

Stakeholder consultation- 2021 Rule of law report

About you

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- Main Areas of Work: Media Pluralism, Anti-corruption
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Questions on developments in Member States

- Italy

Media Pluralism- Italy

Media authorities and bodies

Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

With regard to the Communication Authority AGCOM (Agenzia per le Garanzie nelle Comunicazioni), its **limited functions and role in the realm of online communication should be underlined**. In 2017, it established the “Table for guaranteeing pluralism and correctness of information on online platforms”. However, its main activities are related to research and monitoring, while **no effective regulatory power is granted to AGCOM for regulating online (among others, political) communication**¹.

Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

In recent years, new measures have changed the dynamics of financing in various segments of the Integrated Communications System (Sistema Integrato delle Comunicazioni, SIC). One of them is related to the **system of state financial contributions for local broadcasters**, reformed by the Stability Law (Law no. 208 of 2015) and subsequently by Law no. 198 of 2016. The latter introduced the so-called Unique Fund for pluralism and innovation in information, according to which allocation of financial support from the state have been provided since 2016 on “the basis of reward mechanisms”. On the one hand, this has meant more resources for the media, on the other hand the new regulation created more restrictions in accessing funding because of a set of “selective merit criteria” that were introduced. According to the Ministry of Economic Development, these criteria include support for employment, technological innovation, the quality of programs and content, which are judged also on the basis of audience data².

With regard to the press, **the 2020 Budget Law established, starting from 2021, a system for the progressive and eventually total abolition of direct state funding allocations to print media by 2024**. The system in place until 2021 was created by the 2016 Law no. 198 that established the Unique Fund for the pluralism and innovation of information for the publishing sector. According to that law, “organs of parties, political movements, trade unions and specialized periodicals of a technical, business, professional or scientific nature” were not eligible for state funding. The main criterion used to decide the level of state funding allocation was the number of sold copies, a system that triggered disputes and

¹ <https://www.balkanicaucaso.org/eng/Projects2/ESVEI/News-Esvei/The-regulation-of-political-communication-during-electoral-campaigns-in-Italy-193052>

² <https://www.mise.gov.it/index.php/it/incentivi/comunicazioni/contributi-alle-emittenti-locali>

controversies. **Indirect state funding to the media has been abolished since 2020.** In the past, the government indirectly funded newspapers by buying space in the media to publish tender announcements, by offering credit facilities, by allocating state funding to help the media survive corporate crises, by giving tax credit for advertising investments or by reducing the VAT for the print media industry³.

The **financing system of the Italian public broadcaster RAI is mostly based on public funds** with advertising revenues constituting only a minor part. The revenues deriving from the license fee increased in 2019 as ad revenues recorded a slight drop. The financing in "Other revenues" category increased in 2019 mainly thanks to a contribution from the State budget aimed at helping RAI fulfill its obligations under the service contract established by law ⁴.

Italy suffers a complete **lack of transparency on online political advertising**: there are various objectives of regulation, including maintaining fairness, limiting the role of money (spending limits), and maintaining transparency (so we know who is paying). A wide range of reforms are necessary: for example, there should be a more adequate control and registering of the sunk costs in databases, which are now a high proportion of the overall spending. Transparency could be improved by maintaining a repository for advertisements. Some of the new duties should attach to the parties, and some should attach to intermediaries and platforms. **National election laws on donation and spending should be updated**⁵.

Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

Freedom of expression is guaranteed by **Article No. 21 of the Italian Constitution**, that states: "Anyone has the right to freely express his thoughts by speaking, writing, or by any other form of communication. The press may not be subject to any authorisation or censorship". It continues explaining in which cases seizure (Paragraph No. 3), orders of disclosure of financial sources (Paragraph No. 5) and prohibitions or other measures against activities impairing public morality (Paragraph No. 6) can be undertaken. There is no express mention of national security or public order as grounds for restrictions to freedom of expression, instead than in Article No. 10 ECHR. Specifically, the Constitution grants a specific and enhanced protection to the press (Article No. 21 (3)) by inhibiting seizure if it is not strictly provided by law in the specific case. Also the enactment of **Law No. 47 of 1948 ("Provisions on the press")**, which is implementing the 12th Transitory and Final Disposition of the Constitution, has to be linked to Article 21. The Press Law did not change the legal provisions of the Criminal Code (that still dates back to 1930) concerning which crimes can be committed through the exercise of journalistic activities, but merely introduced

³ <https://www.rcmediafreedom.eu/Publications/Reports/Funding-Journalism-Italy>

⁴ <https://www.rcmediafreedom.eu/Publications/Reports/Communications-in-2020.-The-impact-of-coronavirus-in-regulated-areas>

⁵ <https://www.balkanicaucaso.org/eng/Projects2/ESVEI/News-Esvei/Elections-legitimacy-in-the-age-of-digital-dominance-194731>

the category of "Press Offenses" (Article No. 16 on the "clandestine press") and integrated the provisions regarding the "offenses committed through the press" (Articles No. 13, 14 and 15). In this regard, criminal responsibility rests not only on the author of the offending article but also on the director or vice-director of the publication, who is responsible for *culpa in vigilando* (Article No. 57 of the Criminal Code, as modified by Article 1 of Law No. 127 of 1958) 163, excluding any kind of objective responsibility.

In addition to the Constitutional protection accorded to freedom of expression, criminal law has to respect especially the Constitutional principles of proportionality and reasonableness (Article No. 3), legality and rule of law (Articles No. 13 and 25 (2) (3)), subsidiarity (Articles No. 2, 3, 13, 25 (2) (3)) offensiveness (Articles No. 13, 25 (2) (3)), personal penal responsibility (Article No. 27 (1)) and social integration as legitimate aim of the criminal sanctions (Article 27 (3)).

Finally, "Italy and its constitutional scholarship can be a fruitful laboratory for investigating the more general transformations affecting European constitutionalism in the field of fundamental rights"⁶, in relationship with the **ECHR's provisions and the Strasbourg jurisprudence**. Two exemplifications of this statement are the "balance approach" and the "margin of appreciation" doctrine: Italy inherited the principle of proportionality from the EU law, especially for understanding how the proportionality test should be applied by domestic courts in situations where the State interferences undermined certain human rights.

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Italy provides a **well-functioning system of protection of threatened journalists through police escort**⁷. The system also effectively works on risk prevention, but according to some interviews carried out with journalists by OBCT it could be more effectively implemented working on less known and local cases of threatened journalists, especially in the South of Italy. Moreover, the system proves to be effective in protecting against organised crime and mafia but is sometimes overlooking other kinds of threats (eg. gender-based harassment, or verbal and physical threats rising from far-right/nationalist groups, especially with regard to covering the migration issue).

With the regard to the **Coordination Centre dealing with acts against journalists**, quoted in the 2020 Rule of Law report on Italy, on a critical note it must be said it **risks being excessively dependent on the politics of the specific moment**: in fact, it should be called by the Interior Ministry and for example it was never convened while Matteo Salvini was in charge of this Ministry. Therefore, it is suggested a **more systematic and objective functioning** of the organ should be established. Moreover, NGOs and civil society organisations are not interpellated by this centre, while FNSI and the Order of Journalists are.

⁶ G. REPETTO, The constitutional relevance of the ECHR in domestic and European Law: An Italian Perspective, Intersentia, Cambridge, 2013, p.13.

⁷ <https://www.rcmediafreedom.eu/Publications/Reports/Italy-so-much-mafia-so-little-news.-Report-on-the-December-2018-joint-fact-finding-mission>

Access to information and public documents

In addition to what has been said in Italy Rule of Law report 2020, we find it important to underline the **importance of guaranteeing anonymity to journalists submitting FOI requests**⁸. The Italian FOIA do not rely on a public interest test when balancing between the right to access information and other rights that may be endangered disclosing the requested material (e.g., commercial secrecy, privacy, national security). Such balance is instead based on a *harm test*: can the disclosure concretely harm the opposing interest? For this reason, **journalists enjoy no qualified right to access public information**. On the contrary, submitting a FOI request- a very useful instrument for investigative journalists - could be risky since the applicants are generally forced to submit personal information such as his or her name and address (postal or email) to the public offices they deal with for the FOI procedures. Public authorities could leak out sensitive information to the third subjects whose data are involved in the FOI request, be them private citizens with a public role or companies. In Italy for example, an eventual third subject whose interests are involved in the access request should be notified about its existence and **can oppose** it - justifying such opposition - in the 10 days following the notification (Art. 5 of [Law Decree 97 of 2016](#)). When **speaking about privacy and FOI, the former is referred to the third party's privacy**, namely the **potential disclosure of personal data contained in the requested documents**.

Therefore, the party investigated will get to know the fact that a journalistic investigation is ongoing, but furthermore the public office forwards to the third subject all the sensitive documents related with the access request, including the journalists' name and address. Several journalists report to have received intimidating calls from the people they were investigating on, or from officials discouraging them from continuing their search for information. This was the case for an investigation by the [Investigative Reporting Project Italy \(IRPI\)](#) on waste smuggling. Journalists sometimes **call for public officers to make their FOI requests anonymous before forwarding them to third parties**, underlying they otherwise fear to be threatened. Of course, the effectiveness of such a request depends solely on the public officer's discretion.

The management of FOI of the kind explained above can be considered a form of abuse of laws designed for enhancing the rights of citizens. For this reason, **the possibility of submitting anonymous access requests by some categories of citizens like journalists should be envisaged**.

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

In June 2020, the Constitutional Court ruled that it is for Parliament to decide on the precise balance to be struck between freedom of speech and the existing criminal law on

⁸ <https://www.rcmediafreedom.eu/Tools/Legal-Resources/Need-of-anonymous-FOI-applications-for-investigative-journalism>

defamation, **abolishing prison sentences**⁹. It postponed the hearing to 21 June 2021 to allow Parliament to act in compliance with the constitutional principle as interpreted by the European Court of Human Rights (ECtHR), but it seems **unlikely it will be in the government agenda** due to the political instability and the pandemic situation. The lack of political will to act on the discipline of defamation within the year given to the Parliament to do so, emerged from meetings among the FNSI (Federation of Italian Press), other journalistic organs and the politicians in charge. In the meanwhile, the Court of Cassation followed the precedent of the Constitutional Court avoiding to apply the rules on detention penalties to journalists for defamation crimes¹⁰.

From a legislative point of view, however, **the introduction of monetary penalties in substitution of prison is anyway alarming** journalists, as high amounts of fines can have a strong chilling effect on freedom of expression and right to report¹¹.

With regard to SLAPPs against journalists, they are usually raised by powerful actors like politicians¹², businessmen¹³ and even the clergy¹⁴. **Detering SLAPPs would require shortening the length of judicial proceedings**, that impair the journalists' work for the time they remain under charge, and it is **necessary to design a system to deter vexatious lawsuits (for example, asking the plaintiff to pay a fee if the accusations are found to be completely groundless)**. In this sense, the Di Nicola bill originally provided for a penalty of 50% of the amount required by the plaintiff, now reduced to 10 % (rendering it ineffective according to the FNSI and the Order of Journalists). The bill is stuck in the legislative process¹⁵.

SLAPPs are particularly disturbing for freelance journalists, who are not backed by a newsroom in the process of defending themselves in court.

Some Italian organisations including OBCT joined the international coalition asking for a SLAPP EU directive¹⁶.

Other - please specify

- Deteriorating working conditions: Italian journalism is increasingly characterized by a **casualization of the profession**. Consequently, journalists increasingly work as **freelancers** rather than being employed with a regular contract with a news outlet.

⁹ <https://www.rcmediafreedom.eu/News/Defamation-and-prison-the-decision-of-the-Italian-Constitutional-Court-is-a-first-step-forward>

¹⁰ <https://www.ossigeno.info/italy-imprisonment-for-libel-something-is-changing/?lang=en>

¹¹ <https://www.articolo21.org/2020/06/modifiche-alle-pene-per-la-diffamazione-si-torna-in-commissione-giustizia>

¹² <https://www.balcanicaucaso.org/eng/Short-news/Freedom-of-speech-under-attack-pesticides-and-South-Tyrol>

¹³ <https://globalfreedomofexpression.columbia.edu/updates/2018/03/vexatious-cases-hindering-investigative-journalism-italy/>

¹⁴ <https://www.balcanicaucaso.org/eng/Areas/Italy/MFRR-condemns-absurd-10-million-lawsuit-against-L-Espresso-magazine-by-sacked-Vatican-Cardinal>

¹⁵ <https://www.rcmediafreedom.eu/Tools/Legal-Resources/SLAPPs-the-Italian-Case>

¹⁶ <https://www.rcmediafreedom.eu/News/SLAPP-a-directive-drafted-by-civil-society-organizations>

This way, they receive no fixed salary but are paid for each individual piece written, and **the reward is shamefully low** many times. For example, in February 2021, the local daily newspaper Il Mattino communicated that the fee for a 2500 characters piece will drop from 9 to 7 euros (gross)¹⁷.

- **Working as a freelance in Italy comports weaker rights:** for example, non-professional journalists (meaning: not enrolled to the Order of Journalists) can be asked to reveal their sources in Court¹⁸.
- **Frequency of attacks** especially when certain **themes** are covered (e.g., migration, corruption, environmental scandals) and against **women journalists**: the latter suffer from verbal harassment (especially online) more often than their male colleagues and enjoy weaker professional rights.
- It is necessary to **implement the support activities offered by the local branches of the Order of Journalists and the journalistic unions**, since journalists working in rural and peripheral areas often feel alone in facing the threats received in the course of their work.

For practical examples of attacks against journalists' safety, please see the "Italy" section of the Mapping Media Freedom project to which OBCT is contributing: <https://www.mappingmediafreedom.org/country-profiles/italy/>.

Anti-Corruption Framework - Italy

Prevention

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

The Letta reform (Law 13/2014) abolished direct public funding to parties in Italy, gradually reducing it to zero in 2017. Small indirect forms of public financing remain but private financing inevitably takes now on a greater role, **augmenting the risk of undue influence on the democratic process by economic actors and political interests**. The issue should now be framed in broader terms since it does not only concern the public financing of parties, but more extensively, the funding of politics. In fact, Law 13/2014 contributed to the **multiplication of the subjects involved in politics**: foundations, associations, think tanks carrying out political activities have grown considerably, but they are excluded from the obligation of traceability foreseen for the parties¹⁹.

Concerning foreign funding for parties, in Italy, it has only been forbidden since 2018. However, if this measure aimed at mitigating the risk of external interference by banning funding from abroad to the parties altogether - by companies based in a foreign country and by natural persons of age not registered on the electoral roll - it is problematic from various points of view. For instance, in a context in which some transnational political forces are

¹⁷ <https://www.articolo21.org/2021/02/il-mattino-ennesimo-taglio-ai-compensi-dei-collaboratori/>

¹⁸ <https://www.rcmediafreedom.eu/Tools/Legal-Resources/Italy-a-case-endangering-journalists-rights-to-report-and-protect-their-sources>

¹⁹ <https://www.balkanicaucaso.org/eng/Projects2/ESVEI/News-Esvei/The-funding-of-politics-in-Italy-197740>

slowly taking hold at EU level, **limiting donations "from abroad" can become questionable since it can hinder the formation of a shared political space at European level.** In this sense, prohibition of donations by (Italian and foreign) private companies, limitation of the amount of donations, **effective transparency, greater resources for the control bodies** (that are currently insufficient), the introduction of a **single, centralised tool for entering budget data for parties and MPs** would significantly contribute to ensuring the integrity of democratic processes and at the same time reducing the risks of external interference, without incurring unsustainable costs for political organisations. If introduced they would make the current total ban on foreign donations from EU citizens redundant, thus avoiding hindering the birth or growth of transnational political movements in the context of the EU's common political space²⁰.

Concerning lobbying, Italy is characterised by the absence of organic legislation on the phenomenon. According to some analysts, the reason for this is essentially connected to the will of the political class not to bring out their obscure relations with some lobbyists ²¹. OBC Transeuropa is part of a coalition of CSOs asking for a law regulating lobbying and improving the process of public consultation in the decision making.

At the moment, **there are three different bills aimed at introducing lobbying regulation. However, the discussion of these proposals has not yet been scheduled in Parliament** and the recent change (February 2021) in the political majority that supports the Italian government could lead to the setting aside of these proposals.

²⁰ <https://www.balcanicaucaso.org/eng/Areas/Italy/Political-funding-and-external-interference-limits-on-donations-transparency-and-controls-197299>

²¹ <https://www.balcanicaucaso.org/eng/Projects2/ESVEI/News-Esvei/Lobbying-in-Italy-and-legislator-schizophrenia-195830>

- Croatia

Media pluralism – Croatia

Framework for journalists' protection

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

- **Several attacks against journalists were perpetrated by Covid-19 negationists' groups.** For example, in Dicembre 2020 two men entered the newsroom of the local portal [Zadarski.hr](#) (part of Slobodna Dalmacija) and shouted "we will slit the journalists' throats" ([SD](#)). They complained about a story that was published this weekend: a wedding party with more than 100 guests that was held near Zadar, and the fact that police came too late to stop it. (celebrations like this are now forbidden in Croatia because of COVID-19 measures). The website and Slobodna Dalmacija denounced the fact to the police. A man has been stopped by the police. Another example: in Sirobuja, outskirts of Split, a priest decided to hold an Easter mess despite the ban. Some journalists came to film the scene and one was attacked while filming²². Here you can see the [video](#) of the attack. Some people took a [picture](#) in front of the church with the banner "journalists are worms". Two people [have been arrested](#) by the police after the incident and the Minister of Interior [openly condemned](#) the attack against the journalist.
- Rijeka County Court has ruled that **journalist Hrvoje Zovko 2018 dismissal from the public TV HRT²³ was illegal**. Given that the editor-in-chief was in fact fired due to censorship. This ruling should be welcomed as an important verdict for the protection of editorial independence of the public media.

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

Journalists investigating corruption, organized crime and war crimes are often victims of harassment campaigns in this country where defamation is penalized, and where insulting "the Republic, its emblem, its national anthem or flag" is punishable by three years in prison. More serious, since 2013, the remarks deemed as "humiliating" come under criminal law. Physical attacks, threats and cyberviolence against journalists remain a major problem in the country without causing any reaction from the authorities. However in 2020, several courts ruled in favor of journalists in defamation lawsuits in which they were involved. SLAPPs are commonplace in Croatia²⁴. In the war of lawsuits, a special role is played by public television, HRT who has launched trials even against its own employees²⁵.

²² <https://www.balcanicaucaso.org/eng/Areas/Croatia/Croatia-journalists-beaten-up-on-a-Ustasha-Easter-201041>

²³ <https://www.balcanicaucaso.org/eng/Areas/Croatia/Media-in-Croatia-defeated-by-the-economy-191644>

²⁴ <https://www.balcanicaucaso.org/eng/Areas/Croatia/Croatia-a-thousand-lawsuits-against-journalists-192090>

²⁵ <https://www.balcanicaucaso.org/eng/Areas/Croatia/Hard-days-for-Croatian-journalism-193519>

Other - please specify

- **Smear campaigns and attacks of politicians against journalists** take place regularly: during a press conference, minister Tomislav Čorić attacked N1 journalist Hrvoje Krešić²⁶. Čorić said that he knows that in some “groups of communication among journalists” Krešić has “shown dissatisfaction” for the minister’s choice of INA board members. (INA is the national oil company). The minister openly admitted that he “accidentally knows” what Krešić privately said to other colleagues. Here’s the [video detail](#) (in Croatian). In a later interview, the minister said that “he got the information from journalists circles” (N1) and he’s not monitoring journalists’ activity himself. PM Plenkovic defended the minister saying that Čorić said “he knows someone who knows about [the messages]”, and “he didn’t read them directly”, because “someone gave him the information on his/her will”. (N1). Nevertheless, the minister used that information to openly attack the journalist and discredit him. Croatian Journalists’ Association (CJA/HND) condemned the attack (HND, N1), and many are asking for the minister to resign.
- **Government interference in the management of public television HRT persists**²⁷. In addition, the HRT leadership continues to prosecute journalists who openly complain about working conditions on state television and has even filed a complaint against the Association of Croatian Journalists (HND).
- **The Covid-19 pandemic worsened the financial crisis in the media** from April 2020, prompting the Croatian Journalists Union and the HND / CJA to write a letter to the Croatian government to intervene on behalf of freelance journalists, but salaries were also reduced in the editorial staff. Some economic measures were introduced during the summer, but they benefit first the commercial media, and afterwards the nonprofit media. The Croatian Journalists Trade Union and HND/CJA noted already in April 2020 a deepening of the financial crisis in the media ([here](#)), which pushed them to write a [letter to the government](#) to intervene in support of freelancers especially (but salaries were also reduced in newsrooms). Some measures were indeed introduced during the summer, but covered commercial media more than non-profit once. [Faktograf](#) published a good recap of the situation.

²⁶ <https://www.balkanicaucaso.org/eng/Areas/Croatia/Croatia-a-minister-s-dangerous-allegations-202318>

²⁷ <https://www.balkanicaucaso.org/eng/Areas/Croatia/Hard-days-for-Croatian-journalism-193519>

- Bulgaria

Media Pluralism - Bulgaria

Media authorities and bodies

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

In lack of any specific law on the printed media, there is no specific regulatory or supervisory body either.

The **Council for Electronic Media (CEM)** was established as a national media regulator in the end of 2001 in lieu of the dissolved National Council for Radio and Television. Five of its members are elected by Parliament, four are named by the President. CEM is the regulatory agency in Bulgaria that is responsible for electronic communications, especially the broadcasting of radio and TV. The CEM regulates broadcasts by setting standards and regulations that operators must comply with. The CEM also arbitrates disputes, protects the freedoms of consumers, and promotes fair competition in the industry.

Self-regulatory mechanisms are present, but reflect a deep division in Bulgarian media. While self-regulation should be implemented through the Ethical Code of Journalists, polarisation among the largest private groups operating within the country's information sector severely impairs the capacity of self-regulating mechanisms for Bulgarian journalists. In 2014, the creation of an alternative ethical code challenged the one gathered by the Union of the Editors in Bulgaria. Hence, at the moment there are two competing ethical codes for Bulgarian media, none of them being considered particularly effective.

Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter): other safeguards against state / political interference

In Bulgaria, there are no regulatory safeguards for fair and transparent distribution of state advertising, distribution of state advertising expenditure is not based on clear and non-discriminatory criteria and EU funds are allegedly used by local authorities to strengthen their control of local newspapers and TV channels. The situation is particularly worrying for local media, which are largely dependent on financing by municipalities and local owners. [A 2015 investigation by Spas Spasov](#) showed that between 2013 and 2015 municipalities in Bulgaria spent at least 2.7 million leva (around 1.5 million Euros) of their own or EU funds on local newspapers, TV stations, and radio stations²⁸.

Rules governing transparency of media ownership and public availability of media ownership information

In November 2018, the "Compulsory Deposit of Copies of Printed and Other Works Act" was amended to require media outlets to provide information about their owners and all funding received, including the names of donors. The new law has been criticised for

²⁸ <https://www.rcmediafreedom.eu/Dossiers/Country-factsheet-Bulgaria>

placing an excessive burden on small, independent media outlets, funded mainly through donations, and because it does not oblige media to disclose certain other sources of income, such as Government funding²⁹.

As pointed out by the [2019 IREX "Media sustainability index"](#), the Bulgarian public enjoys free (and cheap) access to a good variety of media, whether cable, online, broadcast, print, domestic, or foreign. However, highlights the report "a variety of media has not translated into a variety of viewpoints".

Most media in Bulgaria are in the hands of a few oligarchs, while print and online outlets are owned and funded by publishers who also control other businesses. The most notorious (but not the only) example of media concentration in Bulgaria is represented by the PM and media tycoon Delyan Peevski who, [according to Reporters Without Borders](#), "ostensibly owns two newspapers (Telegraph and Monitor) but also controls a TV channel (Kanal 3), news websites and a large portion of print media distribution". Peevsky is also considered the actual owner of the second-largest radio group in Bulgaria, BSS, which broadcasts popular music stations.

Framework for journalists' protection

Access to information and public documents

The Access to Public Information Act that has been in force since 2000, regulates public relations related to the right of access to public information, as well as the reuse of public sector information. The law was amended in 2007 with the transposition of Directive 2003/98/EC on the reuse of public sector information and in 2016 with the transposition of Directive 2013/37/EC, amending Directive 2003/98/EC on the re-use of public sector information.

The law establishes standard terms and restrictions on the provision of information from the public sector for re-use, as well as administrative penalty authorities. The law gives all citizens or legal entities the right to access information held by government institutions, regardless of the storage form. Access is provided through the Public Information Access Platform. The law regulates transparency in the work of the administration, introduces the obligation to offer information re-use, as well as proactive, scheduled annual information publishing in an open format of all data and resources, maintained on the free-access Open Data Portal.

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

In its last report, covering the period March-June 2020, the [Media Freedom Rapid Response monitoring report](#) monitored several physical attacks and legal threats against journalists in Bulgaria, while judicial threats and attacks against members of independent media outlets continued. In these last years, violent attacks, abuses, harassment, and smear campaigns on journalists [are frequently reported](#), while journalists and media owners face politically motivated charges. In this challenging situation, journalists increasingly practice self-censorship to protect themselves from political, corporate, and

²⁹ <https://www.rcmediafreedom.eu/Dossiers/Country-factsheet-Bulgaria>

criminal pressure, [as highlighted by a 2015 national survey](#) by the Association of European Journalists (AEJ) - Bulgaria.

Both the pandemic and the political turmoil contributed to the difficulties of media freedom in the country. As registered in the [March-June 2020 MFRR "Mapping media freedom"](#) report, in March 2020 - as part of its COVID-19 state of emergency decree - the government sought to amend the penal code and introduce prison sentences for spreading what it deemed "fake news" about the outbreak with up to three years in prison or a fine of up to €5,000. That part of the emergency bill, however, was first vetoed by President Rumen Radev, and then eventually abandoned.

In March, an extremely serious attack [targeted the newspaper editor Slavi Angelov](#) who was left unconscious in the street after being assaulted with metal pipes by masked men outside his home in the capital city, Sofia. In April three people were arrested and charged with the attack: the trial on Angelov's case is currently ongoing. In the coming months, other journalists were subject to different forms of intimidation and threats or charged by the judiciary in dubious circumstances. On the night of September 2, [freelance journalist Dimitar Kenarov was handcuffed and detained](#) by riot police officers as he was taking photos from the front of protests that had broken out in front of the National Assembly, dragged away from other media workers documenting the scene, thrown to the ground, and kicked in the head by two uniformed men. At the end of January 2021 [prosecutors refused to launch a formal investigation on Kenarov's case](#), citing an internal check, carried out by the same police department that was in charge of guarding the protests.