

EFJ Contribution to the 2023 Rule of Law Report Consultation 20 January 2023

“Over the past six months, we have witnessed the sharpest deterioration of media freedom since the establishment of the mandate of the OSCE Representative on Freedom of the Media (RFoM) 25 years ago; no one can afford to look away, not to act and not to stand up”, said *OSCE* Representative on Freedom of the Media Teresa Ribeiro while presenting her report to the Permanent Council in November 2022 .

Amidst the unprecedented attack on democratic freedoms in Ukraine, the European Federation of Journalists has monitored with its partner organisations serious violations of media freedom throughout Europe including in EU’s member states in 2022. According to a report published by the Media Freedom Rapid Response (MFRR) compiled by the European Federation of Journalists (EFJ), the International Press Institute (IPI) and the European Centre for Press and Media Freedom (ECPMF,) the MFRR documented **415 media freedom violations** in the EU Member States throughout 2022. Verbal attacks, including harassment and threats were the most common types of violations (176 alerts), followed by legal incidents (113), and physical assaults (85). The Council of Europe Safety of Journalists Platform recorded **289 verified alerts**, of which **110 in the EU** (including 54 cases of harassment and intimidation, 20 cases of physical attacks and 6 cases of detention and imprisonment of journalists). In 38% of cases, the source of the recorded threat was the state, the public authorities.

The economic crisis of the printed press has accelerated in particular in smaller EU member states, like Slovenia, Croatia but also Italy, Greece, Portugal and Spain to name a few, to a point that the public right to know is seriously endangered, in particular at local level. The often recited and growing “news deserts” have indeed a serious impact on democratic procedures including elections and the rule of law. Their current crisis, aggravated by the changed consumer habits and falling advertising revenues, represents a major threat to media pluralism in Europe. This situation has paved the way for domestic business forces linked to political parties or governments in each country to move in and buy up much of the media markets, after which editorial lines were flipped and critical journalists purged. In some countries like Hungary it seems almost irreversible, in others like in Poland, Bulgaria, Slovenia and Czech Republic it has reached a most worrying state. In France, the political and general information press is now found in the hands of a small number of men and companies whose main activity is often far removed from the world of information and its principles according to French Senators. In particular, the French billionaire Vincent Bolloré shows how quickly a pluralistic system can be poisoned by such an unprecedented control over media. His corporate control on journalists and authors has endangered the very essence of journalistic editorial independence in France. All this aggravates dangerous disinformation campaigns disrupting our democratic values.

All these developments go hand in hand with the unprecedented power of platform dominance and its attention driven click bait oriented business model, which contradicts public interest values in journalism. In this toxic environment it is a challenge for journalists and the growing precarious freelance community to uphold professional and ethical standards, which is the core of independent journalism.

From March 2023, EU Member States will report to the Commission on the measures adopted following its Recommendation of 2021 on the protection, safety and empowerment of journalists. While the EFJ welcomed this Recommendation and invited its affiliates to actively advocate for its implementation at national level, we urge the Commission, to do a rigorous implementation exercise and also refer to the 2016 Council of Europe Recommendation on the protection of journalism and safety of journalists and other media actors as well as Recommendation CM/Rec(2022)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age (adopted on 16.03.2022), which was signed by all EU MSs and would further strengthen media freedom in Europe.

And last but not least, the Audiovisual Media Services Directive (AVMSD) requires that national regulatory authorities and bodies be functionally independent from their respective governments and from any other public or private body. This independence requirement, which in many EU MSs is not guaranteed, must be upheld, including in the proposed European Media Freedom Act the independence of the Board must be guaranteed.

In the process of preparing its annual Rule of Law Report, the European Commission holds regular dialogues with EU Member States' authorities, which we appreciate. As already stressed in our recommendations of the last years, it is crucial that all relevant stakeholders including journalists' organizations be involved in the process of developing the country-specific recommendations. We reiterate the need to implement the recommendations published by EFJ together with press freedom and civil society groups, see here. Last year's report placed particular emphasis on safeguarding the governance and editorial independence of public service media in Cyprus, Czechia, Hungary, Malta, Poland, Romania, Slovakia and Slovenia. Follow up is to be enforced. Also covered were threats to the physical and online safety of journalists and tackling the use of abusive lawsuits to silence journalists (SLAPPs). The following report shows that SLAPPs continue to be a major threat for media freedom.

The EFJ and its national member organizations have collected information, provide updates however it has not been possible to monitor everything also given diverging strength of its members' resources. The work of the CMPF and its Media Pluralism Monitor and the Mapping Media Freedom, both financed by the European Commission, is a most useful and reliable resource.

Austria

“The MPM 2022 found the Austrian media system to be basically in good condition. However, the findings also indicate that there is ample room for improvement.”

<https://www.gpa.at/kollektivvertrag/medien-journalistinnen/-tag-der-pressefreiheit--qualitaetsjournalismus--endlich-absicher>

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

High risk: Second, the extraordinarily high amount of state advertising expenditures (about five times the amount of regular media subsidies!) and the lack of transparency in the allocation criteria.

Safeguards against state / political interference

58% risk of editorial interference. The details of the Economic and Corruption Prosecutor's Office's corruption investigations, which have become public and forced Austrian Chancellor Sebastian Kurz to resign in October 2021, have exposed unhealthy ties between some politicians, polling companies, and media organisations. According to a representative survey conducted by the Gallup Institute, these incidents have badly shaken trust in the media and underscored the urgency of reforming the system of media subsidies which should be exclusively dedicated to supporting the media in performing their democratic functions.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

38% medium risk on media ownership transparency <https://cadmus.eui.eu/handle/1814/74681>

C. Framework for journalists' protection, transparency and access to documents

In 2022, one alert has been posted on the CoE Platform:

- [Austrian Public Broadcaster ORF Accuses Freedom Party of Intimidation](#)

The case has been resolved.

Belgium

B. Safeguards against government or political interference and transparency and concentration of media ownership

The indicator on news media concentration scores a high risk (88%) The current (very) high risk level carries over from the previous implementation round, with no signs of retreating in the near future. Only a

handful of media groups own all media outlets on either of the language Community markets. The market and audience concentration shares of the Top4 in any media format remain close to 100%, resulting in very high concentration indices for both markets. An important factor at play is the absence of sector-specific anti-concentration rules. Apart from some restrictions on the accumulation of radio or TV licenses, Community media laws do not contain specific thresholds or procedures for (cross-)media mergers, mainly caused by the division of powers in Belgium between the Federal State and Communities. The indicator on Online platforms concentration and competition enforcement scores a high risk (71%)

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The indicator on Transparency of media ownership scores a medium risk (72%) The score shows a troubling increase from MPM2021's risk score, now reaching high risk levels. The risk increase, similar to that of the previous implementation rounds, pertains to the continued absence of complete information of (ultimate) ownership, especially that of digital (native) news media. The risk indicators refer to the obstacles in the way of ensuring effective disclosure of media ownership to public bodies and/or the public at large. These concerns are especially relevant in relation to the transparency of digital native news media actors for which media regulatory authorities in Belgium have limited data regarding financial or ownership structures.

C. Framework for journalists' protection, transparency and access to documents

In 2022, six alerts have been posted on the CoE Platform:

- [Freelance Journalist Arrested while Covering the Demonstrations Consecutive to the World Cup France-Morocco football game](#)
- [Journalists and Media Workers Assaulted while Covering Riots](#)
- [Flemish Nationalist Flags Planted in the Garden of Journalist Kurt Vandemaele](#)
- [RTBF Journalist Johanne Montay Harassed Online](#)
- [Intimidation of RTBF Journalist Safia Kessas](#)
- [Belgian Journalist Samira Atillah Targeted by Death Threats and Sexual Harassment](#)

The Belgian authorities have not responded to any of these alerts.

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

The indicator on Journalistic Profession, Standards and Protection scores a medium risk (38%) Though it concerns only a minor increase since the previous implementation, the consistency of this increase is however concerning.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

Violence against journalists has also increased in Belgium. A recent VVJ survey found: four out of five journalists are worried about a growing anti-journalistic sentiment, half were already victims of some form of aggression. In his draft of the new Criminal Code, the Federal Minister of Justice Van Quickenborne now wants to punish crimes against journalists more severely. The VVJ and sister organization AJP have been asking for better protection measures for some time. For example, with persveilig.be, a hotline for threats and violence has recently become available. In addition, journalists can go there for information about safety-enhancing measures and training. With the measures at the criminal level, the protection of journalists is even increased.

Minister of Justice Vincent Van Quickenborne: *'It is a worrying observation that journalists are increasingly being targeted. Not only the journalist is affected, but also the whole of society. A free press is crucial for a free society. Violence undermines objective information and independent reporting. As with police officers, we as a society do not accept that journalists become the target of violence. That is why we are providing stricter penalties to better protect them.'* See [here](#).

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Previous concerns remain, such as the ongoing SLAPP practices and the work environment for freelance journalists especially. Additionally, ever since the VVJ has developed its platform for journalists to report cases of violence, hate or intimidation, the results indicate a concerning amount of cases. [14] It is in this area that the risk marginally increased, as the MPM changed the phrasing of its variables on the possible ill-treatment of female journalists specifically.

Belgium is committed to an anti-SLAPP package nationally. In concrete terms, it aims to extend the protection against vexatious procedures to all – cross-border and purely national – cases. In addition, there will soon be an increase in punishment in case of aggression against journalists and defamation and defamation will no longer be punishable by imprisonment, [see here](#).

Also see: [Belgium: journalists acquitted for stalking and breach of privacy in SLAPP-case](#)

Other - please specify

In the area of Social Inclusiveness, the risks have generally not changed much over the years. Nevertheless, some positive developments worth mentioning are the latest initiatives on the side of the French Community of Belgium, both in terms of Access to media for women and as regards the increased efforts in support of media literacy in education.

Bulgaria

The Media Freedom Rapid Response (of which the EFJ is a partner) is planning a mission to Bulgaria this year.

A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

There remain unresolved serious problems in PSM and state regulation of resources.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

As in previous MPM editions, the indicator State regulation of resources and support to the media sector reaches the highest possible risk score (97%). Especially high risks for media pluralism were detected in the areas of Market Plurality, Social Inclusiveness and Political Independence. The only area with medium risk is Fundamental Protection. Compared to MPM2021, the results of MPM2022 for Bulgaria do not give an indication of a significant reduction in the risks to media pluralism.

Safeguards against state / political interference

Commercial and owner influence over editorial content is as problematic as in previous years, the indicator scoring a high risk of 90%. The regulatory and self-regulatory deficits remain the same: no

mechanisms granting social protection to journalists in case of changes of ownership or editorial line; no safeguards against commercial influence over decisions regarding appointments and dismissals of the editor in-chief. In practice, commercial pressure over many news outlets persists.

News media concentration scores very high risk (96%).

C. Framework for journalists' protection, transparency and access to documents

In 2022, six alerts were posted on the CoE Platform, of which 5 the state replied.

- [Security Threat against Journalist Atanas Tchobanov in Bulgaria](#)
 - [Defamation Lawsuit against Investigative Website Bivol](#)
 - [Mediapool Journalists Heavily Fined in Defamation Case](#)
 - [Party Leader Kostadin Kostadinov Attempts to Ban Journalists from Press Conference](#)
 - [Journalist Sonia Koltuklieva Targeted by Online Harassment](#)
 - [BTV Journalist Maria Tsantsarova Investigated over Report](#)
 - [Capital Reporter Desislava Nikolova and Editor-in-chief Alexei Lazarov Summoned for Questioning](#)
 - [“Foreign Agents” Bill Sparks Media Freedom Concerns](#)
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- **Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits**

See above, defamation lawsuit against Bivol and Mediapool journalist fined in defamation case

Other: The MFRR partners are planning a media freedom mission to Bulgaria in 2023.

Croatia

- **Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)**

The Electronic Media Act is the only media law regulating the allocation of public support to the media. It does so through the Fund for Pluralism of Electronic Media and the legal obligation of state administration bodies and legal entities predominantly owned by the Republic of Croatia to spend 15% of their marketing budget on advertising in local media and report it annually to the Council for Electronic Media. Although this obligation has been in force since 2009, only 125 of 925 obligors [sent this information to the Council last year](#). Many state-owned companies, such as Croatian Electricity Company HEP, one of the largest advertisers, hide information about specific amounts for specific media as classified information.

In addition, according to the State Treasury, over [21 million euros were paid to the media in 2020 and 2021 from the state budget](#). The most significant part of this sum, almost 16 million euros, was through

marketing agencies through decisions usually made discretionarily, by political leaders or managers, without any public tender. Even worse, the public has no insight into the purpose of this spending. Therefore, CJA demanded abolishing the obligation of the state bodies and public companies to advertise in local media. Instead, these financial resources should serve as public support for quality media, so CJA proposed to the government cov(Ministry of Culture and Media) more funds for the Fund for Pluralism or any other media fund that will transparently distribute grants specifically for media production, quality journalism, and conditions of journalistic work.

On the other hand, the Fund for Pluralism allocates only 4.5 million euros annually, taking a percentage of the Croatian Radio Television fee. Such unfair distribution of public funds results in greater dependence of local media on funds from local budgets, which local sheriffs successfully use to lease their PR in the media outlets.

[According to recent CJA fact-finding missions](#), local news media and smaller community media have been most severely hit by the ongoing series of economic and social crises. There are communities completely left without any sort of news coverage - local governments without journalist scrutiny as well as various social groups without public voice. At the root of the problem is, on one hand, the relatively weak local economy often preferring (cheaper and targeted) online advertising alternatives to spending at local media, and underdeveloped tools of public support. Programmes of public subsidies, especially transparent and offering sufficient grant schemes are few. Economically weak local media are susceptible to the use of public support and government advertising by the local politicians to purchase favorable news coverage.

As for the issue of SLAPP, the CJA's research in the past year has shown that the pressure of SLAPP lawsuits on journalists and the media is extremely high, and no official statistics on lawsuits against media and journalists exist.

At the same time, the government has not yet shown readiness to implement the EC's recommendations: the CJA and the TUCJ are still waiting for a concrete answer from the Ministry of Justice as to whether and when Croatia will accept and apply the EC's recommendations on suppressing SLAPP. Also, the CJA has been advocating for years to implement the complete decriminalization of defamation and remove that provision from the Criminal Code. That hasn't happened yet.

The Ministry of Culture and Media established an expert working group to design a policy to combat SLAPP lawsuits, and in 2022 they held several workshops where the Ministry announced resolving SLAPP within the new Media Act. It is unclear how the problem in the judiciary will be resolved through the Media Act, not to mention how it is unknown when the Media Act will go in the procedure.

A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

Several regulatory bodies, ministries, and government agencies monitor media in Croatia. The scopes of

these bodies sometimes overlap. There are the [Croatian Regulatory Authority for Network Industries](#) (HAKOM) and the state company [Digital Signals and Networks](#) (OIV), the [Croatian Competition Agency](#) (AZTN), the [Croatian Chamber of Commerce](#) (HGK), the [Ministry of Culture and Media](#), the [Ministry of Finance](#) - all sharing some responsibilities in the field of media with the [Electronic Media Agency](#) (AEM). Public Broadcaster ([HRT](#)) is overseen by its Programming Council, the Supervisory Board, and the AEM. Although not directly part of it, these bodies highly depend on the government.

The best example of this is the only regulator that deals only with the media - AEM and its governing body, the Electronic Media Council (VEM). They are in charge of regulating only the so-called electronic media. Although independent officially, the members of VEM are elected by the Croatian Parliament (majority of MPs present) on the proposal by the government. These are most often not people we recognize as journalistic professionals, and they are most often associated with governing politics.

The VEM grants broadcasting concessions for radio and television and grants from the Pluralism Fund. The Pluralism Fund gets funds from 3% of the revenue from the public service broadcasting fee. As mentioned above, this amounts to about 4.5 million euros annually and can not sufficiently finance quality journalism. The Croatian Journalists' Association (CJA) and the Trade union (TUCJ) estimate the minimum need for support for media pluralism at 16 million euros.

At the end of 2021, the government passed a new Law on Electronic Media, which missed an opportunity to strengthen the independence of regulators. Arguments for more transparent public funding and advertising, depoliticization of the Electronic Media Council, and increased funding for the Pluralism Fund, were rejected.

At the end of 2021, the government began amending the Law on Media. Journalists' representatives are concerned about the direction of the discussions, qualifying the approach and methodology as "not serious." The Ministry invited the CJA and the TUCJ to present arguments as to why it is necessary to change the Media Act, but we never received an answer or comment on our proposals. In our propositions, we stressed the necessity to establish a Public Media Fund to allocate media grants by public call and professional criteria and provisions to ensure greater transparency of media ownership. Also, we pointed out the need to ensure the autonomy of newsrooms by implementing and respecting media statutes and noticeably separating editorial information content from advertising. In this sense, there is a need for stricter regulation of sponsored content, (native) advertising, and political advertising to protect the public from manipulation.

The Media Act has not been significantly changed for the last 20 years and does not follow changes in

media environments. Even for 2023, the Ministry of Culture and Media does not plan to introduce the Media Act into the procedure.

Conditions and procedures for the appointment and dismissal of the head/members of the collegiate body of media regulatory authorities and bodies

It is important to emphasize the absence of an independent regulatory body in the entire media environment in Croatia. According to the existing laws, the political majority in the parliament elects the president and members of the Electronic Media Council (VEM), a majority of members of the Program Council, and general directors of the public broadcaster and the public news agency HINA also.

For example, the Electronic Media Council (VEM) has seven members appointed by the Croatian parliament on the government's proposal.

It is the appointment mechanism creating general doubt about the independence of the media regulator. Additionally, VEM members can be re-elected for an unlimited number of terms, which can harm their decision-making independence. Their required knowledge and qualifications are very general and subject to multiple interpretations.

During the adoption of the Electronic Media Act, the CJA proposed changes that would ensure greater independence of the members of the media regulator from any source of political power. Namely, we suggest that the Croatian parliament elect two of seven members of the Council on the proposal of the Croatian Journalists' Association instead of the government's proposal. The CJA would first conduct an appropriate public tender. Persons who have excelled in their knowledge of media, journalism, media technology, media economics, sociology, media policy, or law could contribute to the Council significantly. Several professional journalists have been part of every term of the Council since its foundation. If anyone can turn insider knowledge of media practice into informed regulatory oversight, it is professional journalists.

Instead of relinquishing the monopoly on staffing in the regulatory body, the government left the Council for Electronic Media in the hands of the political majority.

Moreover, the Croatian government has not yet proposed to Parliament three (out of seven) candidates for members of the Council for Electronic Media, whose mandate ended more than half a year ago, and the call for nominations for new candidates is closed from May 2022.

Existence and functions of media councils or other self-regulatory bodies

The Council sanctions any journalist who violates journalistic ethical principles. For members of CJA, these are warnings, and for those journalists who are not CJA members, Council appeals to their professionalism (public humiliation for unethical behavior). A few warnings mean the termination of

membership in the CJA and the impossibility of membership in a journalists' organization for non-members. Also, the CJA and the TUCJ advocate for consulting decisions of the Journalist Council of Honor before allocating public funds to the media.

The Council of Honor is recognized in the media community, and publicly accepted, and judges often consult it when deciding on cases against journalists or the media.

About ten years ago, the CJA and the publishers established a media council, only to close it a few years later since publishers were not interested in that kind of cooperation with journalists. One or two publishers in Croatia have a Code of ethics for their media outlets. Similarly, almost 20 years after the Media act introduced the obligation to adopt media statutes that guarantee the autonomy of editors and journalists from the influence of employers, many media outlets still don't have it. Even where a statute exists, since it became a condition for getting public funding in some cases, there are no mechanisms to monitor implementing it, nor the consequences for breaking it.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

There are no rules relating to the distribution of state advertising and no data on the share of state advertising as part of the TV, radio, and newspaper advertising market, which is a transparency issue. On top of that, [indirect state advertising in the mainstream media](#) through thematic conferences, without public tenders and exact criteria, becomes a practice.

The advertising decisions are discretionarily, non-transparently, most often at the will of political leaders, without public tenders and public insight into the purpose of spending that money (cf. Fimi-media scandal), the [CJA warned](#) in the process of amending the Electronic Media Act. The CJA and the TUCJ proposed enlarging the Fund's grants to be sufficient for the quality media content and to improve the method of allocation - that they do not go to the publisher's profit, but that they are used to pay for the actual work of journalists.

Although the new Electronic Media Act stipulates that awarding public grants to the media should be by public call, the allocation of funds is still non-transparent. There are still no firm provisions on an independent committee, professional criteria, and transparent implementation of tenders. Moreover, Croatia has over 500 municipalities, and not all of those can establish expert commissions to evaluate media proposals and define criteria that would foster professional journalism and media pluralism.

To address this situation, the CJA and the TUCJ carried out the project to develop [Models for financing local media](#) that aims to set up an independent mechanism for public support that strengthens the independence of local media and quality journalism while fostering transparency in allocating public funds.

The new Electronic Media Act did not solve the accumulated problems of journalists because there is no serious analysis of the media field or even an attempt to define media policy. The Electronic Media Act is the only media law regulating public support of the media through the Fund for Encouraging Pluralism and Diversity of Electronic Media. However, it still needs to develop a professional and transparent public support system for the media and journalism.

Safeguards against state / political interference

Almost 20 years after the Media act introduced the obligation to adopt editorial statutes that guarantee the autonomy of editors and journalists from the influence of employers, many media outlets still don't have it. It has become one of the most frequently violated provisions of the Media Act.

Even where a statute exists, since it became a condition for getting public funding in some cases, there is no regulatory body to which the editorial boards would turn in cases of repeated and gross violations of the media statutes. Besides, the Law on Croatian Public Television (HRT) placing the public broadcaster at the political majority's service instead of the public's service is still in force. The management of HRT should not be the privilege of the parties in power, and we have repeatedly demanded amendments to the law so that the director-general is not elected solely based on the ruling majority. Not only that, the majority in the Program Council, which oversees the implementation of the legal and programming obligations of Croatian Radio Television, is elected by the political majority in the Parliament, and the majority in the Parliament also elects the majority in the HRT supervisory board. So all the levers of management in the Croatian public broadcaster are in the hands of the ruling political majority.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

Transparency of media ownership structure in Croatia is prescribed by relevant laws – the Media Act and the Electronic Media Act. Data on print media are collected by the Croatian Chamber of Commerce and published in the Official Gazette. Ownership data of television, radio and electronic publications are available on the website of the Electronic Media Agency. Despite all mentioned, the real owners may stay hidden since nobody monitors and sanctions if the media ownership structure is not correct and timely

published. A recent example of the former Radio 101 losing its concession shows how the concealment of media ownership has allowed the creation of dangerous media cartels - monopolies - detrimental to media pluralism and freedom of speech. For example, the Electronic Media Council recently chose TOP RADIO d.o.o over Radio 101 with six out of seven votes (secret ballot) to be granted the most desirable radio concession in Croatia. This concession covers the area of the City of Zagreb and Zagreb County and parts of Karlovac, Sisak-Moslavina, Krapina-Zagorje, Varaždin, Bjelovar-Bilogora and Koprivnica-Križevci counties. Weekly Nacional extensively reported on dodgy ownership of TOP radio, revealing it was a part of the radio empire secretly owned by fugitive tycoon Miroslav Kutle before tycoon Petar Pripuz seized it all over from him. Due to these worrying allegations - which may constitute a violation of the Media Act and the Electronic Media Act - the Croatian Journalists' Association and Trade Union of Croatian Journalists asked the competent institutions to start an investigation without delay. To date, there is no information on that investigation.

The Croatian Beneficial Ownership Register sheds some light on the real owners of some media, but data is available only through the National Identification and Authentication System (NIAS). The platform enables a search only via the company's OIB (unique identifier) or its name. Furthermore, the search is limited to only one company at a time in one search, and for every search, the user must confirm it is not a robot requesting the data.

On the other hand, the ruling of the Court of Justice of the European Union declaring invalid the provision that requires EU countries to provide public access to beneficial ownership registers does not seem to be a step in encouraging more open beneficial owners' data.

C. Framework for journalists' protection, transparency and access to documents

In 2022, 7 alerts about Croatia were submitted to the CoE Platform:

- [Journalist Toni Perinic Receives Threats](#)
- Croatian Journalist Hassan Haidar Diab Threatened by Russian Diplomats
- CIN Journalists Threatened in Dubrovnik by Bosnia and Herzegovina Police Officer
- Journalist Gordan Duhaček Verbally Abused during an Interview
- Journalist Maja Sever Attacked while Taking Pictures
- Telegram.hr Editor-in-chief Jelena Valentić Faces New LawsUIT
- Deputy Mayor of Split Threatens Nikolina Lulic, Editor and Journalist of Slobodna Dalmacija

See country report (Council of Europe): <https://fom.coe.int/en/pays/detail/11709494>

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

Because freedom of expression is a constitutional right, the penal code proscribes its violation by providing for imprisonment (up to one year) for anyone who orders or practices censorship or unlawfully deprives a journalist of the freedom to inform or limits this freedom (Article 127). In addition, the Penal Code states that threatening "a journalist in the course of his/her work" is a qualified (harsher) offense to be investigated and prosecuted upon request - ex officio (Article 139).

To improve the media's independence from the political influence the Media Pluralism Monitor report recommends:

- expanding the definition of related persons (Article 53) in the Electronic Media Act to ban parties, partisan groups, or politicians from being media owners;
- introducing a similar definition in the Media Act and ensuring limits on political influence on editorial content
- amending the Croatian Radio and Television Act to ensure less political interference in the management of public broadcasters.

In 2022, the CJA and the Trade Union of Croatian Journalists started negotiations with representatives of the Ministry of Interior Affairs, which should result in the definition of a model of action through guidelines or protocols based on the Recommendations of the European Commission from September 16th, 2021, on ensuring the protection, security, and strengthening of the position of journalists. The joint action document should improve and formalize cooperation through the definition of communication channels and processes, resulting in better protection of journalists and prevention of assaults.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

In 2022 the CJA recorded [14 attacks on journalists and media outlets](#). Nine cases are related to threats, three threats against the lives or limbs of journalists, one is actual attack, and one is DDoS attack on a media outlet. Although the number of recorded attacks is significantly lower than last year, it seems that the safety of journalists has not improved because of this alone. In addition to these attacks on journalists, a sufficient number of insults addressed to journalists were recorded, among which the most problematic are the insults directed by the highest state officials. Many lawsuits have been filed against journalists, including those aimed at silencing and discouraging journalists. However, the problem in Croatia is that there is still no legal definition of SLAPP lawsuits, so they cannot be systematically monitored. In Croatia, lawsuits have turned into an elegant form of attack used against journalists. Every time the number of attacks and threats seems to decline, there is a new flurry of lawsuits against journalists.

Attacks and threats against journalists are not sanctioned appropriately: the penalties are mild, while

sentences are few, says Vanja Jurić, member of the expert group for SLAPP of the European Commission and associate of the CJA's Center for freedom of expression protection that provides pro bono representation of journalists and defense in court procedure against them. There is not much difference between penalties for the threats against journalists and other threats, even though journalists are targeted just because they are doing their job, highlights Vanja Jurić. Even when the State Attorney's Office requests criminal procedures, it may become the main obstacle from the journalists' perspective because the State Attorney's Office often decides to dismiss cases before they even come to court.

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Croatian investigative journalists often use the Right to Information Act (RTIA) since there is an independent institution of a commissioner that oversees the enforcement. Even so, in numerous situations when information should be public, state and local officials don't publish them, delaying the process by rejecting access, complaining about the commissioner's decisions, and sending incomplete answers. In the experience of journalists, officials often let the deadline for response expire and then delay the procedure even further by giving a partial response or providing information not requested. The newest amendments to the RTIA now provide sanctions against public authorities when proven that there is intentional procrastination. That is especially true considering requests for information that has to be open to the public anyway, published on the official website of the authority in question.

At the end of 2021, after the Ministry of Culture and Media invited the CJA to propose changes to the Media Act, we stressed that the Media Act should strengthen the ruling for publicly available data and set reasonable deadlines for press inquiries. That way, journalists can get the answers faster than by the Right to Access to Information Act.

Meanwhile, in 2022 the process of drafting the new Media Act is to be postponed indefinitely.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

In 2022, [CJA's survey](#) has shown that the pressure of SLAPP lawsuits on journalists and the media remains high, with at least 951 active cases against journalists and media, with the amount of almost € 10.3 million for compensation.

Of the total of 951 lawsuits, 928 to litigation for damages for infringement of honor and reputation are led against publishers, editors, and journalists for published texts and articles. On the other hand, there are 23 criminal proceedings currently active. Apart from natural persons, unknown to the general public, prosecutors are most often persons from public and political life, including politicians in power, followed by legal entities, but also judges.

Official data from the Ministry of Justice show 380 new lawsuits initiated for damages against journalists last year, and as of December 31st, 2021, a total of 859 lawsuits are still unresolved. At the end of 2021, in all Croatian courts there were 110 active criminal cases with journalists as defendants. Reviewing the outcome of the proceedings: during 2019, 2020, and 2021, in criminal proceedings against journalists, there has been a total of 39 verdicts rejecting private lawsuits, 53 suspending the proceedings, two dismissal verdicts, and 20 acquittals.

Despite the EC's efforts to warn member countries of the problem, and the presentation of Directive I recommendations, there is no relief for the media sector in Croatia.

As far as SLAPP lawsuits are concerned, after the presentation of the EC Directive and recommendations, we asked the Ministry of Justice and Administration when and what they will apply from the Recommendations. Like the early dismissal of lawsuits and other offers, the implementation in our justice system would certainly ease the problem. Besides, the CJA and the TUCJ plead for years to remove defamation provisions from the Criminal Code.

Nevertheless, we are still waiting for the answer to the official inquiry.

The CJA especially highlights the problem of lawsuits by judges against journalists. Thus, in the competition of a large European coalition of organizations that deal with the issue of SLAPP lawsuits - the CASE coalition - [judge Zvonko Vrbanić was chosen](#) as the biggest abuser from the judicial system.

Because of such problems, CJA announced publishing the [list of shame of judges](#) who file SLAPPs against journalists. The last case of colleague Davorka Blažević is registered on the [MFRR monitoring system](#).

See:

[Croatian journalist convicted of damaging judge's reputation](#)

[Croatia: Union reports over 900 lawsuits against journalists and media](#)

[Telegram.hr Editor-in-chief Jelena Valentić Faces New Lawsuit](#)

Other - please specify

Increased news deserts.

Cyprus

B. Safeguards against government or political interference and transparency and concentration of media ownership

While the risk level for the indicator News media concentration showed some improvement in the previous report, it increased again from 70% to 83% in the MPM2022. The rise of the risk level is mostly due to the unclear picture regarding the online ownership landscape. Ownership in the audiovisual media sector is closely regulated by the Cyprus Radio and Television Authority, mostly through the licensing procedure. However, the latest suffers from a lack of systematic scrutiny and full transparency of the ownership. The Law on the Control of Concentrations Between Undertakings, L. 83(I)/2014 [7] makes it possible to intervene in a merging or concentration of companies on the grounds that media pluralism might be affected. However, such an intervention relies on an initiative of the responsible minister, who would first have to determine that media pluralism, as a major public interest, is at risk and then declare that some action is required. Online platforms concentration and competition enforcement even higher from 75% to 83%.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The absence of obligation for ownership transparency in the written press and digital sectors remains a serious threat as does the lack of rules to limit horizontal and cross-media concentration in these sectors. In addition, the lack of audited or other reliable data, the absence of a digital media legal framework, the increased corporate influence on the media, as well as pressures on journalists' employment conditions are also key factors contributing to increasing the risk level.

C. Framework for journalists' protection, transparency and access to documents

One alert was submitted to the CoE Platform in 2022:

[Turkish Cypriot Journalist Ali Kismir Faces up to Ten Years in Prison for 'Insulting' Security Forces](#)

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709496>

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

[Northern Cyprus: heavy criminal charges against the president of the journalists' union](#)

Czechia

A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

New law on public service media is in process, it should ensure more independence and relevance of the TV and Radio councils. Newly the Senate will also participate in electing new candidates.

Existence and functions of media councils or other self-regulatory bodies

Right now, some media actors are initiating the setting up of a self-regulatory body for print and online (+more) media which has been missing for 30 years of the post-communist history.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

The risk level for the indicator State regulation of resources and support to the media sector is right on the edge between low and medium risk (33%). While there is generally no issue with the broadcasting spectrum allocation, questions are sometimes raised about the distribution of state advertising to media outlets, mainly due to the missing rules and lack of transparency and publicly available data, occasionally leading to suspicions of favoritism by state-owned companies to media close to the government.

It's rather a high risk for allocating the state advertisement, exactly due to missing rules and transparency, which has been often misused by the previous government to support loyal media. Our affiliates and partners hope to get these rules with the EMFA.

Safeguards against state / political interference

The indicator Commercial & owner influence over editorial content continues to display a high level of risk (88%). Despite the long-term concerns related to the prevailing type of ownership of Czech news media – the majority of the largest outlets belong to the country's most powerful business elites – there is a lack of efficient instruments (either legislative or in a form of self-regulation) safeguarding editorial independence from owner's undue influence, offering adequate protection to journalists in case of the changes of ownership, or ensuring that appointments and dismissals of editors-in-chief are not influenced by commercial interests.

Just like last year, the indicator Political independence of media displays a medium risk score, close to high (60%), largely due to the continuing problem of the conflation of political and media power in the hands of (former prime minister) Andrej Babiš, via his company Agrofert.

Big media houses remain in the ownership of oligarchs, risks are described above. High risk applies to local media as well, where most of them are only delivering basic info service, press releases and advertisement, and sometimes manipulated content in the current interest of the owner. So there is no editorial freedom and very often even journalists and editors have already given up doing real journalism.

In October 2022, the EFJ together with its MFRR partners urge the Chamber of Deputies of the Czech Republic to vote to pass a draft bill which would amend the law on public broadcasting to strengthen the institutional independence of Česká televize (Czech Television) and Český rozhlas (Czech Radio). In our view, the draft amendments developed by the Ministry of Culture represent a legitimate, proportionate and democratic attempt to safeguard the functional independence of the Czech Television Council, in line with the Czech Constitution. While this bill does not take up all of the recommendations initially put forward by CSOs, we note it was created with the welcome input of journalists' groups and media associations and in line with international standards. Vital elements of this bill include amendments that; ensure both chambers of parliament are involved in appointments to the Czech Television Council; increase the number of sitting councilors; tighten rules on which organisations can nominate candidates, and scrap the ability of parliament to remove all the board members as a consequence of the rejection of annual reports. In the meantime, the bill was passed in the lower house, the Chamber of Deputies, in early November. It's now being assessed by the parliamentary committee on media.

[Czech Republic: Media freedom groups urge MPs to pass media act amendment](#)

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

Although the risk for Transparency of media ownership remains high (69%), it has significantly decreased from last year (88%), following the adoption of the Act Nr. 37/2021 Coll., on the Register of Beneficial Owners, which obliges companies to provide information about their ultimate owners. While this Act does not target media ownership specifically, it has been welcomed as a positive step towards ensuring greater transparency of ownership in media as well.

Act No. 37/2021 Coll., on the registration of beneficial owners, was amended by the Act No. 245/2022 Coll., which entered into force on October 1, 2022. The amendment primarily changed the formulation of who is the beneficial owner. It is now defined as follows: A beneficial owner is any natural person who:

- a. has a stake in the corporation or a stake in voting rights greater than 25%,
- b. has the right to a share of profit, other own resources or liquidation balance greater than 25%,
- c. exercises decisive influence in a corporation or corporations that individually or jointly hold more than 25% of that corporation, or d. exercises decisive influence in the corporation by other means.

<https://www.novinky.cz/clanek/domaci-snemovna-resi-zmenu-volby-clenu-rady-ct-ve-hre-je-i-nocni-jednani-40413173>

C. Framework for journalists' protection, transparency and access to documents

In 2022, two media freedom alerts were submitted to the CoE Platform:

- [Czech Television News Website Targeted with Cyber-attack](#)
- [Journalists Subjected to Racist Insults and Harassment by Protestors](#)

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709502>

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

There are no safeguards for journalists independence and safety in the Czech law.

The new draft law on the protection of whistleblowers was approved by the government in November 2022. It should enter into force on 1 July 2023. The law mainly copies the directive on whistleblowing, which has not yet been transposed into Czech law (deadline was until December 17 2021). The law wants to impose on companies with more than 50 employees to designate a worker who will manage the agenda. Further notifications are to be collected and redistributed to the relevant authorities or bodies by the newly created department at the Ministry of Justice. The law is criticized by anti-corruption organizations, mainly because it does not apply to offenses or anonymous reports. According to criticism whistleblowers would not be sufficiently protected by the law. The Prime Minister did not listen to the recommendations of the Council of Government for coordinating the fight against corruption, criticized anti- corruption organizations and hoped that the law would be amended during the approval process in Parliament.

<https://www.transparency.cz/vlada-petra-fialy-ods-schvalila-navrh-zakona-o-ochrane-oznamovatel-u-ktery-jde-naproti-korupci/>

Law enforcement capacity, including during protests and demonstrations, to ensure journalists; safety and to investigate attacks on journalists

No special law or paragraphs for journalists' safety.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

The fact that strategic lawsuits against public participation (SLAPPs) are not regulated by the Czech law further increases journalists' vulnerability. On the other hand, the journalistic profession remains quite safe, with only rare cases of physical attacks or serious digital threats.

The problem is that there is no research and mapping on any issues related to journalism in the country, neither to SLAPPs. Therefore since there is no official evidence, it looks that SLAPPs are not a problem in the country. But the phenomenon of SLAPPs was one of the main reasons why there is no critical journalism on the local level anymore (together with the economic situation of the media). This is a serious problem since there are no safeguards and no support for local journalists who'd face a court case. The situation in the capital of Prague is very different from the regions.

Other - please specify

1) Blocking disinformation websites:

On Friday, February 25, the day after the beginning of the Russian invasion of Ukraine, the Czech government called on Internet service providers to prevent the spread of pro-Russian disinformation. Military Intelligence issued the same appeal. The provider association subsequently blocked eight websites presenting Russian propaganda for three months. These websites were unblocked in May because of the still missing legislation. The Municipal Court in Prague later dealt with a lawsuit against the government for the blocking. According to the court's decision, the blocking of websites was legal. The court said that blocking specific websites does not go against freedom of speech or the right to information. Currently, the government is preparing a law against the spread of disinformation.

2) Limitation of services by Google and Meta

In December 2022 both publishers and the public were affected by Google's decision to limit its services to the Czech market in December. As a result of the failed transposition of the European Copyright Directive Google switched off the displaying of so-called snippets, i.e. the perex and thumbnail image in Google search results. Now Czech users have limited access to articles via Google search - many articles are not even displayed based on the search terms. This discriminates Czech users and publishers against other countries.

Google took this step in response to the amendment to Act No. 121/2000 Coll., the Copyright Act, Parliamentary Print No. 31, which implemented the European Copyright Directive. In Google's view, the amendment went far beyond the requirements of the directive and in some points set rules that Google said could threaten its business in the Czech market.

In a joint statement, the publishers called on Google to negotiate how it would meet its obligations regarding the rights of authors and publishers in relation to the content displayed. They are also trying to find out under what conditions Google will return to the Czech market the same range of its services as it

operates in other countries, and whether this is a violation of the law (as it was in France in 2019 - Google was fined €500M there, which it first appealed, but eventually withdrew its appeal).

Meta followed Google's lead in December and stopped displaying thumbnails and previews for articles shared on Facebook. Meta has not yet negotiated with Czech publishers.

On the draft bill which would amend the law on public broadcasting to strengthen the institutional independence of Česká televize (Czech Television) and Český rozhlas (Czech Radio). The draft has first gone to the parliamentary committee, will come back to the lower house, and then is widely expected to pass the lower house and then onto the senate.

Denmark

A. Media authorities and bodies

Conditions and procedures for the appointment and dismissal of the head/members of the collegiate body of media regulatory authorities and bodies

”Radio- og TV-nævnet” which is the Danish media regulatory for broadcast in Denmark dealing with topics such as evaluating the annual reports from Public Service Media, giving license to radio- and tv-stations and advertising issues appointed for 4 years and now also including members representing both the Danish Union of Journalists and the association Danish Media.

Existence and functions of media councils or other self-regulatory bodies

“Pressenævnet” is the Danish media council since 1992 and is in general well respected among Danish media and journalists, who at any time are following the decisions from the council. However, currently there is a debate about its effectiveness, and the government has set up a committee including members of the Danish Media and the Danish Union of Journalists to evaluate if something needs to be changed in the Media Liability Act. One of the proposals would be to add a media ombudsman as an extra layer.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Safeguards against state / political interference,

Commercial & Owner influence over editorial content (43%) is also largely governed by norms and self regulation. The Press Ethical Rules (Presseetiske regler), which are defined by the Danish Union of Journalists, grant journalists’ certain freedoms from editorial intervention. These are self-enforced rules overseen by The Press Council, a public, self-regulatory institution that handles cases of journalistic misconduct, suspected censorship and the like. There are problems with this model, however.

Political Independence of Media (50%) has scored a medium risk assessment. This is likely due to the trust and norms-based nature of the Danish media regulatory regime, often not having explicit rules and regulations. There are, however, some recent problematic cases of political influence that are worth mentioning. There is in fact no explicit legislation prohibiting politicians or parties from owning media companies. However, there have been no cases of politicians or parties owning news media to further their own agenda in a closed ecosystem. Major newspapers in Denmark, such as Berlingske and Politiken do inhabit a political standpoint, but they do so without being influenced by political parties to do so.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

Generally speaking, the Journalistic Profession and their Standards of Protection (22%) are very good in Denmark. The Press Council (Pressenævnet) is a public, self-regulating organization that handles complaints relating to news media.

The Danish Union of Journalists, the association Danish Media, IMS (International Media Support) and the Danish UNESCO national commission have together with the Minister of Justice and Minister of Culture established a national plan of action due to the UN Plan of Action for the Safety of Journalists and the Issue of Impunity.

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Both the Danish Union of Journalists and the association Danish Media are urging for changing the existing Access to Information Law in order to remove the extended secrecy in the ministerial service in the current legislation. This demand is supported by the opposition in the Danish Parliament “Folketinget”

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

The Journalist Union should investigate the scope of the problem with threats of defamation lawsuits. Until now SLAPP hasn't been a big issue, and no measures have been taken so far.

Estonia

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

The problem is related to state advertising, especially at local level, together with the fact that advertising income is crucial for the privately owned newspapers in smaller markets. While the Public Procurement Act has made the control over the spending of public money more effective, there is no register that would reflect specifically on the allocation of state advertising resources. A common practice is that a public relations company wins the bids for communication campaigns and advertising, but how they decide on buying advertising in media is not fully clear.

Safeguards against state / political interference

The indicator Political independence of media scores medium risk (35%, compared to 60% in MPM 2021). The low risk score of the Editorial autonomy indicator (25%, compared to 17% in the MPM 2021) reflects the fact that there are no known cases of political interference in editorial work. Also, the Estonian Press Council has a code of conduct for media ethics, that includes the necessity of editorial independence of the media.

information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

News media concentration scores high risk (86%, compared to 75% in 2021). The legislation in Estonia does not specify the concept of 'horizontal concentration'. It is important to stress that Estonian legal framework has no media-specific regulation for horizontal and cross-media concentration, neither does it employ specific rules and thresholds for different media.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The indicator on Transparency of media ownership scores high risk (69%, compared to 63% in 2021). In March 2022 Estonia transposed the revised AVMSD that imposes media-specific obligations concerning

information about beneficial ownership. However, the transposition of the AVMSD into national law was not considered for the purpose of risk assessment, since it occurred in 2022.

C. Framework for journalists' protection, transparency and access to documents

In 2022, one alert was submitted to the CoE Platform:

- [Journalists Tarmo Vahter and Sulev Vedler Fined Over Article](#)

The case is considered as resolved.

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709506>

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

There have been no attacks and no public smear campaigns against journalists, however it is rather often that journalists claim they have been insulted on social media platforms. The precarious working conditions of journalists has worsened.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

The growing amount of SLAPP cases needs to be addressed. In most cases they tend to remain under the radar and the wider public has no interest in discussing it.

As a rule of thumb, journalists work for a particular employer. Although there are few strategic lawsuits against public participation (SLAPPs), there is no legal framework to prevent them. SLAPP cases are often controversial, sometimes directed against critical opinions that do not contain insults at all. However, so far, there is very little information publicly available about SLAPP cases, although journalists claim that it is an increasing problem. SLAPP cases are especially harmful for freelance journalists who do not have corporate lawyers to represent them in the court.

On 14 April 2022, Harju County Court fined two Eesti Ekspress journalists €1,000 each, following the publication of an article about the alleged money laundering activities at one of Estonian largest banking company Swedbank. The journalists Tarmo Vahter and Sulev Vedler published on 25 March a story revealing that the Office of the Prosecutor General has brought official suspicions against Swedbank Estonia and several former board members of involvement in money laundering activities from 2014 to 2016. The case is still ongoing. [Read more.](#)

Finland

A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

The media regulatory authority Traficom's work is based on law and it is subject to state control similarly as all state agencies are. It is also possible to file complaints about Traficom as stipulated in the relevant legislation. Traficom does not interfere in the content side of media business.

Conditions and procedures for the appointment and dismissal of the head/members of the collegiate body of media regulatory authorities and bodies

Traficom is a state agency and its head and management are appointed following state recruitment policies. We are not aware of external or political interference in the processes. The general director of Traficom is appointed by the government. The current head of Traficom, Kirsi Karlamaa, is a Master of Science in Technology with a long career as a civil servant.

Existence and functions of media councils or other self-regulatory bodies

The Council for Mass Media (CMM) is a self-regulating committee established by publishers and journalists in the field of mass communication for the purpose of interpreting good professional practice and defending the freedom of speech and publication. The Council also addresses the methods by which journalists acquire their information. The Council does not exercise legal jurisdiction or public authority. Its decisions are, however, closely followed and observed. This is also true in other countries that have media councils that serve a similar function to the CMM. The majority of the Finnish media have signed the Council's Basic Agreement, whereby the Council can directly handle any complaints that concern them. Under certain circumstances involving important principles, the Council can also independently initiate an investigation. CMM has existed for over fifty years. It is exceptionally broad, regulating almost all Finnish media: in addition to news media, it regulates women's magazines, radio stations, children's magazines, and most political parties' newspapers. This has ensured that the media in Finland operate freely and responsibly at the same time. The workload of the CMM is relatively high and the handling of a complaint takes 130 days on average.

At the moment of this writing the Council is working on the renewal of the journalistic guidelines. This is due to the changes in the media environment (source The Union of Journalists in Finland).

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

There are no rules regulating state advertising, but public discussion on the way authorities control publicity have become more widespread. Many Finnish state authorities have put efforts on their PR work and this has raised questions on why the state actors want to send out a positive message instead of just informing citizens. In Finland the problem of the advertising market has more to do with the fact that in general the media is losing its advertising income. The COVID 19 – pandemic meant a drastic decline of 30- 50 percent in advertising income for commercial media organizations. The government endowed a media support package to support journalism and news agencies, but no permanent support is in sight.

In general the share of online advertising has increased from 16 percent to 35 percent of all the money used on advertising, and half of all digital advertising is controlled by Facebook and Google. This has mostly affected the survival of print media in Finland.

There are no legal safeguards against concentration of media ownership. The independence of public broadcaster Yle is guaranteed in law about public broadcasting and private media is protected by general legal framework concerning business and entrepreneurship. There are some legal restrictions on written content of the public broadcaster due to an EU decision.

What is of notice here is the lack of consistent media policy that would include support mechanisms for private media, financial incentives included. Finland and Iceland are the only Nordic countries that do not have a media support mechanism for private outlets.

Safeguards against state / political interference

No changes since the 2022 report. Media workers are protected by the legislation concerning all citizens as well as the general principles of openness and functionality of society and government.

News media concentration in Finland is very high, and this indicator produces a high (89 per cent) risk score. Currently, all Finnish media sectors are either highly or intermediately concentrated. From MPM2021 to MPM2022, the only notable change was the slight decline in four largest audiovisual media owners' market combined market share, which decreased by 6 percentage points. This was due to video-on demand (VOD) services gaining market share. Legislation sets no a priori restrictions to ownership concentration, although the Finnish Competition and Consumer Authority may intervene in large companies' mergers.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The indicator Transparency of media ownership produces a medium risk score (63%). There are no issues in transparency of media ownership directly: the ownership information is available on public domain. What can be considered problematic is the heavy concentration of media ownership in Finland. Audiovisual Media Services Directive entered into force in January 2021, obliging media service providers to make publicly accessible information concerning their ownership structure. Most media companies disclose this information voluntarily, and there are general publicity rules concerning companies. Some major media companies, such as Sanoma Oyj are listed companies and ownership structures are thus relatively complicated; however this information is mostly available for the general public. According to the law, the list of shareholders must be kept available and everyone has a right to receive a copy of the list or parts of it after compensating the costs.

C. Framework for journalists' protection, transparency and access to documents

In 2022, one alert was submitted to the CoE Platform:

- [Threats against Media Workers During Convoy Protest in Helsinki](#)

This alert was considered as resolved.

Coe Platform country report: <https://fom.coe.int/en/pays/detail/11709508>

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

The risk score for Journalistic profession, standards and protection is within the low-risk range (30 per cent). The State generally refrains from interfering with journalism, and the legislative framework provides Finnish journalists with relative security. In short, working as a journalist is unrestricted and any citizen is able to benefit from shield-laws protecting source confidentiality. Further, harassment of journalists for their work is now under public prosecution rather than a matter of civil lawsuit. Nevertheless, online harassment of journalists is a growing concern, even though it has been addressed by legal amendments.

The general framework for protecting journalists consists of several things. First of all, legislation guarantees freedom of expression as well as access to public documents.

Secondly there is a strong independent trade union for journalists with a membership of over 14000 journalists and other media and communications professionals. A fund to protect journalists was established in 2019 by several organizations representing the media and the journalistic profession. The aim of the fund is mostly to support journalists that become subject to online attacks or lawsuits. At the moment of this writing, the fund has allocated over 48 000 Euro for eight journalists altogether.

There is no separate regulation to protect journalists. Media workers are protected by the legislation concerning all citizens as well as the general principles of openness and functionality of society and government.

The protection of journalistic sources and communication has been discussed recently as a part of the Helsingin Sanomat trial concerning disclosing security secrets. The Supreme Court decided that the journalist was obliged to answer the questions of the police despite the fact that the journalist found the questions being protected by the principles of source protection and right to anonymous expressions. In general, however, the Supreme Court has outlined that the principle of protection of sources needs to be interpreted broadly. The aim of the principle is to protect the sources rather than journalists in cases where a journalist is a suspect in a court process.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

There is some communication with journalists and the police regarding protests and demonstrations, however since the problem of the safety of journalists during these events has not been a big one, this dialogue is irregular at the moment. It needs to be said, however, that during the so-called Convoy demonstrations in February 2022 several journalists were harassed.

The criminal code amendment mentioned in the previous report has not yet been in use when it comes to journalists.

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

The Government Openness Act is still under review. In practice the journalists are often obliged to file complaints to administrative courts about non-disclosure of public documents. This makes the processes long and costly for journalists.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

At the time of this writing there are three visible court cases ongoing in Finland. One is a defamation case against a journalist in Åland. A journalist published a story about criminal proceedings concerning a local businessman that then initiated a defamation case against her. The businessman's name was not published in the story, but the story included a link to the original investigative piece that had been published in a digital outlet. The defamation case has been brought only against the outlet in Åland and the process has continued for over five years now.

Another one is an online defamation case against journalist JV originally about a Facebook status update on her own closed Facebook site where she called a right-wing politician JL "racist" and "Nazi clown." The claimant of this case is well-known for provocative statements and is charged and convicted for ethnic agitation. Vehkoo has been granted leave to appeal her defamation verdict in the Supreme Court. Earlier in 2021 the same politician JL initiated another defamation case against journalist TP for his tweets in defence of JV that included similar vocabulary as the original Facebook post.

Third case has to do with the newspaper Helsingin Sanomat, the largest daily newspaper in Finland. Three journalists from the paper are charged for disclosing a security secret by the Deputy Prosecutor General. This is a crime that, if convicted, automatically leads to prison sentences. This is a heavy legal procedure for such a crime compared, for instance, to similar legislation in other Scandinavian countries. The pre-trial investigation found that journalists used no unlawful means to obtain the information- The journalists had some classified documents at hand and refrained from publishing parts of them. The risk to freedom of speech is included in the fact that mere journalistic investigation of matters considered secrets for the state are a risk for journalists.

There are few SLAPP cases in Finland. The [Johanna Vehkoo](#) defamation case mentioned in the 2022 report led to supreme court overturning the defamation verdict, which is an important legal precedent in Finland.

- Other - please specify

Finland is in the process of establishing the first lobbying registry in Scandinavia. At the moment the legislation is still being drafted and it is unclear whether the lobbying register will increase journalists' possibilities to follow and report lobbying.

France

Structurally, a great number of fundamental threats underlined in last year's report persist, and do not follow the trend announced at the macroeconomic level – hence the majority of medium risk assessments.

As of 10 January 2023, 10 complaints were being processed. In total, 593 complaints were filed on 331 different journalistic pieces, and 95 opinions have been published. The French press council was created in December 2019. At the time of writing, 19 media outlets and 14 journalists' organisations have joined the press council.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Safeguards against state / political interference

The expansion of the Bolloré empire: a French Fox News : The control Bolloré has acquired over an important segment of the mediascape, which kept on growing in 2021, and the orientation he has given to the media he owns by redefining newsrooms and content, is an example of such indirect political control. Bernard Arnault is another important actor of recent concentration trends within the print press. LVMH has a very strong presence in the media sector, via its group Les Échos-Le Parisien.

There are also various forms of pressure on journalists exerted by the State, as mentioned in last year's report (Benalla affair, arms sales to Saudi Arabia). There have been recent cases of police pressure on journalists: for instance, Reporterre journalist Alexandre Reza Kokabi was condemned on questionable charges after covering a demonstration. At the local level, it can be very difficult for small news outlets (print or online) to confront political pressures, given the lesser “segmentation of roles between readers, sources, news protagonists, advertisers and/or investors”, which “blurs the separation” between domestic and public issues, thus limiting the possibility for such media to produce “uneasiness” among local political elites (Kaciat, 2020).

Cagé and Godechot's work – as well as others (Monde diplomatique & Acrimed, 2021) – stress the high degree of concentration of the French media landscape. As mentioned in last year's report, the types of

conglomerates that have invested in the media since the 1980s operate in economic fields that are highly dependent on public procurement (arms), that are highly regulated by the State (telecommunications, transportation), or in which the State has important stakes (all of the above). Besides lobbying, media control, in this context, is an obvious means of influence, and the ties media moguls have with leading political figures are well known and documented.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

In their report on “[Who owns the Media?](#)”, economist Julia Cagé, sociologist Olivier Godechot and their colleagues (2017) had stressed the great lack of transparency and complexity of shareholding structures in the media sector.

C. Framework for journalists' protection, transparency and access to documents

In 2022, 22 media freedom alerts were submitted to the CoE Platform:

- [Two France 3 Journalists Attacked by Farmers](#)
- Minister of the Interior Plans to Dissolve Nantes Révoltée
- Three Journalists Summoned for Questioning by French Intelligence Agency
- Mediapart Case Reveals Need for Safeguards against Prior Censorship
- Freelance Journalist Grégoire Souchay Prosecuted as an Activist
- Syrian Journalist Zakaria Abdelkafi Hit on the Head while Covering Protest in Paris
- Ouest-France Journalist Assaulted in Alençon
- Investigative Media Reflets Sued for Breach of Trade Secrets in Commercial Court
- France Télévision Offices Hit by Bullet
- Several Media Sued for Defamation by Avisa Partners
- French Reporter Toufik-de-Planoise Intimidated and Assaulted in Besançon
- Bulgarian Journalist Atanas Tchobanov Targeted by Investigation by French Intelligence Firm
- Funding of Public Broadcasting Weakened
- French Journalist Djaffar Ait Aoudia Threatened with Death
- Journalist Alex Jordanov Charged with Disclosure of Defence Secrets
- Suspected Assassination Attempt on Exiled Azeri Blogger Mahammad Mirzali
- Média 25 and Radio BIP Newsroom Broken Into
- France Inter Hacked During Election Night
- Journalist Emmanuelle Anizon Fined While Covering Election Night

- Four journalists insulted and injured at protests in Corsica
- Death Threats against Journalist Ophélie Meunier
- Journalists Assaulted and Threatened by Anti-vaccine Pass Protestors

One case was resolved, but the French government did not respond to any of these alerts.

Country report: <https://fom.coe.int/en/pays/detail/11709510>

France emerged as a particular area of concern in 2022:

- [France: Three journalists summoned by security agency over suspected violation of national defence secrecy](#)
- [France: Investigative media outlets under attack in five gagging lawsuits](#)
- [France : Un tribunal censure le média d’investigation Mediapart](#)
- [Several Media Sued for Defamation by Avisa Partners](#)
- [Patrick Drahi ne nous fera pas taire !](#)

Germany

- **Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)**

Unfortunately the recommendation to create a legal basis for an access to information law to federal institutions has not been passed. The federal government must finally act here and pass legislation.

A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

The Rundfunkfinanzierungsstaatsvertrag makes sure the media regulatory authorities, Landesmedienanstalten, receive a part of the fee collected for public broadcasting. Under our impression, that amounts to sufficient funding. The principle of “Staatsferne” means that it is controlled by an independent body and the state (and federal) governments cannot give it any orders. This is working well.

Conditions and procedures for the appointment and dismissal of the head/members of the collegiate body of media regulatory authorities and bodies

While there is a problematic case in one of German States (Saarland) that is pending before the supreme court, it is our impression that the overall selection processes are fair and transparent enough.

Existence and functions of media councils or other self-regulatory bodies

The German Press Council is serving its purpose very well.

<https://www.presscouncils.eu/members-germany>

B. Safeguards against government or political interference and transparency and concentration of media ownership

https://www.access-info.org/wp-content/uploads/Transparency_of_Media_Ownership_in_the_EU-09-26-2014.p

C. Framework for journalists' protection, transparency and access to documents

The situation of journalists is becoming more and more threatening in view of increasing acts of violence at Corona demos. Free and unhindered reporting is often only possible to a limited extent. In the social networks, insults and threats against journalists are piling up. The media haters do not even shy away from calls for murder. It happens again and again that security forces at demonstrations obstruct journalists in their work or do not recognise the press card. So said the chairman of the Deutscher Journalisten-Verband Frank Überall at a press conference on 11 January 2022. See in German: <https://www.djv.de/startseite/profil/der-djv/pressebereich-download/pressemitteilungen/detail/news-mehr-kooperation-gefragt>

Best practice on safety of journalists:

<https://europeanjournalists.org/blog/2021/04/27/germany-media-houses-should-follow-code-to-better-protect-journalists/>

In 2022, two alerts were submitted to the CoE Platform:

- [Attendees Attack, Insult German Reporters Covering Public Debate](#)
- [Journalist Manfred Otzelberger Threatened by Party Secretary General](#)

Germany country report: <https://fom.coe.int/en/pays/detail/11709520>

- **Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists**

The new German government is ready to act. Federal Justice minister Marco Buschmann told the Funke Media Group: "As a constitutional state, we cannot accept violence against police officers or journalists

under any circumstances. If necessary, assemblies must be broken up. The right announcement at the right time.

There have been 8 alerts in 2021 on the CoE Platform to protect journalism ([see here](#)): almost all related to protests against Covid measures.

On 10 June 2021, the German Bundestag approved amendments to the Federal Constitutional Protection Act, removing legal provisions that exempted journalists from surveillance and hacking during terrorism investigations. The European Federation of Journalists (EFJ) joined its German affiliates, Deutscher Journalisten Verband (DJV) and Deutsche Journalistinnen und Journalisten Union (dju) in ver.di in criticising the Act as an infringement of journalists' fundamental rights and a threat to the anonymity of whistleblowers.

<https://www.mfr.eu/germanys-federal-constitutional-protection-act-removed-protection-for-journalists/>

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Until now the recommendation of the last years Rule of Law Report has not been picked up: to create a legal basis by passing an access to information law for federal institutions. The Government must act and finally pass legislation.

See 2021

Greece

B. Safeguards against government or political interference and transparency and concentration of media ownership

Safeguards against state / political interference

The area of Political Independence is assigned a medium risk (66%) which is higher than last year (57%). The indicator Editorial autonomy has a worrying high-risk score of 97%, which is much higher than last year (75%). This elevated score could be attributed to the complete absence of safeguards that could guarantee autonomy when appointing and dismissing editors-in-chief.

The indicator News media concentration also shows a medium risk of 57%, which is much higher than last year (49%), but on average lower than the risk of the main EU media markets. This can be mostly

attributed to the existence of media legislation that contains specific thresholds and/or other limitations to prevent a high degree of horizontal concentration of ownership in the news media sector.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The indicator State regulation of resources and support to the media sector receives a high-risk score of 67%, much higher compared to last year (33%), mainly due to the lack of transparency concerning the distribution of state subsidies to media outlets during the pandemic.

The indicator on Transparency of media ownership scored with medium risk – 56% presenting a slight drop from last year (59%). Although the national law contains specific provisions requiring the disclosure of ownership details in the news media sector, they essentially apply to specific media and, most importantly, it is difficult to assess whether this legislation is actually respected, with public authorities receiving sufficient information. Moreover, despite the fact that ownership information should be transparent in practice, meaning that the public should have access to the actual ownership structures of media companies until their final layer, regardless of the existence of media-specific provisions, this is not at all the case in Greece.

C. Framework for journalists' protection, transparency and access to documents

In 2022, 17 media freedom alerts were submitted to the CoE Platform:

- Greek Photojournalist Nikos Pilos Arrested and Charged
- [Numerous Greek Journalists and Media Owners Allegedly Targeted With Predator Spyware](#)
- [Greek Journalists Eliza Triantafillou, Thodoris Chondrogioannos and Tasos Telloglu Allegedly Surveilled](#)
- Greek Radio Journalist Yiannis Stratakis Attacked by Motorcyclist in Athens
- Reporters United Targeted by Suspected Spear Phishing
- Greek Journalist Ioannis Stevis Sued for €200,000 by Hospital Director
- Arrest Warrant for Newspaper Publisher Petros Kousoulos over Publication of an Article
- Journalists Ioanna Papadakou and Kostas Vaxevanis Face Criminal Conspiracy Charges
- Journalist Thanasis Koukakis Targeted With Spyware Predator
- Threats against Journalist Thomas Sideris
- Several Reporters and Photojournalists Attacked by Riot Police While Covering a Protest
- Real News and Real FM Offices Attacked with Explosives
- Makeshift Device Explodes Outside Apartment Building of Journalist Aris Portosalte

- Greek Journalist Elena Akrita Ordered to Pay €8,000 in Defamation Case
- Greek Photojournalist Iason Raissis Intimidated by Members of Athens Police
- Norwegian Photographer Knut Bry Detained on Espionage Charges
- Journalist Christos Avramidis Assaulted and Threatened by Police in Thessaloniki

Greece country report: <https://fom.coe.int/en/pays/detail/11709522>

See also:

<https://europeanjournalists.org/blog/2022/08/06/greece-efj-demands-full-disclosure-on-illegal-surveillance-of-journalists/>

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

Greece is accused of spying on journalists and opposition politicians. While the opposition is seeking transparency and is steadily increasing the pressure, the Greek government has acknowledged select surveillance operations but insists on their legality and categorically denies purchasing or using the commercial Predator spyware. See:

<https://www.politico.eu/article/greece-spyware-scandal-cybersecurity/>
<https://www.balkanicaucaso.org/eng/Areas/Greece/Predatorgate-dozens-of-Greek-ministers-and-journalists-under-surveillance-221605>

The situation of the Journalistic profession, its standards and protection presents a worrying high risk (74%) which is much higher than last year (42%). Despite the long existence of journalistic unions, as well as their frequent support for journalists whose work rights are being violated, it is quite common sense that they are not effective in guaranteeing editorial independence and/or respect for professional standards. In 2021, the working conditions of journalists in Greece remained generally unsatisfactory.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

Police officers obstructed the work of journalists: Faced with restrictions and the hostile behavior of the police authorities, journalists found themselves covering the evacuation of the symbolic recapture of Terra Incognita for support to the hunger and thirst striker Thanos Hadjiangelou. Police not only tried to remove journalists-members of ESIEM-TH by creating a security perimeter to prevent the registration of their business, but they did not hesitate to resort to propaganda and the use of force against colleagues.

ESIEM-TH emphasizes once again that the obligation of the Hellenic Police is to facilitate journalists in their work and to protect them in the performance of their duties.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Finally, various other incidents such as a SLAPP lawsuit against journalist Stavroula Poulimeni , the state surveillance of another journalist, Stavros Malichudis, or the criminal charges of conspiracy to abuse power against investigative journalist and publisher Kostas Vaxevanis and journalist Ioanna Papadakou.

In 2022 many journalists and media outlets in Greece have become targets of Strategic lawsuits against public participation (SLAPP) brought by multinational companies. These lawsuits have targeted media simply for doing their duty by publishing information in the public interest about these businesses.

<https://ipi.media/greece-journalists-targeted-in-several-slapp-lawsuits/>

<https://www.article19.org/resources/greece-slapp-drop-lawsuits/>

<https://www.amnesty.org/en/latest/news/2022/05/greece-targeting-journalist-for-reporting-on-environmental-damage-threatens-public-interest-reporting/>

Hungary

Due to weakened unions little information

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

As state advertisements and government announcements often contain messages that are highly biased toward the ruling party, and state advertisements provide indirect support for the government-aligned press (and are therefore not available to certain government-critical media), some news outlets have written that the regulation may even encourage newsagents to withdraw government-critical printed press products from their offerings (Magyar Narancs, 2022).

Safeguards against state / political interference

Political independence of media 83% - high risk

Editorial autonomy (75% - high risk) Many newsrooms are directly controlled by the governing party's proxies, and thus publish content that is heavily biased towards the government. The public service media is widely considered as being under governmental control, and the news agency, the state-owned Hungarian News Agency (MTI), is a subsidiary of the Hungarian PSM. Investigative articles were published that prove that the PSM management requires employees to be supportive of the Fidesz government (Keller-Alánt, 2020), and the journalists and editors of the news agency take direct orders from politicians (Wirth, 2022a&b)

State regulation of resources and support to the media sector (67% - high risk) There is no legislation regarding the distribution of direct state subsidies or state advertising to private media, reduced value-added tax (indirect subsidy) is available to all print publications. The state is the largest advertiser in Hungary. State advertising is distributed unevenly, favoring government-aligned news outlets. The share of state advertising in the revenue mix of government-aligned daily newspapers was estimated to be, on average, 75% of all their income. For weekly newspapers, this number was 92%, for television stations 95%, for online news media 90%, and for radio 90%. State advertising is often used for propaganda purposes or to campaign for the governing party under the disguise of public interest information (such as praising the government's achievements or demonising entities who allegedly try to meddle in Hungarian politics, like George Soros or Jean-Claude Juncker).

C. Framework for journalists' protection, transparency and access to documents

In 2022, 4 alerts were submitted to the CoE Platform:

- [Website Suggests 444.hu Journalists Could Be Beaten to Death](#)
- Hungarian Politician Discusses the Hanging of Journalist Boróka Parászka
- Media Council Blocks Tilos Rádió's Licence Renewal
- Government Decree Bypasses Supreme Court Ruling on Media Hospital Access

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709524>

<https://europeanjournalists.org/blog/2022/05/12/hungary-fidesz-media-council-moves-to-silence-independent-station-tilos-radio/>

Ireland

See ROL report 2022, no updates

C. Framework for journalists' protection, transparency and access to documents

In 2022, two alerts were submitted to the CoE Platform:

- Sinn Féin Leader Files SLAPP against RTÉ
- MEPs Clare Daly and Mick Wallace Sue Irish National Broadcaster RTÉ

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709528>

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Ireland: <https://fom.coe.int/en/alerte/detail/71014913;globalSearch=false>

[Sinn Féin Leader Files SLAPP against RTÉ](#)

Italy

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

No steps have been taken by the Italian Parliament to amend defamation laws. Despite the recommendations formulated in the 2021 and 2021 Rule of Law reports, as well as the calls advanced by the Italian Constitutional Court in 2020 and 2021, Italian lawmakers have been reluctant in tackling the question of reforming the libel laws.

B. Safeguards against government or political interference and transparency and concentration of media ownership

During a meeting organised within the MFRR mission in Italy, the discussion with the Order of Journalists representatives showed the limits of a professional disciplinary body alone. The stakeholders agreed that Italy would benefit from a journalistic self-regulatory body that would bring together journalists, media owners and civil society following the model of “Press Councils”. Such a body could increase the level of trust in the Italian media.

The need for a reform of the legislation that disciplines the provision of the title of “professional journalist” is still highlighted by Italian stakeholders, including the National Council of the Order of Journalists. A set of guidelines for the reform curated by the National Council itself in 2018 never got to Parliament for approval.

In January 2022 the National Council appointed a Special Commission for the reform. This was the first step in a process that should lead to a new proposal to be submitted to the Parliament to revise the rules of

the profession. The reform will open the profession to new categories of media workers, acknowledging the numerous transformations of the media market, including the digital one.

Among the most recent innovations, there is the decision to update the procedures to become professional journalists. On 8 November 2022, the National Council of the Order approved a rule allowing, exceptionally and in specific cases, the start of the apprenticeship period even in the absence of a registered media outlet and editor-in-chief. According to president Bartoli, this is a way to address a reality composed of freelance journalists and precarious workers.

According to the vice-president of the Order, there is a possibility that starting from January 2023 social media managers who work in the information sector will be able to enroll in the register of practitioners as well.

<https://www.balcanicaucaso.org/eng/Occasional-papers/Who-is-afraid-of-journalists-The-MFRR-Italy-Mission-Report>

<https://www.odg.it/il-cnog-nomina-la-commissione-speciale-riforma/43249>

<https://odg.mi.it/attualita/giornalismo-accesso-al-praticantato-anche-senza-testate/>

<https://www.editorialedomani.it/idee/cultura/social-media-manager-potranno-isciversi-ordine-giornalisti-ttrp9931>

Safeguards against government or political interference and transparency and concentration of media ownership

The decision of progressively abolishing direct state funding to not-for-profit print media and journalistic cooperatives has been delayed by Decree Law 183/2020 and Decree Law 73/2021. It is now foreseen that the reduction of direct state funding will start in 2024, leading to a complete abolition in 2027. According to the same Decree Laws, funding for private radio stations that carry out information activities in the public interest will be abolished from 31 January 2025.

However, overall subsidies more than doubled (+120%) between 2020 and 2021 compared to 2019. Direct state funding increased as well, but the amount has not been criticised per se.

What emerges as a negative trend is that resources that should be aimed at promoting media pluralism - through support to not-for-profit, small, local media outlets - are pretty much assigned to large or medium-sized media outlets that define themselves as journalistic cooperatives instrumentally. Concentration of funding is identified as a serious problem by Italian journalists.

C. Framework for journalists' protection, transparency and access to documents

In 2022, 10 alerts were submitted to the CoE Platform:

- Domani Editor Stefano Feltri and Journalist Emiliano Fittipaldi to Be Tried on Defamation Charges
- Journalists Barred from Accessing the Port of Catania to Report on Treatment of Refugees
- Prison Sentences Requested against Three Journalists

- Italian Police Search “Report” Newsroom and Journalist Paolo Mondani’s Home
- Police Seize and Search Journalist Francesco Pesante’s Phone
- Car Used by Journalist Francesco Digiorio Damaged by Arson Attack
- Editor-in-chief Maria Bertone Threatened with Death by Camorra Mobster
- Journalist Roberto Saviano Tried on Defamation Charges
- Threats and Insults against TVL and Associazione Stampa Toscana
- Bullet Letter Sent to Daily Alto Adige Offices

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709530>

Regular **employment** in the media sector has been steadily decreasing in recent years. Active workers with a regular employee contract in 2021 decreased by 550 units in comparison to 2020, while the number of journalists without a regular contract is increasing.

Attacks and **threats** against journalists remain an issue of concern. The Mapping Media Freedom Platform recorded 45 alerts (11% of the EU27 total, out of a population which corresponds to about 13% of the EU population) in 2022. However, many cases remain unreported.

Gender inequalities in the media sector include different degrees of freedom to choose what to report about; wage gaps; imbalance in presence at the management level.

Sexual harassment is the most worrisome category of threat for women journalists, and the newsroom is often the first place where harassment takes place (see OBCT contribution as well). A big share of online attacks targets women journalists who cover politics, organised crime, court reporting, and migration issues.

The vulnerability of **local journalists** is intertwined with the decline of the local news industry. Local reporters are increasingly working as freelancers or independent bloggers. Support centres and organisations are particularly needed at the local level, where journalists are more vulnerable.

In Italy there is also a need to ensure **journalistic sources** are protected and to reform the framework law on professional secrecy of journalists. Only professional journalists, meaning those who are registered in the Order of Journalists, have a right to journalistic confidentiality. In spite of the fact that some court decisions have granted the right to professional secrecy also to publicists, this is a serious “legal gap” which needs to be addressed.

<https://www.balcanicaucaso.org/eng/Occasional-papers/Who-is-afraid-of-journalists-The-MFRR-Italy-Mission-Report>
<https://www.rcmediafreedom.eu/OBCT-Dossiers/Analysis-of-support-mechanisms/Analysis-of-support-mechanisms/Interviewing-Journalism-II.-Needs-and-gaps-in-support-for-women-and-local-journalists>
<https://www.rcmediafreedom.eu/OBCT-Dossiers/Analysis-of-support-mechanisms/Analysis-of-support-mechanisms/Needs-and-Gaps-Brief-No.-1-Italy>
<https://www.mapmf.org/explorer>

<http://www.inpgi.it/sites/default/files/Inpgi%20-%20Bilancio%20preventivo%202022%20AGO.pdf>

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

The Italian Coordination Centre on Intimidation Acts against Journalists is a body established within the Ministry of Interior which publishes data on harassment, intimidation and attacks against journalists collected by the police. In the first nine months of 2022, 84 intimidation acts were reported (-48% compared to the same period in 2021). Nine episodes are related to organised crime. Of all the acts, 29% happened via the Internet and social media. Lazio, Lombardia and Toscana are still the regions with the highest number of threats recorded.

The setting up in 2017 of the Coordination Centre has improved the relationship between journalists and Italian authorities and has been seen as a European best practice.. However, several aspects of the centre could be improved. First, the data used are based on police reports. This might be not comprehensive, considering that not all journalists file police reports in cases of threats or attacks. Another worrying element is that basing the monitoring on police reports means that no case of violence or harassment coming from the police is taken into account. The MFRR delegation concluded that its self-regulatory nature hampers the independence of the monitoring system.

Second, the data collected do not take into account all types of threats: legal threats and SLAPPs are not monitored, although they are a prevalent issue in Italy.

Third, the independence of the Coordination Centre from any political influence should be better guaranteed. Its decoupling from politics should be seen as a step in this direction, considering that the centre is chaired by the Ministry of the Interior.

Alongside the Coordination Centre, the recognition of the importance of journalistic work passes through two other institutional entities. The Parliamentary Anti-Mafia Commission and its subcommittee on mafia, journalists and world of information is proof of the long-standing recognition by the legislator of the role played by journalists. As well as the parliamentary intergroup focused on matters related to media and journalism set up during the previous legislature. However, both represent little more than good intentions while - according to the MFRR delegation - it would be vital to move beyond monitoring and analysis towards more concrete actions. See:

<https://www.fnsi.it>

https://www.interno.gov.it/sites/default/files/2022-12/report_9_mesi_2022.pdf

<https://www.balkanicaucaso.org/eng/Occasional-papers/Who-is-afraid-of-journalists-The-MFRR-Italy-Mission-Report>

<https://www.rcmediafreedom.eu/Tools/Stakeholders/Parliamentary-inquiry-commission-into-mafias-and-other-criminal-organisations-including-foreign-ones>

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

There has been an increasing number of SLAPPs targeting media professionals which had been instigated by politicians. In some cases, these proceedings have been initiated in the past years and had their hearings scheduled over the past semester or in the first months of 2023. Targets of SLAPPs have been ranging from freelance journalists targeted by local politicians (Sara Manisera vs local administration Abbiategrasso); to editors in chief and renowned journalists and writers sued or threatened to be sued for defamation by high level government officials (formalised lawsuits: Roberto Saviano vs Giorgia Meloni; Roberto Saviano vs Matteo Salvini; Roberto Saviano vs Gennaro Sangiuliano; Stefano Feltri and Emiliano Fittipaldi vs Giorgia Meloni; threatened lawsuits: *Editoriale Domani* vs Guido Crosetto; *Il mattino* and *Il Messaggero* vs Roberto Calderoli). Furthermore, large companies and businessmen connected to public funding allocation have also been relying on SLAPPs to silence media professionals and human rights defenders (Irpi Media & The Good Lobby Italia vs private company; Gad Lerner vs Ilva).

The recent case of a prosecutor's demand for a six months prison sentence for three journalists in response to their factual reporting in a case involving a former minister (Mary Tota, Danilo Lupo and Francesca Pizzolante vs Teresa Bellanova), draws once more the attention to the dangers that SLAPPs represent for the public debate. Firstly, the length of the proceeding, initiated in 2014, has determined a chilling effect for each of the journalists involved, who had refrained from any reporting on the plaintiff throughout the past years. Secondly, while eventually dismissed by the judge, the prison sentence request for the three journalists advances a dangerous signal to media professionals, expression of the reluctance of Italian policymakers to respond to the calls of the Constitutional Court.

Such consistent resort by the highest governmental official to SLAPPs to silence critics, signals the urgent need for a comprehensive reform of defamation laws encompassing both civil and criminal proceedings (see also OBCT contribution).

The implementation of the EU AVMS Directive, 2018/1808, which was transposed into Italian law in December, 2021, should have an impact on strengthening the independence of the media authority.

<https://europeanjournalists.org/blog/2022/10/28/italy-concern-about-prosecutors-demand-for-prison-sentence-for-journalists-over-factual-reporting/>

<https://europeanjournalists.org/blog/2022/11/16/italy-a-call-in-support-of-roberto-saviano-defendant-in-a-defamation-trial/>

Other - please specify

Law cartabia : this law misinterprets the EU directive on the presumption of innocence and gives the duty magistrate the task of filtering which news to give to reporters and which not to give. This is a real disaster, because it is the magistrates who have to decide what is news and not the journalists. The FNSI is fighting against this law but so far without any results.

<https://www.ilfattoquotidiano.it/2022/11/08/questa-legge-e-stata-usata-per-regolare-i-conti-con-la-stampa-giornalisti-in-protesta-a-roma-a-un-anno-dal-decreto-bavaglio-di-cartabia/6865930/>

<https://www.odg.it/diritto-alloblio-liberta-di-informazione-a-rischio/46836>

The MFRR mission in Italy was an opportunity to highlight the difficulties experienced by judicial journalists following the transposition into Italian law (with the Italian decree 188/2021 entered into force on 14 December 2021) of the Directive 2016/343. Although the Directive does not deal with journalistic activities, the Italian legislator has focused its attention on the relationship between the public prosecutor and the press. Concerns related to the compatibility of this transposition with the Charter of Fundamental Rights of the EU and the European Convention on Human Rights, particularly regarding the notion of news of public interest, have been raised by academics, unions and organisations.

The FNSI (National Federation of Journalists' Unions) sent a formal protest to the European Commission on 22 February 2022. The letter called on the EU “to monitor the Italian legislation transposing the Directive and to draw the Italian legislator's attention to the need to remove from the transposition decree the provisions restricting press freedom”.

On 8 November 2022, one year after the publication of the decree 188/2021, a national protest was organised in Rome to ask the Italian Parliament to intervene with amendments to the measure.

Furthermore, the decree led to a difficulty to verify news, access to sources and ultimately ensure citizens' right to be informed is guaranteed.

Latvia

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

The risk score is based on the lack of regulatory safeguards to ensure fair and transparent allocation of state advertising in the media. The Latvian media regulation does not define “state advertising”, although

state institutions and companies with the share capital of which is partly owned by the State regularly place advertisements in the media.

Safeguards against state / political interference, in particular:

Commercial and owner influence over editorial content subdomain data reflects a high risk (80%) situation. This is related to regulatory issues, for example, there are no mechanisms granting social protection to journalists in the case of changes of ownership or editorial line of media companies in Latvia. There are no regulatory safeguards, including self-regulatory instruments, which seek to ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests. News media concentration indicators' data describes a high-risk situation (86%). The regulation of Latvian media does not affect the tendencies of media market concentration.

Pressure on Editorial and Financial Independence of Latvian Television

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

Transparency of media ownership scored as a medium risk (38%). The regulation of transparency of media owners in Latvia differs depending on the media segment. There is no specific regulation for digital native media companies in terms of publicly accessible data on the beneficial and ultimate owners.

C. Framework for journalists' protection, transparency and access to documents

In 2022, two alerts were submitted to the CoE Platform:

- Latvian Broadcasting Licence for Exiled Russian Broadcaster Dozhd TV Cancelled
- Pressure on Editorial and Financial Independence of Latvian Television

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709534>

Lithuania

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

The biggest risks linked to Political independence remain for the local municipal media. The national media is relatively free from political risks, however political influence is possible through the funding of

political advertising and publicity services. It is however important to highlight that editorial autonomy (75% of risk this year) is associated with a high risk level because of registered cases of Political influence, which are correlated with loopholes in media ownership transparency assurance efficiency.

Safeguards against state / political interference

The risk of Commercial and owner influence over editorial content remains high (73%), as it was last year (70%). Editorial autonomy is the most problematic indicator in this area, showing a high level of risk (75%). Last year it was similar - 71%. Editorial content is not independent of political influence in news media organisations whose ownership structures involve politically involved persons. Local media organisations are most at risk.

The risk level of News media concentration is very high (94%). It is the highest level of risk in the Market Plurality area. The increase in the risk level from 77% was due to additional data on revenue concentration in the Lithuanian media markets. Particularly high concentration was measured in the radio sector.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The indicator on Transparency of media ownership generates the lowest risk in the Market Plurality area (low risk, 25%). The decisive factor in the relatively low overall level of risk is that the Law on the Provision of Information to the Public (2021) contains specific provisions requiring the disclosure of ownership details in the news media sectors.

C. Framework for journalists' protection, transparency and access to documents

Among the other main points of concern remain job insecurity and lack of social protection faced by journalists, as well as a lack of effective anti-SLAPP legislation. The improvement is largely attributable to the increased effectiveness of professional associations. The police has also demonstrated efficiency in responding to threats against journalists. Hence, after a massive increase of risk in the previous year, such signs of improvement are certainly welcome.

Luxembourg: No news since rol report 2022

B. Safeguards against government or political interference and transparency and

concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

Knowing that political campaigns are increasingly moving online and that paid political advertisements are not regulated by national law, these limited measures appear to be insufficient to guarantee fair elections in the future.

Media concentration remains a big issue in the Luxembourgish media landscape. It is generally seen as an inevitable fact due to the size of the market. Luxembourg remains one of the very few EU member states lacking a national merger control law or a similar provision aimed at limiting horizontal or cross-media concentration of news media. Furthermore, there is no administrative authority or judicial body effectively addressing issues relating to media concentration.

The indicator on transparency of media ownership scores a high risk with a value of 72%. The transparency obligation is limited to the print press, implying that it does not apply to electronic media (including the internet).

Malta

The EFJ and other press freedom orgs as well as MEPs are concerned that the implementation of the recommendations in the final report of [a public inquiry into the killing](#) is deficient, despite a number of reforms put forward by the government. They are appalled by the lack of progress in prosecuting the high-level corruption and money laundering that Daphne Caruana Galizia had been investigating, and are alarmed by the “institutional failure of law enforcement and justice”, including the recent revelations of repeated inaction on European Arrest Warrants. Further concerns include:

- the length and inefficiency of investigative and judicial proceedings;
- allegations of money laundering and corruption;
- the relatively low number of cases referred to the European Public Prosecutor’s Office (EPPO) and the reported lack of cooperation from Maltese authorities;
- the impunity afforded to the former Prime Minister, his chief of staff, and the former minister for tourism; and obstacles to media freedom and pluralism

<https://europeanjournalists.org/blog/2022/10/20/daphne-caruana-galizia-murder-accountability-and-reforms-deficient-in-malta/>

B. Safeguards against government or political interference and transparency and concentration of media ownership

The overall score for Political Independence remains in the high risk band, as was the case for previous MPMs, and 7 percentage points higher than the MPM2021 (72%). Three indicators score very high risk: Political Independence of Media (94%), Editorial Autonomy (88%), and the Independence of PSM Governance and Funding (97%), and which are the same three indicators that were deemed high risk in previous MPMs. The Editorial Autonomy indicator also scores a high risk at 88%, 17 percentage points higher than the previous MPM. (MPM2021, 71%). One must also take into consideration the fact that PSM and the party-owned TV stations dominate the audiovisual market, and much smaller commercial operations have little or no impact. The News Media Concentration indicator scores a high risk at 93%, 4 percentage points up from the MPM2021 (89%), and is the highest scoring risk indicator in this category. The overall assessment of this variable is that there is a worrying lack of data when it comes to the market share of individual news outlets. There are still no clear safety measures to prevent the influence of commercial and/or political interests over the appointments and dismissals of editors-in-chief, quite the opposite, since a significant number of media outlets are owned by political parties that, inevitably, have a direct influence on their newsrooms, as well as a partisan editorial line. Additionally, there is always a risk that particular commercial entities may apply pressure on newsrooms by, for example, threatening to cancel advertising revenue.

C. Framework for journalists' protection, transparency and access to documents

In 2022, two alerts were submitted to the CoE Platform:

- Media Freedom Organisations Concerned over Moves to Pass Anti-SLAPP Legislation Without Adequate Scrutiny
- Blogger Manuel Delia Targeted in Electoral Campaign

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709548>

- **Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits**

No satisfactory developments, see under other (findings from press freedom mission)

[Legal threats sent to The Shift by businessman](#)

[TV host and airline spokesperson threatens with SLAPP case against independent media outlet](#)

[Media Freedom Organisations Concerned over Moves to Pass Anti-SLAPP Legislation Without Adequate Scrutiny](#)

Other - please specify

Results of the press freedom mission to Malta:

There has been an unacceptable lack of implementation of the [recommendations made by the landmark Public Inquiry](#) into Caruana Galizia's assassination and the exclusion of [structured public consultation](#), including with our organisations, on proposed legal amendments relating to the safety of journalists and Strategic Lawsuits Against Public Participation (SLAPPs), which in the latter case fail to meet international standards. The process provides a historic opportunity for the Government of Malta to implement its obligations under international and European legal and policy frameworks to create an enabling environment for journalism and to protect journalists.

The lack of political will to initiate the effective and systemic reform that is needed casts doubt on whether Malta's political class has drawn any lessons from Caruana Galizia's assassination. However, justice for the killing of Daphne Caruana Galizia could now be making progress. The government must now protect those who continue her legacy.

<https://europeanjournalists.org/blog/2022/10/17/malta-what-is-prime-minister-abela-afraid-of/>

<https://europeanjournalists.org/blog/2022/10/16/malta-what-is-the-government-waiting-for-to-honour-the-memory-of-daphne-caruana-galizia-five-years-after-her-murder/>

<https://europeanjournalists.org/blog/2022/09/23/malta-government-must-widen-its-consultation-on-media-law-reform/>

The Netherlands

See rol report 2022

- **Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter**

Transparency of media ownership (69%): Transparency of ownership is considered a high risk factor in the Netherlands.

News media concentration (83%): The concentration of news media ownership is consistently at a high risk level in the Dutch media landscape. The CvdM reports (2021) a strong concentration of ownership for TV (76% audience share by Top 3 owners: the public broadcaster NPO, RTL and Talpa), which partly overlaps with the largest owners of radio (Top-3 owns 74%: Talpa, NPO, and DPG Media). The situation on the newspaper market shows even less ownership plurality; 90% of the market is owned by two Belgium corporations (DPG Media and Mediahuis).

C. Framework for journalists' protection, transparency and access to documents

In 2022, 5 alerts were submitted to the CoE Platform:

- RTV Journalist Punched in the Face
- Television and Radio Presenter Özcan Akyol Receives “Serious” Threats
- Dutch Journalist Stella Braam Spied On For Almost 35 Years
- Doxing and Death Threats against Columnist Marcel van Roosmalen
- Investigative Journalist Joep Dohmen Smeared on Customised Website

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709554>

In 2022, journalists reported an incident to PersVeilig a total of 198 times. This mainly concerns threats (133 times), physical violence (33) and stalking or intimidation (13 times). Although the number of incidents is lower than the year before (272), the number of reports to PersVeilig is the tip of the iceberg, says project leader Peter ter Velde

According to a recent research by PersVeilig into the safety of female journalists eight in ten (82 percent) female journalists have experienced some form of intimidation, aggression or threat. More than half of female journalists have experienced online aggression at least once in the past twelve months, particularly via Twitter (50%). The research shows that female journalists are more likely to have to deal with

aggressive or intimidating expressions via social media compared to the entire profession and less often with face-to-face incidents.

Other - please specify

[Television and Radio Presenter Özcan Akyol Receives “Serious” Threats](#)

Poland

B. Safeguards against government or political interference and transparency and concentration of media ownership

- **Safeguards against state / political interference, in particular:**
 - **safeguards to ensure editorial independence of media (private and public)**

A high score of the indicator on Political independence of media (90 per cent) reflects both regulatory conditions and practice. Relevant regulatory safeguards limiting political control over media outlets in Poland (e.g. limits on control of media by politicians) are missing. So are the rules on conflict of interests between owners of media and the ruling parties, partisan groups or politicians. As regards practice, last year brought several new developments that mark high political influence. First, regulatory problems and political pressure concerning the TVN/Discovery (both Lex TVN and unjustified postponing of licence-granting procedures by KRRiT for TVN24 and TVN 7) not only led to further weakening of a remaining segment of independent media, but also generated a chilling effect on journalists and media owners (see: Krzyżanek, 2021; Civil Liberties Union for Europe, 2022).

Similarly, the indicator on Editorial autonomy shows a high risk, reaching 88 per cent. Not only effective legal safeguards guaranteeing editorial autonomy are missing in Poland, there is also no agreement within the journalistic community which organization and code of conduct would play a principal role when editorial autonomy comes under threat.

The indicator on State regulation of resources and support to media sector marked a major increase from 38 to 67 per cent. In terms of spectrum allocation policies, the last year saw a high increase of the risk mainly due to regulatory procrastination of KRRiT that unnecessarily postponed the procedure of renewing the broadcasting license for TVN24 and TVN 7.

The indicator on News media concentration showed one of the highest risks among all of the indicators amounting to 88 per cent. On 7 June 2022, the Warsaw regional court of competition dismissed the appeal of the Polish Human Rights Ombudsman against the takeover of the biggest and most influential regional

publisher in Poland, Polska Press. MFRR partners have publicly supported his call for a public debate about better and stronger guarantees of media pluralism. MFRR partners have asked for the annulment of the Poland's competition authority's approval of the Polska Press acquisition by PKN Orlen, being of utmost importance against such dangerous undue influence. See:

<https://www.ecpmf.eu/poland-ombudsman-must-appeal-acquisition-of-newspaper-by-state-controlled-oil-company/>

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The indicator on Transparency of media ownership scored 63 per cent. In general, the news media sector is not regulated by sector specific provisions on transparency. The public bodies are relatively well-informed about news media ownership, while the public has quite limited access to relevant ownership or financial data.

C. Framework for journalists' protection, transparency and access to documents

In 2022, 7 media freedom alerts were submitted to the CoE Platform:

- [Polish Journalist Pawel Gąsiorowski Convicted of Defaming Municipality](#)
- [Spanish Journalist Pablo González Arrested and Charged with Espionage in Poland](#)
- [Investigative Journalist Grzegorz Rzeczkowski Loses a Defamation Case in Court](#)
- Polytika Journalist Ewa Siedlecka Found to Infringe the Law in Defamation and Libel Case
- [Criminal Lawsuit against Gazeta Wyborcza Journalists Jarosław Sidorowicz and Paweł Figurski](#)
- The Access to Public Information Act under Legal Challenge
- Children of Polish Journalists Wojciech Czuchnowski and Tomasz Lis Receive Death Threats, Spoofing
- <https://europeanjournalists.org/blog/2022/08/30/poland-spanish-journalist-held-in-pre-trial-detention-for-six-months-despite-lack-of-evidence/>

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709560>

- **Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications**

No progress made

- **Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists**

No progress made

- **Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits**

The risk under the indicator on Journalistic profession, standards and protection increased from 36 to 55 per cent. Recently, there has been a visible increase in law-suits or warning letters addressing journalists and newsrooms in order to postpone or stop critical reporting concerning companies or public institutions. Journalist Grzegorz Rzeczkowski faces four SLAPPs and was recently dismissed by Polityka, one of the major independent weekly magazines in Poland, without a transparent reason. In February 2022 the MFRR expressed concern about the abusive legal actions targeting the journalist for his investigations and that his dismissal may be due to the financial costs to the outlet which these SLAPP lawsuits are accruing. <https://www.ecpmf.eu/poland-dismissal-of-slapp-targeted-journalist-grzegorz-rzeczkowski-sets-dangerous-precedent/>

[Journalist and writer Tomasz Piątek convicted in criminal defamation lawsuit](#)

[Journalist and writer Tomasz Piątek fined after losing defamation trial against Polish colonel](#)

[Investigative journalist Grzegorz Rzeczkowski loses defamation case in court](#)

Other - please specify

In January 2023, media outlets across Poland united in a strong act of solidarity when the National Broadcasting Council (KRRiT) decided to launch legal proceedings against TVN for “promoting false information” over a report critical of the Smoleńsk committee. The report, published on Monday 12 September, was made free of charge by the broadcaster TVN. Media outlets Gazeta Wyborcza, Newsweek Polska, Rzeczpospolita, radio stations Radio Zet, Tok FM, and RMF, news websites Onet, OKO.press and Wirtualna were amongst the dozens of editorial offices that published the documentary.

See: <https://europeanjournalists.org/blog/2023/01/09/polands-national-broadcasting-council-new-attack-on-liberal-media/>

Portugal

A. Media authorities and bodies

- **Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies**

The MPM report highlights that in Portugal 'Editorial Autonomy' is still threatened by serious situations of job insecurity and weak self-regulation. The document considers that journalists, their associations and the media need to be more determined in safeguarding editorial independence. Also the indicator on 'Regulation of state resources and support to the media sector' shows that more consolidated and transparent public policies are needed. The increase of cyber attacks on Media websites is also unsimilar. The Journalists Union also points out that, this year, the first Consortium-Network of Investigative Journalists appeared in the country. A consortium that brings together professionals from SIC, Expresso, Setenta e Quatro, freelancers and university professors.

A- Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and pluralism:

1- Editorial Autonomy remains threatened by weak self-regulation. The document suggests the need to strengthen the independence of the regulatory authority (ERC), which has complained in recent years of underfunding and delays in budget allocations by the government.

B. Safeguards against government or political interference and transparency and concentration of media ownership

1- According to the report, Portugal presents a medium risk regarding the political independence of the media, but there is still an excessive concentration of media ownership with implications for 'Editorial Autonomy' that continues to be threatened by serious situations of labor precariousness.

The indicator on News Media Concentration scores 89%. There are only four players that control the private media business in Portugal: Impresa, Cofina, Media Capital, and Global Media, while RTP (Rádio e Televisão de Portugal) is the State-Owned group (OMNICOM, 2021). This scenario has not changed since last year. There is still no general law in Portugal that prevents horizontal concentration of media.

C. Framework for journalists' protection, transparency and access to documents

In 2022, one alert was submitted to the CoE Platform:

- [Impresa Websites Cyber-attacked, Ransom Requested](#)

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709562>

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications: Cyber attacks have been made on several media websites this year.

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

[Libon Public Prosecutor Puts the Protection of Sources at Risks](#)

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

No action taken

Other - please specify

The Portuguese union has organised a project on the increasing phenomenon of burnout among journalists due to digital challenges, precarious working conditions, too much work-load etc.

<https://europeanjournalists.org/blog/2022/10/31/portugal-portuguese-union-of-journalists-initiative-to-tackle-burnout-in-journalism/>

Romania

A. Media authorities and bodies

No progress since last year

B. Safeguards against government or political interference and transparency and

Safeguards against state / political interference

Commercial and owner influence over editorial content is still an extremely high risk area (97%) according to the latest MPM. If ownership switches hands or wishes to change editorial policy, there are no legal or self-regulatory guardrails to protect editors-in-chief and newsrooms from arbitrary appointments, dismissals or the exertion of undue owner or commercial pressure. Nor are there legal or industry-level codes of conduct and instruments laying down and enforcing basic journalistic norms and standards. A few editors-in-chief and media outlets put in place certain rules in their labour contracts or ethical codes, but these are exceptions.

News media concentration is high (85% risk score, even higher than last year). The print news market is extremely small – in both demand and supply – something that is reflected in the virtually 100% concentration of the top four outlets. The audience size and number of copies sold daily continue to decline for non-tabloid dailies.

C. Framework for journalists' protection, transparency and access to documents

On whistleblowers the way in which this directive was transposed into Romanian legislation attracted criticism from civil society but also from the European Public Prosecutor's Office.

Romania was at risk of entering the infringement procedure due to successive postponements of the whistleblower legislation, so the bill passed quickly through parliament, but with major changes compared to how it had been agreed with EU officials.

In 2022, two alerts were submitted to the CoE Platform:

- [Romanian Journalist Emilia Șercan Victim of Smear Campaign](#)
- Newsroom and Editor Alin Cristea's Home Raided by Counter-terrorism Police

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709570>

The perfunctory discussions in parliament about public media, the audiovisual regulatory agency preceding appointment or reform decisions; and the lack of serious, evidence-based parliamentary initiatives to address the challenges facing journalism, gives rise to deep concerns about independent journalism in Romania. . Some politicians also attack uncomfortable oppositional journalism, including by use of strategic lawsuits against public participation (SLAPP). The lack of financial resources of Romanian journalists when it comes to representation in court was noted in the MPM 2022 report. According to it, most journalists work in poor conditions with uncertain job and financial prospects. "It is not entirely clear whether the use of SLAPPs is increasing, or whether what is increasing is actually the attention paid to them," the report said.

One problem it identified is a lack of serious, evidence-based parliamentary initiatives to address the challenges journalism is facing.

Other - please specify

<https://europeanjournalists.org/blog/2022/04/14/romania-independent-investigation-needed-into-harassment-campaign-against-journalist-emilia-sercan/>

Slovakia

B. Safeguards against government or political interference and transparency and concentration of media ownership

Political independence of the media has deteriorated since last year and shifted to the high-risk zone (71%) from the medium-risk zone (46%) according to the MPM2022. This is mainly due to ongoing concerns about the independence of the public-service broadcaster RTVS .

Like last year, Editorial autonomy displayed a medium risk score (63%). On a positive note, self-regulatory measures that stipulate editorial independence from political interference are included in the Code of Ethics, and all of the major media outlets, including press agencies, signed on to it. In the monitored period, no major incidents were reported by the Print-Digital Council of the Slovak Republic, the self-regulatory body in the area of journalistic ethics.

Like last year, News media concentration displays a high-risk score (79%). The current regulatory safeguards against the high degree of horizontal and cross-media concentration of ownership in the media sector do not cover native digital media and do not take into account the ultimate owners of the media companies.

C. Framework for journalists' protection, transparency and access to documents

In 2022, one alert was submitted to the CoE Platform:

- [Finance Minister Denigrates Denník N Editor Matúš Kostolný and the Media](#)

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709578>

Slovenia

The EFJ and MFRR partners have welcomed the initiative of the new coalition government to reduce the influence of politics on the broadcaster's operations and foster an enabling climate for its public service mission.

Events of the last few years at RTV SLO have provided a clear illustration of why such changes are urgently needed. Under the previous government, leading politicians created an atmosphere of hostility

towards public service media, including smears against journalists and aggressive accusations of political bias.

B. Safeguards against government or political interference and transparency and concentration of media ownership

- **Safeguards against state / political interference, in particular:**
 - **safeguards to ensure editorial independence of media (private and public)**

The indicator on Commercial & owner influence over editorial content scored the highest risk within this area with 90%. There are no specific mechanisms safeguarding social security of journalists in case of changes of ownership or editorial line. The Union of Slovenian Journalists offers free legal help; membership is not obligatory. There are also no effective regulatory or self-regulatory safeguards to ensure that decisions regarding appointments and dismissals of editors-in-chief are autonomous and not influenced by commercial interests. The Mass Media Act and The Code of Journalism Ethics include some measures to prevent commercial influence on journalists and content (for instance, paid publications must be clearly distinguished from journalistic texts and journalists must refuse rewards or favours), however they, as well, are not always effective (Mass Media Act 2016, Slovene Association of Journalists 2022). Advertorials often and mostly appear in print and online media.

The indicator on Political independence of media scored high risk (90%). Since there were no revisions of the relevant media and corruption legislation since the previous year, there are still no legal safeguards against political interference in editorial policies. The Mass Media Act (2006) or other laws do not regulate the conflicts of interests between owners of media and the ruling parties, partisan groups or politicians. The general Integrity and Prevention of Corruption Act (Integrity and Prevention of Corruption Act, 2010) applies, however it does not mention media in specific terms.

The draft proposals for a new media law would restructure the two current governing councils into a single, 17-member decision-making body. Appointments to this new Council of RTV would be made by representatives of civil society and RTV SLO employees. The National Assembly, which currently appoints the majority of members, would play no role. Under the reorganised system, the council would be led by a four-member management board, headed by a president, which would oversee financing and programming. Appointments would be made in a staggered manner. If the changes are approved, the mandate of the current members of the current program and supervisory councils, director general director, director of television, and director of the radio would end, though they would continue in their

position until the new council is established. Current editors would remain in their posts, except in cases where it is determined that they do not enjoy the confidence of the majority of employees in their editorial team. If approved, the new system of governance would significantly limit the ability of any government, current or future, to use its parliamentary majority to fill the councils with allies and interfere in the work of public media. The management model outlined is representative and would reflect a broad range of civil society groups.

However, we note that it is regrettable that the Parliamentary Committee for Culture did not first hold a public consultation on the bill or seek review of the draft from the Council of Europe or international media organisations and journalists' organisations/unions. While we recognise the need to urgently address the situation at RTV SLO, such changes to the legal framework should have been developed in an open and transparent manner and with the full involvement of civil society and journalist organisations. To ensure full functional independence of this new council, it is vital that all candidates meet strict professional criteria, be selected under clear and transparent rules and be committed to ensuring pluralistic and professional programming. Candidates from civil society should not have any direct or indirect links to political parties. It is vital also that the new financial committee will fully operate in the public interest. Questions also remain about the management of the RTV SLO during the transition period. Nonetheless, in our assessment the draft amendments align with European standards on public service media governance and should have an overall positive impact.

The indicator on News media concentration scored high risk with 77%. The media market is small and horizontal concentration is generally high. The disappearance of print media in particular at local level is of great concern to the journalist committee but also civil society defending the people's right to know. The energy crisis has accelerated the "death" of print journalism.

C. Framework for journalists' protection, transparency and access to documents

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

After 39 lawsuits were brought against three journalists of portal Necenzurirano.si in 2020, the same three journalists were reported to the National Investigation Office (NPU) and the Financial Administration of the Republic of Slovenia (FURS) in November 2021, in what media freedom groups described as an unjustified extension of a campaign of pressure against the media outlet (European Center for Press and

Media Freedom 2021). The Slovene Association of Journalists established an online platform where journalists can report attacks on them. Mapping Media Freedom reported at least 17 threats and physical attacks against journalists, including incidents where a camera operator was punched during a COVID-19 protest, a renowned photojournalist was tear-gassed in the face, a photographer was attacked and pressured to delete pictures, female journalists received threatening notes with irritating powder and misogynistic insults and threats, anti-vaccine protesters stormed a studio at RTV Slovenia headquarters and National Security State Secretary directed threats at a journalist (European Center for Press and Media Freedom 2021). Reports show women journalists are significantly more exposed to online attacks than men journalists, and attacks on them are more personal, vulgar and sexist.

Other - please specify

Strike at public service broadcaster and new assault against trade union rights

<https://europeanjournalists.org/blog/2022/10/13/slovenia-new-assault-on-trade-union-rights-at-rtv-as-38-striking-journalists-received-pre-layoff-notices/>

<https://europeanjournalists.org/blog/2022/05/20/slovenia-journalists-at-public-broadcaster-rtv-voted-for-strike-action/>

Spain

B. Safeguards against government or political interference and transparency and concentration of media ownership

- **Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)**

The digital risks in this area are related mainly to the rules on political advertising online. The current regulation applies also to political advertising on online platforms during electoral campaigns. This legislation does not provide transparency, and not even the degree of action or limits to political parties are clear. In addition, the rules for political parties are in place but are not effectively implemented. For example, regarding transparency, there is a lack of information available on political parties' websites about the amounts they spend on social media political campaigns.

- **Safeguards against state / political interference, in particular:**

- **safeguards to ensure editorial independence of media (private and public)**

Editorial autonomy scores high risk in the MPM2022. This indicator has increased from medium risk (63%) in 2020 to high risk (75%) in 2021. Appointment and removal of media editors-in-chief are not safe from political interference in practice. No regulation guarantees autonomy when appointing and dismissing editors-in-chief in private news media.

The indicator News Media Concentration (85% - high risk) remains at the same high level of risk as in the previous edition of the MPM, since legal and market conditions have not changed. In Spain, only concentration in the audiovisual media sector is specifically regulated (Law 7/2010, of 31 March, of the General Statute of Audiovisual Communication). The CNMC is the body that regulates the audiovisual sector and can impose fines in case of non-compliance with the limits for concentration, although in the last two years it has not imposed any fine for these issues.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

The indicator Transparency of media ownership remains at high risk with 72%, since the legal initiatives that are beginning to be taken to improve transparency are either limited or are pending approval.

C. Framework for journalists' protection, transparency and access to documents

In 2022, three alerts were submitted to the CoE Platform:

- [Photojournalist Lorena Sopena Assaulted while Covering Protest in Barcelona](#)
- Journalist Joanna Giménez and Photojournalist Charged over Protest Coverage
- [Four Spanish Journalists Face Possible Criminal Prosecution over Alleged Perjury](#)
- [Several Journalists Targeted with Pegasus Spyware](#)

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709582>

- **Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits**

[Spain:Energy company launches 17,6 million euros SLAPP lawsuit against El Confidencial](#)

- Other - please specify

The indicator on the Protection of the right to information (67%) remains similar (high risk) compared to last year.

<https://www.access-info.org/2022-07-04/spain-another-case-of-lack-of-transparency-about-transparency/>
<https://www.access-info.org/2022-08-13/spain-secrets-law/>: The draft law has a series of concerns for democracy experts, including the consequences for transparency relating to current government activities, for protection of whistleblowers, and for media freedom and investigative journalists given the potentially huge fines (ranging from €50,000 to €3 million for disseminating classified documents).

Sweden

B. Safeguards against government or political interference and transparency and concentration of media ownership

Safeguards against state / political interference

According to the MPM 2022 Sweden continues to score high risk on the indicator for commercial and owner influence over editorial content (68 percent).

There are professional rules that all members of the Swedish Union of Journalists (SJF) follow. These rules include elements to ensure independence and impartiality and violations can be notified within three months of the event at the journalists' ethics committee. It is still challenging where to draw the line between advertorial and editorial content. It is hard for the Swedes to see the difference, which has a negative impact on trust in the media.

Sweden scores high risk on the indicator for news media concentration (96 percent) and can be seen as a consequence of the problem raised above. However, if one reads a little more in depth and looks at how the criteria around ownership are defined in the existing regulations, it becomes obvious that an overhaul is urgent. As mentioned in previous MPM implementations, statements such as "ownership may not change more than to a limited extent" (contained in the Radio and Television Act) are simply not enough to ensure a reasonable level of news media concentration.

C. Framework for journalists' protection, transparency and access to documents

In 2022, three alerts were submitted to the CoE Platform:

- [Journalists Detained and Obstructed by Police](#)
- Exiled Turkish Journalist Ahmet Dönmez Attacked in Sweden
- New "Foreign Espionage" Legislation Sparks Media Freedom Organisations Concerns

CoE Platform country report: <https://fom.coe.int/en/pays/detail/11709586>

Police attacking journalists in Sweden

- In June the police abducted two journalists, Jonas Gratzner working for Getty Images, and Noa Söderberg, reporter of the newspaper Flamman and board member of the Swedish Journalists Union, from a climate demonstration in Stockholm. They were stripped of their equipment, placed in a police car and dropped off outside of Stockholm.
- On 22 August 2022, the Stockholm police detained the journalist Markus Jordö while he was documenting for the Swedish public broadcaster SVT a climate protest that blocked a highway.
<https://fom.coe.int/en/alerte/detail/107637961>
- In April a journalist from the Swedish public broadcaster SVT was stripped of the camera and detained after taking clip pictures outside the police station in Rinkeby in western Stockholm.

Summary RSF:

<https://rsf.org/en/police-violence-sweden-rsf-asks-authorities-live-their-international-responsibility-press-freedom>

Legislative changes that affect media freedom

- • "Foreign Espionage" legislation

The provisions are aimed at prohibiting the disclosure of secret information that occurs within Sweden's international collaborations and that could damage Sweden's relationship with other states and international organizations. Exceptions from criminal liability shall apply if the act, taking into account the purpose and other circumstances, is justifiable. However the legislation is applicable to journalists and media organizations and represents a major threat to press freedom in Sweden.
<https://fom.coe.int/en/alerte/detail/107638252>

- Prohibition against photographing protected buildings
According to a 2015 court ruling, the prohibition against photographing protected buildings, such as military buildings, did not apply to journalists. However, the constitution was changed at the turn of the year, which means that the police can intervene against journalists who document protected objects.

Other - please specify

The Attendo-case

- A manager and an HR specialist at the care company Attendo were convicted of breaching whistleblower protection in the case of "the disloyal care assistant". According to the court, it is clear that care assistant Stine Christophersen's right to contact the media has not been respected. It is the first time the law has been tested.

Exile journalist harassed in Sweden

- The Turkish journalist in exile Ahmet Dönmez was assaulted near his home in Stockholm on March 18.

<https://fom.coe.int/en/alerte/detail/107637308>

Extradition of regime-critical journalists to Turkey

- As one of the terms for approving Sweden's NATO application, Turkish President Erdogan has demanded that Sweden extradite regime-critical journalists to Turkey. At least three journalists, Bulent Kenez, Ragip Zarakolu and Levent Kenez, were on the list of people that Erdogan wanted to see extradited. The Supreme Court has ruled against extradition in all three cases. The Swedish government has refrained from publicly showing support for the journalists who have been subjected to unfounded accusations.