and for all. In contrast, values are, although deeply cultural, produced and re-produced by social convention and asserted by institutions – and, therefore, like culture as a whole, in long and diffuse processes subject to change.

Applied to MeDeMAP's topic, this means that legal provisions and self-regulatory measures at state, industry and company level can create conditions that make it possible to promote values considered essential for democracy and avert threats to them, but they can also pose a threat to the realization of these values. This implies that both the means by which values are implemented and the validity of values themselves can be contested and become the object of struggles.

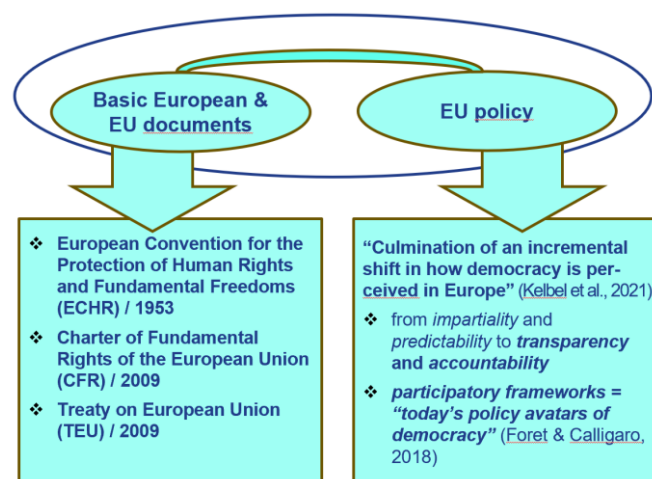
The basic challenge in developing the analytical model was the definition of values that can be considered relevant or even authoritative for media law and regulation in the EU Member States and the operationalization of the means by which values are



implemented. Considering the two-fold research question, the analytical model refers, on the one hand, to fundamental European and EU documents, and, on the other hand, to current EU policy (Figure 1):

- With respect to values, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the European Union and the Treaty on European Union can be regarded as guiding documents.
- With regard to the most important media policy initiatives of the European Commission such as the Whistleblower Directive, the Digital Services Act and the Media Freedom Act, Kelbel and colleagues (2021, p. 222) speak of a “Culmination of an incremental shift in how democracy is perceived in Europe” This shift can be characterized as a shift from efficiency-improving impartiality (to mediate between various interest groups) and predictability to transparency and accountability to increase the legitimacy of democratic policy-making processes. Transparency and accountability *go hand in hand with* participatory principles and frameworks, described in the literature as today’s “policy avatars of democracy” that are “best suited to implement it” (Foret & Calligaro, 2018, p. 13).

FIGURE 1
STRUCTURE OF THE ANALYTICAL MODEL



In accordance with this two-dimensional approach, the analytical model distinguishes between substantive or terminal values on the one hand and standard-

setting or instrumental values on the other (Figure 2) – a distinction very common in value research (Manners, 2008; Rokeach, 1979).

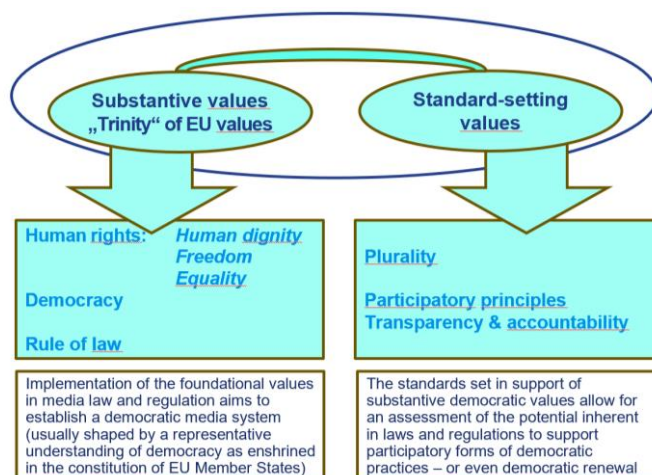
We are considering human rights, democracy and the rule of law as substantive values. These three values are often referred to as the “trinity” of EU “foundational” values. In the European Commission’s (2014) own words, “respect for the rule of law is intrinsically linked to respect for democracy and for fundamental rights: there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa”. The second column in the left field of Figure 2 lists the three substantive values highlighted by the Treaty on European Union in the context of human rights: human dignity, freedom, and equality. As foundational values, they are not only binding upon the Union but also upon the EU Member States and they should apply to all policy areas.

Less binding are the standard-setting values that act as the necessary means to achieve the objectives enshrined in the substantive values. Here we focus on the aforementioned shift in EU policy that extends *plurality* beyond the market, promotes *participatory principles and frameworks*, and enforces *transparency and accountability* – all of which are the subject of struggles in many countries.

Accordingly,

- the implementation of the foundational values in media law and regulation aims to establish a democratic media system (usually shaped by a representative understanding of democracy as enshrined in the constitution of the EU Member States),
- whereas the standards set in support of substantive democratic values allow for an assessment of the potential inherent in laws and regulations to support participatory forms of democratic practices – or even democratic renewal. To be more concrete: How standard-setting values such as plurality, transparency, accountability and participatory principles are implemented (or not...), provides information about the opportunity structures of participation through and in the media. And this is exactly what the project is about.

FIGURE 2
VALUE-BASED ANALYTICAL MODEL



2.2. The indicators

The next step was to derive adequate indicators that would make it possible to examine the legal and (self-)regulatory frameworks for media in EU countries in a way that takes into account the democratic impact of different policies, norms and measures. This means:

- the indicators must focus on those facets of media law and regulation that can be seen as crucial to safeguarding the conditions for the possibility of democratic media and countering threats to democratic media;
- they must be able to reflect the value-driven struggles over the roles that media are expected to play in society;
- and they must be able to examine whether national media law and regulation reflect the shift in the understanding of democracy and participation as it can be observed at the EU level.

Finally, 40 indicators for the implementation of values in media law and regulation have been defined.¹ By reviewing 21 international and European studies and databases (Task 3.1),² half of the indicators could be substantiated with data, at least to some extent;

¹ The first version in Deliverable 3.1 included 37 indicators.

² We reviewed the available databases very carefully. Data based on methodologies, codebooks or questionnaires that appear to be non-transparent or (partly) inconsistent was not included in the dataset. Some of the studies do not provide quantitative data that could be fed into a map, some provide incomplete data only covering a few EU member states. All data will be updated during the project.

with regard to the other indicators, but also to verify the available information on some particularly sensitive indicators, interviews with experts from a legal and regulatory perspective, a journalistic perspective and a bottom-up perspectives were conducted as part of Task 3.2 (see Chapter 3). The overview in Table 1 relates the indicators, which are defined on the basis of an extensive literature review (see list of references in Seethaler & Beaufort, 2024),³ to the questions in the questionnaires used for the interviews.

TABLE 1
INDICATORS (AND RELATED QUESTIONS)

VALUES	INDICATORS
HUMAN DIGNITY	<ol style="list-style-type: none"> 1. Protection against hate speech 2. Protection of physical, mental and digital safety of journalists
FREEDOM I: "TWO-TIERED" APPROACH TO EXPRESSION	<ol style="list-style-type: none"> 3. Freedom of expression 4. Media freedom 5. Protection of personality rights with respect for media freedom – Q2 6. Protection of users on communication platforms with respect for freedom of expression 7. Measures to combat disinformation with respect for freedom of expression 8. Protection of the right to information
FREEDOM II: LEGAL REQUIREMENTS	<ol style="list-style-type: none"> 9. Journalists are obliged to act according to code of ethics and principles of "responsible journalism" – Q17 10. Journalistic media is subject to the right of reply – Q1 11. Journalistic media must make certain information on the ownership available: Transparency of media ownership = "information on media ownership in particular on direct, indirect and beneficial owners" and "ensuring the public availability of accessible, accurate and up-to-date information" (EMFA) – Q9
FREEDOM III: PRIVILEGES FOR JOURNALISTIC MEDIA	<ol style="list-style-type: none"> 12. Independence of the media from state interference 13. Protection of journalistic research and investigations (including protection from abusive lawsuits [SLAPPs]) – Q3 14. Protection of journalistic sources – Q3 15. Protection of journalists against interception of communication, surveillance, searches and seizures – Q4

³ Some of the chosen indicators could be assigned not just one, but two values. We have dealt very intensively with these questions of assignment and generally followed the interpretation of the case law of the EU Court of Justice (ECJ) and the European Court of Human Rights (ECtHR). The standard-setting values (except pluralism) are integrated across the whole list of indicators, whenever appropriate.

<p>PLURALISM I: MARKET PLURALITY</p>	<p>16. Provisions in media and competition law to restrict horizontal and cross-media ownership concentration</p> <p>17. Specific measures to prevent local news deserts – Q6</p> <p>18. Must-carry obligations for the transmission of specified broadcast channels and services – Q5</p> <p>19. Subsidies to ensure market plurality (eligible for all media types) – Q6</p> <p>20. Transparency of political affiliations of any kind – Q8</p> <p>21. Transparency of financing in terms of market operations and sources of income (including state advertising revenues) – Q9</p> <p>22. Independence of editorial content from commercial influence (including labelling of advertising) – Q10</p>
<p>PLURALISM II: PLURALISM OF VIEWS</p>	<p>23. Measures to promote internal pluralism – Q7</p> <p>24. Establishment and role of online community management – Q7</p> <p>25. Protection of editorial autonomy (including transparency in appointing editors-in-chief)</p> <p>26. Provisions and measures to ensure the independence of public service media (including by guaranteeing adequate and sustainable financial resources and fostering transparency in appointing the head and members of public service media management boards)</p>
<p>PLURALISM III: PLURALITY OF ACTORS</p>	<p>27. Legal and social status of citizen journalists – Q11</p> <p>28. Legal recognition of and state support for community media – Q12</p>
<p>EQUALITY I: RIGHT TO COMMUNICATE</p>	<p>29. Proposals for anchoring a “right to communicate” – Q16</p>
<p>EQUALITY II: NON- DISCRIMINATION</p>	<p>30. Measures to provide fair representation of women in media content</p> <p>31. Measures to provide fair representation of minorities in media content</p> <p>32. Legal provisions to guarantee access to the media for minorities</p> <p>33. Quota systems for the representation of women on management boards and in newsrooms – Q13</p> <p>34. Quota systems for the representation of minorities on management boards and in newsrooms – Q14</p> <p>35. Ensuring that Internet service providers treat all data that passes through their networks fairly, without favouring certain applications, websites or services (“net neutrality”)</p> <p>36. Non-discrimination in and transparency of allocating broadcasting frequencies</p> <p>37. Non-discrimination in and transparency of allocating state subsidies and state advertising – Q6,7,10</p> <p>38. Provision of effective measures to promote media literacy for people of all ages, especially young people, and for use in formal and informal education</p>
<p>RULE OF LAW</p>	<p>39. Rule of Law</p> <p>40. Independence of the media regulatory authority and transparency of its decisions – Q15</p>

3. Methodology and research process

The qualitative approach applied in WP 3 aims, on the one hand, to complement the quantitative part with information on indicators for which no or only partially comparable data is available in the analysed international studies and databases, and, on the other, to underpin the available information with comprehensive knowledge and insights into the various evaluations, interpretations and applications of norms, measures and practices in the ten Consortium countries. The qualitative approach applied in WP 3 aims on the one hand to complement the quantitative part with information on indicators for which no or only partially comparable data is available in the analyzed international studies and databases, and on the other hand to underpin the available information with comprehensive knowledge and insights into the different assessments, interpretations and applications of standards, measures and practices in the ten consortium countries. To achieve this goal, semi-structured guided interviews with experts and representatives of the main groups involved in media policy, regulation and self-regulation appear to be the most appropriate approach. It can be assumed that the three groups apply different views and perspectives when evaluating legislation and (self-)regulatory measures, the ways in which they are implemented and the extent to which they are observed by the media and journalists.

3.1. Selection of interviewees

Based on a discussion of the recommendations provided by Deliverable 2.2 (Carpentier & Wimmer, 2024), the interviews were conducted with one representative for each of the following three perspectives (whereby the partners were instructed to take the specific national circumstances into account when selecting the persons):

- Legal/Regulatory perspective: Representative of the national or a (leading) regional media or regulatory authority and/or an independent expert in media law *Some of these questions concern pure facts and can therefore perhaps be answered on the basis of a literature review (including laws and regulatory documents). The*

partners were free to choose between two approaches: a mixed approach (literature review and interview) or an interview-only approach. A split version of the questionnaire was created for the mixed approach. In any case, the interview from a legal/regulatory perspective and the literature research had to be carried out BEFORE the other two interviews.

- Self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization
- Bottom-up perspective: Representative of an audience council, a community media organisation and/or a civil society initiative (e.g. from an association representing minorities).

3.2. Notes for interviewers

The following notes for interviewers were provided:

You will likely need about one hour for an interview. If a respondent answers in great detail, it may take longer.

The questionnaires contain 13 to 16 questions; some of them have follow-up questions, which serve to clarify the answer to the initial question. Some follow-up questions are introduced with [IF YES:] or [IF NOT:]. Please make sure that you only ask the questions that meet these conditions!

In some cases, notes are provided for interviewers that they do not have to read out, or only if this increases understanding of the question. These notes are between [] and start with "NOTE:".

In the Appendix, you will find a sample text for a declaration of consent (including data protection information), which contains the typical requirements for interviews with persons in official functions. You will need to check whether this declaration of consent is suitable in your country or whether it needs to be adapted. Interviews with official representatives do not necessarily have to be anonymized; nevertheless, the interviewees must agree that their names will be used. In any case, every interviewed person must sign a declaration of consent, which must be attached to the transcripts of the interviews.

After the interview, please create a transcript and an English translation of this transcript. If the interviewee wants to remain anonymous, please provide an anonymized transcript.



Please provide some information on the background of the interviews, guided by the following questions:

- Interview 1:
 1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?
 2. What criteria were decisive for the selection of the person to be interviewed?
 3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.
- Interview 2:
 4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.
 5. What criteria were decisive for the selection of the person to be interviewed?
- Interview 3:
 6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.
 7. What criteria were decisive for the selection of the person to be interviewed?

Here's a brief introduction to MeDeMAP (in case you need it):

The project aims to clarify the extent to which certain media under which conditions perform which democratic functions for which audiences. Therefore, we want to explore not only the democratically relevant features of media supply and demand but also the legal and (self-)regulatory framework. By putting these different perspectives in relation to each other, we want to identify examples of good practice and derive guidelines for policymakers, media houses, journalists and civil society organisations to support developments that promote democracy and counteract phenomena that threaten democracy.



3.3. Questionnaires, documentation of interviews, editing of answers

The questionnaires developed for WP 3 are tailored precisely to the particular perspective and the expected expertise of the various interviewees by adapting the wording of the questions to the three perspectives (when appropriate). Table 3 (pp. 18–19) provides a synopsis of the various questionnaires, which are presented in more detail in the appendix.

As some of the questions of Questionnaire 1 are purely factual and could therefore be answered using relevant literature and legal documents, Questionnaire 1 is split into two parts: The questions of part 1a could be answered by the review, the questions of part 1b must be answered by an expert. However, it was also possible to address all questions in parts a and b to an expert. The partners were free to decide how they wanted to proceed. If they opted for the literature review and it turned out that not all questions could be answered, the open questions were added to questionnaire 1b, which was discussed with a representative of the media or regulatory authority or an independent expert in media law.

The interviews were audio-recorded, transcribed and translated into English. The metadata of the interviews, the transcripts and translations were collected according to the Dublin Core scheme. All these files (including the signed declarations of consent) have been stored at a server of the Austrian Academy of Sciences (OEAW).

The two most important scientific tasks concerned

- (1.) the description of the background necessary for understanding the interviews (see Chapter 3.2)
- (2.) and a basic analysis of the interviews aiming to distil the “key messages” from the answers to the questions given by the interviewees.

Accordingly, the ten country reports provided by this deliverable consists of two parts:

- (1.) Background of the interviews
- (2.) Questions & Answers

The comparative analysis of the strengths and weaknesses of legal and (self-)regulatory frameworks with regard to democratic requirements, carried out in the second part of

Task 3.2, will be based on the results of the country reports and completed at the end of October 2024 with Deliverable 3.3

Table 2 shows an overview of the research process in Task 3.2.

TABLE 2
INFORMATION ON TASK 3.2

WP3 task	Task 3.2: Assessing legal and (self-)regulatory frameworks in EU countries
Time plan	<p>March 19: Questionnaires</p> <p>Beginning of April: Enter the persons to be interviewed in the Excel sheet "WP3 Interviews" on MS Teams (WP3 - Files)</p> <p>April/May: Interviews</p> <p>April 9: Online meeting</p> <p>May 31: Country reports, draft:</p> <p>(1) Key messages of the answers (please enter these in the Excel spreadsheet with the questionnaires provided on MS Teams and <i>put direct quotes from the interviewees in italics</i>)</p> <p>(2) Background knowledge necessary to assess the interviewees' statements (template provided on MS Teams)</p> <p>(3) Metadata of the interviews (Dublin Core template provided on MS Teams)</p> <p>June 14: Reviews of country reports</p> <p>June 24: Country reports, final version</p> <p>End of June: Audio recordings and transcripts (in case the interviews were conducted in English) or translated transcripts of the interviews</p>
Declaration of consent	<p>Every interviewed person must sign the "Declaration of consent" (see the OEAW version in the Appendix, which must be adapted to the national context and legislation); the "Declaration of consent" must be attached to the transcripts of the interviews.</p> <p>If the interviewee wanted to remain anonymous, please provide anonymized transcripts, signed by the interviewee and attached to the transcripts. Interviews with official representatives do not necessarily have to be anonymized; nevertheless, the interviewees must agree that their names will be used.</p>
Deliverables	<p>D3.2 - Country reports (June 2024)</p> <p>D3.3 - Comparative assessment [only OEAW, JU] (October 2024)</p>

TABLE 3
QUESTIONNAIRES - SYNOPSIS

	Questionnaire 1 a	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
2		EU legislation advocates a so-called "two-tiered approach to expression", distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to <i>case law</i> , what criteria must be applied to decide whether a publication contributes to a matter of public concern?	Does the state use this differentiation to restrict media freedom?	Does the state use this differentiation to restrict media freedom?
3	Does the law protect journalistic research and investigations?			
3a		Is the right to publish unlawfully obtained information respected <i>in practice</i> if this information is in the public interest?		
3b		<i>In practice</i> , do journalists have privileged access to government information, press conferences and court trials?		
3c			Is investigative or under-cover journalism being hindered?	
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?			
4a		[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure <i>in practice</i> ?		
5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?			
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?		
6	Are there any state subsidies that promote market plurality?			
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred <i>in practice</i> , and which criteria are <i>usually</i> applied?	
6b		[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality <i>successful</i> ?		
7	Are there any state subsidies that promote internal pluralism?			
7a	[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[IF Q7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred <i>in practice</i> , and which criteria are <i>usually</i> applied?	
7b		[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism <i>successful</i> ?		
7c		[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?		
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8a		[IF Q8 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?	
9a		[IF Q9 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose their sources of income including state advertising revenues?		
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?	

10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?	
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?
11a		[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?	
12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?
12a	Are non-profit community media eligible for funding?		
12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?	
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?
13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?	
13b			Are you in favour of or against quota systems for women and why?
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?
14a	[IF Q14 = YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?		[IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?
14b		[IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?	
14c			Are you in favour of or against quota systems for minorities and why?
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences in practice?	Do you think that the regulatory authority/authorities acts/act fully independently from governmental influences?
15a			Why? [OR:] Why not? [OR:] Why only partially?
15b			[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?
16		Freedom of Speech cannot be treated separately from Freedom to Information: the "right to impart" cannot be treated separately from the "right to know". Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a "right to communicate", which is more than simply adding up the "right to impart" and the "right to know". Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?	

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5. Appendix

Questionnaires

Questionnaire 1 (legal/regulatory perspective)

Part a: Literature review (not mandatory)

1. Is the media subject to the right of reply?
3. Does the law protect journalistic research and investigations?
4. Are journalists protected by law against interception of communication, surveillance, house searches and seizures?
5. Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?
6. Are there any state subsidies that promote market plurality?
 - a. [IF YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?
7. Are there any state subsidies that promote internal pluralism?
 - a. [IF YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?
8. Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?
9. Are media outlets required to disclose their sources of income including state advertising revenues?
10. Are the media legally obliged to label advertising (including political advertising)?
11. Are citizen journalists legally recognized?
12. In many countries, there is a broad spectrum of non-profit media, among them so-called community media. [NOTE: According to the European Parliament, community media are a tool of communication for people in (usually local) communities. They are independently run by non-profit organisations, and – using participatory structures of production and management – allow people to create their own means of cultural expression, information and communication. Thus, they represent a third media sector, which differs in its organizational structures and in its structuring of public communication processes from public service and commercial media.] Are non-profit community media in some way legally recognized?
 - a. Are non-profit community media eligible for funding?
13. Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?
14. Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?
 - a. [IF YES:] :] To which minorities do these rules or recommendations apply?

Part b: Interview

2. EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection [NOTE: if, for example, it concerns private and intimate matters or is considered harmful to the public or illegal]. According to *case law*, what criteria must be applied to decide whether a publication contributes to a matter of public concern?
3. a. Is the right to publish unlawfully obtained information respected *in practice* if this information is in the public interest?
b. *In practice*, do journalists have privileged access to government information, press conferences and court trials?
4. a. [IF Q4 in Questionnaire 1a =YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure *in practice*?
5. a. [IF Q5 in Questionnaire 1a =YES:] For which channels and services do must-carry obligations apply *and why*?
6. b. [IF Q6 in Questionnaire 1a =YES:] To what extent is the funding policy regarding market plurality *successful*?
7. b. [IF Q7 in Questionnaire 1a =YES:] To what extent is the funding policy regarding internal pluralism *successful*?
c. [IF Q7 in Questionnaire 1a =YES:] Are formats of direct audience participation *part of the funding policy* (for example, call-in and forum programmes, or – today even more important – online community management)?
8. a. [IF Q8 in Questionnaire 1a =NO:] Do the media *voluntarily* disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?
9. a. [IF Q9 in Questionnaire 1a =NO:] Do the media *voluntarily* disclose their sources of income including state advertising revenues?
10. a. [IF Q10 in Questionnaire 1a =YES:] Do the media comply with the obligation to label advertising (including political advertising) *in practice*?
11. a. [IF Q11 in Questionnaire 1a =YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists *in practice*?
12. b. [IF Q12a in Questionnaire 1a =YES:] How *efficient* is state funding for non-profit community media?
13. a. [IF Q13 in Questionnaire 1a =YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves *in practice*?
14. b. [IF Q14 in Questionnaire 1a =YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves *in practice*?
15. Does/Do the regulatory authority/authorities acts/act fully independently of governmental influences *in practice*?
16. One final – somewhat philosophical – question: Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection *and* debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would *make sense* to enshrine a “right to communicate” in law?



Questionnaire 2 (self-regulatory perspective)

2. EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection [NOTE: if, for example, it concerns private and intimate matters or is considered harmful to the public or illegal]. Does the state use this differentiation to restrict media freedom?

Let's turn to the protection of journalistic research and investigations.

3. a. Is the right to publish unlawfully obtained information respected *in practice* if this information is in the public interest?
b. *In practice*, do journalists have privileged access to government information, press conferences and court trials?
c. Is investigative or under-cover journalism being hindered?

4. a. Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure *in practice*?

[IF Q6 in Questionnaire 1 = YES:] When it comes to state support,

6. a. Which media are eligible to funding programmes promoting market plurality, which media are preferred *in practice*, and which criteria are *usually* applied?
b. And: To what extent is the funding policy regarding market plurality successful?

[IF Q7 in Questionnaire 1 = YES:]

7. a. Which media are eligible to funding programmes promoting internal pluralism, which media are preferred *in practice*, and which criteria are *usually* applied?
b. And: To what extent is the funding policy regarding internal pluralism *successful*?
c. And: Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?

A few questions on transparency:

8. Do the media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?
9. Do the media disclose their sources of income including state advertising revenues?
10. Do the media label advertising (including political advertising)?

My next questions concern a phenomenon in journalism that is becoming increasingly important:

11. What is the status of citizen journalists?
a. Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists *in practice*?
12. In many countries, there is a broad spectrum of non-profit media, among them so-called community media. [NOTE: According to the European Parliament, community media are a tool of communication for people in (usually local) communities. They are independently run by non-profit organisations, and – using participatory structures of production and management – community media allow people to create their own means of cultural expression, information and communication. Thus, they represent a third media sector, which differs in its organizational structures and in its structuring of public communication processes from public service and commercial media.] What significance do they have in the media landscape and in media policy?
b. [IF Q12a in Questionnaire 1 = YES:] How *efficient* is state funding for non-profit community media?
13. Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?
a. [IF YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves *in practice*?
b. Are you *in favour of or against* quota systems for women *and why*?

14. Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?
- [IF YES OR PARTIALLY:] To which minorities do these measures or recommendations apply?
 - Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves *in practice*?
 - Are you *in favour of or against* quota systems for minorities *and why*?

The second last question reads:

15. Do you *think* that the regulatory authority/authorities acts/act fully independently from governmental influences?
- Why?* [OR:] *Why not?* [OR:] *Why only partially?*
 - [IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – *and how?*

And here's the final – somehow philosophical – question:

16. Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection *and* debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine such a “right to communicate” in law?

17. *Only in the Czech Republic:* Is a journalistic code of ethics available? (Please provide an Internet address.)

- [IF YES:] Is the code of ethics accepted by the media or by which media is it accepted?



Questionnaire 3 (bottom-up perspective)

2. EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection [NOTE: if, for example, it concerns private and intimate matters or is considered harmful to the public or illegal]. Does the state use this differentiation to restrict media freedom?

Let's turn to the protection of journalistic research and investigations.

3. a. Is the right to publish unlawfully obtained information respected *in practice* if this information is in the public interest?
b. *In practice*, do journalists have privileged access to government information, press conferences and court trials?
c. Is investigative or under-cover journalism being hindered?

[IF Q6 in Questionnaire 1 = YES:] When it comes to state support,

6. a. Which media are eligible to funding programmes promoting market plurality, which media are preferred *in practice*, and which criteria are *usually* applied?
b. And: To what extent is the funding policy regarding market plurality *successful*?

[IF Q7 in Questionnaire 1 = YES:]

7. a. Which media are eligible to funding programmes promoting internal pluralism, which media are preferred *in practice*, and which criteria are *usually* applied?
b. And: To what extent is the funding policy regarding internal pluralism *successful*?
c. And: Are formats of direct audience participation *part of the funding policy* (for example, call-in and forum programmes, or – today even more important – online community management)?

A few questions on transparency:

8. Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?
9. Do media outlets disclose their sources of income including state advertising revenues?
10. Do the media label advertising (including political advertising)?

My next questions concern a phenomenon in journalism that is becoming increasingly important:

11. What is the status of citizen journalists?
a. Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists *in practice*?
12. In many countries, there is a broad spectrum of non-profit media, among them so-called community media. [NOTE: According to the European Parliament, community media are a tool of communication for people in (usually local) communities. They are independently run by non-profit organisations, and – using participatory structures of production and management – community media allow people to create their own means of cultural expression, information and communication. Thus, they represent a third media sector, which differs in its organizational structures and in its structuring of public communication processes from public service and commercial media.] What significance do they have in the media landscape and in media policy?
b. [IF Q12a in Questionnaire 1 = YES:] How *efficient* is state funding for non-profit community media?
13. Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?
a. [IF YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves *in practice*?
b. Are you *in favour of or against* quota systems for women *and why*?
14. Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?
a. [IF YES OR PARTIALLY:] To which minorities do these measures or recommendations apply?

- b. Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves *in practice*?
- c. Are you *in favour of or against* quota systems for minorities *and why*?

The second last question reads:

- 15. Do you *think* that the regulatory authority/authorities acts/act fully independently from governmental influences?
 - a. *Why?* [OR:] *Why not?* [OR:] *Why only partially?*
 - b. [IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – *and how?*

And here's the final – somehow philosophical – question:

- 16. Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection *and* debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine such a “right to communicate” in law?



Declaration of consent / data protection information (template)

This personal interview is carried out as part of the Horizon Europe project “Mapping Media for Future Democracies”, coordinated by the Austrian Academy of Sciences (OeAW). If you give your consent, the interview will be recorded. The interview recordings will not be published under any circumstances. Your data will only be collected and processed on the basis of the statutory provisions. As part of this survey, we would like to inform you about the following:

- Participation in the study is voluntary.
- Unless you give us permission to publish your name, your name will not appear in any publication.
- You can revoke your consent to participate at any time. In this case, your personal data will be deleted or made anonymous.
- Your data will only be used for scientific purposes.
- The study does not pursue any commercial interests.
- We treat all your data as strictly confidential.

Purpose and legal basis of the data processing:

The data you provide in the interview will be processed to carry out the research project mentioned above. Please note that special categories of personal data (sensitive data) are also processed (e.g. ethical origin, political opinion, religious belief) if you provide us with this data. The legal basis is your express consent to participate in the interview and the project (Art 6 Abs 1 lit a und Art 9 Abs 2 lit a DSGVO) by signing this consent form. This can be revoked at any time without giving reasons. In the event of early revocation, all your previously recorded personal data will be deleted or made anonymous. In any case, the revocation of your consent does not affect the legality of the processing carried out on the basis of the consent up to the time of revocation.

Recipients:

The results of the interviews will be published in academic papers and used for research in connection with the above-mentioned Horizon Europe project. It is not intended to pass on the data you provide to third parties.

Storage period:

We store your data for research purposes, documentation purposes or to demonstrate good scientific practice for at least 10 years or until you withdraw your consent. Data may be used for future research purposes if these secondary purposes are compatible with the purpose for which the data were originally collected, within the meaning of the GDPR. The survey data will be published in publications without mentioning your name, unless you give us the permission to publish your name. Publications based on your data will be stored indefinitely.



Controller, contact person and contact details of the data protection officer:

Dr. Josef Seethaler, Coordinator Horizon Europe project “Mapping Media for Future Democracies”, josef.seethaler@oeaw.ac.at, Austrian Academy of Sciences, Institute for Comparative Media and Communication Studies (CMC), Baeckerstrasse 13, 1010 Wien.

You can reach the OeAW data protection officer at datenschutz@oeaw.ac.at or you can find further contact details at <https://www.oeaw.ac.at/oeaw/datenschutz/>

Information about your rights

In connection with the processing of your personal data, you have the following rights that you can exercise at any time:

- Right of access (Art 15 GDPR)
- Right to rectification (Art 16 GDPR) or erasure (Art 17 GDPR) or to restriction of processing (Art 18 GDPR)
- Right to data portability (Art. 20 GDPR)
- Right to object (Art 21 GDPR)

Furthermore, you have the right to lodge a complaint (Art 77 GDPR) with the Austrian Data Protection Authority, Barichgasse 40-42, 1030 Vienna, Austria, telephone: +43 1 52 152-0, email: dsb@dsb.gv.at as the competent supervisory authority in Austria or a competent supervisory authority within the EU.

I hereby consent to taking part in the study and to the use of my personal data as part of academic papers and publications based on research carried out in the Horizon Europe project “Mapping Media for Future Democracies”.

Place, date, name

Signature

I hereby consent to the use of my name in connection with my personal data as part of academic papers and publications based on research carried out in the Horizon Europe project “Mapping Media for Future Democracies”.

Place, date, name

Signature



6. Country reports

Austria

Czech Republic

Estonia

France

Germany

Ireland

Italy

Poland

Portugal

Slovenia

NOTE: The authors of the country reports are listed in alphabetical order.

Direct quotes from the interviewees are in italics.



Austria

Maren Beaufort, Helmut Peissl, Josef Seethaler and Ernest Thaqi (OEAW)



Background of the interviews – Austria

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

First, we did a literature review that allowed to answer all questions of Part 1 of the first questionnaire. It is based on:

- Berka, W., Heindl, L., Höhne, T., & Koukal A. (2019). *Mediengesetz Praxiskommentar* [Media Act: Practical commentary]. 4th ed. LexisNexis.
- Holoubek, M., Kassai, K., & Traimer, M. (2014). *Grundzüge des Rechts der Massenmedien* [Fundamentals of mass media law.]. Verlag Österreich.
- Kogler, M. R., Traimer, M., & Truppe, M. (2018). *Österreichische Rundfunkgesetze* [Austrian broadcasting laws]. 4rd ed. Verlag Medien & Recht.
- Federal Act Enacting Provisions for Private Radio Broadcasting (Private Radio Broadcasting Act – PrR-G) (2001 & rev. 2023).
- https://www.ris.bka.gv.at/Dokumente/Erv/ERV_2001_1_20/ERV_2001_1_20.html
- Federal Act on Audiovisual Media Services (Audiovisual Media Services Act – AMD-G) (2001 & rev. 2023).
- https://www.ris.bka.gv.at/Dokumente/Erv/ERV_2001_1_84/ERV_2001_1_84.html
- Federal Act on the Austrian Broadcasting Corporation (ORF Act) (1984 & rev. 2023). https://www.ris.bka.gv.at/Dokumente/Erv/ERV_1984_379/ERV_1984_379.html
- Federal Act on the Establishment of an Austrian Communications Authority ('KommAustria') (KommAustria Act – KOG) (2001 & rev. 2022).
- https://www.ris.bka.gv.at/Dokumente/Erv/ERV_2001_1_32/ERV_2001_1_32.html
- Federal Act on the Press and other Publication Media, dated 12th June 1981 (Media Act – MedienG) (1981 & rev. 2023).
- https://www.ris.bka.gv.at/Dokumente/Erv/ERV_1981_314/ERV_1981_314.html

2. What criteria were decisive for the selection of the person to be interviewed?

The interview was conducted with Michael Ogris, Chairman of the Austrian media authority KommAustria for many years and one of the most recognized experts on media law and regulation.



3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

The Austrian media regulatory authority is the 2001 established “Austrian Communications Authority” (KommAustria). As part of the state regulation, it is responsible for the administration of regulatory activities in the areas of electronic audio media and electronic audio-visual media. In the field of broadcasting regulation, KommAustria is operationally supported by the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR-GmbH), a non-profit company which has also been set up under the KommAustria Act (KOG) in order to provide support to KommAustria, the Telecom Control Commission and the Postal Control Commission. 100 per cent of the shares of the company are reserved for the Federal Government.

KommAustria works fully independent from the government – in terms of its external business practices since 2001, in terms of independent decision making since October 2010 (Art. 20 (2) 5 B-VG as amended by BGBl. I 50/2010). No governmental individual or body has the power to issue instructions to or overturn decisions by the media authority. The Federal Chancellor is only authorized to gather and request relevant information on all matters handled by KommAustria.

Its competences, powers and accountability are clearly defined in law. Its powers of sanction include warnings, monetary fines (in case of advertising violations and violations of programming principles such as the protection of minors), publication of decisions (typical for infringements of the regulations regarding product placement or sponsoring), and the revocation of the licence or prohibition of further broadcasting activities in serious cases of infringement by private broadcasters.

Decisions and conduction of public oral hearings by KommAustria must be published. Moreover, an annual report on the development of the media and telecommunication sector in Austria is published. Appeals against KommAustria decisions and RTR decisions can be submitted to the Federal Administrative Court (BVwG). Further appeals against BVwG decisions may be submitted to the Austrian Administrative Court and the Austrian Constitutional Court.

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

The 2010 re-established Austrian Press Council (“Österreichischer Presserat”) is the most significant self-regulation instrument, overseeing print media and their online platforms, news agencies, and – since 2021 – community radio and television stations. The Code of Ethics published by the Austrian Press Council is the most important document defining journalistic standards.

5. What criteria were decisive for the selection of the person to be interviewed?

Dr Alexander Warzilek is Managing Director of the Austrian Press Council and a profound expert on self-regulatory measures.

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

In Austria exists a lively community media sector comprising 14 community radio stations and three community TV channels. They are independent, nonprofit and not-for-profit media companies who provide open access to media production and its terrestrial and digital distribution to the general public. The goal is to enable the participation of a broader population, particularly in the context of terrestrial broadcasting, and thus foster a diversity of opinions within broadcasting. As third party broadcasters, Community Radio and and TV stations complement public and commercial broadcasters to expand the diversity of opinions (see the Charta of the Association of Austrian Community Broadcasters).

7. What criteria were decisive for the selection of the person to be interviewed?

Josko Vlasich is not only co-founder of one the first community radio stations in Austria but also an pioneer of multilingual culture and politics. Although German is the official language throughout the country, Burgenland Croatian, Slovenian and Hungarian are also recognized as official languages of autonomous population groups in some regions.



Questions and answers – Austria

	Questionnaire 1 a (Literature review)	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	The right to reply to allegations that have been made in the media is protected by Article 8 and Article 10 ECHR. Under Article 10 ECHR, however, the State is also required to adopt measures that protect media owners against undue publication requirements, including the obligation to compensate the media owner for costs incurred if the publication obtained has not been justified. On the other hand, such a payment obligation is disproportionate if it may deter individuals from exercising their right of reply. Austrian case law aims to strike a fair balance between the right to respect for private life and the right to freedom of expression.			
2		EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?	Does the state use this differentiation to restrict media freedom?	Does the state use this differentiation to restrict media freedom?
2 - Answer		The answer of the interviewee can be summarized as follows: In practice, the public interest depends on the assessment of whether an issue is part of a discourse that moves the public	<i>There are sometimes parties and politicians who try to exploit this differentiation in order to sue journalists, but the Austrian courts make an honest effort to carefully weigh up the legal</i>	<i>In this case [the case of negative reporting on private matters of the top candidate of the Greens for European Parliament], in my opinion, private</i>

		<p>and, related to this, whether the person is in the public eye, even if this can even move away from political issues. In any case, it is necessary to balance how far the media may report without violating personal rights? Not only the individual person is affected here, but in some cases also relatives, the family environment, parents, children. The next question that must be asked is whether someone is being discredited in public (which can, for example, lead to credit damage and hinder professional advancement) or whether the discrediting only leads to discussion among friends or in a very limited circle.</p>	<p>interests. Today, the legal remedies against violations of freedom of expression can be considered effective. In case of violations, citizens may appeal to the Constitutional Court of Austria and the European Court of Human Rights (ECHR). In prior years (1959-2017), the ECHR has overturned many national courts' decisions, but the situation has improved significantly.</p> <p>One additional consideration: <i>In Germany, if a fundamental right is affected by a court ruling, you can go to the Federal Constitutional Court. In Austria, you can't do that, you have to go to the Supreme Court (which has now caught up in terms of its expertise). But I would actually find it more adequate that as soon as freedom of opinion and freedom of the press are involved, I can go to the Constitutional Court. In any case, we should consider whether the Constitutional Court should have comprehensive jurisdiction over fundamental rights and the control of fundamental rights at national level.</i></p>	<p><i>protection would be no less valuable than freedom of expression in the media.</i></p>
3	<p>Does the law protect journalistic research and investigations?</p>			
3 - Answer	<p>Article 31 of the Media Act 1981 protects the confidentiality of journalists' sources. Publishers, editors, journalists, and other employees of a media company who are called as witnesses before a court or administrative authority have the right</p>			



	to refuse to answer questions referring to the author, source of information, or the contents of information disclosed to them in the context of their professional activities. The law effectively protects the confidentiality of journalists' sources in practice. Although the Media Act of 1981 allows claims for libel and invasion of privacy to be brought directly against media companies, there is no need to identify others who have contributed to an allegedly defamatory article.		
3a		Is the right to publish unlawfully obtained information respected in practice if this information is in the public interest?	
3a - Answer		This is a question of source protection and editorial secrecy, but - according to the interviewee - KommAustria [the Austrian media authority] has never been involved in a case of disclosing unlawfully obtained information. As a rule, cases are brought to KommAustria concerning the question of what should and should not have been broadcast, but for reasons other than the unlawful acquisition of information, for example, because a journalist failed to obtain opposing opinions.	<p><i>If there is a strong public interest in the information, then it is legitimate if it was obtained unlawfully. In Austria - unlike in the USA - it is a question of weighing up a situation as a whole to determine whether an issue plays a major role for democracy and the public.</i></p> <p>The interviewee explains that the Ibiza case shows the difference to the case of the Green Party's top candidate mentioned above (Q2). The unlawfully produced video recording of the conversation (including with the then FPÖ Vice-Chancellor) revealed political machinations that are undoubtedly of public interest (and ultimately led to the collapse of the government) - and therefore justify the illegal action.</p>
3b		In practice, do journalists have privileged access to government information, press conferences and court trials?	
3b - Answer		Does not fall within the scope of KommAustria.	<p><i>Yes, we had a deficit because we didn't have a Freedom of Information Act - Austria has a long tradition as an "imperial" state. But, finally, a Freedom of Information Act will come into force in 2025. It is still not perfect. For example, there is no independent Freedom of</i></p> <p>From the interviewee's own experience, Burgenland Community Radio receives information from the provincial government before it is made public (about half a day earlier).</p>

			<i>Information Officer, who could decide quickly and swiftly. But journalists now have a vested right to information.</i>	
3c			Is investigative or under-cover journalism being hindered?	
3c - Answer			<i>I believe that investigative journalism has a difficult time in Austria because it is of course cost-intensive and the media market is small, not least because many German newspapers and, above all, magazines are read, but not Austrian ones by a German audience. So there is an imbalance and the editorial teams are smaller than in Germany anyway. What's more, investigative journalism is sometimes neglected as a result of cutbacks and the reduction in the number of editors - even though it was never very pronounced. There are of course a few excellent investigative journalists, but this type of journalism could or should be strengthened in the interests of democracy. The new fund for the promotion of quality journalism could perhaps be used for this purpose.</i>	<i>That is true. The results of investigative journalism are often first questioned by a governing party or by the governing parties. Then counter-attacks are launched and people are put down. [...] It's perceived by the public in such a way that people say, well, something's been blown up again...</i>
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?			
4 - Answer	The Austrian legislator has complied with Directive (EU) 2016/680 of the European Parliament, which prevents illegal surveillance of journalists by law enforcement authorities, by formulating Article 9 in the Data Protection Amendment Act 2018. if			



	<p>necessary to reconcile the right to the protection of personal data with the freedom of expression and information, in particular with regard to the processing of personal data for journalistic purposes as referred to in the Austrian Media Act, GDPR does not apply. However, Article 9 only refers to journalistic activities within the framework of a media company. Experts doubt that this provision conforms to European law. After much criticism from civil society organisations, in 2014, the Austrian Constitutional Court annulled the Austrian data retention law. Currently, Austria has no data retention legislation in force.</p> <p>In the event of official infringements, these are quickly reversed by higher authorities; the rule of law obviously works. In June 2023, for example, prosecutors ordered confiscating mobile phones, computers, and tablets of a Carinthian journalist who runs a local investigative news site due to revelations of alleged mismanagement in the local government. The case was dropped a few days later. This only confirms that the rule of law works.</p>		
4a		<p>[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure in practice?</p>	



5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?		
5 - Answer	<p>Austrian broadcasting law also includes specific provisions regarding must-carry requirements. The media authority, KommAustria, enforces these must-carry provisions: Multiplex operators on all platforms (cable, terrestrial and satellite) are obliged to distribute ORF radio and television programs if possible without disproportionate economic and/or technical effort (§ 20 Par. 1 Audiovisual Media Services Act and §§ 4b Par. 2 and 4c Par. 2 ORF Act). Only cable network operators must broadcast television programs that make a special contribution to the diversity of opinion in the broadcasting area on demand under the same conditions that apply to the majority of other programs broadcast in the cable network. The obligations to broadcast the aforementioned channels in cable networks generally apply to both digital and analog broadcasting. Terrestrial multiplex operators may be subject to comparable obligations in the licensing decision.</p>		
5a		<p>[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?</p>	

5a - Answer		the public service broadcaster's ORF radio and television programmes (including ORF Sport+ and ORFIII - Culture and Information)	
6	Are there any state subsidies that promote market plurality?		
6 - Answer	<p>Austria has a wide range of media subsidies whose distribution is conducted by the media authority KommAustria, which is operationally supported by the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR):</p> <p>(1.) press subsidies (according to § 4 Austrian Press Subsidies Act of 2004, §§ 8 to 10) and</p> <p>(2.) subsidies for periodicals published at least four times per year (according to a 2004 amendment to the Journalism Subsidies Act of 1984). Since 2004 the Media Division of the RTR, which provides support to KommAustria, has been responsible for</p> <p>(3.) the Television Film Fund and,</p> <p>(4.) the Private Broadcasting Fund and</p> <p>(5.) the Non-Commercial Broadcasting Fund (the latter four funds have been established by §§ 21 to 32 KommAustria Act)</p> <p>(6.) since 2009, for financial support for self-regulatory bodies,</p> <p>Together, these six funds were endowed with appr. 50 million euros per year, whereby the subsidies for</p>		



	<p>private broadcasting will be increased in the near future.</p> <p>In the last years, two additional funds have been established:</p> <p>(7.) since 2022, for the "Fund to Promote Digital Transformation", fed from the digital tax (2023: 20 million euros), and</p> <p>(8.) since 2024, for a fund for "Quality Journalism Support" (endowed with 20 million euros).</p> <p>Preserving the regional diversity of newspapers and a pluralistic range of broadcasting services is one of the funding objectives.</p>		
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred in practice, and which criteria are usually applied?
6a - Answer	<p>There are detailed guidelines for all funding funds, which are based on the legal requirements. However, digital native media are not eligible to apply for many funding programs if they do not have a foothold in another media sector.</p>		<p><i>I believe that legislators could be more courageous and, above all, provide more support for modern and innovative media projects - for example, investigative journalism. And we would probably also have to take more money in hand and then really think about the entire system of media subsidies and perhaps better coordinate the several funding options. And very congruent, comprehensible, consistent and innovative regulations are needed. Even with the new quality journalism fund, only a few purely online media were eligible, although this was presented as the big hit.</i></p> <p>-</p>
6b		[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality successful?	



6b - Answer		<p>For many media houses, funding is an essential component of their financing. Apart from this, the legally prescribed funding strategy pursues the promotion of regional diversity in particular. To this end, a number of calculation parameters are used, ranging from quantitative indicators (such as circulation figures) to the diversity of programmes in a certain geographical area but also within a certain media house (which is becoming more important due to digitalization) and the impact of ownership structures on the diversity of offerings. The latter already applies to the allocation of frequencies: Not only are the applicants' ownership structures analyzed in great detail, but also in relation to existing market participants. The decisions, however, also depend on technical resources and demand in a small country like Austria - with small local spaces.</p>	<p><i>Many titles have been discontinued and there is still a huge crisis, especially in the print sector, but also in other traditional media, because people are much more active on social media or elsewhere on the internet. There are only a few publishing houses and media companies left on the market. So we have little diversity, if you like. It's all very concentrated and, if you look at the situation and the objectives of the law, there is of course a deficit. And from this perspective, funding policy has not been successful.</i></p>	<p><i>Funding should be awarded according to quality criteria and not according to circulation numbers (as it happens in most cases). [...] And if you look at the subsidies that the private commercial media receive in comparison to us [the community media], then you can justifiably claim that there is an imbalance.</i></p>
7	<p>Are there any state subsidies that promote internal pluralism?</p>			
7 - Answer	<p>See answer to Q6. The funding guidelines contain clear regulations regarding the provision of diverse and high-quality programmes and the proportion of editorial content that must be produced by the media outlet's own editorial team.</p>			

7a	[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[IF Q7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied?
7a - Answer	See answer to Q6a		See answer to Q6a -
7b		[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism successful?	
7b - Answer		With regard to internal pluralism, the obligation to produce at least 50% of the editorial content oneself is an important, if not sufficient, instrument, as the state must not interfere in the content itself. The new fund for the promotion of quality journalism (since 2024) represents the first attempt to move away from the watering can approach to promoting external diversity and to promote democratic quality more strongly. However, the definition of criteria to measure quality can be considered as a challenge. The awarding of funding can be appealed, and it should be noted that the Supreme Court often rules in favour of the media authority, which underlines the solid foundation of the media authority's decisions.	<i>There are countries where people say they don't want it [a funding policy supporting internal pluralism] because it's seen as state intervention. I think such a policy okay, you can do it and you should do it. But especially in such a special market as Austria, which is a niche market and is also very strongly influenced by the German media landscape, it is probably inevitable that something will have to be considered. Perhaps politics should orient more towards science here.</i> <i>The internal diversity of opinion corresponds to the hierarchical structure of a media company. [...] If the ownership structures are as they are, then the internal diversity of opinion will not really be very, very pronounced. And in this respect, I assume that the government or the legal situation is such that this internal diversity of opinion will not be given too much prominence. Okay, because yes, because you do not want to intervene. That's probably also the crux of the matter, so to speak...</i>
7c		[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?	
7c - Answer		-	<i>That is certainly not anchored anywhere and certainly that is important...</i> -
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?

8 - Answer	Periodical media in Austria are legally obliged to disclose their editorial line (§ 25 (4) Media Law). Violations of this disclosure obligation shall be punished as an administrative offense. §§ 11 and 12 Journalism Act grant journalists social protection in case of changes of the editorial line.		<i>This is one of the topics that science is already recommending without reservation, so to speak, and which have simply not been considered or even implemented in regulation.</i>	<i>The owner is named in the imprint, but who really has influence is not so openly disclosed, I would say...</i>
8a		[[IF Q8 in Questionnaire 1a = NO:] Do the media voluntarily disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?	
9 - Answer	In Austria, media companies and functionally equivalent organizations are obliged to disclose shareholders and multiple shareholdings. Media outlets must publicly disclose information necessary to identify all direct and indirect ownership back to a natural person, including shareholdings, fiduciary relationships, and silent partnerships. Not only the names of the executive bodies and officers of the media owner authorized to represent the company and, if there is a supervisory board, the names of its members have to be disclosed, but also the company's object. In the case of direct or indirect shareholdings of foundations, the founder and the relevant beneficiaries of the foundation must be disclosed. The		<i>I think they [private media companies] have their balance sheets and so on, and they have legal requirements anyway, but they tend not to be prepared to rush ahead or make anything more transparent [as necessary].</i>	-



<p>management board and the association's purpose must be stated if the media owner is an association or holds a direct or indirect share in ownership. Nevertheless, information on the ultimate ownership structures of media companies is not generally available. There are several reasons for this:</p> <ol style="list-style-type: none"> 1. A vague formulation in the 2011 amendment to the Media Act: The German word "Inhaber" can be interpreted as "100 percent owner". Therefore, particularly partial shareholders or investors may remain unknown. 2. Information on the affiliates' holdings or interests by the media company in other non-media businesses is not required. 3. The application of all provisions mentioned above to foreign media owners is limited (§ 50 Media Act): Foreign media are only covered when they are "completely or almost exclusively" distributed in Austria. Similar exclusions also apply to foreign state publications and publications of Austrian public authorities. Access Info Europe argues that "only if the rules apply to all media operating in the country will citizens have access to the information they need to make informed choices about the media they use and be able to evaluate the information they receive." 			
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	<p>Since January 1, 2024, the disclosure of state advertising expenditure has also been subject to stricter rules; however, the obligation here does not lie with the media but with the state entities. According to the recently amended "Transparency in Media Cooperation and Funding Act", all insertions and media cooperations must be reported to the RTR regardless of the frequency of publication of a medium and the amount involved. The reporting obligations have also been extended to social media, poster advertising, and cinema advertising. A transparency report must be prepared and published for every campaign with a budget volume of more than EUR 150,000, and an impact analysis must be carried out in addition to the transparency report for every campaign with a budget of one million euros or more. This report should show which media are used to advertise for which amount and with which subjects.</p>			
9a		<p>[IF Q9 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose their sources of income including state advertising revenues?</p>		
9a - Answer		<p>Media service providers are obliged to report their ownership structure and changes to this structure to the media authority and the authority also penalizes missing reports. To a certain extent, it also conducts its own</p>		

		investigations, but cross-media developments are making the situation increasingly difficult to understand. See also answer to Q9	
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?
10 - Answer	Advertising transparency is safeguarded by § 31(1) Audio-visual Media Services Act and § 26 Media Act (which specifies the identification of releases published against payment): Commercial communication must be readily recognizable as such; political ads are subject to the same rules as product advertising. After a 2020 amendment of the Audio-visual Media Services Act transparency of political advertising as safeguarded by § 31(1) also applies to all audio-visual media services, including video-sharing platform services "where the principal purpose or a dissociable section of the service or an essential functionality of the service is devoted to providing programmes or user-generated videos for which the platform provider does not have editorial responsibility, in order to inform, entertain or educate, to the general public by means of electronic communications networks within the meaning of point (1) of Article 2 of Directive (EU) 2018/1972 establishing the European Electronic Communications Code, OJ No. L 321		<p><i>Yes, we regularly have to deal with complaints in the Press Council concerning advertisements that are not labeled as advertising, i.e. concealed advertising and non-compliance with the requirement to separate advertising from editorial content. As far as political advertising is concerned, there is a little more leeway, because a medium is allowed to speak out in favour of a party or a candidate. We once had a case where a very positive article for a candidate was printed and next to it was an advertisement from his party. However, we still considered this to be permissible because we could not prove that this really happened in unison. Of course, it gave a bit of a bad impression, but we allowed it because the advertisement was recognizable as such. The article was an article. Was there any collusion involved? It's hard to say. We can only intervene if the advertising is not sufficiently labelled and appears in the same typeface and layout as the other editorial articles, in which case it is misleading readers. We have already had such cases.</i></p> <p><i>In the advertisements in the daily newspapers, I notice here and there that it is difficult to find out whether it is a paid advertisement. So there could definitely be more transparency and there should be more transparency.</i></p>



	of 17 December 2018, page 36, and the organization of which is determined by the platform provider, including by automatic means or algorithms, in particular by displaying, tagging and sequencing" (§ 2(37b)). Provided online and social media platforms meet these criteria, they are covered by the law (such as YouTube and Dailymotion, Facebook and Instagram).			
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?		
10a - Answer		-		
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	Citizen journalism should not be confused with: community journalism. The term refers to the potential for "anyone" on the internet to publish their own news and other content and for "anyone" to access it. Whether such "citizen journalists" are legally treated as "journalists" varies from case to case - the situation is unclear.		<i>If something is of public interest and if it is in the public interest for something to be revealed, then the European Court of Human Rights tends to be generous and does not just take traditional journalism as its starting point. It assesses the content in terms of information, and I think that is a viable approach. The public interest is also central to media law and jurisdiction in Austria. Nonetheless, I believe it is important that traditional journalism or legacy media is somehow recognized as trustworthy and differentiated from other sources of information. Unfortunately, some parts of the population have turned their backs on traditional journalism. And have</i>	<i>I only know the so-called citizen journalists only in Burgenland, where I live and where newspapers make use of freelance citizens. In practice, this might be students or people working part-time on a shaky basis. And they go out to the various events and then they report. But what can I say? It is reported. What happens is reported, but not why it happens and whether what happens is worth questioning. I can only speak for Burgenland, which is what I observe here. They don't have a mandate to shed light on things in an investigative or even slightly critical way, nor do they want to or are they allowed to. This is in contrast to us, the independent community radio</i>



			<p><i>slipped away to information that is dubious, that is not based on trustworthy source, where you don't even know where it comes from and that sometimes works with conspiracy narratives. Yes, I think we have a huge problem here and we have to make the public aware again that researched information and a journalist who strives for truthfulness have a different value and carry a different weight than any report that are not researched and cannot be attributed to anyone or have some kind of agenda attached to them. Yes, I think we have a huge democratic policy issue here.</i></p>	<p><i>stations. The responsibility for every report, for every program, is very great there...</i></p>
11a		<p>[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?</p>		
11a - Answer		<p>The question of how to deal with new players and new types of media, from podcasts to various on-demand services in the sense of audiovisual services, from a legal and regulatory perspective when they have a publicly relevant impact and compete for certain target groups is an enormous challenge. They are often linked to traditional broadcasting and print media, which raises questions of eligibility for funding: one channel is eligible for funding, the other is not. This brings us to the question of equal privileges ("level playing field"), but also to the question of equal obligations if one channel is subject to regulation and the other is not or is at</p>	<p>See answer to Q11</p>	<p>-</p>



		least subject to other, weakened regulations.		
12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?	
12 - Answer	Although community media are not legally recognized as the "third pillar" of the broadcasting system, they are de facto recognized through the legal anchoring of non-commercial broadcasting in § 1 Private Radio Act and the legal establishment of the Non-Commercial Broadcasting Fund in § 29 KommAustria Act. Legally they are licensed under the Private Radio Act and the Audiovisual Media Services Act.		<i>Yes, I think that community media have an important role because they are very close to the citizens. It's also very easy to get involved and learn how to make radio or television. It's also an opportunity to get into journalism. There are also some examples of people who first worked in a community radio and then went to ORF or somewhere else. So they really used it as a springboard into journalism. Community media also offer niche programs that would otherwise not be available. So I think they have a very important task, even if they don't have a broad impact. I am glad that they are part of the Press Council, that we are in an exchange and that they are also committed to the Press Council's Code of Ethics. Many of the provisions of the code are also part of the Charter of Austrian Community Broadcasters.</i>	<i>Yes, unfortunately not as significant as one would wish. And not just as much as we would like, but as much as we need. Because, in my view, the free community media play a very important role for democracy and for the diversity of opinion in this country by keeping access to the media open for people, for citizens. [...] legal recognition [of community media] is there. But the importance of the free media is far too little appreciated.</i>
12a	Are non-profit community media eligible for funding?			
12a - Answer	There is a separate fund for non-commercial media, which is currently endowed with five million euros per year. It is to be increased by one million in the near future.			



12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?		
12b - Answer		See answer to Q12a	Yes, it is money well spent. I hope that politics will appreciate that because, as I said, you have contact with the citizens there. The people learn journalism and thereby acquire an understanding of democracy and the media. At the same time, there are also interesting programmes, niche programmes. In some areas, these broadcasters do have a cultural-political role. In some cases, they are almost a little Ö1 and report regionally on cultural life.	We can see from the history of the last 20 years that funding is efficient. In other words, we have seen that state funding has enabled the community media to improve their quality and to ensure that people are employed and not exploited as freelancers. The situation could be even more improved with appropriate state funding.
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	Only in PSM. Personnel issues: Austrian PSM law (§§ 30a, et seqq. ORF Act) provides a framework for actively ensuring gender equality by stipulating the implementation of a gender mainstreaming plan and requesting the ORF to assess the status quo of gender equality in the organization every other year (§ 30b(1)). In its gender mainstreaming plan (required by law annually since 2010), ORF has set a target of 45 % of its total staff, made up of women. This goal was almost reached in 2019 (44.7%), but since then, the proportion of women has stagnated. Moreover, the share is only 37% in the two highest		Only in ORF. [...] At the Press Council, we have organized it in such a way that we claim that female and male journalists must be members of the Senate or decision-making bodies.	I can only think of the ORF.

	employment groups. At the end of 2022, the gender pay gap amounted to 12.0%.			
13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?		
13a - Answer		It's difficult to impose on a private company how it should operate. However, it would be possible to promote the introduction of plans and systems for the representation of women on management boards and in newsrooms through funding strategies, for example through the fund for the promotion of quality journalism. This would also support the debate on gender equality.	Concerning the ORF: yes. <i>It is perhaps more difficult to intervene in private companies.</i>	-
13b			Are you in favour of or against quota systems for women and why?	
13b - Answer			<i>I believe that diversity and the empowerment of women are essential issues and the media in particular should somehow reflect the population. And it would be important to be more open, because we have very few female editors-in-chief, regardless of the media sector. And I think that's a shame, because women bring a different perspective to the table.</i>	<i>I am personally in favour of quota regulations. Because obviously nothing can be achieved in Austria without quota regulations in many areas. If once gender equality is there, then quotas can be put aside again. I also look at it a bit like it is from the perspective of the ethnic groups.</i>
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	No.		<i>Self-regulation is about the voluntary setting of goals...</i>	<i>As a community radio station, we make sure that all ethnic groups are represented on the executive board.</i>

				Perhaps it is a mistake that this is not in the statutes.
14a	[IF Q14 – YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?		[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?	
14a - Answer				
14b		[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?		
14b - Answer				
14c			Are you in favour of or against quota systems for minorities and why?	
14c - Answer			<p>There is also room for improvement when it comes to diversity. It's always said that people have to be able to speak German. But there are many well-integrated people who were not born in Austria or have foreign family roots and speak very good German and who are - or would be - great journalists. More promotion is needed. [...] I think it would be better to do something, to think about support measures, funding programmes and then it just happens somehow automatically. As far as representation on the Press Council is concerned, there are two schools of thought. Either you involve citizens who are committed, and they can help decide. Or you say, as we do, that we want this to be a self-regulatory body and that journalists should decide on their matters, because that is the specific nature of self-regulation, so to speak. Yes, we want journalistic expertise. We then try to be as diverse as possible</p>	<p>It would be better not to have to apply quota regulations. But the quota system is probably a necessity in order to give a voice to the ethnic groups. So when I look at Article 7 of the Constitution, which lists the individual rights that the autochthonous ethnic groups in Austria have or that they are entitled to, and when you look at how laboriously and under what adverse conditions these legal measures could be derived, I can imagine that it would probably be difficult at all without quotas.</p>

			<i>among the journalists. But we want people from the industry to make the decision, and not people who are just interested newspaper readers or something like that, or some organizations.</i>	
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences in practice?	Do you think that the regulatory authority/authorities acts/act fully independently from governmental influences?	
15 - Answer		Yes.	<i>They really work independently and with expertise. [...] Of course, when it comes to the management of the authority, this is certainly also a political issue.</i>	<i>I had the feeling during our applications that there were no one-sided decisions. They know that there are conditions, there are regulations, who can get which license when and where, etc.</i>
15a			Why? [OR:] Why not? [OR:] Why only partially?	
15a - Answer			<i>I don't believe that political influence is possible in any way, because that is being checked. Appeals against KommAustria decisions and RTR decisions can be submitted [to the Federal Administrative Court (BVwG). Further appeals against BVwG decisions may be submitted] to the Austrian Administrative Court and the Austrian Constitutional Court.</i>	-
15b			[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?	
16		Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?		

16 - Answer		-	<i>But what is there in addition to freedom of expression and the right to information...? [After a short discussion:] I understand the concern, but on the other hand I also have to say that you can't let politicians off the hook completely, and that civil society groups are now making decisions instead of politicians...</i>	<i>That's not an issue for me.</i>
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Czech Republic

Karolína Šimková and Jeffrey Wimmer (CU)



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Background of the interviews – Czech Republic

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

We fulfilled a literature review beforehand and we have used a combined part1/2.

2. What criteria were decisive for the selection of the person to be interviewed?

Kateřina Lojıková is expert officer – Department of Analysis of Television Broadcasting at the RRTV. She was involved in several EU-related processes and commissions and works for RRTV for several years

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

The Rada pro rozhlasové a televizní vysílání (Council for Radio and Television Broadcasting, RRTV) is the central administrative and regulatory authority performing public administration in broadcasting and on-demand audiovisual media services provided for under other pieces of legislation. It also oversees the maintenance and development of programming and information plurality in the field of radio and television broadcasting. The RRTV guarantees the right of broadcasters to broadcast programmes freely and independently.

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

The *Czech Syndicate of Journalists* is the largest professional association for journalists in Czech Republic.



5. What criteria were decisive for the selection of the person to be interviewed?

Adam Černý is a journalist and chairman of the Czech Syndicate of Journalists, his commentaries appear in different news media, he has work experience in different media. His specialty is European and security politics

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

The Landesecho is the only German-language magazine published in the Czech Republic. It represents the German minority in the Czech Republic, a small but important population. The Landesecho is financially supported by the German Institute for Foreign Relations and the Czech Ministry of Culture. The Landesecho is published monthly in a small edition (2000 pieces) with a length of 32 pages.

7. What criteria were decisive for the selection of the person to be interviewed?

Maximilian Schmidt (German) is the editor-in-chief and works for several years for the Landesecho.

Questions and answers – Czech Republic

	Questionnaire 1 a (Literature review)	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	The Press Act, Act No. 46/2000, § 13 Provides for the terms of right to reply and the additional communication.			
2		EU legislation advocates a so-called "two-tiered approach to expression", distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to <i>case law</i> , what criteria must be applied to decide whether a publication contributes to a matter of public concern?	Does the state use this differentiation to restrict media freedom?	Does the state use this differentiation to restrict media freedom?
2 - Answer		Freedom of expression is explicitly recognised in the law, the restrictions upon this right are clearly defined, and legal response in case of violation of this right are mostly effective.	Freedom of expression is explicitly recognised in the law, the restrictions upon this right are clearly defined, and legal response in case of violation of this right are mostly effective.	Not really acknowledged
3	Does the law protect journalistic research and investigations?			
3 - Answer	Yes (The Press Act)			
3a		Is the right to publish unlawfully obtained information respected <i>in practice</i> if this information is in the public interest?		
3a - Answer		-	Yes.	Yes.
3b		<i>In practice</i> , do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		Yes.	Yes.	Yes.
3c		Is investigative or under-cover journalism being hindered?		
3c - Answer			Only by resources (time, money, people etc.)	Not really, but less teams
4	Are journalists protected by law against interception of			



	communication, surveillance, house searches and seizures?		
4 - Answer	Yes.		
4a		[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure in practice?	
4a - Answer		No.	No, only indirect (Czech journalists are pressured and threatened online and offline)
5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?		
5 - Answer	In the Czech Republic, all television stations that have a terrestrial licence (analog or digital) are required to be placed in the lowest (cheapest) offer of all cable, IPTV and satellite companies. Must-carry regulations are applied to: All channels of Czech Television - ČT1, ČT2, ČT24 and ČT4 (sport)		
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?	
5a - Answer		See answer to Q5	
6	Are there any state subsidies that promote market plurality?		
6 - Answer	Not really, restriction and absence of state subsidies.		
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred in practice, and which criteria are usually applied?

6b		[[IF Q6 in Questionnaire 1a – YES:]] To what extent is the funding policy regarding market plurality <i>successful</i> ?	
7	Are there any state subsidies that promote internal pluralism?		
7 - Answer	See answer to Q6		
7a	[[IF Q7 – YES:]] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[[IF Q7 in Questionnaire 1a – YES:]] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied?
7b		[[IF Q7 in Questionnaire 1a – YES:]] To what extent is the funding policy regarding internal pluralism <i>successful</i> ?	
7c		[[IF Q7 in Questionnaire 1a – YES:]] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?	
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?
8 - Answer	Czech legal framework only partially corresponds to it, no public discussion needed for funding, but Council evaluates transparency of ownership of applicants in the licensing procedure.	Only partly.	Only partly.
8a		[[IF Q8 in Questionnaire 1a = NO:]] Do the media <i>voluntarily</i> disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8a -Answer		-	
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?
9 - Answer	no	-	-



9a		[IF Q9 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose their sources of income including state advertising revenues?		
9a - Answer		-		
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?	
10 - Answer	Advertising is in general regulated by the Act on Regulation of Advertising. It regulates unfair commercial practices, comparative advertising, advertising of specific products		--	-
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) <i>in practice</i> ?		
10a - Answer		More or less		
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	No.		Some examples only in the online space	Kind of supporting role for some minority media
11a		[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists <i>in practice</i> ?		
12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?	

12 - Answer	The Czech Republic has a large number of community media outlets designed for and produced by minorities. According to Czech law (Act No. 273/2001 Coll.), these media are financially supported by the state, in particular by the Ministry of Culture, which announces an annual call for grants to support minority media.		No role at all	Small role, only minority media
12a	Are non-profit community media eligible for funding?			
12a - Answer	Minority media only			
12b		[IF Q12a in Questionnaire 1a = YES:] How <i>efficient</i> is state funding for non-profit community media?		
12b - Answer		-	-	o.k., but uncertain in future. No money for digital transformation
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	No.		-	-
13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?		
13b			Are you <i>in favour of or against</i> quota systems for women and why?	
13b - Answer			Not a big issue.	Yes, because there is a need.
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	No.		-	-
14a	[IF Q14 = YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?		[IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?	

14b		[[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?		
14c		Are you <i>in favour of</i> or against quota systems for minorities and why?		
14c - Answer		-	-	
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences <i>in practice</i> ?	Do you <i>think</i> that the regulatory authority/authorities acts/act fully independently from governmental influences?	
15 - Answer		Yes, and an important goal, no concerns	Yes.	Yes.
15a		Why? [OR:] Why not? [OR:] Why only partially?		
15a - Answer			State interference is an important goal, explained by the Czech history, but under pressure through oligarchs and commercialisation	In danger through oligarchs
15b		[[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?		
16		Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a “right to communicate” in law?		
16 - Answer		Interesting aspect, but not considered and implemented yet. Not part of law.	Interesting aspect, but not considered and implemented yet. Not part of institutional orientation	Interesting aspect, but not considered and implemented yet
17 - Only in the CR		Is a journalistic code of ethics available?		
17 - Answer		Not on a national level, but according to the Czech syndicate of journalists every media outline has one		

Estonia

Alessandro Nani (TLU)



Background of the interviews – Estonia

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

We choose the interview-only version.

2. What criteria were decisive for the selection of the person to be interviewed?

We choose a person who represents the Estonian media enterprises because of his unique role in accessing various aspects such as the regulatory perspective and the market needs. Given that he represents an umbrella organisation he could speak for the industry as a whole. Moreover, he has been editor-in-chief for many years, therefore his experience added depth to his answers.

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

Väino Koorberg is the head of the Estonian Association of Media Enterprises (EML). EML is an organisation acting in the common interest of the media, whose members include newspapers, magazines, portals, TV and radio channels. The EML protects the common interests and rights of its members on the basis of internationally recognised principles of democratic journalism. EML is financed by membership fees. Until April 2019, the EML was called the Estonian Newspaper Association, but as its membership expanded, the name was changed.

EML was founded in 1990. EML is a member of WAN-IFRA and News Media Europe (NME).

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization



4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

The Estonian Association of Journalists (EAL) unites and represents professional journalists and media professionals. The aim of the association is to preserve, develop and value the culture of journalism and to support the creative activities of its members. The EAL is a politically independent, voluntary creative and professional association, whose activities are based first and foremost on the protection of the social, economic, labour and professional rights and interests of its members, and which represents all Estonian journalists in legislative matters and international relations. .

EAL is a full member of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ). EAL is a member of the Estonian Trade Union Confederation (ETUC).

5. What criteria were decisive for the selection of the person to be interviewed?

Being the head of the association Helle Tiikmaa has a full view on the issues concerned with Estonian journalists.

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

The Consumer Protection and Technical Regulatory Authority was created on 1 January 2019 by joining the Consumer Protection Authority and the Technical Regulatory Authority to strengthen market and safety regulation and make the consumer environment safer. The mission of the CPTRA is to shape a safe and fair living environment. The role of the CPTRA is to ensure that the man-made environment in Estonia is safe for its residents and that consumers and entrepreneurs are treated fairly, in a manner that is expected, on the same terms and in accordance with the law.

7. What criteria were decisive for the selection of the person to be interviewed?

Being the adviser for the Information Society Division, Peeter Sookruus was selected because of his comprehensive understanding of audience rights and needs in the area of media.



Questions and answers – Estonia

	Questionnaire 1 a	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective (one interview, no literature review)		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	Yes, at least for professional journalists. It is not legally regulated, but it is regulated by the code of conduct of journalists. If there are factual errors, if you are misquoted and so on the media gives you the right to reply.			
2		EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to <i>case law</i> , what criteria must be applied to decide whether a publication contributes to a matter of public concern?	Does the state use this differentiation to restrict media freedom?	Does the state use this differentiation to restrict media freedom?
2 - Answer		Currently, it is an issue of discussion especially in court hearings. If it impacts a lot of people then it is a matter of public concern. We could turn it around, as the misuse of Estonian law. For instance, the use of GDPR can be seen as a tool to silence issues that in fact could be of public interests. For instance, there was a proposal to publish all court decisions in Estonia, even those of not open court cases, but later they backed up because of GDPR. In some cases journalists were taken in court on the base of GDPR even if the journalists	In Estonia we don't have a specific media law, hence the State doesn't deal with restrictions and privileges so much, but there is a lot of interpretations. Usually, interpretations are in favour of journalists.	Estonian doesn't restrict media freedom and this is proven by the Estonian ranking in the Media freedom index. Estonian doesn't have an specific media law and everything is quite well self regulated.

		took great deal to hide all personal info of the concerned actors.		
3	Does the law protect journalistic research and investigations?			
3 - Answer	Journalists have the right to protect sources since 2007, but originally there were a lot of exceptions. Having said this, there were not big cases where journalists were asked to disclose their sources.			
3a		Is the right to publish unlawfully obtained information respected <i>in practice</i> if this information is in the public interest?		
3a - Answer		[not directly answerd]	Mostly yes, in Estonia we have few of these cases and yet again mostly the right to publish seen favourable. However the situation is changing, for instance recently in a court case was argued that the case against the publishing lost in court, but only because the criteria of the appeal were done wrongly, but if done correctly, the paper would have lost the case.	If it is in the public interest then it is justified, however the law is the law, plus there are some specific issues for example concerning with the State defence and security.
3b		<i>In practice</i>, do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		In terms of access to information is very hard because in estonia anyone can be a journalists. Journalists as such dont have a legal recognition. For instance access to court documents, the facto journalists are given priviledged access but it is just a practice, not something guaranteed by the law.	Press conferences are opened, but for example government press conferences romm is small so due to the size of rooms, often the press card gives priviledges. It is not written in laws, but it is the practice. Access to documents is open to anyone that makes a request, however usually requests from journalists are handled a bit faster (not the usual 30 days). About court trials, many court proceedings are settled before going to the actual court hearing (which is	Press conferences are public and the access is in principle given to everybody. Estonian hasn't had so far problems in this.

			public) via for example emails and to access them is often problematic. Furthermore, there are now suggestions to restrict the access to court data.	
3c			Is investigative or under-cover journalism being hindered?	
3c - Answer			There is not much of undercover journalism in Estonia because of the size of the country, having said this, using data protection laws (business secrets or GDPR) has been used, or tried to use, to hinder investigative journalism.	Not really, in the past there some disputes, but no real issues.
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?			
4 - Answer	The sources are protected, but journalists not. For example, by law you can seize journalists' computers and the mobile phones. There is no special protection. After the Media Freedom Act, it might change, because it clearly prohibits such practice, but again, there are exceptions.			
4a			[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure <i>in practice</i>?	
4a - Answer		There are certain restrictions for certain areas, for example alcohol advertising, gambling etc.. The media is obliged to publish warnings. Then, journalists are obliged to publish certain info in case of exceptional circumstances, for example in case of war or the case of COVID.	Journalists are not usually targeted with such actions, maybe in some cases of propagandistic journalists, our security forces have intervened. With EMFA coming to place, the situation might change and special protection might be in place. For now, the normal law on the protection of	



			privacy is applied and there is no special protection for journalists.	
5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?			
5 - Answer	Yes, cable operators and telecom in general are obliged to carry ERR (Estonian Public Service Broadcasting). In reality they carry all Estonian channels simply because of market convenience.			
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?		
5a - Answer		-		
6	Are there any state subsidies that promote market plurality?			
6 - Answer	The reduction of VAT could be a sort of subsidy. There are some subsidies for minority languages such as Russian language media and for Ukrainian. But they are more like initiatives than real subsidies, because they are not recurrent every year.			
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred <i>in practice</i>, and which criteria are <i>usually</i> applied?	
6a - Answer	-		Russian and Ukrainian language outlets have some support. Usually, cultural media is supported. Estonian private	There are some special projects for minority languages. There are as well special support mechanisms for

			media field is left to itself to be sustainable. Having said this, the lowering of VAT is a sort of support, however next year it will be risen.	culture because the market would not be enough to support the making of media in the sphere of culture. Public Service Media is fully supported by the State budget.
6b		[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality <i>successful</i>?		
6b - Answer		-	-	-
7	Are there any state subsidies that promote internal pluralism?			
7 - Answer	Cultural media is subsidised. Regional media is not subsidised. Then we had some programs, like to help independent legal newspapers in digital upgrading, but again it was a program not a recurrent support. Only home delivery is really subsidised.			
7a	[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[IF Q7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are <i>usually</i> applied?	
7a - Answer	See answer to Q7		-	Among Public Service Media there are special services for minorities, like TV channels and Radio channel catering at minorities, hence promoting internal pluralism. Estonian had broadcasting in Russian, Armenian, Ukrainian, for Jewish people and so on.
7b		[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism <i>successful</i>?		
7b - Answer		The lowering of VAT was a great help, but now they are considering to take it off.	-	They are functioning quite well.
7c		[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?		
7c - Answer		-	-	-



8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8 - Answer	They are not legally required to do so.		Having political affiliation is usually not applied so much in Estonia because it results in restricting an already small market. The owners might have their political affiliation of preferences, but the newsrooms are not politically affiliated.	In general, in Estonia is known who the owners of media outlets are, hence what is their political orientation. Thanks to the European Freedom Act we however need to upgrade our approach and be more directly transparent. Having said this, in Estonia, to Estonian people, the orientation of an owner is very clear at least within the media circle that have direct contact with the owners.
8a		[IF Q8 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
8a - Answer		In the past, Äripäev (Estonian business newspaper) was telling the voters to choose Isamaa (Estonian conservative party). Postimees (main Estonian daily) belongs to a business man which is clearly close to a political party. However, it is not much about the owners, but more about the editors in chief, which, yes, they are appointed by the owners.		

9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?	
9 - Answer	No, but the Media freedom Act will force us to do this, Having said this, the media groups follow the good Code of Conduct, but the results are greatly different. Express group financial yearly report for example is more than 200 pages, while Postimees group is nearly 20 pages. Public service broadcasting must disclose the extra money they received on top of their usual budgets, for example from Ministries.		In terms of private media, it is a problem. One media house discloses very little information. They don't disclose their print numbers, their audiences and so on, this is done in the name of business secret.	it is not specially regulated, but it will be thanks to the Media Freedom Act.
9a		[IF Q9 in Questionnaire 1a = NO:] Do the media voluntarily disclose their sources of income including state advertising revenues?		
9a - Answer		See answer to Q9		
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?	
10 - Answer	Yes, due to the advertising law. Moreover, media are obliged to disclose advertising and their prices, for example if a discount was made to a party, this should be disclosed. In terms of political advertising is however kind of a grey area because sometimes it is hard to pinpoint what advertising is.		Mostly yes, again there are exceptions, sometimes some pieces are passed as opinion, but mostly yes. Hiding political advertising could hurt the reputation especially of big media outlets.	Yes they do, about the political advertising is rather clear even when a specific labelling is not there. Estonia follows EU regulations, and we are now in the process to improve our law when and if is the necessary.



10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?	
10a - Answer		-	
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?
11 - Answer	Journalists are not legally recognized in Estonia, therefore this differentiation in Estonia is non existing. In practice, the situation might be different with "professional" journalists having a degree of recognition.		In Estonian the phenomenon of citizen journalism is not popular in general, but in the south of Estonia we have some good cases that get over the threshold of journalism, hence we see them as journalists. If they apply for membership to our union, we would accept them as members. We don't have a special media law and the figure of a "journalist" is not regulated. We do not differentiate between professional journalists and other journalists.
11a		Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?	
11a - Answer			In practice, the same privileges not always. Without being our members and without having our press card, they might not be accepted as journalists. In terms of obligations, if they don't follow the Code of Ethics, then they are not journalists, they are just talking citizens, so they do not, in practice enjoy the same privileges as journalists. We don't make a differentiation hence they are specially treated. Having said this, the opinion expressed by a citizen, for example online, is not journalism.
12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?

12 - Answer	We have some community papers. One case is the paper of Hiiumaa island, that after going bankrupted, the citizens started it again. Having said this, in Estonia to start a paper you don't need any licence, Estonia is very open in this. By existing, they are the facto "recognized".		Community media could balance out local authorities' outlets. The media enterprises association don't see them in good lights because some of them sell advertising space and are seen as spoiling the market.	Because there is no special classification, there is no such an awareness of it. Some years ago, we had some special licences for local media. Local media can be relevant, however, it is not regulated at State level.
12a	Are non-profit community media eligible for funding?			
12a - Answer	Edasi.org is one non-profit media, Levila is another one. They are eligible for possible fundings as others are.			
12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?		
12b - Answer		-	Not much because there aren't instruments that are recurrent.	-
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	Legally not, but following the Media Code of Conduct, they tend to follow it.		Estonia is an anti-quota country.	In terms of the law, Estonia doesn't have quotas, but it is not an issue. Estonia is a liberal country and any person can have the change to access key positions, see in politics, the Prime Minister is a woman, the country's President was a woman.
13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?		
13b		Are you in favour of or against quota systems for women and why?		
13b - Answer			I would like to see more women in high positions in journalism, but I am not in favour of quotas, however if you see	It is not necessary, as we have good examples of accomplished women, A quota system is not needed.

			who hold the key positions, maybe some regulations should be there, but again I am not in favour of quotas.	
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	No, plus it is very hard to define a minority in Estonia. Is Russian language considered a minority? The Estonian constitution says that you cannot discriminate anyone, so in Estonia is followed this principle.		-	No, again, we don't have special rules in this area.
14a	[IF Q14 – YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?		[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?	
14b		[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?		
14c			Are you <i>in favour of</i> or <i>against</i> quota systems for minorities and why?	
14c - Answer			No, quotas for minorities would not be beneficial because if someone is integrated, they are not discriminated.	A genuine open process is the best model, and quotas should not be imposed. Maybe in the future there could be a new situation, but today they are not needed.
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences <i>in practice</i> ?	Do you <i>think</i> that the regulatory authority/authorities acts/act fully independently from governmental influences?	
15 - Answer		Media is considered self-regulating. We have some bodies that being self-regulatory are, as a consequence, independent. About broadcasting, the board and the advisory board should be independent, but their members are appointed by the government.	Self-regulatory authorities, like the press council, are independent, yet within ERR (Estonian public service media) authorities and the broadcasting council the situation is different because their members are appointed by parties and inevitably	They do, for instance for the CONSUMER PROTECTION AND TECHNICAL REGULATORY AUTHORITY [the interviewee's organization] independency is a corner stone.

			they represent the party that have appointed them. Having said this, the broadcasting council, doesn't, for example, have the power to decide on content and people, but they have power over the budget, and this could reflect on the content and the people.	
15a			Why? [OR:] Why not? [OR:] Why only partially?	
15a - Answer			-	-
15b			[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?	
16		Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?		
16 - Answer		Everything starts with the freedom of information. The freedom to communicate as a law requirement is complex. If on one hand it is a positive thing, on the other hand it can open to forms of its abuse. Trying to limit the freedom of speech by law, it becomes really hard.	In Estonia we are proud of not having a media law, our Constitution already guarantees freedom. However, since such talks are active at European level, we must consider it, but it worries me because once there is a law, there are ways to abuse it. Not every viewpoint deserves to have a nationwide stage.	In the Estonian constitution we have a similar principle. To specifically enshrine the "right to communicate" in the law is not needed. There is no such a need because Estonia is a well-functioning liberal democratic country, there is no need of new laws for already well functioning unwritten rules and practices.

France

Morgane Le Guyader and Inna Lyubareva (IMT)



Background of the interviews – France

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

We chose to do the interview only version.

2. What criteria were decisive for the selection of the person to be interviewed?

The *Direction des publics, du pluralisme et de la cohésion sociale* (DPPCS) was the closest to our subject. We contacted his director and he decided to take part in the interview with two colleagues to answer our questions better. We understood that ARCOM could not answer questions about subsidies and advertising rules. They put us in touch with the *Direction générale des médias et des industries culturelles* (DGMIC) of the *Ministère de la Culture*. Two people from the DGMIC took part: one for the audio-visual area and the other for the written press (the answers are in the ARCOM's transcription annex).

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

ARCOM (*Autorité publique française de régulation de la communication audiovisuelle et numérique*) was born on 2022, January the 1st (before, it was the CSA). It's a public independent authority in charge of "the protection and the promotion of the audio-visual creation, the technical and economic regulation of the market (the attribution of frequencies is an example) and the public accompanying (such as the media education)" (<https://www.vie-publique.fr/en-bref/283148-presidentielle-2022-quel-role-pour-larcom>).

"Its first mission is to guarantee the audio-visual freedom of speech and communication" (<https://www.arcom.fr/nos-missions>). Although it is a public independent entity, its president is appointed by the President of the French Republic. The other members of the Board of Directors are appointed by the Presidents of the *Sénat*, the *Assemblée nationale*, the *Cours de cassation* and the *Conseil d'Etat*. This raises the question of whether this appointment process offers a guarantee of independence from political power.

In the French media regulation context, this institution is the most important.

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization
SNJ

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

The *Syndicat national des journalistes* (SNJ), which was established during the First World War in 1918, is one of the oldest and most significant journalist unions in France. Interviewing two of the co-secretaries (i.e. co-directors of the national office) of the Union was a means of directly discussing the issues currently facing the journalism sector and the journalists themselves, in light of the Union's history and impact on the national media landscape. The interviewees' journalistic experience and position within the Union also informed the discussion.

5. What criteria were decisive for the selection of the person to be interviewed?

I contacted the organisation via the central email address. The individual who replied (co-secretary) indicated that he would prefer to be accompanied by another member of the central office and management. So, upon the scheduling of the appointment, the individual who was contacted came with one of the co-secretaries to assist in providing a comprehensive response to the inquiries posed.

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group
CNRA

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

Created in 1991, The *Confédération nationale des radios associatives* is one of the representative organizations of free radios in France, structured in federations. It plays an important role in the community media national landscape. "The radio members must respond to a social and local communication mission in order to encourage the social and cultural groups to interact, to express different social and cultural trends, to support the local development, the struggle against exclusion, and the protection of the environment"
<https://cnra.fr/la-cnra/>.



7. What criteria were decisive for the selection of the person to be interviewed?

I contacted the organisation via the central email address. One of the co-presidents responded positively and expressed interest in participating in an interview with the two other co-presidents of the CNRA. The selection process was based on two main criteria: the position held within the organisation and the candidates' journalistic experience and current responsibilities. These factors were deemed essential to ensure that the selected individuals would be able to provide the desired information.



Questions and answers – France

	Questionnaire 1 a	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective (Two interviews according to responsibilities: ARCOM, DGMIC; no literature review)		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	There are several right of reply procedures under French law: one is quite old and applied to the written press, the two others are more recent and are applied to audiovisual media and online services. First one: Article 13, 1881/07/29 law. Second one : Article 6 law n. 82-652, 1982/07/29 & application decree (n. 87-246, 1987/04/06). Third one : Article 6, IV law n. 2004-575 2004/06/21, with its legal text (decree n. 2007-1527 2007/10/24)	Yes, it is a legal obligation.		
2		EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?	Does the state use this differentiation to restrict media freedom?	Does the state use this differentiation to restrict media freedom?
2 - Answer		<i>“The common thread is the case law of the European Court of Human Rights”, the interviewee cites the European Case law: “the questions which affect the public to such an extent that it can legitimately take an interest in them, which arouse its attention or significantly concern it, in particular because they concern the well-being of citizens or the</i>	Yes. It's expressed through the notions of secret of private life, defense secrecy, business secrecy. There is a friction between extensive notions of secrets and freedom of expression	The principle of public interest is at the heart of the associative radios. Apparently, they are not very concerned by this restriction (as it might apply more to media which practice investigation journalism). Some of them are recognized as being of general interest.

		<i>life of the community. This is also the case for questions which are likely to create a strong controversy, which have an important social theme or which relate to a problem of which the public would be interested in being informed".</i>		
3		Does the law protect journalistic research and investigations?		
3 - Answer	-	This question isn't a part of ARCOM's missions.	Yes: Data law (protection of the confidentiality of journalists' sources). And no because of the friction (main example: Ariane Lavrieux case).	The associative radios cannot really practice investigation as it costs too much, in terms of human resources and money.
3a		Is the right to publish unlawfully obtained information respected <i>in practice</i> if this information is in the public interest?		
3a - Answer		"ARCOM possibly acts against a channel or a radio station, not the one who produces the information. Here too, it is the judge who is the controller of the ethics of journalists".	Yes ("journalists are fortunately not too condemned for that"). But, there are legal and ethical rules (a journalist cannot pay anyone to get access to an information / he cannot steal an information but can use an information that was stolen by someone else.	"In 33 years of existence, we have never had a single feedback from ARCOM concerning information that we could have disseminated, there has never been a right of response within our structures. So, we are not impacted, I would say, by this media race where, in fact, we are going to give information that is not verified or that is unsourced."
3b		<i>In practice</i>, do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		ARCOM insists on the fact that it does not interfere in journalistic work	Yes. Here the notion of embargo (early access to an official governmental information) is important to illustrate this privilege access.	Locally, yes : they know very well the local institutions, actors etc. However, it is more difficult to have an access to national or governmental information (examples: presence of the Chinese president in Hautes-Pyrénées, and Lionel Jospin).
3c		Is investigative or under-cover journalism being hindered?		
3c - Answer			Yes.	-
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?			

4 - Answer	-	ARCOM insists on the fact that it does not interfere in journalistic work	
4a		[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure <i>in practice</i>?	
4a - Answer		-	Unknown. "Technological means make it complicated", "France is one of the most reactionary countries at the European level, in wanting to have as many exceptions as possible on so-called security interceptions, on the latitude that can have each country at European level in the most extensive way possible to be able to spy on journalists, to tell it like it is. France is one of the leaders of the countries which wanted to have as much latitude as possible on this subject."
5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?		
5 - Answer	-	Yes.	
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?	
5a - Answer		Priority given to the channels of the public service audience, obligations for the channels that have a space on the Hertzian space.	
6	Are there any state subsidies that promote market plurality?		
6 - Answer	-	Yes. FSER for associative radios, subsidies for the written press. No subsidies to promote market plurality for television. For example, "There are approximately a little less than 20 million euros in public aid subsidies which are	



		<i>only identified on aid for the pluralism of press titles"; "There is historic aid dedicated to national dailies with low advertising resources."</i>	
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred in practice, and which criteria are usually applied?
6a - Answer	-	Subsidies for associative radio stations and hertzian space given to the channels, for the written press, it is the DGMIC area. For the press, there are 6 aids <i>"There is historic aid dedicated to national dailies with low advertising resources [...] So, it has to be a daily thing. It must be distributed to points of sale. And above all, the main criterion which is discriminating and which means that the titles that I have cited are beneficiaries and that, for example, Le Monde or other titles of this type are not, it is indeed a criterion 25% of advertising resources. So that means that these are titles which have less than 25% of advertising resources in their turnover."</i> <i>"to have a sale price which allows a title to be accessible to everyone in order to effectively ensure that the information transmitted is accessible to everyone."</i>	It's not precisely known (<i>"it's a black box"</i>). Essentially the written press (editorial innovation, distribution, diffusion, modernization of printing works...), an indirect aid is the reduction of the national tax (TVA, 2,1% in France for the press) and for the audio visual: the provision of free frequencies on the hertzian space. FSER (Fonds de soutien à l'expression radiophonique), for associative radios. <i>"The main constraint is that we cannot exceed 20% of our turnover in advertising. In return, the State had set up this equalization fund, the FSER, to help community radio stations which respected this 20% rule, to be able, to give these radio stations, which were constrained, to give them the means to do the same thing as commercial radio stations"</i> , the subsidie does not exceed 38 000 euros. According to the interviewees, the medias that is much more privileged in terms of subsidies is the written press.
6b		[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality successful?	
6b - Answer	-		Lack of transparency – so lack of effectiveness. <i>"Since 2002, it has not evolved. Worse, since 2015, it has even fallen on its highest tranches, either by 2,000 euros or 1,000 euros. We went from 42,000 to 40,000, from 38,000 to... sorry, from 40,000 to 38,000, and from 36,000 to</i>

				35,000. At the same time, if we have to consider the different INSEE1 indexes which directly impact us, indices on construction, energies, social too, it is on average more than 70%. So, de facto, the Radio Expression Support Fund, to give us the same means that existed in 2002, should also have evolved by 70%. It is off the mark".
7	Are there any state subsidies that promote internal pluralism?			
7 - Answer	-	No. Neither for the audio-visual media nor for the written press in France which is of opinion. However, the free frequencies on TNT for TV channels imply the respect of plurality, so it could be indirect aid.		
7a	[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[IF Q7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied? → <i>Despite of "NO", answers were provided</i>	
7a - Answer			TV, Radios (and, for associative radios, we have the FSER). But, for TV and commercial radios, we can say that the given free frequency meets the obligation for the channel to guarantee internal pluralism	The FSER should be coming with new conditions related to the representation of women, people with disabilities etc. / "this help varies greatly from one radio station to another depending on the actions it has been able to carry out on the different criteria that I gave you at the very beginning".
7b		[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism successful? → <i>Despite of "NO", two interviewees provided answers</i>		
7b - Answer		-	Very questionable: "Well, a whole very interesting debate, moreover, at the moment, around the allocation of frequencies on TNT, with in particular the case of C8, Cnews. Do these	Generally speaking, the interviewees observe that "it's more the end of subsidies than the addition of subsidies".

			channels really respect the agreements signed with the regulator ARCOM? Because they are effectively committed to respecting pluralism of opinion, ideas, etc."	
7c		[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)? ➔ <i>Despite of "NO", two interviewees provided answers</i>		
7c - Answer		No, apart from subsidies for associative radios (FSER)	No.	-
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8 - Answer	No.	No. <i>"It's quite the opposite. There is an obligation of honesty and independence".</i>	<i>"There is a gap between obligations and reality", "In terms of taking a political position, there is no obligation to display things. This is not respected. There are some who do not hide it, but there is no obligation to have an editorial charter or a certain number of major principles that are affirmed."</i>	It is completely forbidden.
8a		[IF Q8 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
8a - Answer		No, they rather respect the independence of information.		
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?	
9 - Answer	-	-	Those which do are exceptions. One exception in France is Le Canard enchaîné.	<i>"They do not publish, however as part of the subsidy that we request each year from the Ministry of Culture, we provide certified accounts to the Ministry of Culture" "Invoices and after the legal obligation, it is from the moment we</i>

				have an auditor we must publish in the JO (journal official), for radio stations that make more than 152,000 euros in subsidies, they must legally publish their accounts in the official journal. This is within a legal framework and this is the case. That's our case, because we've passed the milestone. So that's what we do for my radio."
9a		[IF Q9 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose their sources of income including state advertising revenues?		
9a - Answer		-		
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?	
10 - Answer	Yes,	Yes : 1986/09/30 law, 1992 decree.	Yes. Caution: Political and institutional advertising are different. Example of editorial-ad.	Yes. Advertising screen, beginning and ending sound comma.
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?		
10a - Answer		Yes.		
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	No.		The notion of citizen journalist is contested.	"We train a lot of young people within the framework of our editorial staff, that is to say we train young people to do interviews, reporting, so in fact, we equip them, we don't just train young people, we also train teachers to create content, podcasts, employees and volunteers and so, in fact, these

				<p>volunteers, then, they fly on their own wings and they are fully capable of then producing content and putting it on sites", "Just to remember that being a journalist first of all is a profession, it is also recognition, it means that to be recognized as a journalist half of your income must come from journalistic work. It's very stupid to say that but in any case, I think it's important to remember it. In fact, the card is not obligatory for a journalist."</p>
11a		<p>[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?</p>		
11a - Answer		<p>"Journalists do not depend on us"</p>	<p>"The citizen can throw everything on Youtube or on Twitter under a pseudonym without filter. For me, there is one who does supervised, regulated journalism and then there is one who broadcasts something so he broadcasts in a certain way, he broadcasts raw information. But, journalism is not disseminating raw information, journalism is, I will refer you to the SNJ text, but it is hierarchizing, classifying, put information in the context."</p>	<p>"If they have no obligation and if they have no constraints compared to professional journalists, then they are not called citizen journalists, they are whistle-blowers."</p>
12	<p>In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?</p>	<p>In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?</p>		
12 - Answer	-	<p>Yes, they are recognized through a special category (A).</p>	<p>Interesting network on local information, they play an information role and a democratic role: "They have a role that is both marginal and not marginal, they have a marginal role in terms of general audience. It represents, I</p>	<p>They insist on the reliability of the associative radios. Some clarifications are also made about community media and associative radios. TO them, the risk of too communitarist radios is to have a very restricted diffusion on</p>



			<i>don't know how much but it's really, very very very low on the general audience of TV and radio. On the other hand, they can have, in the territories where they are well established, frankly, a real role, this undoubtedly ties in with your study, both an information role but also a democratic role. Sometimes, on these community radio stations, it's quite surprising even, but there can be citizen positions, debates between politicians etc. because on the scale of a city or a canton, there will not be traditional media which will be capable of organizing these debates or these reflections or these broadcasts."</i>	DAB+, as it is in England. This landscape is also conditioned by the 1905 law (State and Church separated).
12a	Are non-profit community media eligible for funding?			
12a - Answer	Yes : FSER and aide à la presse en ligne (?)	Yes: FSER		
12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?		
12b - Answer		-	It is not enough to make their economic mode stronger.	Apart from the FSER, no. Depending on the regions, the DRAC (Direction régionale de l'action culturelle) helps a little too.
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	Same legal requirements as in private companies.	Yes, articles 47-1 47-2 47-3 of 1986 law for public area. Private area: 30% for large companies, should reach 40% in 2030.	Press companies are subject to the same obligations than private companies. + there is an index. Then, it can depend on activist isolated actions (example: La Provence).	"There are no rules and laws for the moment which impose parity on us at the level of our structures, whether at the level of ARCOM, it still asks us to make efforts because every year, moreover, ARCOM establishes a survey, a result, first on male-female parity, also on diversities".

13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?		
13a - Answer		-	"We still see that more and more, it is too slow, but the media are becoming aware of this and are starting to do a little counting at this level."	-
13b		Are you in favour of or against quota systems for women and why?		
13b - Answer		-		Against: "it is completely stupid because in our radios, for example, with the exception of the few employees who can be hired, we cannot force women to do radio. The people who do radio on our social radio stations are generally volunteers so that means that our radio stations are open and that we accept everyone and if it was necessary to establish quotas of antenna presence with equal male-female parity, I think that it would be a totally impossible bet."
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	Forbidden in France. In France, we won't talk about minorities but about diversities.	No. However, diversity representation is encouraged (ex: label diversity)	No. "It is banned. But the ARCOM barometer of diversity representation exists." Here, "we use legal indicators like the public's perception of non-white people".	Diversities of origins but also in terms of sexual orientations, it is related to ARCOM's policies and applies more to the visual media. But quotas are illegal in France.
14a	[IF Q14 = YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?		[IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?	
14b		[IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?		



14c			Are you <i>in favour of</i> or against quota systems for minorities and why?	
14c - Answer				Interviewee 2 rather against because it does not guarantee a better living together, Interviewee 1 in, favour: <i>"But because once again, we have a completely different vision of what radio is in France, unlike how it happens in certain countries in Europe. Personally, I would not be against it existing, because I believe that we should be able to do it, and be able to help propose programs, because there are certain communities that we do not hear, we do not see. So, if indeed ARCOM, or at least the public authorities, could ensure that we could encourage them, in any case, me personally, I would be delighted that it could exist, and that we could encourage them to hear."</i>
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences <i>in practice</i>?	Do you <i>think</i> that the regulatory authority/authorities acts/act fully independently from governmental influences?	
15 - Answer		Yes.	No.	No.
15a			Why? [OR:] Why not? [OR:] Why only partially?	
15a - Answer			Because of its mode of designation.	<i>"As long as the President of the Republic appoints the president of ARCOM, we cannot say that ARCOM is independent, even if it is independent. As long as journalists from France Info or France Inter are fired, we cannot say that ARCOM is independent. And as long as ARCOM does not give a minimum of 20% of frequencies to community radios</i>



				<i>and not to commercial radios, the majority of which belong to large groups, we cannot say that ARCOM is independent."</i>
15b				[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?
15b - Answer			Changing it.	-
16		Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?		
16 - Answer		No. The freedom of expression and communication already exists.	No. There is a strong difference between communication and information. What would it add to the existing article on freedom of press (1881).	Yes and no. It is related to the 1986 law. To them, the right to communicate already exists. It is related to freedom of expression and should also mean a duty, not only a right. The right to communicate is essential and necessary, particularly for this citizen debate, in condition that it'd be regulated. Because freedom of expression is not " <i>saying anything</i> ".

Germany

Ernest Thaqi and Barbara Thomaß (OEAW)



Background of the interviews – Germany

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

The mixed form was chosen because Barbara Thomaß, an expert in the OEAW team, has extensive knowledge of the German media system and was able to provide comprehensive answers to the questions in Part 1. On the other hand, the interview allowed to capture current aspects of legal frameworks and regulatory practice, which are not always fully covered in existing literature.

2. What criteria were decisive for the selection of the person to be interviewed?

The criteria for selecting interviewees were primarily based on their expertise and relevance to the legal and regulatory aspects of media policy. Specifically, they included:

Professional expertise, which means that the interviewees were selected based on their extensive knowledge and experience in media law, policy-making, and regulation. Their viewpoints are crucial for understanding the broader implications of regulatory practices.

Position and role: Individuals holding significant positions in regulatory bodies, or media organizations, were prioritized. Their roles often involve direct engagement with the issues being studied, making their perspectives particularly valuable.

The role of the person interviewed is the Team Leader Regulatory Affairs, from the Legal Department at the State Media Authority in North Rhine-Westphalia, Germany. This position typically involves overseeing the overall operations and strategic direction of media regulatory activities within the state.

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

The Media Authority of North Rhine-Westphalia was founded in 1987 on the basis of the “Broadcasting Act for the Land of North Rhine-Westphalia” of January 23, 1987. At the time, it was called the “Broadcasting Authority for North Rhine-Westphalia” and it has been located in Düsseldorf since the very beginning. On July 31, 2002, a new state media



law was enacted renaming of the North Rhine-Westphalia state broadcasting authority, as well as making other changes. Since then, it has been known as the Media Authority of North Rhine-Westphalia. According to its mission statement, the media authority “stands for the protection of human dignity, minors, media users and private media plurality in the German Federal state of North Rhine-Westphalia”. The authority regulates and supervises media services to ensure that their legally protected interests are not violated, promotes journalism in North Rhine-Westphalia and teaches people to use media fairly and autonomously (<https://www.medienanstalt-nrw.de/about-us/about-us.html>)

In accordance with Germany's federal structure, media regulation is generally a matter under the competence of the 16 states (“Länder”), which are the main political entities competent for the media. Currently, the function of the Commissioner for European Affairs, who represents the interests of the Media Authorities at a European level Currently, is held by the Director of the Media Authority of North-Rhine Westphalia. In this role, he monitors developments in legislation and law enforcement at the European level and contributes the perspective of the media authorities in various forums.

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

The German Press council is an organization that serves as a self-regulatory body for the German press. Main roles of the German press council include the upholding of ethical standards at a high level in journalism, as well as the handling of complaints about editorial content from the public, and to defend the freedom of the press in Germany. The German Press council represents a self-regulatory perspective because it is founded on the principle of self-regulation rather than government oversight and intervention. This is due on the belief that the media community should take the lead and responsibility in setting new standards and ethical behaviour as well as fostering accountability by journalists.

5. What criteria were decisive for the selection of the person to be interviewed?

The selection of the person to be interviewed was guided by several criteria, among them:

Expertise in media self-regulation: The individual was chosen due to their in-depth knowledge and experience with the German Press Council, a key self-regulatory body for the German press. Their expertise in upholding ethical standards in journalism was crucial.

Role in Handling Public Complaints: The interviewee's role in addressing public complaints about editorial content provided valuable insights into the mechanisms of accountability and responsiveness within the German press. The interviewee's position within the

German Press Council meant they could provide authoritative and representative insights into the functioning and challenges of media self-regulation in Germany.

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

The association “Neue Deutsche Medienmacher*innen” (NdM) plays a crucial role in Germany as it aims to diversify the media landscape. It advocates for greater representation and fair opportunities for journalists with diverse backgrounds, focusing on improving diversity within German media outlets. This organization represents a bottom-up perspective by actively involving media professionals from various minority groups to influence media policy and practice from the grassroots level. Its work is pivotal in pushing for systemic changes that make German media more inclusive and reflective of Germany's multicultural society.

7. What criteria were decisive for the selection of the person to be interviewed?

The selection of the person to be interviewed was guided by several criteria, among them:

Advocacy for representation: The person was chosen for their in-depth knowledge and active involvement in promoting diversity within the German media landscape, particularly through their work with “Neue Deutsche Medienmacher*innen” (NdM). The interviewee's role in advocating for greater representation and fair opportunities for journalists with diverse backgrounds was crucial. Their efforts to improve diversity within media outlets aligned with the project's focus on inclusivity.

Grassroots involvement: The interviewee represented a bottom-up perspective by actively involving media professionals from various minority groups. This grassroots involvement was essential to understanding how media policy and practice can be influenced from the ground up. The interviewee's established reputation and influence within the NdM and the broader media community ensured provision of authoritative perspectives on the challenges and successes of promoting diversity in German media.

Questions and answers – Germany

	Questionnaire 1 a (Literature review)	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	Media in Germany is subject to the right of reply ("Recht auf Gegendarstellung"), as established in the press laws and broadcasting and media laws of the states, and the State Media Treaty (Medienstaatsvertrag).			
2		EU legislation advocates a so-called "two-tiered approach to expression", distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?	Does the state use this differentiation to restrict media freedom?	Does the state use this differentiation to restrict media freedom?
2 - Answer		In Germany, freedom of opinion, broadcasting, and information are protected by Article 5 of the Basic Law. The degree of protection depends on whether the expression serves the public interest; the more it does, the more protection it enjoys. Any restriction must balance these freedoms with other fundamental rights.	In German criminal law, there is a distinction made between opinions expressed privately and those expressed in the public interest, particularly regarding acts like insult, defamation, and slander. This distinction aims to protect press freedom, assuming that the press acts in the public interest. The upcoming EU regulation likely seeks to reinforce this protection of press freedom.	No. This is not the case in Germany.
3	Does the law protect journalistic research and investigations?			
3 - Answer	Yes, journalists in Germany have special rights provided by state press laws, state media laws, and the State Media Treaties. These special			

	regulations are designed to facilitate their work and ensure their ability to perform journalistic activities freely, such as the right to information, protection of sources and professional obligations.			
3a		Is the right to publish unlawfully obtained information respected <i>in practice</i> if this information is in the public interest?		
3a - Answer		In Germany, media professionals and providers are responsible for complying with press law. If they violate these laws, such as failing to protect personal rights or adhere to youth protection standards, it constitutes a breach of journalistic due diligence. Regulatory authorities then step in to address and correct these breaches, ensuring that journalistic standards are upheld.	There are two spheres to consider: legal and professional ethics. While the legal aspects can't be judged in detail, ethically, decisions are generally weighed in favor of the public interest. This reflects the typical trade-offs involved in balancing various interests, prioritizing the public interest as much as possible.	The interviewee stated that she is not the right person to answer these legal questions about press freedom in Germany. It's a complicated issue, and she stated that I might get better answers from someone more specialized in this area, such as a colleague from Reporters Without Borders. She didn't want to give incorrect information or misrepresent your results.
3b		<i>In practice</i>, do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		The responsibility for ensuring access to information, such as government information and press conferences, partially falls outside of our remit. However, media law does have provisions to guarantee this access. For instance, Section 14 of the Interstate Media Treaty grants media providers the right to short reports free of charge, ensuring they can access and report on events of general interest. This is the aspect where the regulatory authority is involved.	There are two main ways journalists access information: through informants who provide information proactively, such as via press conferences, and through journalists actively seeking information by contacting informants directly. Journalists also organize events like the Federal Press Conference in Berlin, where government representatives and other officials are invited by journalists to provide information for the public interest.	In Germany, journalists have the privilege and duty to obtain information, particularly from the Federal Government at the Federal Press Conference, although there are limitations due to information protection.
3c			Is investigative or under-cover journalism being hindered?	
3c - Answer			Investigative journalism in Germany is not hindered, and intensive research, a	In Germany, while journalists generally enjoy a privileged situation,

		core aspect of journalism, is permitted. While undercover research typically requires journalists to identify themselves, it is allowed without identification if information cannot be obtained through normal methods, according to the German Press Council's code of professional conduct.	investigative and undercover journalism can still face obstacles, such as difficulties in obtaining court files or certain data.
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?		
4 - Answer	Journalists in Germany are legally protected against interception of communication, surveillance, house searches and seizures. Article 5(1) of the Basic Law guarantees freedom of expression, information and the press. This forms the constitutional basis for the protection of freedom of the press. According to a 2018 Federal Constitutional Court ruling, house searches of journalists and media companies are only permitted under strict conditions in order to protect the freedom of the press. This ensures that investigative measures cannot be carried out arbitrarily. The media privilege in the Interstate Media Treaty (Section 12) and in the press laws of the federal states releases journalists, broadcasters and press companies from comprehensive data protection obligations. This enables them to carry out their work without excessive restrictions.		



4a		[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure <i>in practice</i>?	
4a - Answer		During major events where space is limited, access for media is often restricted spatially but not in principle. Some media providers are granted access, and the content they generate is shared among all media outlets to ensure comprehensive coverage. This ensures that all media can participate despite physical space constraints.	Editorial secrecy is protected in Germany against state interference, which is crucial for press freedom and the proper functioning of journalism in a democracy. Despite some attempts to find press informants, the protection of editorial secrecy is largely upheld.
5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?		
5 - Answer	The must-carry obligation in Germany, according to §§ 78 et seqq. State Media Treaty, requires cable networks to allocate one-third of their transmission capacity to specific programs, including public broadcasters (ARD, ZDF, Deutschlandradio), private programs with regional windows, regional and local TV programs, and open channels. These channel allocations can be found with cable providers and are usually available online.		
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?	
5a - Answer		Interstate Media Treaty Regulation: Media law in Germany is regulated by the Interstate Media Treaty, which	

		<p>applies uniformly across all federal states. Its primary aim is to prevent the dominance of opinion by any single media entity.</p> <p>Tools to Prevent Dominance: Various tools are implemented to prevent the predominant power of opinion, such as regional windows and third-party broadcasting times. These require television broadcasters with significant market share to include regional content and third-party programming in their schedules.</p> <p>Editorial Sovereignty: In both regional windows and third-party broadcasting times, the respective organizers maintain editorial sovereignty over their programs, even though they are part of the main broadcaster's schedule. This separation of editorial control promotes diversity and prevents monopolization of opinion.</p> <p>Shareholder Participation Limits: There are regulations limiting shareholder participation to ensure that no single entity can dominate regional programming, further supporting the aim of preventing opinion dominance.</p> <p>Specific Regulations: The obligations for regional windows are outlined in paragraph 59, section four of the Interstate Media Treaty.</p>	
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6	Are there any state subsidies that promote market plurality?		
6 - Answer	<p>There are no direct state subsidies for specific content, individual media, or journalists in Germany to maintain independence from the state.</p> <p>However, certain projects receive funding, and mechanisms like the broadcasting fee, reduced VAT for press products, and discounted postal rates for press distribution help promote market plurality.</p>		
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred <i>in practice</i>, and which criteria are <i>usually</i> applied?
6a - Answer	See answer to Q6		<p>In Germany, press funding is indirect and non-selective, primarily provided through tax legislation and special postal tariffs for media products.</p> <p>In Germany, there is very little structural support for journalism due to its independence from the state. Funding is primarily provided by the Federal Commissioner for Culture and Media and focuses on structural projects rather than direct journalism</p>

				<p>funding. Public broadcasting is funded through taxes and fees, but this is not considered direct promotion of journalism.</p>
6b		[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality <i>successful</i>?		
6b - Answer		<p>The funding policy of the State Media Authority of North Rhine-Westphalia is considered successful in promoting market plurality and diversity in the media. This is achieved through various means such as subsidizing market players, promoting education and training, ensuring access to media, supporting research projects, and providing strategic and financial support. A notable initiative is the Medienkarriere NRW, which focuses on nurturing young talent. Additionally, the authority promotes innovation and economically viable media companies, and employs incentive regulation by granting Public Value Status to content providers that contribute significantly to opinion-forming and media diversity. This status enhances their visibility on media platforms. Other support areas include subsidizing dissemination costs for digital terrestrial radio broadcasting and supporting community media like campus radio by covering costs such as GEMA fees.</p>	<p>The funding provided is competition-neutral in Germany, ensuring it neither favors nor disadvantages any party.</p>	<p>In Germany, the funding policy is not focused on promoting market plurality but rather on maintaining a balance between private and public broadcasters. This balance is overseen by the States Commission for Broadcasting. However, there is a lack of active support for media plurality. The absence of targeted funding and a solid legal framework is contributing to the decline of local journalism and media diversity. As a result, the plurality of the media landscape in Germany is currently threatened, mirroring trends seen across the EU.</p>
7	Are there any state subsidies that promote internal pluralism?			
7 - Answer	No.			

7a	[[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[[IF Q7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied?	
7b		[[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism successful?		
7c		[[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?		
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8 - Answer	Regular accountability reports of political parties published by the Bundestag detail the financial involvement of political parties represented in the Bundestag in media companies, including ownership shares, management positions, and other relevant connections.		Transparency in media ownership structures is legally regulated in Germany through state press laws, which vary by state. For specific examples, one can refer to the state press laws of Bavaria and North Rhine-Westphalia for comparison.	In Germany, media ownership and supervisory board memberships are transparent and publicly disclosed, making it clear who holds shares and positions in various media outlets.
8a		[[IF Q8 in Questionnaire 1a = NO:] Do the media voluntarily disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?	
9 - Answer	No.		In Germany, media categories differ in their requirements for income disclosure. Private sector media, like traditional press, are not required to disclose their income unless they are public limited companies, in which case stock corporation law applies. Public service media, including public television and radio, have specific rules	Media outlets in Germany report their different sources of revenue in their transparency and annual reports. Transparency requirements are becoming increasingly detailed, ensuring that financial disclosures are comprehensive and clear.



			for disclosing advertising revenue. These figures, including income and expenditure, are generally transparent.	
9a		[IF Q9 in Questionnaire 1a = NO:] Do the media voluntarily disclose their sources of income including state advertising revenues?		
9a - Answer		German media law does not have a specific provision like the Media Freedom Act (MFA) regarding the disclosure of state advertising funds. Instead, broadcasters applying for a license must prove their organizational and economic efficiency, including submitting a business plan. However, there is no legal requirement to disclose sources of income, and questions about voluntary disclosure of income sources are not addressed in the law.		
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?	
10 - Answer	Yes, according to the press laws and the State Media Treaty.		In Germany, advertising must be clearly labelled and distinguished from editorial content, as required by the press code for print media. For electronic media, both private and public service, there are legal regulations ensuring this distinction is maintained.	Political advertising in Germany is clearly labelled, especially during election campaigns.
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?		



10a - Answer		In Germany, media generally comply with labelling obligations for advertising. While there are occasional individual cases of insufficient labelling, these are addressed and corrected promptly. Political advertising is particularly well-regulated, with broadcasting sector restrictions limiting it significantly.		
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	Since journalism in Germany is a free, i.e. a freely accessible profession, citizen journalists are not subject to any further legal regulations.		In Germany, there is no strict, conclusive definition of a journalist, as the profession is not regulated by specific training or licensing requirements. Journalism is seen as a special case of freedom of expression, which applies to every citizen. This differs from countries like Italy and Greece, where journalism requires a license. Instead, typical characteristics and professional activities distinguish journalists from non-journalists pragmatically.	In Germany, public interest journalism and citizen journalism, such as platforms like Correctiv and Volksverpetzer, have become widespread and important for making information more accessible. However, this rise also leads to media fragmentation, blending journalism with opinion and activism, which can result in fragmented information sources and reliance on platform algorithms.
11a		[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists <i>in practice</i>?		
11a - Answer		Citizen journalism is included in North Rhine-Westphalia's state media law, allowing citizens to contribute to local radio stations, which must provide one hour daily for citizen-produced content. While citizens do not need a license and are exempt from transmission costs, the local radio stations retain editorial control and responsibility for journalistic duty of	Professional journalism in Germany adheres to the press code, while non-professionals, who engage in so-called journalism, do not. Non-professional content is considered private expression of opinion under freedom of expression, not media as defined by the press code.	In Germany, the status and reach of citizen journalists, as well as whether they have press cards and financial means, affect whether they have the same rights and obligations as traditional journalists. There is no clear answer, as it depends on various factors including their commitment to the press code.

		care. The same standards apply to bloggers under telemedia regulations, ensuring compliance with journalistic standards.		
12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?	
12 - Answer	In Germany, the state media authorities are responsible for non-commercial, local "Bürgermedien", which are carried by non-profit organizations, or the media authorities themselves. Otherwise, the general Article 5 of the Basic Law applies.		In Germany, the significance of community media is difficult to determine as they represent a small portion of the overall media landscape. Additionally, they are regulated by law rather than the Press Council, and their impact can only be assessed by media researchers.	In Germany, community and citizen media do not receive the recognition, funding, or legislative support they deserve, despite their growing importance, particularly in local affairs and multilingual offerings for refugees and specific communities. While open channels receive some consideration through media policy, overall support is lacking. These platforms are increasingly vital as public service broadcasting faces attacks and traditional media struggle economically, failing to cover many issues. However, community media often rely on voluntary work and are not sustainable in the long term. New legislation to support journalism oriented towards the common good is needed, but progress on this front has been slow, largely due to tax law issues. As a result, this field is not adequately addressed, especially in Germany.

12a	Are non-profit community media eligible for funding?			
12a - Answer	State media authorities provide partial subsidies for "Bürgermedien".			
12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?		
12b - Answer		The state media authority is actively involved in promoting community media through various projects, such as the media box for user-generated content in NRW. These initiatives are considered successful and significantly contribute to opinion diversity and opinion formation, demonstrating the effectiveness of state funding.	Unable to provide an answer for this question.	In Germany, there is no strategy or sustainable funding for community media, making it very difficult for them to finance themselves or become monetized. This results in inefficiency and a lack of sustainability.
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		
13 - Answer	No.		The internal organization of media companies is outside the regulatory remit of the Press Council, which does not set any rules in this area. Media companies are completely sovereign in their internal organization, and only media researchers can reliably answer questions on this topic.	In Germany, the approach to gender equality and diversity in media varies significantly. Public service broadcasters often have guidelines and quota systems for gender equality, while private-sector broadcasters may have recommendations for diversity, but practices are inconsistent. The implementation of these measures depends on the individual media company's policies and leadership. There are no mandatory quotas, and gender representation, particularly in leadership positions, remains uneven

				across different media organizations. Some broadcasters, like SWR, have successfully implemented gender quotas, leading to more women in management roles.
13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves <i>in practice</i>?		
13a - Answer		-	Unable to provide an answer because observing and evaluating such processes is not within the tasks of German Press council.	In Germany, the gender equality quotas and targets have made a positive difference (see answer to Q13), but their success has been limited.
13b		Are you <i>in favour of or against</i> quota systems for women and why?		
13b - Answer			If voluntary efforts to achieve appropriate representation of women in the workplace and management positions do not succeed, a quota system can be a necessary and important tool. In Germany, a journalists' union successfully implemented such a system early on, believing that proactive measures are sometimes needed rather than waiting for political insight and common sense to prevail.	The interviewee strongly supports quota regulations for women and other diversity characteristics, such as immigration history and disability, because without them, the interviewee states that they tend to revert to old patterns with little change. Quotas have proven successful in countries like the UK with the BBC, and although the ultimate goal is to no longer need quotas, we are still far from that point.
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	No.		There is awareness that some media have such regulations in Germany, but no further information or comments could be provided on them from the interview.	Diversity quotas do not generally exist in the German media landscape, except occasionally for traineeships at some public broadcasters. As a result, the media landscape in Germany lacks

				diversity, especially in the private sector and publishing. In general, there is no common diversity strategy in public broadcasting, and data on diversity is scarce. Efforts like Diversity Day exist but have little impact, indicating a need for more commitment and comprehensive diversity measures. Currently, diversity initiatives are largely limited to gender and are insufficient.
14a	[[IF Q14 – YES OR PARTIALLY YES:]] To which minorities do these rules or recommendations apply?		[[IF Q14 in Questionnaire 1a –YES OR PARTIALLY YES:]] To which minorities do these measures or recommendations apply?	
14b		[[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:]] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?		
14c			Are you <i>in favour of</i> or against quota systems for minorities and why?	
14c - Answer			In Germany, the quality of media depends on the competence of its staff. While it's important to consider whether a quota system might enhance editorial competence, each media outlet must determine this individually. A legal quota system for minorities may not necessarily improve the competence of the editorial team or the overall quality of the media.	The interviewee supports quotas for minorities in Germany because they are underrepresented in editorial offices despite comprising a significant portion of the population. A 2020 survey showed only 6% of editors-in-chief have a migrant background, predominantly from European countries, with no black or Muslim representation. To reflect societal diversity, the interviewee recommends quotas of 50% women, 25% people with a history of immigration, and 10% people with disabilities.
15		Does the regulatory authority/authorities acts/act fully	Do you <i>think</i> that the regulatory authority/authorities acts/act fully independently from governmental influences?	

		independently from governmental influences in practice?		
15 - Answer		In Germany, media supervision must be organized independently of the state, as guaranteed by Article Five. The NRW State Media Authority operates independently, subject only to limited legal supervision, and can only be held accountable if it violates the law.	In Germany, state media authorities are independent institutions that regulate without instructions from higher authorities, ensuring their autonomy in decision-making.	In Germany, while state media authorities are independent, there is significant political influence at the state level, particularly in appointments to supervisory bodies and broadcasting boards. This proximity between politics and media needs to be addressed to ensure greater independence.
15a			Why? [OR:] Why not? [OR:] Why only partially?	
15a - Answer			In Germany, media have their authority in decision making.	-
15b			[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?	
15b - Answer			No further comment could be made on that because in Germany the area regulated by the state media authorities is not within the remit of the Press Council.	Perhaps, there should be fewer representatives from politics and party-affiliated institutions on media committees.
16		Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?		
16 - Answer		In Germany, Article 5 Basic Law comprehensively guarantees various freedoms, including freedom of expression, media, information, broadcasting, and press. Access to information is generally secured by this article, with restrictions only when	The concept of a right to communicate was unfamiliar to the interviewee, and he has not considered whether it would offer greater quality than the existing rights to freedom of expression and freedom of the press. These rights are intrinsically linked, as	Despite Article Five of the German Basic Law guaranteeing the right to be informed, many people in Germany feel excluded by the media. This indicates significant work is still needed to ensure media offerings and discourses are inclusive. The

		<p>other laws or fundamental rights intervene. There is no perceived need for additional legal regulation, as Article 5 sufficiently covers these rights.</p>	<p>communication arises through the expression of opinion. At first glance, the interviewee does not see the qualitative improvement that a right to communicate would provide beyond what is already offered by freedom of expression. Freedom of expression is crucial because it allows individuals to publicly defend their positions and engage in debates across various media, facilitating a continuous, non-violent negotiation of different perspectives. This process of communication ensures that diverse positions are presented and discussed in a peaceful manner, which is the core significance of the right to freedom of expression.</p>	<p>suggestion of a right to communicate beyond Article Five is seen as challenging, especially in a heterogeneous society prone to populism and disinformation. Involving citizens directly in political processes could be overwhelming and dangerous, as emotionalized discourses can lead to manipulation and misinformation.</p>
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Ireland

Rosemary Day (MIC)



Background of the interviews – Ireland

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

No literature review was conducted, Liam Boyle, Assistant Director, Media Landscape Division, Coimisiún na Meán (meaning “Media Commission” in the Irish language), Ireland’s Media Regulator, was more than able to address and answer all of the questions.

2. What criteria were decisive for the selection of the person to be interviewed?

Liam Boyle was chosen as he is a senior member of the executive of the Regulator. He has in depth knowledge of Irish and EU legislation and he has many years of experience working in this area. He previously addressed the MeDeMap research partners (Vienna March 2023) and his knowledge of the research project was considered a valuable addition to his work experience and knowledge, adding an additional depth and breadth to his reflections on the questions posed.

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

Liam Boyle, an Assistant Director in the Media Landscape Division of Ireland’s Regulatory Authority – Coimisiún na Meán, described the role of the Regulator during the interview as follows:

“Coimisiún na Meán is quite a wide-ranging regulator. Previously, would have had responsibility for just regulating linear broadcasting, but has since taken on a much wider portfolio in terms of online safety and harm, and is also the digital services coordinator for the DSA. So it's, it's a widening portfolio which seems to be growing by the day.” (Boyle, 22.05.24)

He described *his* role as follows: “I mostly work in public service media regulation, but I also work in licencing of community radio and TV and commercial radio and TV as well.” (Boyle, 22.05.24)



Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

Séamus Dooley, Irish secretary the National Union of Journalists (NUJ); The Assistant General Secretary UK and Ireland. The NUJ is based in the UK and there is no other union for journalists in Ireland. Séamus has been in this role for nearly 30 years and has incomparable experience and knowledge of the sector. A former journalist himself, he has negotiated with employers and governments on journalists' rights, conditions of employment etc. and he is conversant with the situation in other jurisdictions also.

5. What criteria were decisive for the selection of the person to be interviewed?

See above, Séamus Dooley is the top person in the journalists' union in Ireland and he has been for nearly 30 years. No one else in the country has his knowledge and experience.

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

Craol is the Community Radio Forum of Ireland. (The word "Craol means " to broadcast" in the Irish language). As described in the interview, "it's a network of all the stations and our role in Craol is to support all of those stations through training advocacy and sharing it with ourselves". (Interviewee, 21.05.24) Craol represents 40 stations, 21 of these have permanent licences to broadcast and the remainder are broadcasting on restricted or temporary licences, hoping to attain permanent licences in the future.

7. What criteria were decisive for the selection of the person to be interviewed?

This person has asked to remain anonymous, so this answer is limited in order to respect that anonymity. The interviewee holds a high-ranking position of authority in the network Craol and has held this position for over 10 years and consequently was deemed to be the best person to be interviewed. Unfortunately, this person did not appear to have a wide or deep understanding of the issues probed and the interview was rather frustrating and disappointing as a result.

Questions and answers – Ireland

	Questionnaire 1 a	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective (one interview)		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?		Is the media subject to the right of reply? → [The question was not mandatory in these two interviews.]	
1 - Answer	<p>There's a Right of Reply Scheme in Ireland, which was, I suppose, devised by the Broadcasting Authority of Ireland before it became the Coimisiún na Meán [Irish Regulator, means "Media Commission" in Irish language], that right of reply scheme is still in operation. And is linked to I suppose on our website. In general, citizens approach the broadcasters first, and if a dispute arise on what's been provided, then the regulator does have a role in that as well. It has very rarely been invoked, if ever formally been invoked. As far as I'm aware, so it's not really a heavily used right. I suppose process in Ireland.</p>		<p>It depends on what we mean by "right to reply", there is not an automatic legal entitlement to "right of reply" so, I think the question means "does someone have, does the media automatically have to grant someone a right of reply?" The media is not subject to an automatic right of reply, and there are differences between broadcast and print media. There is right to make a complaint against regulated broadcasters under Coimisiún na Meán and that is established under statute so, you have a right to seek a right to reply but the right is not of course automatic; you're not automatically granted that. I think that's an important distinction. Regarding the press, the Press Council of Ireland is a voluntary regulatory body and there is a right to seek a right of reply as part of that. What's important to say is that there's a distinction between right of reply and correction so, you may be granted the right to reply but, again, it's not an automatic right.</p>	<p>You know, that's not something I'm 100% sure on. I believe everybody should have the right to reply but I'm not sure if that is what happens all of the time.</p>



2		<p>EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection.</p> <p>According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?</p>	<p>Does the state use this differentiation to restrict media freedom?</p>	<p>Does the state use this differentiation to restrict media freedom?</p>
2 - Answer		<p><i>Funny enough, this doesn't really come under our remit, but the protections for expression don't really come under our direct legislation. The Broadcasting Act 2009, the online Safety Media Regulation Act 2022, Article 40 of the Constitution more than anything else - so we don't normally speak to those rights of expressions being differentiated because it's not in our directly linked primary legislation. Case law in Ireland mostly points to Article 40 of the Constitution, because there aren't any other specific protection, protections for the rights of expression or journalism in Irish legal context, as far as I'm aware.</i></p>	<p><i>I don't think the Irish state uses that distinction at all and I'm not sure that it's a valid legal distinction. I think it is fraught with difficulty, in that one, one person's definition of that which is in the public interest, that's distinct from public curiosity is a matter of interpretation so, it would be very difficult to actually make a distinction but since we're not talking about, you know, I think the definition of public interest journalism is very problematic and there's no legal framework in Ireland which makes that distinction.</i></p>	<p><i>And again, it's one of those questions that I couldn't give you a 100% of an answer on because I think that it, yes, it may in some cases, it may prevent media from publishing because they feel that they're, you know, that they're going to be held up because of it.</i></p>
3	<p>Does the law protect journalistic research and investigations?</p>		<p>Does the law protect journalistic research and investigations? → [The question was not mandatory in these two interviews.]</p>	
3 - Answer	<p><i>It does in the Constitution. Again, there's no specific reference to it in the Broadcasting Act 2009 or in the Online Safety and Media Regulation bill, but there is, you know, a principle-based approach, and the core principles of right of expression are always at the heart of those codes and rules.</i></p>		<p><i>I think there are severe limitations on Irish law, principally around the Law of Defamation and that that would, you know, and that perhaps relates more to Freedom of Expression than research but I would also say that the restrictive application of Freedom of Information (FOI) Law is a significant barrier to research, both in terms of the pace at which FOI operates and also I think the reliance frequently on FOI, rather than state agencies as distinct, I'm talking</i></p>	<p><i>If it's in the public interest, I think yes, it should be.</i></p>

			<i>about the application of the law really in making information available .</i>	
3a		Is the right to publish unlawfully obtained information respected in practice if this information is in the public interest?		
3a - Answer		-	<p><i>If it was not in the public interest, there is not a defence, just by virtue of being merely being a journalist. There has to be a public interest defence because obviously, if you look at the issue of surveillance, that is a breach of someone else's right so, if you're going to breach someone else's right, it has to be in the public interest, not merely for titillation or for the sale of newspapers.</i></p> <p><i>Well, I think what's important in the context of the right of journalists to protect sources is the Kennedy-Keena judgment of the Supreme Court [see: https://hudoc.echr.coe.int/eng?i=001-147707]. Geraldine Kennedy, the editor of the Irish Times and Colm Keena, clearly recognized that they had breached the law but that they did that in the public interest and public interest was upheld.</i></p>	<p><i>I'm not aware of cases, where it has been, organizations or media have been brought to court over it in Ireland but then I suppose you have the WikiLeaks case going on at the moment, which you know, to me, is where the media itself is being abused or against the journalist, yeah.</i></p>
3b		In practice, do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		<p><i>I think it's standard practice that the media does have access to the majority of government interactions, press conferences and court reporting. It's quite a significant part of the kind of the functioning of the democracy. I'm not aware of specific legally binding provisions.</i></p>	<p><i>In practice, journalists who are members of the NUJ, or who represent media organizations, have access to parliament and into courts . And the court rules of the courts explicitly require a working journalists to have, you know, to have recognition.</i></p>	<p><i>I think it's, - it might be- a little bit of a who, you know, or a closed shop or a, you know, it it's not open to everybody.</i></p>

3c		Is investigative or under-cover journalism being hindered?	
3c - Answer		<p><i>I think that the issue of defamation is important and we would like to see a stronger provision. Ideally, even though I think we have a bad history of referendums in Ireland but we would like to see the widening out of the right of journalists to Freedom of Expression and that is the Right to Freedom of Expression for instance in the Goodwin case in the European Court [see: https://hudoc.echr.coe.int/eng?i=002-9155], is the right, you know, is extended to include the right to protect confidential sources . And the, you know, there are, there are restrictions but we, at the same time, we don't have an oppressive regime but we would like to see greater protections here.</i></p>	<p><i>I would think so because again it goes back to our laws and the fear of being sued and the fear of you know litigation as I said, against a media company so I think it's it would be, yeah.</i></p>
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?		
4 - Answer	<p><i>Again, as far as I'm aware, there aren't specific protections in place and case law in Ireland points to Article 40 of the Constitution in terms of the right of expression.</i></p> <p><i>I know there have been a few cases in the in last years in terms of the use of GDPR and it has come up again that more specific protection for journalists is needed in that regard.</i></p>		



4a		<p>[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure <i>in practice</i>?</p>	
4a - Answer		-	<p><i>I think the issue is that, you know, you can seek a court order, you can insist on a court order but actually, in many respects, what I would say there, is that this is not just a legal question that there has to be an acknowledgement by the police and by the state that, even if you have a legal power, the exercise of that power can have consequences. So, for instance, in recent public order events there was evidence that, you know I'm thinking of this in Dublin city centre, in O'Connell Street [refers to a riot in city centre after an attack on school children by a migrant sparked a riot and looting in 2023] where there was ample material available on street from cameras and on cameras in shops and commercial centres, where the view of the police is that they must get the best images possible and therefore go to media for an order including for photographs that have not been published. And that does cause a threat, a limit.</i></p>
5	<p>Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?</p>		
5 - Answer	<p><i>There are currently "must carry, must offer" obligations in Section 77 of The Broadcasting Act 2009. They apply to the carriers of what's regarded as public service content.</i></p>		



5a		<p>[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?</p>	
5a - Answer		<p><i>So, our public service broadcasters, and we also have licenced broadcasters, pursuant to section 70 of the 2009 Act, that carry television content that also has news and current affairs and content in it and the platform providers which are specified in the Act, so, that's satellite providers, cable providers and IPTV providers are obliged to carry those services on it.</i></p> <p><i>There are also new provisions inserted into the Online Safety and Media Regulation Act, into section 128B of the Act that transpose Article 7A of the updated AVMS, pertaining to content of general interest and there is a provision there for the Regulator to devise new codes and rules for prominence of content of general interest. So that's a piece of work that is about to start and should ideally complement the "must carry, must offer" provisions that are already in the act.</i></p>	
6	<p>Are there any state subsidies that promote market plurality?</p>		
6 - Answer	<p><i>I suppose state subsidies would not be defined as such, but I think The Broadcasting Funding Scheme, which is administered by Coimisiún na Meán and has a statutory basis, would be kind of regarded as such and is a proportion of the licence fee that is allowed for in a competitive and contested fund, which</i></p>		



	<i>can be run on a number of different ways for the AV sector in Ireland, administered by Coimisiun na Meán and is largely programme or output based and is, you know, quite flexible and kind of meeting different needs of the AV sector as the government and as Coimisún na Meán sees fit.</i>		
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred in practice, and which criteria are usually applied?
6a - Answer	<i>So largely, most of the what's in the linear AV sector would be open to applying for funding via the broadcast and funding scheme. So that would be public service media, commercial radio, commercial TV and Community TV and radio. At the moment that's limited to, I suppose, linear broadcasters rather than VOD players, or SVOD players as well. The criteria can and do change from round to round, and we may have specific rounds that look at specific issues, so we may have, say, a climate change round or we've also had rounds in response to COVID that focused in on the live music sector. And in that regard, the methodology has had to adapt in terms of criteria, but the normal criteria that you would have is innovative or additional content, alignment with the broad principles of the scheme, which focus on reflection of Irish heritage and culture, promotion of the Irish language, promoting diversity and inclusion.</i>		--



6b	[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality successful?			
6b - Answer		<p>To be honest, it's seen as a quite a successful scheme. It I suppose it the Future of Media Commission was set up by the Irish Government a couple of years ago to kind do a broad assessment of the health of the AV sector in Ireland. And two things were kind of agreed on: that the funding model via the licence fee is broken, but that the contestable fund run by Sound and Vision is a really good, efficient and targeted use of public money in terms of making content that wouldn't otherwise be made. The independent production sector as well obviously who are tasked to make a lot of this content have done quite well out of the scheme itself and there's, you know, there's been a number of, you know, fairly high-ranking series and documentary series that have got a high profile. There's also what are called kind of ancillary measures as well, so kind of run offs from the scheme and one of those is Cine Ceathair (Cine 4 in Irish language) which involved our Irish language broadcaster TG4 and Screen Ireland, which you know, has resulted in Oscar nominations for films that BAI/Coimisiún na Meán has funded. So yeah, there's there's a lot of kind of visible, I suppose, indicators in terms of, you know, good performance in the area.</p>	<p>There are currently no state subsidies promote plurality, no.</p>	<p>Not at the moment, well, I'm talking about the Sound and Vision [a funding scheme operated by the Regulator] and news and current affairs isn't, can't be covered in that. When you apply for funding through to the BAI or Coimisiún na Meán, for what's called "Sound and Vision funding", it excludes news and current affairs, well for the community sector anyway so, but I don't think it's for any sector.</p> <p>When you're looking at the media landscape here at the moment in Ireland, look at how it's owned and controlled, look at our TV, listen to our radio, there isn't a huge variety of voices – I can't see it. Unless it's written into the application [referring to the opportunity of applying for government funding through one of the new schemes to be implemented by Coimisiún na Meán later in 2024 that will fund reporting on local democracy and on the courts].</p>



7	Are there any state subsidies that promote internal pluralism?		Are there any state subsidies that promote internal pluralism? → [The question was not mandatory in this interview.]	
7 - Answer	-		<i>There are no state subsidies to promote pluralism. We are moving in a new direction now, because there are two new schemes being established [two new schemes set up on the acceptance of the Future of Media Commission's recommendations and about to be implemented in late 2024] and there's also the Simon Cumbers scheme [charitable foundation]. There are those kinds of schemes but there's none particularly targeted like that at diversity or plurality.</i>	
7a	[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied?	
7b		[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism successful?		
7c		[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?		
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8 - Answer	<i>As far as I'm aware, political affiliation isn't specifically called out for in our ownership and control policy and look, it may be subject to review, given the considerations from EMFA which will obviously have to be transposed as well into our Irish legislation but, as far as I'm</i>		<i>No, there's no requirement to do so and they don't do so and, unlike the UK, it is fair to say that, in the vast majority, they don't have a political affiliation.</i>	<i>No.</i>

	<p>aware the, you know the majority of focus, I suppose is on ownership and control would be the financial health and well-being of the directorship and their financial management and compliance over a period of time political affiliation, as far as I'm aware, it doesn't come up now. Now each key director or a key member of Board of Management will be required to fill out a character test, which would you know, cover issues in terms of any involvement in illegal activity or any kind of non-compliance with kind of other areas that fall outside of just, you know, the kind of base financial performance.</p> <p>So I mean, any applicant as well in a licencing process is kind of subject to that overall character test which would be conducted on by Coimisiún na Meán, and I think if there were any, you know, very questionable political affiliations that weren't declared, then they would be looked into on that, but they're not subject to declaration, as far as I'm aware.</p>			
8a		<p>[IF Q8 in Questionnaire 1a = NO:] Do the media voluntarily disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?</p>		
8a - Answer		<p><i>I'm not aware of it, to be honest. I think there is. There is a, you know, a very kind of implicit commitment to impartiality and objectivity in terms of the operation of the media in Ireland and we're kind of</i></p>		



		<i>lucky that it hasn't got to that point where it's had to be overtly needed and called out, but no, it's it would be rare. I think that it would be, you know, overtly pointed out in a in a process.</i>	
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?
9 - Answer	<i>They are, yeah. And there's different levels, I suppose, of compliance required for different broadcasters, public service media in particular would need to specifically call out what kind of state advertising has been carried, you know, and we saw a lot of this through COVID in particular where the broadcasters were being heavily used by the state and at the same time commercial revenue was obviously dropping as well, so there needed to be a specific reporting on that. That differs as well kind of across the board in terms of commercial broadcasters, how much that they have to divulge in terms of detail and the same goes as well for community broadcasters. There has to be a breakdown in in advertising in particular and for sponsorship, but it does kind of vary across the different degrees of licences that we issue and the relationships we have with broadcasters, we don't have licences for public service media, but we have a regulatory framework in place that regulates their performance. So yeah, there's varying degrees of kind of application of that.</i>		<i>Well, they do, to varying degrees. Public media are required so, and public media, RTE, do. In relation to the Irish Times Trust, which is a private company, they do publish their accounts and Independent News and Media used to, because they were they were on the Stock Exchange so, they actually would but Mediahuis is no longer a public company.</i> <i>I don't think they do. I think only maybe the public service, as RTE is the only one that has to declare income, and maybe community media as well, because their income comes from a variety of different sources and this is something they have to report back to the Broadcast Authority on.</i>



9a		[IF Q9 in Questionnaire 1a = NO:] Do the media voluntarily disclose their sources of income including state advertising revenues?	
9a - Answer		<i>Some will and some won't and some are subject to it and some are not, I suppose if the answer to that, it's is a very open answer, to be honest, but they're not specifically required to.</i>	
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?
10 - Answer	<i>Again, that's kind of subject to change at the moment as well and our codes and rules are being revised to ensure that, you know, there is compliance, obviously, but currently political advertising doesn't live necessarily within our realm as a regulator. And the Electoral Commission have a regulatory role on that as well, which is a new Commission which has also been set up. So, there is a period of transition there.</i>		<p><i>By and large there is, but I don't I think, that all political advertising is clear and is labeled. I think that there is a greater ambiguity, in my personal view, in terms of non-political advertising. So, they're used to be simply called "commercials" but now they're frequently called and labeled as "special reports" or "advertorial" or "commercial features". And also, what you find are reports done in conjunction with a sponsor and advertiser. We certainly would like to see more explicit advertising labelled as advertising.</i></p> <p><i>Well, radio cannot advertise politically and newspapers, I'm not 100% sure if they are, but they're not ads, they're more kind of sponsorships or good luck wishes, messages from politicians so and, but I'm not sure how the newspapers have to do theirs but I know, in broadcasting we can't have political advertising.</i></p>
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?	
10a - Answer		-	

11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	As far as I'm aware, no, and again, I think it would be pushed back or pushed onto the rights of expression in the Constitution rather than specifically within individual aspects of primary legislation and this, as far as I'm aware, there is nothing in the broadcasting Act or nothing in the online safety Media Regulation Act that would say so, yeah.		It's not practical nor is it desirable, to have, and everyone who has the capacity to take a photograph or to use a notebook, to be credited as a journalist. One of the problems, and that has happened in terms of public order, is people pretending to be journalists and therefore not operating to any ethical code or professional code, turning up at the homes of politicians or interrupting a press conference or debating at a press conference and that is hugely problematic. So, while the theory of citizen journalism sounds great, in fact, it can be a barrier or a danger in a democracy and it can inhibit the free exchange of information.	OK, so this is an interesting one because I would have always considered citizen journalists as in community media. But I think the term "citizen journalist" has been hijacked of late by people who are probably broadcasting through social media and outlets and calling themselves "citizen journalists". But unfortunately, it's, from what I've seen, it's the reporting from where there's protests against migrants and the like so. And I think the term "citizen journalist" now has another meaning which is not a very positive one so, I would have always seen it as community, community media, community journalists and but it's been hijacked, I think .
11a		[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?		
11a - Answer		I'm not sure I can answer that. I mean, obviously, the Constitution also enshrines the ability to join a union and being unionised in journalism probably offers you a different level of protection rather than a citizen journalist. It's probably not for me to comment on this question.	-	I think yes, everybody has the obligation to tell the truth, and certainly for community media. They are regulated by the Broadcasting Authority, Coimisiún na Meán, but I don't know if they have the same privileges because they don't belong to the NUJ. The NUJ card has weight and within the community, we don't have that card.

12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?	
12 - Answer	<p><i>There, and there's a specific licencing regime that I suppose, differentiates community media from public service media and from commercial media. Community media are subject to a set of licencing requirements in terms of meeting their community's needs and demonstrating social benefits in particular. They are also encouraged to focus less on kind of output based scenarios and more on outcomes. There is a cap on their level of advertising or commercial income that they can take in. It used to be less than 50%, that's not as prescriptive anymore. There is quite a strong community media licenced broadcasting sector in Ireland, which is distinctive and different to the other pillars. Comisiún na Meán has historically said that there are three pillars of broadcasters in Ireland, PSM, commercial broadcasting and community. And that remains the case.</i></p>		<p><i>There are a small number of community media, it's nothing major. There are small privately owned companies but we haven't had the same phenomenon of community media in Ireland.</i></p>	<p><i>I think if we didn't have community media here in Ireland our landscape would be much poorer for it. We wouldn't have the diversity, the plurality, the inclusion and that we have. How is policy? there is a media, community media, policy which is you know, separate from I suppose, general media policy and so it is pretty regulated. But I think that we don't have the, sorry and what's the word? I don't think we have the impact at government and department level that we would should have and would like to have.</i></p>
12a	Are non-profit community media eligible for funding?			
12a - Answer	<p><i>They are and they're available, they're eligible for the Broadcast Funding Scheme that I would have previously described through the broadcasting funding scheme through open rounds. But there are also specific, ring-fenced</i></p>			

	<p><i>rounds just for community media and they focus in on social benefit and the demonstration and delivery of social benefit. So again, these could be projects that aren't necessarily about content and not are not necessarily programme or output based but are more outcome based and are more about those community media organisations providing social benefit within their communities.</i></p>		
<p>12b</p>		<p>[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?</p>	
<p>12b - Answer</p>			<p><i>Well, since there is no state funding for anyone, the question doesn't arise. But they would be under the schemes which are now being developed.</i></p> <p><i>Neither efficient nor sufficient. I think it's a bit piecemeal: "There, take that and now we're looking after you" without them looking at the actual work that's being done on the ground. Over 100,000 hours of broadcasting happen every year from the community radio stations we have here in Ireland, two and a half thousand people volunteer their time, and averaging 100,000 people get their voices on here. And I think then, the amount of funding that is there for stations to be able to deliver this is minuscule compared to what it should be and could be.</i></p> <p><i>[New scheme about to be implemented introducing funding for reporting on local democracy and courts]: How do I see that working? I think again, it's not what we would have hoped it to be. I think it's probably going to favour the local, commercial media over the community media.</i></p>



13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	<p><i>There is a requirement for gender balance in boards, in particular through our licenced broadcasters, so there does need to be gender diversity in board of management through the commercial and community media licencing process and each licencing application would be assessed on that basis as how well they reflect gender diversity in particular. And I suppose you could say that is technically legal requirements because it's subject to the licencing regime which is set out in the Broadcasting Act 2009. Follow on question: And in newsrooms? Answer: No, not specifically in newsrooms, in in, in any of our specific legislation, no. [There actually are rules for some entities: the public service broadcasters are required to have gender equity on their governing boards and each community radio station signs a contract that stipulates that there will be gender equity on boards of management but this does not apply to contracts for commercial stations, newspapers etc].</i></p>		No, there's not in terms of quotas.	<p><i>With community media, we are asked to have a 50-50 gender balance on our boards and committees. Also now with Sound and Vision funding, part of the criteria is to have that gender balance and it's you know, when they're deciding to allocate funding, it's marked on your gender balance. Is it a legal requirement? I'm not 100% sure of that, I'm also aware that, depending on where your station is located around the country, it may be more difficult to get that gender balance.</i></p>



13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves <i>in practice</i>?		
13a - Answer		<i>I'm not sure we have enough data to kind of go on that yet, to be honest. I think we have seen some level of positive engagement that has, you know, has shown that if women are given the chance to be represented at board level that they can go on to, you know, other different levels of expertise within the media itself. I think that the kind of the main issues well at the moment is on air and off air, to get that mix of on air and off air diversity and inclusion, and it's to work on. I suppose that kind of that the broad base of getting gender equality first and then moving that on to other areas of diversity and inclusion.</i>	-	<i>To my knowledge, yes, because it makes them much more aware that we need to do this rather than, as prior to this, it was just somebody come on the board. We have ten people on our board, so we have to be very conscious of whom we elect or select...</i>
13b		Are you <i>in favour of or against</i> quota systems for women and why?		
13b - Answer			-	<i>I am in favour and the reason why I am in favour is until it becomes just so normal that we don't have to have the quota system and, but I know, certainly, when I started out in community media like, there were boards that were just all male and that has changed significantly.</i>
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	<i>No, as far as I'm aware, no.</i>		No	<i>So again, to my knowledge there's no rule there.</i>

14a	{IF Q14 – YES OR PARTIALLY YES:} To which minorities do these rules or recommendations apply?		{IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:} To which minorities do these measures or recommendations apply?
14b		{IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:} Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?	
14c			Are you in favour of or against quota systems for minorities and why?
14c - Answer			<p>I would be in favour, I would be in favour of proactive measures to enable diversity. So, there have been some good examples of that, behind you is a poster for the Mary Maher Bursary [NUJ internship scheme] which was an initiative for aspiring journalists from under-represented backgrounds. So, there have been initiatives like that and, but and I think, there is a particular need to look at diversity in relation to gender and class and I would argue, that class is probably the more difficult one and also more relevant in terms of long term impact on content.</p> <p>Yeah, so I think it's time that we looked at this and because if we're talking about being inclusive and all everything else. But yet, if that's not reflected in our boards and our newsrooms, how will anybody ever see themselves in that position, you know, anybody from a minority background?</p>
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences in practice?	Do you think that the regulatory authority/authorities acts/act fully independently from governmental influences?
15 - Answer		Yes, it does.	<p>Well, it has just been established so that, in effect, that is, you know it's early for the question but it still operates independently. It's clearly funded by the state but I think that my experience to date has been that it operates independently of government.</p> <p>Well, my experience to date has been, I would say they're independent and but then, I say, I haven't huge knowledge of how they work outside of community media.</p>
15a			Why? [OR:] Why not? [OR:] Why only partially?
15a - Answer			<p>Well, I haven't experienced any interference. I mean it depends what you</p> <p>Why? I suppose, it goes back to having lobbied Government for certain things</p>

		<p>mean by independence. Yeah, I haven't experienced any attempt by either BAI or the Commission so far, to actually you know, only do what government tells them and I haven't experienced direct evidence of government interference. I would be critical of the BAI as today, and I have no experience of the Commission, in its failure to use its role more actively or Minister or of successive ministers to use the powers that it has in relation to media plurality. Under guidelines introduced by former minister, Alex White, there is an ability for a review of BAI and also in relation to diversity, when there's a takeover occurring.</p>	<p>and being given promises by Government Departments and Ministers but then it not coming through from the Regulatory Authority which makes me think "well, right, they may have pushed for it but the Authority went back and said "No, we're not doing and that was it".</p>
15b		<p>[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?</p>	
16		<p>Freedom of Speech cannot be treated separately from Freedom to Information: the "right to impart" cannot be treated separately from the "right to know". Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a "right to communicate", which is more than simply adding up the "right to impart" and the "right to know": Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?</p>	
16 - Answer		<p>I'm probably not best place to comment on that, to be honest. I think what we have in place in terms of a toolkit as a regulator are different levers that allow for a healthy, sustainable media. At that, that media itself can do its best to reflect the diversity and plurality of voices and kind of facilitate that in terms of how that's protected in law, not really for us to say. I think from a constitutional perspective anyway.</p>	<p>I'm not sure that the word "right to communicate" captures it in a sense but I think I agree with the general thrust of it and it is the understanding that the right to, I mean legally the right to, Freedom of Expression rather. The right to Freedom of Expression is the phrase that I would use rather than the Right to Freedom of Speech because it captures more. I think that the Right to Communicate does make sense but I think it's really more</p>
			<p>I think everybody has the right to communicate I think it's a human right and responsibility comes with it and I think we can't forget that, you know?</p>



			<p><i>about the ethos of legislation rather than the actual, the word that is used.</i></p> <p><i>The big issue for Ireland is actually, I mean there the restriction of, there is the culture of secrecy, which is reflected in the Freedom Information Review, which is currently going on, it is way out of date and the results are there and the Freedom of the Liberal Reform Review was five years out of date. So, whether you dress it up as the Right to Freedom of Expression or a Right to Communicate, it's the principles and having the principles accepted rather than putting a new label on it because a change of label in itself is not going to make difference.</i></p>	
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Italy

Anastasiia Iufereva (IULM)



Background of the interviews – Italy

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

For the interviews, I chose to conduct a literature review prior to the actual interviews. This preparatory step was crucial for several reasons. First, it allowed me to gain a comprehensive understanding of the legal and regulatory landscape pertaining to media and journalism, which was especially relevant for the first interview. By reviewing existing literature, I could familiarize myself with key concepts, current debates, and prevailing legal frameworks that influence media practices. The literature review enabled me to answer many of the questions in Part 1 of the questionnaire with greater depth and accuracy. For instance, questions regarding the existing legal provisions, regulatory challenges, and the general state of media law were addressed effectively through this preliminary research. However, despite the thoroughness of the literature review, some questions still needed to be included in the interview.

2. What criteria were decisive for the selection of the person to be interviewed?

The selection of the person to be interviewed was guided by several key criteria to ensure that the insights obtained would be both relevant and valuable to the project. The criteria were as follows:

Expertise in Media Law: The respondent needed to have a strong background in media law, as the focus of the interview was on legal and regulatory perspectives. This ensured that the interview would yield informed and authoritative insights into the legal frameworks governing media operations.

Professional Experience as a Journalist: In addition to legal expertise, the respondent's experience as a journalist was crucial. This dual perspective provided a comprehensive understanding of how legal regulations impact journalistic practices and the challenges faced by journalists in navigating these laws.

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

n.a.

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

The journalists' union plays a pivotal role in advocating for the rights and interests of journalists across various media platforms. As a self-regulatory body, it operates with a bottom-up perspective by empowering journalists themselves to establish and uphold ethical standards, professional conduct, and working conditions within the industry.

Key roles of the journalists' union include:

Advocacy for Journalistic Rights: The union represents journalists in negotiations with employers to ensure fair wages, working hours, and benefits. This advocacy extends to safeguarding editorial independence and defending journalists against censorship or undue influence.

Ethical Guidelines and Standards: It develops and promotes ethical guidelines that govern journalistic practices, ensuring accuracy, fairness, and transparency in reporting. These standards are crucial for maintaining public trust in journalism.

Professional Development: The union provides training, resources, and support for journalists to enhance their skills and navigate evolving media landscapes. This focus on professional development fosters a more informed and responsible journalistic community.

Community and Solidarity: By fostering solidarity among journalists, the union promotes a sense of community and mutual support. This unity is instrumental in advocating for press freedom, combating misinformation, and upholding the integrity of journalism as a public service.

5. What criteria were decisive for the selection of the person to be interviewed?

The selection of the expert in social journalism and member of the journalists' union was based on several key criteria:

Expertise in Social Journalism: The person chosen has demonstrated expertise in social journalism, which involves reporting on issues related to society, culture, and human interest. This expertise ensures a nuanced understanding of how journalism intersects with social issues and community perspectives.



Membership in the Journalists' Union: Being a member of the journalists' union was crucial as it signifies a direct involvement in industry advocacy, ethical standards, and professional development initiatives. This membership provides insights into how self-regulation functions within the journalism profession.

Contribution to Public Discourse: The person's contributions to social journalism and their engagement with community issues were also decisive factors. Their ability to articulate the role of journalism in society and advocate for press freedom underscores their relevance to the interview's objectives.

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

The community media organization (it is called “Valigia Blue”) selected plays a pivotal role in amplifying voices from underrepresented social groups and fostering grassroots journalism.

Key aspects this community media organization:

Community empowerment: They empower community members, including those from underrepresented groups, to participate in media creation and storytelling. This empowerment ensures that diverse perspectives and issues relevant to the community are highlighted and addressed.

Advocacy and social change: “Valigia Blue” advocates for social change by shedding light on local issues, promoting civic engagement, and holding authorities accountable.

Platform for marginalized voices: These organizations provide a platform for voices that are often marginalized or overlooked by mainstream media. They prioritize inclusivity and representation, contributing to a more democratic media landscape.

Bottom-Up decision-making: “Valigia Blue” embodies a bottom-up perspective by decentralizing media production and prioritizing community-driven narratives and priorities. Its role in amplifying underrepresented voices and fostering community cohesion makes them essential contributors to democratic media practices.

7. What criteria were decisive for the selection of the person to be interviewed?

The selection of the expert in media from a community media organization called “Valigia Blue” was based on several key criteria:



Direct involvement: The person chosen is directly involved in media production and programming within the community media organization.

Representation of underrepresented groups: The individual represents or works closely with underrepresented social groups within the community. Their perspective and experiences provide insights into how community media addresses issues of diversity, inclusion, and representation.



Questions and answers – Italy

	Questionnaire 1 a (Literature review)	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	In Italy, the media are governed by the right of reply, established in Article 8 of the Press Law (Law No. 47 of February 8, 1948). This right guarantees individuals the ability to request corrections for news that they find damaging or inaccurate. It was further reinforced by Legislative Decree No. 177 of July 31, 2005, ensuring corrections are published with equal prominence to the original content, underscoring its role in balancing press freedom with individual rights.			
2			EU legislation advocates a so-called "two-tiered approach to expression", distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection.	
	According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?		Does the state use this differentiation to restrict media freedom?	Does the state use this differentiation to restrict media freedom?
2 - Answer	In EU case law, determining whether a publication contributes to a matter of public concern hinges on several criteria: it must serve the public interest by benefiting the community, particularly by revealing potential conflicts of interest involving individuals in significant roles such as CEOs or politicians. The Supreme Court of Cassation in Italy, acting as		No, the State does not; in Italy, there is no such differentiation. Article 21 of the Italian Constitution states that there is great freedom of expression and does not distinguish between what is of public interest and what is not.	No, it's to comply with privacy laws in Member States. It aims to provide guarantees to users, not to limit media freedom.

		the highest judicial authority, has long deliberated on these criteria, enshrining them in guidelines like the "journalists' decalogue" to regulate press freedoms, especially in cases involving defamation. This approach aims to distinguish between information genuinely serving the public interest and sensationalist reporting that lacks such relevance.		
3	Does the law protect journalistic research and investigations?			
3 - Answer	In Italy, journalistic research and investigations are safeguarded by both constitutional provisions and specific laws governing the media sector. Article 21 of the Italian Constitution guarantees freedom of expression through various means, forming the cornerstone of press freedom. Additionally, laws such as the Press Law (Law No. 47 of 1948) and the Consolidated Law on Audiovisual and Radio Media Services (Legislative Decree No. 177 of 2005) outline rights and responsibilities in the press, ensuring protection for journalists conducting investigations and publishing their findings.			
3a		Is the right to publish unlawfully obtained information respected <i>in practice</i> if this information is in the public interest?		
3a - Answer		-	No, generally, publishing illegally obtained information is prohibited in Italy, even if it's considered of public interest. There's no blanket right to publish such information.	No, there are issues with respecting privacy laws. For example, unauthorized contact after accessing a restaurant menu via QR code.



3b		<i>In practice, do journalists have privileged access to government information, press conferences and court trials?</i>		
3b - Answer		Yes, journalists in Italy often have privileged access to government information, press conferences, and court trials, though this access is not consistently regulated or aligned with legal standards. Press conferences, especially those by investigating authorities, are meant to be conducted by specific officials like public prosecutors, but in practice, they can be ad-hoc and informally managed. This informal access leads to extensive coverage of arrests and investigative documents, overshadowing later trial outcomes like acquittals. This imbalance in coverage and access can distort public perception and the judicial process itself, despite legal mandates for equal treatment of cases.	-	It depends. Some journalists have privileged access due to connections, while others face legal actions when trying to access information.
3c		Is investigative or under-cover journalism being hindered?		
3c - Answer			While not legally hindered, investigative and undercover journalism faces practical challenges, often due to economic constraints and potential resistance from those in power.	Yes, it is hindered. For instance, Fanpage journalists were accused of using undercover methods to report on fascist activities.
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?			
4 - Answer	In Italy, journalists benefit from robust legal protections against wiretapping, surveillance, home searches, and seizures to uphold press freedom and			



	<p>the confidentiality of their sources. Article 15 of the Italian Constitution ensures the secrecy of correspondence and communications, permitting restrictions only under judicial authority and specified legal guarantees. The Code of Criminal Procedure further regulates wiretapping, requiring stringent conditions for authorization, especially concerning journalists to preserve source confidentiality. Additionally, statutes like Legislative Decree No. 196 of 2003 carve out exceptions for handling personal data in journalistic reporting, emphasizing public interest and adherence to necessity and proportionality principles.</p>		
4a		<p>[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure <i>in practice</i>?</p>	
4a - Answer		<p>In Italy, journalists benefit from legal protections against wiretaps, surveillance, house searches, and seizures, enshrined in laws such as Article 15 of the Italian Constitution and the Code of Criminal Procedure. However, practical challenges arise regarding the effective utilization of these protections, particularly for freelance journalists or those employed by small publishers who may lack sufficient legal resources. Despite robust constitutional guarantees, the ability to enforce these protections in practice can be</p>	<p>There are no formal restrictions, but incidents can occur. Generally, searches of journalists' premises are rare but not unheard of, and wiretapping and surveillance can happen in specific circumstances.</p>

		constrained by limitations in legal support and the nature of journalists' employment contracts, potentially impacting their ability to pursue certain stories without fear of legal repercussions.	
5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?		
5 - Answer	In Italy, "must-carry" obligations mandate that network operators and broadcasting service providers transmit designated channels and services to ensure public access to diverse content of public interest. Governed by Legislative Decree No. 177 of 2005, these obligations encompass essential public services and general interest content. The Authority for Communications Guarantees (AGCOM) oversees these rules, setting additional obligations based on public interest and media pluralism needs. Specific requirements include prioritizing channels from the Public Service Broadcaster (RAI), transmitting regional and local channels, and ensuring accessibility standards for all users, with AGCOM enforcing compliance through sanctions and regular checks.		
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?	



5a - Answer		See answer to Q5	
6 + 7	Are there any state subsidies that promote market plurality and internal pluralism?		
6 + 7 - Answer	In Italy, state subsidies and support for media plurality encompass both market and internal aspects and are managed by various regulatory bodies. These include direct contributions to newspapers and periodicals under Law No. 198 of 2016 and Legislative Decree No. 70 of 2017, overseen by the Presidency of the Council of Ministers. Additionally, the Fund for Pluralism and Innovation in Information, established with the 2017 budget law, supports local media and technological advancements. Tax incentives and support for start-up publications further promote diversity and sustainability in the media sector, all regulated by the Ministry of Cultural Heritage and Activities (MiBACT) and supervised by the Authority for Communications Guarantees (AGCOM).		
6a + 7a	[IF Q6 + 7 = YES:] Which media are eligible to funding programmes promoting market plurality and internal pluralism and what criteria must be applied?		[IF Q6 + 7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality and internal pluralism, which media are preferred <i>in practice</i>, and which criteria are <i>usually</i> applied?
6a + 7a - Answer	In Italy, the Department for Information and Publishing administers the "Contributions to Newspaper and Periodical Publishing Companies" program. This initiative supports		Yes, there are subsidies, particularly for certain categories of newspapers such as cooperatives and those linked to religious organizations. -



	<p>editorial activities with a focus on promoting information pluralism, especially local perspectives and digital evolution. Eligibility criteria include engagement in independent informational activities by journalistic cooperatives, publishing companies predominantly owned by cooperatives or non-profits, and those representing linguistic minorities. Access to these contributions is regulated by Legislative Decree No. 70 of May 15, 2017.</p>			
<p>6b + 7b</p>		<p>[IF Q6 + 7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality and internal pluralism <i>successful</i>?</p>		
<p>6b + 7b - Answer</p>		<p>State subsidies in Italy have sparked significant debate. While intended to ensure media pluralism, they've often led to distortions and political controversies, notably involving major newspapers. Critics argue these subsidies can compromise journalistic independence, especially when publishers or political interests influence coverage priorities. Despite these challenges, subsidies theoretically support diverse perspectives and prevent media monopolies, aiming to sustain journalistic integrity and public service. However, practical implementation sometimes falls short, highlighting ongoing concerns about journalistic autonomy and the balance between funding, editorial independence, and public interest reporting.</p>	<p>The funding policy for print newspapers in Italy has become increasingly less successful. With declining sales of print newspapers and the shift towards online news consumption, the effectiveness of this policy is in question. It's unclear whether the decline in support is due to fewer people buying print newspapers or because supporting them no longer serves its intended purpose. The future viability of this policy may hinge on shifting support towards online publications and internet-based news platforms.</p>	<p>-</p>

7c		[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?	
7c - Answer		-	-
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?
8 - Answer	Partially yes. In Italy, media organizations are required to ensure transparency. This transparency is enforced by legal frameworks such as the Code of Ethics for Italian Journalists, which emphasizes independence and impartiality, and regulations under the Press and Copyright Law. The Authority for Communications Guarantees (AGCOM) oversees these regulations, promoting transparency and pluralism in the media sector. Many media outlets voluntarily disclose political affiliations through press releases, website sections, or other means to build public trust.		No, political affiliations are generally not openly disclosed by Italian media outlets, though they may be inferred from editorial stances. No, not always. Some media present themselves as independent but are tied to political interests.
8a		[IF Q8 in Questionnaire 1a = NO:] Do the media voluntarily disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?
9 - Answer	In Italy, media outlets are not required by law to disclose their sources of income, including revenues from advertising. However, they should		State revenues are disclosed due to legal requirements, but other income sources like advertising revenue may not be fully transparent. By law, they must. However, compliance is inconsistent.

	disclose state financial support. At the end, there are general expectations of transparency and ethical standards within the journalistic profession that encourage voluntary disclosure of such financial information to the public.			
9a		[IF Q9 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose their sources of income including state advertising revenues?		
9a - Answer		See answer to Q9		
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?	
10 - Answer	In Italy, media outlets are required to label advertising, including political advertising, as per regulations on transparency and advertising disclosure. The Self-Regulation Code for Advertising (CAP) and national laws mandate clear identification of advertising to distinguish it from editorial content. The Authority for Communications Guarantees (AGCOM) oversees compliance with these rules to ensure transparency in media communications. Specifically for political advertising, clear labeling helps the public recognize promotional content and understand its persuasive nature.		Yes, but not at a perfect level. Sometimes the material seems like that of journalism.	Yes, but there's often a loophole where political content is presented as news.
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?		



10a - Answer		<p>In Italy, media often fail to comply with legal requirements to clearly label advertising, including political advertising. This results in advertisements blending seamlessly with editorial content, both in print and online formats, misleading readers who may not distinguish between news and sponsored messages. Moreover, sponsored content financed by lobbyists or vested interests frequently influences media narratives, shaping public opinion under the guise of objective reporting. Despite legal provisions intended to prevent such practices, the lack of enforcement allows for continued ambiguity between journalistic integrity and commercial interests within Italian media.</p>	
11	<p>Are citizen journalists legally recognized?</p>		<p>What is the status of citizen journalists?</p>
11 - Answer	<p>In Italy, the term "citizen journalist" lacks specific legal recognition, but the media landscape allows for independent individuals who operate without formal registration with the Order of Journalists. Professional journalists must be registered and meet specific qualifications, yet freelancers and independent operators can publish information without this requirement. Despite not being recognized formally, those involved must still adhere to ethical standards and legal obligations, ensuring</p>		<p>Citizen journalism is not significant in Italy; traditional journalism remains more prevalent and trusted.</p>

	accuracy and respect for privacy. This evolving media environment embraces citizen participation in news dissemination, enriching coverage through digital platforms and social media.		
11a		[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists <i>in practice</i>?	
11a - Answer		In Italy, citizen journalists do not enjoy the same legal rights and privileges as professional journalists. Professional journalism requires formal qualifications, such as completion of journalism master's programs and passing the state exam. While advancements in technology have enabled broader participation in journalism, the legal protections afforded to professional journalists, including ethical standards and continuous training requirements, do not extend to ordinary citizens engaged in reporting. This distinction underscores the regulated nature of journalism as a profession, aimed at upholding standards of accuracy, ethics, and public interest reporting.	Yes, both citizen journalists and professional journalists have similar legal obligations and lack specific privileges under the law. No, they have broader liberties but also face greater risks of being targeted without regulation.
12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?
12 - Answer	In Italy, nonprofit community media, also known as "associative media" or "civic media," operate under specific laws supporting their existence and function. Governed primarily by the		Non-profit media are minimal in Italy; most influential media outlets operate with a profit motive.



	<p>Mammi Law (Law No. 223 of August 7, 1990), these broadcasters are managed by nonprofit organizations like Associations of Social Promotion (APS), promoting democratic participation and pluralism at the local level. AGCOM oversees their authorization and compliance, ensuring adherence to nonprofit status and independent management principles. These media encourage community involvement in content creation, represent local diversity, and reinvest any surplus into enhancing community services.</p>		
<p>12a</p>	<p>Are non-profit community media eligible for funding?</p>		
<p>12a - Answer</p>	<p>Yes, Italy has laws and regulations governing access to public funding for nonprofit community media. The primary framework is the Law No. 223 of August 7, 1990, known as the Mammi Law, which regulates the establishment and operations of local nonprofit radio and television broadcasters, including conditions for authorization and access to public funding. AGCOM oversees compliance with the Mammi Law and other related regulations, managing authorization procedures and ensuring proper allocation of public funding. Community media may also receive direct contributions from central, regional, or local governments to support their activities and infrastructure, and they may access</p>		



	European funding aimed at promoting cultural diversity and information pluralism.			
12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?		
12b - Answer		State funding for non-profit community media in Italy serves a vital role in fostering diverse voices and perspectives within the media landscape. While public funding for entities like Rai may face periodic scrutiny, non-profit community media provide an essential public service often overlooked by commercial interests. These media outlets fulfil a noble function, offering alternative viewpoints and serving communities that might otherwise be underserved or marginalized in mainstream media. Despite occasional debates about the necessity of public funding, these outlets contribute to pluralism and ensure a broader spectrum of information and opinions are accessible to the public, countering the dominance of purely commercial or politically aligned media entities.	-	Not very efficient. State support is limited and often not well-publicized.
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	In Italy, regulations promote gender representation in corporate boards and media newsrooms:		Representation measures are primarily focused on publicly traded companies' boards rather than newsrooms.	

	<p>The Golfo-Mosca Law (Law 120/2011) mandates a 30% gender quota for publicly listed companies and those with dualistic governance.</p> <p>Law No. 6/2016 requires gender equality plans and positive actions in board appointments for government-controlled companies.</p> <p>While media newsrooms do not have specific gender quotas, self-regulation and recommendations aim to enhance gender parity. The National Action Plan for Gender Equality 2020-2022 supports measures to improve women's representation in media leadership roles, reflecting Italy's commitment to gender equality in corporate and journalistic practices.</p>		
13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves <i>in practice</i>?	
13a - Answer		-	Yes, quota systems have been effective in promoting gender diversity in corporate boards in Italy. -
13b		Are you <i>in favour of or against</i> quota systems for women and why?	
13b - Answer		Yes.	Yes, it could promote greater visibility and opportunities for women in journalism.
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?
14 - Answer	In Italy, there are no specific legal requirements for quotas promoting ethnic or cultural minorities in corporate boards or media newsrooms.		- -



14a	[IF Q14 – YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?		[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?	
14b		[IF Q14 in Questionnaire 1a – YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?		
14c		Are you in favour of or against quota systems for minorities and why?		
14c - Answer		-		
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences in practice?	Do you think that the regulatory authority/authorities acts/act fully independently from governmental influences?	
15 - Answer		Regulators in Italy, such as Consob, face persistent questions regarding their independence from political influence, particularly evident during market crises. Despite issuing investigations and actions, public skepticism remains about the true autonomy of these bodies. Nevertheless, their role in overseeing markets and protecting investors is crucial for maintaining integrity and confidence in financial sectors. The European Commission's competition watchdogs also play a vital role in curbing monopolistic practices, albeit amidst challenges from global tech giants. Overall, while	Yes, regulatory authorities like Agcom generally operate independently, though some influence may exist.	No, regulatory authorities are not independent in Italy. They often fail to protect journalists from political backlash.
15 - Answer (continued)		scrutiny persists, these regulators are pivotal in upholding fair competition and market transparency.		
15a		Why? [OR:] Why not? [OR:] Why only partially?		
15a - Answer		-		
15b		[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?		
15b - Answer		-		

16		<p>Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?</p>		
16 - Answer		<p>In the contemporary era where information is abundant yet often contentious, establishing a legal "right to communication" could indeed empower individuals to navigate and scrutinize diverse perspectives more effectively. Such a right would emphasize not just access to information but also the critical ability to discern its quality and context. However, implementing this concept would require robust educational initiatives to foster media literacy from an early age, equipping citizens with the tools to engage thoughtfully in democratic dialogue. Ultimately, while the idea holds promise for enhancing democratic participation, its realization hinges on comprehensive efforts to promote informed and discerning public discourse.</p>	<p>Italy's existing constitutional guarantees already encompass broad freedom of expression, resembling the concept of the "right to communication," making additional legal enshrinement less critical.</p>	<p>It would be ideal but difficult to implement. There needs to be broad societal consensus first.</p>

Poland

Beata Klimkiewicz, Monika Szafrńska and Katarzyna Vanevska (JU)



Background of the interviews – Poland

Interview 1 - legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

We have done a literature review before the interview. On its basis, we were able to answer some questions without including them in a questionnaire. The review is based on:

- 1984 Press Law Act (Ustawa Prawo Prasowe) adopted on 26 January, 1984, Official Journal 1984 No 5, item 24, as amended, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19840050024>
- 1992 Broadcasting Act (Ustawa o Radiofonii i Telewizji) adopted on 29 December 1992, as amended, Official Journal 1993, No 7, item 34, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19930070034>, unofficial translation: <https://www.gov.pl/web/krrit-en/polish-media-law-1>
- Grabowska-Moroz, Barbara (2022) The Polish surveillance regime before the ECHR, <https://aboutintel.eu/echr-poland-surveillance/>
- KRRiT (2011) Rozporządzenie KRRiT z dnia 27 kwietnia 2011 r. w sprawie terminów przedkładania oraz zakresu planów finansowo - programowych przedsięwzięć w zakresie realizacji misji publicznej opracowywanych przez jednostki publicznej radiofonii i telewizji (KRRiT Regulation adopted on 27 April 2011 concerning timeline and scope of financial-programming plans within the framework of realization of public mission completed by the units of public radio and television), http://www.krrit.gov.pl/Data/Files/_public/Portals/0/regulacje-prawne/polska/radiofonia-i-telewizja-publiczna/rozp_plany_finansowo-programowe_191011.pdf
- The 1997 Act on National Court Register (Ustawa o Krajowym Rejestrze Sądowym) adopted on 20 August 1997, Journal of Laws 1997, No 121 item 769, as amended, <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19971210769>
- The 2000 Code of commercial partnership and companies (Kodeks spółek handlowych) adopted on 15 September 2000, Official Journal 2000, No 94, item 1037, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20000941037>

- The 2001 Act on Access to Public Information (Ustawa o dostępie do informacji publicznej) adopted on 6 September 2001, Official Journal, 2001, No 112, item 1198, as amended, unofficial English translation:
- <http://unpan1.un.org/intradoc/groups/public/documents/unpan/unpan034035.pdf>
- The 2005 Act on national and ethnic minorities and on the regional languages (Ustawa o mniejszościach narodowych i etnicznych oraz o języku regionalnym), adopted on 6 January 2005, Official Journal 2005, No 17, item 141. <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20050170141>, unofficial English translation: http://ksng.gugik.gov.pl/english/files/act_on_national_minorities.pdf
- The 2016 Act on Anti-terrorist Activities (Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych), adopted on 10 June 2016, Official Journal 2016, item 904, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20160000904>
- The 2016 Act on Police and several other acts (Ustawa o zmianie ustawy o policji i innych ustaw), adopted on 15 January 2016, Official Journal 2016, item 147, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160000147>

2. What criteria were decisive for the selection of the person to be interviewed?

The criteria for the selection of the person to be interviewed were competences and experience in the field.

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

The person interviewed was Dr. Anna Wójcik, a lawyer specialising in the media law and media freedom, co-founder of the Osiałyński Archive and The Rule of Law in Poland, researcher at the Polish Academy of Sciences.

Interview 2 - self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

We have chosen the Society of Journalists (Towarzystwo Dziennikarskie): an independent group devoted to defending media freedom, improving media standards and sharing knowledge about the media law and journalists' rights. The society has currently around 50 members representing different Polish media. The person interviewed was the board member of the Society, Krzysztof Bobiński.



5. What criteria were decisive for the selection of the person to be interviewed?

The criteria for the selection of the person to be interviewed were competences and experience in the field.

Interview 3 - bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

We have chosen Stowarzyszenie Inicjatyw Możliwych RzeczJasna: an association running a local social television (RzeczJasna TV) and educating about the media literacy. It is a non-profit organization working towards democratic and sustainable development of the region inter alia through increasing residents' participation in decision making by local government authorities and increasing access to public information. The person interviewed was Kinga Wiśniewska, the journalist and vice-president of the Association, who actively supports development and the competences of the community media creators.

7. What criteria were decisive for the selection of the person to be interviewed?

The criteria for the selection of the person to be interviewed were competences and experience in the field.

Questions and answers – Poland

	Questionnaire 1 a (Literature review)	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	<p>Partly yes. The 1984 Press Law Act does not specifically recognize the right of reply, it refers to “the right of correction” in the Articles 31a – 33. The Article 31a (1) states that the right to correction applies if content in question is “inaccurate or untrue press material”. In general, in Poland the right of reply is understood primarily as the right to correction of journalistic content that is false or inaccurate. In this sense, this right is connected with protection of an individual right of dignity or reputation. The Article 32 specifies conditions under which corrections are published. The Article 33 deals with refusals to publish corrections and criminal liability. The Articles 31a – 33 of the 1984 Press Law Act apply also to entities regulated by the 1992 Broadcasting Act including broadcasters. The Article 19 (1) of the 1992 Broadcasting Act states: “Broadcasters' operations consisting in producing and organising programme services shall be carried out in the form of editorial activity as defined in the press law”.</p>	<p><i>Yes, of course. This is actually one of the institutions of democracy that probably uses this right most often. We have an act on access to public information in Poland. Of course, there are some problems with this act because there are many unresolved issues in it, and they are resolved based on case law or practice of the authorities. And the problem is that sometimes the regulations do not precisely specify which entity is obliged to provide information and to what extent. For example, concepts such as internal document, private or technical information have appeared and these are categories that make access difficult. And there are also problems when submitting applications for access to public information. And this is reported by NGOs, watchdogs, and the media, which are another type of watchdog. Of course, the conclusions are ignored. Especially during the Law and Justice government, such extreme examples have already occurred – some media simply did not obtain information, and other media received drops information, without using any official means, of course. So this made the work of</i></p>		



		<i>journalists very difficult, limited the freedom of the medium and the right of citizens to be informed.</i>	
2		EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?	Does the state use this differentiation to restrict media freedom?
2 - Answer		<i>Well, of course, freedom of expression is not absolute, it is subject to limitations. And it is also very difficult to say so abstractly because it always concerns some specific cases when you have to weigh the value of freedom of expression and other values protected constitutionally, in European law and by conventions. Maybe these examples concern the protection of information sources, they are outlined quite clearly here. But this protection is not absolute because national courts may also rule that, for example, public authorities should have access to information. Well, in practice it is often simply access to information that can identify the source of information, the informant. But of course, it is difficult to weigh here because the issues weighed are often those of public interest and public security. There are numerous cases known from the jurisprudence of the ECtHR, numerous findings of violation of the Convention Article 10 by state authorities, especially if these activities were aimed not at achieving other goals,</i>	<i>There is information that concerns state policy, politics in general, local governments and so on, and which is important for people as citizens. And there is information about, for example, my neighbour, that I tell someone – another neighbour – that their dogs next door are barking constantly, I cannot stand it anymore, and I would like to kill her. This is private information and this is the distinction, right? I did not notice this distinction at all, everything is in one sequence - both barking dogs and [unintelligible]</i>
			<i>We are local, so what is happening at this national level may not particularly affect [us] in the sense that, for example, someone would limit us or interfere. Various stories like this happen more often at the local government level. Since we are local, we deal with local matters, we have various unofficial interventions and sometimes unpleasant situations. Well, that is [what I mean with] the local government level.</i>

		<p><i>but at identification, i.e. [it was] as if not doing one's job, just using the journalist who conducted the investigation and has an informant, and this is supposed to speed up access to this person. Well, it is all quite complicated. I am not an expert in press law, so I can only say that it all depends and is very contextual, so I think it is difficult to say that there is any universal standard. However, the problem is probably the education of the courts and the need for understanding by the courts whether this protection of sources is important from the point of view of the media as a watchdog in democracy, or whether this public function of the media for democracy is noticed at all.</i></p>		
3	Does the law protect journalistic research and investigations?			
3 - Answer	<p>Not explicitly. The 1984 Press Law Act does not specifically recognize protection of journalistic research and investigations, but refers to some activities that may support it. Most importantly, the Article 6(4) stipulates that: "It shall not be permissible to impede press' collection of critical materials or suppress criticism in any other form". Article 4 obliges entrepreneurs and non-profit entities to give information to the press on their activity. The Article 3a refers to provisions of The 2001 Act on Access to Public Information. Also, the Article 6(2) of the 1984 Press Law Act obliges</p>	<p><i>We return to the issue of protecting information sources. Of course, informants and documents should be protected. The Polish Supreme Court ruled that a journalist's professional secrecy is an important factor of independence and leads to social trust. And of course, we have press law and criminal code provisions that protect this. In the press law, we have such conditions and areas listed in Article 15 that are covered by journalistic secrecy, which means that it can also be extended to the author of the material, who can also reserve their name and surname. You can also keep secret the</i></p>		



	<p>state bodies, state enterprises and other state organizational units as well as cooperative units to provide response to press criticism. The same provisions apply to “trade unions, self-government organizations and other social organizations in scope of their public activity” (Article 6(3)).</p>	<p><i>data of people who are informants or any information that may violate the interests of third parties. But, of course, we also have the Penal Code and Article 180 includes the issue that a journalist who is obliged to maintain journalistic secrecy may not be interrogated regarding the facts covered by this secrecy, unless it is necessary for the good of justice. And of course, this is also such a broad clause, so it is not known how this clause would be interpreted in different contextual cases. So the implementation of this right depends on the courts, on the actions of public administration bodies and, broadly speaking, the state. So education is certainly important in this respect as well.</i></p>		
3a		<p>Is the right to publish unlawfully obtained information respected in practice if this information is in the public interest?</p>		
3a - Answer		<p><i>Honestly, I cannot answer this question because I have only come across this idea of the fruit of a poisonous tree, but it means that the state authorities, the prosecutor's office, obtain information illegally. This is rather a discussion about the use of such evidence, for example. As for journalists, I just do not know.</i></p>	<p><i>As for this, I think it is a moot point. Journalists must always – probably also in Poland – fight to publish information that they have and consider to be true. And if this information, content that they publish, is in the public interest, and most things are in the public interest, then they have to take risks. As for any sanctions from the state, I am not aware that there is legislation in Poland that allows the publication of information that has been illegally obtained. I just did not know about it, but I think that this is always a very controversial place, for example when it comes to these wiretaps, these e-mails from Dworczyk on the Internet, for</i></p>	<p><i>This has not happened to us.</i></p>



			<i>example, which were probably obtained illegally. So it is always a dispute, and I did not notice that any such law was observed here, I did not notice that there was such a law at all.</i>	
3b		In practice, do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		<p><i>It definitely depends on the relationship. If we are talking about Poland, this cannot be extended to all journalists from all editorial offices. Well, the problem is that this profession is unregulated, anyone can be a journalist. This is, of course, good because it expands media freedom, but it also leads to the fact that it is more about simply submitting an application for accreditation. But, of course, there are also important political factors: during the Law and Justice government, there were very large restrictions on journalists' access to press conferences, interviews were not given, and they were not given by people holding the highest public functions in the country, such as the president, prime minister, deputy prime minister, head of the largest coalition party. And it was certainly such a negative phenomenon in Polish democracy. And of course, this selection criterion was purely political, i.e. the media were considered part of the political conflict and those that criticized the government were considered automatically supporters of the opposition, and those that were pro-government media in such a propaganda</i></p>	<p><i>I think that a journalist is a citizen and where a citizen has the right to participate in various meetings, a journalist also has the right and can participate. But of course, these cases are controlled because some court cases are closed to the public. People are invited to a press conference, so some people are not invited. But it is also the case that especially government offices do not allow journalists to enter, sometimes journalists are not allowed or are not invited. And this even happened, for example, under the new government, [when] the Ministry of Culture did not allow people from Republika TV to enter. I do not think journalists have privileged access. They have no special rights except that, for example, people who can dance are invited to a dance competition. In the same way, journalists are invited to a press conference, but they enter because they are citizens, not just because they are journalists. In general, I believe that this whole category of privilege is completely unnecessary in this situation.</i></p> <p><i>You can refer [to a journalist's ID], but it may also result in the journalist not being let in because the person who does not</i></p>	<p><i>Certainly yes, when it comes to judicial matters. We have never encountered any problem when we asked our, usually, district court for the possibility of recording a hearing or for some information. However, at the local government level, it is very commonly that we do not have any privileged position, or we have to demand access to public information, which means that it takes longer, and these are matters that often require a quick response. So, it is probably a situation where if they do not want to answer, they do not want to answer and that's it.</i></p> <p><i>From what I talked to friends and people who run similar media somewhere in Poland, at the local level it is often a fight with an office or an institution to obtain information. Especially if these are things that are, let us face it, not fully done.</i></p>

		<p>style, of course, these people had access and were actually just the government's PR service.</p>	<p>want to allow it will scare the journalist and say that "we do not need journalists here". And then there is no body to which you can appeal and say, "I am a journalist, I have the right to enter there". So it all depends on custom and on good customs or bad ones more as if this privilege existed as an ironclad legal rule, for example.</p>	
3c			Is investigative or under-cover journalism being hindered?	
3c - Answer			<p>It is being practised, and of course, if there are institutions and companies that do not want journalists to be interested in what is happening inside, then of course they try to defend themselves against it, not letting them [journalists] in, not showing their documents, citing on trade secrets that exist as such because of listed companies and so on. So investigative journalism, by its very nature, is not journalism that is done by journalists who come in through open doors. There always has to be some element of - maybe [it is] not [the right word] - deceit, but you have to follow something that someone wants to hide, so it is definitely not the case that everyone greets you with "Mr. investigative journalist, you are welcome. We will show you everything here". On the contrary. But I do not think there are any statutory regulations that would help investigative or under-cover journalists [on the basis of] "Here you go, we recognize your right to pretend to be a bus driver to investigate the situation in</p>	<p>Is it hindered? Foremost, it is expensive and time-consuming, and this is probably the biggest difficulty. I must admit that sometimes we let go of a topic, even if it is an important one because we simply do not have the strength and processing capacity for it, because we know that we are a small editorial office, and we know that we will simply be up to our ears in work regarding this topic. Sometimes, if these are some important issues, we manage to interest some larger media and pass the information on. So it is not so much that it is hindered, but the reality is that for small local entities it is really, well, a lot of work, right? And we all have our limits. Yes, because it is often the case that people - I mean, I know such cases somewhere in Silesia, when people start dealing with cases that are close to some kind of court proceedings and so on, well - these people stop. Because such small editorial offices do not have the funds for their own lawyers, and locally, there</p>

			<p>our transport company". No, there is no such thing. [There is] simply reluctance. But this is understandable, there is nothing to be surprised about here.</p>	<p>are few who want to stand against the authorities pro bono.</p>
4	<p>Are journalists protected by law against interception of communication, surveillance, house searches and seizures?</p>			
4 - Answer	<p>No specifically. In 2016, Polish Parliament adopted the amendment to the Act on Police and several other acts (Ustawa o zmianie ustawy o policji i innych ustaw) that allows police and the special services to conclude agreements with communication service providers regarding the use of their infrastructure without the participation of their employees at any time, thereby making access to mass telecommunications data even easier (Grabowska-Moroz, 2020). NGOs and human rights activists point out that while the law introduced a new oversight method - submitting statistical reports to the court - in practice without access to case files and with large workloads, judges are not able to verify if each access to data is really justified (Grabowska-Moroz, 2020). It needs to be added as well that also the special services' powers were further broadened as a result of the 2016 Act on Anti-terrorist Activities. These now allow Polish authorities to conduct surveillance without prior notification without introducing any meaningful oversight</p>	<p><i>Well, yes, of course, just as it protects all citizens from, for example, surveillance. Of course, [as] we have seen in recent years, not only in Poland, in many countries, in Greece there was a huge scandal about eavesdropping on journalists with illegal software, and in Poland some information about eavesdropping with the Pegasus program has already been revealed. In Hungary, this was identified because a group of journalists, including investigators, were wiretapped. In Poland, this concerned more about other people speaking in the public interest, including the organizer of the opposition party's election campaign, one of the most famous lawyers, and a prosecutor who was involved in introducing political proceedings concerning postal elections. And we do not know yet the full list of people to whom such operational methods were used. And of course, this is a big challenge now. In a few days, the European Court of Human Rights will rule and issue a judgment in the Pietrzak, Bychawska-Siniarska and others case. This is a case brought under the strategic integration procedure, it concerns the</i></p>		



	<p>or complaint mechanisms for those who might be affected by these actions.</p> <p>Problem of surveillance, occasional invigilation of journalists and use of their telecom and Internet data by the police and secret services occasionally happens in Poland.</p>	<p><i>right to protection against surveillance, and Poland's structural violation of the European Convention on Human Rights by failing to provide appropriate procedures.</i></p>	
4a		<p>[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure in practice?</p>	
4a - Answer		<p><i>I do not have such knowledge, I do not deal with it in practice, so I do not know.</i></p>	<p><i>Well, there is a journalistic secret [a source protection], which is probably similar to the secret of confession or the secret used by lawyers. However, state authorities do their best, if necessary, not to respect this secrecy and prosecute journalists. A significant event took place during the negotiations in the European Parliament regarding the ban on eavesdropping on journalists using Pegasus devices, where there was an attempt to introduce a ban stating that devices such as Pegasus cannot be used to eavesdrop on journalists. And it was proposed to such a limited extent that there were probably five crimes where eavesdropping was allowed. This was proposed by the European Commission, but the governments met under the leadership of France and added so many different situations in which journalists can be eavesdropped on, that the ban on eavesdropping on journalists basically did not occur in this European regulation on media freedom. Well, this shows how</i></p>



			<p><i>strong the influence of the services is on the governments of their countries, especially nowadays, when we have war and terrorism, which do not allow such a ban to be introduced. This is also an issue that is not discussed in Poland by the parliamentary committee on Pegasus, and here I see that the services are working very diligently to ensure that there is no such ban on eavesdropping on journalists. And I think that there should be such a ban because we have had many examples of the services abusing, not using Pegasus-type devices for our safety, to protect our safety, but using [them] for the benefit of ruling politicians and so on, as I am sure you know well. [Answering the question whether there were such cases in Poland] Yes, there was a boy whose laptop was taken away, probably in Zielona Góra or somewhere in the East. Yes, of course there are [such situations]. However, the police are trying to eliminate this principle, the secret of journalism. It probably stands in the press law, I do not know. But the services certainly do not like it.</i></p>	
5	Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?			
5 - Answer	<p>Yes. The 1992 Broadcasting Act stipulates must-carry obligations in the Article 43. These include e.g. an obligation to retransmit the programme services "Telewizja Polska I", "Telewizja Polska II" and one regional television programme service</p>	<p><i>This is too specific, I do not know. I only know that public television has a public mission and it is obliged to fulfil it. However, when it comes to the obligations regarding other channels, there may be some details regarding</i></p>		



	transmitted by Telewizja Polska S.A.(...)” (Article 43(1)). A fulfillment of this obligation is assessed by the Chairman of the National Council at least once every two years (Article 43(3)). The Article 43a(1) regulates the relationship between a broadcaster and operator requiring that the broadcaster makes a programme accessible free of charge on an application of the operator retransmitting the programme service, within 14 days from submission of the application (Article 43a1). The Article 44b further specifies conditions of must-carry services.	<i>media law and private media, and I do not know them.</i>	
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?	
5a - Answer		-	
6	Are there any state subsidies that promote market plurality?		Are there any state subsidies that promote market plurality? ➔ [The question was not mandatory in these two interviews.]
6 - Answer	There are not any supportive measures foreseen for the media in media laws – such as 1992 Broadcasting Act or 1984 Press Law Act. For a long time, an approach to media markets has not envisaged any direct subsidies or other schemes strengthening particular sectors of media markets. Existing direct subsidies and supporting legislation can be divided into two categories: first, there are specific-aims policies that support with small		<i>No, the state does not support it. It also does not support local work, which would be very necessary and is already practised in some Scandinavian countries, probably also in the Netherlands. During the Law and Justice’s [PiS] rule, the ruling party used advertisements and supported newspapers that were favourable to PiS. It also discriminated against those newspapers that were opposed to PiS, so it could be called a form of state</i> <i>It was quite interesting what the National Freedom Institute did when the Law and Justice was in power in Poland because they were actually the first ones to raise the possibility that there was something they called “civic media”. They noticed that there was such a thing and allocated a special call for this section as part of the Program for the Development of Civic Organizations, the so-called “PRO”. It was not a lot of money, nothing</i>



<p>subsidies specific media goals such as minority media. Second, relevant government or state institutions have at their disposal some funding that they distribute in a form of grants or subsidies to some media-related projects. But there is little transparency and legal clarity about this form of funding.</p> <p>First, the legal basis for the support of minority press is the 2005 Act on national and ethnic minorities and on the regional languages. As regards the funding for national minority press, the regulation seems to provide relatively fair and transparent rules. There is another question which minorities are eligible for the funding, because non-recognised minorities are not involved in this scheme.</p> <p>Second, relevant ministries have at their disposal funds for specific projects regarding their area of competence. For example, Ministry of Foreign Affairs can, on a basis of competition, select projects that would support Polish foreign policy. Ministry of Culture can support projects that would promote readership, etc. These fragmented channels of direct subsidies are often ways, through which some media-related projects are financed or institutions connected with the media, supported.</p> <p>Unfortunately, there is lack of transparency and compact information</p>		<p><i>support for journalism, but it seemed to have a nefarious purpose. EMFA – the regulation of media freedom – introduces the concept of rules, some separation of advertising provided by the state, and this is a very good step. But at the moment, probably no one wants to place advertisements in private media. I do not know what it is like in the public [media], but this whole procedure was also collapsed during the PiS government because it was abused. And now there is no policy of supporting media and media pluralism in Poland.</i></p>	<p><i>gigantic, but enough to allow us to act. But, you know, things were different in these competitions. I mean, [money] was given to media that were really local or thematic, run by some real organization and active, and it was also given to media that, I don't know, came from somewhere and did something, but they got money. I guess it was the first edition of this competition when we also received funding for the development of our activities. So just because these competitions were different, it is not that they were all bad. No, it was the first signal that someone there saw that there was such a thing as grassroots citizen journalism at the local level too. However, other [ways] – there is no help, no rescue. I mean, it was quite interesting what the National Freedom Institute did when PiS was in power in Poland because they were actually the first ones to raise the possibility that there was something they called “civic media”. They noticed that there was such a thing and allocated a special call for this section as part of the Program for the Development of Civic Organizations, the so-called “PRO”. It was not a lot of money, nothing gigantic, but enough to allow us to act. But, you know, things were different in these competitions.</i></p>
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	that could be collected e.g. by media regulatory body (KRRiT) in order to make all this information more accessible to the public.			<i>There are often projects that only touch on these media, supporting some part of our activities, but these are projects. Well, I do not know, let us just say, we collect memories of the oldest inhabitants of the region, we record it, it is some kind of project and this is some part of our activities. Now, for example, we have a youth editorial office and young people create their own materials under our supervision. And this is also a part of reality, but these are not projects specifically targeted at the media or funds specifically targeted at the media. Rather, we look for various sources, entering what we do at the same time.</i>
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred in practice, and which criteria are usually applied?	
6a - Answer	-		-	[In case of the PRO program] <i>Theoretically, it was about the experience. Although, as I say, there were also newsrooms that were so fresh that God forbid. Well, okay, maybe at least [they were created by] people with experience. And it was [a criterion] used there, that is, they checked whether it originated from some non-governmental organization, i.e. whether it also had such social value. The rest were typical project things, where diagnosis, indicators, things like that were assessed. Well, they looked at the experience. But the</i>

				<p><i>experience of the organization in running the medium could also replace the experience of, let us say, one person in this editorial office, and that was enough.</i></p> <p><i>[Answering whether some entities were favoured in practice] Well, it happened that they admitted it to their own people too. However, I did not participate in the entire evaluation system. We simply submitted an application once and received the grant for two years, so it is hard for me to say what it looked like from the inside, so to speak.</i></p>
6b		[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality successful?		
6b - Answer		-	<p>We will see if it was effective because Father Rydzyk's "Nasz Dziennik" and "Gazeta Polska" daily used to be supported very strongly by state-owned enterprises and also by the state. Now these two newspapers, for example, almost do not have this type of advertisement at all and are down to 16 pages at the moment. Before, I think they gave more pages. The National Bank of Poland also advertises in "Sieci" and "Do Rzeczy", and sports totalizator also advertises to some extent – it still appears in some weekly magazines. You asked about effectiveness, so we shall see if these newspapers will fail without this support.</p>	-



7	Are there any state subsidies that promote internal pluralism?		Are there any state subsidies that promote internal pluralism? ➔ [The question was not mandatory in these two interviews.]	
7 - Answer	<p>These are only related to the operation of PSM and are regulated under the 1992 Broadcasting Act. The tasks of PSM that contribute to internal pluralism include: provision of diversified programme services and “other services in the area of information, journalism, culture, entertainment, education and sports, which shall be pluralistic, impartial, well-balanced, independent and innovative, with high quality and integrity of the broadcasts” (Article 21(1)); provision of programme services that meet democratic, social and cultural needs of local societies (Article 21.1a(1)); “paying due regard to the needs of national and ethnic minorities and communities speaking a regional language, including broadcasting news programmes in the languages of national and ethnic minorities and in regional languages “ (Article 21.1a(8a)); “ensuring accessibility of programme services or parts thereof as well as of other services for visually impaired persons and hearing impaired persons” (Article 21.1a(10)); provision of reliable information about the vast diversity of events and processes taking place in Poland and abroad (Article 21.2(2)); enabling citizens and their organisations to take part in public life</p>		<p><i>If we are talking about what is happening inside the newspapers, the state does not interfere. And these are areas that should be self-regulated by the media. And the defence of media freedom and thus the pluralism of the medium within the editorial office is an issue that is also included in EMFA's recommendations. For example, it provides ideas that journalists could choose or influence the nomination of the editor-in-chief, be consulted if a private body is sold to someone else, influence who they are sold to, and so on. These are all the things that they are sort of in the sphere of self-regulation. There are certain elements in EMFA that make sure and try to ensure that this pluralism exists. But the internal one is not so much, it is only in the sphere of recommendations.</i></p>	<p><i>I do not know anything about it being rewarded in any way, appreciated or noticed at all.</i></p>



	by expressing diversified views and approaches as well as exercising the right to social supervision and criticism (Article 21.2(4)), and others.			
7a	[[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[[IF Q7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied?	
7b		[[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism successful?		
7c		[[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?		
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8 - Answer	Neither the 1992 Broadcasting Act, nor the 1984 Press Law Act regulate conflict of interests between owners of media and the ruling parties, partisan groups or politicians. The 1984 Press Law Act includes Article 8 that states: “1. A publisher can be a legal or physical person or other organisational unit even if it did not possess legal status. In particular, a publisher can be a state organ, state enterprise, political organisation, trade union, cooperative, autonomous or other social organisation or a church or other religious union. 2. Political organisation, trade union, state enterprise, cooperative, autonomous and other social organisation and church or other religious union can realise publishing		<i>No, I have not met it in Poland.</i>	<i>I mean, it is usually no secret who owns a given editorial office, who owns a given company or a given, I don't know, newspaper, portal, and so on. It is mostly because sometimes you have to dig a bit to find it. However, whether this is done voluntarily by these editorial offices themselves, by these media themselves, I would not say. Well, everyone tries to maintain at least some appearance of independence and they do not – that is, most of them do not – carry any of their options on their banners, especially here locally. Although everything is known anyway, everything is known locally.</i>



<p>rights directly or via their own publishing house, as well as other publishing houses acting as publisher.” In this sense, there is no any obstacle, if the publisher will directly be a political organization or the state organ. Moreover, a special recognition through naming “state organ”, “state enterprise” and “political organization” as a possible publisher removes any legal uncertainties as to whether such organisations can run their own press media.</p> <p>In the 1992 Broadcasting Act, the entity of a “broadcaster” or “provider of audiovisual media services” is defined under the Article 4(4) and 4(5), while “social broadcaster” under the Article 4(10). None of these excludes political parties, political groups or politicians from being possible owners of broadcast media or audiovisual services.</p> <p>Although largest news media in Poland have no open affiliation with political parties or organisations (e.g. through ownership), most of the news media, including digital natives and online media, promote distinct political views. By and large, regulatory safeguards limiting political control over media outlets (e.g. limits on ownership or control of news media by politicians) are missing in relevant laws.</p>			
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8a		[IF Q8 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
8a - Answer		-		
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?	
9 - Answer	<p>More detailed reporting obligations apply only to entities covered by the 1992 Broadcasting Act. The broadcasters and some providers of audiovisual media services should annually deliver to the National Broadcasting Council their financial statements prepared in the form specified by the 1994 Act on Accounting. The Article 37a of the 1992 Broadcasting Act stipulates: "A media service provider shall on an annual basis deliver to the National Council its financial statements prepared in the form specified in the Accounting Act of 29 September 1994."</p> <p>The purpose of this requirement is to review financial and economic conditions of broadcasters including advertising revenues, financial results (profits and losses), ownership structure and capital concentration.</p> <p>In addition, the news media sector is subject to general requirements under the company law. The company law in Poland requires companies to register</p>		No, but it is in EMFA, it says that the media must report to some extent how much state advertising they receive.	I do not know, no. If a medium is a company, of course, it has to publish its financial reports, but they are never detailed enough to be able to pick out such things easily. So probably not.



	<p>in the Krajowy Rejestr Sądowy (National Court Register). The 2000 Code of commercial partnership and companies requires under the Article 5(1) that “The documents and information about a company or limited joint-stock company shall be announced or submitted to the registration court, subject to the provisions of the National Court Register.”</p> <p>Under the 1997 Act on the National Court Register, as amended in 2019, the registered companies are obliged to provide information about the name of a company, legal definition of company’s activities, location and address, tax identification number, the name of court where company’s registration documents are held (Article 34(1)). The law also stipulates sanctions for violation of this requirement (Article 34(3)), however foreseen sanctions are quite modest and do not exceed 5000 PLN (1230 EUR) (Article 34(4)).</p> <p>Yet none of the mentioned rules state explicitly that media companies should disclose sources of their income including advertising to the general public.</p>			
9a		[IF Q9 in Questionnaire 1a = NO:] Do the media <i>voluntarily</i> disclose their sources of income including state advertising revenues?		
9a - Answer		-		



10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?	
10 - Answer	<p>The Article 16 of the 1992 Broadcasting Act stipulates: “1. Commercial communications shall be readily recognizable. 2. Advertising and teleshopping shall be readily distinguishable from editorial content. Advertising and teleshopping shall be kept quite distinct from other parts of the programme service by optical, acoustic or spatial means.” In this sense all advertising contents should clearly marked as advertising, so is the case of political advertising. At the same time, 1992 Broadcasting Act does not require from broadcasters to label political advertising as “political”.</p>		<p><i>In Poland, the media is obliged to label advertisements, but what about political advertisements? Well, if there are advertisements placed from the funds of electoral committees it must be included in the advertisement. But now, for example, I was looking through a local newspaper in Pułtusk, where there were whole sheets describing or showing candidates for [local] elections, and it looked like an advertisement to me, but it was not marked that they were advertisements. That is, sometimes they are marked, advertisements are marked in Poland in general, but this is not fully respected.</i></p> <p><i>EMFA also seems to point to an issue of transparency [stating] that readers should know who owns the newspaper. And here too, in my opinion, commercial codes require that this ownership be disclosed in some documents, courts and so on. But there is a lot to be done here – it seems, for example, that a viewer watching Republika TV does not know that it actually belongs to, let’s say Law and Justice, but you can somehow find out if you look carefully. It is not like it is any secret. Likewise, we do not know about "Gazeta Wyborcza", it does not state who owns "Gazeta Wyborcza", i.e. who the owner of Agora is. But you can</i></p>	<p><i>Mostly yes. Of course, there are some situations, like during the local government elections, we had a case with "Gazeta Olsztyńska" that they published material that was absolutely unlabelled, although it was clearly an election material. But it happened with them once, there was a huge outcry, and they did not do anything like that again. So, under the pressure of public opinion itself, they realized that it would not work.</i></p> <p><i>[Answering the question whether these were other media that reacted to it] Also people in the comments. It was done in a very unsophisticated way. So they quickly got bashed in the comments and from other media too. It was, to put it bluntly, it was almost rude, it was crude, so it did not go through.</i></p>

			<i>see it if you look for it in the court register. So there is a lot to do here.</i>	
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?		
10a - Answer		-		
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	Citizen journalists are not explicitly recognized as such under the 1984 Press Law Act, but if they are involved in editing, creating or preparing press materials for and under the authorization of the editorial office they are qualified as journalists under the Act (Article 7.2(5)). In this sense, if a citizen journalist has a one-person editorial newsroom or office, he/she can act as a journalist under the Act and thus, enjoy the same rights (e.g. the right to access information) and duties (e.g. accuracy and reliability regarding collecting and using press information – Article 12(1)).		<i>Citizen journalists are not explicitly recognized as such under the 1984 Press Law Act, but if they are involved in editing, creating or preparing press materials for and under the authorization of the editorial office they are qualified as journalists under the Act (Article 7.2(5)). In this sense, if a citizen journalist has a one-person editorial newsroom or office, he/she can act as a journalist under the Act and thus, enjoy the same rights (e.g. the right to access information) and duties (e.g. accuracy and reliability regarding collecting and using press information – Article 12(1)).</i>	<i>Unless we talk of editorial offices, titles or registered portals, this status is completely unregulated. Because if it is registered as a press title, at least you know that you are under the wings of the law. However, if people do it as a hobby, let us say, and there are a lot of them, then they do not have any sort of regulated status, and therefore all possible protection and so on do not fully cover them.</i>
11a		[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?		
11a - Answer		-	-	Certainly not.
12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?	

<p>12 - Answer</p>	<p>The Polish 1992 Broadcasting Act does not recognize community media specifically, but operates with the category of 'social broadcasters'. An independence of 'social broadcasters' is not recognized as a legal condition. Yet, the law lists certain conditions that should be fulfilled by social broadcasters. According Article 4.10 such a broadcaster should:</p> <ul style="list-style-type: none"> a) propagate learning and educational activities, promotes charitable deeds, respects the Christian system of values, being guided by the universal principles of ethics, and strives to preserve national identity in the programme service, b) not transmit programmes or other broadcasts referred to in Article 18 paragraph 5 within the programme service, c) not transmit commercial communications, d) not charge any fees for transmission, retransmission or reception of the programme service <p>It should be mentioned that a mere recognition of 'social broadcasters' in the 1992 Broadcasting Act, has not provided sufficient means to develop the 'third sector' of non-profit, community media in Poland. The special status of 'social broadcasters' was envisaged in 1990s mainly to protect catholic media. While KRRiT has referred to 'community media'</p>		<p><i>They do not have any. [Asked for clarification] I know that something like this exists in the world, but I have not come across this type of media in Poland.</i></p>	<p><i>This is something we started to be interested in, to be honest, about three or four years ago, when we noticed that we were not the only ones who came up with this brilliant idea. We come from a non-govern-mental organization that decided to publish its own media - we mainly create videos - in order to create its own social television. And we were not the only ones who came up with this brilliant idea, and it turned out that in Poland, there are quite a lot of such organizations, or even sometimes individuals, often watch dogs. It is hard for me to say what this number is, I do not have everything mapped out 100%. However, there is at least one such crazy person in every district. People sometimes do not - people or organizations - sometimes they do not even realize that what they do is actually media. Because they communicate regularly, for example via social platform, where they inform about various things related to local politics or local environmental issues - because that is precisely what they do - and it is so regular and is presented so often, and it is so specific in these topics that they are de facto media, although they do not know it. And this is a movement that has only just started to be noticed. Well, as I said, the Law and Justice government was the first to do it, noticing that there was such a thing and making it a special priority in the Non-Govern-mental</i></p>
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	<p>several times in various policy documents and planning strategies in past, the regulator has not been politically supported to change the status quo and introduce policies that would target non-profit media in a more systemic way. Under the current term, KRRiT has not been interested to reopen the issue in policy process.</p>			<p><i>Organizations Development Program and creating subsidies for such organizations. However, people, readers and recipients do not fully distinguish it either. Well, there is some local media, there is some local group or person, they write about issues of one kind or another, not necessarily local ones as sometimes they are also thematic things related to culture, history, tourism, various things. However, no one maps it, no one collects it and no one checks whether these entities fit into any legal framework. It is a bit of a separate entity, but one that slips away. All these media are largely similar to each other. We did a project with Norwegian Funds where we mapped some of these media, we gathered people who work in them for some joint training, activities and so on. It was a small group, but from various places in Poland – smaller and larger cities other than the capital. And, for example, everyone has exactly the same problems, challenges, obstacles. In this respect, it is a very homogeneous environment. What I was maybe a little surprised by were – because of course, money is a challenge, a problem and a hassle, it is obvious, it is everywhere – but I was surprised with things related to journalistic skills, awareness of, among other things, the laws we have in Poland in this area, knowing how to communicate with our public so that what we write or talk</i></p>
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				<i>about is not only interesting for us, but also for them. I mean, it was [a challenge] for everyone. I was a bit surprised by this, but I guess we just took a slightly different path. We from the beginning had a girl in the team who had journalistic experience, so maybe that is why it was a little different for us. But as I say, the environments are very similar.</i>
12a	Are non-profit community media eligible for funding?			
12a - Answer	No.			
12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?		
12b - Answer			<i>The Polish state would have to change a lot if it started co-financing community media of this type.</i>	
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	There is no a specific quota system in place neither in the case of news media in general nor as regards PSM. There is also no specific type of policy other than general employment guidelines. The legal provisions being part of the 1992 Broadcasting Act and 2011 KRRiT Regulation, do not contain specific measures concerning gender equality policy. Also, the Charters of Tasks of the Polish TV and Radio do not include any reference to gender or equal opportunities for women. The Charters promote "Christian system of		<i>No, but they would be useful.</i>	<i>I have not encountered this at all. I do not know of anyone who would deliberately look at who they have in the editorial office and who they have on the management board. No, people create it on their own, and they do not seem to attach any particular importance to it.</i>

	values” and “empowerment of a family” (TVP, 2020; PR, 2020).			
13a		[IF Q13 in Questionnaire 1a – YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?		
13b		Are you in favour of or against quota systems for women and why?		
13b - Answer			<p><i>I am in favour. I favour the quota system because a woman is also a human being, and she must have more or less the same [as everybody else] – both pay and the same rights. And they should be supported in this situation when they are not supported. So yes.</i></p> <p><i>It is difficult for her, as if due to customs, it is simply that women in general have it more difficult in Poland. Due to traditions and the domination of men in various areas of life, but it probably does not go beyond what is generally in society.</i></p>	<p><i>On the one hand, it is like parity on electoral rolls. I understand, I appreciate it, I think there is something to this solution. On the other hand, where the decisive voice and influence or power actually lies in a given environment or place is beyond any kind of regulation. And then we have the same situation as on the electoral rolls. Here are these women. Well, if you get them to third or fourth place, they are nothing but a decoration there. Unless they are really great, stubborn and can get out of the number three or four. And I think it would be similar with such solutions – on the one hand, it draws attention to a certain problem and shows that “Hey! It cannot be that, for example, only guys or only girls sit here” but in our country this practice is simply lame, which does not mean that we should not implement such solutions.</i></p>
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	There is not a specific quota system in place neither in the case of news media in general nor as regards PSM. There is also no specific type of policy		<p><i>This is a question that does not concern Poland in this situation. Immigrants are coming only now, so in 20 years it will be important.</i></p>	<p><i>No, in the environment I know – no.</i></p>

	<p>other than general employment guidelines. The legal provisions being part of the 1992 Broadcasting Act and 2011 KRRiT Regulation, do not contain specific measures concerning minorities.</p> <p>The Article 21.1a(8a) of the 1992 Broadcasting Act states that tasks of PSM include “paying due regard to the needs of national and ethnic minorities and communities speaking a regional language”, but there is no mention about quota or representation of minorities in relevant management boards or newsrooms.</p>			
14a	{IF Q14 = YES OR PARTIALLY YES:} To which minorities do these rules or recommendations apply?		{IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:} To which minorities do these measures or recommendations apply?	
14b		{IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:} Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?		
14c			Are you in favour of or against quota systems for minorities and why?	
14c - Answer			<p><i>My opinion is that minorities and immigrants are very enterprising and go-ahead people, and they will find their way in the media anyway. I mean, it is not like we need to specifically support them in the foreseeable future. In general, this is probably a somewhat invented problem when it comes to Poland, so it is not really worth talking about it here.</i></p>	<p><i>It is hard for me to say because it is a bit hard for me to imagine. I mean, our organization is quite open to different people and different views, so I do not see a problem with it at all. But I do not know whether such a top-down definition would not cause people harm by causing such internal resistance, you know what I mean.</i></p> <p><i>Now, for example, let us assume that, I don't know, there is some editorial office, let's say with a minority, I don't know, Ukrainian, German, etc. And that there must be, let's say, one or two representatives here. Well, I do not know</i></p>



			<i>if this would not cause any resistance, but these are just my considerations.</i>
15		Does the regulatory authority/authorities acts/act fully independently from governmental influences in practice?	Do you think that the regulatory authority/authorities acts/act fully independently from governmental influences?
15 - Answer		<i>Of the current government? Probably yes. However, in practice, European Union member states have freedom in shaping these regulatory bodies, but if a state already has a media regulatory body, then, of course, there is also the question of how its members are appointed and until recently we did not have provisions of EU law that would regulate it. We now have the European Media Freedom Act, which states that members of these bodies should be elected in a transparent and independent manner, simply to ensure these bodies' independence from the politicians. Of course, this did not work in Poland. In fact, even before the Law and Justice government, the members of these bodies had some political support because our method of election is that they are elected by the parliament. Well, political considerations have always mattered. However, during the Law and Justice government, the system was changed and a new media regulatory body was introduced, which duplicates the tasks of the constitutional body, the National Broadcasting Council. This newly introduced National Media Council operated, just like the National</i>	<i>No. I do not look deeply into their work, but I have a funny feeling it is not that independent.</i>



		<p><i>Broadcasting Council, in an openly partisan, party-oriented manner. It was clearly visible in their actions that, for example, the National Media Council have protected people working and managing the public television because public television violated the law in various ways, which is also confirmed by court judgments, for example the court judgment for the film "Inwazja" ["Invasion"] – a paradocumentary which was released as part of a campaign against LGBT people in Poland directed by the ruling party. And we have many cases of great bias, use of hate speech, and simply violations of criminal law and the media act by public television and its portals. However, thanks to this political positioning of media regulators, it was easier to ensure impunity in their case, as the only cases we have are court decisions that were made after many years due to the determination of people and groups who believed that their rights had been violated. As for the National Broadcasting Council, it is of course still operational. Due to its current chairman, Mr. Świrski, it operates in a way clearly aimed at making life miserable and limiting the freedom of private media that do not support or that criticize the actions of the Law and Justice party and also fulfil their private mission as a private broadcaster. They do not have to have a mission, but they do. Well, in this respect we had numerous examples: also</i></p>		
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		<i>the extension of the process of licences granting, exerting various types of pressure and penalties imposed by the chairman of the National Broadcasting Council for programs that were published in private media.</i>		
15a			Why? [OR:] Why not? [OR:] Why only partially?	
15a - Answer			<p>The main regulatory body, when it comes to media, is the National [Broadcasting] Council, and over the last 8 years the National Council has been completely dominated by then government. And the current council, which will probably last until 2028, is also related to the political party that is currently in the opposition. So here the system has completely collapsed, when it comes to defending independence or impartiality, etc., there is no such thing. But the council at the moment, with one glorious exception to Prof. Kowalski, is completely dominated by the Law and Justice people. Previous councils had their biases, but there was never anything like what we had observed since 2015 or 2016. Now, it must continue because they have a term of office that will last, as I say, until 2028, I guess. So here we do not really know what to do with it, but that is not right because there are rules arising from the National Council Act. This is the act from 1992 that describes what the media should look like, especially public media. And these rules are not being followed by the current National Council at the moment.</p>	-

15b		[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?	
15b - Answer		<p>Well, politicians should be removed as far as possible from appointing members of the National Council, but that does not quite work either. The truth is that all these matters are based to a large extent on custom, i.e. if society believes that such a body must ensure impartiality, then this translates into the behaviour of the people who appoint these councils. If there is no such belief, society is polarized as it is now, it is very difficult to implement it. Besides, I checked whether they even considered introducing the principle of media freedom in the American Constitution and they did not introduce it because Jefferson or another [president] decided that we would not define it. They introduced freedom of speech, but not freedom of the media: "We will not define it because it depends on the mood in society. If society wants to have free media, it will have it. And we will not write it into the Constitution". And having in mind everything that has happened in Poland in recent years, it is very important that if customs are broken, then the laws do not help. So this is a very difficult question. I cannot answer this question. What should be done to make people behave decently? I guess you have to raise decent people, but I do not think that is what this questionnaire is about.</p>	<p>I do not look closely at their work, I really am local and focused on what is happening here. Although, alright, we look out, we stick our heads out sometimes. But generally speaking, it is also a matter of the fact that these are institutions that are simply very distant from media such as ours. There is no communication directed towards us there. You know, [when it comes to] information, you have to find everything on the Internet, if it concerns you in some way. So, it is really hard for me. Well, maybe [the solution could be] at least some openness and communication also with those who are potentially interested in the introduced solutions. Greater openness. From the government level, from the Warsaw level, places like ours are not visible. They absolutely do not see us. We see them, they do not see us. And this is where it goes. And we have been thinking about meeting with a larger group of representatives of similar editorial offices for a long time. Well, even at this moment, the parliament is working on ideas on what to do with the licence fee and how to divide it and so on. And there is no word there about a sphere of media which you call "community", and I call them "societal", not to be confused with social media. But whatever you call it, even the fact</p>



			<p><i>that we do not have one name is interesting. But no one there even thought about the fact that there is a sphere in between, which is societal non-profit media, which are doing a lot of work that is also needed here. And we are not seen.</i></p> <p><i>[Answering the question whether local media are more focused on ensuring this cooperation exists than on how they evaluate these institutions] This is a bit of a consequence of this two-year project that we carried out, that people are sometimes... You know what, we laugh that this is a so-called running with a wheelbarrow. They run so fast that they do not even have time to load it. They are so preoccupied with what is happening around them, in order to make a living, that somewhere they are fighting with some office, somewhere they are fighting with some institution, and they are in such a process that it is difficult for people to look at the broader picture and to think "Damn, there are more of us. Let's get together or let's join some federation, an organization like OFOP [Polish National Federation of Non-Governmental Organizations]. Let's have our representatives, let's get involved in the processes that are taking place at the government level", for example. Well, it looks like not everything is connecting yet, but it is already a bit connected, and thanks to Ula, we have connected a lot of things.</i></p>
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			<p><i>She also showed what is happening in Western Europe – these are very interesting processes when it comes to community media – well, she made us realize that this is a field to be covered and that only when there are more of us, when we get to know each other, gather, network, we will then be able to knock on wholly different doors and from a different position. So this is an internal process, right?</i></p>
16		<p>Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?</p>	
16 - Answer		<p><i>I would rather focus on developing our current standard. Of course, we can create a concept in the doctrine or legal science such as the “right to communicate”, it may be useful, but it seems to me that it would be easier to work on these concepts, on these rights that are generally recognized in legal documents, also internationally. So we have freedom of expression and the right to information. This exact right to communication simply flows from these other rights, and as with the various actual rights that we defend, they are simply interpreted from existing laws. So in this respect, it seems to me that it may be useful, but rather in doctrine, as some kind of concept. After all, the right to be protected against hate speech is</i></p>	<p><i>I would refer you to the previous answer. Yes, you can pass such a law and it would be very right and sensible, and maybe even a necessary law, but it really depends on the social atmosphere and the number of decent people we have. If there is the polarization we have at the moment, if we have a political formation such as Law and Justice, or if there is still a Law and Justice party that did not take into account the letter of the law but also the spirit of the law, then the adoption of such a law may be necessary, but it can be ineffective, catastrophically ineffective, as it has turned out to be in recent years. So I believe that the media is needed for communication in society, that good media are needed for people to have information to make good political</i></p>



		<p><i>not a code, constitutional or treaty formulation, either. So I think it is just unnecessary. This was my first impulse, but of course, it is very necessary to actually protect access to public information and freedom of expression. It is also very difficult to generalize because currently it is very difficult to define who is a medium, what the media are, who simply acts as an activist and who is already a journalist. So it seems to me that in practice we simply have democratization, some access to speech, to the public sphere, but this also involves the blurring of certain functions. Therefore, I would also broaden it because I think that, of course, journalists are important - especially investigative journalists because it is such a special category - but there are a number of journalists, there are also publicists, also influencers, who are not limited only to lifestyle ones because [they] hold talk shows and programs. The nature of the media is changing, so it is very difficult to continue to describe it using these old categories. So it seems to me that the simplest categories, namely freedom of expression, and an attempt, for example, to base the argumentation in defence of these rights on the case law of the European Court of Human Rights, which is very rich, is perhaps easier than trying to introduce some such new constructions.</i></p>	<p><i>decisions during elections and beyond. But what I see that is happening right now... Well, I feel like I am bit in the minority, when it comes to this faith because even [looking at] what is happening at the moment on TVP, with the "19:30" program, that people who support Law and Justice reject it as German propaganda, and people like me more or less expect Law and Justice to be thrown out. So the model that they use, that is, they try to be impartial and report calmly and honestly, just does not really catch on unfortunately, so it all depends on - not everything - but a lot depends on the atmosphere, the upbringing of the society, the social mood and so on.</i></p>	<p><i>provisions are, well, it is nice that they exist. Sometimes you can refer to them in a large dispute, but there are no implementing standards for this, so they are a bit like a square peg in a round hole. I like practical things.</i></p>
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Portugal

Tatiana Chervyakova and Nuno Cintra Torres (Lusófona Uni)



Background of the interviews – Portugal

Disclaimer: due to organisational reasons, from a legal perspective, experts couldn't participate earlier to fit the timing, so the interview with them was conducted last. However, our team interviewed with ERC earlier this year (February 2024) and had some background. Moreover, the literature review took place before starting the interviews. Hence, the sequence was as follows:

1. Literature review
2. Preliminary interview with ERC based on own questionnaire relevant to the Portuguese market
3. Literature review
4. Interviews: 2_1, 2_2, 3
5. Interviews 1_1, 1_2

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

We had done a literature review before conducting the interview. However, not all the questions were straightforwardly answered. Hence, we used questionnaire 1a and needed some confirmation. Sometimes, even if some questions could be answered by literature, we addressed these questions to representatives of ERC – Entidade Reguladora para a Comunicação Social (Portuguese Regulatory Authority for the Media) (Interview 1_1) and a national media expert (Interview 1_2).

2. What criteria were decisive for the selection of the person to be interviewed?

Interview 1_1: The two persons were assigned to be interviewed jointly after the request made to ERC by the research team formulating the objectives of the study. Their roles:

– A senior member of staff and, Member of the Board at the Media Regulatory Authority since 2006, where she has worked as a media analyst (2006-2014), advisor to the



Regulatory Council (2016-2019) and coordinator of the Media Transparency Unit (2019-2023).

– A member of the Media Transparency Unit

Interviews1_2: Professor, held the positions of Secretary of State for Social Communication, ex-vice-president of the Regulatory Council of the ERC, current member of RTP's Independent General Council.

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

Two interviews were conducted.

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

Interview 2_1: Journalists' Union

Sindicato dos Jornalistas is a representative professional union of journalists deeply involved in national discussions on media-related topics and uniting many professionals in the country

Interview 2_2: Journalists' Professional Licences Committee

This organisation is responsible for issuing professional licenses for journalists. With one, journalists can legally operate in Portugal, so they are accountable for providing journalists with legal status. This organisation has its specific nature: a mixed status between regulation and self-regulation. We had to add their perspective to the research as they are particular to Portuguese journalism and influential and decisive for being recognised as a professional. This organisation is mandatory if you're a journalist in Portugal, while the Union is not.

5. What criteria were decisive for the selection of the person to be interviewed?

Interview 2_1: President of the Board and Elected Member of the Board of the Journalists' Union, a representative and influential position in the Union

Interview 2_2: Member of Journalists' Professional Licences Committee



Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

The Media Literacy Association stated that it started from the need identified by a large group of journalists, communicators, and researchers to educate citizens on the complex issues of the media, as well as information and disinformation. From their website: “This gave rise to the goal of promoting Media Education, which aims to encourage citizens to use and interpret the media, particularly when accessing and using information and communication technologies, to adopt appropriate behaviours and attitudes for the critical and safe use of digital technologies.”

7. What criteria were decisive for the selection of the person to be interviewed?

Member of Media Literacy Association: The person who is experienced in working with the audience of the media (different groups) and can explore the topic from this perspective knowing the troubles and issues they can face



Questions and answers – Portugal

	Questionnaire 1 a (Literature review)	Questionnaire 1 b (two interviews)	Questionnaire 2 (two interviews)	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	<p>Constitution (Article 37): Freedom of expression and information</p> <p>4. Every natural and legal person shall be equally and effectively ensured the right of reply and to make corrections, as well as the right to compensation for damages suffered.</p>	<p>1_1: – <i>"There's no specific law for right of reply, right of reply is a constitutional right. So every people that are mentioned in the media and considers that references might caused harm to its reputation or other personal rights it could ask for the media for the right of reply. So this is mostly in the Constitution itself. And then you have to look for the sectorial laws to have more information on procedure regarding of the right of reply. You need to go to the press law, radio law, television law"</i></p> <p>– <i>"media themselves can ask for publication of the right to reply to another media"</i></p> <p>1_2: – <i>"Yes, the right of reply has been provided for in the Press Law, the Radio Law and the Television Law for many years, even before 1974, when there was prior censorship. Of course, at the time, replies were also subject to prior censorship and so there could be parts of the reply that weren't published"</i></p> <p>– <i>"But, for example, to prove that it's an important issue, the regulator itself, a few years ago, ERC did a study for six or seven years now, it did a study on the right of reply and more than that, it did a</i></p>		

		<p>study, including recommendations for the media, with the interpretation of the legislation. Since then, the number of complaints has fallen, because the media, when faced with more controversial issues, already know what the regulator's response is going to be and, therefore, it's an issue that is very much in line with a broad doctrine in Portugal."</p>		
2		<p>EU legislation advocates a so-called "two-tiered approach to expression", distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection. According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?</p>	<p>Does the state use this differentiation to restrict media freedom?</p>	<p>Does the state use this differentiation to restrict media freedom?</p>
2 - Answer		<p>1_1: – "I think that culturally we changed our perspective on what is public and what is private and even what is intimate, I think changed a lot. So we will see that almost everything is public interest in nowadays because people yourselves as a person, they just disclose so much about their personal life on communication platforms. So it's much more difficult to draw a line between what is public and what is private and intimate. I think that and, of course, you can always argue about the boundaries. But I think that's when people themselves, they claim the occurrence of violation of private intimate life I think that we could rely on it in the first place." – "Usually when we address the complaint regarding the violation we try to understand our previous practice and</p>	<p>2_1: – "I believe that it is not used by the state and that, despite everything, there is no such restriction on press freedom. The line can sometimes be blurred between what is in the public interest and what is in the interest of a public that is not exactly relevant. But I do not think so, I do not think the state restricts freedom of the press at any time, even though in Portugal the courts have more than once condemned journalists who, without exception, then go to the European Court and win their cases." 2_2: – "In other words, the state can't intervene, it can't even regulate. In fact, the difficulty I was talking about and the frankness of the regulators to intervene in this and enforce the law. Because it's</p>	<p>– "Well, journalists should only talk and use sound or whatever when the information is in public interest. So for me, that's I don't know, it doesn't seem exactly like a contradiction. I mean, I think it's correct that the state protects more the public interest, which is also the reason for journalists to do their jobs and to use information. The information we use for the public should be in the public interest" – "It can, it can do that. Yes. Yeah that's that's the problem of this frontier topics, right? So you can always argue in one way or the other. So it's it can do that. Yes. You you've heard of situations like that when there's this argument and then you understand. Okay, but not anymore because we know that this cannot go on silently.</p>

		<p><i>previous criteria that we used in other situations. Try to understand if there is a public interest in that information, text or facts or images and videos and so on, or conclude that indeed there was no public interest in the publication of such information. But I can tell you that, for instance, we are now undertaking a specific study on protection of privacy and intimacy of public figures, specifically because we have some examples of news coverage of events that include images of the front of the door of a family house of such public figures 24 hours a day. And even the images of the inside of the houses and I think that there are some limits that you must draw necessarily because otherwise next time you will be putting some wire inside the house or video cameras inside the house of people totally violating intimacy."</i></p> <p><i>1_2: — "So let's say that the market has a very, very big influence on the decision here. The limits, the freedom of the media are different and when there are ethical rules, they are not being complied with, or when there are cases of defamation, in the case of violation of legal norms, it jeopardises the security of the State and the good name of a person shouting image, etc."</i></p>	<p><i>very difficult, because at the moment the Journalists' Professional Licences Committee is a committee made up of very, very few people. When we open a disciplinary sanction procedure for a case like that. Let's imagine, for example, an accusation without proof, which is more like it because the issue of José Castelo Branco* , for example, has to do with the culture of a people or when he became a public figure for a variety of reasons, a lot of what was normally lifestyle or jet set news took on national forums. It's a very subjective, very complicated issue. You have your opinion, I have mine and we'd think that was a private matter. But maybe most people are interested in the subject and think it's in the public interest, because the guy is a public figure, and this is a never-ending discussion. We'll never get anywhere in resolving this issue. What the law says is that much of what was written to deal with this news is clearly accusation without proof, because he was presented there as having assaulted. You only have to look at the front pages of the newspapers and until he is tried, he has the right to the presumption of innocence. He guarantees that. How did we ever get past that? In other words, it's a question of people's own rights not being defended. We find it very difficult to apply the law, for one reason. I'll explain it to you. It's happened many times. It's happened many times that</i></p>	<p><i>— "And yes, I would say that the public figures use those kind of arguments, use the law to protect themselves. And this has like sort of limit"</i></p> <p><i>— "So in principle, the rule is that this document is public, you should have access to it. Right. Okay. But then the access is, is it do you have the access? Right. And what we're talking about is even it's even harder when it's sensitive information, for instance, you can get the discussion. Well, I can think it's of public interest, I'm a journalists. But the other the ones that have the documents will say, no, no, this is not the public interest or this goes against other interests. This is another problem"</i></p>
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3	Does the law protect journalistic research and investigations?			
3 - Answer	<p>The law protect the rights of journalists:</p> <p>(a) the freedom of creation, expression and dissemination;</p> <p>(b) Freedom of access to official sources of information;</p> <p>(c) The guarantee of professional secrecy;</p> <p>(d) The guarantee of independence;</p> <p>(e) Participation in the life of the relevant media organisation, under the terms of the law." (Article 5, Estatuto do Jornalista Lei n.º 62/79 de 20 de Setembro)</p> <p>Freedom of creation, expression and dissemination:</p> <p>The freedom of creation, expression and dissemination of journalists shall not be subject to impediment or discrimination, nor shall it be subject to any form of censorship, authorisation,</p>	<p>1_2: — <i>"Because unfortunately there are often cases in Portugal where people have been condemned by the media and then acquitted in court. This has to do with the fact that there is very limited secrecy of justice, which is very, very ineffective. Then there's access to documents - of course there are rules on military secrecy, state secrecy, etc. But you can't say that there aren't any. Of course, what newspapers sometimes complain about is that they go to a public body, ask for access to documents and it takes a long time for them to reply, so the media organisation itself complains to the prosecutor, the courts, etc. So. But in practice, the legislation is very, very comprehensive on this matter."</i></p>		

<p>guarantee or prior authorisation, without prejudice to the powers of the management, the editorial board or any other body deemed equivalent by law and to the other provisions of the law. (Article 6, Estatuto do Jornalista Lei n.º 62/79 de 20 de Setembro)</p> <p>Access of Journalists to information:</p> <p>(1) The right of access to sources of information, under the terms of the Press Law and other applicable legislation, is an essential condition for the exercise of the activity of journalist.</p> <p>(2) The right referred to in the preceding paragraph shall cover, in particular, free access to sources of information controlled by the Public Administration, by public companies or with a majority holding by legal persons governed by public law and by companies that exploit assets in the public domain or are concessionaires of public services, as far as the object of the exploitation or concession is concerned.</p> <p>(3) The following rights shall be recognised for journalists in the exercise of their duties in order to give effect to the right of access to sources of information:</p> <p>(a) not to be detained, removed or in any way prevented from carrying out their duties in any place where their presence is required by the exercise of their professional activity, without any</p>		
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<p>limitations other than those arising from the Press Law and other applicable legislation;</p> <p>(b) not to be deprived, at any place and at any time, of the material used or obliged to show the material collected, except by court order, in accordance with the law;</p> <p>(c) Free entry and stay in public places and a special regime, under terms to be regulated, regarding the parking of the company car for which they work and which they use in the performance of their duties; (Article 7, Estatuto do Jornalista Lei n.º 62/79 de 20 de Setembro)</p> <p>In the Ethical code (2017) released by Journalists Union it is described:</p> <p>3. Journalists must fight against restrictions on access to sources of information and attempts to limit freedom of expression and the right to inform. It is the journalist's obligation to publicise offences against these rights.</p> <p>4. Journalists must use fair means to obtain information, images or documents and must not abuse the good faith of anyone. Identification as a journalist is the rule and other procedures can only be justified for reasons of indisputable public interest and once it has been verified that it is impossible to obtain relevant information through normal procedures.</p>		
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3a		Is the right to publish unlawfully obtained information respected in practice if this information is in the public interest?		
3a - Answer		<p>1_1: — "I don't think journalists can publish unlawfully obtained information in Portugal. [...] Even if it's in public interest. The decision, if it's in the public interest or it isn't the public interest is a court case. And so it is decided by a judge. But it's not something like straightforward."</p> <p>— "Since we are not a court, we can analyze and conclude if the specific news work violated fundamental rights, and in some situations, we have sanctions, and in other situations, don't. But we can always strive for a moral sanction. In terms of the violation of fundamental rights, of course, you can always go to the courts and ask for compensation for the violation of their personal rights. But media regulator is really not a court. But in some situations, you can determine the sanction but first of all, it's kind of symbolic in the sense of moral sanction of the behaviour that we think is not correct. "</p> <p>1_2: — "There was a time in Portugal when journalists were not obliged to reveal the source of their information, and so they were allowed access to it. Then, with the current legislation, there is a right to professional secrecy, limiting it, that is, in cases where there may be someone with one and another party who says no. This is a very important issue and, more importantly, not being</p>	<p>2_1: — "I have some doubts about that. It's very rare for there to be a violation [in obtaining the information], but in Portugal the code of ethics is very clear on this. Access to information has rules that journalists must always comply with. If you ask me if this duty of access is often violated, how is it violated? No, it isn't. Very rarely in Portugal do we see the exercise of seeking information surreptitiously, with hidden microphones. It hasn't happened in Portugal. If it's legitimate, I'd say no, and as much as it's in the public interest. I would say that I don't see the need to gain access and try to violate the code of ethics."</p> <p>2_2: — "This is a question that touches on two aspects. Whether it's ethical and deontological or legal. The law provides for certain things, it says that the journalist has to obtain information by legal means, unless the public interest is really at stake. They open a very complicated loophole to check. So, in reality, the final decision is always up to the journalist and their ethical conscience. Now we look at the question of the media that exist in Portugal. What I can say is that there are means here in Portugal where information obtained illegitimately is in the public interest, and all the necessary rules are in place to reconcile the two rights. Because it's always possible not to go too far in</p>	<p>— "I don't like to be like yes or no because it depends on some situations. Imagine, and this is again, this is in the code. If it's national security issue, then you should break because it's something more important than yourself. The question is that when you're breaking the rule, maybe to get more attention, maybe to we've seen also there's related to these situations, maybe some money involved. And then there's again another problem. So it's complex, but the world we live in, it is really complex in terms of information and in terms of technologies"</p>



		<p><i>one yourself. So it's a court. Court one dismisses it. It refers the matter to another court, a higher court, which weighs up, on the one hand, the importance of the journalist's professional secrecy. [...] So far, this means that there is no absolute professional secrecy. But in practice, until now it has practically always been the case."</i></p>	<p><i>jeopardising the right to an image or the right to privacy by telling the story, while other media simply don't follow these rules."</i></p> <p><i>– "I'll give you an example. One of the most impactful cases in Portugal in recent times was the case of two Portuguese-Brazilian twins who got the medicines worth millions. The news is clearly in the public interest, because it involves a lot of money, justice, balance and all that. Now TVI [SECOND LARGEST (PRIVATE) TV channel in the country], in order to make the report, has used images of the children in abundance. These images were posted on social media by the family themselves, when they had previously tried in Brazil and then, perhaps a little in Portugal, to raise public awareness of the case. They needed to raise money to get contributions. However, since they didn't succeed in Brazil, they came to Portugal and the case became the notorious. TVI initially approached the mothers, they were available because they were interested in the case being publicised in Portugal. They didn't realise what would come of it. They may even have supplied those images. So many images were used. There was even an off-the-record interview. The lady clearly wasn't told that she was being interviewed because she authorised the interview, but then the reporter who was there left the camera recording and they got into a</i></p>	
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			<p><i>private conversation, but at the same time it was being recorded. This is an eternal discussion. Who's to say whether or not the public interest in what happened should override the practice here?"</i></p> <p><i>– "So, the law may be able to understand and tolerate the issue of hidden recording, but it is very clear about the use of children's images, for example. In other words, there was a change in the code of ethics that says that images of minors cannot be used in any circumstances for pieces, and so the Council of Journalists' Ethics coordinated this piece, which was highly contested by the journalist, precisely because she believes that all means are legitimate when the public interest is global and that's that. And then, in the Code of Ethics, a 2017 rectification made in 2017, made it much clearer that it wasn't so clear in the previous version, but it's not so clear in the Journalistic Statute. The Journalist Statute is law. Therefore, I think that a myth has been created about investigative journalism. In recent years in Portugal, there have been many investigative works that were more advocacy journalism, more cause journalism, more of a use of journalism, bypassing the contradictory and some journalists' rights. Because it's not easy to have a major investigative programme every week. But we actually have a relatively good law."</i></p>	
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3b		In practice, do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		<p>1_1: – "The journalists with the professional wallet [professional licence mandatory to work as a journalist issued by Journalists' Professional Licences Committee] who registered in the commission, they have access to public events developed by politicians and, well, press conferences. But, um, when you ask here in practice, journalists have privileged access."</p> <p>– "I think the journalists have privilege access to certain events. That's true. But in practice they sometimes access other events or other politicians or other judiciary information, cases that are under investigation and which are not public, which have been closed. And but still, journalists have access to them and the public investigations and reports on them in practice."</p> <p>– "Probably on the journalist and on the on the topic. There is no rule for that. It may vary. When you look at practice according to the law, they generally said well they have certain protections according to the Comissão de Carteira, the wallet commission that states that this journalist is a journalist, a professional journalist, and so they can enter certain certain spaces. But in practice, I think that has broader application and not really a standard one."</p>	<p>2_1: – "Yes, but... We have access. But, once again, there are many public institutions that, although they are obliged to give access to journalists and provide all the information, do not do so. CADA [Comissão de Acesso aos Documentos Administrativos], which is the organisation [responsible for that]"</p> <p>– "There are many ways to check this access. It also has several recommendations. Because that is what it ends up doing, and there have been several condemnations of public institutions, sometimes municipalities, that do not provide the information they are asked for, even though they must. This is a problem with journalism in Portugal. Public bodies don't always provide all the information [...]. We're talking about the public institutions; they represent all of us. There's no reason why they shouldn't give us all the information"</p> <p>– "They have privileged access first and foremost because the law obliges them to have it and the information is only given to journalists. But there you have it, if most of the time this privileged access is honoured, it's only natural that journalists should have it. That's because they are defending a public good which, from within this public, is often denied to them."</p> <p>– "It was approved [at the Journalists congress] by a large majority and a recommendation went out to journalists</p>	<p>– "They do in terms of law, yes. [...] It's very easy to prolong and to make you wait and wait and wait. And that's the way because you can say, well, it's in the law. It's possible again, behind a complex in between words. Right. So we are democratic. It's there, it's written. But then do you really have the access?"</p> <p>– "But then do you get there easily? I had an answer that sometimes annoys me that was like: 'it's all online'".</p> <p>– "So I complained to this institution [CADA - Comissão de Acesso aos Documentos Administrativos]. It's a public institution. They told me: 'Yes, you can complain, but I would advise you to insist and try again because it will take so much time for us to to get you clearance, to have access to that information that probably won't be of use to you'. So I didn't. I just insisted and I eventually I got the information. But it was like the day before the book was finished or something."</p> <p>– "So this is just to say that the being available in terms of rule and then being really available, it's something different. And it's a paradox because in the time of information it's sometimes more difficult to get the information than before because it's very easy to pretend that it's available"</p>



		<p>1_2: — Additional question on whether the access to the documents is impeded:] "No. In cases where the right of access to documents is not complied with, it's not very frequent, let's say, there's a tradition of media organisations, public bodies, ministries, public administrations, local authorities. to answer these questions from journalists and the media. So there is this tradition. There are very few cases in which there are protests because there is no answer or because there is no access to documents. This is usually resolved later by the ERC and there are very few cases of violations of the rules on access to sources of information. The number of cases is not so great."</p>	<p>not to attend press conferences without the right to questions. There was a case of a regional newspaper. It came out with a blank page because there was a supposed press conference where there were no questions. There was someone talking about what they thought without being against it. There was no right to contradict each other. So the recommendation that came out was "You, the journalists, you're not at press conferences when there's no right to be contradicted or asked questions."</p> <p>2_2: — "It depends. In general, yes. No-one will say no. But here in Portugal there is a serious problem with access to official information. In other words, if we try to obtain it legitimately, without having privileged sources, having someone we know, a friend or others, it becomes very, very complicated. And on top of that, we have a legal problem, and it's more in the ERC Statute, because the ERC then manages these problems of access to sources, the management of access to sources and with the ERC you can imagine that we ask a City Hall for information about some case of a project with funding [...] and the City Hall denies [to provide] the information. There's nothing it can do with anything, but there's no penalty system that obliges the council or other body to provide the information or be penalised in any way for it. So that's what makes the system a</p>	
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			<p><i>little complex. And then we've seen that a lot of tricks are used. There are organisations that have access to sources from, for example, the courts, the Public Prosecutor's Office and the justice system, but I don't know if they do it legally. Because so far it's been very difficult, but we find it strange. We think it's a kind of unfair competition."</i></p>	
3c			Is investigative or under-cover journalism being hindered?	
3c - Answer			<p>2_1: – "Yes, there are risks. That's why I was saying that I have a lot of doubts about this exercise, thinking that the code of ethics obliges us to identify ourselves as journalists. I realise that at one time or another there is this need. Yes, it's one of the many risks that journalists run, because today, just recently, a journalist was attacked at a university, which is a place of freedom, isn't it? And that attack happened because he was a journalist and after giving his version, the excuse was that he hadn't identified himself as a journalist. In other words, the risk increases when you're there. I believe it increases, not least because those who are investigating will usually publicise the situations that arise."</p> <p>2_2: – "Investigative journalism is complicated by the following here in Portugal: firstly, because the information is all set up for breaking news. Everything. In recent years, the main news organisations have been</p>	<p>– "I think investigative journalism is always complicated, right? Because if you go to topics that are more sensitive." – "I think it's more complicated. But I wouldn't say it's exactly because of the legislation. It's more this is my experience. So this is not based on any study. It has to do more with the culture. We still have the culture of hiding things sometimes." – "So I think it's more a cultural thing. We are usually tend to have the tendency to have good laws. The thing is to apply them and it's people who apply the laws. I mean, of course it can be the judge, but that's really in the last last resource. In the meantime, it should be people who do it, who use it." – "We have this idea that if I give the information to the other person, then I would not be so powerful. The other person will have my power. So it's like, okay, I have to think twice. Can I give away my power of this information? And of course this gets and we are a small country. I think this makes it harder</p>



		<p>channelling information into second arguments. And all that. Therefore, as information is becoming more and more expensive, not to mention having the resources moved there, it makes it more difficult for them to have teams prepared to do investigative journalism. Because investigative journalism can't depend on the will of one person, who happens to have some status and who finds the time to do it. Well-done investigative journalism in Portugal is a rarity and a fluke. It happens when some people there have status inside, have a good story and manage to find the time to investigate. There are some cases, fortunately".</p> <p>– "it doesn't have teams, it doesn't have a prepared structure, it doesn't have, as we saw in the Boston Globe, a team prepared to go out and do various things and supply the newspaper with a well-done investigation, that doesn't happen. There are those who are trying to achieve the strategy that some journalists are doing and joining consortium. There was an attempt to create an investigative journalism consortium in Portugal, but I don't know about it. After an initial impact with some force, it never manifested itself again. Because it's really difficult to reconcile the various organisations with different companies into a consortium with quality people. European consortium have been easier to work with. There are some journalists who have been working constantly, being</p>	<p>because everybody knows everybody in a way, directly or indirectly. So you tend to worry about the consequences, I think. But it's again, it's subjective."</p>
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			<i>part of international consortia. But I think the reality of journalism is very fragmented in investigative journalism. It's very fragmented. Unfortunately."</i>	
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?			
4 - Answer	<p>Constitution, Article 37: "Infractions committed in the exercise of these rights are subject to the general principles of the criminal law or the law governing administrative offences, and the competence to consider them shall pertain to the courts of law or an independent administrative entity respectively, as laid down by law." And the EU directives, i.e https://www.europarl.europa.eu/doceo/document/TA-9-2020-0320_EN.html</p>	<p>1_1: – "Well, of course, the journalistic laws protect journalist for this kind of behaviors and procedures. Of course, that you can always wonder if this is determined by a judge, there's a legitimacy from a judge to determine that there is a search for journalist [...] For instance, we have a case in the past that was something like this or you can if this is a judge, a judge can determine the surveillance under specific journalist and this, of course, must be justified. But anyway, that's something that's in principle should not happen in our view." 1_2: – "Yes, there are various rules in legislation that prevent violations of contact methods, etc. So we are protected in this respect."</p>		
4a		[IF Q4 in Questionnaire 1a = YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure in practice?		
4a - Answer		<p>1_2: "Of course, there are situations in which the courts, police forces, etc. can listen in on people, but I don't think this has happened in very many cases. I mean, there are often reports of cases in which citizens under suspicion are wiretapped. But I don't think so. I don't</p>	<p>2_2: – "That's one of the serious problems we're beginning to experience here in Portugal. It's not that there aren't any (protective directives – remark by the MeDeMAP team). I mean, various directives are being discussed in the European Union at the moment. The</p>	

		<p><i>remember any cases in which it was journalists who were wiretapped, so there aren't usually cases of this kind in which journalists or media organisations are the subject of a wiretap or a communications breach."</i></p>	<p><i>reality is that investigative journalism suddenly has to deal with very strong companies and interests that can then completely suffocate the journalist and the news organisation with trials that are very expensive and can be delayed. Paying a lawyer is an extraordinary thing. I mean, trials can be extraordinarily expensive. It's a problem, it's a really serious problem. And I think it's one of the problems that most distances and contributes to the lack of investment in investigative journalism."</i></p> <p><i>– "But there's a kind of self-censorship here when we start to realise that this is a story that could get us into a lot of trouble in court and we don't trust the support of the company, even big companies, to back us up"</i></p>	
5	<p>Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?</p>			
5 - Answer	<p>1. Obligations to broadcast free-to-air channels</p> <p>2. Obligations for all broadcasters (alongside other more broad issues) e) to guarantee the right to free airtime during election periods, as provided for in the Constitution and in the law (Article 30 of TV law, Article 32 of Radio law); "Announcements whose broadcast is requested by the President of the Republic, the President of the Assembly of the Republic and by the Prime Minister are to be broadcast by the public service</p>	<p>1_1: – <i>"In Portugal we have TDT, terrestrial digital television. So this infrastructure is managed by a telecommunications operator which won the contest. He was the only applicant and they won the right to explore and the infrastructure of TDT for I don't know the term, but I think it's 2 or 3 years. They renew it recently. In that infrastructure, they are obliged to transmit all the channels that are approved by the government for being in TDT and channels pay the TDT. So they have the obligation to transmit these five</i></p>		

	<p>television broadcaster, and shall be carried out with due prominence and with the utmost urgency; 2. In the event of a declared state of siege or state of emergency, the obligation set out in the previous point shall also apply to other broadcasters". (Article 30 of Television Law); for radio (Article 35, Radio Law) – "Radio operators who provide mainstream or news thematic programme services must produce, and disseminate therein, on a regular, daily basis, at least three news' services, between 7 a.m. and 12 midnight."</p> <p>3. Obligations for PSM: Political parties, the Government, trade unions, professional organisations, organisations representing economic and environmental activities, and consumer protection associations are guaranteed the right to free airtime on the public television service.(Article 59 of Television Law); the focus of the First generalist and the Second generalist channel public channels is described in law.</p>	<p><i>channels. In the service video on demand they don't have the obligation, They transmit what they want."</i></p> <p>– [Answering the question by MeDeMAP team: Are there any other criteria that channels must comply with?]: <i>"Well, to be transmitted, they applied for a license earlier when they were founded, when they intended to be free to air here here at ERC. But that was a long time ago. But yes, it occurred."</i></p> <p>– <i>"Well, they I don't think it's standards, but ERC launches a contest, public contest, and in that contest actually provides them well, the regulations for the contest. And in that regulation, it explains what type of programming are expected, but it is not a law, that's the regulator."</i></p> <p>1_2: – <i>"The law stipulates that the Media Regulatory Authority determines which organisations are subject to the must-carry principle. And they regularly make that list, which usually includes, in addition to the law of the public service, the services, the public service channels, the main private operators as well."</i></p>	
5a		<p>[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?</p>	
5a - Answer	See answer to Q5	See answer to Q5	



6	Are there any state subsidies that promote market plurality?			
6 - Answer	-	<p>1_1: – "Subsidies? No, I don't think there are. I think the subsidies in Portugal don't promote market plurality. There is a scheme of subsidies. Well, on top of the money that the public services receive from the audiovisual contribution [...]. And then there are the 2 million which are destined to local and regional media. But these subsidies, they they are attributed when the media present projects respecting four categories of of projects. One is the digital investments and the other is digital improvement. The other is media literacy and information. And there is another project for them like training and the requalification of journalist professionals. So what the media say is that these subsidies are very small in amount because they are distributed for hundreds of media all across the country. And so only two."</p> <p>1_2: – "Yes, although in a way that only practically covers taking out various types of support. At the moment it's mainly centred on the regional media, regional and local newspapers (and local radios)"</p>		
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred <i>in practice</i> , and which criteria are <i>usually</i> applied?	
6a - Answer	-	-	-	-

6b	[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality successful?			
6b - Answer		<p>1_1: – "Local and regional, but also local and regional are the majority of media outlets in Portugal, particularly in radio and publications. So they are the huge majority in terms of number, of course, and size. So they they are very small when compared to the big ones. Also has to do with the business they develop, but they complain that the subsidies are small and I don't think they contribute much to market plurality because you don't see any media saying, well, I'm coming to the market, I'm opening this outlet because I'm receiving subsidies. No, that doesn't exist. So the number of media in Portugal is decreasing. So it's a proof, I think, that the subsidies are working for it as well".</p> <p>– "All the local newspapers say that Portpago is very important, it's very important for their subscriptions because that's the only way some people subscribe is being subsidized. But they also say that it works. It's not very efficient in the way it works because they say that the post office is delaying the delivery of newspapers, which jeopardize the interest of the measure. Others say it should be a larger amount of subsidy, that it's irrelevant the amount that that is subsidized. And on the other hand, if increasing the people who read the physical newspapers, there are less and less every day. So it's a measure that will</p>	<p>2_1: – "At the moment, the only support is clearly insufficient, and only for the regional press. Portopago o Porto pays, which means that in distribution you don't pay the postage bills and therefore the newspapers can reach the subscribers spoken for in the national press. That doesn't happen there. What is it? What's difficult is that, for example, national magazines with a large circulation don't have this support from Porto Pago (mail delivery of newspapers paid by the State). And sometimes that can be the difference in the interest of these magazines to survive. For example. As for us, every year we, the Union, usually go to Parliament when the State Budget is being discussed to say something that is becoming increasingly clear to us: either you support journalism or journalism will live. Pulitzer has a very curious phrase: journalism and democracies can do one of two things: either they go together, or they die together, or they fall together*. In fact, I think it's the only expression. And that's what it is. At a time when there are huge investments in disinformation by very undemocratic forces and on such a small scale as Portugal"</p> <p>* The original quote "Our republic and its press will rise and fall together." – Joseph Pulitzer (remark from the MeDeMAP team)</p>	<p>– "So I think it's it's more and more needed, in a perfect world, maybe we don't need it"</p> <p>– "I'm more and more in favor of public media, I'm consuming much, much more than before because I think they have more quality nowadays than when the private appear. I think they were better because they were more active, more interesting, everything. But but now they tend to be much more commercial. So if this is me, I prefer the public information in television. But this should not mean that everything should become public because then we run a totalitarian system. So we need the the private and the public. We all know from all the experiences in the world that this is the best way to have critical information, good information, some competition, which is also healthy if it's not crazy competition. So we need both. This is my statement".</p> <p>– "You have the Público [Portuguese private daily newspaper], which is a great newspaper, but ever since, except one year, ever since they exist, they didn't get profit. So it's not the good news. It doesn't have to stop to be a good newspaper because of that. But we also know that if the owner says: "well, I don't this is not giving me money, so I don't want it anymore", she can do it at any moment. I mean, it's not a good business. So it's a decision that they</p>

		<p>eventually fail in time because of the demographics."</p> <p>– "We have made several proposals to the government. One of them is to think about, study and apply an idea by Júlia Cagé, a Canadian researcher who has proposed what I think is a very effective kind of voice. Let's imagine €10 being given to each citizen to consume journalism and the media. I think it's a common idea, with kindness, a goodness and an almost perfect idea, because, as it's state support, it puts the choice of which journalism to support in the hands of the people who consume it. There is no way that this money can be used to put pressure on, to condition the work and monitoring of journalism."</p> <p>1_2: – "Today, all of this support totals 4 million. So the volume has dropped a lot in recent years, [...], in the last 20 years there's been a big drop in state support for the media and today there's practically no incentive to read. Then it's an incentive for the media that when they are sold, they are produced here on the mainland, in Portugal, but not on the islands "</p> <p>– "I don't think so. It's important. If it didn't exist, there would probably be many regional newspapers that would be in a much more difficult situation, and local radio stations too. In any case, it's clearly insufficient. And Portugal today has what some researchers have</p>		<p>make every year. "Okay. We will continue to do this". Right. So this is this is also dangerous because it's not independent because it's a business. It's independent because it's the way they still wish to go on. Great. And I hope they do that for a long, long time"</p> <p>– "You know, with this argument that it is not possible to be independent if the State gives you money you cannot give good health, good education, because of the State. I don't defend this kind of, you know, all public. Not at all. But and what I mean, this is I'm just concluding with facts. What I say what I see is that in time, this is not getting better. And on the other hand, it's getting worse. So it didn't even stabilize the bad route. So is like, where is it going to end? Is it going to end?"</p> <p>– "You can use public money in so many different ways. Of course, not directly, we will not give €1,000 to this newspaper, into that and that. It doesn't have to be like that. You can do it indirectly through the readers. You could help with technology, you could help with the training of journalists"</p>
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		<p><i>described as a news desert. In other words, Portugal is a kind of rectangle. There is a coastal strip where there are many newspapers. Or more local newspapers and radio stations on an inland strip. "</i></p> <p><i>– "So it's a somewhat unequal country between the developed coast with access to communication and the more isolated interior, and in my opinion, the state's support has been insufficient. It hasn't and it's been decreasing."</i></p> <p><i>– "On the other hand, the LUSA news agency has a service that is cheaper because the state contributes to, let's say, funding the LUSA agency quite a lot and, therefore, this allows the LUSA agency to lower the price because they sell their services to the media, which is a form of indirect support."</i></p>		
7	Are there any state subsidies that promote internal pluralism?			
7 - Answer	No.	<p>1_2: – "No, I don't think I'm saying no, because most of the subsidies are to support reading, which requires the state to pay 40% of the postage costs for newspaper subscribers. This is called support to encourage reading or support and support for technological management."</p>		
7a	{IF Q7 – YES:} Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		{IF Q7 in Questionnaire 1a – YES:} Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied?	
7b		{IF Q7 in Questionnaire 1a – YES:} To what extent is the funding policy regarding internal pluralism successful?		

7c	[[IF Q7 in Questionnaire 1a – YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?			
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
8 - Answer	<p>– Television (Article 12, Television Law), and radio (Article 16, Radio Law) activity may not be pursued or financed, directly or indirectly, by political parties or political associations, trade unions, trade unions, employer and professional associations and public professional associations, except where such activity is operated exclusively via the Internet or via conditional access channels and consists of the organisation of programme services of a doctrinal, scientific or institutional nature.</p> <p>This restriction doesn't cover newspapers and digital outlets. There're partisan newspapers in the country. However, they have to define clearly their ownership accordingly with the Transparency Law</p> <p>– Transparency of media ownership is enforced in the country which obliged a media outlet to report to ERC (which then publish the information on publicly accessible Transparency Portal) and publish information on the own platforms of the outlets. The aim of the law: "This law regulates the transparency of the ownership, management and means of financing</p>	<p>1_1: – "When you look at the media service providers in Portugal, they could be classified as general information or in the media with a view or specific view, we call it indoctrinal. That is, they pursue a specific ideology or a specific religion or sports. So that's more of a specialized media. But I want to say, of course, that when you have this biased media, of course, that you can't associated immediately with a specific party or ideology or religion and so on. But for the general information media service providers, it is expected that they are independent"</p> <p>– "Yes, yes. It's like in terms of content, they have to say, "well, I'm a doctrinaire republication or I am a political party focused". In terms of the contents, because the obligation to disclose property and management, it's across all across the board. So if they are owned by a party, they have to say so just like if they are owned by a bank or if they are owned by an individual person, they often disclose it."</p> <p>– "It is required for television and radio operators to have a license. It is forbidden for political parties or, for instance, the political institutions to own</p>	<p>2_1: – "Well, actually, Portugal doesn't yet have that very Anglo-Saxon tradition in which newspapers take over they're left/right newspapers. I think that, with the exception of Observador, if they said it was a project that came from the right, right-wing people, it wouldn't happen. These organisations haven't had this need for right-wing execution. If they're left-wing, then there's not really that tradition and division here."</p> <p>– "For example, the most partisan and doctrinaire newspapers exist. The journalists who work there have a professional license, just like everyone else. I believe that this is a debate that we always have. I don't know if journalism becomes different when it has this more propaganda and doctrinaire slant, but the laws in Portugal don't, and they don't restrict it either. And the truth is that it's been going well. And yes, as I said, a professional license. Someone who works for a newspaper, a party or a football club has the same responsibility, the same obligations. But people know deep down that a party newspaper has a vision that is close to that party, while a newspaper, a club or a television programme often has more of a propaganda effect than an information</p>	<p>– "In Portugal, maybe you can say, well, these newspapers, more left wing or right wing, but it's like a perception. But but in the UK you can say we are for in the elections you say we are for this party, you know. Right. And so this doesn't happen in Portugal, which does mean that accompanies. But I would say it's not that common that the newsroom, well, the company, of course, can have their directions but that the newsroom is for this party or that party. I wouldn't say that there's a group so homogeneous that they will get all to the same. So but there's no disclosure about that because it's not supposed to. You know what I mean? So it's not supposed to your newspaper, whatever it is, it's not supposed to have a political stance. So it's also natural. So because of that you also don't expect them to say, well, where you stand in political situation".</p>

	<p>of those entities that carry out media activities, with a view to the promotion of freedom and the pluralism of expression and safeguarding its editorial independence vis-à-vis the political and economic powers"</p> <p>– Every media has to publish an Editorial Statute " which defines, in a clear and detailed manner, binding guidelines and objectives, including a commitment to respect viewers' rights, as well as journalists' deontological principles and professional ethics." (Press law, Article 17; Television Law, Article 36; Radio Law, Article 34)</p>	<p><i>the licenses. But for the newspaper, this provision does not foreseen by law."</i></p> <p>1_2: – "Media organisations are obliged to display not only on the one hand, but also on the other, the question of transparency of ownership. They are obliged to indicate to the Media Regulatory Authority who their owners are at the top level, and so on. And, as part of the law, there has to be a so-called Editorial Statute that defines where the media organisations announce their intentions, their style, etc." – "In fact, the ownership of media organisations is accessible to any citizen. On the website of the Media Regulatory Authority, something called the Transparency Portal. And there we can find all the media organisations, who owns them, etc." – "Of course, it's one thing for us to know who their declared owners are. In some cases we think, but who is this gentleman? Does this gentleman have the money to create this newspaper? He won't. There won't be someone behind it. This won't be a so-called figurehead. There won't be someone behind him. There's a case or two. There may be suspicion, but it's not easy. Suspicion because you always think of offshores in Panama and property outside the European Union. And it's not easy. Portuguese legislation, for example, has no limits on foreign investment. A few</p>	<p><i>effect. And so it's good that we know what they are, what they are without the law forcing us to do so. But I don't think it is. So, by force of law, perhaps it's a tradition. People."</i></p> <p>2_2: – "Maybe I'm being very unfair, but there is an instrument for this endorsement, which is the editorial [opinions]. In other words, the editorial [opinions] is a kind of space where the newspaper itself and the management can take a position without this necessarily having to extend to the editorial staff and the journalistic work that is done in the ideal of dissent. In other words, the newspaper can take a certain line and express it in the body of its Opinion, and journalism doesn't have to follow that line. I don't see that happening here in Portugal, because we know that there are certain lines in certain newspapers. Observador, for example, follows a certain centre-right line. It's not very clear or very declared" – "And so, there you have it, it's another sophisticated strategy of giving weight to what the channel's communication is not the channel's content, of directing it ideologically without compromising. Because, in fact, when SIC has Marques Mendes* as its star commentator on the news, during a period of high viewing figures. There's really no pluralism there, is there? Marques Mendes is not a journalist. His commentary is political</p>	
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		years ago you thought about whether or not there should be limits on foreign investment, but you thought it was utopian because, on the one hand, there can be no limit on European foreign investment, within the European Union. But you could see this European."	commentary, even though he thinks he does it or (says) he does it in an equidistant way. It's not equidistant at all." *Marques Mendes – portuguese lawyer, politician and commentator	
8a		[IF Q8 in Questionnaire 1a = NO:] Do the media voluntarily disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		
8a - Answer		1_1: – "In terms of property, I think they comply with most outlets, comply with transparency laws, and they disclose their owners, their final owners and individual owners. Of course, there are exceptions, for example, structures which are owned by a funds based in offshore. Well, it's a problem that it's not a media problem. It's all across sectorial problem." [MeDeMAP blogpost on this issue https://media.medemap.eu/2024/05/07/portuguese-media-regulation-is-progressive-but-reactive-in-action-the-gmg-conundrum/]		
9	Are media outlets required to disclose their sources of income including state advertising revenues?		Do the media disclose their sources of income including state advertising revenues?	
9 - Answer	Transparency of media ownership is enforced in the country which obliged a media outlet to report to ERC (which then publish the information on publicly accessible Transparency Portal) and publish information on the own platforms of the outlets. The aim f	1_1: – "According to Transparency law, they have to disclose the amount of revenues they have each year. And then if the applicant represents more than 10% of that income, they have to identify it and explain to what it regards to. If it's advertising, if it's paid content, if	2_1: – "They say, in fact, that the ERC receives the reports every year. Yes, they say that the sources of which revenue is almost the final beneficiary, who the transparency law, that is, works well. We've just had a case with Global Media*, where the result was an	– "A lot of them don't. But even worse than that, there's a lot of them we don't know who the owners are, which is really weird" – "but the the conclusion is that there's not enough transparency. There are several media that are in this situation.



<p>the law: "This law regulates the transparency of the ownership, management and means of financing of those entities that carry out media activities, with a view to the promotion of freedom and the pluralism of expression and safeguarding its editorial independence vis-à-vis the political and economic powers [More information on State advertising: (Act no.95/2015 of 17 August), Article 7 – Duties of communication and transparency 1 - The acquisition of advertising space provided for in this law must be communicated by the promoting entity to the Media Entity Regulator (ERC) within 15 days of its contracting, by sending a copy of its supporting documentation.</p> <p>Article 11 – Information on state institutional advertising</p> <p>(1) ERC is responsible for preparing an updated report on the award of information and advertising actions, as well as its distribution, to be made available monthly at the website of that entity, notwithstanding the provisions of the following number.</p> <p>(2) It is also incumbent upon the ERC to prepare an annual evaluation report on the degree of compliance with this law, which is to be sent to parliament by the end of the first half of each calendar year</p>	<p><i>it's a donation or whatever. And this is according to transparency law. So in practice, they only have to disclose if a client has more than 10%, because if no client has more than 10%, they only say my revenues are X and they are not obliged to say a 50% is advertising, 20% production selling, that part, they are not obliged to to disclose. Well, many, many larger companies normally because they are listed there, because they have other shareholders which look at their accounts, they have an annual report. And in those annual reports, they separate what's advertising from what's the content sales. But it's not you may say it's not an obligation. They do it because they want it."</i></p> <p>1_2: — "Yes, every year you have to give the state advertising and announce who the organisations are, how much money they have received, how much money has been given by the companies that advertise, that's all said, transparent."</p>	<p><i>administration banned from administering because it didn't say who its final beneficiary was"</i></p> <p>– "From the state, yes. These advertising reportages are often, for example, from local authorities or ministries. And that's where I think there needs to be greater clarity. [...] And the journalist asks if it's going to be conditioned because it's a report. What we've heard is that it's not. But I mean, it's still content that was made in exchange for money. And no matter how much freedom the journalist has, I can only imagine. I pay for a report and then the report comes back and says it's a disaster. That doesn't sound easy. Firstly, who's in charge? How do you do it if the journalist is going to come in and say that? This fair was a disaster. Everything went wrong, it's a merry-go-round, it's a difficult exercise. Journalism can't accept it. I realise that this year, in the absence of funding and perhaps also for this reason, it would be good for the state to create conditions for journalism to survive, to avoid these things and this search for revenue through less secure routes."</p> <p>* About the case of Global Media https://media.medemap.eu/2024/05/07/portuguese-media-regulation-is-progressive-but-reactive-in-action-the-gmg-conundrum/</p>	<p><i>It's not like you have one exception now. They are several. So it's like a weird trend".</i></p>
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			<p>2_2: – "At the moment the law obliges them to be. Although I think they should be much more transparent. At the moment, the law obliges the and there's an ERC Portal [Transparency of media ownership portal]."</p> <p>– "Now, for example, there is more and more recourse to promotional contracts that are behind certain pieces and these are not transparent at all. That's one of the great struggles we have. It's exactly that. In other words, for example, Espresso has something called partners and makes media partnerships with certain companies to produce certain pieces. We don't know, as the public, what's behind it. In other words, what is the partnership, how much did the partner give? What were the circumstances? What demands were made? What were the specifications? We don't know any of this. This is one of the serious problems of transparency, which is precisely the sources of funding. The issue with many of the media organisations is that they are not at all transparent in the way they are announced".</p>	
9a		<p>[[F Q9 in Questionnaire 1a – NO:] Do the media voluntarily disclose their sources of income including state advertising revenues?</p>		



10	Are the media legally obliged to label advertising (including political advertising)?	Do the media label advertising (including political advertising)?
10 - Answer	<p>-</p> <p>1_1: – "There is this obligation for media to label advertising. Political advertising – not specifically. It is also labelled as advertising. But there are some specific rules for political advertising in the media, political advertising in media during the electoral period" – [Answering additional question on how does it work with the new advertising formats:] "The branded content and all new forms. Well, ERC is making a study about that topic because it's a gray area. So they are obliged to... the normal advertising, they say it's an advertising or it's a promotion or it's a paid content. There are several formats depending also on the on the media type you are mentioning. But then there are all these: event coverage or wine reporting, which are not clearly identified. And it's difficult to say if it is or if it isn't. And so ERC is doing a study about the practical, case studies that we are analyzing and the deliberative history of ERC on that topic. And also based on an inquiry made to the Portuguese media and to European peers to try to come to a conclusion about what's happening in that space and what recommendations can be provided"</p> <p>1_2: – "Yes, yes, identify the advertising, on radio and television there should be tabs indicating that we are advertising</p>	<p>2_1: – "And so, here's another problem that we must think about, and we all have to think about it together, which is advertising reporting, which masquerades as journalism, which is actually a source of funding and selling journalistic space. And there are laws there too. And what is advertising has to be properly defined as advertising. And the newspapers have to say that it's not information, it's advertising. But what's happening is that today we have a lot of hybrid things, which are both. And that's where the authorities need to be a little vigilant, because journalism is one thing and advertising is another, even if it's not illegal. And I don't think it's good to contaminate both sides." – "What sometimes happens is. And then the local councils pay, but often what is used in Portugal is to promote projects".</p> <p>2_2: – "There's something else that seems a lot more complicated to me, which is the way in which economic and promotional interests are increasingly entering into journalistic content. In other words, because nowadays, for example, here in Portugal the strong base of the economy is tourism. Tourism is done by promoting the tourist offer. And tourism offers are hotels, restaurants, shops, cities. This is a topic that has</p> <p>– "Well, they should. So there's a thing that is used – It's PUB, it means it's publicity [advertising]. So if you have a text that looks like a text and everything, but it's an advertising, you need to have PUB. Well, but some things like you have a car or a beautiful picture of that, it's pretty obvious that it's PUB. But it has to say there. So theoretically yes, you have that need to identify". – "One of the responsibilities of journalism is to talk about and to reach out to powerless people, to people that have no power. When you use this strategy of paying to some content to be talked about, doesn't mean that the content is not interesting, but it means that the people who have the money, they have the power to have the space, to have the public space, to have their issues talked about, and in the public sphere. So where is that powerless that we are supposed to be working to, right? So and we can say, okay, but it's not only that. We can also do reportage about this and that and power and poverty and so on. Okay, but still, you are taking it, It's a limited space. You don't even have the means to talk about everything. So even if you have an infinite space that you do, nowadays, you have an infinite space online and there's no limit, right? But you don't have the people to write</p>

		<p><i>there, in newspapers when it is advertising it should also be identified as such. Of course, there are more and more cases where people suspect that this is the case. But anyway, there are newspapers that are clear in saying that, for example, we were invited by this company to go to this country or make this visit to the visitor here and there, but sometimes the suspension of what, but anyway, that's another case. But in general, the law requires advertising to be labelled."</i></p>	<p><i>never been discussed much, but the cities themselves have realised that they have to work more and more on their heritage offer and the identity of the city. [...] The problem. Private companies have an interest in promoting themselves through journalistic work, and this has always been the case. In other words, there has always been a need for journalistic work to be protected in order to gain credibility, so that companies will agree to place adverts there. But today the reality of advertising has also changed. Today, classic advertising is being replaced by marketing and inbound marketing makes it much more important to promote brand identity than classic advertising. So it means that companies are much more interested in having stories that resemble journalism, which are much more credible and bring the reader closer to the brand than the other way round. Whereas traditional advertising was an almost intrusive, busybody type of advertising. Nowadays the tactic is subtle, which is to seduce and through the traditional genres of journalism and be much easier to be the huge problem for journalism"</i></p> <p><i>– "Then there's another reality in Portugal, which was that a lot of the local press, the so-called local press, depended on institutional advertising from the state, companies, local authorities, tourism regions, which had to buy adverts in newspapers for this. Now,</i></p>	<p><i>about everything. So you have to choose."</i></p> <p><i>– "So, again, to summarize what worries me about this encapsulated advertising is that it's like a disease for me. It's corrupting in a very disguised way. Something that will not have maybe the results tomorrow or the next months. But yet we see one result is that the people are not trusting the media in Portugal. Although they still say the trust, they trust less than before. And so I think people feel these things and they are more critical about the transparency, about what they are meaning. Maybe they cannot specify as I was doing this, because I know how it works. But they have this feeling."</i></p> <p><i>– "But what is political advertising? Yeah, you know, like the extreme wing, the extreme right, Ventura [Deputy of the Portuguese Assembly of the Republic, the leader of the right-wing party Chega], knows how to get this political advertising freely without using a penny to get his advertising. So but is this what we call advertising? He has a lot of space and a lot of time in the media. When you say advertising, do you mean an ad like "vote for this and that"? I don't I don't think it is used."</i></p> <p><i>– "But it's not common. Real advertising. I don't think it's common. We have in Portugal one thing called Tempo de Antena, which is you have some minutes [on air in public media]. But nobody</i></p>
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			<p>since local authorities have political interests on the one hand and promote those who are there, and commercial interests, on the other hand, in publicising the branding of their identities, they are diverting funds from what was supposed to supply legitimate journalism in terms of contradiction. [...]</p> <p>They are linked to communications agencies whose clients are local councils and tourism regions and other things that create media organisations and pass on things that no longer have to do with journalism, but have to do with press releases. Journalism disguised as... And in a country like Portugal, where the reality of tourism is growing, this is a very serious problem for journalism".</p>	<p>sees or if they see it's to laugh because it's really bad. So it's one of those things it's in the law, it's being done but what's the use?"</p>
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?		
10a - Answer		1_2: — "Well, many do, and some may not."		
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	No. Journalists by law (Journalist Statute, Article 12) can operate only with a professional card issued by a specific organ — Comissão da Carteira Profissional de Jornalista (Journalists' Professional Licences Committee).	<p>1_1: — "Just professional journalists that have a special title to perform, to get access to profession and to be within the scope of rights and duties"</p> <p>1_2: — "It's not legally, let's say, recognised as such. There isn't a classification. Of course, some of us realise that nowadays there are</p>	<p>2_1: — "At the moment I think that a dangerous idea is being created, and I think the social networks have made it worse. What if the biggest thing is this figure of the citizen journalist who can do a journalistic exercise at any time. No, you can't. No, you shouldn't. For one thing, citizens aren't exactly qualified to carry out an exercise that they don't</p>	<p>— "I think it's an unfortunate sentence. It's a bit like fake news. Either it's fake, or it's a news. If it's fake, it's not news. It's news, it's not fake. So citizen journalism is a bit the same. Of course, you can have citizens talking about what they want and they have all the means nowadays, so that is not an issue. But they are not journalists. Specifically in</p>

		<p>prosumers. Let's say that people are no longer just consumers, they are also producers of information, and so now there is no specific status for this. There is no legislation that identifies them or differentiates them from others."</p>	<p>know how journalism is. At no point can they assure us of their distance or the reality of the facts." – "But with these risks, citizens can't be journalists. Ordinary citizens, because they're not trained, can't guarantee us the distance and detachment that journalists have to have, because they have to have a code of obligations that ordinary citizens don't have. If I want to, I can make an image that favours the PPD, the PS, the PSD, the BE and I try to make it credible and reliable. But as a journalist, can no longer do that. So obeying the rules for exercising my profession, I think, is very dangerous. Nowadays people think that citizen journalism can and should be done. I have every doubt about that." 2_2: – "There is no statute for citizen journalists. Clearly. I think that this discussion suddenly came about through the Academy, because of the potential for freedom that it could bring. And that's because there is one. The public will continue to have a huge distrust of journalists who don't have a good image. That's it. They don't have a good image when we ask them directly, but people continue to trust journalistic work and there's a kind of paradox here" – "Even here a few years ago, I thought about the validity of the citizen journalist act, but today I've completely clarified my opinion that within this wave of</p>	<p>Portugal, we need to be authorized to be journalists. Not everybody that says today, "well, I'm a journalist". And why is this? It's because that this card [professional liscence mandatory to work as a journalist issued by Journalists' Professional Licences Committee] gives us rights and responsibilities. I have the right, for instance, to argue for those documents. Like if it's you, citizen, I don't know if you can. Maybe you can. I'm not sure. But I as a journalist, I can say "I'm a journalist", so I have the right to have this information. I need it. Or I have the right to the access to a politician, an expert, because I'm a journalist or I have the right to enter a certain building because I'm a journalist. And this is not for all the citizens in all situations. Right. And then if a citizen acts as a journalist, it cannot be responsabilised as a journalist because that doesn't exist in the law." – "So but this is to say that a citizen is constrained by the civil law. Well, criminal law. The journalism besides those that also we are also citizens. We have the Journalism Statute, which is law. Sometimes people don't think like this. It is law. It's not like a like a Charter, like a U.N. Charter. It should be law, but it's not. So if I don't act by those rules, I can be penalized criminally, being sentenced, taken this card away, going to jail. So I have rules to obey. If you're a</p>
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			<p><i>misinformation, even if we don't trust journalistic work for a variety of reasons to do with the media, the only way we can counter this wave of information is with the professional journalist. Only professional journalists have the conditions to investigate and cross-check data, to provide verified information and to be able to hold people accountable"</i></p> <p><i>– "And at the moment the only agent who can have a connection with the information while fulfilling these conditions is the professional journalist, the one who does it full-time and for pay, who makes a living out of it. Because, you know, it doesn't mean that all journalists are reliable, but that's why regulation exists, and that's why it's important to have effective regulation so that, when they are unreliable, they can be held accountable. I don't know how a citizen reporter can be held accountable for the information he or she provides"</i></p>	<p><i>citizen, you don't. So I don't like the expression. It's confusing. People think that anyone can be a journalist. Anyone can be a journalist if they get their preparation and their card."</i></p>
11a		<p>[[IF Q11 in Questionnaire 1a – YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?</p>		
12	<p>In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?</p>	<p>In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?</p>		
12 - Answer	<p>No specific title.</p>	<p>1_1: – "Well, there are media registered here in ERC which are non-profit media they have to register as a normal media outlet. They are not for profit because they say they are not for profit. Our target is not to get the profit or because they are established and</p>	<p>2_1: – "It's a phenomenon that is starting to become more real in Portugal. [...] With the crisis, we run alongside the crisis. We've moved away from people, which is a tragedy for journalism, because journalism can't live without people. Our work isn't ours, it's the</p>	<p>– "I think they're very important. They became interesting, very interesting media. And there they are surviving and for long now. So this is interesting. One of the problems of this this kind of project that they don't have, so they only get sponsored by the public. You</p>

		<p>they're a nonprofit media support scheme, for example, Calouste Gulbenkian Foundation [Portuguese private institution dedicated to the promotion of the arts, philanthropy, science, and education] annually has a project that finances several types of journalistic projects and sometimes some projects appear in that in that figure, like a nonprofit business. But they are nevertheless, even if it's not for profit, they have to register here."</p> <p>1_2: – "Which are legally known, only if these organisations have registered. Because the Media Regulatory Authority also has a system for registering media organisations, and there are many people and organisations that want to register the title of the media organisation, the name of the organisation, right away, so that it is protected."</p>	<p>people's work. It's this community journalism. I believe it should be protected and that it will make a difference. Why is that? Because people increasingly see themselves in it. And if national magazine can't give a voice to certain minorities, certain communities, certain people, this journalism gives that voice and makes some realities important to a certain group of people that don't change in others. If it's supported in Portugal, it's not much. Despite the fact that journalism that goes closer to the people is increasingly being seen as a need to be supported, because it really can make all the difference."</p> <p>2_2: – "It also has an importance that is difficult to explain because I don't know if it has an importance that reaches the general public and it has a symbolic importance for us journalists. I know some organisations and people who are doing fantastic work to create the roots for independent journalism, supported by citizens. The fact that they are not managing to survive or that they remain in very weak structures without much capacity to have an impact is worrying. In other words, what impact can they have? They manage to do such good journalism that they win prizes and with that they gain a certain publicity, a reach. But unfortunately, after that, the reach is reduced again. Because the</p>	<p>don't pay for the information. You can have a subscription, but you do not pay for an issue or that you have a subscription and you get. And they don't have advertising. That's the most independent that you can get in economic terms. It doesn't mean that then the media is not somehow ideological or whatever. But in economic terms it's the best way, I think, because you don't depend on advertising, you don't depend on money from a specific company. You only depend on the reader. And that is I think that's great."</p> <p>– "I think they're very important. But until now, they're still small projects. So they they are not so powerful as national media, for instance. So even if they if they do, they talk about things that are wrong. They are very they do a lot of in-depth journalism and research journalism. And then it's really great. But they don't get so much attention as the big media."</p>
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			<p><i>problem is that people in Portugal aren't used to paying for information, and it's going to be very difficult"</i></p> <p><i>– "We have the case of Fumaça, which continues to have a very complex microstructure and, in addition... well, they have to take refuge in independent investigative journalism. But we can't say that it's an organisation where we follow the news. If we only had Fumaça, we wouldn't be informed. It doesn't fulfil that function and we also needed an alternative to the daily news in terms of different information. So we have Fumaça, we have Divergente, 74 is over. That's it. And in fact, the situation in Portugal is very complicated, very complex, for many reasons and many of them also have to do with the strange thing that is the failure of education in this specific area of educating for the media. It's a terrible failure"</i></p>	
12a	Are non-profit community media eligible for funding?			
12a - Answer	No specific funding.	<p>1_1: – <i>"It's not the criteria"</i></p> <p>1_2: – <i>"No, not so far, and I don't think anything is planned. Anyway, the amount of money that goes to traditional media organisations is already so low, let alone to others that don't fit into this media model."</i></p>		
12b		[IF Q12a in Questionnaire 1a – YES:] How efficient is state funding for non-profit community media?		
13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	



<p>13 - Answer</p>		<p>1_1: – "The law 62/2017. It is applied. This is a regime for balanced representation between men and women in the boards and fiscal organs of the companies of the public sector and the listed companies" – "In boards there's still an imbalance in the composition of the media company. Even the in the top editorial positions still have an imbalance."</p>	<p>2_1: – "Actually, regulation is. Although it's the way forward, because journalism started out in Portugal as a male thing until 25 April 74 [the end of dictatorship], and we didn't have women in journalism. There weren't more than that everywhere. And little by little the law forced it, pushed for parity, forced salaries to be equal. But they're not. Women in Portugal and in journalism earn less than men. Women in Portugal and in journalism don't have the same number, but there are almost as many, or now I think there are even more than men. In journalism, it's very rare to see a woman running a newspaper. It's very rare to see women in senior positions. Perhaps that's because we're still a somewhat sexist society. But the truth is that if there are laws that push us towards gender equality, it still doesn't exist." 2_2: – "I know the directives and I recognise that this is gradually happening. [...]. The main newsrooms now have, I think, the country's major newsrooms and journalists now have a majority of women. Not in management, not yet. So I think that little by little this replacement is taking place independently. Regardless of the fact that there are quotas and rules that oblige, despite the fact that there are indications from the government."</p>	<p>– "I mean, there's recommendations from the equality secretary or something to say that there should be equal rights and so on and so forth, and that companies should hire men and women. I maybe I'm wrong, but I don't think there's such a thing for media. I don't know about it. If it exists, maybe it exists. If it exists, I don't know about it."</p>
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13a		[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?		
13a - Answer		-	-	-
13b		Are you in favour of or against quota systems for women and why?		
13b - Answer			<p>2_1: – "I believe that quotas are always necessary until the problem is solved. If the law should force equality to be greater, the law forces laws and not so much to have something of self-regulation. We force it to be this way. The road has been travelled, but I don't think we're there yet and we have to push for it. The numbers are very different, both in terms of salaries and management positions. There are always more men. Men earn more and are in more senior positions than women." – "I was saying earlier that quotas are sometimes necessary until we get what we want and I think it's important for journalism, not least because the vision is different. The vision of position as a black woman is necessarily different from the vision of (?) a 50-year-old white man. We see it today. We've had elections in Portugal, and the number of women in Parliament has decreased. That's a fact. Even so, it's not to reduce the number of ministers. But we have two black people in Parliament out of 238. That seems very little. It seems to me that society isn't there. In journalism, too."</p>	<p>– "It's again, one of those things that I in principle don't like. But in practice I see this, that if it's not there, it doesn't happen. What our numbers say is that we need 150 years, it's more than 100 years to get women to the same level in terms of wage and so on. If it goes at the same rhythm as it has until now. Do we want to wait 100 years to make it even? Right. You know, so it takes so long that you get to the conclusion that that if it's not mandatory it doesn't it doesn't happen. We have the example, very interesting example of Spain. It has to be 50/50 and they're doing it. And this makes some change."</p>
14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?	Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?		



<p>14 - Answer</p>	<p>No specific reglements.</p>	<p>1_1: – "Not for minorities. I think that when it comes to minorities, we for the moment we rely on best practices to encourage more plural and diverse composition in the news organizations" – "In terms of integration of minorities or other minorities we still are lagging behind. I think we've tried to encourage it and so on onward, but we're still lagging behind."</p>	<p>2_1: – "The recommendation does not apply. The exception. We see the other. We are all different, depending on the context." 2_2: – "I'm much more concerned about ethnic and cultural diversity. At the moment, I think it's much more worrying because ethnic groups, and not just the issues that are currently under great debate, such as immigration and other issues, are central to communication and are not represented in the newsroom. And this is extraordinarily worrying, because there is a replication of visions and models of a group that is present in the newsrooms and that doesn't have a contradictory inside. In other words, it's always reproducing the same prejudices. If there are no Roma journalists to do stories on the Roma, there are no Portuguese-African journalists there to do stories on Portuguese-African people. If you're going to do stories about the interior, the interior isn't well represented. That's the big problem. Because I don't think that happened. There was a history of social censorship in the newsrooms. It's clear that the huge failure to bring in other people from other ethnic groups, some of whom have been here for some time".</p>	<p>– "There's no. I know of there is no recommendations. And in that is even worse than women and men, because what we see is that there are no there's no social representation in the newsrooms. So you have men, white men. It's the rule. Then you have women, white women. You have one, two, three black journalists. None whatsoever Roma people or any other another ethnic ethnic group besides. So it doesn't exist. It's really like it's so exceptional that that you cannot consider it."</p>
<p>14a</p>	<p>[IF Q14 – YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?</p>			<p>[IF Q14 in Questionnaire 1a –YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?</p>



14b		[IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves in practice?	
14c		Are you in favour of or against quota systems for minorities and why?	
14c - Answer		<p>2_1: – "We rarely see a non-white person. We rarely see a person, a Muslim. We rarely see minorities present in journalism and its practice. Come on, it's not because people aren't capable. There has to be something else. And I think that in journalism... I don't know how something related to this is legally discussed. I think relationships should be different than they are. A newsroom where there are only white people and more men than women is not representative of our society. Not society. It's isolating Catholics, there's not one Muslim, that's not society either. And that can be a... I think it's a problem for journalists, for journalism today. It's not as pluralised as it should be. I don't know how the law can force this to happen. Laws tend to protect this plurality, but that's not all."</p> <p>– "I think quotas are necessary until we solve the problems. It's a problem, really, because it's evidence, it's not a problem, it's evidence in the lack of representation and in journalism, more than in other areas. I think we need other perspectives, different perspectives."</p> <p>2_2: Related to both women and minorities:</p>	<p>– "And I would be more careful with quotas on that. Not because I wouldn't like it to change, but there I would say that it's maybe more difficult to get. So I don't know if these ethnic groups don't even choose to be a journalist because they think they will not have a place. That's possible. But it's also true that they're not so common that you can now go and say, well, we now need 50 and you will have them, and I'm not sure. So in that situation, I think that maybe there should be something, some decision on that, but maybe more gradual because you don't have the means to it. It's my opinion, I didn't study it. But from what I see, you wouldn't have the means to just change it from one day to the other. As with women and men, it's not that's not true because you have more women journalists nowadays, so you just don't choose them to be"</p>

		<p>— "Let's see, I think something has to be done to increase the presence. I don't know if the compulsory quota system is the best. I think there should be a regulation in which some of the companies, people can act on public companies for private companies? I don't know. There would have to be a different type of director. You have to think about it differently. But public companies could, for example, they should hire the best students coming out of universities and then they could pay attention to diversity and minorities. Because I think the problem is that someone is chosen because they belong to what I think is a label that will weigh them down, isn't it? People have to be chosen for their professional quality. And so there's nothing like a set of open competitions, where there's a sensitivity to everything that minorities represent. In the long term, newsrooms have to be improved and improved with quality. For example, I think that one of the duties of the public media services in Portugal would be to organise competitions to hire the best students coming out of all the universities in the country, who are obliged to work in this area. I have no doubt that in seven or eight years' time there would be a much higher quality newsroom, because it would be... This problem, from the point of view of fairness in the public service, is quite serious if there isn't somehow a system</p>	
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			<p>that monitors how you get into the company that suddenly needs someone. It's already happened. They want to open a new service and organise a competition to take on 50 people, 50 people from one generation, and then the next generation won't be able to take on anyone, just as they haven't been able to take on anyone for a long time at the stations, either Lusa or RTP. That's a terrible thing, isn't it? No, no, it doesn't change the mentality, it doesn't renew the newsroom, it doesn't bring in new people, it doesn't bring in quality above all".</p>	
15		<p>Does the regulatory authority/authorities acts/act fully independently from governmental influences in practice?</p>	<p>Do you think that the regulatory authority/authorities acts/act fully independently from governmental influences?</p>	
15 - Answer		<p>1_1: – "Of course. We just held accountable before the parliament, which we don't really have a political supervision. We are really an independence regulator." – "And the board is elected by the several parties, by the the Assembly of the Republic, by the parliament." – "And there's also two aspects you should consider here about independence. The first is that only ERC and Bank of Portugal are regulatory entities defined in the Constitution. They exist because they are inscribed in the Constitution of the country. And ERC and also the Bank of Portugal are not under the regulatory agencies law that respond to the government. This is the</p>	<p>2_1: – "Yes, without a doubt. Our regulations and I'm a great believer in self-regulation. I don't think it can be done any other way in journalism. The institutions in Portugal, the regulator's agenda, the ERC, Comissão da Carteira the act like this, without any political interference." 2_2: – "Eh, yes. What I'm about to say is a bit risky. I think they try to operate independently of the government, depending on the issues. Now, the fact that the ERC's Regulatory Council is decided the way it is decided and I, let's see, think it's legitimately OK that the ERC's link is with the Assembly of the Republic."</p>	<p>– About court verdicts – "But if you don't obey the ethical codes, the punishment is very difficult. It's very hard. And it's not because it's not in the law, but the decision. Imagine, it goes and it takes long and gets to a judge and something that the journalist was wrong and shouldn't have done it. The judge will have a paradoxical and almost ethical issue at hand. That is, if he takes away the cards, it means that this person will not be able to work. So the judge will try to be balanced in maybe punishing the person, but also not avoiding the person from work because working is also a right. It's in the law to be right to work. So I'm not saying this explains everything, but it's</p>

		<p><i>legal framework that you should consider when judging the independence."</i></p> <p>1_2: – "Yes, I think so. There has been, the ERC has a model that has five people, four are appointed by Parliament by 2/3, which always implies what has implied from the beginning a coalition, an agreement between the two main parties. And then these four choose a fifth member in accordance with the law." – "The internal climate, sometimes among the members of the Regulatory Board, is not very good by any chance, with the exception of the current model of the current Board. But you can't say that ERC is... linked to a political party or a government, let's say." – "I mean, sometimes there are disagreements, there are people who have a more conservative or more liberal view of more violent films, films shown with some violence at a time when children can watch them, and sometimes there are differences. There are people who are more conservative, people who are more liberal, people who think that the exhibition should be more widely recognised. There are different points of view, so to speak. And they even said that this current council, which has been in office for eight or nine months, is almost unanimous."</p>		<p><i>one situation when you finally get to the judge, even if you have some punishment, it's rare to for your card to be taken off because the lawyer from the journalist will argue "well judge, if you take away the card, my client will not be able to work anymore. He will not feed his children". You will have a social problem".</i></p> <p><i>About ERC – "No. I mean, yeah, it's always difficult. The fact that it's government to decide who should go there is already a problem, right? Even if the person would like to be independent, the starting point is already a difficult one, right? Because it has to be someone that is agreed upon the two main parties. So I cannot say the person A or B is not independent, but I cannot also say that, yes, it's working great, it's very independent. I think that maybe we should have another process of being selected."</i></p>
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15a		Why? [OR:] Why not? [OR:] Why only partially?	
15a - Answer		2_2: – "The problem is that in the Assembly of the Republic, the choice of members of the Advisory Board is made by 75 per cent, and it usually comes down to two parties choosing what has passed and it's been a bit shameful to watch. People are chosen by the PS, two people are chosen by the PSD, two people and these two people are negotiated politically and on a partisan basis and there's no... I think that in this last one there was some interest in choosing relatively independent people, but the system doesn't favour it."	
15b		[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?	
15b - Answer		2_1: – "Although I think the election of the ERC could be done differently. In other words, the ERC, the journalism regulator, is chosen as follows by the two largest parties, in this case the PSD and PS [Social-Democratic party and Socialist party], who choose the people they put in charge according to their, shall we say, political orientation, let's call it that. And it could even be revised, but what we've seen is that I don't think they obey the orders of a particular party to a particular government. I think there's always a balance." 2_2: – "I happen to think that in this respect, the composition of the plenary of the ournalists' Professional Licences Committee is more independent, reflects	– "One idea was at least to have journalists more involved, and they have no saying whatsoever in this. So it says if there is a regulator regulating a group of professionals, that has nothing to do with that group of professionals. It's a weird situation that we managed to invent in Portugal because that also happened with professional card [issued by Journalists' Professional Licences Committee] for a few years. Now we have people with professional card at the boards. But before we went to the union that did happen. It was law experts that would be the president of Journalists' Professional Licences Committee. And I don't see that in any other profession. You don't see doctors being regulated by lawyers. You don't

		<p><i>more independence and a greater variety than the ERC. I don't understand why the ERC has so few people and is chosen in this way. I think that the various operators in the sector should be represented on the ERC's Advisory Board. I don't understand why. We, for example, at the moment have people who are more representative of the whole journalistic media landscape than the ERC."</i></p>	<p><i>see lawyers being regulated by journalists. You don't see nurses being regulated by doctor, even by doctors. So if it's regulation, at least the professional should, maybe not alone, I agree, there can be a thing, but there should be journalists regulating, helping to regulate the profession"</i></p>
16		<p>Freedom of Speech cannot be treated separately from Freedom to Information: the "right to impart" cannot be treated separately from the "right to know". Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a "right to communicate", which is more than simply adding up the "right to impart" and the "right to know": Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?</p>	
16 - Answer		<p>1_1: – <i>"In fact, when you look at Portuguese Constitution and the Article 37 and you see that there is this strong link between the freedom of speech and the freedom to information. They are actually not totally separated in terms of the constitution, to main principles, to main freedoms that are oxygen for democratic society. So I would agree that it's really very complex to separate them both when you speak about the exercise of the freedom to information. This is based on the freedom of speech. Despite that the freedom of speech is not coinciding with the freedom to informaton, of course, it's more broad and it involves more subjects. But you have this Intertwining nature between</i></p>	<p>2_1: – <i>"In fact, what is in our Constitution and what is enshrined in the Constitution is the right to inform and to be informed. In other words, it seems to me that it's already in the law and that there really can't be any limitation to this exercise of informing and the need to be informed. In other words, I think that Portugal, in this field, Portugal or in the legislative field, Portugal is far ahead of the rest of the world, because when the laws for the press were devised from the outset. But the laws on freedom, expression and the press were, I think, very well thought out from the outset, from the perspective of freedom, which is important. And I think that made a big difference to the way the laws were</i></p>
			<p>– <i>"Well, being coherent, we get to the starting point where I think no more laws."</i></p>



		<p><i>both rights and I think it's really difficult to separate them [...] But actually, in terms of the Portuguese Constitution, this interrelation, it's already foreseen"</i></p> <p><i>1_2: – "The so-called freedom of expression already existed, and there are already rules that enshrine citizens' rights vis-à-vis the media. The question of transparency of ownership, the rules limiting concentration of ownership, state support for the media. The obligation to have a plural public service, independent of political power. So, in practice, this is already part of citizens' rights vis-à-vis the media, and on the other hand. With the new media, citizens already have the means. No. In the past, if you wanted to communicate with a wide audience, you had to use the existing media. Nowadays that's not the case, it's no longer required, it's possible, albeit in a more limited way. People can get in touch, they are no longer just consumers, they are also producers of information. So these rules already exist in practice"</i></p>	<p><i>constructed. And in fact, Portugal has these rights."</i></p> <p><i>2_2: – "I don't think it's necessary, given freedom of expression. I'm much more concerned about the right to information. The concept of information. What the concept of information is. Because the concepts we deal with today in the media field are very vague and as all the concepts change, complex interpretations become confused."</i></p> <p><i>– "I think that nowadays one of the important things to do, and this is what we tried to do with the Press Law, is to clearly distinguish what journalistic information is. So we have to focus on the journalism and non-journalistic information. Therefore, journalistic information, which is made by professional journalists with their own rules, and non-journalistic information, must itself be subdivided and regulated, because it was entertainment. The influencer, social media communication. All of this implies forms of regulation that are difficult, complex, but have to be done and cannot be confused with journalism"</i></p> <p><i>– "The proposal that is before the Portuguese Parliament would be much more correct, and the Press Law would be amended to distinguish between journalistic news organisations and non-journalistic news organisations. Although this could cause some problems in the</i></p>	
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			<p><i>future. We realise that. I think that much more needs to be done within the journalistic news organisations to clarify the whole structure legally. For example, the law doesn't define who should make up a newsroom, what the terminology is for the people in a newsroom. In other words, the organisations use all kinds of definitions: information director, content manager, publisher. So there are people who now define themselves as publishers who run newspapers and we don't know if they are inside journalism or outside journalism. It's a good thing. In fact, I even doubt that the only step would be to change the Press Law. I think we need a Media law."</i></p>	
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Slovenia

Nuša Detiček and Brankica Petković (MI)



Background of the interviews – Slovenia

Interview 1 – legal/regulatory perspective: Representative of the national and/or a (leading) regional media and regulatory authority and/or independent expert in media law

1. Did you choose the interview only version or did you do some literature review before the interview? If you have done a literature review: Did this allow you to answer the questions in Part 1 of the questionnaire or did some of these questions need to be included in the interview?

We have decided to provide brief literature review, and then conduct interviews still including some questions from literature review in the interview (asking first about the existence of certain legal obligation and then about implementation). This was the case only with few questions, e.g. with the question about protection against surveillance, and about quotas for women and minorities, where we were not sure if, despite having knowledge about provisions in extensive media legislation in Slovenia, we might miss some obligations arising from other legislation or secondary legislation. When preparing documents for submission to you, we have decided to provide not only brief answers in the literature review, but more detailed overview of legal obligations in focus.

2. What criteria were decisive for the selection of the person to be interviewed?

We have decided to interview an independent expert in media law rather than a representative of the regulatory authority because of the questions in the questionnaire requiring more broad knowledge about specific solutions in media legislation and their implementation. The questions were not related only to those limited areas of competence of the regulatory authority in Slovenia (for example, not at all competent for state subsidies to media etc.).

3. If you have interviewed a representative of the media or regulatory authority, briefly describe the role of this authority.

No, we did not interview a representative of the regulatory authority. The authority is in charge of radio and audiovisual media services, including allocation of frequencies and licences, maintenance of register of AVMS, granting status of radio and TV channels of “special importance” for public interest and monitoring program obligations of those channels, monitoring and supervising implementation of some content regulation related to AVMS (protection of minors from the harmful content, prohibition of incitement to hatred etc.) as well as advertising restrictions, quotas of own (in-house), Slovenian and

European production, rights to short reporting etc. The authority has also power of sanctions, such as fines.

We have interviewed an independent expert who was in the past a head of department for regulation of radio and audiovisual media services within the regulatory authority (it is a converged authority in charge of also telecommunications, railway, post etc.). She was also State Secretary at the Ministry of Culture responsible for reform of media legislation several years ago. She has also provided expertise to the Council of Europe related to media regulation and policy in the non-EU countries in South East and East Europe. Currently, she is a researcher and associate professor at the Faculty of Social Sciences of the University of Ljubljana.

Interview 2 – self-regulatory perspective: Representative of the national press council and/or the journalists' union or another relevant journalistic organization

4. Briefly describe the role of the organization you have chosen and why it best represents a self-regulatory perspective.

We have decided to interview a representative of the main, most active and respected self-regulatory body of journalists in Slovenia – Ethics Council (“Journalists Court of Honour”), a joint body of the Slovenian Association of Journalists and Union of Journalists, including representatives of journalists and public in the composition of the council. The self-regulatory body regularly publishes and elaborates own decisions. It is administered by the Slovenian Association of Journalists, and the Secretary General of the Association serves also as main expert and professional, administrative support of the Ethics Council for a number of years. Therefore, we have interviewed her.

5. What criteria were decisive for the selection of the person to be interviewed?

We have considered experience of the selected interviewee with the work of self-regulatory body for many years, but at the same time her extensive knowledge of media legislation for many years. The interviewee has been engaged in advocacy of media regulation and media policy solutions on behalf of the Association of Journalists on various issues, providing also extensive comments to the proposed regulation, including amendments. At the same time, she has been involved in the work of the self-regulatory body of journalists coordinating revisions of ethical code, but also work and decision-making of the self-regulatory body, and currently also a learning process in cooperation with several press councils in Europe within the initiative to reform ethics council and increase its sustainability by including also media publishers/owners in the operations of the self-regulatory body.

Interview 3 – bottom-up perspective: Representative of a community media organisation and/or an audience council and/or from an underrepresented social group

6. Briefly describe the status and role of the organization or social group you have chosen and why it best represents a bottom-up perspective.

We have chosen a representative of Radio Študent, a community radio with longest tradition and consistent management and programming policy and practice of community media. The radio gathers in community programming dozens of students and minority journalists/programme creators of various minority background (LGBTQ+, ethnic minorities etc.). We have selected a manager of Radio Študent for interview because of her knowledge of media regulation relevant for community media. However, she explained, when receiving a questionnaire in advance, that she needs to consult with the editor-in-chief of Radio Študent for answers on certain questions on protection of journalists or journalists' investigations, while she is capable of answering on most of other questions.

In Slovenia, we do not have audience council or similar body to represent citizens to provide that kind of bottom-up perspective.

7. What criteria were decisive for the selection of the person to be interviewed?

We took into account that journalists, editors and management of Radio Študent are representing a community (bottom-up) perspective, but at the same time have institutional framework of student radio with long tradition, active in media policy issues for many years, and with accumulated knowledge on specific needs and position of community media in Slovenia in the regulatory framework. We have selected particularly the manager of Radio Študent for the reasons explained in the answer to the question 6. We have not selected editor-in-chief which is the position where students are on that position for a limited period of time with no so much opportunity to accumulate knowledge about broader media regulatory framework. However, we will interview editor-in-chief of Radio Študent for WP4 on conditions for production of news media.

Questions and answers – Slovenia

	Questionnaire 1 a (Literature review)	Questionnaire 1 b	Questionnaire 2	Questionnaire 3
Question	Legal/regulatory perspective		Self-regulatory perspective	Bottom-up perspective
1	Is the media subject to the right of reply?			
1 - Answer	<p>Yes, according to the Mass Media Act (2001, amended substantially in 2006), the media in Slovenia are subject to the right of reply and right to correction. Whole section in the Mass Media Act is devoted to regulation of the right of reply and the right to correction, including 19 articles (between Article 26 and Article 44). The right is also protected in the Consitution of the Republic of Slovenia (1991), Article 40 (The Right to Correction and of Reply) specifying: "The right to correct published information which has caused damage to the rights or interests of an individual, organization or official body shall be guaranteed, as shall be the right to reply to such published information." The right of reply is regulated in details also in the proposal of the new media law drafted by the Ministry of Culture in late 2023 and expected to be adopted by the end of 2024.</p>			



2		<p>EU legislation advocates a so-called “two-tiered approach to expression”, distinguishing between expression that is of public interest and that which is not, with the latter enjoying less protection.</p> <p>According to case law, what criteria must be applied to decide whether a publication contributes to a matter of public concern?</p>	<p>Does the state use this differentiation to restrict media freedom?</p>	<p>Does the state use this differentiation to restrict media freedom?</p>
2 - Answer		<p><i>"They are very mindful of the judgments of the European Court of Human Rights. I also get the feeling from the reactions of journalists that they have confidence in these higher levels [of courts in the country].</i></p> <p><i>And now there is a general impression that the courts consider whether the reporting is on a broader subject and concerns public affairs. It is not just a subject of some public curiosity. It is a questioning, a criticism, an accusation of the power holders. It is about matters that are related to the economy, insofar as they are not also about the use of public funds. Or whether it also has an impact on large groups of people.</i></p> <p><i>When journalists act as watchdogs, this watchdog role, they are treated differently. And they can be more critical then. There can be a harsher tone, bordering on the insulting. And the feeling is that our courts take that into account. They even take into account references to professional journalistic standards and ethics."</i></p>	<p><i>"Public interest is always considered. In all defamation cases. That is, in all offenses against honor and reputation, in intrusions into privacy, in the disclosure of any secret or otherwise protected information in the media, and so on. So, public interest definitely plays an important role.</i></p> <p><i>I would not say that [the state] is proactively restrictive. Or that it proactively restricts freedom of expression based on what I have said. However, a certain part of the political spectrum, especially when it is in power, does restrict the sanctioning of hate speech. Or [they, when in power, limit] the hate speech restriction. Or even self-regulation. They openly speak against self-regulatory mechanisms in journalism and so on. So maybe not actively, but certainly they impede these mechanisms, which would protect important rights, among which freedom of expression is included."</i></p>	<p><i>[The interviewee said that she, being responsible for management of Radio Študent, has consulted about some questions in our questionnaire, sent to her in advance, with the editor-in-chief of Radio Študent] "The system exists, but it is more noticed in judicial practice when it comes to procedures, such as cases of public defamation or media defamation. According to him [editor-in-chief of Radio Študent], these limitations should not be understood as restricting freedom of the media.</i></p> <p><i>For example, we [Radio Študent] had one legal proceeding, one lawsuit from a society that sued us because of [what was said by] a radio show host on air. They labeled it as defamation. The court ruled in our favor because we demonstrated that it was obviously in the context of Radio Študent's humor and tradition of irony. It was not intended as defamation. So, this is the only legal case we've had, and even that was before my time during the tenure of the previous director. But this was the only legal case, and it was decided in our favor, supporting public interest and freedom."</i></p>

3	Does the law protect journalistic research and investigations?	
3 - Answer	<p>Indirectly, yes, by a) regulating access to public information for media and journalists (and use of complaint procedure carried out by the Information Commissioner), b) exemption of journalists from obligation to disclose sources of information (except in specified cases) and c) decriminalising disclosure of classified information (in specified cases). According to the Mass Media Act, Article 21, para 2, editors, journalists and authors of media content are not obliged to disclose sources of their information, except in the cases specified in the criminal legislation. The Criminal Procedure Act, Article 236, para 6, specifies when protection of sources of information by editors, journalists and authors of media content is not established:</p> <p>"unless the disclosure is necessary to prevent an immediate danger to the life or health of people or to prevent the commission of a crime punishable by three or more years in prison or the crime of soliciting persons under the age of fifteen years, for sexual purposes according to Article 173a, display, possession, production and transmission of pornographic material according to Article 176 or abuse of official position or official rights according to Article 257 of the</p>	



	<p>Criminal Code". Upon amendment introduced in 2015, based on advocacy of human rights and media freedom defenders, disclosure of classified information has been (partially) decriminalised. The Criminal Code, Article 260, para 3 and 4, establish legal basis for protection of journalists from prosecution in case of disclosure of classified information if the disclosed information refers to a violation of human rights, or grievous abuse of power or other grievous irregularities in the exercise of public office, powers or services, on condition that disclosure is not motivated by gaining a pecuniary advantage, and does not jeopardise life or limb and does not result in grievous or irreparable damage to the security or legally protected interests of the Republic of Slovenia. The amendment complements the provisions in the Classified Information Act, where Article 6 stipulates that information, even if labelled as classified, does not enjoy such protection, if designation is intended to cover up a criminal offence, abuse of power or other illegal acts (mala fide, in bad faith).</p>			
3a		<p>Is the right to publish unlawfully obtained information respected <i>in practice</i> if this information is in the public interest?</p>		
3a - Answer		<p><i>"The fact is that our legislation allows journalists to be prosecuted for publishing such information [for defamation]. The wide possibilities given by our Criminal Code to prosecute</i></p>	<p><i>"We [the Slovenian Association of Journalists] we the one who advocated for legislative changes in this area. That is, if journalists reveal information that is in the public interest, they cannot be</i></p>	<p><i>"We are not aware of any cases where someone was punished."</i></p>



		<p>journalists and also the prison sentences that are possible if defamation is committed through the mass media. It seems to me that this is not a fortunate regulation."</p>	<p>prosecuted in any way. In the meantime, the legislation on the protection of whistleblowers has been adopted, and I think the law has already been passed. Now the question is how effective we are in developing mechanisms, primarily in the domain of the Commission for the Prevention of Corruption (KPK) and in cooperation with the non-governmental sector."</p>	
3b		In practice, do journalists have privileged access to government information, press conferences and court trials?		
3b - Answer		<p>"Yes, the law gives it, and then often you wait until the last day. The authorities often wait until the last day to give information to journalists. When it comes to sensitive matters, they wait until the noise has died down a little, if possible. So I imagine that, in practice, not everything is always right. That this provision is not being fully implemented. Otherwise, by law, they have a certain priority. They do not have to wait 21 days [as other citizens using right to access to information], but 7. But still, 7 days [for replying to a journalist's request for access to information], according to the law] is too much."</p>	<p>"I would say yes. They actually use this mechanism. That is, the right to request answer to a question under the Mass Media Act. Where there are also shorter deadlines and everything. The silence of the authority [obliged to provide information/answer to the request/question of the media], it is a good thing that we have the possibility to sanction this kind of the offense according to the media legislation, and [very existence of] such offense is often a big enough threat. This is, I must say, a very good mechanism. We were also very careful about it when changing media legislation, to give it the same weight. Because it is a very mild pressure, but it is some pressure, and usually, the obligated parties then respond." (Interviewer: "The offense also includes a fine.") "Yes, a fine as well. A fine is imposed. For the silence of the authority or not... Not just for silence, but also for an</p>	<p>"It's not essential that the Mass Media Act enables journalistic questions. Access to journalistic questions is informally established. Certainly, our journalists didn't face problems. They faced problems with the founder [Student Organisation of the University of Ljubljana] who didn't send them [answers to their questions/requests for information]. However, when they went through the Information Commissioner, the Information Commissioner, according to protocol and all procedures, pressured the ŠOU [Student Organisation of the University of Ljubljana] to then send them [the answers/requested information]."</p>



			<p><i>unsatisfactory answer, an incomplete answer, and so on." [...]</i></p> <p><i>"There are conflicts between local media and some mayors, also with some correspondents. Where basically the mayors or municipal administrations systematically refuse to provide information [to journalists]. They basically don't want to give statements. They refer to deadlines [specified in the legislation for providing the information to media]. Then they drag these deadlines for, I don't know, they say it's complicated matter, that information needs to be gathered, that they need more time." [...]</i></p> <p><i>"The biggest problem [...] is the judiciary. The judiciary actually systematically rejects [access to information for media]. No, I won't say systematically, because I don't know if that factually holds. But they often resist the decisions of the Information Commissioner [a complaints body in the procedure of access to information] with lawsuits. [...]</i></p> <p><i>The thing is, they think they should be exempted from this system [of access to information of public character]. That is, the judiciary should be exempted. Because, in the name of protecting the procedure, they would basically [...] decide which information to proactively release to the public. And it goes so far that they even refused to release final judgments to the public. This has been partially regulated in the legislation."</i></p>	
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3c			Is investigative or under-cover journalism being hindered?
3c - Answer			<p>"As I have spoken to investigative journalists, definitely. I think, I mean, I think that our law on access to public information is a modern law, comparable to European law. It is a good law. We have the institute of the Information Commissioner, which works very well as a complaints body. Which is independent, which is well organised, which is competent. We have also these provisions in the Mass Media Act, which not everybody in Europe has either. So I think that from that point of view we cannot say that we have a bad situation. We have entities obliged to provide information, who more or less have certain persons in charge of providing the information. We have ERAR. ERAR is a database in which all [...] transactions between the State and public law entities [are accessible]. Not private ones. Public law. So basically [...] also all recipients of state funds [...] From tenders to other transactions. So these transactions are well presented [in the publicly accessible online database ERAR]."</p> <p>"It's hindered by economic factors. Nobody wants to pay for it in the sense that this work is really time-consuming. If you were to count all the hours of work, no media outlet on the market, including public media like RTV, finds it worthwhile. For instance, looking at RTV, who really engages in that kind of work? Besides those weekly programmes/shows like 'Tarča,' there isn't someone who would spend six months working on a single story, and then someone... That would keep someone fully employed just for one story. And for us, being a community media, this is an even bigger problem. So, in my opinion, this is the biggest obstacle. There's no funding or calls at the national level for community or non-profit media. Especially considering outlets like Oštro and Pod črto, which have this as their mission. There isn't a call specifically supporting that aim."</p>
4	Are journalists protected by law against interception of communication, surveillance, house searches and seizures?		
4 - Answer	There is no specific protection of journalists against such cases. However, following adoption of EMFA, the Ministry of Culture has included such provisions in the proposal of the new media law (expected to be	(The interviewee asked the interviewer, if she knows for any such protection in our legislation. She answered: "As far as I have studied, no. In general, the Criminal Procedure Act contains general restrictions	



	<p>adopted in 2024). In the proposed media law, Article 6, para 2, stipulates: "It is prohibited to install intrusive surveillance software on any device used by media publishers, their editorial offices, journalists or other persons who, because of their professional or other relationship with the publisher or its editorial staff may have information on the basis of which it would be possible to identify journalistic sources, with the aim of obtaining such information that could lead to a violation of their right to the protection of the source of information, unless such measures are used on the basis of a decision courts."</p>	<p>specifying when they - the police - have the right to use such measures and who has to approve it. There are no specific mentions of journalists. Although the new proposed media law now has the article..."</p> <p>The interviewee then responds, "Yes. <i>Because that's what EMFA requires.</i>"</p>	
4a		<p>[[F Q4 in Questionnaire 1a – YES:] Are there any restrictions on the protection of journalists against interception of communication, surveillance, house searches and seizure in practice?</p>	
5	<p>Are there any must-carry obligations for the transmission of specified broadcast channels and services in place?</p>		
5 - Answer	<p>Yes, Mass Media Act, Article 112, para 2, places must-carry obligations on operators to broadcast free-of-charge the public service broadcaster Radiotelevizija Slovenija's radio and television programme services as well as other radio and television programmes "of special importance" (a special status granted by the national regulatory authority following the specified criteria and procedure), including: Local radio and television</p>		

	programme services (channels); Regional radio and television programme services (channels); Student radio and television programme services (channels); Non- profit radio and television programme services (channels). The rules apply to all platforms.		
5a		[IF Q5 in in Questionnaire 1a = YES:] For which channels and services do must-carry obligations apply and why?	
5a - Answer		<i>"Yes ... these are mainly 'programmes of special importance'. These are the ones that have one special status. Public service broadcasting is a programme of special importance. Then we have the local radio and television programmes which get this status. Regional radio and television programmes, again, which acquire this status under a special procedure and are subject to specific conditions. Then we have student programmes of special importance. We have only one student radio of special importance. And then we have the non- profit programmes of special importance. Again, radio and television. Subject to specific conditions. The conditions are linked both to the area of coverage and to the provisions on how many journalists such programmes must employ. What type of content they must produce to meet the needs of the public in the areas they cover. And so on. There are also requirements regarding content</i>	



		<p>for ethnic minorities, linguistic minorities, and so on. And this status is obtained from AKOS, our regulatory authority. Which carries out a certain verification procedure. RTV Slovenia has this status by the very law that establishes it. Then they have this privileged access, privileged in theory, to the services of the operators providing the transmission of radio and television services. And the law allows them to make this transmission gratuitous. And it is also, in a way, like a kind of State aid that the operators are obliged to provide."</p>	
6	Are there any state subsidies that promote market plurality?		
6 - Answer	<p>Yes, following provisions in the section "The public interest in the mass media" of the Mass Media Act, there is an annual state subsidy scheme granting direct subsidies to the media for co-financing production of programme content in the public interest. It is based on the regular annual call of the Ministry of Culture for project proposals by the eligible media. According to the Article 4, para 1, the financial support aims at, among other purposes, "plurality and diversity of the media."</p>		
6a	[IF Q6 = YES:] Which media are eligible to funding programmes promoting market plurality and what criteria must be applied?		[IF Q6 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting market plurality, which media are preferred <i>in practice</i> , and which criteria are <i>usually</i> applied?



<p>6a - Answer</p>	<p>The annual subsidy scheme (based on the annual call for project proposals for co-funding production of the public interest programme content), targets three categories of media according to Article 4a, para 2 of the Mass Media: a) general news print media; b) radio and TV channels and electronic publications (i.e. online media), and c) local, regional and student radio and TV channels, and non-profit radio and TV channels. RTV Slovenia as a public service broadcaster is not eligible for the subsidy scheme. The law specifies list of criteria for each of the three categories. Article 4a, para 9 specifies "assuring regular, objective and balanced presentation of political activities and positions of various organisations and individuals, especially the government coalition and the opposition" as the first criteria for the general news print media. The same criteria is listed at the first place also for other two categories of the media eligible for funding, in accordance with the Article 4a, para 10 and para 11. Other criteria for general news print media include quality, originality, actuality of the programme content, average number of sold copies, average number of original articles, increasing number of jobs/employments for journalists etc. Other criteria for the category of radio and TV channels and electronic media</p>	<p>-</p>	<p>-</p>	<p><i>"Now here, we can exclusively discuss the one and only call for proposals that the Ministry of Culture regularly announces. This is the call for co-financing media content programs. Here, all media listed in the media registry are eligible, except for the public broadcaster RTV and the Slovenian Press Agency (STA), which have their own laws and funding. There's no specific section or criterion dedicated solely to promoting diversity in the market. On this call, we have two categories: Category A and Category B. Category B is the one we fall under. Therefore, all media with programs of special importance, whether local, regional, student-based like ours, or non-profit, are eligible. The rest falls under Category A, which typically includes print, radio, TV, and online media that do not have special status. So, in principle and formally, all media listed in the registry are eligible. The limitation applies only to the types of content you can submit. You cannot submit content that consists of more than 20% music or entertainment and sports content. This means that commercial radio stations can compete in the same call as non-profit media but under a separate category. However, the most problematic aspect of this call is the level of funding. The Ministry co-finances 50% of the program, which is quite low for non-</i></p>
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<p>include significance of the programme content for the promotion of Slovenian culture and language, significance for the protection of the Slovenian national and cultural identity, significance for diversified development of the Slovenian media landscape, increasing number of jobs/employments for journalists etc. Other criteria for the category of local, regional and student radio and TV channels, and non-profit radio and TV channels include significance of the programme content for development of a regional or a local community, non-profitability of a programme as a priority criteria, enabling the exercising of the right to public information for local communities and minorities and whether it is disseminated in languages of minorities, assuring compliance with the principles of cultural diversity, gender equality and tolerance etc.</p> <p>When implemented in practice, the regular annual calls for project proposal for co-funding production of programme content in public interest are divided into two categories. Category A encompasses the co-financing of programme content of general news print media, radio and TV channels, and electronic publications (online media). Category B covers the co-financing of programme content of radio and TV channels of "special</p>			<p><i>profit media. No other grant aimed at non-profits offers such a low co-financing rate. Typically, it's at least 70-80%. Even at the European level, co-financing rates are 70-80%. In practice, through this single existing call, diversity is not effectively encouraged. For instance, media with special status like ours are grouped together. For example, student media with programs of special importance such as Radio Študent and MARŠ from Maribor are grouped together. We compete under the same conditions and for the highest possible funding amount as all local media, most of which are profit-oriented companies (d. o. o.), with only two non-profits and all others from the Odlazek conglomerate, which are d. o. o. entities."</i></p>
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<p>importance" with the status of a local, regional, student or non-profit radio and TV channels.</p> <p>Explanatory note: Radio and TV channels of "special importance" include, according to the Mass Media Act, Section 3, Articles 76-82, public service broadcaster RTV Slovenia, and under conditions specified in the law (e.g. quota of own production, coverage of certain percentage of geographical area and population, etc.) and upon recognition of the status by the national regulatory authority, also local radio and TV channels, regional radio and TV channels, student radio and TV channels, and non-profit radio and TV channels. (End of explanatory note.) The annual call (subsidy scheme) is administered by the Ministry of Culture.</p> <p>The new media law, drafted by the Ministry of Culture and expected to be adopted in 2024, maintains main elements (beneficiary categories of media) from the current (above described) subsidy scheme while adding several new streams of "state aid" to media: state aid to print media and digital transformation, state aid to digital media, and state aid to media startups. The draft media law introduces also some new eligibility criteria, including sufficient economic and financial resources, sufficient</p>			
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<p>qualifications and references, sufficient staff (jobs), respect of professional standards, respect of transparency requirements, respect of journalists professional autonomy and editorial independence. Selection criteria for state aid, as specified in the draft law, include significance of programme content for public interest, quality of the programme, references, reach of the media, adequacy of the financial plan. Additional selection criteria include: protection/maintaining of security of jobs (permanent employment) of journalists, legal protection and social protection of journalists and other professionals engaged on temporary contracts, setting standards of protection through collective agreements, providing opportunities for permanent education of journalists and other professionals, non-profit orientation of the media, access of programme content to disabled, high percentage of own production, Slovenian audiovisual and music production. Non-eligibility criteria include media owned or controlled by the state or any public entity as well as political parties, media fined or their editors convicted at least twice in the last two years for violation of prohibition of incitement to hatred, discrimination and intolerance, media fined at least twice in last two years for violation of labour rights.</p>			
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6b	[IF Q6 in Questionnaire 1a = YES:] To what extent is the funding policy regarding market plurality successful?			
6b - Answer		<p>"No, they are certainly not successful. Nor are they enough. Nor do these funds ever reach the statutory level. Traditionally. This is nothing new. Now, however, the new [media] law introduces an additional scheme, a possible State aid scheme. However, the explanatory memorandum of the law only provides for funding at the same level, which has been allowed for many years. Wherever there are issues of this kind, of some public interest in the field of media and creativity, it seems to me that we do not have a very giving hand." (Interviewer: Would, the level of funding, if it were higher, help it to have more impact?) Interviewee: "Again, we have this group of 'programmes of special importance'. Which in this case have privileged access to a larger part of the funds. At the same time, this part of the funding is essential for them, because for the most part they would not be able to survive in the market with this programme that they offer. We see what happens when there is a change of government, a change of committee [appointed by the Minister Culture to select projects of the media for co-financing]. The same law, the same criteria are used by the committees to distribute these funds. Radically different results come about. And the media that are dependent, that expect this resource,</p>	<p>"They [the media] are entitled to this funding, which is for pluralism. That is all, given that we only have one system. And basically, diversity of content and diversity in the market are basically intertwined. And there are no two separate systems [of state subsidies to media]. It is this structural plurality that attempts to ensure that these media survive in the market. That local environments can have access to information. I think that, however critical we are of the mechanism, it has nevertheless preserved some independent radio channels. [With regard to success in preserving pluralism of] television I am a little more critical of. And also some internal pluralism within this mechanism [is protected], because it [the criteria for state funding] do require certain content, but it also provides some diversity of content. [...] Public interest, some innovation, also some political balance, respect for ethnic standards, employment of journalists...[are among criteria for funding]. [...] [The state funding/state subsidy mechanism] in fact provides financing of the core business [of the selected media]. [The fact is] that the [funded/selected] projects [of media content production] are repetitive. That they are not innovative. That they are</p>	<p>"In my opinion, it's unsuccessful because the law is old. The method of co-financing has been the same for a long time, and the level of co-financing is almost depreciative. In my view, it's truly reciprocal [impact of the state funding on the market sustainability of local, regional, student and non-profit radio and TV channels with the status of "special importance"]. This call [annual call of the Ministry of Culture for project proposals for co-financing media content production] is tailored to this status, and this status does not exist without this call. For none of these media, including all of us who have these statuses, does this status mean anything else than being able to compete or apply under Category B. It doesn't bring us anything else. We have slightly lower frequency fees. But then it's really a question of what we measure as pluralism. Is the criterion for diversity simply having many media with this status? Or is the criterion for pluralism having many media that produce truly different content? Because if you look at these locally oriented media like Koroški Radio, Triglav, Novo mesto, their content is identical. I mean, the mold for advertisements is pretty much the same. Only the local community they serve differs.</p>



		<p><i>that have it somehow incorporated into their business plans, then they can go without."</i></p> <p>(Interviewer: Would you say, though, now that I'm listening to you, that in this local media market, without these resources, there might be less pluralism after all?)</p> <p>Interviewee: <i>"Yes. So this mechanism is not working well or is not reliable. But it is true that it keeps them alive. Otherwise, all we would have on the local scene would be municipal media [funded from the budgets of municipalities], which is a problem. Because that is one of the less transparent sources of funding."</i></p>	<p><i>basically copy-pasted from year to year. Which shows, in my view, that this funding system is inadequate. That it should be a multiannual system. Because it is not actually about innovative projects that the media submit every year. But it is about funding their core activity. The content is already quite well defined when they are granted this status [of radio and TV channels of special importance for public interest]."</i></p>	<p><i>They survive thanks to commercial funds. They survive on advertising revenue. And for most of these local media, when you look at their budgets and their sources of income, it's primarily commercial. This call is very useful for them. This is a completely different logic from that of non-profit media like us and MARŠ, for example, which cannot even apply for this call because they don't have 50% of their own funds. So, we are the only student media that receives funding through this call. For us, this is the basis upon which we build our program and develop other projects. And that's a very important distinction."</i></p>
7	Are there any state subsidies that promote internal pluralism?			
7 - Answer	<p>As specified in the answer to the question on state subsidies aimed at promotion of market plurality, the same state subsidy scheme can be considered to promote both - market plurality (particularly by contributing to sustainability of local, regional, student and non-profit radio and TV channels on the market), and internal pluralism (diversity of voices, viewpoints, content by requiring "balanced" representation of political viewpoints, representation of local communities, promotion of cultural diversity and gender equality etc.).</p>			

7a	[IF Q7 = YES:] Which media are eligible to funding programmes promoting internal pluralism and what criteria must be applied?		[IF Q7 in Questionnaire 1a = YES:] Which media are eligible to funding programmes promoting internal pluralism, which media are preferred in practice, and which criteria are usually applied?	
7a - Answer	It is the same subsidy scheme as described in the answer to the question on promotion of market plurality, therefore the eligibility and selection criteria are the same as elaborated in the answer to that question.		See answers to Q6b	See answers to Q6a and Q6b
7b		[IF Q7 in Questionnaire 1a = YES:] To what extent is the funding policy regarding internal pluralism successful?		
7b - Answer		"It is now possible that they [the media receiving state funding from the subsidy scheme] produce something that they would not otherwise. Because they have to have something to offer. Something that has an appeal. Something that might persuade the selection committee to grant them funding. Although, as we have said, it is not quite like that. Content is less important in this, let's be honest, content is less important in the calls for applications [for co-financing projects of media content production within the state subsidy scheme]. It is, however, a mean by which some verification of these programmes is carried out."	See answers to Q6b	"No, legally no, and then nothing in terms of grants. Again, we encounter the problem of the non-governmental sector, where for example, we, as a truly large non-governmental organization active in various fields, apply on all possible calls for proposals submitting various programme production initiatives for funding. For instance, we regularly apply for years to the JSKD [Public Fund for Cultural Activities] call for minorities with our programme/show for the African community. There, we receive 2 thousand [euros]. But this doesn't give us additional money, additional points."
7c		[IF Q7 in Questionnaire 1a = YES:] Are formats of direct audience participation part of the funding policy (for example, call-in and forum programmes, or – today even more important – online community management)?		
7c - Answer		"It appears in some criteria that are very awkwardly written. But they can be interpreted that way. And it is one of the criteria for evaluating projects, yes."	"Maybe indirectly, but not directly. Maybe the selection committee can reward such a project. Radio Študent, for example, also works by including a huge number, they have a	"No, none of that."

			<p><i>really huge number of external collaborators. So they are very democratic and open about it. So that you can participate in the creation of their programme.</i></p> <p><i>I didn't see this participatory moment among these criteria in the calls for proposals [for projects of media content production within the state subsidy/state funding scheme/mechanism]."</i></p>	
8	Are media outlets required to disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?		Do media outlets disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?	
8 - Answer	No.		<p><i>"I think these are always covert links and not disclosed to the public.</i></p> <p><i>[...] In the case of local media, these links are more visible, but you also see that there are bypasses made and of course these bypasses are also made so that there is no direct link to the mayor.</i></p> <p><i>Although there is a lot of pressure at local level. The editor reveals when there is so much conflict that the editor can no longer work in that environment.</i></p> <p><i>[...] So I think with these smaller media, these new portals: Pod črto, Oštro; I think they have a very high awareness of the importance of transparency. Precisely because they have They don't have their business model based on advertising. But it is based on donations, projects, there is another way of funding. And they also have a very high awareness of how transparent they have to be. And I</i></p>	<p><i>"As far as I know, and from what I hear and understand, it seems that even private commercial media do not do this enough. [...] What I know is that we do this because we are a non-governmental media outlet and as an organization in the public interest, we are required to publish these things. I know that not all non-governmental media do this. I know that public institutions do this.</i></p> <p><i>I also think it's somewhat related to what we discussed earlier, why investigative journalism is hindered. If you don't have this in some media discourse to make it a practice. That there are certain media outlets that have these disclosing pieces at certain times. [...] But to have this as a regular part of the media discourse. And for the state to encourage this on the other hand, I think it would be much</i></p>

			<p><i>think there is a great transparency here [in the small non-profit investigative online media]."</i></p>	<p><i>more accepted among citizens who follow the media. Now, within this new media law. But. They have now made it in the law to exclude them from state aid, because there will no longer be a competition, but state aid, because finances have long been pushing them into it. In short. That all those who have connections to political parties, who are parts of political parties, all these political connections, influences... That they will not be eligible for state aid. Which is great. But for programs of special importance, this will not apply. We proposed that this should be harmonized with the norm, that all media aligned with non-governmental organizations under this law should not be subject to these provisions. Because these provisions do not apply to them under the law anyway. And they simply proposed to extend this to all programs of special importance."</i></p>
8a		<p>[IF Q8 in Questionnaire 1a = NO:] Do the media voluntarily disclose political affiliations of any kind that involve or affect ownership, management and newsrooms?</p>		
8a - Answer		<p><i>"So far, I have not seen anything like this in our media." (Interviewer: If there is a information disclosed, it comes more from investigative journalism, academic research ...)</i></p>		



		<p>Interviewee: <i>"But to self-disclose, no. At most, they will try to cover their tracks, with the ownership structures themselves, which are so ramified, so intertwined.</i></p> <p><i>It will improve [with the new media law introducing requirements on disclosure of beneficiary owners] if it is implemented. I have always been sceptical about implementation here."</i></p>	
9	<p>Are media outlets required to disclose their sources of income including state advertising revenues?</p>		<p>Do the media disclose their sources of income including state advertising revenues?</p>
9 - Answer	<p>In the current media legislation, there are no such specific obligations. Media companies are obliged as any other business entities registered in Slovenia to submit annual reports to the Agency of the Republic of Slovenia for Public Legal Records and Related Services (AJ PES). which makes them publicly available. In the new Mass Media Act proposed by the Ministry of Culture and expected to be adopted in 2024, the obligation of state bodies to publish annual reports on their spending for advertising in the media is introduced in Article 48, para 3.</p>		<p><i>"If it's a state-funded advertising campaign, of course they have to say if the state is the sponsor. If they have received funding for producing content based on the call for proposals [within the state subsidy scheme], of course they should disclose that. Because that is already a requirement of the funder, that they say what the source of the money is. We need to know that the media is the recipient. And, after all, the media is, of course, trying to get more advertising money. Now the question is whether there is covert funding of some media and whether advertising money is being funnelled for other purposes."</i></p> <p><i>"Here, I only know about us or non-governmental media. We disclose this as part of our annual reports. In our annual report, we have a financial section. Where the source is separated in tables, in terms of project-based funding, founder's grants, and advertising revenue. At the same time, we have a really long and detailed content report. Where we have written for each project how much money there was, what we did. For marketing, how much we earned from marketing video services, from marketing production in the studio, and things like that."</i></p>
9a		<p>[IF Q9 in Questionnaire 1a = NO:] Do the media voluntarily disclose their sources of income including state advertising revenues?</p>	
9a - Answer		<p><i>"No. I mean, some of them reveal things when they're part of international</i></p>	



		<i>projects. But ... It's more about smaller media projects."</i>	
10	Are the media legally obliged to label advertising (including political advertising)?		Do the media label advertising (including political advertising)?
10 - Answer	<p>Yes, according to the Mass Media Act, Article 46, para 3, advertising must be entirely clearly recognisable and separated from the programme content of the media. Similar provisions are contained in the Audiovisual Media Services Act, Article 19 and Article 27). The new media law recently drafted and presented by the Ministry of Culture, expected to be adopted in 2024, contains more detailed requirements on labelling various types of advertising. The draft law also specifies prohibition of political and religious advertising in the public service media - RTV Slovenia and STA (press agency), and in other media owned or controlled by the public entities, except in the periods of the election or referendum campaigns. The obligation to label political advertising in the election and referendum campaigns is separately regulated in the Election and Referendum Campaign Act, in the special section "Election and Referendum Campaign in the Media", including Article 7 specifying obligation of the media to clearly indicate the name of the advertiser, i.</p>		<p>"I mean, political advertising is allowed during election campaigns anyway. Religious advertising also has to be labelled or is banned now by the new law. I would say, of course, no. These classic advertisements are labelled as advertisements. But, otherwise, there is a whole industry of disguised/covert advertising."</p> <p>"Here, it is separated so that we actually have it announced, although in the Radio Študent style, but now there is a commercial block, and when it ends, the program resumes, with some jingles."</p>

	e. entity which ordered (paid) the advertisement in the campaign.			
10a		[IF Q10 in Questionnaire 1a = YES:] Do the media comply with the obligation to label advertising (including political advertising) in practice?		
10a - Answer		<i>"I don't think they are consistent in this. It is also very much a grey area as to when a thing is still a journalistic piece and when it is in fact a paid-for piece or a pure advert written to order. There is no transparency here. It may be unpaid, it may be paid. We do not know how. Or by some means. I do not think there is serious transparency here."</i>		
11	Are citizen journalists legally recognized?		What is the status of citizen journalists?	
11 - Answer	No.		<i>"We have no such status in Slovenia. We have many experts who appear in the media. These are columnists and so on. But they are perceived as experts. Now, to have that regulated as a status, we do not have. [...] Now the new media law is going to change that a little bit. Because registration in the media register will not be a condition for starting publishing the media, but it will still be compulsory in one way. But of course somebody can enter some entity in the media register which is a bordering case of the media. After all, the channels have now become so democratised. And, in fact, if someone wants to communicate something, they</i>	<i>"Honestly, this is the first time I've heard about this in the Slovenian context when I read this question. [...] What we have is the status of an independent [self-employed] journalist. This means that someone who works in journalism can obtain this status. But they do not receive any social benefits from it. Because having the status of an independent journalist, as far as I have discussed with our editor-in-chief, is something that some populist right-wing journalists exploit. Like Požar [owner and single author of a political tabloid online outlet]. And then they refer to some credibility just because they now have the status of an independent</i>

			<p>can communicate it to the public via all the social networks. <i>I mean, I think these [cases when citizens journalists are key source of information] are really exceptional cases. Extraordinary circumstances. When there really is no access for journalists. But because local media are also in these situations. They can operate, they have journalists."</i></p>	<p><i>journalist. However, I think the criteria are very poor. Our journalists [at Radio Študent] can be non-professional in the sense that they contribute a few times to the radio. Some have a show once a month. But the process for them to get to the point of doing something independently, which is still under the editorial supervision of either the section editor or the editor-in-chief, involves going through an audition process with clear criteria each year for being accepted as regular contributors. I would say that the same obligations and privileges apply. Because whenever they need something from the authorities or the way they need to express themselves on Radio Študent... In short, it depends on the fact that they are Radio Študent journalists. But it seems to me that the line is very thin. Up to what point are you a journalist, what topics do you need to cover to be considered a journalist? And when do you become an influencer? It seems to me that this is a really slippery slope. Are you a journalist if your media outlet is registered in the media registry? If not, what applies to you as someone who publicly speaks out?"</i></p>
11a		<p>[IF Q11 in Questionnaire 1a = YES:] Do citizen journalists have the same obligations and enjoy the same privileges as professional journalists in practice?</p>		



12	In many countries, there is a broad spectrum of non-profit media, among them so-called community media. Are non-profit community media in some way legally recognized?		In many countries, there is a broad spectrum of non-profit media, among them so-called community media. What significance do they have in the media landscape and in media policy?	
12 - Answer	No, there are no separate provisions or specific status of non-profit community media. There is status of radio and TV channels of special importance for public interest, including local, regional and student radio and TV channels, and non-profit radio and TV channels. The status implies higher quota of own production, serving/covering local, regional or student communities, including representatives of the communities in the supervisory bodies etc. However, most of local and regional radio and TV channels with the status of special importance are commercial entities. Only two student radio channels in the country - Radio Študent in Ljubljana and Radio Marš in Maribor - both acquiring status of "special importance" student radio channels, have all elements and clearly self-declare profile of "non-profit community media". The new media law drafted recently by the Ministry of Culture, keeps the provisions on status of radio and TV channels of "special importance" as established in the current media law (Mass Media Act), continuing to leave non-profit community media without recognition		<i>"But this type of community media has not developed in Slovenia. [...] But non-profit media have developed. These media are also this combination of the media acting as this almost advocacy entity and at the same time being a medium. They have to be aware of these different roles that they have. And some people I know are critical of the fact that it's already ... That these [non-profit media] are not those full-blooded media that are just managing the media activity. But I do not agree with that. I think [with the non-profit media] there is a new business model that allows for a more democratic, also allows for some smaller teams of journalists to come together. I think they contribute a lot to this diversity of content in the Slovenian public space."</i>	<i>"I will still base this on Radio Študent, which, in my opinion, is probably the largest community media outlet in our country in terms of program scope and the number of collaborators. Or certainly the largest community media outlet in our country. And when we had the 50th anniversary celebration, it seemed to me that with the attendance at events and the support, the concert attendance, and how much the community was involved, it was clear that the leftist urban scene knew this was happening and supported it. And here it seemed to me that this support was really shown. On the other hand, nothing really changes at the state level, even within the framework of the new media law. The new media law does not mention community media. Despite all the directives from the European Parliament and all that. And that seems like something that could be improved. The [public] support is... I think it's great and really important that the support exists. But at the same time, it is also sad that in these crisis situations, we have enormous support from the academic scene, the cultural scene. It's also a bit of a problem that we are limited to this bubble of this scene. But also from other media and all that. For example, the</i>



	of clear and separate status, and without special protection and stimulation in the media regulation and policy.			<i>same party that now took over the Ministry of Culture... Its supporters certainly supported us during the crisis. And criticized the way the Ministry did not support this media outlet. And now it has been two years with the new government or ministry. And nothing has changed. And I understand all the bureaucratic obstacles and everything."</i>
12a	Are non-profit community media eligible for funding?			
12a - Answer	Yes, but under other categories of media targeted by the annual state subsidy scheme (annual calls for project proposals for co-financing of programme content production in public interest). In Slovenia, two student radio channels are considered non-profit community media, among them Radio Študent in Ljubljana having particularly long tradition and impressive track record and production serving student community, but also various minority communities, and gaining status of "non-profit, non-governmental organisation in public interest" as well as status of "student radio of special importance for public interest". However, despite the radio has a status of "student radio channel of special importance" recognised by the national regulatory authority, their access to funding from the annual state subsidy scheme had been denied to them several times when right-wing			



	<p>government was in power and the Ministry of Culture was led by a right-wing politician. The attempts of Radio Študent to advocate for provisions in media law to establish specific status, protection and access of such community media to separate stream of state subsidies have not been successful, regardless the government political orientation.</p>			
12b		[IF Q12a in Questionnaire 1a = YES:] How efficient is state funding for non-profit community media?		
12b - Answer		<p>"The closest we come to this is the 'special importance programme', which we discussed earlier. Otherwise, it seems to me, given how small we are. I don't even know how much room there is, with all these media players that we already have, I don't know how much room there is for some kind of community media in a strictly Western sense. It is just to see that in this system of state aid that the ministry has now envisaged [in the new media law drafted by the Ministry of Culture], which is much more flexible, they will be. At least thematically, it will also allow for such projects. Of course, this will also depend on the will of those in power. Who will provide these schemes."</p>	<p>"They have [access to state funding] because, by many parameters, they are in the public interest. Therefore, they can participate. Radio and television channels, student radio, can even apply for this status of 'programmes [radio and TV channels] of special importance'. But online media, which have actually developed as genuine non-profit media, cannot acquire this status. And now there is quite big criticism [of such limitations]. In the previous proposals of the media law, these media basically got their own pillar of non-profit media. But, in the first version of new media law, the current Ministry did not include this [solution in the proposed law] [...] I spoke informally with representatives of the Ministry, and it was said that it was not necessary. And why? [They claim], there would be a proliferation of the [various media] statuses."</p>	<p>"Yes, we have access through the regular call for co-financing media content. But this is not because it is recognized that we are community media, but because we are a medium with a student program of special importance. I would say that it is ineffective because there is no specific funding for non-profit community media. Only for those of special importance. And even if the Ministry can say that we are financed within this framework, it is also ineffective within this because it lumps us together with all the local LLCs [radio channels registered as for-profit companies with limited liability]. And you can't compare the same... Well, the opportunities are not the same. The effectiveness is poor because the level of co-financing is too low."</p>

13	Are there any legal requirements in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for the representation of women on management boards and in newsrooms?	
13 - Answer	No.	<p>"We don't have that in Slovenia. I have never heard of such a thing. We do not even have that culture, unfortunately. Let alone a law. Although, perhaps, with the help of a law, we could then slowly come to have this culture. I suppose that those [women] who do get through, despite all the obstacles, when they do get through, would not want the impression to be created that they came there because of a quota. Because that was their personal achievement, that they overcame everything along the way. And it is right that they then have some other recognition of that. Because that is why I say it is culture. It starts with culture, because that is the idea behind these legal solutions. So that then, with some legal compulsion, these transformations take place. Because you actually allow more women to come into office."</p>	<p>"Yes, the RTV public service has now signed this commitment with the Ona Ve [She Knows] movement, and they are committed to women's representation both in media production and in the business environment itself, in the managerial or organisational structures. Otherwise, a media outlet may have internal commitments that they themselves have come up with. But not that I know of. [...]"</p>	<p>"I don't know them. For recommendations, I know that the Ministry, in the last two years since the Left took over, has issued some guidelines. But even this, I'm not sure. But for the field of culture in general. "</p>
13a	[IF Q13 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of women on management boards and/or in newsrooms proven themselves in practice?			
13a - Answer	-	-	<p>"I think that the representation of women in Slovenian media is not bad. I mean, it's not very unbalanced. So I don't think these quotas are necessary at the moment. They are perceived differently by women journalists and presenters. And from the public and, after all, also within the work environment. That</p>	-

			<p><i>different aesthetic standards are expected.</i></p> <p><i>On leading positions, it is not like that. Nevertheless, we have many women editors-in-chief, even women media managers. So yes. We have now just appointed a female acting president of the management of public service broadcaster; our public media Slovenian Press Agency has now also got a female director; the editor-in-chief was previously a woman. I mean, we have ... the biggest commercial TV has a female director..."</i></p>	
13b			Are you in favour of or against quota systems for women and why?	
13b - Answer			-	<p><i>"I think quotas are equally, maybe even less important, but at the same level, a tool that ensures equal working conditions. I think the social working conditions, which must be equal for all genders, are more important than quotas. And it seems to me that in the current state, where the media is... where the media is really a male-dominated space, including in mainstream media and even in our leading journalists, hosts, and guests. In this current state, I think quotas are good, but I really believe that quotas should not be an end in themselves, but a tool with which we enable or establish a discourse where equal opportunities are important. And based on this, work on social conditions. In terms of the level of pay, maternity leave, really these basic social conditions."</i></p>



14	Are there any legal requirements in place that establish or promote quota systems for minorities on management boards and in newsrooms?		Are there any self-regulatory measures or recommendations in place that establish or promote quota systems for minorities on management boards and in newsrooms?	
14 - Answer	<p>No, there is no quota systems for minorities. However, there is a legal requirement to appoint two Assistant Managers to the President of the Management Board of the public service broadcaster RTV Slovenia, each representing one of the constitutionally protected minority communities - Italian and Hungarian. The requirement follows the RTV Slovenia Act, Article 21a, and the RTV Slovenia Statute, Articles 55-59. Also, RTV Slovenia Act, Article 17, para 3, specifies obligation to include Italian and Hungarian minority community representatives (one representing Italian and one representing Hungarian minority community) in the governing body of the public service broadcaster RTV Slovenia - RTV Slovenia Council. Representatives of the two mentioned minority communities are also represented in the programming committees of the Italian and Hungarian minority programming within RTV Slovenia, according to the legal requirements in the RTV Slovenia Act, Article 23.</p>	<p><i>"No. It's just that we have in the public media. We have these representatives in a certain council, and in specific programme committees [of the public service broadcaster]. That is guaranteed there. Otherwise, I would not have known that there was anything else like that."</i></p>	<p><i>"No, there are none. But of course, on public service broadcasting, the Hungarian and Italian minorities practically have their own media [channels]. They have their own programmes with quite, particularly the Italian minority has quite a large editorial staff. And also their own programme committees. The Roma have their own programme [radio and TV show]. So I don't know, in the commercial media, to encourage."</i></p>	<p><i>"Now again, for us [Radio Študent]. For us, it depends on the editorial team. On the editorial team preparing an editorial policy and encouraging the production of these programs. Just from certain practices. I think there isn't a written policy, but there definitely is an unwritten one. Because I don't think there's a single minority program that isn't created by members of that community. And I think this is very, very important. Not speaking for others, but giving them a voice. And space to speak for themselves. For community media, I think that if this is done, it basically formalizes what is already being done. Again, if we look at Radio Študent."</i></p>
14a	[IF Q14 = YES OR PARTIALLY YES:] To which minorities do these rules or recommendations apply?		[IF Q14 in Questionnaire 1a =YES OR PARTIALLY YES:] To which minorities do these measures or recommendations apply?	

14a - Answer	In case of legal requirements for including representatives of minorities in the management structure, the governing body and minority programming committees of public service broadcaster RTV Slovenia, it is applied to the Italian and Hungarian minority (following their protected status in the Constitution of the Republic of Slovenia). Roma community, despite certain protection guaranteed in the Constitution, is not included in these legal requirements for being represented in the management and governing of RTV Slovenia, neither such participation is provided to large minority communities of former Yugoslavia nations.		See answer to Q14	-
14b		[IF Q14 in Questionnaire 1a = YES OR PARTIALLY YES:] Have quota systems for the representation of minorities on management boards and/or in newsrooms proven themselves <i>in practice</i>?		
14b - Answer			<p><i>"Here [in the commercial media] again, I think it is more important how these minorities are represented in their reporting. And here there is a lot of work to be done in the sensitisation of journalists.</i></p> <p><i>I think, perhaps, I would even find the quotas relevant in those environments where minorities are also very much represented [among population]."</i></p>	<p><i>"These social and economic conditions. A quota, so that someone doesn't do what happened in this case at RTV [Slovenia, a public service broadcaster]. But again, a quota is not enough. Often, it can happen that there is a quota, but it is done with the least effort, the least payment, and the least editorial input. But a quota is not enough. The editorial team, the management, must stand behind it to actually make it happen."</i></p>
14c		Are you in favour of or against quota systems for minorities and why?		
14c - Answer			-	-

15		Does the regulatory authority/authorities acts/act fully independently from governmental influences in practice?	Do you think that the regulatory authority/authorities acts/act fully independently from governmental influences?	
15 - Answer		<p><i>"They are not independent on a systemic level. The appointment procedures themselves are not ... they do not contain all the elements and safeguards that guarantee political independence. In practice, the independence is highly dependent on lower levels of expertise. How eager they are to exercise it. And sometimes they succeed.</i></p> <p><i>What is good about AKOS is that their decisions are then subject to They are not then subject to the judgement of some ministerial, directly appointed political bodies. But it goes ... every decision is final and theirs [of AKOS]. And then it just can go to court from there. So that guarantees a certain independence of AKOS.</i></p> <p><i>But the only place where it has a strong influence is in delegating the work. Employment. That means, how many people can work in the sector [of regulation of broadcasting/electronic media within a converged regulatory authority, AKOS] in the first place.</i></p> <p><i>What are the capacities, the resources. And what are the priorities." [...]</i></p> <p><i>[In the new media law drafted by the Ministry of Culture], they [AKOS] have been given an extraordinary number of tasks. So varied tasks that now I can say they have no skills. And they themselves</i></p>	<p><i>"They operate independently of government influence.</i></p> <p><i>Because, for example, AKOS as a regulator is also always protected by European legislation, and even when the previous government tried to replace the director, it didn't. [...]</i></p> <p><i>We also have the Broadcasting Council, which I think is a very politically motivated body. Also in terms of interests. It has limited powers, but it does have powers. And that's where the politics appoints its members. And we have seen in past compositions [of the parliament] that, in fact, candidates who had professional competences were not appointed.</i></p> <p><i>But, of course, wherever there is an appointment by politics, there is not that independence."</i></p>	<p><i>"What we have with AKOS [a regulatory authority] is that we regularly send an annual report every year. If we consider the Ministry of Culture as an authority in certain cases, I cannot imagine that it is independent of the government, because it is part of the government. And what is really problematic is that according to both the old law and the new proposal, it is the minister who grants this [makes final decision on the selection of the project proposals for co-funding of media content of public interest]. Not a selection committee. The selection committee can give an opinion. But it is the minister who makes the decision.</i></p> <p><i>The selection committee is professional and independent. And now, under the Left, we have seen that this has still improved. There was no comparable situation... I mean, you can see this practically by the fact that under Simoniti [Minister of Culture in the previous, right-wing government], for the same project, I think the same, the same framework, the same scope, we received significantly fewer points compared to the previous commission. And now with this current selection committee, we received more points.</i></p>

		<p>are aware of it. They will have to be able to carry out procedures under the Law on Protection of Competition. They have also been given tasks in the area of must-carry that might be more appropriate for an intellectual property protection authority. Most countries have retained separate audio-visual regulators. Who have really dedicated themselves to this area. But now, with digitalisation, there is no going back [from having the converged regulator once it is already functional for many years]. To separate it now. In any case, it's so intertwined [the areas of regulation]. [AKOS] will also have competences in areas that have not been part of any regulatory regimes at all."</p>		<p>And the explanations are concrete, not general. When you compare these things, you see these differences. But I don't know what the Ministry or the state could do to make this more independent."</p>
15a			Why? [OR:] Why not? [OR:] Why only partially?	
15a - Answer			See answer to Q15	See answer to Q15
15b			[IF NOT OR ONLY PARTIALLY:] Could its/their independence be improved – and how?	
15b - Answer			<p>"I would say that the aim should be to have systems that are so well defined in advance, that is to say, that the criteria are clear in advance and that they are as automatic as possible. That is to say, there is very little human factor. Of course, even in a state aid scheme, there has to be a committee that makes a judgement at the end of the day, that decides at the end of the day whether someone is eligible. But if these conditions are quantitative and very clear, then the arbitrariness of the selection committee is reduced."</p>	See answer to Q15



16		<p>Freedom of Speech cannot be treated separately from Freedom to Information: the “right to impart” cannot be treated separately from the “right to know”. Only the interrelated exercise of both rights serves the character and goal of democratic communication as open-ended process of response, reflection and debate – in short: as societal dialogue, equally open to all people. Some experts call this a “right to communicate”, which is more than simply adding up the “right to impart” and the “right to know”: Its exercise can put people in a position to really have a say in the decisions made by those in authority. Do you think it would make sense to enshrine a "right to communicate" in law?</p>		
16 - Answer		<p><i>"I don't know, I'm not terribly in favour of it. I mean, yeah. The right to communicate. Substantively, yes. It seems to me that this term is already filled. The right or freedom of expression already contains this dimension. And this dimension is also confirmed by the case law of the European Court of Human Rights.</i></p> <p><i>For the general public, yes, it would be useful to rename the term, so that perhaps it would be better understood that there is also this dimension. That it is not a one-way right. But that this right necessarily also includes this right to receive, to access information, to know. But, in a purely legalistic way, it seems to me that the concept is correctly filled in. I do not have a particular opinion, I do not see any particular value."</i></p>	<p><i>"No, I don't think it's a problem of the right to communicate, I think it's more a problem of the flood of information on the one hand, but really of the information industry and the repetition of the same information over and over again. I have to say that we have a lot of information. I, as a media user, can say this, that there is a lot of information, but on the other hand, there is very little. Basically, we are inundated with information, but on the other hand, all the information is from very limited sources. For example, for a small environment like Slovenia, we see that [reporting on] what is happening on the planet is more or less copy-paste from global media houses.</i></p> <p><i>And what we get most of the time is some recycled information that was made somewhere else. And then you end up realising that these centres, these sources of information, are very limited. So, basically, it is democracy in terms of what gets to us. On the other hand, we are more and more trapped in bubbles."</i></p>	<p><i>"It seems to me that this right to communicate would only have an effect if it were not philosophical. In the sense that this provision in the law were to be reflected in practice in terms of some clear rights for citizens. In terms of some obligations for the media. And at the same time, if the media had to do something new or different because of it. That the Ministry would encourage this with funding. Such things. [...] If it actually could bring some concrete consequences in the sense that the media would have some incentives. And that the Ministry not only provides incentives but that some experts also explain what this means in practice. Why it is important for the media themselves. Because personally, I really miss this kind of connection between the Ministry and non-governmental media. And some vision of what you actually see as the media. Not in terms of the law. Leave the law aside. But what the media are to you. This kind of connection could also be more easily manifested in society. But if it doesn't exist, and this is written down just so that they can check it off at the EU level, that we have it formally written..."</i></p>

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Deliverable 3.2 and Task 3.2

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